

OVERSIGHT OF THE UNITED STATES CAPITOL
SECURITY: ASSESSING SECURITY FAILURES ON
JANUARY 6, 2021

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

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OVERSIGHT OF THE UNITED STATES CAPITOL SECURITY: ASSESSING SECURITY FAILURES ON JANUARY 6, 2021

September 19, 2023

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

The Subcommittee met, pursuant to notice, at 3:44 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, Torres, and Morelle.

Staff present: Caleb Hays, Deputy Staff Director and General Counsel; Elliott Tomlinson, Deputy General Counsel and Deputy Parliamentarian; Hillary Lassiter, Chief Clerk; Will Neitzel, Deputy Director of Member Services; Khalil Abboud, Minority Deputy Staff Director, Chief Counsel; Matthew Schlesinger, Minority Oversight Counsel; and Sean Wright, Minority Senior Elections 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 and come to order. Also, without objection, the meeting record will remain open for five legislative days so Members may submit any materials they wish to be included therein.

Thank you, Ranking Member Torres, Members of the Subcommittee, and Chief Sund for joining us in today's oversight hearing.

Today, we are focused on identifying the numerous security failures that preceded and continued to persist following the breach of the United States Capitol on January 6, 2021. Although, it has been more than 2 years, there is still many unanswered questions. Former Speaker Pelosi and House Democrats spent millions of dollars on their Select Committee to Investigate January 6th, yet the Committee failed to investigate the real security failures.

Today, we are joined by Chief Sund, who was Chief of the United States Capitol Police on that day. The Democrat Select Committee never invited Chief Sund to testify during one of their prime-time hearings, despite him being the chief of police on January 6th. Per-

haps that is because his testimony did not fit with their preconceived narrative.

For months leading to January 6th, the House Democrats championed the anti-police, “defund the police” narrative. House Democrats continued pushing this dangerous narrative through the appropriations process where they threatened to cut Capitol Police’s budget. This politicization of the Capitol Police directly contributed to many of the structural and procedural failures we witnessed that day. Let me be clear.

I stand with law enforcement, specifically our Capitol Police Officers, and appreciate their dedication, bravery, and service. I hope my Democratic colleagues do the same.

We now know that serious structural failures within the Capitol Police intelligence department contributed to the terrible events of that day. This includes misplaced and misguided goals, as well as key intelligence failures that resulted in timely warnings not reaching the Capitol Police leadership.

Instead of doing the comprehensive assessment of these intelligence failures, Chief Sund was pushed out, and the new leadership silenced individuals who spoke about these failures. Retaliation against whistleblowers is unacceptable. This is one of the reasons why House Republicans are conducting this investigation.

I look forward to hearing Chief Sund’s view regarding the multiple accusations of retaliation that are now public. I also look forward to hearing directly from Chief Sund about the general operation of Capitol Police, including day-to-day relations with the Capitol Police Board, as well as the Speaker of the House. Chief Sund’s testimony will provide transparency, accountability, and most importantly help to prevent anything like this from happening again.

Finally, we will focus on the aftermath of January 6th and the ensuing witch hunt conducted by the Select Committee on January 6th of which I was, unfortunately, a target. Throughout their nearly 2 years of work, the Select Committee clearly operated on hearsay and cherry-picked so-called evidence to fit their desired narrative.

When the Select Committee published their final report in December 2022, it was clear that their multimillion dollar committee effort was a political weapon focused at attacking former President Trump and his supporters instead of how to prevent another incident. We must ask ourselves why the Capitol was ill-prepared, and what security changes are needed to ensure adequate Capitol security, a question the January 6th Select Committee failed to scrutinize. This was preventable, and we must ensure nothing like this ever happens again.

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

[The prepared statement of Chairman Loudermilk follows:]

PREPARED STATEMENT OF CHAIRMAN OF THE SUBCOMMITTEE ON OVERSIGHT BARRY LOUDERMILK

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

Mrs. TORRES. Thank you, Chairman. Big protests in D.C. on January 6th. Be there, Be wild.

On December 19th, 2022, former President Donald Trump, the leader of the Republican Party, said those fateful words to his supporters, and they complied. Following that directive, the National Intelligence Threat Consortium noticed a 1,000-percent increase in violent rhetoric against Members of Congress and law enforcement officers.

In the weeks and months leading up to January 6th, Trump continued to incite unrest, accusing Democrats of rigging the election and referring to it as the biggest scam in our Nation’s history. On New Year’s Day, he tweeted: January 6th, see you in D.C.

On the morning of the attack, at the “stop the steal” rally on the Ellipse, a Member, a Republican Member of Congress told the crowd: Today is the day American patriots start taking down names and kicking ass. Our ancestors sacrificed their blood, their

sweat, their tears, and sometimes their lives. Are you willing to do the same?

Rudy Giuliani continued the violence to incite the armed crowd by asking for a trial by combat, while Donald Trump told his supporters: We are going to walk down, and I will be there with you. We are going to walk down to the Capitol.

The former President orchestrated a corrupt scheme to overturn the results of a free and fair election. When that did not work, he incited, he incited his supporters to violence. Updated via social media and directed by the former President, the crowd marched to the Capitol armed with guns, handcuffs, and pepper spray. If think did not bring a weapon, they found one, viciously, viciously beating our officers with poles bearing the American flag and erecting gallows to hang Vice President Pence. The former President bears full responsibility for bringing violence to the Capitol.

I spoke with some of the heroic Capitol Police Officers who were injured and beaten that day by the violent mob and still face the enduring pain of that traumatic day. If not for the heroic actions of law enforcement officers, some of whom literally gave their lives to protect us, the former President and his supporters would have succeeded.

Immediately, Speaker Pelosi engaged with retired United States Army General Russel Honoré to conduct a complete security assessment of the Capitol to identify nine vulnerabilities. In addition to the work of the Honoré Task Force, former Chair Zoe Lofgren of this Committee, instructed the U.S. Capitol Police Inspector General to halt all ongoing investigations and devote all resources investigating the attack. House Democrats then directed the Government Accountability Office to perform a governmentwide examination of the attack, including a comprehensive review of agency preparation and response.

Still, after Republicans refused to support legislation to create an independent national commission, the bipartisan Select Committee to Investigate the January 6th Attack took up this work. In addition to the many investigations, we passed a funding bill to equip the institution with adequate resources to address our security needs.

The law also established the Howard C. Liebengood Center for Wellness named in honor of a U.S. Capitol Police Officer who tragically took his life following the attack, to ensure that his partners on the force have access to care as they continue to heal from the traumatic events of a violent insurrection.

We are still reckoning with the fallout from January 6th collectively as a country and as individuals. The American democratic experience came dangerously close to ending if not for the courageous actions of the Capitol and D.C. police. The person, the person responsible for directing the violence to the Capitol that day in order to undermine, to undermine a peaceful transfer of power is the favorite to secure the Republican nomination for President.

Mr. Chairman, I ask for unanimous consent to enter into the record the following: an excerpt from the Congressional Record, dated January 13th, 2021, containing then minority leader Kevin McCarthy's remarks during the debate on President Trump impeachment for incitement of insurrection, executive summaries of

the eight flash reports examining the preparation for it, and response to the January 6th attack, prepared by the Capitol Police Inspector General, the Capitol Police Inspector General's testimony from each hearing and a series of hearings convened by this Committee examining his flash reports, testimony from a hearing convened by this Committee in 2021, entitled "Reforming the Capitol Police and Improving Accountability for the Capitol Police Board," a summary of Lieutenant Honoré's Task Force 1/6 Capitol Security Review, and Washington Post article dated September 6, 2023, entitled "Trump's 2020 crusade had led to 700 years in prison sentences."

[The information referred to follows:]

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Mr. JORDAN. Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. GAETZ).

Mr. GAETZ. Madam Speaker, it seems to me that impeachment is an itch that doesn't go away with just one scratch. It also seems that President Trump may be most likely to be impeached when he is correct.

Before the last Presidential impeachment, President Trump rightly pointed out the improper activities of the Biden crime family, and subsequently he has been proven right. And don't think for a moment, Madam Speaker, that we are going to drop that or stop our pursuit for the truth.

Before that, Madam Speaker, we had the Russia hoax, where you had the President rightfully making claims that Hillary Clinton and the DNC were colluding with Russians to discredit our democracy. How right he turned out to be.

And then we have the 2020 Presidential election where the President correctly pointed out unconstitutional behavior, voting irregularities, concerns over tabulations, dead people voting, and now impeachment again. "When they go low, we kick them," Eric Holder, former Attorney General under Barack Obama.

Breaching the Capitol was as low as low can be. We all denounce it.

But who is it that they are kicking? The President, who created soaring highs for our economy, rising wages before the pandemic, and 400 miles of wall to stop the caravans. He drew down troops in the Middle East and showed empathy for the forgotten men and women of our country. It is why so many people love him so much, and it is why they are kicking all of us.

This President has faced unprecedented hatred and resistance from Big Media, Big Tech, and big egos from congressional leaders on both sides of the aisle.

Before the rioters tore through that glass, Speaker Pelosi stood at that rostrum and tore through the President's State of the Union speech, inciting anger, resentment, and division. Some believe that truly these true colors are being shown now through this divisive bipartisan impeachment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JORDAN. Madam Speaker, I yield the gentleman from Florida an additional 40 seconds.

Mr. GAETZ. Madam Speaker, the Speaker said to us just moments ago that words matter. But apparently those words don't matter when they are uttered by Democrats, when the gentlewoman from Massachusetts calls for unrest in the streets, and when the gentlewoman from California brazenly brags that she called for people to get in the faces of those who serve and support the President.

I denounce political violence from all ends of the spectrum. But make no mistake: the left in America has inflicted far more political violence than

the right. For months our cities burned, police stations burned, and our businesses were shattered; and they said nothing or they cheer-led for it, they fundraised for it, and they allowed it to happen in the greatest country in the world.

Now, some have cited the metaphor that the President lit the flame. They lit actual flames and actual fires. We put them out, and we intend to keep this President.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. SWALWELL).

Mr. SWALWELL. Madam Speaker, America has been attacked before, but not like this. On January 6, Donald Trump incited thousands of radicalized terrorists to attack the Capitol to stop a transition of power. Let that sink in. Our President incited our citizens to attack our Capitol. America was not attacked in the past tense. This President has inspired future plots. America is still under attack, and that is why Donald Trump must be impeached.

I have read that many of my GOP colleagues know what the President did was wrong but are afraid for their lives if they cross the President. I am sorry that they are living in fear, but now is the time to summon their courage to guide them.

Madam Speaker, we have all seen the images of the courageous officers who have risked their lives so that you could flee this floor and see your families. That was almost a week ago right now.

Officers engaged in hand-to-hand combat for hours with these terrorists. Capitol Police were spit on, beaten, stampeded, and one of them lost his life.

Madam Speaker, I am not asking you to summon the courage that they did. I am just asking you to do your job and hold this President accountable.

Mr. JORDAN. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. CASTRO).

Mr. CASTRO of Texas. Madam Speaker, Donald Trump is the most dangerous man to ever occupy the Oval Office.

Madam Speaker, I want to take you back 1 week ago today when people were barging through these doors and breaking the windows with weapons, armed, pipe bombs, coming here to harm all of you, to harm the Speaker, and to harm the Senate.

Madam Speaker, let me ask you a question: What do you think they would have done if they had gotten in? What do you think they would have done to you, and who do you think sent them here? The most dangerous man to ever occupy the Oval Office.

If inciting a deadly insurrection is not enough to get a President impeached, then what is?

All of us must answer that question today.

The Constitution requires us to impeach and remove Donald John Trump. Mr. JORDAN. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Pennsylvania (Ms. DEAN).

Ms. DEAN. Madam Speaker, 1 week ago today, I was trapped in this House Chamber as the banging on the doors began. I feared for colleagues, reporters, and staff. I feared for myself. The attack on the Capitol will never be forgotten.

The President and many in this Chamber have shamelessly peddled dangerous untruths about the election, despite the warnings of where those lies would lead. Last Wednesday, those lies and dangers found themselves inside this Capitol.

This hateful rhetoric is another deadly virus. It is time to remove it from its host. To heal, we need accountability and truth. That begins by acknowledging the President's dangerous lies and their deadly consequences. Removing Donald Trump is the beginning of restoring decency and democracy. What happened last week will not be forgotten, and what we do this week will long be remembered. Vote "yes" on impeachment.

Mr. JORDAN. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, let me be clear: Last week's violent attack on the Capitol was undemocratic, un-American, and criminal. Violence is never a legitimate form of protest. Freedom of speech and assembly under the Constitution is rooted in nonviolence. Yet the violent mob that descended upon this body was neither peaceful nor democratic. It acted to disrupt Congress' constitutional responsibility. It was also an attack on the people who work in this institution: Members, staff, and the hundreds who work behind the scenes so that we can serve the American people.

The greatest statesman in the history of our country understood that the most dangerous threat to freedom is lawlessness. A young lawyer named Abraham Lincoln famously said, "There is no grievance that is a fit object of redress by mob law."

Yet, for several hours last week, mob law tried to interfere with constitutional law.

Some say the riots were caused by antifa. There is absolutely no evidence of that, and Conservatives should be the first to say so.

Conservatives also know that the only thing that stops mob violence is to meet it with force rooted in justice and backed by moral courage. Last week, we saw mob violence met by courage, sacrifice, and heroism from the brave men and women who protect this institution every day. But for the bravery of the Capitol Police, the destruction and loss could have been

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much greater. We owe them a tremendous debt of gratitude.

□ 1330

The loss of Officer Brian Sienicki and Officer Howard Liebenood was tragic and heartbreaking. We mourn their loss, remember their lives, and continue to pray for their families and loved ones.

The officers of the Capitol Police deserve our eternal thanks. We will never forget the dangers they faced, the determination they showed, or the sacrifices they made.

Make no mistake, those who are responsible for Wednesday's chaos will be brought to justice, which brings me to today's debate. I believe impeaching the President in such a short time-frame would be a mistake.

No investigations have been completed. No hearings have been held. What is more, the Senate has confirmed that no trial will begin until after President-elect Biden is sworn in.

But here is what a vote to impeach would do. A vote to impeach would further divide this Nation. A vote to impeach will further fan the flames of partisan division.

Most Americans want neither inaction nor retribution. They want durable, bipartisan justice. That path is still available, but it is not the path we are on today.

That doesn't mean the President is free from fault. The President bears responsibility for Wednesday's attack on Congress by mob rioters. He should have immediately denounced the mob when he saw what was unfolding.

These facts require immediate action by President Trump: accept his share of responsibility, quell the brewing unrest, and ensure President-elect Biden is able to successfully begin his term.

And the President's immediate action also deserves congressional action, which is why I think a factfinding commission and a censure resolution would be prudent. Unfortunately, that is not where we are today.

Truly, this past week was one of the most difficult for Congress and our Nation. Of all the days here, last Wednesday was the worst day I have ever seen in Congress. Our country is deeply hurt.

So, where do we go from here? After all the violence and chaos of the last week, it is important to remember that we are still here to deliver a better future for all Americans. It does not matter if you are liberal, moderate, or conservative; all of us must resist the temptations of further polarization. Instead, we must unite once again as Americans.

I understand, for some, this call for unity may ring hollow, but times like these are when we must remember who we are as Americans and what we, as a nation, stand for.

As history shows, unity is not an option; it is a necessity. It is as necessary today as it was at the start of our country. I want us all to think back to

how John Adams and the Federalist Party handed power over to Thomas Jefferson and his party after the election of 1800.

That election and, indeed, that era was one of the most divisive ever. Partisans used every dirty trick in the book. They demonized each other, dismissed reasonable dissent, and described their opponents as seditious. Sound familiar?

The election of 1800 could have destroyed our young Nation, but instead of breaking us, it helped bring us together, thereby preserving the world's last best hope of freedom. After a hard-fought battle over the electoral college in Congress, Adams conceded. A peaceful transfer of power, the first in American history, took place.

Jefferson, for his part, put aside the division of the era and preached forgiveness and, yes, unity. In his first inaugural address, he famously said: "Every difference of opinion is not a difference of principle."

Jefferson and Adams did not end every difference of opinion that existed in America, nor did they try. In a free country as big and diverse as ours, that would be impossible. What they did was more important. They recognized the deeper unity, a unity rooted in the famous proposition both men helped to write. At a critical moment in history, our Founders chose peace, liberty, and partnership over tension, division, and partisanship.

For the sake of our country, we must make the exact same choice. We have already begun.

Last week, despite the lingering shock and amid the windows still broken, we did what all healthy democracies do. We debated, and we voted. In this country, we solve our disputes at the ballot box and through debates and votes on the floor of this exact Chamber. We did our duty then, and we must do more.

The eyes of the Nation and the world are upon us. We must seize this opportunity and heal and grow stronger. As leaders, our place in history depends on whether we call on our better angels and refocus our efforts to work directly for the American people.

United, we can deliver the peace, strength, and prosperity our country desperately needs. Divided, we will fail.

What we saw last week was not the American way. Neither is the continued rhetoric that Joe Biden is not the legitimate President.

Let's be clear: Joe Biden will be sworn in as President of the United States in 1 week because he won the election.

And his Presidency and this Congress will face immediate challenges that must be addressed. I stand ready to assist in that effort with good faith, goodwill, and an open hand.

The United States remains exceptional. We remain extraordinary. In the coming weeks and months, we must work together, all of us, to re-charge the light of our shining city on the hill.

History has shown us a way. History has given us a path. Just as Adams and Jefferson have shown, now is the moment that we should do the exact same.

In these trying times, may God continue to bless America. Let's chart a course that history will repeat but not what is happening today.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Madam Speaker, just over a year ago, I stood right there where you are standing today as we took the solemn step of impeaching the President of the United States for pressuring a foreign leader to take unlawful actions to help him in his reelection.

Just 1 week ago, almost to the hour, I laid right there on the floor of the gallery above us. I heard gunshots in the Speaker's lobby. I heard the mob pounding on the door. They were an angry mob, incited by the President, trying to stop certification of a legitimate election.

It is clear the President learned nothing in the last year. Yesterday, the President said again he did nothing wrong.

This man is dangerous. He has defied the Constitution. He has incited sedition. And he must be removed.

We all took a pledge on January 3 to uphold the Constitution. We must honor that oath. We must vote "yes" on this Article of Impeachment.

Mr. JORDAN. Madam Speaker, I yield 1 minute to the gentleman from Colorado (Mrs. BOEBERT).

Mrs. BOEBERT. Glory to God.

Madam Speaker, I rise today to oppose this impeachment and denounce the recent violence on the Capitol, just as I opposed the previous impeachment and the violence we have all witnessed all summer long across our great country.

Make no mistake here, the hypocrisy of the left is on full display.

Go to the Hill. Get in the face of some Congresspeople. We have got to fight in Congress, fight in the courts, fight in the streets. Take him behind the gym and beat the hell out of him. Go and take Trump out tonight.

Sound familiar? What about the gentleman from New York who defended the looting by saying looters just want loaves of bread? The last I checked, Best Buy and Target and stores of the like do not produce baked goods.

Where is the accountability for the left after encouraging and normalizing violence? Rather than actually helping American people in this time, we start impeachments that further divide our country.

I call bull crap when I hear the Democrats demanding unity. Sadly, they are only unified in hate.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from California (Ms. WATERS).

Ms. WATERS. Madam Speaker, I rise in support of impeaching again the

EXECUTIVE SUMMARY

On January 6, 2021, a physical breach of U.S. Capitol Building security occurred during a Joint Session of Congress to certify the Electoral College vote. See Appendix A for the United States Capitol Police's (USCP or Department) official timeline of events leading up to and during the physical security breach.

In accordance with our statutory authority Public Law (P.L.) 109-55, the USCP Office of Inspector General (OIG) began a review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Our objectives for this review were to determine if the Department (1) established adequate measures for ensuring the safety and security of the Capitol Complex as well as Members of Congress, (2) established adequate internal controls and processes for ensuring compliance with Department policies, and (3) complied with applicable policies and procedures as well as applicable laws and regulations. The scope included controls, processes, and operations surrounding the security measures prior to the planned demonstrations and response during the takeover of the Capitol building.

Based on this ongoing work, this flash report is 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. 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. See Appendix B for a complete list of recommendations.

This is the first in a series of flash reports OIG will produce as part of its ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still perform additional, in-depth work related to those areas during our review. We anticipate that our next flash report will focus on the Department's intelligence operations and Civil Disturbance Unit.

BACKGROUND

On January 6, 2021, a physical breach of U.S. Capitol security occurred during a Joint Session of Congress to certify the Electoral College vote. See Appendix A for the United States Capitol Police's (USCP or Department) official timeline of events leading up to and during the physical security breach.

The Department's Protective Services Bureau (PSB) and Security Services Bureau are the two operational bureaus that report to the Assistant Chief of Police for Protective and Intelligence Operations. According to PoliceNet,¹ PSB's mission is to "provide safety and security to the Capitol, Members of Congress, Officers of Congress, and their immediate family." PSB has a Dignitary Protection Division, Investigations Division, and Intelligence and Interagency Coordination Division (IICD).

The PSB Investigations Division has three sections: the Criminal Investigations Section, the Threat Assessment Section, and the Intelligence Operations Section (IOS).

PoliceNet states that IOS:

- Provides overt and covert patrol of the Congressional Community to identify and disrupt individuals or groups intent on engaging in illegal activity directed at the Congressional Community and its legislative process.
- Provides an investigative response to identified or reported suspicious activity to determine any nexus to terrorism or other criminal activity.
- Conducts protective intelligence operations to support Department operations related to Member Protection, Threat Assessment, and Intelligence Collection.

¹ PoliceNet is the Department's intranet.

Listing of Recommendations

Recommendation 1: We recommend the United States Capitol Police establish policies and procedures requiring documentation for supervisory review and approval, standardized planning document formats, and communication to personnel of criteria for determining the level of operational planning documentation necessary for each anticipated event.

Recommendation 2: We recommend the United States Capitol Police establish policies and procedures designating the specific entity or entities responsible for overseeing the operational planning and execution process for each anticipated event.

Recommendation 3: We recommend the United States Capitol Police establish policies and procedures requiring that individual units develop operational plans and coordinate those plans with other units for a comprehensive, Department-wide effort.

Recommendation 4: We recommend the United States Capitol Police implement formal guidance requiring that employees communicate any intelligence reports and concerns from external sources to appropriate commanders.

Recommendation 5: We recommend the United States Capitol Police implement detailed policies and procedures requiring any threat analysis included in operational planning is coordinated with Department entities having intelligence analysis and dissemination responsibilities.

Recommendation 6: We recommend the United States Capitol Police provide training to its personnel on how better to understand and interpret intelligence assessments.

Recommendation 7: We recommend the United States Capitol Police revise Standard Operating Procedure PS-602-08, *Analytic Standards*, dated February 1, 2018, to require supervisory review and approval for intelligence products to ensure its products are supported by relevant intelligence information and internally consistent.

Recommendation 8: We recommend the United States Capitol Police require its sworn and operational civilian employees to obtain a Top Secret clearance and require that administrative civilian employees obtain a minimum of a Secret clearance.

EXECUTIVE SUMMARY

On January 6, 2021, a physical breach of U.S. Capitol Building security occurred during a Joint Session of Congress to certify the Electoral College vote. See Appendix A for the United States Capitol Police's (USCP or Department) official timeline of events leading up to and during the physical security breach.

In accordance with our statutory authority Public Law (P.L.) 109-55, the USCP Office of Inspector General (OIG) began a review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Our objectives for this review were to determine if the Department (1) established adequate measures for ensuring the safety and security of the Capitol Complex as well as Members of Congress, (2) established adequate internal controls and processes for ensuring compliance with Department policies, and (3) complied with applicable policies and procedures as well as applicable laws and regulations. The scope included controls, processes, and operations surrounding the security measures prior to the planned demonstrations and response during the takeover of the Capitol building.

We produced this flash report to communicate deficiencies with the Department's Civil Disturbance Unit (CDU) and intelligence operations. As part of our on-going work, 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 as a result 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 a must, 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. See Appendix B for a complete list of recommendations.

This is the second in a series of flash reports OIG is producing as part of its ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still perform additional, in-depth work related to those areas during our review. We anticipate that our next flash report will focus on threat assessment and counter-surveillance.

BACKGROUND

On January 6, 2021, a physical breach of U.S. Capitol security occurred during a Joint Session of Congress to certify the Electoral College vote. See Appendix A for the United States Capitol

Listing of Recommendations

Recommendation 1: We recommend that the United States Capitol Police develop policies and procedures that identify and formalize the Civil Disturbance Unit's mission, objectives, roles, and responsibilities.

Recommendation 2: We recommend that the United States Capitol Police update Standard Operating Procedure (SOP) OS-140-01, *Civil Disturbance Unit's Quarterly Assessment of Assigned Personnel*, dated August 25, 2009, SOP OS-140-02, *Use of the PepperBall System*, dated October 30, 2019, and SOP OS-100-71, *Deployment and Storage of FN 303 Less Lethal Impact Launcher*, dated August 14, 2013, to reflect current practices.

Recommendation 3: We recommend that the United States Capitol Police develop policies and procedures that identify and formalize the Civil Disturbance Unit's training standards, requirements, and responsibilities.

Recommendation 4: We recommend that the United States Capitol Police develop a Leadership Civil Disturbance Unit training program that focuses on command tactics and responsibilities.

Recommendation 5: We recommend that the United States Capitol Police develop policies and procedures for Civil Disturbance Unit equipment standards and life-cycle management.

Recommendation 6: We recommend that the United States Capitol Police store riot shields in a temperature-stable area with conditions designed to maximize the life of the shield, and the Civil Disturbance Unit should create a process for reporting when the shields are not stored within the guidelines of the manufacturer such as but not limited to direct sunlight, temperature-stable environment and when they have been exposed to petrol, diesel, solvents, and exhaust fumes.

Recommendation 7: We recommend that the United States Capitol Police develop policies and procedures for outlining the deploying and/or staging all available types of less-lethal weapon systems during Civil Disturbance Unit operations.

Recommendation 8: We recommend that the United States Capitol Police increase its number of less-lethal weapon systems and explore additional less lethal options.

Recommendation 9: We recommend that the United States Capitol Police train and certify additional Civil Disturbance Unit grenadiers.

Listing of Recommendations

Recommendation 10: We recommend that the United States Capitol Police prepare and stage necessary operational equipment for events.

Recommendation 11: We recommend that the United States Capitol Police immediately update SOP No. OS-140-02, *Use of Pepper Ball System*, dated October 30, 2019, to reflect current manufacturer recommendations and requirements and ensure that grenadiers received the training within the frequency specified in the updated policy.

Recommendation 12: We recommend that the United States Capitol Police develop a Standard Operating Procedure that identifies and formalizes the roles, responsibilities, and reporting requirements for employee listings for the Civil Disturbance Unit.

Recommendation 13: We recommend that the United States Capitol Police explore incentivizing the Civil Disturbance Unit program.

Recommendation 14: We recommend that the United States Capitol Police ensure that Civil Disturbance Unit liaisons are accountable for properly completing the Civil Disturbance Unit audit each quarter and providing it to the Commander of the Civil Disturbance Unit.

Recommendation 15: We recommend the United States Capitol Police implement a process that will ensure that procedures for Civil Disturbance Unit inventory and reconciliation, required by Directive 2053.003, *Property and Asset Management*, dated October 2, 2017, are fully functioning and operating as required. Specifically, the Civil Disturbance Unit must conduct physical inventories annually, perform reconciliations, resolve discrepancies, and provide an updated listing to the property custodian.

Recommendation 16: We recommend the United States Capitol Police implement an inventory control for the armory and also recommend a Check-In/Out Log Book that requires approval by a supervisor for munitions and weapons. A safety inspection check performed during a check-out would prevent the Civil Disturbance Unit from deploying expired munitions.

Recommendation 17: We recommend the United States Capitol Police either acquire an updated version of the 37mm less-lethal weapon or retire the weapon entirely because the current training for the 37mm weapon system is included in the certification process grenade launcher type weapon systems.

Listing of Recommendations

Recommendation 18: We recommend that the United States Capitol Police immediately enforce USCP SOP PS-602-11, *Intelligence Priorities Framework*, dated February 11, 2018, requiring that its Intelligence and Interagency Coordination Division prepare an Intelligence Priorities Framework annually and subsequently review the Intelligence Priorities Framework quarterly.

Recommendation 19: We recommend that the United States Capitol Police seek approval from the Capitol Police Board and its Congressional Oversight Committees to elevate and reorganize its intelligence resources into a Bureau level entity.

Recommendation 20: We recommend that the United States Capitol Police immediately codify a formal intelligence training program and enforce Standard Operating Procedure PS-602-03, *Intelligence Analysis Division Commander Responsibilities*, dated August 11, 2019, requiring that the Intelligence and Interagency Coordination Division (IICD) Commander review and maintain the Intelligence Training Program for all IICD employees.

Recommendation 21: We recommend that the United States Capitol Police develop guidance that clearly documents channels for efficiently and effectively disseminating intelligence information to all of its personnel.

Recommendation 22: We recommend that the United States Capitol Police review the draft Standard Operating Procedure titled, *Open Source Guidance for Protest Tracking and Communication*, determine if the draft Standard Operating Procedure includes all required elements related to the Intelligence and Interagency Coordination Division's open source intelligence work, and implement a comprehensive policy that covers open source intelligence efforts.

Recommendation 23: We recommend the United States Capitol Police implement formal guidance that will ensure consistent and unified operational reporting across all intelligence and event planning documents.

Recommendation 24: We recommend the United States Capitol Police refine document reporting that better captures operational impact to include improbable outcomes based on intelligence, trend data, threats to members, and information analysis.

Listing of Recommendations

Recommendation 25: We recommend the United States Capitol Police implement guidance that will ensure consistency between analyst assessments and document summaries within its intelligence products.

Recommendation 26: We recommend that the United States Capitol Police require the Director of the Intelligence and Interagency Coordination Division develop an action plan within 45 calendar days to improve the Department's capability to effectively collect, process, and disseminate intelligence information. The action plan should include at a minimum:

- a. A gap analysis to identify the intelligence needs of the Intelligence and Interagency Coordination Division's operational stakeholders.
- b. Certification and professional standards for intelligence analysts.
- c. Training standards for intelligence analysts.
- d. Adequate staffing level and organizational structure for the Intelligence and Interagency Coordination Division, to include establishing group leader or middle management positions that would expand supervisory coverage.
- e. Requirements for intelligence personnel to maintain a Top Secret and Sensitive Compartmented Information clearance.
- f. Identification of any technology or tools that could enhance Intelligence and Interagency Coordination Division capabilities.

EXECUTIVE SUMMARY

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In accordance with our statutory authority Public Law (P.L.) 109-55, the USCP Office of Inspector General (OIG) began a review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Our objectives for this review were to determine if the Department (1) established adequate measures for ensuring the safety and security of the Capitol Complex as well as Members of Congress, (2) established adequate internal controls and processes for ensuring compliance with Department policies, and (3) complied with applicable policies and procedures as well as applicable laws and regulations. The scope included controls, processes, and operations surrounding the security measures prior to the planned demonstrations and response during the takeover of the Capitol building.

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 have adequately 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.

The number of threat cases has significantly increased in the last 5 years. Although the Department has increased the number of Full-Time Employees (FTEs) within TAS, the section has experienced issues because of the increase of threats cases. Because its caseload continues to increase, TAS has been requiring more resources to keep pace with demand without sacrificing quality. See Appendix B for a complete list of recommendations.

This is the third in a series of flash reports OIG will produce as part of the ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still perform additional, in-depth work related to these areas during our review. We anticipate that our next flash report will focus on the Department's Containment Emergency Response Team and First Responders Unit.

Listing of Recommendations

Recommendation 1: We recommend that the United States Capitol Police update the following standard operating procedures to reflect current practices: (a) Standard Operating Procedure PS-100-02, *Investigations Division Protective Intelligence Team Responsibilities*, dated March 31, 2009; (b) Standard Operating Procedure PS-100-03, *Investigations Division Protective Intelligence Team Assignments*, dated March 31, 2009; (c) Standard Operating Procedure PS-100-06, *Investigations Division—Criminal Intelligence Collections*, dated July 7, 2009; (d) Standard Operating Procedure PS-100-07, *Investigations Division—Suspicious Activity Trend Analysis Reporting*, November 20, 2009; (e) Standard Operating Procedure PS-100-08, *Investigations Division—Task Force Assignments*, dated July 7, 2009; and (f) Standard Operating Procedure PS-100-10, *Investigations Division (ID) Guidelines and Procedures*, dated May 26, 2010.

Recommendation 2: We recommend that the United States Capitol Police establish a formal policy detailing communication procedures for Counter-Surveillance Agents including how and what detailed information is communicated through the chain of command and throughout the Department.

Recommendation 3: We recommend that the United States Capitol Police establish a formal policy detailing basic and advanced training requirements for the Threat Assessment Section and Intelligence Operations Section.

Recommendation 4: We recommend that the United States Capitol Police enforce its policies regarding completion of form PD-76, *USCP Stop or Contact Report*, for stops or contacts officers initiate.

Recommendation 5: We recommend the United States Capitol Police establish a stand-alone entity with a defined mission dedicated to counter-surveillance activities in

support of protecting the Congressional Community and that is adequately staffed to accomplish its mission.

Recommendation 6: We recommend the United States Capitol Police use Investigative Analysts to augment its counter-surveillance resources.

Recommendation 7: We recommend the United States Capitol Police establish a central desk staffed with analysts, agents, and officers that can exploit, investigate, disseminate and triage information for counter-surveillance activities in real-time. The desk should have a dedicated commander whose focus is on that process and providing guidance and direction to agents in the field.

Recommendation 8: We recommend the United States Capitol Police increase the number of Threat Assessment Agents as the caseload increase.

Recommendation 9: We recommend the United States Capitol Police use Investigative Analysts to augment its Threat Assessment Section at an analyst-to-agent ratio comparable to its partnering agencies.

Recommendation 10: We recommend the United States Capitol Police consider providing more of their highest priority threat cases to the Federal Bureau of Investigation's Behavioral Analysis Unit Task Force for in-depth analysis of their priority subjects.

LAW ENFORCEMENT SENSITIVE

EXECUTIVE SUMMARY

On January 6, 2021, a physical breach of U.S. Capitol Building security occurred during a Joint Session of Congress to certify the Electoral College vote. See Appendix A for the United States Capitol Police's (USCP or Department) official timeline of events leading up to and during the physical security breach.

In accordance with our statutory authority Public Law (P.L.) 109-55, the USCP Office of Inspector General (OIG) began a review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Our objectives for this review were to determine if the Department (1) established adequate measures for ensuring the safety and security of the Capitol Complex as well as Members of Congress, (2) established adequate internal controls and processes for ensuring compliance with Department policies, and (3) complied with applicable policies and procedures as well as applicable laws and regulations. The scope included controls, processes, and operations surrounding the security measures prior to the planned demonstrations and response during the takeover of the Capitol building.

Based on ongoing work, this 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. See Appendix B for a complete list of recommendations.

This is the fourth in a series of flash reports OIG is producing as part of the ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still perform additional, in-depth work related to these areas during our review. We anticipate that our next flash report will focus on the Department's Command and Coordination Bureau.

Listing of Recommendations

Recommendation 1: We recommend the United States Capitol Police (USCP) realign its Containment and Emergency Response Team (CERT) from its Operational Services Bureau Special Operations Division to its Protective Services Bureau and define a mission for CERT that better supports USCP's primary mission of security and protection of Congress.

Recommendation 2: We recommend the United States Capitol Police pursue additional mission-driven training opportunities for its Containment and Emergency Response Team from its Federal partner agencies.

Recommendation 3: We recommend the United States Capitol Police (USCP) develop and implement recurring training between its Containment and Emergency Response Team (CERT) and other USCP elements such as the Dignitary Protection Division, Civil Disturbance Unit, First Responders Unit, Crisis Negotiation Team, and any other elements CERT may deploy to support.

Recommendation 4: We recommend that the United States Capitol Police update Standard Operating Procedure OS-110-12, *Noise Flash Diversionary Device*, dated July 9, 2018.

Recommendation 5: We recommend that the United States Capitol Police establish policies that outline its procedures for completing advances and other recurring responsibilities it may have when supporting Dignitary Protection Division protective operations.

Recommendation 6: We recommend the United States Capitol Police enforce compliance with Standard Operating Procedure OS-110-02, *CERT Response Operations*, dated July 11, 2018, requirements to have a Containment and Emergency Response Team Commander present in the Command Post during high-risk events to include during any Joint Sessions of Congress.

Recommendation 7: We recommend that the United States Capitol Police ensure that the Containment Emergency Response Team Supervisors are held accountable for completing the bi-annual equipment checks including communication device function checks.

Recommendation 8: We recommend that the United States Capitol Police determine the number of Containment Emergency Response Team (CERT) instructors needed relative to the size of the unit and ensure that only certified instructors are conducting CERT training. Additionally, the Department should consolidate all CERT training under the Training Services Bureau.

Recommendation 9: We recommend that the United States Capitol Police immediately enforce weapons qualification requirements for Containment Emergency Response Team officers on all assigned weapons as detailed in SOP OS-110-20, *Procedures for Containment Emergency Response Team (CERT) Operators Who Fail to Meet Weapons Qualifications*, dated June 19, 2018.

Recommendation 10: We recommend that the United States Capitol Police ensure that Containment Emergency Response Team (CERT) Supervisors are held accountable for completing monthly equipment inventories for all Property and Asset Management Division issued equipment for each Containment Emergency Response Team officer.

Recommendation 11: We recommend that the United States Capitol Police update SOP US-000-73, *USB Division Mountain Bikes*, dated December 22, 2017, to identify which mountain bike programs meet the Department requirement for mountain bike training.

Recommendation 12: We recommend that the United States Capitol Police establish a Standard Operating Procedure that identifies the procedures for maintaining an inventory and proper storage of ballistic helmets and vests strategically placed around the Capitol Complex.

Recommendation 13: We recommend that the United States Capitol Police update SOP AC-000-04, *Remote Locking Device*, dated October 1, 2018, to identify the procedure for documenting the performance of the semi-annual inspections of remote locking devices.

Recommendation 14: We recommend that the United States Capitol Police establish a Standard Operating Procedure that reflects a requirement that First Responder Unit officers be M4 certified.

Recommendation 15: We recommend that the United States Capitol Police explore options to secure ballistic helmets and vests at First Responder Unit posts.

Recommendation 16: We recommend that the Department train and provide First Responder Unit officers with additional less lethal weapon systems.

Recommendation 17: We recommend that the United States Capitol Police provide the First Responder Unit with additional bicycles.

Recommendation 18: We recommend that the United States Capitol Police provide First Responder Unit officers with advanced medical training similar to Emergency Medical Technicians.

Recommendation 19: We recommend that the Department's First Responder Unit train together as a unit concerning M4 long rifle tactics.

Recommendation 20: We recommend that the United States Capitol Police coordinate with personnel from the Architect of the Capitol to resolve physical access issues.

Recommendation 21: We recommend that the United States Capitol Police ensure that First Responders Unit management are held accountable for completing and documenting remote locking device drills.

Listing of Recommendations

EXECUTIVE SUMMARY

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In accordance with our statutory authority Public Law (P.L.) 109-55, the USCP Office of Inspector General (OIG) began a review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Our objectives for this review were to determine if the Department (1) established adequate measures for ensuring the safety and security of the Capitol Complex as well as Members of Congress, (2) established adequate internal controls and processes for ensuring compliance with Department policies, and (3) complied with applicable policies and procedures as well as applicable laws and regulations. The scope included controls, processes, and operations surrounding the security measures prior to the planned demonstrations and response during the takeover of the Capitol building.

Based on ongoing work, this flash report is designed to communicate deficiencies with the Department's Command and Coordination Bureau (CCB). Additionally, to gain a perspective on Department-wide command and control challenges on January 6, 2021, we contacted 86 USCP officers and completed interviews with 36 of them who agreed to be interviewed. We also reviewed 49 after action reports USCP officers and employees completed.

The Department did not have adequately detailed and up-to-date Standard Operating Procedures (SOPs) in place for CCB or formally establish procedures defining roles and responsibilities for the Emergency Planning Section. Additionally, the Department did not monitor training in order to ensure incident management personnel received training as guidance requires. Furthermore, the Department did not appropriately conduct or document monthly proficiency validations for Command Center employees, appropriately respond to emergency identifier activations for officers on January 6, 2021, or appropriately complete its Command Center Daily Check Sheets as guidance requires.

Based on interviews with USCP officers and review of after action reports, we identified Department-wide command and control deficiencies related to information sharing, chain of command directions, communication, preparedness, training, leadership development, emergency response procedures, and law enforcement coordination. We previously identified and issued recommendations for certain deficiencies in previous flash reports and intend to explore law enforcement coordination in a future report. See Appendix B for a complete list of recommendations.

Listing of Recommendations

This is the fifth in a series of flash reports OIG is producing as part of the ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still perform additional, in-depth work related to these areas during our review. We anticipate that our next flash report will focus on the Department's Canine Unit and Hazardous Incident Response Division.

Recommendation 1: We recommend that the United States Capitol Police review all Command and Coordination Bureau policies and procedures to ensure they are up to date and include sufficient detail.

Recommendation 2: We recommend that the United States Capitol Police develop policies and procedures that identify and formalize the mission, objectives, roles and responsibilities for the Emergency Planning Section.

Recommendation 3: We recommend that the United States Capitol Police immediately develop procedures designed to track and ensure that employees involved with incident management receive the training prescribed in Directive 1052.003, *Incident Command System*, dated October 16, 2018.

Recommendation 4: We recommend that the United States Capitol Police immediately develop procedures for ensuring that Command Center employees complete the monthly proficiency validation prescribed in Standard Operating Procedure CCB-300-30, *Command Center Proficiency Validation*, dated August 5, 2019.

Recommendation 5: We recommend that the United States Capitol Police immediately develop procedures to ensure the Command Center and Communications staff swiftly and appropriately respond to emergency identifier activations, as Standard Operating Procedure CCB-600-19, *Radio Emergency Identifier Activations*, dated November 17, 2020, prescribes and requires. The procedures should include a system for responding to emergency activations during chaotic events or crises, when activations may be more frequent, and officers are more likely to be in life-threatening or emergency situations. Additionally, the procedures should ensure the Watch Commander is notified of any activations.

Recommendation 6: We recommend that the United States Capitol Police ensure that the Command Center Daily Check Sheets are completed as Standard Operating Procedure CCB-300-33, *USCP Command Center Daily Checks and System Updates*, dated August 6, 2019, requires.

Recommendation 7: We recommend that the United States Capitol Police implement procedures that ensure officers receive roll call briefings containing pertinent

Appendix B**Page 1 of 2*****Listing of Recommendations***

information on potential and actual police hazards, as Standard Operating Procedure AC-000-96, *Roll Call, Inspection, and Checkout Procedures*, dated June 7, 2018, requires.

LAW ENFORCEMENT SENSITIVE

Listing of Recommendations

Recommendation 8: We recommend that the United States Capitol Police implement policies, procedures, training, and equipment that ensure radio discipline and the ability for all officers to use a radio to effectively communicate information during an incident.

Recommendation 9: We recommend that the United States Capitol Police implement rotational policies and career development tracks for its officers and officials.

Recommendation 10: We recommend that the United States Capitol Police implement procedures that ensure officers are familiar with individual officer emergency actions, specific post emergency responsibilities, and area wide emergency procedures.

Recommendation 11: We recommend that the United States Capitol Police implement procedures that ensure officials consistently verify officers understand the emergency procedures of their posts and when emergencies are declared the actions which each officer is responsible to execute.

Recommendation 12: We recommend that the United States Capitol Police implement refresher training for its officials on building security responsibilities and procedures.

EXECUTIVE SUMMARY

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Based on ongoing work, this flash report is designed to communicate deficiencies with the Department's Hazardous Incident Response Division (HIRD) and Canine Unit (K-9 or Unit). Deficiencies included a lack of adequate Department guidance for both HIRD and K-9.

HIRD contributed greatly toward the Department's mission on January 6, 2021, through rendering safe multiple hazardous devices and the sweep of the Capitol complex with partner agencies. However, coordination concerning events between HIRD and the Department's operational leadership was flawed, which resulted in misinformation among officers. Additionally, the Hazardous Materials Response Team (HMRT) lacked the necessary personnel and equipment to successfully complete its mission. The Department's lockdown procedures would be improved by adopting best practices with multiple threats involving hazardous devices. Lastly, the Department does not have adequate, updated guidance in place for its Advanced Law Enforcement Response Team (ALERT) and HIRD. The lack of adequate and up-to-date policies and procedures for HIRD and ALERT creates ambiguity and lack of accountability and coordination.

The Department did not always comply with guidance related to K-9 operations or training and did not always ensure K-9 policies and procedures were up to date. A lack of K-9 related training or operational experience required for officials and formal guidance for emergency procedures, as well as inadequate hazardous device response guidance could have hampered the efficiency of the K-9 Unit on January 6, 2021. Without appropriate compliance with, or up-to-date K-9 policies and procedures, the Department could not ensure all K-9 officers were properly trained and up to date on equipment and procedures necessary to perform their duties. See Appendix B for a complete list of recommendations.

This is the sixth in a series of flash reports OIG is producing as part of the ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still

perform additional, in-depth work related to these areas during our review. We anticipate that our next flash report will focus on the Department's Dignitary Protection Division and Human Capital.

Recommendation 1: We recommend that the United States Capitol Police require that the Hazardous Incident Response Division communicate pertinent event staging information to responsible parties at least 1 day in advance.

Recommendation 2: We recommend that the United States Capitol Police prioritize staffing the Hazardous Materials Response Team.

Recommendation 3: We recommend that the United States Capitol Police immediately develop procedures designed to track and ensure that employees involved with incident management receive the training prescribed in Directive 1052.003, *Incident Command System*, dated October 16, 2018.

Recommendation 4: We recommend that the United States Capitol Police develop procedures for searching for suspicious items campus-wide and include perimeter searches once a hazardous device has been confirmed.

Recommendation 5: We recommend that the United States Capitol Police develop lockdown procedures that account for factors such as multiple hazardous devices.

Recommendation 6: We recommend that the United States Capitol Police develop lockdown procedures for all posts on the Capitol Campus.

Recommendation 7: We recommend that the United States Capitol Police update standard operating procedure OS-210-01, *Recall Procedures*, dated August 15, 2016, and Directive 1056.004, *Advanced Law Enforcement Response Team (ALERT)*, dated April 9, 2019, to reflect current practices.

Recommendation 8: We recommend that the United States Capitol Police establish policies that outline the specific training requirements for the Advanced Law Enforcement Response Team, Hazardous Devices Section, and Hazardous Materials Response Team.

Recommendation 9: We recommend that the United States Capitol Police require Canine [K-9] Unit officials that do not have previous canine training or experience to audit its in-house Basic Explosive Detection Course or develop an explosive detection course for supervisors.

Recommendation 10: We recommend that the United States Capitol Police revise Directive 1056.002, *Response, Command, and Control of 10-100 NBC or Hazardous Materials Incident*, dated May 15, 2020, to explicitly require the Command Center to evaluate additional search areas for undetected devices.

Recommendation 11: We recommend that the United States Capitol Police establish a written standard operating procedure formalizing emergency procedures for the Canine [K-9] Unit.

Recommendation 12: We recommend that the United States Capitol Police immediately enforce the requirement for Canine [K-9] officers as detailed in the following standard operating procedures: OS-130-11, *Use of Personal Radiation Pagers for K-9 Technicians*, dated February 12, 2020; OS-130-03, *K-9 ATLAS Activations*, dated December 1, 2020; OS-130-17, *Standards for Explosive Ordinance Detection (EOD) K-9 Team Certification (RESTRICTED)*, dated November 5, 2020.

Recommendation 13: We recommend that the United States Capitol Police ensure that Canine [K-9] officers receive the required 16 hours of monthly maintenance training as identified in standard operating procedures OS-130-17, *Standards for Explosive Ordinance Detection (EOD) K-9 Team Certification (RESTRICTED)*, dated November 5, 2020, and OS-130-16, *Standards for Person Borne Improvised Explosive Device (PBIED) Detection K-9 Team Certification and Monthly Re-Training*, dated October 6, 2020.

Recommendation 14: We recommend that the United States Capitol Police increase the number of trainers to reduce the Canine [K-9] Technician to K-9 Trainer ratio in order to increase training to meet the monthly requirement.

Recommendation 15: We recommend that the United States Capitol Police update standard operating procedure OS-130-17, *Standards for Explosive Ordinance Detection (EOD) K-9 Team Certification (RESTRICTED)*, dated November 5, 2020.

EXECUTIVE SUMMARY

On January 6, 2021, a physical breach of U.S. Capitol Building security occurred during a Joint Session of Congress to certify the Electoral College vote. See Appendix A for the United States Capitol Police's (USCP or Department) official timeline of events leading up to and during the physical security breach.

¶ In accordance with our statutory authority Public Law (P.L.) 109-55, the USCP Office of Inspector General (OIG) began a review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Our objectives for this review were to determine if the Department (1) established adequate measures for ensuring the safety and security of the Capitol Complex as well as Members of Congress, (2) established adequate internal controls and processes for ensuring compliance with Department policies, and (3) complied with applicable policies and procedures as well as applicable laws and regulations. The scope included controls, processes, and operations surrounding the security measures prior to the planned demonstrations and response during the takeover of the Capitol building. Based on ongoing work, this flash report is designed to summarize recommendations and security enhancements since January 6, 2021.

¶ We identified the status of OIG recommendations, Task Force 1-6 recommendations applicable to USCP, and security enhancements the Department implemented that were not directly in response to OIG recommendations. As of December 7, 2021, OIG had issued eight reports as part of its review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. The reports included 104 recommendations, and OIG considered 30 of those recommendations closed. OIG policy is to continue tracking and reporting on the status of all report recommendations and ensure that final actions on recommendations are taken within 6 months of the date of report issuance and follow-up on the impact of actions taken in response to recommendations.

OIG reviewed the Task Force 1-6 *Capitol Security Review*, dated March 5, 2021, and requested documentation to identify corrective measures the Department implemented in response to the report. OIG determined the status of certain corrective measures through documentation USCP provided. For certain other corrective measures, however, the Department either did not provide documentation to support its status or noted that it had not yet implemented the measures. OIG noted not all areas of the *Capitol Security Review* were applicable to the Department and some recommendations exceeded the scope of the Department.

OIG requested documentation of security enhancements or improvements made after January 6, 2021, not in response to OIG recommendations. The Department responded with a list of approximately 200 improvements, and OIG determined that 61 of the improvements were substantiated with supporting documentation. See Appendix B for the Department's response with substantiated enhancements highlighted.

¶ This is the final report in a series of flash reports OIG is producing as part of its review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021.

EXECUTIVE SUMMARY

On January 6, 2021, a physical breach of U.S. Capitol Building security occurred during a Joint Session of Congress to certify the Electoral College vote. See Appendix A for the United States Capitol Police's (USCP or Department) official timeline of events leading up to and during the physical security breach.

In accordance with our statutory authority Public Law (P.L.) 109-55, the USCP Office of Inspector General (OIG) began a review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Our objectives for this review were to determine if the Department (1) established adequate measures for ensuring the safety and security of the Capitol Complex as well as Members of Congress, (2) established adequate internal controls and processes for ensuring compliance with Department policies, and (3) complied with applicable policies and procedures as well as applicable laws and regulations. The scope included controls, processes, and operations surrounding the security measures prior to the planned demonstrations and response during the takeover of the Capitol building. Based on ongoing work, this flash report is designed to communicate deficiencies with the Department's Dignitary Protection Division (DPD) and human capital.

DPD contributed toward the Department's mission through proper planning and successfully evacuating individuals under its protection during the events of January 6, 2021. However, DPD incurred authorization issues with staging evacuation vehicles on January 6, 2021. Additionally, DPD's training program lacked a dedicated training staff, facilities issues, and weapon system training integration. Lastly, DPD did not have a Plan of Action (POA) in place for January 6, 2021, experienced equipment issues with its issued ballistic vests, and was occasionally not in compliance with guidance.

USCP could not provide documentation supporting that it implemented Department-wide leave restrictions or cancellations, or that it issued Department-wide messages for recalls to duty. We identified deficiencies with the data for sworn Department employees as well as mutual aid training, coordination, and documentation. The lack of appropriately maintained employee information could have impeded the effectiveness of the Department's planning for responses to future events. The Department should define roles for responding agencies with pre-determined rally points, designate agency-specific roles based on agency expertise, and ensure employees potentially involved with incident management receive training to lead mutual aid resources. Additionally, the Department should immediately develop clear protocols to swear in responding agencies and retain appropriate records documenting such actions. See Appendix B for a complete list of recommendations.

Appendix B Page 1 of 2 *Listing of Recommendations*

41 *Review of the Events Surrounding the January 6, 2021, Takeover of the U.S. Capitol 2021-I-0003-G, October 2021* LAW

ENFORCEMENT SENSITIVE

Recommendation 1: We recommend that the United States Capitol Police elevate to the Police Board parking issues concerning Dignitary Protection Division's evacuation vehicles.

Recommendation 2: We recommend that the United States Capitol Police develop a dedicated Dignitary Protection Division training cadre that reports to the Training Services Bureau.

Recommendation 3: We recommend that the United States Capitol Police transfer Dignitary Protection Division training responsibilities to the Training Services Bureau.

Recommendation 4: We recommend that the United States Capitol Police prioritize training resources for the Dignitary Protection Division such as exploring options for additional training facilities and increased scenario-based training with various weapon systems.

Recommendation 5: We recommend that the United States Capitol Police prioritize staffing the Dignitary Protection Division.

Recommendation 6: We recommend that the United States Capitol Police's Dignitary Protection Division develop a Plan of Action for large events.

Recommendation 7: We recommend that the United States Capitol Police explore ballistic vest options that accommodate the Dignitary Protection Division's mission needs.

Recommendation 8: We recommend that the United States Capitol Police immediately enforce the requirement for information exchange as detailed in Standard Operating Procedure PS-200-45, *Information Exchange Between DPD and other Entities within PSB*, dated November 5, 2014.

Recommendation 9: We recommend that the United States Capitol Police maintain records that properly identify employee counts and status related to staffing levels.

Recommendation 10: We recommend that the United States Capitol Police define roles for responding agencies with pre-determined rally points, designate agency-specific roles based on agency expertise, and ensure employees potentially involved with incident management receive training to lead mutual aid resources.

Appendix B Page 2 of 2 *Listing of Recommendations*

42 Review of the Events Surrounding the January 6, 2021, Takeover of the U.S. Capitol 2021-I-0003-G, October 2021 LAW

ENFORCEMENT SENSITIVE

Recommendation 11: We recommend that the United States Capitol Police develop clear protocols to swear in responding agencies and retain appropriate records documenting such actions.

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

Committee on House Administration
United States House of Representatives
April 15, 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, the Capitol Police Board appointed me as the Inspector General. Thank you for this opportunity to appear before you, the Committee on House Administration, to discuss our Review of Events in regards to USCP's Departmental 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. 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 the 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 of USCP. I will discuss the non-law enforcement sensitive findings detailed in my two "Flash Reports." I would be happy to answer any law enforcement sensitive questions 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 Office of Inspector General (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 Investigation (FBI).

We did not design or intend our reports to cast blame on any one individual or group. OIG intends these reports 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. USCP must undertake a collective effort, 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. We made our recommendations 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 selected elements 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 two 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 (CDU) and the Department's intelligence operations as a whole. OIG will issue our third flash report on April 30th which will be focusing on threat assessment and the counter-surveillance unit. We anticipated our comprehensive Review would extend for the remainder of FY 2021. Other areas of our reviews will include, but will not be limited to: Reviews of Containment Emergency Response Team (CERT), which in previous testimony was referred to as SWAT. That term is inaccurate in that SWAT is a Police term as opposed to a Protective function or tactical team supporting the Department's mandate to protect the Capitol Complex, Members, staff and visitors. Additional reviews will include Manpower usage (communication, makeup and structure of the command staff), Training, Security Services Bureau, K-9. Essentially every element or component that played a major role in the events of January 6th.

As our work continues, my office sees continuing areas in our findings that USCP needs address. Those areas are Intelligence, Training, Operational Planning, and culture 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 a reactive force. 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.

OIG designed our first flash report 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 Department supports products with relevant intelligence information and ensures internal consistency. 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 Uniformed Services Bureau's 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 Operational Services Bureau (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 the *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 FBI emailed the Intelligence Operations Section (IOS) a memorandum from the FBI Norfolk Division providing additional details regarding the January 6, 2021, event.

The 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. The Acting Assistant Chief acknowledged it was hard to view it that way after January 6, 2021. The 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 placed it 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 the Intelligence and Interagency Coordination Division (IICD) attached it 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. In their statements to OIG, former Chief Sund, Acting Chief Pittman and the Director of IICD stated they did not see the FBI bulletin prior to January 6th.

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 Department did not update the threat analysis in the plan. 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 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 Analysts 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, a lack of properly performed quarterly audits, 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 the Department train and certify additional CDU Grenadiers¹.

Ensuring that the Department conducts periodic safety inspections would prevent CDU from deploying or using expired munitions. Also, the Department needs a formal process for management within CDU to ensure that when munitions do expire CDU exchanges them 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." The Department has and continues to experience difficulty in recruiting and retaining officers in serving in the CDU Unit. 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.

¹ A Grenadier is an officer trained and qualified in the use of Department issued less-lethal weapons. Grenadiers deploy less-lethal weapons in support of CDU operations.

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 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.

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.

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.

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

Committee on House Administration
United States House of Representatives
May 10, 2021

Good afternoon and thank you for this opportunity to appear before you, the Committee on House Administration, to discuss our third Flash Report reviewing Counter-Surveillance and Threat Assessment.

I would like to extend my appreciation to the Committee for holding these additional hearings and for the continued support of my offices' review. I feel that it is at the utmost importance to continue exploring and reviewing the causes and failures that led to the horrific events when the Capitol was violently attack. My goal is to provide each of you with a better understanding of how these events occurred in relation to the preparation and response of the Department. Other factors were involved and other entities are reviewing those aspects outside of USCP. I will discuss the non-law enforcement sensitive findings detailed in my third "Flash Reports." I would be happy to answer any law enforcement sensitive questions in a "closed door" setting.

Once again, I would like to stress we did not design or intend our reports to cast blame on anyone individual or group. OIG intends these reports to be an independent objective review of the Department's programs and operations to better protect the Capitol Complex, members, staff, visitors, as well as the rank and file officers, who have shown their commitment and bravery each and every day by keeping all safe.

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. We made our recommendations 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.

As our work continues, my office sees continuing areas in our findings that USCP needs addressing. Those areas are Intelligence, Training, Operational Planning, and cultural change. In regards to 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. 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.

This is the third in a series of flash reports OIG will produce as part of the ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still perform additional, in-depth work related to these areas during our review. We anticipate that our next flash report will focus on the Department's Containment Emergency Response Team and First Responders Unit.

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. As we move

forward, the Department is taking steps in addressing our recommendations from our previous two flash reports and I look forward to monitoring their further progress.

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.

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

Committee on House Administration
United States House of Representatives
June 15, 2021

Good afternoon and thank you for this opportunity to appear before you, the Committee on House Administration, to discuss our fourth Flash Report reviewing Containment Emergency Response Team and First Responders Unit.

I would like to extend my appreciation to the Committee for holding these additional hearings and for the continued support of my offices' review. I feel that it is at the utmost importance to continue exploring and reviewing the causes and failures that led to the horrific events when the Capitol was violently attack. My goal is to provide each of you with a better understanding of how these events occurred in relation to the preparation and response of the Department. Other factors were involved and other entities are reviewing those aspects outside of USCP. I will discuss the non-law enforcement sensitive findings detailed in my fourth "Flash Report." I would be happy to answer any law enforcement sensitive questions in a "closed door" setting.

Once again, I would like to stress we did not design or intend our reports to cast blame on anyone individual or group. OIG intends these reports to be an independent objective review of the Department's programs and operations to better protect the Capitol Complex, members, staff, visitors, as well as the rank and file officers, who have shown their commitment and bravery each and every day by keeping all safe.

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. We made our recommendations 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.

As our work continues, my office sees continuing areas in our findings that USCP needs addressing. Those areas are Intelligence, Training, Operational Planning, and cultural change. In regards to 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. 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 capicum* 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.

This is the fourth in a series of flash reports OIG is producing as part of the ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still perform additional, in-depth work related to these areas during our review. We anticipate that our next flash report will focus on the Department's Command and Coordination Bureau.

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. As we move forward, the Department is taking steps in addressing our recommendations from our previous three flash reports and I look forward to monitoring their further progress.

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.

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

Committee on House Administration
United States House of Representatives
February 17, 2022

Good afternoon, Madam Chair Lofgren, Ranking Member Davis and distinguished members of the Committee. Thank you for this opportunity to appear before you, the Committee on House Administration, to discuss our Review of Events in regards to Capitol Police'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 and the important work that this Committee continues to do to make the Capitol Complex safe and secure. I would also like to take the time to extend and recognize the outstanding efforts and work done by my staff in the Office of Inspector General, U.S. Capitol Police. Through their collective efforts and skills, we have produced eight Flash Reports outlining areas of improvement for the Department resulting in 104 recommendations. Our last and final Flash Report is a summary of the status of the recommendations we have made and Security improvements that the Department has made since January 6, 2021. Although the Department has addressed some of our recommendations and have made security improvements throughout the Capitol Complex, much work still needs to be addressed in relation to Training, Intelligence, cultural change and Operational Planning.

We have issued our final flash report, outlining the status of OIG's recommendations. During my testimony before the Senate Rules Committee on December 7, 2021, I stated that the Department had closed 30 of my recommendations. Since that testimony, the Department has closed an additional 9 recommendations for a total of 39 recommendations closed. Since my last hearing before this Committee, we have issued three additional Flash Reports. Those reports

included areas in the Department such as Command and Coordination Bureau, Hazardous Incident Response Division and Canine (K-9) Unit and finally Dignitary Protection Division and Human Capitol.

Our fifth flash report is designed to communicate deficiencies with the Department's Command and Coordination Bureau (CCB). Additionally, to gain a perspective on Department-wide command and control challenges on January 6, 2021, we contacted 86 USCP officers and completed interviews with 36 of them who agreed to be interviewed. We also reviewed 49 after action reports USCP officers and employees completed.

Based on interviews with USCP officers and review of after action reports, we identified Department-wide command and control deficiencies related to information sharing, chain of command directions, communication, preparedness, training, leadership development, emergency response procedures, and law enforcement coordination.

Our sixth flash report was designed to communicate deficiencies with the Department's Hazardous Incident Response Division (HIRD) and Canine Unit (K-9 or Unit). Deficiencies included a lack of adequate Department guidance for both HIRD and K-9.

The Department did not always comply with guidance related to K-9 operations or training and did not always ensure K-9 policies and procedures were up to date. A lack of K-9 related training or operational experience required for officials and formal guidance for emergency procedures, as well as inadequate hazardous device response guidance could have hampered the efficiency of the K-9 Unit on January 6, 2021.

Our seventh flash report is designed to communicate any deficiencies with the Department's Dignity Protection Division and Human Capitol. DPD contributed toward the Department's mission through proper planning and successfully evacuating individuals under its protection during the events of January 6, 2021. However, DPD incurred authorization issues

with staging evacuation vehicles on January 6, 2021. Additionally, DPD's training program lacked a dedicated training staff, facilities issues, and weapon system training integration.

USCP could not provide documentation supporting that it implemented Department-wide leave restrictions or cancellations, or that it issued Department-wide messages for recalls to duty.

Our eighth and final flash report is a summary of the status of our 104 recommendations, any security improvement made by the Department since January 6, 2021. Although the Department has made several changes to include updating Policies and Procedures, additional Training for CDU units, and the hiring of a Subject Matter Expert in the planning and coordination of large events or high profile demonstrations, the Department still has more work to achieve the goal of making the Capitol Complex safe and secure. Out of the 200 security enhancements that the Department has provided to the OIG, only 61 of those items have supporting documentation to support that those enhancements have occurred. Some of the other Security enhancements the Department has instituted has been the additional Intelligence briefings provided to the rank and file, as well as to Department Leadership. The Department still lacks the overall Training infrastructure to meet the needs of the Department, the level of Intelligence gathering and expertise needed, and an overall cultural change needed to move the Department into a Protective Agency as opposed to a traditional Police Department.

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. Finally, I would like to thank not only this Committee, but also the Senate Rules Committee, and the Select Committee to Investigate the January 6th attack for their continuing support of my office and the work they have done in protecting Democracy so that events such as January 6, 2021, never happen again.

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.

**STATEMENT OF
CHRISTOPHER P. FAILLA
INSPECTOR GENERAL
ARCHITECT OF THE CAPITOL**

**Regarding Oversight of the January 6th Attack:
Review of the Architect of the Capitol's Emergency Preparedness**

Committee on House Administration, U.S. House of Representatives

May 12, 2021

Introduction

Chairperson Lofgren, Ranking Member Davis and members of the Committee, I am pleased to submit this testimony regarding oversight of the January 6th Attack: Review of the Architect of the Capitol's (AOC) Emergency Preparedness.

On January 6, 2021, rioters stormed the U.S. Capitol in an attempt to prevent the U.S. Congress from counting Electoral College votes and formalizing President Joe Biden's election. Subsequently, the Capitol campus was locked down while congressional members and their staff were evacuated or sheltered-in-place as rioters occupied and vandalized the Capitol building for several hours. The events of January 6th resulted in several congressional hearings, which, not all inclusive, included testimonies from the Acting Chief of Capitol Police, the Acting Sergeant at Arms for the U.S. House of Representatives and the Architect of the Capitol. The dominating theme of the hearings was how the events were permitted to happen and how to prevent a similar catastrophe from unfolding in the future.

On January 14th, the AOC Office of Inspector General (OIG) announced plans to initiate a Joint Oversight Project examining the events that occurred at the U.S. Capitol on January 6, 2021. The project would involve resources from the OIG's Investigations, Audits, and Inspections and Evaluations divisions. The objective of the joint project was to determine the effectiveness and integrity of the AOC's security and internal policies, procedures, and practices and provide an independent evaluation of the same.

This announcement also issued a hold notice to the AOC to immediately preserve all materials in its possession and control that constituted or related to a request for information surrounding the events of January 6th. The requested materials included all documents, records, agreements, drafts, data (including electronic data), correspondence, notes, emails (including emails on a computer or personal digital assistant), whether official or unofficial, that may have been relevant to the planning for or execution of response activities on the day of the riots. Our request for information often ran into road blocks as some of the security information, although in the possession of the AOC, was the property of the U.S. Capitol Police Board (Board), of which the Architect is a voting member. New requests for information were drafted, submitted to the Board, including the Architect, and ultimately were received via the Architect's office. This delayed our reporting by several weeks.

While the AOC OIG Audit and Inspections and Evaluations Divisions combed through the data received, our Investigations Division aided other law enforcement agencies assigned to investigate January 6 events by providing referrals our office received from tips about those who may have participated in the riots. Our investigators also assisted other law enforcement entities liaise with the proper AOC personnel to aid in their respective investigations.

Once all data requests were received and reviewed, the OIG divisions began to develop plans for independent assessments that would identify critical security and safety gaps and provide impactful recommendations that would mitigate the risk of another such event in the future. We implemented an agile process for our flash reporting series in an effort to provide the Architect and the Congress with timely, independent assessments for needed improvements and information. These independent assessments are not audits; therefore we did not perform procedures in accordance with Generally Accepted Government Auditing Standards. This reporting process reduces the reporting time of traditional Audits and Evaluations by approximately two-thirds while providing impactful and focused information summaries to key stakeholders.

Evaluation of the Architect of the Capitol's Emergence Preparedness Posture

The first report in our flash report series revisited our previous evaluation report, the *Evaluation of the Architect of the Capitol's Emergency Preparedness Posture* that we had worked on for seven months prior to January 6 concerning the AOC's emergency preparedness posture. We initially started work in this area because the AOC's emergency preparedness posture had registered "high" twice on the Inspector General's agency wide risk assessment conducted by our contracted Independent Public Accounting firm, Kearny and Company. Our objective for this evaluation was to determine the effectiveness of the AOC's emergency incident drills, exercises and training in accordance with the AOC Base Emergency Action Response Plan (EARP). This evaluation also included a limited review of the AOC's response efforts to the COVID-19 pandemic. The final product of this evaluation report was released in February 2021, and was in the hands of the Architect and his staff for review in December 2020. We also held an exit conference in December 2020 to brief the results of this evaluation and our recommendations to the Architect and his staff.

Based on our evaluation, we found that the AOC emergency incident drills, exercises and training were generally effective with minor gaps in policy, training preparation and exercise evaluation activities. We also noted that the AOC's efforts to prepare for, respond to and recover from the COVID-19 pandemic allowed for efficient and sustained operations across the Capitol campus. However, AOC organizations' preparation and participation in multi-jurisdictional emergency management training was not always consistent and the AOC lacked a standardized emergency management training evaluation process. We also found that the AOC organizational EARPs were not consistently updated nor were they aligned with the AOC Base EARP in policy structure and guidance. Taken altogether, our report recognized these important factors that created gaps in safety and security on January 6. This report made the following eight recommendations, which the AOC concurred with:

- 1) The AOC organization leaders in coordination with the AOC organization head responsible for Emergency Management, implement a quarterly review and validation process to ensure the appropriate emergency management personnel are designated to fully represent and communicate jurisdiction interests for planning and participation in AOC emergency management exercises;
- 2) The AOC organization head responsible for Emergency Management, perform a feasibility study to consider the development and implementation of a quarterly AOC Emergency Management Training Program to train and educate AOC executive leaders and organizational emergency management personnel on critical emergency management functions, emergency management responsibilities and emergency incident management systems;
- 3) The AOC organization head responsible for Emergency Management in coordination with AOC Training and Employee Development, develop and implement a standardized AOC emergency management training evaluation process for all AOC organizations;
- 4) The AOC organization leaders in coordination with the AOC organization head responsible for Emergency Management, designate appropriate personnel to review and update the organizational EARPs and Base EARP to synchronize alignment of policy structure, content and application guidance;
- 5) The AOC organization head responsible for Emergency Management in coordination with AOC organization leaders, implement a standardized timeline for periodic review of emergency management policies and procedures to improve means of tracking and sustaining these efforts;
- 6) The AOC organization head responsible for Emergency Management in coordination with AOC organization leaders, designate appropriate personnel to continue to monitor, review and update the AOC Pandemic Plan and organizational EARPs in accordance with emerging federal guidelines and medical best practices;
- 7) The Chief Administrative Officer (CAO) in coordination with the AOC Return to Work Tiger Team, continue to develop and update AOC policies and operational related changes in accordance with emerging federal pandemic legislation; and
- 8) The CAO, perform a feasibility study to consider the purchase and maintenance of an emergency stockpile of Personal Protective Equipment and cleaning supplies beyond the standard on-hand levels for the AOC.

Flash Report Series – Architect of the Capitol’s Emergency Preparedness Ahead of the January 6, 2021 U.S. Capitol Event

Emergency preparedness has many layers and our prior work focused on preparedness at a single point in time with specific objectives as previously mentioned. After January 6, my office decided to review the emergency preparedness training and drills the AOC was concentrating on and developing. Likewise, we wanted to focus on what training was lacking in order to keep the campus prepared and expertly drilled for the appropriate threat response. Thus, we produced the independent assessment *Flash Report Series Architect of the Capitol’s Emergency Preparedness Ahead of the January 6, 2021 U.S. Capitol Event*.

Prior to the events at the U.S. Capitol on January 6, 2021, the AOC Base EARP, dated April 2, 2018, served as the framework and baseline guidance for AOC emergency management policies

and procedures. Our Flash Report determined that the AOC lacked updated emergency management policies and procedures for active shooter, workplace violence, protestors and contained limited information on emergency actions in response to a riot or civil disturbance. One notable delay in the update of emergency management policies was the October 2020 AOC organizational realignment initiative that resulted in the transference of the Emergency Management Program from Safety and Code Compliance to the current Office of the Chief Security Officer (OCSO). The AOC Emergency Management Coordinator commented that new and updated emergency management policies, procedures and initiatives were provided to the OCSO for review in October 2020 and were still under review following the January 6 events. Our report noted that timeliness in policy review and revision remain a critical component in the emergency management framework along with mitigation strategies to ensure a well informed and well-prepared organization. Outdated emergency management policies and procedures have the potential to cause inconsistencies in protective actions and wasted response time during an emergency incident, which we believe occurred in some instances during the January 6 breach of the U.S. Capitol.

Even more concerning was that the AOC conducted limited virtual emergency management training in 2020 and the planned training, specifically drills and exercises, was inadequate because it failed to address active shooter, workplace violence, protestors and civil disturbances. COVID-19 limited the AOC's ability to conduct in-person and live training drills and exercises in 2020 because of the reduced Capitol campus presence. However, looking back before the COVID-19 pandemic it was found that the AOC's planned emergency preparedness training and exercises largely focused on natural disasters and not man-made disasters, with the last shelter-in-place drill conducted in February 2019 based on a weather related scenario. In addition, an aircraft intrusion (or AIRCON) drill planned for Mid-March 2020 was canceled, citing COVID-19 concerns.

The acting U.S. Capitol Police (USCP) Chief told lawmakers on March 3, 2021, that threats against members of Congress have nearly doubled in the past year. She said there has been a 93.5 percent increase in threats to members in the first two months of 2021 compared to the same period last year. Additionally, she noted that threats have more than doubled overall by about 119 percent from 2017 to 2020, with most suspects living outside the Washington region. The AOC should have adjusted their threat risk training based on the highlighted indicators given that the likelihood of active shooter, shelter-in-place, evacuations, civil disturbances and workplace violence steadily increased.

When interviewed concerning this lack of specific training, AOC emergency management leaders commented that the Legislative Branch Organizations (LBOs) do not conduct all-inclusive joint exercises. Often, Life-Safety drills involve one or the other side of the campus and coordination of these drills is extremely difficult. Threats to Congressional members, the AOC workforce and other LBOs can come at anytime and anywhere in and around the Capitol campus. Additionally, Life-Safety drills are important to ensure the proper working condition of safety equipment, identify the need for replacement of expired or uninspected equipment and also ensure users have familiarity with the equipment in the case of evacuation, shelter-in-place or active shooter scenarios.

In March 2021, Congressional representatives introduced a bill that would require lawmakers and staff in the House to take emergency preparedness training focused on emergency equipment like escape hoods, egress routes, emergency alerts and safe haven locations. This proactive step by Congress is applauded and will address a part of Congress's preparedness for Life-Safety incidents.

To this end, our *Flash Report Series – Architect of the Capitol's Emergency Preparedness Ahead of the January 6, 2021 U.S. Capitol Event* made four recommendations to the AOC to address the remaining gaps and deficiencies. We recommended:

- 1) The Chief Security Officer in coordination with AOC organizational leaders, review AOC organizational Emergency Management Policies, develop and implement standardized emergency incident procedures to address active shooter, workplace violence, protestors and civil disturbances;
- 2) The Chief Security Officer in coordination with the Board, review AOC protective actions to determine if current protective action definitions and categories are sufficient for emergency incident responses;
- 3) The Chief Security Officer in coordination with AOC Training and Employee Development, review the AOC Emergency Management training and exercise program, develop and implement AOC training and exercise curriculum to address active shooter, workplace violence, protestors and civil disturbances; and
- 4) The Chief Security Officer in coordination with the Emergency Management Task Force LBO's (Emergency Management Divisions of House Sergeant at Arms, Senate Sergeant at Arms, Library of Congress, USCP and AOC) develop a quarterly, integrated training and exercise program to address active shooter, work place violence, protestors and civil disturbances for the AOC, and all other LBOs that work and serve inside the Capitol campus.

The last recommendation requires coordination from other entities of which the AOC OIG does not have oversight, but we feel it is imperative that these entities coordinate, collaborate and communicate, should there be another incident requiring evacuation, shelter-in-place, active shooter response, or civil disturbances. These drills executed together are the only way to eliminate confusion and increase the likelihood of successful life and safety response by the occupants.

Our recommendations in this report are intended to promote the life and safety of the occupants working on the Capitol campus in accordance with The Congressional Accountability Act of 1995, which notes regulations that govern emergency evacuation procedures and emergency response training, are applicable by extension to the legislative branch. While none of the actions recommended would have prevented the breach of the Capitol building, the policy implementation, training, drilling, collaboration and coordination certainly would have lessened the panic, confusion and aided in the evacuation and safety and security of those inside.

Flash Report Series - Independent Assessment of the Architect of the Capitol's Role in Securing the Capitol Campus for Large Public Gatherings

Our second Flash report released May 5, 2021, entitled *Flash Report Series - Independent Assessment of the Architect of the Capitol's Role in Securing the Capitol Campus for Large Public Gatherings* offers recommendations and suggested legislative changes that could have hampered or prevented the breach from happening if they were in place prior to January 6. We made six recommendations in this report to include:

- 1) The AOC coordinate with legislative stakeholders to draft legislation that would incorporate the following:
 - a. add the AOC OSCO to an advisory or consultative role to assist in the plans and execution of securing the Capitol campus for large public gatherings, and
 - b. require communication, coordination and collaboration between the AOC, Board and USCP;
- 2) The AOC OSCO coordinate with the USCP to draft a memorandum of agreement to support the roles, responsibilities and services required for preparation and execution of the perimeter security plans for large public events;
- 3) The AOC OSCO establish well-defined policies and procedures with a preparation checklist for jurisdictions based on the severity of threat that provides clear guidance on execution of support activities related to coordination, mobilization, de-mobilization, asset protection and reporting of activities associated with special events across the Capitol campus;
- 4) The AOC coordinate with the Board and legislative stakeholders to evaluate the overall focus on campus security, and reevaluate the responsibilities for design, installation and maintenance of the Capitol campus security systems and determine who should execute those responsibilities;
- 5) The AOC Office of the Chief Security Officer hold a security briefing with AOC senior leadership for each event, which highlights the security threats and risks identified during their monitoring and received from coordinating agencies along with the AOC's approach to manage such risks and instructions for jurisdictions to execute the developed preparation checklist; and
- 6) The AOC inform the USCP of the deferred security maintenance work elements prior to large public gatherings and events on the Capital campus.

During this assessment of the AOC's role in securing the Capitol campus for large public gatherings, we found the AOC has an important role only in the execution of operations to secure the Capitol campus for large public gatherings, to include concerts, presidential inaugurations and First Amendment demonstrations. However, the AOC's role and responsibilities for the preparation of security plans for large public gatherings at the Capitol building is limited. The AOC's role and responsibilities in securing the Capitol campus during large public gatherings has been to serve primarily in a support only function. The OCSO have been in a customer support role to the Board and USCP versus an active peer and contributing member involved with the communication, coordination and collaboration to secure the Capitol campus. It also appears that the Architect's role on the Board has been disregarded for matters of campus security for large public events. Communication, collaboration and coordination by all members

of the Board and its respective agencies could prove to be beneficial in fortifying the security and resilience of the Capitol campus during large public gatherings.

The AOC's OCSO Facility Maintenance Division (FMD) is responsible for the execution of the security infrastructure for all events on the Capitol campus. The FMD only operates in a support function to the USCP by providing security, safety and crowd control elements, to include jersey barriers, bike racks, fencing and tents as authorized by the USCP on the perimeter security plan. The FMD executes the implementation of the security infrastructure as governed by a perimeter security plan created and owned by the USCP. The security plan provided by the USCP to the FMD usually includes a map drawing of the grounds that notates the equipment needed and its placement.

We noted that there is currently no memorandum of understanding or service level agreement between the AOC and the USCP that supports services or coordination, nor are there formal OCSO policies and procedures that govern how the staff executes the perimeter security plans.

Instead, the USCP's Security Service Bureau notifies the FMD via secure email of an upcoming event. The email should include an approved perimeter security plan and timeline for deployment of security elements. The FMD forwards the plan and timeline to other AOC stakeholders that may be needed to support the request or be informed on how the plan may affect their jurisdiction, to include the Chief Security Officer, OCSO Resilience and Security, Capitol Grounds and Arboretum, U.S. Botanic Garden, and AOC Capitol building Superintendent's Office. The FMD will then work with the Consolidated Facility Management contractor to obtain pricing for the required equipment.

As previously noted, AOC's role in the preparation of the perimeter security plan for large public gatherings is limited. The AOC has little to no role in developing the security plan. Through discussions with the OCSO staff, we found that most recommendations or concerns raised by the staff and conveyed to the USCP are mostly dismissed. OCSO states that USCP routinely reminds OCSO staff of their role as support, as prescribed by legislation, and not law enforcement; therefore, to consider their opinions, recommendations and/or concerns as it relates to a perimeter security plan is not required.

In 1995 and 1996, Congress enacted new legislation, 2 USC §1964 and §1965, that transferred the AOC's responsibility for design, installation and maintenance of security systems for the Capitol buildings and grounds to the USCP. According to this legislation, the AOC only approves alterations to structural, mechanical or architectural features of the Capitol buildings and grounds required for a security system. According to AOC staff, this legislative change has created limitations on the AOC's ability to support its mission to preserve The U.S. Capitol. A culture exists wherein the AOC operates in a supporting capacity and has no authority to contribute to the design and/or preparation of a security plan unless directed by the Board under administrative support for the Architect.

As previously noted, the Architect is a voting member of the Board. As a member of the oversight board for the USCP, a law enforcement agency, the Architect should be an active member in the oversight of the USCP's responsibilities to safeguard the Congress, members of

Congress, employees, visitors, and congressional buildings and grounds from crime, disruption and terrorism. The USCP protects and secures Congress so it can fulfill its constitutional and legislative responsibilities in a safe, secure and open environment and it must communicate, coordinate and collaborate with the AOC to secure and maintain the Capitol campus and its members.

According to AOC staff and confirmed via recent testimony by the Architect and Acting Chief of Capitol Police, the perimeter security plans and security concerns for large public gatherings are generally not shared or approved by the Board. Consequently, the Architect is not officially informed as a Board member on the security plans and safeguards in place at the time of these events. We perceive this as a significant limitation.

The Architect, as the head of the AOC and voting member of the Board, has the authority, knowledge and the capacity to provide significant value to the oversight of securing the Capitol campus during large public events. The AOC's OCSO is staffed with expertise in the fields of civil engineer readiness, antiterrorism/force protection, emergency management, operations security, physical security, critical infrastructure risk management, law enforcement, homeland security, and security engineering architecture and design. Incorporating the OCSO staff into the preparation of perimeter security plans and the resolution of any security concerns through either: 1) the administrative support provided to the Architect as a member of the Board; and/or 2) through the execution support provided to the USCP, could add immense value in effectively and efficiently securing the Capitol campus. Specifically, participating in the preparation of security plans, being informed of pertinent security information and having the ability to provide feedback, would allow OCSO to notify AOC's leadership of the expectations of the event and any security risks; issue timely orders to stop construction projects, secure construction and maintenance materials, equipment, tools and scaffolding; and ensure appropriate staff is available to support the event and communicate any security concerns to appropriate AOC officials.

The events of January 6 at the U.S. Capitol demonstrated that increased communication, coordination and collaboration between the Board and the AOC is required. According to the Architect's testimony and OCSO staff, the official security posture for the Joint Session of Congress was that there were no credible threats. Although understaffed with a Deputy vacancy and collateral duties managing COVID-19 protocols and policies over the last year, the Chief Security Officer and the OCSO staff were monitoring open source reporting, social media, information reported by D.C. Government and AOC Legislative and Public Affairs leading up to January 6. There were reports and social media posts of threats of violence by several opposed groups, threats including use of weapons and how to bring weapons and ammunition into the area, plans to create mob violence to draw law enforcement to certain areas and mimicking the dress of counter protestors to allow the opposed groups to spread across the area and cause damage. The OCSO shared information with the USCP, and were told by the USCP that there were no credible threats.

In an effort to secure the Capitol campus, the OCSO took it upon themselves to hold a security briefing with AOC senior leadership on January 5, which highlighted the security threats and risks identified during their monitoring along with the AOC's approach to manage such risks.

The AOC efforts to manage the heightened security risks included extending the work stoppage period, performing ground sweeps, placing blood borne pathogen teams and teams to address graffiti on standby, extending hours of the OCSO point of contact within the USCP command center, pre-positioned staff to an off-site facility and advised the Architect to work from home, for continuity of operations; and instructed AOC staff to make adjustments to their normal work habits, to include: 1) awareness of surroundings and to report any suspicious activities to the USCP; 2) use tunnels and internal walkways when possible; 3) ensure all AOC vehicles were locked; 4) secure all equipment, tools and materials when not in use; and 5) to avoid the demonstration area.

In our assessment, the independent actions of the OCSO most likely contributed to a better prepared AOC as well as the safety of AOC personnel and minimized damage to the Capitol building. According to the Architect's testimony, the AOC was able to immediately commence cleanup and repairs to approximately \$2.5 million in damages, which enabled the AOC to return the Capitol building to working order by that evening so the Congress could continue to certify the election.

Heroic acts of other AOC staff members, who through their presence, quick thinking and actions, assisted with sheltering congressional staff in their shops to protect them from the insurgents, reversed the airflows within the building to help clear the air of chemical irritants, like bear repellents and pepper spray, and provided bottles of water and eye wash stations to USCP officers in need of assistance. The move by AOC staff to reverse the airflow within the Capitol speaks volumes to the importance of the USCP coordinating with the AOC personnel who know and maintain the systems of the Capitol building, prior to large public gatherings. The order to reverse airflow may have never been made had this proactive action by AOC staff been dependent on USCP authorization due to their unfamiliarity with the HVAC systems.

Lastly, it is the opinion of the AOC staff that there should be some consideration in returning the responsibilities for design, installation and maintenance of security systems for the Capitol campus back to the AOC. The AOC has dedicated trained staff to: 1) perform the design and installation of security systems; 2) develop program goals and timelines for completion; and 3) ensure the performance measures linked to those program goals are included in AOC strategic plans for security. AOC staff interviewed concluded that Capitol campus security infrastructure could be enhanced by focusing more on "force protection" rather than law enforcement.

Force protection is a military term used to describe preventive measures taken to mitigate hostile actions in specific areas or against a specific population, while law enforcement may primarily focus more on enforcing the laws and public safety. In coordination with the Board and legislative stakeholders, the AOC should evaluate the overall focus on campus security given recent events, and reevaluate the responsibilities for design, installation, and maintenance of the Capitol campus security systems and determine who should execute those responsibilities.

During our overall assessment of the events of January 6, the AOC OIG obtained the listing of all maintenance requirements, which remained deferred on January 6. Deferred security

maintenance alone totaled \$144.1 million. Due to the frequency of large campus gatherings and events, and the possibility of these events devolving into violence, these deferred security maintenance issues should be funded in entirety and placed at the highest priority level above all others to repair and/or maintain. Those security features maintained by the AOC that are malfunctioning, under repair or remain deferred should be reported to the USCP and security personnel to ensure adequate preparation in the face of potential vulnerabilities.

Although the AOC is not a law enforcement entity and it is agreed the Architect should not have tactical input for law enforcement matters, the Architect is responsible for the maintenance, construction, preservation and security of the Capitol campus and should have input to carry out that role. Additionally, AOC staff are the experts for the Capitol campus infrastructure. An increased sharing of information by both the Board and the USCP would allow the AOC to better plan, prepare and protect the AOC staff and the costly assets in their care. It would be beneficial to confer with AOC experts to understand the infrastructure and facilities in order to implement effective protection measures. To this end, Capitol campus law enforcement agencies should communicate, coordinate and collaborate with the OCSO experts when preparing perimeter security plans for every large public gathering and event.

Conclusion

A significant concern identified within each of the flash reports highlights a lack of communication and coordination amongst the many entities working across the Capitol campus. Although each entity has specific roles and expertise, it is necessary for all of these experts to come together and collaborate to ensure that the Capitol campus is a more secure and safe place to work and conduct the nation's business.

Thank you for the opportunity to address the committee. I look forward to answering your questions.

The Honorable Karen H. Gibson
U.S. Senate Sergeant at Arms | Chair, Capitol Police Board
May 19, 2021

Statement for the record before the
U.S. House of Representatives Committee on House Administration
"Reforming the Capitol Police and Improving Accountability for the Capitol Police Board"

Chairperson Lofgren, Ranking Member Davis, members of the Committee, I appreciate the opportunity to discuss how we can work in partnership to reform the United States Capitol Police and improve the practices of the Capitol Police Board.

In my second month as the 42nd Senate Sergeant at Arms, I continue to learn about processes that need improvement or additional resources. I did not seek this position, but I accept my responsibilities gladly. Like many Americans, I was aghast, appalled, and deeply angered by violence at the Capitol on January 6th. I volunteered my services to the House Security Review task force because I wanted to do all in my power to ensure such an assault never happens again. As a member of that security review team, Task Force 1-6, I gained valuable insights into many of the operational and institutional challenges associated with securing the Capitol.

As Senate Sergeant at Arms, my top priority is to work with my partners on the Capitol Police Board and the United States Capitol Police to develop a comprehensive plan to protect the Capitol and its occupants. This plan must not only safeguard the facility, the Members of Congress, and their staffs, but also facilitate constituent visits to lawmakers and ensure that citizens can safely exercise their First Amendment rights. We are guided in this work by the desire to maintain a secure, open campus as reflected by input from congressional stakeholders.

The informed decisions that will be required as part of this comprehensive security plan must be considered in an objective forum free of politics. The current configuration of the Capitol Police Board provides such an environment. The voting membership of the Board, which dates back to 1873, combined with the 2003 addition of the Chief of the Capitol Police as an ex-officio member, is the appropriate structure for advancing the security needs of the legislative branch in an objective, nonpartisan, and bicameral manner.

As we learned from January 6, the former Board's responsiveness and decision-making processes were not well suited for a crisis. That is why we are working on other means to provide the Chief of Police with additional flexibility to operate in an emergency. For example, at Capitol Police's request, the Board is considering a regulation that would allow the Chief to appoint D.C. National Guard as Special Police Officers under exigent circumstances without having the Board convene separately to declare an emergency. The Board would then have 48 hours to either confirm or deny the action. Denial by the Board would cease authorization of the D.C. National Guard as Special Police Officers. In addition, we are encouraged by the Capitol

Police's work with law enforcement partners on a Critical Incident Response Force capable of rapid deployment in an emergency.

As Chair, I believe the Board should be responsive, transparent and accountable. Our current day-to-day managerial practice reflects these goals. The 2017 report by the Government Accountability Office that assessed the Board's roles and responsibilities is instructive as the Board collectively evaluates and refines its governance approach and current operational procedures.

I am also focused on increasing the Board's capacity to provide oversight and strategic guidance to the Capitol Police through the work of a dedicated, permanent staff. Unlike Congressional committees with oversight functions, the Capitol Police Board has a single staff member, an executive assistant assigned by the Capitol Police. Staff and counsel for each member augment the Board's work on behalf of their respective principals. This ad-hoc staffing model can slow decision-making given the operational tempo of the respective Board member agencies.

A knowledgeable staff of reasonable size would support the Board in providing strategic direction and needed transformation, based on credible threat intelligence and emerging challenges. At the same time, these professional staff would ensure Capitol Police responsibly use resources to mitigate risk and achieve well-defined physical security and policing objectives, including when planning for known and unforeseen events. The establishment of dedicated, professional staff would also extend the Board's capacity to effectively communicate with the congressional community and external stakeholders, solicit stakeholder feedback, and provide consistent outreach.

Further, the Board's performance would also be improved by developing a Strategic Plan. This document would be used to communicate the Board's priorities, vision, and overarching guidance regarding Capitol security. The Strategic Plan would also delineate concrete objectives to be monitored for implementation and performance. Such a plan would go a long way toward addressing recommendations outlined in the 2017 GAO review of the Capitol Police Board.

I will close by saying how much I appreciate the opportunity to support the men and women of the United States Capitol Police, who have protected the Capitol and its occupants for more than 193 years. As we move forward in developing and implementing our comprehensive plan to secure the Capitol, we will do so in an objective, transparent, bicameral, and nonpartisan manner that balances security and access in support of American democracy.

Statement of The Honorable J. Brett Blanton
Architect of the Capitol



Architect of the Capitol
J. Brett Blanton

Statement before the Committee on House Administration
United States House of Representatives

May 19, 2021

Chairperson Lofgren, Ranking Member Davis, and Members of the Committee, I appreciate the opportunity to join my colleagues on the Capitol Police Board (Board) to discuss the January 6, 2021 U.S. Capitol Building breach.

The events of January 6 were difficult to witness for the American people and extremely hard for all of us on campus to experience. As we continue to deal with the shock and disappointment of the actions of those who chose to attack the U.S. Capitol Building, I remain proud of and encouraged by the professionalism displayed by the Architect of the Capitol (AOC) team in the face of this dangerous and stressful event.

On January 6, members of my team were preparing the grounds and the presidential inauguration stage. Our artists and trades teams were excited to finish painting the stands a bright white with a deep blue edging on the main stage of the platform. As crowds began to appear on the West Front at about mid-day, my staff was moved indoors or sent home. Shockingly, over the course of a couple of hours, the hard work of our team was destroyed. The platform was wrecked, there was broken glass and other debris littering the grounds, sound systems and photography equipment were damaged beyond repair or stolen, two historic Olmsted lanterns were ripped from the ground, and the blue paint — we had so painstakingly worked on all morning — was tracked all over the historic stone balustrades and Capitol Building hallways.

As the crowd began crashing through windows and prying open doors, my staff undertook several amazing actions in support of Congress. AOC employees sheltered congressional staff in their work shops to protect them from the crowd, other members of my team raced to the roof to reverse the airflows within the building to help clear the air of chemical irritants, like bear repellents and pepper spray. Additional team members rushed bottles of water and eye wash stations to the U.S. Capitol Police (USCP) officers in need of assistance.

As an agency, we served as a shining light of hope that day and in the days following the insurrection. As soon as security officials cleared the building breach, AOC employees worked tirelessly to cleanup and begin repair work. Carpenters covered open windows and doors with plywood to help secure the building, laborers began sweeping up glass and broken furniture to enable Congress to continue its work, and our groundskeepers cleared a small mountain of debris left behind on the West and East Fronts. Moreover, our decorative painters carefully returned the platform to its glory. We were committed to, and ensured that, the Electoral College certification process could continue on January 6th. Furthermore, we were sharply focused on getting the campus prepared for the presidential inauguration without interruption to signal our nation's determination to support a peaceful transition of power. All of this was done while the agency was still handling pandemic-related responsibilities campus-wide under increased risk of exposure since many of my employees did not have the opportunity or access to be vaccinated.

At this time, our teams also began to carefully assess the damage to the historic building and grounds. The initial assessment is that most of the damage — in areas maintained by the AOC — on the interior and envelope of the building consisted of broken glass, broken doors and graffiti. Statues, murals, historic benches and original shutters also suffered varying degrees of damage. This damage to our precious artwork and statues requires expert cleaning and conservation.

Though much work remains to be done, I am also mindful of the stress that the event has had on my employees. Common reactions to situations such as these include stress, anxiety and depression. The safety and personal health of AOC employees is my highest priority.

I am committed to making sure the agency continues to provide the necessary support services through our Employee Assistance Program (EAP) which is free, voluntary and confidential. Employees have access to trained staff counselors through EAP. They can also use TalkNow which offers AOC employees immediate, 24/7 telephonic access to confidential, in-the-moment counseling support delivered by qualified behavioral health professionals, with no appointment necessary. In addition, many of the resources from the House Wellness Center and the House Office of Employee Assistance are available to AOC employees. This service includes a variety of professional support services and resources to address the needs of individual employees and their family members, as well as the concerns of the greater organization and its managers.

Looking ahead, there will be many discussions about the security of the Capitol campus. The AOC has assembled a team of highly specialized professionals to treat and maintain the Capitol's historic fabric and artworks. The Appropriations Committees approved a transfer request of \$30,000,000 that addressed the AOC's initial expenses incurred, including funding for the temporary perimeter fencing requested by the USCP.

Since January 6, the AOC has ensured that all available security-related resources be used to support the required emergency security costs, including temporary perimeter fencing and support for the National Guard. While this transfer addressed some of the immediate needs, expenses that we know are forthcoming are unfunded. That is why I pushed for congressional support of a comprehensive, campus-wide facility assessment.

This assessment is underway and we should be seeing initial recommendations in the coming weeks. Over the next six months, the assessment team will evaluate physical security options, and the engineering requirements necessary to accomplish those options, in order to provide Congress with budget-level details needed to make decisions about potential project and resource needs. The assessment is critical to making informed decisions about the overall safety of the Capitol campus facilities, and ultimately, the safety of Members of Congress and their staffs. I appreciate the support the AOC has received for this effort. I look forward to working with you to identify necessary security upgrades to the facilities and infrastructure on Capitol Hill.

As a member of the Capitol Police Board, I advise my colleagues on the impacts to physical infrastructure of any security considerations being debated. My team plans, designs and constructs physical security infrastructure as approved by the Capitol Police Board and authorized by Congress.

The events of January 6 were stark reminders that institutional biases, priorities and actions taken out-of-sync with actionable data yield poor decisions. If we do not learn from these mistakes, the Capitol campus will continue to remain vulnerable to unknown and unexpected threats. History teaches us that project costs for replacements and repairs beyond in-kind improvements across campus will be considerable and beyond the scope of the current budgetary environment. The

agency's facility security assessment is a pre-requisite to considering any new project work. We owe it to taxpayers to accurately and adequately address the needs of the Capitol campus in coordination with all appropriate entities as proposed in the assessment.

In addition to the assessment, the agency is undergoing a reorganization following a six-month review that identified gaps in service and support. We are restructuring the agency to empower staff to make decisions, take appropriate risks and shine in service to others. In October 2020, I consolidated all AOC security and emergency service functions under a new position called the Chief Security Officer. The Office of the Chief Security Officer is staffed with highly skilled professionals that enables the AOC to incorporate a holistic approach for emergency management that focuses on both natural and man-made incidents.

Many of you have asked about what did I know, as a Capitol Police Board member, about the events of January 6. Leading up to January 6th, I participated in a "Law Enforcement Partners Inauguration Briefing" hosted by Chief Steven Sund, USCP. During the inauguration briefing, then-Chief Sund mentioned the expected rally near the White House but there were no actionable intelligence or credible threats shared at that meeting. In terms of support for USCP, as I have shared previously, then-chief Sund did not reach out to me or my staff with a request for an emergency declaration or interest seeking National Guard support in advance of the breach. Then-Chief Sund confirmed in his February 1, 2021 letter to Speaker Pelosi that he engaged in conversations with other members of the Board (the House and Senate Sergeants at Arms), but no such conversation occurred with me or any AOC employee involved in Board matters. In addition, the AOC has no record of the January 3 intel briefing cited in the media and by Acting Chief Pittman.

Moving forward, how do we ensure nothing like this happens again? First, I do believe the Board is necessary. There needs to be an organization that can make security decisions outside of politics between the two Chambers or the two parties.

But I personally believe that there needs to be more transparency and accountability of the Board. We have a problem in my summation of overclassifying items that do not need to be classified. Congress has given the President the authority to classify and delegate classifications down throughout the executive branch. There is no entity on the legislative branch with that authority. As a result, information is often defaulted to a higher level of classification than needs to be in many cases. The transparency aspect is even more troubling because when everything is classified, one can not enter into a logical discussion with leadership and oversight on Board proposals because of the limited number of individuals who have appropriate clearances.

Second, the Board needs a dedicated staff to be responsive to Members of Congress, USCP and other law enforcement entities. Currently, the Board is supported by staff who work for the AOC and the House and Senate Sergeants at Arms. Often this staff is charged with Board duties in addition to their day-to-day portfolios. Establishing a staff specific to the Board will enable us to develop a strategic plan for the Capitol campus.

Third, from my background in the military, I believe we need to fundamentally change the role of the USCP from a law enforcement entity to a force protection entity. This is similar to what you would see at the Pentagon force protection agency. The difference between the two is law enforcement is reactive and responding to a stimulus. A force protection agency is proactive and has the job of protection of fixed facilities and the occupants of those facilities.

Fourth, there needs be better coordination and training for emergency exercises on campus. As the events of January 6th demonstrated, real, live emergency events impact all organizations on campus. When exercises are limited to a small number of participants or organizations, we run the risk of confusion by Members, staff and support personnel during a true emergency.

Further, I am pleased that the USCP has begun working on formalized agreements of mutual aid from external law enforcement entities. Once formalized, the agreements would serve as a mechanism that allows USCP to directly seek support from any other law enforcement entity within the National Capital Region if they need in an emergent situation. In addition, I fully support the reconstitution of a Military Police battalion within the D.C. National Guard that provides dedicated support for the Capitol campus. A dedicated unit will enable the USCP to train with the battalion so both sides know exactly what the other side's tactics, techniques and procedures are when an event happens.

Finally, as it relates to the overall safety of the Capitol campus, I would be remiss if I did not mention our commitment toward ensuring that adequate measures are taken to mitigate the threat of the COVID-19 pandemic across the Capitol campus. In the spirit of full-transparency, I have worked with the Committee on House Administration and the House Committee on Appropriations to provide accurate cost updates to continue our COVID-19 response efforts. Other than our initial installment of funding, which is fully obligated, the AOC has been forced to use our critical infrastructure and security project funding to support Congress at a service level required for enhanced cleaning and personal protective equipment. I ask for your support for our requested security and COVID-19 funding.

Since becoming the Architect of the Capitol, I have continually been impressed and inspired by the great work of this agency. We have been in pandemic operations for nearly a year, we supported four lying in state and honor ceremonies and successfully facilitated a presidential inauguration. I am honored to lead a team whose extraordinary efforts on January 6, and the days that followed, helped Americans of all walks of life take solace in seeing order restored to the U.S. Capitol. We would appreciate your support to ensure that we are positioned to address the ongoing and future facility needs, in addition to the health and wellness of our incredible employees.

Testimony of William J. Walker

Sergeant at Arms

U.S. House of Representatives

**Chairperson Lofgren, Ranking Member Davis, and
Members of the Committee on House Administration,**

**Thank you for the opportunity to testify today on reforming
the Capitol Police and improving the accountability for the
Capitol Police Board.**

**Twenty-three days ago, I was blessed to be sworn in as the
Sergeant at Arms for the House of Representatives. Prior to
that, I was the Commanding General for the District of
Columbia National Guard. The seal of the District of
Columbia National Guard, which appears on our uniforms,
bears the image of our citadel of democracy and serves as a
reminder that they are "Capital Guardians." So, I have
some experience in protecting the Capitol.**

**In my time as Sergeant at Arms and also through my
experience as the Commanding General of the D.C. National
Guard, I have been able to make some observations. I saw
on January 6th the commitment of the United States Capitol
Police officers who fought alongside partner law
enforcement agencies and the Guardsmen I commanded. I
also saw how the USCP was not appropriately equipped and
prepared for the events that transpired that day. All the
officers risked their life and limb, and they all deserve to be
trained and outfitted for what they face. The USCP needs to**

transform to meet this commitment. We cannot let down the line officers, this institution, its Members or staff again.

The USCP is at an inflection point. The USCP needs to transform into a hybrid proactive protective law enforcement agency that protects the Congress and the symbols of our democracy. The increase in threats to Members shows no sign of lessening. The USCP needs to be in a position where it can protect individual Members at a moment's notice. This will require more dignitary protection agents specially trained to protect Members from threats throughout the country and the ongoing regionalization effort is just one step in this transformation. There will be growing pains. But the transformation is necessary. The Capitol Police Board will hold the USCP accountable for making this transformation.

The Capitol Police must be trained to the highest law enforcement and protect standards and equipped with the latest technology. We are reexamining the appropriate roles and responsibilities for police officers to include the better allocation of sworn officers. We must leverage non-sworn individuals and technology to put officers to their best and highest use. We must reassess the standards for the entire Capitol Police to make sure they are held to the same standards as other law enforcement agencies. And we must create a culture of leadership, accountability, and ownership within the USCP.

We meet in Washington, D.C., surrounded by many of the best trained, equipped, and organized law enforcement

agencies for their particular missions. We can learn from them and we will learn from them. I trust that the witnesses on the other panel can provide perspective on the necessary transformation.

In my fourth week here, and based on my 30 years of law enforcement experience, it is clear that Capitol Police senior leaders must be held accountable for the breach on January 6th. There were failures in equipment; failures in training; failures in intelligence; failures in command and control and communication; poor planning, preparation, and execution. This Committee has had multiple hearings on the challenges of January 6th. These are useful starting points for examination into how the systems, structures, and organizations of the USCP did not perform as intended on that day and what changes need to occur. Further examination going forward is necessary to ensure that the USCP improves.

There have been many questions about who is accountable for the events of January 6. To move forward, I believe it is incumbent upon all of us to work together as the USCP Board, as Authorizers and as Appropriators to build the USCP into a more formidable proactive protective law enforcement agency that can protect Congress against all who seek to harm our institution.

My pledge to this Committee, the Members of the House of Representatives, and the Capitol community is to provide my best security advice on any matter affecting the safety and security of the Capitol complex. I have spent a lifetime

in law enforcement, security, intelligence, and counter-intelligence and I will provide my judgement and guidance based on my training and experience.

I have been a Member of the Capitol Police Board for 23 days. In collaboration with the Senate Sergeant at Arms, General Karen Gibson, and the Architect of the Capitol, Mr. Brett Blanton, I am committed to improving Board processes, accountability, and efficiencies. General Gibson and I are new Members of the Capitol Police Board. This is an example of accountability in leadership. I would urge the Members of this Committee to be careful and thoughtful in striking the delicate balance between appropriate authorities for the Chief of Police and an appropriate system of accountability for the USCP and the Board.

As some have noted, it is hard to find another law enforcement entity that reports to an organization like the Capitol Police Board. There is also no other law enforcement agency tasked with protecting two distinct bodies of Congress and the elected representatives from all states, the District and territories across the country. I certainly agree that we must do better, and I will continue to work with my counterparts to identify and pursue improvements in the current policies and procedures of the board.

Currently, the Capitol Police Board has submitted regulations pursuant to 2 U.S.C. § 1974 for approval by the Speaker in consultation with the Republican Leader and the President Pro Tempore in consultation with the Senate Minority Leader to allow the Chief of Police to call upon the

D.C. National Guard if the “Chief of Police notifies the Capitol Police Board [assistance] as necessary to prevent the loss of life or wanton destruction of property, and to restore governmental functions and public order.” I am hopeful that the regulation will be approved so, if necessary, the USCP can receive assistance in an emergency. It is my understanding that the Speaker consulted with the Minority Leader and approved this regulation.

Thank you for the opportunity to testify today and I would be happy to take your questions.

COVER PAGE

NAME: Lynda R. Williams

Position: National President, National Organization of Black Law
Enforcement Executives (NOBLE), Professor of the Practice, Criminal
Justice Administration, Middle Tennessee State University, and
Former Deputy Assistant Director, U.S. Secret Service.

DATE: May 19, 2021

TITLE: "Oversight of the January 6th Attack: Reforming the Capitol Police
and Improving Accountability for the Capitol Police Board"
(Oral Presentation)

Verbal Testimony

National Organization of Black Law Enforcement Executives (NOBLE)

Before Committee on House Administration

Wednesday, May 19, 2021

Committee Chairperson, Representative Zoe Lofgren, and Ranking Member, Representative Rodney Davis, and members of the United States House Committee on House Administration, I bring you greetings on behalf of the Executive Board, members, and constituents of the National Organization of Black Law Enforcement Executives – NOBLE.

My name is Lynda R. Williams, and I am the National President of NOBLE, Professor of the Practice, Criminal Justice Administration, Middle Tennessee State University, and retired Deputy Assistant Director, U.S. Secret Service.

I have served more than 30 years in the law enforcement profession.

It is an honor for NOBLE to provide written testimony on the topic of "Oversight of the January 6th: Reforming the Capitol Police and Improving Accountability for the Capitol Police Board"

and I am humbled to participate in this ongoing, important work of root cause analysis and remedies to strengthen the leadership and tactical posture of the U.S. Capitol Police force, to ensure the safety and security of our democracy, the safety of the stewards of our democracy embodied in our congressional representatives, and the safety and security of the many visitors, staff, and facilities.

Like you, I watched in horror as the events of January 6, 2021 unfolded and devolved into what has been appropriately described as a domestic terrorism attack on our country's democratic process and, more directly, an all-out assault on the men and women of the U.S. Capitol Police force and U.S. Congress. The aftermath of January 6 brought many questions and direct scrutiny regarding the department's processes, protocols, and methodology around intelligence gathering and dissemination, their operational and tactical procedures, their capacity and compliance to training, as well as leadership oversight and accountability.

assessments which identified a myriad of lapses in foundational situational awareness and threat assessment protocols, tactical emergency response capabilities, a lack of baseline standardization of training with repetition and accountability in that training, and an inappropriate alignment of manpower adequate for their mission.

Continuing, the two reports yielded no less than 34 recommendations mainly related to refining the operational readiness for the Capitol Police Department's Civil Disturbance Unit (CDU) or its Intelligence gathering and dissemination apparatus. Understanding that the lack of operational readiness and tactical breakdowns were the most glaring deficiencies on display on January 6, and therefore have received the brunt of what is being highlighted first, a priority **must be** placed on the responsibility, oversight, and governance of leadership's role in the manifestation of these deficiencies.

Often when there is a breakdown or a mishap in operations the first casualty is the lack of funding for a program; lack of funding begets misaligned resources, begets scaled down procedures, begets noncompliance of SOP and on and on until the weakened process becomes the problem and rather than the decisions

that created the weakened process. The continuation of the root-cause analysis that is to take place in this and future hearings must end this cycle of attempting to just fix "process" without fixing accountability of leadership and governance oversight.

Let me be clear when I say the reality is no agency or organization operates with perfection, but one cannot operate with any efficiency or success when the tools, policies, oversight and internal controls do not keep pace with today's challenges and threats; this is reflected in the rank-and-file expressing little confidence in its leadership because of a perceived or real void of communicating values, ideas, strategy or shared affinity for its mission.

I recognize the need to hit the reset button, to pause and take stock in whether the organization is operating at its most efficient and highest level, and the hard truths that need to be confronted when the response is that it is not. In my experience as an executive with the U.S. Secret Service at various times between 2012 through 2015, my agency experienced the most comprehensive, but also very public, overhaul for improvements in its recruitment, hiring, training, and merit promotion in the agency's history. As a law enforcement executive, I am

very versed and experienced in "reading the room", that is, in seeing the challenges within the mission, of evaluating and applying the necessary resources to champion those challenges, as well as provide constant assessment in preparation for societal trends and changes within law enforcement and threat influencers to forecast possible countermeasures, and responding accordingly. Comparative to the U.S. Secret Service, the "wins" and successes of the USSS can be attributed to the reevaluation of our SOP for accountability in training, hiring based on workforce planning strategy and attrition, and leadership development and knowledge transfer based on attrition.

In redefining the role of the U.S. Capitol Police force, a shift in the paradigm in operations of a law enforcement agency versus a federal protective service must be holistically evaluated. The morale and sentiments of those who battled arduously on January 6, should be considered in this assessment as this agency moves forward.

Over 30 years ago, I began my federal career as a recruit for the U.S. Secret Service Uniformed Division. The training class consisted of members from Uniformed Division, as well as the U.S. Capitol Police. I am sure that training has

evolved greatly since 1988. However, it is apparent that the training provided by the Federal Law Enforcement Training Center (FLETC), as well as any subsequent in-service training, was insufficient to mitigate the surge of the violent insurrectionists that day. I cannot imagine the helplessness, the shock and fear of those officers that gallantly reported to duty on January 6th, confident of their skills, duties and responsibilities to safeguard all that they had been entrusted to protect. Even more, I am sure they felt emboldened that they possessed the resources to execute their mission to protect and serve the democracy of this nation and all that it was thought to represent. I am certain that they believed that in a time of need, one would only have to express such and, without hesitation, that backup and reinforcement would expeditiously appear.

Upon my reflection, I am empathetic to the mindset of those officers who must report to duty after such a horrendous and unfathomable day in our country's history. I pray daily for each individual traumatized and permanently scarred by those events that as time massages the pain, the physical scars are less visible and the mental anguish diminishes, the future of this distinguished police agency will one day again be the beacon of pride and respect of each officer. As FLETC

graduates future classes, the structural foundation must be reinforced by the lessons and sacrifices that the men and women paid in serving their country. George Santayana is credited with the famous quote, "Those who do not remember the past are condemned to repeat it." The Congressional leadership and others with oversight of the U.S. Capitol Police force owe these officers the structural foundation, funding, training, resources and continued support to redefine their core values of their common beliefs and behaviors of how they conduct themselves in work and interactions with professionalism, pride and effectiveness.

Thank you

The Honorable Zoe Lofgren
 Chairperson
 Committee on House Administration
 1309 Longworth House Office Building
 Washington, D.C. 20515-6157

16 May 2021

Madam Chairperson:

My name is Jeffrey Buchanan and I have been asked to appear as a witness during the House Committee on Administration hearing titled "Oversight of the January 6th Attack; Reforming the Capitol Police and Improving Accountability for the Capitol Police Board." I served as the deputy leader for the Capitol Attack Review Task Force from mid January until early March this year. I retired as a Lieutenant General in 2019 after a 37 year career in the Army. Though I served in a number of key positions overseas and in the homeland during my career, what brought me to the task force was my experience as the Commanding General of the Military District of Washington from 2013-2015. In that role I led the military forces in the NCR in support of a number of law enforcement agencies, including direct support of the U.S. Capitol Police during National Special Security Events, such as the annual State of the Union Address.

Our Task Force submitted our report and made more than 120 recommendations in early March, 2021. I would like to highlight three areas that I believe your committee would like to discuss: reformation of the Capitol Police Board (CPB), a recommendation for the US Capitol Police (USCP) to shift their focus from law enforcement towards force protection, and the need for a cultural change in the USCP to become a learning organization.

The Capitol Police Board was formed in 1873 and consists of three voting members (the House Sergeant at Arms, the Senate Sergeant at Arms, and the Architect of the Capitol) and one non-voting member (the Chief of the USCP). The CPB's deliberate processes may work well for routine, non-emergency decisions and guidance, but can be challenged in a crisis as we all saw on January 6th. Our task force recommended changes to USC 1970 and 1974 to enable the Chief of the USCP to initiate movement for augmentation in crisis situations. Under current statutes, the Chief cannot initiate such movement until the CPB votes and declares an emergency. We also recommended that the Chief be empowered to appeal denials of requested augmentation in non-crisis situations to the leadership of both the House and Senate. With sound leadership, I believe that unity of effort is possible, even in a crisis. Unity of command will not be possible unless Congress changes the CPB construct and appoints a single person to be both responsible and accountable for security of the Capitol and the people who work there. Such a change in the construct of the CPB was beyond the scope of our task force, but it is certainly worthy of consideration.

The stated mission of the USCP is to "protect the Congress – Its Members, employees, visitors, and facilities – so it can fulfill its constitutional and legislative responsibilities in a safe, secure and open environment." Given that mission statement, the USCP's stated purpose is force protection. Our observations and feedback we

received from both Members and staffers, however, was that the USCP actually spends much of its energy on law enforcement tasks. Force protection and law enforcement are not mutually exclusive, but if an officer is spending time and energy on law enforcement tasks that have little to do with force protection, the quality of force protection will eventually erode. I am not arguing that we should ignore or tolerate violations of the law on Capitol grounds, but enforcing the law should not be our overriding purpose unless that enforcement is directly related to protecting Congress. I believe that the USCP should shift its primary focus from law enforcement towards force protection. Such a shift would enable the USCP to better understand evolving threats, predict attacks, and adopt an effective posture before, during, and after crises.

A learning organization is one "skilled at creating, acquiring, and transferring knowledge, and at modifying its behavior to reflect new knowledge and insights." Regardless of how it gets information, such a group applies what it learns for organizational improvement. In my judgment, the USCP is not a learning organization, but it must become one if it is going to meet evolving challenges. Last year alone, the USCP paid its members for more than 720,000 hours of overtime. Aside from being both inefficient and expensive, all of that overtime effectively prevents training because there are no uncommitted personnel available to train. As a result, the USCP did very little training at the individual, leader, or collective levels for the past several years. It is my understanding that the USCP has still not conducted a series of comprehensive after-action reviews (AARs) in the wake of the 6 January attack. AARs are common practice in the military and most law enforcement agencies and are vital for organizational improvement and individual learning in the aftermath of critical incidents. Without a significant change in the USCP's culture, one that values training and individual development, along with an honest, self-critical approach to organizational improvement, the USCP will never improve and meet the challenges of the future.

I look forward to your questions.

Jeffrey S. Buchanan
Lieutenant General, U.S. Army (Retired)

TESTIMONY OF DR. LINDA SINGH
CHIEF EXECUTIVE OFFICER OF KALEIDOSCOPE AFFECT, LLC
RETIRED MAJOR GENERAL AND FORMER ADJUTANT GENERAL FOR STATE OF
MARYLAND
THE COMMITTEE ON HOUSE ADMINISTRATION
MAY 19, 2021

"Oversight of the January 6 Attack: Reforming the Capitol Police and Improving Accountability for the Capitol Police Board"

Good afternoon Chairwoman Lofgren, Ranking Member Davis, and members of the Committee; thank you for the opportunity to appear before you today.

I am Dr. Linda Singh, a retired Major General and the former Adjutant General of Maryland with over 38 years of leadership, organizational and individual change, and systems integration experience. I have served in various senior executive-level positions, with a blend of public and private sector experience that spans health, defense, state, and local government.

Today I will briefly discuss several areas I consider fundamental to the success of any organization. In reviewing the three flash reports produced by the United States Capitol Police, Office of the Inspector General, and the United States Capitol Police Department Strategic Plan for 2021-2025, it is clear that leadership, execution, communication, and accountability all played a significant role on January 6, 2021.

Culture

At the heart of any organization is culture. Culture can be part of what leads an organization to success, but it can also be an organization's demise. Often when things go wrong organizationally, our first reaction is to make wide-sweeping changes in the hopes of correcting past issues. While I am not advocating that change is unnecessary, I am strongly asking each of you not to underestimate the

role that culture played in the actions and behaviors of leadership and the officers on January 6. Without addressing culture but making broad sweeping organizational changes to increase its effectiveness, it will not lead to the organization's success. We must understand that culture is just as much of a culprit in an organization's performance as the measures are themselves. The culture that I am referring to is also the culture that makes this institution unique yet highly challenging. For instance, the Capitol Police are used to visitors and individuals that are, for the most part, orderly, compliant to rules, and respect our Capitol. What they are not used to is what they experienced on January 6. The Capitol Police Board is not without its challenges, but without this type of organization, the Capitol Police would be required to report to the Committees. In my opinion, eliminating the Capitol Police Board with nothing to replace it would be similar to eliminating the Service Secretaries, and all services were left to engage with the Secretary of Defense. I would go a step further to say that the problem with the Capitol Police Board from the past was more about personalities and leadership experience than it was about the process of the board. Personalities and inexperience with the threat we were facing was the problem. The deep-seated culture of this amazing institution clouded the view and actions of leaders. It appears they were operating with a business as usual mindset. When it comes to force protection, it is not business as usual. Whether you are the police force, police board, or force protection agency, culture is fundamental in setting the course for behavior. Changing an organization's business as usual mindset to a more focused and intentional mindset is the fueling mechanism to change behavior, thus changing their culture. Culture is what allows us to recruit, retain and create a high-performing organization. We can't wait to get the proper organizational construct in place to address the culture. We must define the desired values and behaviors, align culture with strategy and connect culture to accountability. But before we can get to that point, we must understand the level at which culture is standing in the way of success.

Responsible Leadership

It is clear from the Inspector General's report and there are leadership challenges within the Capitol Police. But based on my experience, leadership begins at the top and ends with the execution of the strategy. Most leaders cannot effectively operationalize or communicate their strategy, which shows up in the inability to execute on it either. Leadership is more than just behavior; it is about having an overall attitude of responsibility. It means staying on top of problems and not assuming someone else will step in. It means ensuring your team is trained, equipped, adequately staffed, and ready to execute their mission. Responsible leadership is having a results-based mindset and knowing that you are only as effective as your team's results. You are responsible for ensuring your team moves in the direction necessary to achieve the desired results. Leadership is about not shirking away from the tough decisions and takes steps to fix problems.

Responsible leadership begins with the leader's visceral connection with the organization. The leader feels pride when the organization succeeds and is pained during challenging periods. They don't shy away from the necessary planning, preparing, and training for uncertainty. Leadership is about preparing your organization for what is to come when you rarely know when the next crisis will hit.

The leaders of the Capitol Police and the organization itself ill-prepared for the events leading up to 1/6. No crisis action planned being implemented and based on testimony that I've heard from many of the leaders of the Capitol Police, and it did not exist. According to Gene Klann, the author of *Crisis Leadership*, leaders must be visible, present, and available during a crisis. They must seek credible information, communicate and use appropriate channels to distribute information promptly. I would argue that this is crucial during a crisis and even more crucial during steady-state operations. Transparency is more than just a buzzword; it is about ensuring the information is pushed out, updated, reviewed and pushed out again. You can't assume that it will be read or more importantly acted upon if it is pushed out via email once. You have to do the rinse and repeat cycle multiple times.

During the initial onset of a crisis, there is immense pressure to act — and act quickly. In most cases, you have to begin tackling a problem before you have a solid grasp of what's happening. If you are in charge, take charge. Be proactive; take the initiative. Take action when leading through a crisis, communicate those actions truthfully and honestly. Leaders need behaviors and mindsets to prevent them from overreacting to yesterday's developments and help them look ahead.

Communication

The most basic and perhaps the most essential item highlighted in the Inspector General's report is communication. As we have seen, effective communication can make or break a leader as well as the organization. It must be clear, precise, and honest. Leaders who communicate effectively and learn from their mistakes are poised for success. Those who flounder, vacillate, and communicate poorly by not providing trustworthy information or failing to follow through can harm their organization. Leaders need to realize that organizational readiness relies on leaders to be out front, on the field, and know that it is not business as usual.

In the military, we say you must lead by example. Your team will see what you do and hear what you say as the model of how they should behave under certain circumstances. Employees tend to emulate how they see leaders acting and communicating.

Execution

Most organizations miss the mark when operationalizing their strategic plans, and the execution missives are prevalent in the Inspector General's reports. Research in the Harvard Business Review shows that 71 percent of employees in companies with weak execution believe strategic decisions are second-guessed instead of 45 percent of employees from companies with strong execution. Execution relies heavily on leadership's ability to communicate the strategy and plans internally and externally to the organization. Execution depends on each member of an organization to perform when leadership is not accessible, so it's vital to ensure everyone understands it is their responsibility to help their leaders achieve. Strategy execution relies on having key performance indicators, metrics, and measures while continually assessing progress toward goals.

Measure, verify and validate.

This area can be the simplest yet hardest to achieve because we don't establish the right metrics and measures. Again, the Inspector General's report focused on not having adequate internal controls, measures, and comprehensive plans. Leadership must put into place the right metrics to understand whether the organization is making progress. They also must not put this on cruise control and forget about verifying and validate information, processes, and, most importantly that their teams are performing.

While deciding to reform the Capitol Police can not be taken lightly. If the fundamental leadership and culture issues are not addressed, they will still be pervasive regardless of what you call the organization. These issues will also still prevail if we ignore the fact that leadership is about more than who is at the top, it is also about those leaders responsible for the execution of the day-to-day mission. I appreciate the opportunity to appear before this Committee.

I look forward to answering any questions you may have.

TASK FORCE 1-6

Capitol Security Review



March 5, 2021



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Task Force 1-6 Assessment

At the direction of the Speaker of the House, Lieutenant General Russel L. Honoré, USA (Retired) led an immediate forward-looking, non-partisan, six-week review for the purpose of identifying actions or decisions that could be taken immediately or in the near-term to improve the security of the Capitol, Members, and staff. To complete this review, a team of experienced professionals with law enforcement, legal, personal protection, intelligence, operational, and Congressional experience was assembled, hereafter referred to as Task Force 1-6. Specifically, the Task Force was directed to review and provide recommendations in the following areas: Capitol security operations, infrastructure physical security, and Member security in their Congressional districts, their residences, and during travel.* All findings were passed to the House Sergeant at Arms.

Given the immediacy of the review, the members of the Task Force met with the leadership, staff and members of the U.S. Capitol Police (USCP); the House and Senate Sergeants at Arms; the Architect of the Capitol (AOC); the Mayor of the District of Columbia; the Metropolitan Police Department (MPD); the Metropolitan Washington Council of Governments (MWCOC); numerous Federal Law Enforcement Partners (FBI, DHS, FPS); the Departments of Defense and the Army; the Pentagon Force Protection Agency; and the National Guard Bureau and relevant subordinate commands, such as the D.C. National Guard. The Task Force also met with Congressional Members and staff, both as individuals and as Congressional committee leaders for both the Senate and House.

*Although the facts and circumstances that led to the events of January 6 remain under investigation by others, we make our recommendations based on what we were able to learn and observe within the compressed timeframe of our review.

While the review focused on the House side of the Capitol, many of the security recommendations necessarily have broader applicability. There are several institutional challenges unique to securing the Capitol. Most evident is the inherent tension between public access and physical security. Any security measure that reduces physical access to the Capitol Complex makes it less accessible to the public it serves. As representatives of the people, Members understandably seek to be available to their constituents and transparent about their travel and activities, yet such openness can create physical security vulnerabilities. As such, a bicameral approach to security improvements is essential to reducing vulnerabilities and safeguarding Members in the Capitol and in their Districts. This may require Members to overcome institutional reluctance to appropriate tax dollars to fund necessary security improvements in support of the legislative branch. The Task Force recognizes that implementation of its recommendations will ultimately be shaped by political, budgetary, and other considerations.

OPERATIONAL REVIEW

Intelligence

Intelligence Focus. Threats against the Capitol and Members have shifted dramatically, both in volume and nature. Today's threats are not only more numerous but increasingly come from domestic elements. Individuals and groups advocating extremist views actively use the internet to propagandize, recruit, radicalize, and organize political violence such as the Capitol Attack. Some also target Members with threats of violence. The USCP is not postured to track, assess, plan against, or respond to this plethora of threats due to significant capacity shortfalls, inadequate training, immature processes, and an operating culture that is not intelligence-driven.

Intelligence Capacity. Only a handful of people in the USCP have significant intelligence training. The understaffed Intelligence and Interagency Coordination Division (IICD) lacks the experience, knowledge, and processes to provide intelligence support against emerging domestic threats. It urgently requires a modest increase of trained analysts to support USCP threat intelligence requirements. This larger team must standardize its intelligence processes and will require regular professionalization training, modern analytic tools, secure workstations, and classified workspace to function capably.

Intelligence Awareness, Assessment, and Sharing. Decades of experience with foreign terror threats prove that success comes through close collaboration across the intelligence and law enforcement communities to obtain early warning and gain collective understanding. The USCP has liaison officers at the Joint Terrorism Task Force and elsewhere, but very few are trained intelligence analysts. The IICD must sustain routine, analyst-level interaction with organizations that look at similar threats in the NCR or to Congressional Members and staff. The USCP would also be well served by placing intelligence specialists in the Washington Joint Terrorism Task Force and accepting augmentation or liaison officers from the NCR Threat Identification Center.

Intelligence – Operations Integration. Threat identification and understanding is not the sole responsibility of the intelligence staff. Leaders across the USCP have a responsibility to demand that the intelligence team look beyond imminent events to confirm or deny developing threats and to inform operational training and preparation across the USCP. Command Center staffing should include an IICD representative and threat briefings to the broader team should be a daily routine. USCP leadership must actively integrate intelligence functions into the USCP's daily operations, force protection decisions, and future planning. This will require additional intelligence research specialists and supervisory analysts, training on analytic methodologies and software tools, and the procurement of equipment to accommodate a more robust team. Just as critically, however, this will require a dramatic, consistent, leader-driven shift in the USCP's cultural mindset toward threat-based operations and decision-making.

Capitol Police Board Decision-making During Emergencies

The Capitol Police Board's (CPB) deliberate decision-making process proved too slow and cumbersome to respond to the crisis in January, delaying requests for critical supplemental resources. We recommend revisions to 2 U.S. Code §§ 1970 and 1974 to give the USCP Chief the authority to request external law enforcement and National Guard support without CPB preapproval in extraordinary emergency circumstances, when necessary to prevent the loss of life or wanton destruction of property and to restore governmental functions and public order. Moreover, when conducting crucial advance planning for mass demonstrations and NSSs, the USCP Chief should have an avenue to appeal denial of requests for support or inaction by the CPB on such requests to House and Senate leadership. We also recommend an independent

review of the necessity for, and command and control effectiveness of, the Capitol Police Board's authority over the USCP.

Dedicated Quick Reaction Force to the District of Columbia

Our national capital is a prominent tourist destination, venue for many peaceful First Amendment activities, and a high-value target for foreign terrorists or domestic extremists, yet it has no dedicated QRF for response to crises. The USCP relies on augmentation from other civilian law enforcement agencies for emergency support, but we recommend establishment of a robust, dedicated QRF, not only for the USCP, but to serve the nation's capital writ large. Mobilized National Guard forces currently supplement the USCP, which is temporarily sufficient but not a permanent solution. We propose three long-term options for consideration, all of which involve the Executive Branch. The first would be to establish a QRF from existing federal law enforcement entities with appropriate legal authorities and appropriations to staff, train and equip such a force. The second would be to build a QRF under the command of the D.C. National Guard. This could be done by mobilizing military police from Guard elements across the U.S. on rotations of three to six months. Another option would be to create a QRF that permanently resides within the D.C. Guard by reestablishing a military police battalion and staffing it with Active Guard Reserve troops who live in or near the city year-round, perpetually on active duty.

The U.S. Capitol Police

USCP Force Structure. The USCP were understaffed, insufficiently equipped, and inadequately trained to secure the Capitol and Members when violently attacked by a large mob. To remedy personnel shortfalls, the Task Force recommends several changes. First, the USCP should hire sufficient officers to fill all current vacancies; this is now 233 officers. The Task Force identified several specific areas for additional capacity, as detailed throughout the report. Due to a lack of available personnel and increasing demands, the USCP has employed a vast amount of overtime to meet mission requirements (nearly 720,000 overtime hours in Fiscal Year (FY) 2020 and over 55 percent of enacted overtime in just the first five months of FY 2021). Not only is this model unsustainable, it leaves the force with no ability to pull officers from the line to train at the individual, leader, or collective level or to prepare for evolving threats. As such, the Task Force recommends the USCP receive an additional 350 authorizations to reduce

overtime costs and adequately fulfill its assigned missions. We further recommend the USCP receive 424 additional authorizations to fill assessed capability gaps, which includes intelligence specialists, operational planners, supervisors, Civil Disturbance Unit (CDU) personnel and trainers, and dignitary protection agents, to name just a few. This results in a total “plus-up” of 854 authorizations to the USCP. These personnel increases will require adequate appropriations to meet USCP recruiting objectives and initial training and onboarding requirements. The Task Force recommends consideration of alternative recruitment methods such as inclusion of lateral hiring practices to achieve recruiting goals.

USCP Force Training and Leader Development. The USCP has a sound system for training new officers so they are fully qualified before assuming their duties. Once they enter the force, however, the officer utilization rate is so high that they cannot step out of their operational roles for follow-on or refresher training. Addressing manpower issues should resolve this problem, but the USCP should also reexamine and upgrade its training curricula to incorporate the most modern police tactics. There are even greater shortcomings when it comes to collective training, i.e. training together as teams. Collective training is imperative for elements that operate as units, like CDUs or Quick Reaction Forces (QRF), but there is tremendous value in collective training for the rest of the force as well. Prior to NSSEs, leaders from security elements across the NCR come together to prepare as a group and conduct table-top rehearsals. USCP leadership participate in these collective training events but must follow up with similar rehearsals with the rest of the USCP. We recommend the USCP plan and execute a collective training event every quarter against a different contingency situation, wrapping in members of the CPB and interagency partners to ensure collective readiness in a crisis.

The USCP usually selects leaders from its own ranks but offers little in the way of leader development training after promotion to supervisor. Leader development is especially critical in organizations that may operate in crisis situations or are charged with saving lives. Well-prepared leaders can operate with agility and confidence in complex situations, making sound decisions under pressure. An active training and progressive leader development program and schooling to include a transition course from Private First Class to Sergeant will enhance every USCP leader’s ability to perform in a crisis. The USCP must also institute a deliberate program of After-Action Reviews following every significant operational event or training exercise in

order to leverage organizational and individual experience while it is fresh to maximize learning, address deficiencies, and sustain excellence.

USCP Implementation of the National Incident Management System. On January 6th, the USCP were challenged to effectively incorporate reinforcing elements from external units. We recommend they develop and practice standardized procedures for employing outside law enforcement in accordance with the National Incident Management System's Incident Command System. Such practices include operating a staging area for receipt of supplemental forces, administrative onboarding, assignment of tasks, and initial deployment of supporting personnel. These processes are essential for providing the Incident Commander with an awareness of arriving assets, their numbers and capabilities, specialized equipment, specifically trained personnel, and other vital information. They also provide a means to rapidly brief new arrivals on the situation and establish communications within the radio network. Without such processes, integration is less effective and is not driven by an overarching operational command.

USCP Operations and Equipment Requirements. Internal communications were a problem during the attack in part because the USCP failed to use "talk groups" on the radio, which would have allowed leaders to bypass the constant, high-volume tactical chatter to communicate without the interruption of other radio traffic. The USCP must take full advantage of its highly capable radio system to prevent confusion and establish clear command and control. Without earpieces, many officers were also unable to hear or understand radio communications due to overwhelming noise from the crowd. Every officer must be equipped with earpieces as part of his or her uniform and directed to wear them. This should not be optional. We also recommend the USCP be equipped with Body-Worn Cameras (BWC), an item not currently in their inventory, to improve police accountability and protect officers from false accusations of misconduct. BWC also provide visual and audio evidence that can independently verify what happened in any given situation, leading to better investigations and prosecutions when needed.

USCP Force Capability Enhancements

Civil Defense Units (CDU). CDUs are specially trained and can be activated and assembled to monitor and respond to illegal activities that present themselves during First Amendment assemblies, mass demonstrations, or civil unrest. USCP CDU are currently only available when planned for in advance, limiting the USCP's ability to react immediately to spontaneous threatening events. We recommend the USCP maintain dedicated CDU platoons on duty any time Congress is in session. Additionally, all USCP Uniformed Services Bureau officers should receive basic civil disturbance training and be issued essential riot gear, including less-lethal equipment, for situations in which additional manpower is needed to back up CDU platoons.

Explosive Detection Dog (EDD). EDD teams play a key role in providing comprehensive security. With an ability to detect explosive odors down to parts-per-trillion, their utility in providing a first line of defense cannot be overemphasized. Unfortunately, the USCP K9 unit is challenged to meet increasing operational requirements due to unfilled positions, non-mission capable teams, and aging dogs. Besides filling existing vacancies, the USCP should consider increasing the size of the EDD force so they may also be employed more broadly. The USCP should recruit and hire additional EDD handlers, equip them with civil disturbance equipment, and procure additional K9s where vacancies and K9 retirements are needed.

USCP Mounted Unit. The USCP should also consider reestablishing a mounted unit, recognized elsewhere as providing a less lethal law enforcement force multiplier. Best used in high pedestrian and dense crowd areas, a well-trained horse and rider can assist in controlling crowds or quelling disturbances with few serious injuries to demonstrators. They increase mobility, allowing officers to reach a scene more efficiently than on foot or in a vehicle. A rider's elevated position allows them to better assess a crowd and its actions, eliminate or curtail face-to-face confrontations, and provide a calming effect on a crowd in tense situations. Police horses can also serve as "moving walls" capable of shifting large crowds or separating antagonistic groups. Mounted units have been reestablished in other jurisdictions such as Tampa, Chicago, and Atlanta due to their operational effectiveness. The USCP's former Mounted Unit, disbanded in 2005, was prepared to provide immediate emergency response,

assist in searches for lost or wanted persons, assist in crowd management, and perform in ceremonial details.

National Capitol Region Integrated Security Plan

There is no overarching integrated security plan for the NCR, which consists of the District of Columbia and six counties in Maryland and Virginia. Some law enforcement elements, like the U.S. Park Police and USCP, have geographic jurisdictions. Others, such as the U.S. Secret Service, are functional. Reporting chains are even more complex, with various entities reporting to different governors, the D.C. mayor, or federal agencies. Cooperation is built on mutual aid agreements through the MWCOG, which works well for fire, emergency services, and NSSEs, but daily or emergency coordination can be challenging. We recommend a federal agency such as DHS lead a collaborative effort inclusive of the CPB and designees from the Office of the Governor for the states of Maryland and Virginia, and the Mayor of the District of Columbia. The collective planning effort would be key to developing a shared understanding for any response effort and better enable unity of effort. This plan should be exercised quarterly through table-top exercises and reinforced in daily operations.

Clarification of DoD Directive 3025.18 Concerning the Commander, D.C. National Guard

Procedures that delay requests for and approval of USCP augmentation by law enforcement and military personnel should be modified to facilitate a rapid response in extremis. DoD Directives are one area where clarity could be improved. We recommend DoD Directives be amended to make clear that, notwithstanding any restrictions on employment of the D.C. National Guard in non-emergency situations, the Commanding General of the DC National Guard shall retain “emergency authority” as defined in DoD Directive 3025.18 “in extraordinary emergency circumstances where prior authorization by the President is impossible and duly constituted local authorities are unable to control the situation, to engage temporarily in activities that are necessary to quell large-scale, unexpected civil disturbances” when necessary “to prevent significant loss of life or wanton destruction of property and are necessary to restore governmental function and proper order.”

PHYSICAL INFRASTRUCTURE

The Task Force recommendations listed hereafter require immediate action and appropriations where appropriate to enable the AOC or the USCP to initiate contracting actions and begin work on much-needed security improvements as soon as possible.

Capitol Fencing and Infrastructure Improvements

In securing the Capitol grounds, competing desires for maximum public access and guaranteed security create a situation where neither goal is achieved. No fence presents an insurmountable barrier. Obstacles do not prevent penetration by themselves, but serve to slow or canalize intruders, allowing security forces to focus a response to specific sites as necessary. For full effectiveness, obstacles also require unblinking observation from human eyes, cameras, or other sensors. The current, temporary security fence surrounds such a tremendous area that it requires significant personnel resources to monitor its entire length. As the fencing comes down, we recommend it be replaced with a mobile fencing option that is easily erected and deconstructed and an integrated, retractable fencing system in the long term to secure both the Capitol Building and Congressional office buildings. Such a solution could enable an open campus while giving security forces better options to protect the complex and its Members should a threat develop.

Due to previous piecemeal or incremental modernization efforts, many facets of the Capitol's physical security infrastructure are neither interoperable nor integrated. For instance, there are numerous cameras in the Capitol Complex, but they are not entirely integrated or linked. The Capitol Complex needs a fully integrated system of obstacles, cameras, sensors, and alarms and we recommend the USCP in collaboration with the AOC contract with the U.S. Army Corps of Engineers' Electronic Security System Mandatory Center of Expertise to help develop and build such an integrated system.

Mobility Within the Capitol During Emergencies

The evacuation of the Capitol was an extraordinary event in which USCP and U.S. Secret Service leveraged accessible, unimpeded routes to move Members and staff to safety. Such evacuations should be adequately rehearsed. Appropriate improvements to infrastructure and the procurement of relevant technologies should be expedited to enable wayfinding during

emergencies, as outlined in our report. Lastly, the AOC should install means to selectively compartmentalize areas of the Capitol Complex, also detailed in our report.

Capitol Complex Screening Procedures, Tools, and Infrastructure

Background Checks. The Capitol Complex must review its screening procedures and its use and application of background checks for identification card holders, and must expand employment of modern tools throughout the complex to enhance the safety of all Members, staff, and legislative employees. Requiring background checks for identification card holders and employing card readers more widely throughout the complex would decrease insider threat risks and enhance the safety of all Members, staff, and legislative employees.

Screening Portals and Access Points. Screening portals for visitors and staff should provide guards sufficient time to observe approaching individuals at a distance and provide sufficient space for processing workers and visitors. The AOC is procuring screening vestibules for the Capitol's south and north entrances that will more appropriately serve the building's needs. This work should be expedited and expanded to other buildings where needed. The Architect should also expedite repair and hardening of vulnerable windows and doors, prioritizing this work based on assessed vulnerabilities.

House Information Technology Systems and Cybersecurity

Although the House has centralized portions of information technology management (IT), the current oversight model results in a decentralized cybersecurity strategy that could lead to gaps in security and privacy throughout the organization. Centralizing IT authority would ensure best practices are utilized to minimize cybersecurity risk and provide comprehensive oversight of IT systems, administrators, and processes.

USCP Command Center and Infrastructure Requirements

The USCP headquarters and Command Center facilities are subpar and require substantial renovation or replacement to accommodate adequate primary and alternate command, control, and coordination functions, and provide sufficient secure office space and resources to support

officer training, equipment storage, and daily work. The Task Force also recommends improvements to address continuity of operations considerations.

MEMBER SECURITY WHILE TRAVELING AND IN THEIR DISTRICTS

Member Security During Travel

Dignitary Protection Services. The Member threat environment is not confined to the Capitol Complex. Although the USCP's Dignitary Protection Division (DPD) provides adequate security to House leadership, other Members, faced with varying threat levels, have limited or inconsistent protection at their homes, in their districts, and while in transit. When the threat warrants, the DPD assigns a dignitary protection team to a Member for a period, but this process is not standardized or evenly applied. The DPD should develop a threat-based protection model that can be consistently applied to non-leadership, allocating protection resources based on an evaluation of risk to Members and their families. With communicated threats against Members tracking at nearly four times last year's level, the DPD should also increase in size to viably handle growing demand for Member security. Admittedly, not every threat is credible, but every threat warrants attention and must be taken seriously. Upon investigation, some percentage of threats will shape a change in travel plans or warrant extra security precautions.

Member Security Systems and Tools. Member travel security is not handled efficiently. The process is largely manual, labor intensive, and fails to fully leverage federal, state, and local partnerships along the transit route, in the home district, and near the Member's residence. The Task Force recommends the House Sergeant at Arms establish a modestly staffed, technology-enabled Member Travel Operations Center (MTOC) to centrally manage Members' travel security needs. A regional focus within the MTOC and close collaboration with the House Sergeant at Arms District Service Centers would facilitate consistent relationships between Members' offices, MTOC facilitators, and the supporting state and local law enforcement communities.

Member Security in their Congressional Districts and Residences.

Security is also inconsistent across the approximately 900 Congressional district offices. The HSAA contracts security systems for many of these offices, but should establish a plan to cover

all of them through the same process. Installing and monitoring security systems for 100-percent coverage will require additional funds. Members presently use personal resources and campaign funds to procure security systems for their homes. Members' home security needs and their ability to finance security requirements vary considerably. We recommend Congress appropriate sufficient funds to the HSAA to manage a Member allowance for installation and monitoring of a standard residential security system.

Conclusion

The breach of the U.S. Capitol on January 6 brought into stark relief the need to immediately improve the security of the Capitol Complex and the security of Congressional Members and staff. Immediate action is therefore required:

- The Congress must immediately fund infrastructure contracts managed by the Architect of the Capitol to repair or replace doors and windows, authorize mobile fencing design and procurement, and authorize U.S. Army Corps of Engineers' assessment of long-term improvements to perimeter fencing and security surveillance and sensing systems.
- The Congress and the Capitol Police Board must immediately amend relevant statutory and internal Board policies to better enable crisis decision-making and empower the USCP Chief to initiate timely augmentation in emergencies.
- The Capitol Police Board must immediately approve the U.S. Capitol Police Chief's outstanding request for security augmentation from the National Guard.
- The Congress must direct the USCP to take immediate action to eliminate personnel shortfalls, currently 233 officers, through enhanced recruiting and incentive programs.
- The Congress must immediately authorize a USCP force structure increase and appropriate sufficient funding to hire the additional 350 officers needed to buy-down the long-standing and well-documented overtime problem within the USCP.
- The USCP must immediately:
 - Improve intelligence integration, develop daily intelligence summaries, and disseminate relevant and needed intelligence to front-line leaders.
 - Conduct necessary individual training and leader development, rehearsals, and After-Action Reviews.

- Participate in the MWCOC Police Chiefs Group and approve appropriate Mutual Aid Agreements.
- Implement the National Incident Management System and rehearse the Incident Command System.
- The Congress must immediately authorize appropriations to enable the Sergeants at Arms to procure security systems for all Member district offices and residences; this includes appropriations for design and procurement of technologies and software applications to improve coordination for Member security needs.

In the coming days, against the backdrop of inquiry and investigation, Congress will engage in spirited debate over the Capitol's current security arrangements and the change necessary to better secure the Capitol and safeguard its Members, staff, and employees. As you consider the recommendations of this Task Force, we must not forget it was the riotous actions of an angry mob that laid bare the vulnerabilities of the Capitol Complex. We must not long endure any discourse that prevents or delays efforts necessary to strengthen the security of the U.S. Capitol Complex and enhance the safety of those who serve the American people in Congress.

Trump's 2020 crusade has led to 700 years in prison sentences



Analysis by [Aaron Blake](#)

Staff writer

September 6, 2023 at 4:39 p.m. EDT

Justice awaits [Donald Trump](#) for his effort to overturn the 2020 election. But even as his indictments have landed, we've seen some of the longest prison sentences yet for those wrapped up in his "big lie" alleging that election was stolen. The longest was handed down Tuesday in the case of former Proud Boys leader [Henry "Enrique" Tarrio](#), who [received a record 22-year sentence](#) for seditious conspiracy.

Tarrio and other high-profile defendants involved in the storming of the Capitol on [Jan. 6](#), 2021, have often confronted their legal fate by [pointing a finger at Trump](#). Tarrio's lawyer called his client a "scapegoat for Donald J. Trump and for those in power." A lawyer for fellow Proud Boy Joseph Biggs said that the group's "commander-in-chief" — Trump — "sold them a lie." A lawyer for a third Proud Boy, Zachary Rehl, argued that "certainly believing the commander-in-chief and heeding his call should yield some measure of mitigation" in Rehl's sentencing.

All told, [well over 100 Jan. 6 defendants have cited Trump's role](#) in their actions. That should certainly be viewed as the blame-shifting legal strategy that it is. But it does appear to have some merit, given that Trump's claims of massive voter fraud were demonstrably false and were a necessary component of that day's events.

Certainly Trump can share some blame when it comes to the huge toll exacted on people's lives.

The sentences over the past week — including 22 years for Tarrio, 17 for Biggs and 15 for Rehl — bring the total number of years of incarceration in Jan. 6 sentences to about 700, according to a Washington Post review of [Justice Department data](#).

More than 350 people have been sentenced to jail or prison time, with an average sentence of just less than two years.

Some other numbers:

- 10 people — most of them Proud Boys or members of the far-right Oath Keepers — have been sentenced to at least a decade in prison.

- More than a dozen people (also mostly members of those extremist groups) have been convicted of or pleaded guilty to sedition conspiracy — a crime that hadn't been proved in federal court since the 1990s.
- About 160 people have been sentenced to at least a year in prison.
- More than 80 people have been sentenced to a month or less, with the shortest sentences being one week.

Trump is not charged specifically with inciting people to riot on Jan. 6, which is the alleged offense the Democratic-controlled House impeached him for. Nor is he accused of seditious conspiracy, as Tarrio and the others were. But Trump is charged with somewhat similar crimes, including running a criminal enterprise (as alleged in Georgia) and conspiring both to defraud the United States and to deprive people of their right to have their votes count (in federal court). In his federal indictment, he also faces a charge used against many Jan. 6 defendants: obstruction of an official proceeding — with the official proceeding being Congress's counting of electoral votes that day.

Trump's having played at least some role in so many people going to prison for so many years has thus far been treated gingerly by his fellow Republicans. That's in part because they've shied away from judging his actions too harshly for fear of alienating the Trump-backing base.

But for a time recently, Florida Gov. Ron DeSantis's campaign toyed with the idea of attacking Trump on these terms.

A spokeswoman for DeSantis (R) repeatedly advanced the idea that Trump had landed supposedly unsuspecting people in prison. One post she promoted accused Trump of "a multi-year grift based on a lie that bilked millions of Trump supporters out of more than \$250 million of their hard-earned money and got hundreds jailed."

Trump has repeatedly floated the idea that he would pardon Jan. 6 defendants, pledging last year that he would offer "full pardons with an apology to many." Exactly how many, it's not clear, nor is it clear that he would pardon the likes of the Proud Boys — which would be an especially historic decision given the gravity and nature of their crimes. (Biggs said recently from prison: "Oh, I know he'll pardon us. I believe that with all my heart.")

That would certainly fit a trend. Trump has wielded his pardon power in highly political ways, often obviously rewarding allies for their loyalty. Trump pardons and commutations knocked nearly 11 years off sentences for Paul Manafort (financial crimes), Roger Stone (obstruction), and former Republican congressman Chris Collins of New York (insider trading), and he also pardoned Elliott Broidy (illegal lobbying) and Michael Flynn (lying to the FBI) before they could be sentenced. Almost always, Trump referred to the idea that those allies were treated "unfairly" by the justice system.

That's a justification he's already floating for potential pardons of the many Jan. 6 defendants. And in part because of his quixotic quest to overturn the 2020 election, the number of years he could shave off his allies' prison sentences could rise dramatically come 2025.

Mrs. TORRES. I yield back.

[The prepared statement of Mrs. Torres follows:]

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

On December 19th, 2022, former President Donald Trump, the leader of the Republican Party, said those fateful words to his supporters, and they complied. Following that directive, the National Intelligence Threat Consortium noticed a 1,000-percent increase in violent rhetoric against Members of Congress and law enforcement officers.

In the weeks and months leading up to January 6th, Trump continued to incite unrest, accusing Democrats of rigging the election and referring to it as the biggest scam in our Nation's history. On New Year's Day, he tweeted: January 6th, see you in D.C.

On the morning of the attack, at the "stop the steal" rally on the Ellipse, a Member, a Republican Member of Congress told the crowd: Today is the day American patriots start taking down names and kicking ass. Our ancestors sacrificed their blood, their sweat, their tears, and sometimes their lives. Are you willing to do the same?

Rudy Giuliani continued the violence to incite the armed crowd by asking for a trial by combat, while Donald Trump told his supporters: We are going to walk down, and I will be there with you. We are going to walk down to the Capitol.

The former President orchestrated a corrupt scheme to overturn the results of a free and fair election. When that did not work, he incited, he incited his supporters to violence. Updated via social media and directed by the former President, the crowd marched to the Capitol armed with guns, handcuffs, and pepper spray. If think did not bring a weapon, they found one, viciously, viciously beating our officers with poles bearing the American flag and erecting gallows to hang Vice President Pence. The former President bears full responsibility for bringing violence to the Capitol.

I spoke with some of the heroic Capitol Police Officers who were injured and beaten that day by the violent mob and still face the enduring pain of that traumatic day. If not for the heroic actions of law enforcement officers, some of whom literally gave their lives to protect us, the former President and his supporters would have succeeded.

Immediately, Speaker Pelosi engaged with retired United States Army General Russel Honoré to conduct a complete security assessment of the Capitol to identify nine vulnerabilities. In addition to the work of the Honoré Task Force, former Chair Zoe Lofgren of this Committee, instructed the U.S. Capitol Police Inspector General to halt all ongoing investigations and devote all resources investigating the attack. House Democrats then directed the Government Accountability Office to perform a governmentwide examination of the attack, including a comprehensive review of agency preparation and response.

Still, after Republicans refused to support legislation to create an independent national commission, the bipartisan Select Committee to Investigate the January 6th Attack took up this work. In addition to the many investigations, we passed a funding bill to equip the institution with adequate resources to address our security needs.

The law also established the Howard C. Liebengood Center for Wellness named in honor of a U.S. Capitol Police Officer who tragically took his life following the attack, to ensure that his partners on the force have access to care as they continue to heal from the traumatic events of a violent insurrection.

We are still reckoning with the fallout from January 6th collectively as a country and as individuals. The American democratic experience came dangerously close to ending if not for the courageous actions of the Capitol and D.C. police. The person, the person responsible for directing the violence to the Capitol that day in order to undermine, to undermine a peaceful transfer of power is the favorite to secure the Republican nomination for President.

Mr. Chairman, I ask for unanimous consent to enter into the record the following: an excerpt from the Congressional Record, dated January 13th, 2021, containing then minority leader Kevin McCarthy's remarks during the debate on President Trump impeachment for incitement of insurrection, executive summaries of the eight flash reports examining the preparation for it, and response to the January 6th attack, prepared by the Capitol Police Inspector General, the Capitol Police Inspector General's testimony from each hearing and a series of hearings convened by this Committee examining his flash reports, testimony from a hearing convened by

this Committee in 2021, entitled “Reforming the Capitol Police and Improving Accountability for the Capitol Police Board,” a summary of Lieutenant Honoré’s Task Force 1/6 Capitol Security Review, and Washington Post article dated September 6, 2023, entitled “Trump’s 2020 crusade had led to 700 years in prison sentences.”

Chairman LOUDERMILK. Without objection, the gentlelady’s time has expired. I now recognize full Committee Ranking Member Mr. Morelle for 5 minutes for the purpose of providing an opening statement.

OPENING STATEMENT OF HON. JOSEPH MORELLE, RANKING MEMBER OF THE COMMITTEE ON HOUSE ADMINISTRATION, A U.S. REPRESENTATIVE FROM NEW YORK

Mr. MORELLE. Thank you very much, Mr. Chairman, for calling this hearing. I also want to thank my colleague and the Ranking Member of the Subcommittee, Mrs. Torres, for her work.

I want to thank Chief Sund not only for being here today to offer testimony, sir, but also for your service to the Capitol Police and to our country. I appreciate that.

I think, whenever we are talked about January 6th, I think it is important we have a fuller picture of what the House majority did in the aftermath of the attack, particularly for those who seem to have developed a case of collective amnesia.

I do want to set the record straight. In the days and weeks following the violent mob’s attack and ransacking of the United States Capitol, House Democrats immediately got to work. The work started with the Speaker immediately ordering a nonpartisan forward-looking and comprehensive security view of the Capitol and its support agencies, and that was spearheaded by General Russel Honoré.

This Committee—I was not a Member of the Committee at the time—but the Committee then directed the United States Capitol Police Inspector General to temporarily set aside the office’s ongoing work and prioritize a comprehensive nonpartisan view of the USCP’s preparation for and response to the attack. Concurrently, the Architect of the Capitol Inspector General conducted similar assessments of the Capitol complex’s physical security.

Upon issuance of each IG’s report, this Committee, excuse me, held a series of public hearings, six in total, to review findings and to question the inspectors general. A series of reports culminated in more than 100 recommendations to improve the operation of the Capitol Police, harden the security of the Capitol complex, and protect the people within, which is, of course, our large responsibility here.

The work did not stop there. While the Committee on House Administration conducted its important work, it was evident a broader inquiry was necessary to fully investigate and understand the attack, not just to hold those involved accountable but to provide the American public with answers to basic questions. Toward that end, legislation was introduced to establish an outside independent commission to investigate and report on the facts and the causes of the attack. The bill was developed with input from both parties, and that bipartisan framework was reflect in the final text considered by the House. I just recall, because he was a friend and a colleague of mine, John Katko, a Member of the House Republican

Caucus, who was asked to help negotiate the deal, did so. Then, inexplicably at the time, minority leader McCarthy declared his opposition to the bill, the bill which was characterized by his own handpicked negotiator Representative—John Katko, as a solid fair agreement. Regardless, we pressed on and got the bill through the House on a bipartisan basis only for it to ultimately fail through the Republican filibuster.

With the prospects of an independent commission growing bleaker, despite good-faith efforts by the Speaker to work collaboratively with the minority leader, the House then voted to impanel a bipartisan Select Committee to investigate the attack. It was constituted by appointments for both the Speaker and the minority leader. Again, at the last minute, the minority leader withdrew his appointments to the Select Committee.

Although, impossible to exhaustively list the entirety of its work in the brief 5 minutes I am afforded here, the Select Committee interviewed hundreds of subjects, including riot participants and Government officials, combed through thousands of hours of video footage and hundreds of thousands of pages of documents, held 10 public televised hearings, and issued a report which devoted two appendices to examining the preparation and response of Government agencies and the D.C. National Guard. We did not just end the investigation there, nor did we just investigate the attack itself. We passed laws that provided increased security funding for the Capitol complex to make sure officers struggling from the physical and emotional trauma of that day had access to the care they need and deserve. We brought transparency to the Capitol Police Board and made it easier to mobilize outside assistance in the event of an emergency. The Capitol Police were there for us, so we wanted to be there for them.

January 6th is among the darkest stains on this country's historic fabric. An armed and violent mob attempted to forcefully disrupt the peaceful transfer of power and subvert the will of the American people at the behest of an increasingly desperate former President. We also witnessed incredible bravery on that day by the Capitol Police, acts of genuine heroism that kept us safe and kept our beloved democratic experiment alive, and I am forever grateful to the Capitol Police for that.

With that, Mr. Chairman, I yield back.

[The prepared statement of Ranking Member Morelle follows:]

**PREPARED STATEMENT OF RANKING MEMBER OF THE
COMMITTEE ON HOUSE ADMINISTRATION JOSEPH MORELLE**

I want to thank Chief Sund not only for being here today to offer testimony, sir, but also for your service to the Capitol Police and to our country. I appreciate that.

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Chairman LOUDERMILK. The gentleman yields.

I note that a quorum is present. Without objection, the chair may declare a recess at any time.

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

Pursuant to paragraph B of Committee rule 6, the witness will please stand and raise your right hand.

[Witness sworn.]

Chairman LOUDERMILK. Let the record show that the witness has answered in the affirmative.

You may be seated, Chief.

I would like to now introduce our witness. Chief Steven Sund served for over 25 years with the Metropolitan Police Department where he rose through the ranks to become the commander of the special—the Elite Special Operations Division, overseeing some of the most critical units within the department. In 2017, he was se-

lected as the Assistant Chief of Police. On June 13th, 2019, Sund was named the 10th Chief of the United States Capitol Police, where he served for 18 months. In January 2023, Chief Sund published a book about the institutional failings entitled “Courage Under Fire: Under Siege and Outnumbered 58 to 1 on January 6th.”

Chief Sund, we appreciate you being here today and look forward to your testimony. As a reminder, we have read your written statement, and it will appear in the full Committee 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 turn on your microphone using the button in front of you so that Members can hear you. When you begin to speak, the light on the timer in front of you will turn green. After 4 minutes, the light will turn yellow. When the red light comes on, I ask that you please wrap as that indicates your 5 minutes has expired. I now recognize Chief Sund for 5 minutes.

STATEMENT OF HON. STEVEN SUND, FORMER CHIEF OF U.S. CAPITOL POLICE

Mr. SUND. Good afternoon, Chairman Loudermilk, Ranking Member Torres, and Members of the Subcommittee. It is hard to believe that it is been almost 3 years since January 6th, and we are still having congressional hearings to identify what contributed to that tragic day. To date, there have been four congressional reports, along with several inspector general and Government Accountability Office reports, and they continue to support what many of us have suspected from the very beginning: January 6th was an intelligence failure.

We rely on accurate intelligence to help us develop effective security and operational plans. Accurate intelligence is essential—is an essential factor in the decision-making process of the Capitol Police, the Capitol Police Board, and the Oversight Committees.

We now know that significant intelligence existed that individuals were plotting to storm the Capitol Building, target lawmakers, and discussing shooting my officers. Yet no intel agencies or units sounded the alarm. We were blindsided. Intelligence failed the operations.

The January 6th attack at the Capitol was preventable. If the intelligence had been accurately reported, and the FBI and DHS had followed their policies and established practices, I would not be sitting here today.

There was a failure to connect the dots on 9/11 and again on January 6th. I am concerned if we do not identify and correct these issues, we may fail again in the future. I did everything I could to protect and defend the U.S. Capitol and the Members of the Congress prior to and on January 3d. I am sorry, prior to January 6th and prior to and on January 6th. On January 3d, I requested the assistance of the National Guard to support perimeter and was denied by the two Sergeant at Arms over the concern for politics and optics. Still concerned for the number of personnel I had on my perimeter, I called the MPD early on morning of January 6th and asked if they could stage additional personnel closer to the Capitol

on Constitution Avenue. Less than 2 hours later, we were violently attacked on the West Front of the Capitol at 12:53 p.m. I immediately followed up on that morning call and contacted MPD Chief Carrol at 12:55 p.m. and requested those resources. The MPD was on the scene within minutes and were assisting my officers in holding the line and delaying the breach of the building. It took 81 agonizing minutes for that mob to fight their way through numerous police lines before they were able to breach Capitol. The decision to reach out to MPD proved critical in safeguarding the Members of Congress.

Minutes after the attack began, I made my first call to House Sergeant at Arms Paul Irving 12:58 p.m. to request approval to bring in the National Guard. "Let me run it up the chain, and I will get back to you" was his response. It would be 71 minutes before that approval would finally come. Between 12:58 and when I finally received approval for the National Guard at 2:09 p.m., I made 32 calls to coordinate support for my officers, including at least 11 frustrating calls to the Sergeant at Arms regarding my request for the National Guard.

My calls to my partner law enforcement agencies resulted in hundreds of police officers from around the national capital region and as far away as New Jersey responding to assist.

After I received approval to call in the National Guard, I then had to beg the Pentagon officials to send us help. I was repeatedly denied assistance by Army Lieutenant General Piatt citing concerns of optics of the National Guard on Capitol Hill. The D.C. National Guard, many of whom were standing within eyesight of the Capitol and whose motto is "Capital Guardians," would not arrive until almost 6 p.m., after the fighting was over and the Capitol Grounds secured. The New Jersey State Police arrived before they did. To add insult to injury, the Inspector General for the Department of Defense considered the response, quote, appropriate.

Besides the MPD, the National Guard was of the next largest cadre of personnel that could be deployed to assist my officers who desperately needed those boots on the ground. The fact that the Chief of Police responsible for the entire legislative branch of Government was repeatedly denied assistance by the Pentagon is indefensible. The fact that an experienced law enforcement official was constrained by Federal law from bringing in lifesaving resources for his officers is unfathomable. This type of politicized control over an oversight was and continues to be detrimental to the mission. Why bring in an experienced police chief if you are not going to allow him to do his job?

In December 2021, Congress amended 2 U.S.C. 1970, the law that restricted my ability to bring in Federal resources. While the amendment now grants the Chief authority to call in Federal resources only during an emergency, it does not grant the Chief authority to request Federal resources in advance of an event, which means the request can still be denied. In other words, the law still requires the Chief to seek advanced approval from the Capitol Police Board and congressional leadership. This is exactly what I faced on January 3d. It should also be noted that the new amendment makes the Chief Emergency Authorization revocable.

I am extremely proud and appreciative of the Capitol Police Officers and the Metropolitan Police Department, and the other law enforcement agencies that came to our assistance. Despite your bureaucratic issues on the Hill and a no-show by the military, it was law enforcement that saved the day, and not a single Member of Congress was injured.

Thanks to the assisting law enforcement, the men and women of the Capitol Police did not fail in their mission. In conclusion, I ask that this Committee address the institutional failures that contributed to January 6. I also implore the Committee to have an independent entity investigate the complaints and allegations of retaliation of intel whistleblowers following January 6 and review any of the personnel actions, to include disciplinary actions that occurred following January 6th, to ensure they are properly investigated and not subject to any inappropriate actions, coercion, influences, or predetermined outcomes.

Thank you for your time, and I look forward to your questions.
[The prepared statement of Chief Sund follows:]

PREPARED STATEMENT OF STEVEN SUND

Oral Testimony of USCP Former Chief of Police Steven A. Sund before the Committee on House Administration.

Tuesday, September 19, 2023

Good afternoon Chairman Loudermilk, Ranking Member Torres, and members of the subcommittee. It is hard to believe that it has been almost three years since January 6, and we are still having congressional hearings trying to identify what contributed to that tragic day. To date there have been four congressional reports, along with several Inspector General and Government Accountability Office reports, and they continue to support what many of us suspected from the very beginning: January 6 was an intelligence failure.

We rely on accurate intelligence to help us develop effective security and operational plans. Accurate intelligence is an essential factor in the decision-making process of the Capitol Police, the Capitol Police Board and the oversight committees. We now know that significant intelligence existed that indicated individuals were plotting to storm the Capitol building, target lawmakers, and discussing shooting my officers, and yet no intel agencies or units sounded the alarm. We were blindsided. Intelligence failed operations.

The January 6 attack at the Capitol was preventable. If the intelligence had been accurately reported, and the FBI and DHS had followed their policies and established practices, I wouldn't be sitting here today. There was a failure to connect the dots on 9/11, and again on Jan 6. I am concerned if we do not identify and correct these issues, we may fail again in the future.

I did everything I could to protect and defend the US Capitol and the members of congress prior to and on January 6. On January 3, I requested the assistance of the National Guard to support my perimeter and was denied by the two Sergeants at Arms over the concerns for politics and optics.

Still concerned for the number of personnel I had on my perimeter, I called MPD earlier on the morning of January 6 and asked if they could stage personnel closer to the Capitol, on Constitution Avenue. Less than two hours later, we were violently attacked on the West Front of the Capitol at 12:53 pm. I immediately followed up on that morning call and contacted MPD Chief Carrol at 12:55 pm to request these resources. MPD was on the scene within minutes and were assisting my officers in holding the line and delaying the breach of the building. It took 81 agonizing minutes for that mob to fight their way through numerous police lines before they broke the first window of the Capitol. The decision to reach out to MPD proved critical in safeguarding the members of congress.

Minutes after the attack began, I made my first call to the House Sergeant at Arms, Paul Irving, at 12:58 pm, to request approval to bring in the National Guard. "Let me run it up the chain and I will get back to you," was his response.

It would be 71 minutes before that approval would finally come. Between 12:58 and when I finally received approval for the National Guard at 2:09 pm, I made thirty-two calls to coordinate support for my officers, including at least eleven frustrating calls to the Sergeants at Arms regarding my request for the National Guard. My calls to my partner law enforcement agencies resulted in hundreds of police officers from around the National Capitol Region and as far away as New Jersey responding to assist.

After I had received approval to call in the National Guard, I had to beg Pentagon officials to send us help. I was repeatedly denied assistance by Army Lt. Gen Piatt citing the concern over the optics of the National Guard on Capitol Hill. The DC National Guard, many of

whom were standing within eyesight of the Capitol and whose motto is “Capital Guardians,” would not arrive until almost 6pm, after the fighting was over and the Capitol grounds secured. The New Jersey State Police arrived before they did. To add insult to injury, the Inspector General for the Department of Defense considered the response “appropriate.”

Besides the MPD, the National Guard was the next largest cadre of personnel that could be deployed to assist my officers. We desperately needed those boots on the ground. The fact that the Chief of Police responsible for the entire legislative branch of government was repeatedly denied assistance by the Pentagon is indefensible. The fact that an experienced law enforcement official was constrained by federal law from bringing in lifesaving resources for his officers is unfathomable. This type of politicized control and oversight was and continues to be detrimental to the mission. Why bring in an experienced Police Chief if you are not going to allow him to do his job?

In December 2021, Congress amended 2 USC 1970, the law that restricted my ability to bring in federal resources. While the amendment now grants the chief the authority to call in federal resources only during an emergency, it does not grant the Chief the authority to request federal assistance in advance of an event, which means the request can still be denied. In other words, the law still requires the Chief to seek advance approval from the Capitol Police Board and congressional leadership. This is exactly what I faced on January 3. It should also be noted that the new amendment makes the chief’s emergency authorization revocable.

I am extremely proud and appreciative of the Capitol Police officers, the Metropolitan Police Department and the other law enforcement agencies that came to our assistance. Despite bureaucratic issues on the Hill and a no-show by the military, it was law enforcement that saved the day and not a single member of congress was injured. Thanks to the assisting law enforcement, the men and women of the United States Capitol Police did not fail in their mission.

In conclusion, I ask that this committee address the institutional failures that contributed to January 6. I also implore the committee to have an independent entity investigate the complaints and allegations of retaliation against intel analyst whistleblowers following January 6, and to review any of the personnel actions, to include disciplinary actions that occurred following January 6, to ensure they were properly investigated and not subjected to any inappropriate actions, coercion, influences, or predetermined outcomes.

Thank you for your time and I look forward to your questions.

Chairman LOUDERMILK. Thank you, Chief Sund.

I now recognize the gentleman from Virginia, Mr. Griffith, for 5 minutes.

Mr. GRIFFITH. Chief Sund, some have characterized January 6th as an intelligence failure. Is it true that, when you were Chief of Police, Ms. Yogananda Pittman was the Assistant Chief of Police in charge of the Intelligence Division. Yes or no?

Mr. SUND. Yes, sir.

Mr. GRIFFITH. In your book, I believe you wrote that the information regarding potential threats prior to January 6th was received by the United States Capitol Police Intelligence Division, but you were not made aware of it until after January 6th. Is that correct? Yes or no?

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

Mr. GRIFFITH. Had you seen the United States Capitol Intelligence Assessment Report in full issued on January 4th before January 6th? Yes or no?

Mr. SUND. Yes, sir.

Mr. GRIFFITH. You had seen the January 4th report.

Mr. SUND. When you say “January 4th,” it is dated—I mean, I just want to make sure there is a January 4th report, a daily intelligence report. That one?

Mr. GRIFFITH. Yes, sir.

Mr. SUND. Yes.

Mr. GRIFFITH. Would this intelligence assessment report have changed your actions had you received it and fully understood all of the ramifications of it?

Mr. SUND. When you say “fully understood the ramifications of it,” there was nothing supporting——

Mr. GRIFFITH. Well, what I am getting to is that apparently what I understood was, as Chief of Police, you received the report, but there was a comment about some intelligence or about some concerns, but it was put on the last page of the report instead of on the first page. Is that accurate?

Mr. SUND. OK. Just to make sure we are clear, you are referring to the January 3rd——

Mr. GRIFFITH. January 3d. All right.

Mr. SUND. Yes, January 3d. It is actually January 3d. It is dated 2020. It is supposed to be 2021. That is the final intelligence assessment, but not the final intelligence report that is put out.

Mr. GRIFFITH. All right.

Mr. SUND. That is correct.

Mr. GRIFFITH. All right. I got my lingo mixed up.

Mr. SUND. No problem. It is a 15-page report with the intelligence assessment at the end behind two and a half pages of street closures. Correct, sir.

Mr. GRIFFITH. Wouldn't you expect there to be some kind of warning on the front page or an alert or highlighting of the fact that there might be a concern by your intelligence department?

Mr. SUND. When you see the amount of intelligence that they had in advance, and you go and get some of the testimony for the people that put it together, there is a failure to include specific intelligence that would have been critical for my men and women to be better prepared for that day, yes.

Mr. GRIFFITH. All right. Just so I am clear because I am not sure I understood the answer. Was there something highlighted in the report, or was it that there was not information that you needed to get to your officers?

Mr. SUND. Yes, there was not information. When you talk about the assessment, the intelligence assessment, the very last paragraph, the very last paragraph does not tell you anything other than pretty much what we were expecting from any of the previous MAGA rallies. There could be, you know, there could be some danger. There could be some——

Mr. GRIFFITH. It is a very standard response and not something that would have highlighted that there was a real threat or a real concern?

Mr. SUND. Correct. Not what you are seeing now about storming the Capitol, killing the palace guards, which is referring to my officers. None of that was included in the intelligence, correct.

Mr. GRIFFITH. That information was available to Ms. Pittman?

Mr. SUND. It was available to IICD, which is a unit she runs, yes, sir.

Mr. GRIFFITH. All right. Ms. Pittman approved that report but did not pass that information on to you. Is that correct?

Mr. SUND. It came out of her units, sir.

Mr. GRIFFITH. Subsequent to January 6th, when Ms. Pittman was retiring, she was given what I call a sweetheart deal from the United States Capitol Police. That was earlier this year. She was placed on leave without pay while working a new job for several months, about five, before she reached the eligible age to retire. It is clear she had no intent to return to the United States Capitol Police, which is what the handbook says you are supposed to be doing. If you get leave without pay, there has to be an expectation of return.

During your time in management at the United States Capitol Police, have you ever heard of such a sweetheart deal before?

Mr. SUND. No, sir.

Mr. GRIFFITH. When you were in management, did counsel Thomas Ted Bias ever indicate that you had the power to give somebody leave out pay so they can get to retirement without an expectation that they would at least attempt to return to the United States Capitol Police Service?

Mr. SUND. No, sir, not that I recall.

Mr. GRIFFITH. Nobody has ever told you you could do that?

Mr. SUND. No, sir.

Mr. GRIFFITH. Did you think you had that power?

Mr. SUND. It is written in the policy that you cannot offer—

Mr. GRIFFITH. You cannot offer, but there is a requirement there be an expectation to return. In this case, there was not.

Mr. SUND. That is correct.

Mr. GRIFFITH. You never had the expectation that you could give somebody leave without pay unless they were planning on coming back; somebody that might have a health problem or something like that. That is what it is for, is not it?

Mr. SUND. Correct. That is the policy then.

Mr. GRIFFITH. Since January 6th, 2021, have you learned of other intelligence reports, and I think you mentioned in your opening, in the possession of the United States Capitol Police or other Federal agencies, other Federal agencies, which could have been of assistance to you and your decision making on January 6th?

Mr. SUND. Yes, sir, I have.

Mr. GRIFFITH. All right. I see that my time is up, and so I will now yield back, Mr. Chairman.

Chairman LOUDERMILK. The gentleman yields.

I now recognize the gentlewoman from California, Mrs. Torres, for 5 minutes.

Mrs. TORRES. Thank you. I join the Chairman in welcoming the witness before this Committee. Since the insurrection, more than 1,100 individuals have been arrested and charged with crimes associated with the January 6th insurrection. This includes 404 defendants who have been charged with assaulting more than 140 law enforcement officers.

One hundred and 15 of those defendants have been charged with using a deadly or dangerous weapon or causing a serious physical injury to an officer. So far, 770 defendants have been convicted, including 65 defendants who have been convicted of assaulting law enforcement officers.

I have had the opportunity to meet with some of the Capitol Police Officers who were severely injured and still struggle to—with

the events of that horrible day. Yet, they still show great strength and courage and still serve the force in order to continue to protect us.

Mr. Sund, I have a series of easy questions and kindly ask you to answer yes or no. There has been a direct effort here in this Committee and by many Republicans to rewrite the violent events that took place here at the Capitol on January 6th. For example, President Trump called the defendants, and I quote, great patriots.

Mr. Sund, do you agree with former President Trump that those convicted of January 6th related offenses are, quote, great patriots? Yes or no, sir?

Mr. SUND. You know, I am here to try and identify potential failures.

Mrs. TORRES. It is just a simple yes or do. Do you believe that the people that assaulted your officers are great patriots, yes or no?

Mr. SUND. I think the people that assaulted my officers with weapons and violated law assaulting them and injuring them is——

Mrs. TORRES. The former President also said that the rioters that day, and I quote, had love in their heart, and that it was, I quote, a beautiful day. Do you agree, Mr. Sund, with the former President that it was a beautiful day on January 6th, and that those people that attacked your officers had love in their heart?

Mr. SUND. It was not a beautiful day, ma'am.

Mrs. TORRES. Did they have love in their heart while they were attacking your officers, sir.

Mr. SUND. I do not know what they had in their heart.

Mrs. TORRES. OK. On January 13th, 2021, Speaker Kevin McCarthy, when he was minority leader said, and I quote: Last week's violent attack on the Capitol was undemocratic, un-American, and criminal.

Mr. Sund, do you agree with Speaker McCarthy that the attack on the Capitol was undemocratic, yes or no?

Mr. SUND. I agree that those that committed violations of laws deserve to be held accountable.

Mrs. TORRES. Do you believe that it was un-American, sir.

Mr. SUND. Again, I think those that violated the law should be held accountable.

Mrs. TORRES. Do you agree that it was criminal?

Mr. SUND. Yes.

Mrs. TORRES. Speaker McCarthy also said, and I quote: Some say riots were caused by antifa.

There is absolutely no evidence of that. Do you agree, Mr. Sund, that the January 6th, 2021, riot was not caused by antifa, yes or no?

Mr. SUND. I do not have information on hand to answer that one.

Mrs. TORRES. In fact, the minority leader McCarthy went on to say that former President Trump, quote, bears responsibilities for Wednesday's attack on Congress by mob rioters. He should have immediately denounced the mob when he saw what was unfolding.

Mr. Sund, do you believe that former President Trump, and I quote, "bears responsibility for the attack," yes or no, sir?

Mr. SUND. Again, ma'am, I am here to identify the institutional failures.

Mrs. TORRES. It is a simple question, sir. Do you agree that the incidents that led the President to push people here——

Mr. SUND. This is—I think this is—I just—if you give——

Mrs. TORRES. Let me ask you one other question. Do you agree that former President Trump should have immediately denounced the mob when he saw what was unfolding at the Capitol, yes or no?

Mr. SUND. I would have liked some assistance with getting the military to the Capitol, yes. That is correct, ma'am.

Mrs. TORRES. Minority leader McCarthy continued, and I quote, these facts require immediate action by President Trump, accept his share of responsibility, quell the brewing unrest, and ensure President-elect Biden is able to successfully begin his term.

My question to you, Mr. Sund, to this day, has former President Trump accepted his share of responsibility or done anything to, quote, quell the brewing unrest he cultivated?

Mr. SUND. I think there is a lot of people that need to accept some responsibility associated with this.

Mrs. TORRES. Finally leader McCarthy said, and I quote, and the President's immediate action also deserves congressional action, which is why I think a fact-finding commission and a censure resolution would be prudent. Unfortunately, Leader McCarthy's courage did not last thing. He chose to vote against the bipartisan bill establishing a commission negotiated by the Ranking Republican Member of the Homeland Security Subcommittee and containing all of his priorities. This is unacceptable, and I yield back, Mr. Chair.

Chairman LOUDERMILK. The gentlelady yields. I now recognize the gentleman from North Carolina, Mr. Murphy, for 5 minutes.

Dr. MURPHY. Thank you, Mr. Chairman. I just would like to refresh your memory that we were not really allowed to pick our own individuals on that Committee, and they were just picked essentially because they did not like Trump. That is a secondary issue.

I wish Mr. Irving and Mr. Stenger were here today to defend themselves because, from what I am reading, there is absolutely no defense of themselves. I am just going through this.

Let me go through a little bit. There is a lot of conjecture as to the presence of law enforcement on January 6th, questions about law enforcement being embedded, plainclothes officers. My questions to the current Capitol Police major, he was unable to speak about how many plainclothes individuals were there.

Chief Sund, while you were Chief of Police, was there a process in place if a Federal agency were there in plain clothes or undercover agents.

Mr. SUND. For coming up on the Hill, sir, or just a——

Dr. MURPHY. On Capitol Grounds.

Mr. SUND. Oh, yes, sir.

Dr. MURPHY. OK. Thinking back, do you know if there were any Federal officers authorized by the Capitol Police to be operating on the Capitol Grounds?

Mr. SUND. Other than Capitol Police, not that I am aware of, no.

Dr. MURPHY. OK.

Mr. SUND. Now real quick, we did have Secret Service up there with Vice President Pence, and they are also not in uniform.

Dr. MURPHY. Absolutely. Do you know if the FBI or Department of Homeland Security had any plainclothes employees in the crowd on January 6th?

Mr. SUND. Only from what I am learning, you know, from GAO reports that came out—

Dr. MURPHY. Are you aware of any individuals in the Federal Government that were wearing bracelets so they could be identified?

Mr. SUND. Not that I am personally aware of, no.

Dr. MURPHY. OK. Prior to January 6th, do you recall in which plainclothes or undercover agents came onto the Capitol Grounds without the Chief of Police approval?

Mr. SUND. No, sir, that I recall.

Dr. MURPHY. All right. Thank you. You know, it is very, very disheartening to read this narrative of when you asked for help, and the 2 days before they did not care about doing something because it may have looked bad. Therefore, none of us in this room, none of us in this room are saying what happened on January 6th was correct. I absolutely the conditions for that to occur rests at the former Speaker's lap and those—the two Sergeant at Arms and complicit with other individuals. You know, it is one thing for something to occur, but it is another thing to create the conditions for that to occur.

Let me ask you this. I am reading here, Mr. Irving only provided security information to Republicans after receiving distinct instructions from Democratic leadership. On January 4th, he sent a text to Fleet, asking him to, quote, act surprised when Irving emailed him and his Republican counterpart information about the joint session. Is there anything wrong with that?

Mr. SUND. I just want to make sure I understand.

Dr. MURPHY. He basically—Irving basically asked Fleet to act surprised about the information when he was sending it to the Republican. In other words, he knew the information before, but he was withholding it from the minority party.

Mr. SUND. That is one of the big problems you have with the Capitol Police Board and the Sergeant at Arms; they are too politicized.

Dr. MURPHY. Well, did you resign because you wanted to?

Mr. SUND. No, I did not. I love the Capitol Police. I love the men and woman—

Dr. MURPHY. I personally believe you were a scapegoat. You are a scapegoat of conditions that were set forth that you could not succeed. What happened on January 6th was unforgivable. The conditions were set forth by the former Speaker and two House Sergeant at Arms for the conditions for that to occur. Absolutely. I do not care if the National Guard were out there. I do not care about optics. I care about safety. Absolutely. It is a dereliction of duty of the former Speaker, her staff, and the two Sergeant at Arms.

Let me ask one more line of questioning. Pipe bombs. The day before January 6th, live pipe bombs were planted outside Republican and Democrat Party Headquarters. The U.S. Capitol Police has not received any insight into the FBI investigation, which is astonishing because Members of Congress from both sides may very well have been targeted by these bombs. During a hearing

this summer of the U.S. Capitol Police Board, I called on the board to request a briefing from the FBI to the status of this investigation. The board committed to do so.

Mr. Chairman, I submit this letter to the record verifying the request.

[The letter referred to follows:]



CAPITOL POLICE BOARD

**S-151 The Capitol
WASHINGTON, DC 20510
PHONE (202) 224-2341**



**KAREN H. GIBSON, Chair
WILLIAM P. McFARLAND, Member
CHERE REXROAT, Member
J. THOMAS MANGER, Ex-Officio Member**

August 16, 2023

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Wray:

The Capitol Police Board (Board) respectfully requests a classified briefing on the investigative steps taken by the Federal Bureau of Investigation relating to the pipe bombs placed near the Republican National Committee Headquarters and the Democratic National Committee Headquarters the evening of January 5, 2021.

The Board asks that the classified briefing include investigative steps taken thus far as well as the current status of the investigation. Your office may contact Lene Van Mercer at 202-224-7025 or lene.vanmerc@uscg.gov to coordinate schedules for this briefing.

Sincerely,

Karen H. Gibson

Karen H. Gibson
Chair

Digitally signed by Karen H. Gibson
Date: 2023.08.16
05:55:49 -07'00'

Rexroat, Chere


Chere Rexroat
Member

Digitally signed by Rexroat, Chere
Date: 2023.08.16
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William P. McFarland

William P. McFarland
Member

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Date: 2023.08.16
09:21:57 -04'00'



Chief J. Thomas Manger
Ex-Officio Member

Dr. MURPHY. Chief Sund, before you resigned, can you recall anything about the pipe bomb incident.

Mr. SUND. Other than the time they were called out, us sending resources over to them, and hearing both the RNC and the DNC. The first one at the RNC, and I was worried that that could be distracting for us. Then the second one came, and that raised a lot of concerns.

Dr. MURPHY. To your initial comments originally, here we are several years out; do you think it is acceptable that the FBI still cannot identify the individual placing the pipe bombs?

Mr. SUND. I find it very surprising knowing the security level that we have down here, the amount of resources that can be available for an investigation, I am surprised that we have not found—

Dr. MURPHY. I find it absolutely surprising. The same thing with the bag of cocaine in the White House that probably had fingerprints and every camera known to God in that building. Again, I will say, what happened on January 6th was absolutely wrong. The conditions set forth by the Speaker, her administration, and the two Sergeant at Arms and whoever was complicit with that absolutely allowed you to fail and then Members of Congress to be at risk of being injured.

Thank you, Mr. Chairman. I would yield back.

Chairman LOUDERMILK. The gentleman yields.

I will now recognize the gentleman from New York, Mr. Morelle, for 5 minutes.

Mr. MORELLE. Thank you very much.

Again, thank you, Chief, for being here. I am disturbed by both the sense that you do not blame the rioters or the President, but you blame the Capitol Police and the Capitol Police Board—not you, sir. My colleagues. It is like blaming the homeowner when he or she is robbed, instead of blaming the intruder. I do want to note one thing, too, because it sounds awfully partisan and awfully political—not that I am blaming anyone, but I just note that Mr. Irving is the Sergeant at Arms appointed by John Boehner and reappointed by Speaker Ryan. Mr. Stenger, whose passed away and could not testify if he wanted to, sadly, but was appointed by Senator McConnell. The third member of the board, which you were not a member of when you were a Capitol Police Chief. By the way, the board is three other people. I acknowledge that. The third one is the Architect of the Capitol, which at the time was Mr. Blanton appointed President Trump. To inject partisanship here I think is very troubling. If we are going to do that, we should at least note the obvious that each of the members of three-person board were appointed by Republicans, not by Democrats.

I do want to go back to a couple of the things that I think are really important. I do want to talk a little bit about the delay, which I consider unconscionable, between your call with the Pentagon leadership and the ultimate deployment of the National Guard, which as I understood took over 3 hours to be able to do. That was requested of the Secretary of Defense.

I want to note, Chief, do you know now or did you know at the time about a memo on January 4th from the Secretary of Defense to the Secretary of the Army, and a January 5th letter from the

Secretary of the Army to the commanding general of the D.C. National Guard? Are you familiar with those memos?

Mr. SUND. I have become familiar with them after January 6th, yes, sir.

Mr. MORELLE. Yes, as I read the material, among others, they were told that the Guard could not be issued weapons, helmets, body armor; they could not interact physically with protestors; they could not employ any riot-control agents; and they could not make arrests and could not use a quick reaction force. Is that your understanding now of the correspondence that went on between the Secretary of the Army and the Secretary of Defense?

Mr. SUND. Yes, that is correct. The Secretary of Defense wrote the first memo on January 4th, and the Secretary of the Army put the additional restrictions on what is called the QRF, the Quick Reactionary Force, to William Walker after the fact.

Mr. MORELLE. By the way, you said you did not know that leading up to January 6th that those restrictions were in place, sir?

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

Mr. MORELLE. I assume at the time you would have been led to believe that the National Guard was essentially a phone call away to be able, if necessary. No, were you not under that belief?

Mr. SUND. I was definitely under that belief. After I requested the National Guard Sunday morning, the two Sergeant at Arms had me reach out to William Walker instead of authorizing them. Just say: Hey, if we need assistance, could you kind of be ready, be on standby.

I talked to him 6:14 p.m. that evening, on Sunday evening, the 3d, and took that information back. He said, yes, he would be leaning forward, but he needs authorization from the—he did not say anything about the memo because it had not come out yet, I guess, nor——

Mr. MORELLE. Nor did he say anything about the restrictions that the memo had placed on the deployment of the National Guard should they be requested.

Mr. SUND. That is correct. Also, just to add an additional to that, January 5th, I held a meeting with many of the top law enforcement officials from around the city, including the FBI, and the commanding general for the D.C. National Guard, and nothing was said to me again on that conference call. That was also with the Capitol Police Board.

Mr. MORELLE. You know, you and I unfortunately did not have a chance to work professionally together, but I do reach out to Chief Manger from time to time when there are concerns or there are seemingly threats, and we have conversations. I assume you did that to predecessors on both sides of the aisle, that there would be conversations leading up to events like January 6th when you knew people would be at least on alert. Is that true?

Mr. SUND. A lot of the times, those conversations would go directly to the two Sergeant at Arms.

Mr. MORELLE. Yes.

Mr. SUND. Now the Sergeant at Arms would oftentimes would have recommendations to me or advise me to limit my direct communications with Members because once I open that door, they cannot protect—so they would——

Mr. MORELLE. If this subject came up, you would not—so what I am getting at, I guess, is neither the Sergeant at Arms nor the Architect of the Capitol nor you were aware that the National Guard had restrictions placed on it. Even while you are waiting for the call for hours, you still did not know if those restrictions were in place. That seems to me is a big part of this story line.

Mr. SUND. That is correct. Knowing those restrictions are in place—because I am a stakeholder. When the police department becomes overwhelmed and we dial 9-1-1 because we need assistance, that goes to the National Guard.

Mr. MORELLE. Yes.

Mr. SUND. It sure as hell would have been great to know that they put up this memo restricting the National Guard from assisting my men and women in advance of January 6th, knowing now that they were so damned concerned about the violence that day that they were expecting on January 6th, and no one ever told me about it?

Mr. MORELLE. Yes, I mean—

Mr. SUND. So—

Mr. MORELLE. I hate to state the obvious, but that is the Pentagon's, the Department of Defense, the Department of the Army—no one at that time told you that the National Guard, even if they were called up, would have severe restrictions. I just want to make sure I get that in.

Before I yield back, if I might, unless you would like to call me another time, just to enter items into the record, without objection, if I could do that now, Mr. Chairman, or would you—

Chairman LOUDERMILK. Well, I will entertain that now, but I think you have got a good line of questioning here. If it is OK with the minority, and we have so few here, I would be open to doing another round of questions. We will do that then.

Mr. MORELLE. OK. That is fine. I yield back.

Chairman LOUDERMILK. Thank you, Mr. Morelle.

I now recognize the gentleman from New York, Mr. D'Esposito for 5 minutes.

Mr. D'ESPOSITO. Thank you, Mr. Chairman.

Chief, thank you for being here this afternoon. Thank you for your 30 years of commitment to the law enforcement. I know that you are well prepared in incident management, special events, active shooters, investigations. I myself spent a career in the NYPD and know that any time politics gets involved in law enforcement, it could be or lead to something very discuss. It is one of the reasons just as to why, when I first got here, I still question if the Capitol Police Board is the correct oversight and management of the Capitol Police.

In your book, you noted how security issues were usually, quote, approached from a political perspective and not based purely on security. What did you mean by that?

Mr. SUND. Oftentimes, if we are having a major event that was coming up here, whether it was a demonstration, whether it was a healthcare or immigration or even one of the Supreme Court nominations, we put together a security plan. The Sergeant at Arms, after they reviewed the security plan, would have me go out and brief it to some of the Committees. One would often be the

Committee on House Administration. When I go out and brief what we are going to do, if we are going to put in like fence off the East Front of the Capitol, I had often get pushback about, you know: Why you got to be—block off the East Front of the Capitol? Why do you have your people in hard gear? Things that a commander or a Chief of Police should be able to make those decisions.

Mr. D'ESPOSITO. You were able to make decisions as a law enforcement professional. Your decisions were based on political interference.

Mr. SUND. Oftentimes, there would be interference from staffers and Members themselves asking the question about why you got on helmets.

Mr. D'ESPOSITO. Individuals that had zero experience in law enforcement were influencing you on the decisions that you had to make for the best interest of this Capitol?

Mr. SUND. Yes, sir.

Mr. D'ESPOSITO. You also noted in your book that, as part of your role as Chief of Police, you had to, quote, cater to a multitude of bosses. In the lead-up on January 6th, who would you have been referring to in this statement?

Mr. SUND. That would have been mainly the two Sergeant at Arms, trying to work things between the two of them.

Mr. D'ESPOSITO. Moving forward, how do we ensure that security decisions are made solely based on law enforcement expertise and not on politics?

Mr. SUND. My No. 1 recommendation is we need to de-politicize the Capitol Police Board. You have got two laws out there. People always bring up, you know, why does leadership get called into things. It is Congress that has leadership on laws. You have got 2 U.S. Code 1970, 2 U.S. Code 1974 that both list either a review or approval process needed before the Capitol Police can implement those parts of the code. One is special police officers. When we brought in outside resources, we had to swear in the special police officers. There is a requirement that that be approved by leadership. It specifically says the Speaker, the Speaker pro tem, stuff like that. I would take that out. Let the Capitol Police Board give the—the Capitol Police Department, let them be the final authority of what constitutes—law enforcement action is going to take. Do not let—there is no reason that Members of Congress should be involved or listed on laws as approving it. All that does is politicize things. Take them out. Get a police board that is going to make the appropriate decisions and allow the chief to make decisions to protect the men and women that are our legislators.

Mr. D'ESPOSITO. I know it is rare on Capitol Hill, but it seems to make perfect sense.

Going to January 6th the actual day, is it true that the National Guard was stationed nearby and could have responded quickly had they been authorized to help by the Capitol Police Board?

Mr. SUND. That is correct. They were in eyesight of the Capitol. One thing I had say real quick again with the last series of questions, I had have you enter in Joint Publication 3-28 from the Department of Defense, specifically the emergency authority of the National Guard to respond—they can immediately respond. They do not need to wait for anybody else. There should be no authoriza-

tion for higher headquarters instructions. That should be looked at closely.

Mr. D'ESPOSITO. You just said that the National Guard was in earshot from——

Mr. SUND. Many were in eyesight.

Mr. D'ESPOSITO. Within eyesight of the Capitol.

Mr. SUND. With their riot gear, even though they were told not to have it.

Mr. D'ESPOSITO. Is it also true that the New Jersey State Police made it to the Capitol before the National Guard did?

Mr. SUND. That is correct, sir.

Mr. D'ESPOSITO. Any reason?

Mr. SUND. The National Guard is only 2 miles from our headquarters; you know, sat and waited for the evening crew to come in. While the Pentagon was still sending a resource to protect generals' homes, they sent me nobody to help my men and women.

Mr. D'ESPOSITO. I only have 30 seconds left. When were you finally given the green light to bring the National Guard to the Capitol?

Mr. SUND. At 2:08 p.m.

Mr. D'ESPOSITO. That was over an hour after you originally asked?

Mr. SUND. That is correct. I am sorry, 2:09 p.m., at 2:09 p.m., Irving finally gave me approval. Because I still remember, where I was sitting, because I screamed to the watch commander, "Mark the time," because I finally got approval to bring in the National Guard.

Mr. D'ESPOSITO. Again, thank you for your service.

Mr. Chairman, I yield back.

Chairman LOUDERMILK. The gentleman yields.

I now recognize myself for the purpose of asking questions. Chief Sund, since January 6th, 2021, have you testified or been asked to testify publicly before a Committee of the House of Representatives?

Mr. SUND. No, sir.

Chairman LOUDERMILK. Did the January 6th Select Committee ask you to publicly testify before their Committee.

Mr. SUND. No, sir.

Chairman LOUDERMILK. You did testify in the Senate, correct.

Mr. SUND. Yes, sir. The Senate combined hearing, I think, was February 23d.

Chairman LOUDERMILK. Can you briefly tell us about that.

Mr. SUND. It was a combined hearing. I think it was a really good approach of, you know, of having to come in and address it. Initially, they did not want anybody that was no longer in the position to testify, which would have excluded myself. Senate Sergeant at Arms Stenger and House Sergeant at Arms Irving and I went and asked, specifically asked the Senate Rules Committee: Please let me come and testify. I will testify in person to show up.

They changed the rules and allowed me to show up.

Chairman LOUDERMILK. You had to basically force yourself in to even be able to testify before the Senate?

Mr. SUND. Right. I had to call in somebody I knew there and tell them: I promise you I will show up in person.

I was the only one to be there in person, not on video.

Chairman LOUDERMILK. Thank you for your vigilance there. Chief Sund, you previously testified on January 3d, 2020—that, on January 3, 2021, 3 days before January 6th, that you met separately with House Sergeant at Arms Paul Irving and Senate Sergeant at Arms Michael Stenger. You asked them to approve a request for National Guard assistance on the 6th. Now this was on January the 3d. I believe this was in your book that you met with both Stenger and Irving and requested National Guard assistance to be ready on the 6th. Can you explain what happened in those two meetings with Irving and Stenger?

Mr. SUND. Absolutely. On the morning of the 3d, at 9:24 a.m., I specifically went to see him because I know what a big deal it is to have National Guard come and assist us on the Hill. I went into his office again at 9:24 in the morning, went up, and immediately went up and said: Hey, I would like to bring in the National Guard to support me, to assist me on the perimeter. Because when we have a joint session of Congress, it takes a lot of our personnel inside. Immediately, as soon as I asked him, his first response was: I do not know. I do not like the optics of that.

His second response was: Besides the intelligence does not support it.

He immediately—then we began talking. He said: Have you reached out to Mike Stenger on this?

I said: No, I have not talked to him about it yet.

He said: Why do not you talk to Stenger and see what he has to say.

Then I left and went over to Mike Stenger's office at 9:35 in the morning. Walked into his office, and he was not there. I came back. He showed up at 11:13. I showed back up at 11:53 and went in to immediately ask him: You know, I would like to request the National Guard.

He said: You know, let us come up with another idea. Why do not you call—do you know somebody at the National Guard?

I said: Yes, sir, I know General William Walker.

He said: Why do not you call Walker and see, if we need them, how quickly they could get here, and how many people could they send us.

I called William Walker at 6:14 p.m. that night. He told me they have 125 people assisting with COVID response. He could reallocate those fairly quickly one he got Secretary of Defense approval and send them over.

Chairman LOUDERMILK. When you met with Stenger, had Irving given him heads-up that you were coming to ask for National Guard?

Mr. SUND. Yes, later on, after January 6th, specifically on April 8, I went and had lunch with Mike Stenger. I asked him because it was kind of unusual. He came up with that idea so quickly when I was walking in. I asked him, I said: Mr. Stenger, you came up with that response fairly quickly for me to call General Walker. He told me that Paul Irving had called him ahead of time and said Sund came here looking for the National—asking for the National Guard. We have got to come up with another plan. Pelosi will never go for it.

I was floored by him saying that.

Chairman LOUDERMILK. OK. You do not know—I know this word “optics” has come up several times in the past or in different context. Do you know if Irving had discussed that with Stenger of what her possible response would be?

Mr. SUND. I have no idea, sir.

Chairman LOUDERMILK. All right. Around 2 p.m., on January 6th, you joined a call with Metropolitan Police Department Chief Contee and National Guard representatives. According to Chief Contee’s transcribed testimony given to the Select Committee, you asked National Guard to send assistance on that call, and he did not hear the military people respond to your plea. Is that what you remember?

Mr. SUND. No, he heard clearly the military respond to my plea and say they recommended against my request for the National Guard. Robert Contee immediately butted in and said: Let me get this right, you are denying the Chief of the Capitol Police?

Again, he just—you know, I can go farther into that if you want.

Chairman LOUDERMILK. OK. Thank you. Are you familiar with the term “data miner”?

Mr. SUND. I have become familiar with it, yes.

Chairman LOUDERMILK. According to a book by Carol Leonnig, General Milley was using this tool and reached out to Senator Angus’ team, warning him about violent rhetoric before January 6th. Some of the intelligence included references to smuggling guns and other weapons into D.C. One message said: Let us burn Senator McConnell’s house down while he is in it.

Another one seemingly addressed to Members who supported certifying the election said: We are coming to kill you. Just wait a few days.

Did General Milley ever reach out to you and share these concerns with you of any of this intelligence?

Mr. SUND. No, sir.

Chairman LOUDERMILK. Do you know if he reached out to either of the Sergeant at Arms?

Mr. SUND. I have no idea, sir.

Chairman LOUDERMILK. Would this intelligence have helped the Capitol Police prepare for January 6th?

Mr. SUND. Absolutely.

Chairman LOUDERMILK. OK. With that, I do have several other questions, but it seems we have a second round. At this time, I will recognize the Chairman of the full Committee, Mr. Steil, for 5 minutes.

Chairman STEIL. Thank you very much, Chairman Loudermilk and for hosting today’s hearing.

Thank you, Chief Sund, for being here today. Members of the Committee and Congress are thankful for your prior service at the U.S. Capitol Police and your commitment to protecting Members, staff, and visitors. My priority as Chairman of the Committee on House Administration is to de-politicize Capitol Police. I am committed to ensuring the U.S. Capitol Police has the tools, resources, and leadership it needs to keep our community safe. I also remain committed to supporting our law enforcement officers and the work they do each day.

Today we are here to discuss the security failures that occurred on January 6th, 2021, and how we can prevent these failures from occurring again.

I want to dive into the questions, Chief Sund. In your transcribed interview, you mentioned that you met with the House Sergeant at Arms regarding the National Guard prior to January 6th. Is that correct?

Mr. SUND. Yes, sir.

Chairman STEIL. Who was the House Sergeant at Arms leading up to and on January 6th.

Mr. SUND. That would be Paul Irving.

Chairman STEIL. House Sergeant at Arms is appointed by who?

Mr. SUND. He was appointed at that time by Speaker Pelosi.

Chairman STEIL. In your transcribed interview, you mentioned that when you first brought up the National Guard to the House Sergeant at Arms in the days leading up to January 6th, that Mr. Irving said he, quote, did not like the optics, end quote. Is that correct.

Mr. SUND. That is correct. He referenced being concerned for optics.

Chairman STEIL. On January 6th, when he went to Mr. Irving to get his approval to call in the Guard, Mr. Irving said he would, quote, run it up the chain. Is that correct.

Mr. SUND. Yes, sir. That was a telephone call. I did not see him in person when I first made that request.

Chairman STEIL. The House Sergeant at Arms is considered probably the most senior security official in the House side. When Mr. Irving says yes to, quote, run it up the chain, end quote, what did that mean?

Mr. SUND. I took that to mean his leadership chain.

Chairman STEIL. Who would be his leadership chain? He is essentially the most senior security official in the House side, correct.

Mr. SUND. That is his title. That is part of the title of the senior law enforcement official of the House of Representatives. He would have been referring to the leadership team that goes up to Speaker Pelosi.

Chairman STEIL. The political leadership team, meaning elected officials, not another security official. Is that correct.

Mr. SUND. That is correct, sir. He is the top security official for the House.

Chairman STEIL. Running up the chain would most likely, in your opinion, is through the Speaker's Office and possibly to Speaker Pelosi.

Mr. SUND. That would be where it ends, yes.

Chairman STEIL. Let us park that there, and let us jump to a second set here. In a press conference on January 7th, Speaker Pelosi called for your resignation on national television. Speaker Pelosi also stated that she had not talked to you since the initial breach of the Capitol. According to your transcribed interview, you were on the phone with Speaker Pelosi a few times. Can you explain that discrepancy?

Mr. SUND. Yes, that is—that is correct. I spoke to Speaker Pelosi three times that evening. She went on national TV and said I had never spoken to her, but I spoke to her three times.

The three times were—the first time when I went over to brief President—Vice President Pence at the secure location. I had called House Sergeant at Arms Irving, told him I was going over to brief the Vice President. I was also going over to do a personal assessment of the Capitol.

At that point, things were getting under control. Went over there, briefed him on when we can get them back into Chambers, with, you know, Mr. Irving being fully aware.

He said he wanted to get Speaker Pelosi on the phone. He made a phone call from his cell phone at approximately 5:34, where I first briefed Speaker Pelosi.

The second call was when I left that location. As I was walking away, I met up with Mr. Stenger, and we started walking over to the Senate to go brief the Senate when Jennifer Hemingway—I believe it was Jennifer Hemingway—handed me a cell phone. It was Emily Barrett's cell phone calling her.

It was Speaker Pelosi on the other line—this is my second call with Speaker Pelosi—questioning the information I had given to Vice President Pence about when we can get back into Chambers. I assured her that information was correct, I could get them back into Chambers by 7 p.m. and the call ended. That was call number 2.

Call number 3 was 6:25 p.m. I was over at the Senate, from the secure location—I mean, from where the Senate had been sequestered and on a cell phone, using Robert Kareem's cell phone.

They dialed leadership, who was over offsite at a secure location, and I briefed all of leadership of the plans to get them back into Chambers. That would have been call number 3 with Speaker Pelosi.

Chairman STEIL. You did not have one call, you did not have two calls, you had three calls. Speaker Pelosi's comments that she did not speak to you are inaccurate?

Mr. SUND. That is correct, sir.

Chairman STEIL. Let me shift gears and go back as it relates to the optics of bringing people up to Capitol Hill. In running things up the chain of command, ultimately the Speaker's Office, do think Speaker Pelosi's Office, or Speaker Pelosi, herself, politicized Capitol security?

Mr. SUND. I have—I have no idea on that, sir.

Chairman STEIL. OK. Any other clarifications you would like to make as it relates to Speaker Pelosi's comments that you did not speak to her?

Mr. SUND. I just, you know, wish she had considered that, wish she had considered some of the stuff that I faced and the efforts I went through to bring in the outside resources on that day before she called for my resignation.

Chairman STEIL. Thank you very much for being here.

I yield back.

Chairman LOUDERMILK. The gentleman yields.

I will now begin our second round of questioning. I yield 5 minutes to the gentlelady from California, Mrs. Torres.

Mrs. TORRES. Thank you, Chairman.

Mr. Sund, I have here a statement from—it is testimony from Paul Irving, the former Sergeant at Arms, and this is testimony he

gave to the Senate at a hearing. He states, on January 5th, Chief Sund and I participated in a web-based interagency conference call with multiple law enforcement partners—the FBI, the MPD, the U.S. Secret Service, the U.S. Park Police, and the military district of Washington, among other law enforcement agencies from the national capital region.

Based on the intelligence and threat assessment, everyone on the call believed that we were prepared and the plan met the threat. You were prepared for what you thought would be a typical demonstration, a First Amendment demonstration on Capitol Hill, such as the Women’s March, when we all wore our pink hats and came out and marched against some of the efforts of the President.

What you did not anticipate, none of you anticipated, that a Republican Member of Congress would tell the crowd on stage, Today is the day. American Patriots, start taking down names and kicking ass, and, Our ancestors sacrificed their blood, their sweat, their tears, their fortunes, and sometimes their lives. Are you willing to do the same.

You did not anticipate that, did you?

Mr. SUND. We anticipated some minor skirmishes. We did not anticipate a full-fledged—

Mrs. TORRES. You did not anticipate a Member—a Republican Member of Congress to go on stage and incite the crowd like this.

You also did not anticipate the President’s lawyer, Rudy Giuliani, to tell this, you know, mob that was armed, trial by combat.

You also did not anticipate the President of the United States telling an armed mob to march to the Capitol and that—to start walking to the Capitol. I mean, you did not—you could not have anticipated any of that, did you?

Mr. SUND. Well, knowing now that there is intelligence—

Mrs. TORRES. Of course not. I believe when you say that, sir, because I do not believe that anyone in charge of the men and women that serve us here in the U.S. Congress, if they had known any of that intelligence, would have acted very differently than we did that day.

I still want you to know that I am grateful for my life, that I am grateful that the officers used their own bodies to protect us, that they bravely fought against these very angry rioters who came here to do violence, to hang the Vice President.

This past weekend, the former President has said he would pardon those convicted—the ones convicted—of crimes associated with January 6th, including individuals like Enrique Tarrio, the leader of the Proud Boys, who was convicted of seditious conspiracy and sentenced to 22 years in prison.

Mr. Sund, how does that make you feel, to hear that the former President talks about pardoning defendants who assaulted your officers during that violent attack and assault on our democracy?

Mr. SUND. Again, I feel if they assaulted the officers, they need to have—pay the consequences.

Mrs. TORRES. I feel really badly for everything that has happened since the officers, the suicides. No one deserved that.

I have here, I wanted to really stay focused on who to blame—you know, who is to blame for everything that happened on Janu-

ary 6th. You know, I attended this peaceful transfer of power on this inauguration, when this President took the oath to serve this country and to protect, you know, the rule of law and democracy.

I also attended—by the way, I was not wearing a vest at this ceremony because Democrats did not insight a crowd and say, Those Russians that interfere in our election, you know, were at fault for us losing.

We took the loss, and we did the right thing by ensuring that we had a peaceful power of transfer.

Unfortunately, when I attended Mr. Biden's inauguration, I had to wear a vest, because I no longer felt safe.

With that, I yield back.

Chairman LOUDERMILK. The gentlelady yields.

I now yield to the gentleman from Virginia, Mr. Griffith, for 5 minutes.

Mr. GRIFFITH. Mr. Sund, you also did not anticipate that you would not get significant intelligence about the threat. Is not that true?

Mr. SUND. That is—that is correct. With the intelligence—

Mr. GRIFFITH. You would have anticipated that either your own department or other Federal agencies would have alerted you to the risk. Is not that true?

Mr. SUND. Like I said, this could have been preventable if we had gotten the intelligence they had.

Mr. GRIFFITH. Is not it also true that you would not have anticipated, and did not anticipate, that you would not get support from up the chain when you requested the National Guard before and on January 6th? Is not that true?

Mr. SUND. That is correct, sir.

Mr. GRIFFITH. During a February 2021 joint Senate hearing, former House Sergeant of Arms, Paul Irving, testified that on January 6th, 2021, he did not receive a request from you for National Guard assistance until around 2 p.m. Is that accurate?

Mr. SUND. That is not accurate, sir.

Mr. GRIFFITH. When did you ask for it?

Mr. SUND. 1:58—I am sorry—12:58 p.m. was my first call to Paul Irving. I was—I had a number of people that were surrounding me that were aware I was calling. He was fully aware of just how bad it was outside because he had his representative to the command center right behind me, sending him all the information of what was happening.

I did not get the approval at 12:58 p.m.

Mr. GRIFFITH. He still said he was going to—he would run it up the chain?

Mr. SUND. He was going to run it up the chain. It took 71 minutes to get an approval.

Mr. GRIFFITH. To get it run up the chain?

Mr. SUND. Yes, sir.

Mr. GRIFFITH. Your assumption, although you testified that you do not know for sure, that it went to Nancy Pelosi, your assumption is, is that because the Sergeant at Arms, while elected by the Members of the House, is generally put on the ballot by the Speaker and serves at the direction of the Speaker, so you assumed, as

most people would, that it was the Speaker that was the top of the chain?

Mr. SUND. Yes, that was—that was my assumption.

Mr. GRIFFITH. I mean, based on the flow chart that I am aware of, there is nobody between the Sergeant at Arms and the Speaker. Do you know of somebody in between of two of them?

Mr. SUND. No, sir, I do not.

Mr. GRIFFITH. I do not either.

All right. Now, you had some phone calls with Mr. Irving. Do you have the record of what times you had those phone calls?

Mr. SUND. Yes, sir, I do.

Mr. GRIFFITH. Would you please tell them to the Committee?

Mr. SUND. Let us see if I—if I do not have them, I had be happy to submit my phone records. My phone records have all been submitted. They were submitted to the Senate—the Senate hearing, a full accounting of my phone records.

Yes, I do not have them—hold on just a second. I do not have the exact times, but—

Mr. GRIFFITH. You made—my recollection is, and I have read your book, but my recollection is, you made several calls within a relatively short period of time. If it took 71 minutes to run it up the chain, is my information correct that you called three times—the first one that you just told us about, and then two more during that 71 minutes?

Mr. SUND. No, no, no. Those are calls with Speaker Pelosi. Those that I just went over, those times, those were calls with Speaker Pelosi.

Mr. GRIFFITH. Oh, those were calls with Speaker Pelosi.

Mr. SUND. Correct. Between 12:58 and 2:09, when I finally got approval 71 minutes later, I made 11 calls to the Sergeant at Arms asking, What is going on—first asking for the request, and then 10 follow up calls saying, What is going on with the request?

Mr. GRIFFITH. Eleven calls during the—

Mr. SUND. Yes, sir.

Mr. GRIFFITH [continuing]. roughly an hour and 10 minutes?

Mr. SUND. During that time, I was calling every—the leader of every agency, Gary Settle with Virginia State Police, Secret Service, anybody I could get to come to my aid.

I activated mutual aid around Maryland, Virginia, and that is what brought in the New Jersey State Police at 1:51 p.m., still while calling every couple of minutes to find out where the hell my approval was for the National Guard.

Mr. GRIFFITH. Now, being from Virginia, did the Virginia State Troopers come in to help?

Mr. SUND. Yes, sir, they did.

Mr. GRIFFITH. Did they get here before the National Guard, too?

Mr. SUND. Yes, sir, they did.

Mr. GRIFFITH. Wow. All right.

USCP hired Julie Farnam as the assistant director of intelligence and interagency coordination division in November 2020 when the former director retired. Is that correct?

Mr. SUND. Yes, sir.

Mr. GRIFFITH. She testified previously that you wanted to overhaul the Department. Is that correct?

Mr. SUND. I wanted——

Mr. GRIFFITH. That she wanted to overhaul the Department?

Mr. SUND. She might have. I am not—I am not aware.

Mr. GRIFFITH. OK. All right. You—but did you think at the time, on January 6th, did you think your intelligence department was effective?

Mr. SUND. That is correct. I thought the intelligence they were providing us——

Mr. GRIFFITH. Prior—prior to January 6th?

Mr. SUND. Oh, prior to January 6th, absolutely. They had gotten—been effective on any previous demonstration. I mean, we handled a Supreme Court nomination where we made hundreds of arrests, and that was effective intelligence, absolutely.

Mr. GRIFFITH. That was effect—so they were effective prior to January 6th. You did not see the cracks in the system until after that. Is that accurate?

Mr. SUND. That is correct, sir.

Mr. GRIFFITH. All right. I appreciate your testimony here today, and I am glad you have been able to correct some of the misstatements that have been made by others, and I yield back.

Mr. SUND. Thank you, sir.

Chairman LOUDERMILK. The gentleman yields.

Chief Sund, before I recognize the Ranking Member of the full Committee, would you be willing to submit those phone records to this Subcommittee for our records?

Mr. SUND. Absolutely, sir. I will have them to you by the end of the day.

Chairman LOUDERMILK. All right. Thank you, sir.

I now recognize the gentleman from New York, Mr. Morelle, for 5 minutes.

Mr. MORELLE. Thank you, Mr. Chairman.

I do note, since there seems to be a fair amount of conversation and speculation about what happened in the conversations between Mr. Irving and Speaker Pelosi, why Mr. Irving was not asked to testify in front of this panel.

You could have asked him to come. I assume that you chose not to because it is easier to speculate on the conversation rather than ask him to testify. I assume he would have been here to testify about it.

In any case, since there seems to be a real focus on the 1 hour that there is a dispute over whether or not authorization was given, I am a little surprised that there is no frustration or concern about the 3-1/2 hours between the time you did place the call—and I do understand, sir, you placed the call at 2:30, according to your testimony here—requesting National Guard support?

Mr. SUND. No. To correct it, I—I could not wait any longer. I had waited so long for Mr.—the approval from the Capitol Police Board, both Mr. Irving and Mr. Stenger.

At 1:51 p.m., I called William Walker, without even having authority, and said, Please, get ready—send me anything you got. This is life or death. I told him, I do not have approval from the Capitol Police Board yet, but it is coming any minute, but please start sending me resources.

Mr. MORELLE. Got you.

Mr. SUND. It was 1:51 when I made the call.

Mr. MORELLE. That was before 2, and yet—so—and when do the National Guard show up?

Mr. SUND. 5:40 p.m., the first National Guard showed up, approximately 150, and they were sworn in as special police officers and deployed. They got on post about 6 p.m. when the Capitol Grounds were secure at that point.

Mr. MORELLE. OK. That is over 3-1/2 hours after your request was put in?

Mr. SUND. Yes, sir.

Mr. MORELLE. Earlier, I was asking about this, and I would like to just get a little more definition. You did not know it at the time. When you made the request at 1:50 or so, did you know—when were you made aware that there were restrictions on what the National Guard could do as a result of the memo that had been issued on the 4th and 5th?

Mr. SUND. I do not know the exact date, but it was definitely after—after January 6th. When I started doing research into what happened, that is when I found it.

Mr. MORELLE. When they showed up at 5:40—so do you have any sense of the 3-1/2 hours that went on? You said—I just want to make sure—you said in interview that there was a concern in the administration about the President invoking the Insurrection Act, and concern at the Pentagon about him declaring martial law or activating the military in support of his claims.

Do you suspect that played a role in the Pentagon's unwillingness to allow the National Guard to respond to the Capitol, that those hours, that was being debated?

Mr. SUND. When I went back and started doing research for the book I wrote, that is—I started finding out there was a lot of concerns within the President's Cabinet about him invoking the Insurrection Act, and that was one of the hypothesis that had come up, that maybe they were concerned about him invoking it, and that is why they would want to delay.

Think about it. I think the—it was the Secretary of Defense has come out and stated in testimony, he was not putting National Guard anywhere east of 9th Street Northwest, which means, toward the Capitol. Why would that be?

Mr. MORELLE. I do not know. What do you—why do you speculate?

Mr. SUND. Like I am saying, for some reason, they wanted to do everything they could to keep National Guard away from the Capitol.

Mr. MORELLE. Yes. I would wonder why my colleagues are not more concerned about that. I mean, that is 3-1/2 hours while we are under siege. A request has been made.

Can you describe the scene during the period between your call and the arrival of the National Guard here at the Capitol?

Mr. SUND. Between my—my first call at 12:58?

Mr. MORELLE. Your call at 1—at 2, until 5:40.

Mr. SUND. It was—I mean, I was seeing my officers go through some intensive battling on the west front. It was terrible what they were going through, and no police officer deserves to be subjected

to that. It was some of the—some of the worst violence I have seen against law enforcement.

Mr. MORELLE. Let me ask this then. How would the situation have differed had the National Guard's Quick Reaction Force been able to deploy soon after your call, which I assume would have been just minutes away?

Mr. SUND. If they had followed their emergency authority, and they had deployed the quick QRF, we could have had close to 200 National Guardsmen—men and women here fairly quickly. That could have been a game-changer.

You know, Metropolitan Police Department sent me almost 1,000 officers. That would have been the next largest cadre of officers. We could have absolutely used their assistance.

Mr. MORELLE. Yes. You know, I—on a sort of tragic circumstance, you obviously know about then Police Lieutenant Michael Byrd and the interaction which had ultimately led to the death of Ashli Babbitt, who was a rioter when she broke—tried to break into the Speaker's Lobby.

Because of his actions, now Captain Byrd and his family have had to face an onslaught of threats and had been the target of vile attacks, some of them racist. Just a few weeks ago a family member of Ms. Babbitt said publicly that Michael Byrd needs to swing from the end of a rope. Do you have any reaction to that comment?

Mr. SUND. No. No comment on that.

Mr. MORELLE. No comment.

Before I yield back, may I ask unanimous consent to enter into the record the following; an article from The Washington Post fact-checker dated December 15th, 2021, entitled, "No, Trump did not order 10,000 troops to secure the Capitol on January 6th"; an article from CNN, entitled, "Fact-Checking Representative Jordan's claim that Speaker Pelosi was responsible for U.S. Capitol security on January 6th"; a memorandum from the Secretary of Defense to the Secretary of the Army, dated January 4th, 2021, Restricting the activities of the D.C. National Guard; a letter from the Secretary of the Army to the commanding general of the D.C. National Guard, dated January 5th, relaying those National Guard restrictions; an excerpt from the Select Committee's transcribed interview with former House Sergeant at Arms Paul Irving; a copy of H. Con. Res. 40, a concurrent resolution, expressing support for law enforcement officers that explicitly excluded the United States Capitol Police; a copy of an amendment to H. Con. Res. 40 offered in the Rules Committee by Ranking Member McGovern, expressing gratitude to the Capitol Police who protected the Capitol on January 6th; a copy of the vote tally and the amendment, which was defeated on a party line 8–3 vote, all Republicans voting against; a tweet by Representative Matt Gaetz, dated September 14th, 2023, in which he pledges to hold Speaker McCarthy to his promise to release the full January 6th tapes; a tweet by Representative Matt Gaetz, dated September 18th, 2023, in which he demands full release of January 6th tapes in exchange for funding the Government; and finally, a letter from Capitol Police Chief Tom Manger to Chairman Steil and myself, dated September 18th, 2023, in which he renews his request to review all video footage requests re-

ceived by the Committee and address security concerns prior to release.

Without objection?

Chairman LOUDERMILK. Without objection.

[The information referred to follows:]

🕒 This article was published more than **1 year ago**

The Washington Post
Democracy Dies in Darkness

No, Trump did not order 10,000 troops to secure the Capitol on Jan. 6



Analysis by [Glenn Kessler](#)

The Fact Checker

December 15, 2021 at 3:00 a.m. EST

"Don't forget, President Trump requested increased National Guard support in the days leading up to January 6. The request was rejected — by Pelosi, by congressional leaders, including requests, by the way, from the Capitol Police chief."

— **Sean Hannity of Fox News, speaking to former White House chief of staff Mark Meadows, Dec. 13**

"What we also know is that President Trump wanted to make sure that the people that came, that there was a safe environment for that kind of assembly. And I've said that publicly before — the 10,000 National Guard troops that he wanted to make sure that everything was safe and secure. ... Obviously having those National Guards available, actually the reason they were able to respond when they did, was because President Trump had actually put them on alert."

— **Meadows, to Hannity**

It's always dismaying when false claims that were previously debunked turn up as accepted facts months later. Yet, increasingly, Fox News hosts and their guests appear to live in a world untethered by the truth.

As we have [documented before](#), President Donald Trump never requested 10,000 National Guard troops to secure the Capitol that day. He threw out a number, in casual conversation, that is now regarded by his supporters as a lifeline to excuse his inaction when a mob inspired by his rhetoric invaded the Capitol.

Let's take a fresher course.

The Facts

Just one month after the attack, Meadows appeared on Fox News's "Sunday Morning Futures" and made this claim: "As many as 10,000 National Guard troops were told to be on the ready by the secretary of defense. That was a direct order from President Trump."

Later that month, Trump appeared to confirm Meadows's account in an interview with Fox News.

"I definitely gave the number of 10,000 National Guardsmen and [said] I think you should have 10,000 of the National Guard ready," Trump said. "They took that number. From what I understand, they gave it to the people at the Capitol, which is controlled by [House Speaker Nancy] Pelosi. And I heard they rejected it because they didn't think it would look good."

But it turns out a Vanity Fair reporter was embedded with acting defense secretary Christopher Miller and his top aides during the period leading up to the insurrection. That real-time access provided a different version than the account offered by Trump and his former chief of staff.

During a meeting on Iran with Miller on the evening of Jan. 5, Trump suddenly shifted direction, Vanity Fair reported.

The president, Miller recalled, asked how many troops the Pentagon planned to turn out the following day. "We're like, 'We're going to provide any National Guard support that the District requests,'" Miller responded. "And [Trump] goes, 'You're going to need 10,000 people.' No, I'm not talking bullsh--. He said that. And we're like, 'Maybe. But you know, someone's going to have to ask for it.'"

The reporter, Adam Ciralsky, asked Miller why Trump threw out such a big number: "The president's sometimes hyperbolic, as you've noticed. There were gonna be a million people in the street, I think was his expectation." (It was just thousands of people.)

In other words, 10,000 troops was a guesstimate based on Trump's inflated belief in his ability to draw a crowd. The statement did not come as part of a meeting to discuss how to handle the event. Instead, it appears to have been an offhand remark. That's not the same thing as a "request." (Trump certainly knew how to order the deployment of National Guard troops in June 2020.)

In fact, the Defense Department never acted on Trump's remarks, according to our reporting, as department officials did not regard the offhand comment to be a "direct order," as Meadows claimed.

Miller and other senior Pentagon officials did not relay the 10,000 figure to anyone outside the Defense Department, according to a former U.S. official who was familiar with the matter. "They didn't act on it, because based on discussions with federal and local law enforcement leadership, they didn't think a force of that size would be necessary," the former official told The Fact Checker.

Indeed, the official Defense Department planning and execution memo on the Jan. 6 events also makes no mention of any such discussion. Instead, it notes the possible activation of 340 National Guard troops to assist the D.C. government with traffic control — a move that came about after a Dec. 31 request by Mayor Muriel E. Bowser (D).

Pentagon spokesman John Kirby said officials checked the records after Trump's remarks about ordering 10,000 National Guard troops. "We have no record of such an order being given," Kirby told The Fact Checker.

It's worth noting that the Defense Department inspector general, in a report that said top Army leaders acted appropriately on Jan. 6, appears to place the conversation between Miller and Trump on a different date — Jan. 3.

Mr. Miller and GEN Milley met with the President at the White House at 5:30 p.m. The primary topic they discussed was unrelated to the scheduled rally. GEN Milley told us that at the end of the meeting, the President told Mr. Miller that there would be a large number of protesters on January 6, 2021, and Mr. Miller should ensure sufficient National Guard or Soldiers would be there to make sure it was a safe event. Gen Milley told us that Mr. Miller responded, "We've got a plan and we've got it covered."

But no direct order is mentioned. On Jan. 5, the IG report says, Trump and Miller had a phone call and "the President's guidance was to do what was required to protect the American people." Again, Trump's instructions appear vague.

In his recently published memoir, Meadows makes the unsupported claim that there were "several offers from the White House and DoD to send 10,000 National Guard into our nation's capitol" before the rally but that Bowser "refused to accept their help." As we noted, the Defense Department did not take Trump's offhand remark seriously and officials said the figure was not mentioned outside the building. Meadows adds, "The response time, which has been largely criticized, was only possible because the National Guard had been put on alert at the president's direction."

Almost a year later, there continues to be confusion about why it took so long to deploy the National Guard after the Capitol was breached. Army Secretary Ryan McCarthy withheld authority from William J. Walker, at the time the commanding general of the D.C. National Guard, to activate the quick reaction force, a requirement that Walker in congressional testimony said was "unusual." Other officials have testified that key Army officials were concerned about the "optics" of troops at the Capitol.

The Defense Department IG report quotes senior Army leaders as saying that they prepared to mobilize the Guard and that it took two calls from McCarthy to Walker to implement a plan.

But Walker — now the House sergeant-at-arms — and his former counsel, Col. Earl Matthews, have fiercely disputed that account, saying in a memo in response that it is "replete with factual inaccuracies, discrepancies and faulty analysis." They said that McCarthy did not make such calls to Walker and that Army officials are trying to cover up their mistakes.

Notably, neither the IG report nor the Walker response memo make any reference to Trump having a role in the response. Vanity Fair quotes a senior defense official as saying Defense Department officials could not reach Trump during the insurrection: “They couldn’t get through. They tried to call him.” As the congressional committee investigating Jan. 6 has disclosed, Meadows was besieged with emails from lawmakers and Fox News personalities urging Trump to take action to halt the riot — emails that Meadows does not mention in his book.

Interestingly, a report by the congressional committee examining Jan. 6 events says that Meadows “sent an email to an individual about the events on January 6 and said that the National Guard would be present to ‘protect pro Trump people’ and that many more would be available on standby.” The committee, in citing Meadows for contempt for refusing to cooperate, is seeking more information about this issue.

The Pinocchio Test

In the Hannity-Meadows version of history, Trump was a hero, ordering a massive force of National Guard troops to protect the Capitol — only to have his order of 10,000 troops rejected by liberal foes. There is no evidence to support such claims. No investigation has turned up any such order.

Rather, Trump made an offhand remark in a meeting unrelated to the events of Jan. 6, based on an inflated expectation of the crowd that would gather that day. Moreover, when the Capitol was breached, Trump was AWOL, unengaged in the effort to end the riot and restore order.

Four Pinocchios

(About our rating scale)

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9/19/23, 10:09 AM

Fact checking Rep. Jim Jordan's claim that Speaker Nancy Pelosi was responsible for Capitol security on January 6 | CNN Politics



AudioLive TV

Facts First

Fact checking Rep. Jordan's claim that Speaker Pelosi was responsible for US Capitol security on January 6

By Tara Subramaniam and Holmes Lybrand, CNN

Published 8:19 PM EDT, Wed July 21, 2021



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Source: House GOP press release, as reported by CNN



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<https://www.cnn.com/2021/07/21/politics/fact-check-jim-jordan-nancy-pelosi-january-6-security/index.html>

1/5

9/19/23, 10:09 AM

Fact checking Rep. Jim Jordan's claim that Speaker Nancy Pelosi was responsible for Capitol security on January 6 | CNN Politics

"Why wasn't there a proper security presence at the Capitol that day," Jordan asked at a news conference after House Minority Leader Kevin McCarthy pulled all five members he had tapped for the committee in response to Pelosi rejecting two of them. The Ohio Republican added, "Only one person can answer that question. Only one. The Speaker of the United States House of Representatives."

Facts First: *The Speaker of the House is not in charge of Capitol security. That's the responsibility of the Capitol Police Board, which oversees the US Capitol Police and approves requests for National Guard assistance.*

Jane L. Campbell, president and CEO of the US Capitol Historical Society, told CNN that "the Speaker of the House does not oversee security of the US Capitol, nor does this official oversee the Capitol Police Board."

Pelosi also cannot unduly influence who is appointed to the Board, which consists of the House and Senate Sergeants at Arms, the Architect of the Capitol and the Chief of the Capitol Police. The Sergeants at Arms are elected and must be confirmed by their respective chambers and the Architect must be confirmed by both chambers of Congress.

And according to testimony from the former Capitol Police chief, Pelosi was not involved in the decisions made ahead of January 6 regarding the National Guard. In his testimony before the Senate in February, former US Capitol Police Chief Steven Sund said that he approached both Sergeants at Arms on the House and Senate side on January 4 to request the National Guard through an Emergency Declaration from the Capitol Police Board.

His request, according to Sund, was not approved. Instead, the Senate Sergeant at Arms Michael C. Stenger "suggested I ask (the National Guard) how quickly we could get support if needed and to 'lean forward' in case we had to request assistance on January 6," according to Sund's testimony.

Following the events of January 6, the US Capitol Police announced it was working "with



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SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JAN - 4 2021

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Employment Guidance for the District of Columbia National Guard

This memorandum responds to your January 4, 2021 memorandum regarding the District of Columbia request for District of Columbia National Guard (DCNG) support in response to planned demonstrations from January 5-6, 2021. You are authorized to approve the requested support, subject to my guidance below and subject to consultation with the Attorney General, as required by Executive Order 11485.

Without my subsequent, personal authorization, the DCNG is not authorized the following:

- To be issued weapons, ammunition, bayonets, batons, or ballistic protection equipment such as helmets and body armor.
- To interact physically with protestors, except when necessary in self-defense or defense of others, consistent with the DCNG Rules for the Use of Force.
- To employ any riot control agents.
- To share equipment with law enforcement agencies.
- To use Intelligence, Surveillance, and Reconnaissance (ISR) assets or to conduct ISR or Incident, Awareness, and Assessment activities.
- To employ helicopters or any other air assets.
- To conduct searches, seizures, arrests, or other similar direct law enforcement activity.
- To seek support from any non-DCNG National Guard units.

At all times, the DCNG will remain under the operational and administrative command and control of the Commanding General of the DCNG, who reports to the Secretary of Defense through the Secretary of the Army.

You may employ the DCNG Quick Reaction Force (QRF) only as a last resort and in response to a request from an appropriate civil authority. If the QRF is so employed, DCNG personnel will be clearly marked and/or distinguished from civilian law enforcement personnel, and you will notify me immediately upon your authorization.

Christopher C. Miller

Christopher C. Miller
Acting



OSD000020-21/CM/000009-21



SECRETARY OF THE ARMY
WASHINGTON

05 JAN 2021

Major General William J. Walker
Commanding General
District of Columbia National Guard
2001 East Capitol Street SE
Washington, DC 20003-1719

Dear General Walker:

This responds to your letter dated January 1, 2021 recommending approval of the request of Mr. Christopher Rodriguez, Director of District of Columbia Homeland Security and Emergency Management Agency (DCHSEMA), on behalf of the District of Columbia Fire and Emergency Service (DCFEMS) and DC Metropolitan Police Department (MPD) dated December 31, 2020, requesting the District of Columbia National Guard (DCNG) 33rd Civil Support Team (CST) and traffic management and crowd control for planned demonstrations in DC from 5-7 January 2021.

Support to the Civil Authorities of the District of Columbia

DCHSEMA requested that the DCNG CST conduct the following tasks, upon request, for each event: (1) Chemical, Biological, Radiological, and Nuclear (CBRN) monitoring and hazardous material (HAZMAT) on-site support; (2) liaisons at all required locations; (3) technical decontamination support (on call);¹ (4) Analytical Laboratory Suite (ALS) support (on call); and (5) CST operations and communications capability support. The CST personnel will be partnered with personnel from DCFEMS throughout the course of these missions and will serve solely in a support role to emergency fire and medical first responders.

DCHSEMA also requested six crowd management teams at specified Metro stations and to prevent overcrowding on Metro platforms; and teams to assist at 30 designated traffic posts.

Your mission analysis determined that the DCNG could provide all of the requested support. I approve the DCNG to support the MPD with 340 total personnel. DCNG Disposition will include:

- a. Traffic Control Points: 90 personnel (180 total/2 shifts) operating in non-tactical vehicles
- b. Metro station support: 24 personnel (48 total/2 shifts)

¹ The requested technical decontamination support will be limited to first responders working with the CST. It will not include the mass decontamination of civilians.

- c. CST Support: 20 personnel
- d. Quick Reaction Support: 40 personnel staged at Joint Base Andrews
- e. Internal C2 and Support: 52 personnel

DCNG are not authorized to perform any additional tasks or duties not authorized in this memorandum. In addition, without my personal authorization, the DCNG is not authorized the following:

- a. To be issued weapons, ammunition, bayonets, and batons.
- b. To interact physically with protestors, except when necessary in self-defense or defense of others, consistent with the DCNG Rules for the Use of Force other than those who pose an immediate threat of physical harm to Federal personnel or destruction of Federal facilities.
- c. To employ any riot control agents.
- d. To share equipment with law enforcement agencies.
- e. To use Intelligence, Surveillance, and Reconnaissance (ISR) assets or to conduct ISR or Incident, Awareness, and Assessment (IAA) activities.
- f. To employ helicopters or any other air assets.
- g. To conduct searches, seizures, arrests, or other similar direct law enforcement activity.
- h. To seek support from any non-DCNG National Guard units.

DCNG Soldiers have the inherent right to self-defense. DCNG Soldiers will store their helmets and body armor within vehicles or buildings in close proximity to their positions. In the event of an elevation of the threat requiring immediate donning of this equipment for self-defense, DCNG leadership will immediately notify the Secretary of Army.

At all times, the DCNG will remain under the operational and administrative command and control of the Commanding General of the DCNG, who reports to the Secretary of Defense through the Secretary of the Army.

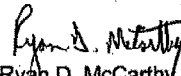
I withhold authority to approve employment of the DCNG Quick Reaction Force (QRF) and will do so only as a last resort, in response to a request from an appropriate civil authority. I will require a concept of operation prior to authorizing employment of the QRF. If the QRF is employed, DCNG personnel will be clearly marked and/or distinguished from civilian law enforcement personnel. You will notify me immediately of any requests for QFR employment.

The support mission for the CST will begin at approximately 0700 hours on January 5, 2021, and will end on January 7, 2021 when DCHSEMA, in coordination with DCFEMS, determines that the mission is complete. Finally, your mission analysis determined that the requested support constitutes valid military training; is within the current capabilities of the DCNG, and will not detract from the readiness of the DCNG.

Approval

Pursuant to my request, the Deputy Attorney General reviewed and concurred with your plan for support to the civil authorities of the District of Columbia.

All DCNG personnel associated with this support mission will serve under the provisions of Title 32, U.S.C., Section 502(f). They will serve solely in a support role to the named civil authorities and remain under the command and control of DCNG leadership at all times. DCNG will not be armed for this event however, MPD requests that DCNG members be equipped with safety vests and lighted traffic wands to assist with this mission. Further, MPD requests DCNG personnel supporting the mission be appointed as "Special Police" pursuant to D.C. Code § 5-129.03. They will not engage in the domestic surveillance of U.S. persons.


Ryan D. McCarthy

CF:
Office of the Assistant Secretary of Defense (Homeland Defense and Global Security)
Office of the Department of Defense General Counsel
Department of Defense Executive Secretary
Chief, National Guard Bureau
Deputy Chief of Staff, G-3/5/7
Office of the Army General Counsel

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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

8

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11 INTERVIEW OF: PAUL IRVING

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14

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Friday, March 4, 2022

16

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Washington, D.C.

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20 The interview in the above matter was held via Webex, commencing at 3:02 p.m.

21 Present: Representatives Aguilar and Cheney.

1 Q Okay. Was that just a conversation between you and the chief, or was Mr.
2 Stenger or the Architect of the Capitol also part of that conversation?

3 A No, I was in -- I had just returned to my office or was returning to my office
4 from the House floor, and that's when I received that call from the chief.

5 Q Okay. And so what was the -- what was sort of the -- your understanding at
6 the end of that call? So he says: Hey, I think I might need help. We might need the
7 National Guard.

8 So, when you left that call, what was your understanding about what next steps
9 might look like?

10 A That he would continue to brief me. But the fact that he mentioned a
11 potential need for the Guard, I remember going back up to the House -- when I say the
12 "House floor," the House Chamber, the Speaker's lobby to let the -- I believe it was the
13 Speaker's chief of staff know that the chief was giving her a heads-up that the chief might
14 be making a request for the National Guard, and I would be monitoring the situation and
15 keep the Speaker's Office advised.

16 Q Copy that, sir. And you advising the Speaker's office, was that something
17 you would normally do, or just something you did because of the uniqueness of that
18 situation? I am just trying to get a sense of which one it might have been.

19 A Any change in security posture, given the time, I would give them a
20 heads-up.

21 Q Copy that, sir. And what response, if any, did the chief -- I think you said it
22 was the chief of staff?

23 A I believe it was the chief of staff.

24 Q Yes, sir. And do you recall what, if anything, the chief of staff said in
25 response to the information you shared with them?

1 A I believe she said she would let the Speaker know. And I said okay.

2 Q Okay. And so you said that phone call was somewhere like 1:50-ish in the
3 afternoon or something like that? Does that sound right?

4 A Well, that call was shortly before 1:30.

5 Q Oh, I'm sorry. Before 1:30.

6 A And then -- but then between -- maybe I spoke to her in the 1:35 to 1:40
7 timeframe. And then there was some further discussion with the chief, back-and-forth
8 phone calls, trying to get an update. And, sometime thereafter, I went to Mike Stenger's
9 office and also told the Speaker's chief of staff that I was heading that way to get further
10 updates.

11 Q Copy that, sir. Before you went over to Mr. Stenger's office, do you recall
12 sort of how many telephone calls or conversations you had with the chief going back and
13 forth for status updates, best recollection?

14 A A few -- I know that the records are there. You can see the records.
15 Because the only calls I received from the chief were on my House cell phone,
16 House-issued cell phone. And you had asked earlier; I did not use any personal phones
17 or any other phones other than my House-issued cell phone. There were a few, and you
18 can look at the record. The chief sometimes would call -- there would be just -- there
19 would be just open time. There would be no discussion because he was busy. Sort of
20 an open line. But then I remember going to Mike Stenger's office and then getting, you
21 know, further updates. And then another call relative to the Guard once I was in his
22 office.

23 Q Copy that, sir. And, after the chief called you the first time to sort of say,
24 "Hey, we might need the National Guard," but prior to when you got to Mr. Stenger's
25 office, did you have a sense about how the situation was sort of devolving outside? So

1 what was your sense of what was going on, I guess is another way of asking it, after you
2 hung up with the chief the first time about what was going on around the Capitol?

3 A If you're referring to maybe the 2 o'clock timeframe, that 1:45 to 2 o'clock
4 timeframe?

5 Q Yes, sir.

6 A Conditions were rough. The Capitol Police were -- my understanding was
7 they were busy with the crowd outside. But even at that point, I had no indication that
8 it was any other an aggressive crowd. But I didn't have any other additional information
9 other than that.

10 Q Copy that, sir. And you said you eventually made your way to Mr. Stenger's
11 office. Was that around the 2 o'clock-ish timeframe?

12 A Yes.

13 Q And did you and Mr. Stenger have any discussions prior to your following
14 update from the chief? Or sort of what happened once you got to Mr. Stenger's office?

15 A My recollection, he was there with his -- with some of -- with his staff. I
16 think some leadership staff was there. And we were basically waiting for an update.
17 We could see from his window that we had a large crowd outside but couldn't see much
18 below us to determine the status at the various doors or points of entry. But we were
19 just waiting for a status. And the chief then called -- my recollection was he called after
20 2 o'clock. He called and asked for mutual assistance from the various police
21 departments, which we certainly said was fine with us. We had -- we didn't feel that he
22 needed our approval for that. And then it was shortly after that that he then called
23 again and asked for National Guard -- permission for National Guard assistance. And, of
24 course, we said absolutely. And that was -- so that was the next discussion regarding
25 the National Guard.

1 Q Copy that, sir. And you mentioned that it was you, Mr. Stenger, and some
2 leadership staff folks in Mr. Stenger's office. For that initial phone call from the chief,
3 had the Architect of the Capitol, was he a part of that conversation at the time, or did he
4 get looped in at any point while you were with Mr. Stenger, to the best of your
5 knowledge?

6 A No, the Architect was not involved. Again, this was not a Capitol Police
7 Board issue. This was an implementation of, you know, security and involving security
8 around the Capitol. So, no, he, to my recollection and knowledge, he was not involved
9 in any of the discussions or there.

10 Q Understood, sir. And you mentioned that that was one phone call. Then
11 there was a subsequent phone call where the request for National Guard support came
12 from the chief, to which you of course said yes. Do you recall how long it was after that
13 first phone call that you got that second phone call?

14 A I would say it was several minutes. Maybe within 5 minutes.

15 Q Okay. So pretty close in time.

16 A Uh-huh.

17 Q And, based on what I understood in the beginning of our conversation when
18 you were walking me through, which I appreciate the backup about how the Capitol
19 Police Board works, it was you and Mr. Stenger in the room. Was there a need to reach
20 out to the Architect in the Capitol and say, hey, we got a vote on National Guard with just
21 the two of you by yourselves, enough to say pull the trigger and go do what you need to
22 do?

23 A Had we had time, I would say we would have certainly had him in the
24 discussion. But the chief said time was of the essence. He said conditions were real
25 bad outside, and we just said go ahead and do it. And it was not uncommon for -- well,

1 not uncommon to have numerous discussions on security issues with the chief
2 throughout a given day. But certainly Capitol Police Board decisions would involve the
3 entire board.

4 Q Copy that, sir. And, after that second phone call, where you all give the
5 green light to move forward implementing the National Guard, to your knowledge or
6 recollection, were there any other discussions after that involving the use of National
7 Guard, or was that sort of the end of that particular part of the scope?

8 A It was maybe a half an hour later that we got word that the Capitol had been
9 breached, and we went into emergency planning mode. So, at that point, it was just
10 getting Members safe, and we shifted. There was National Guard discussion later on in
11 the afternoon once we were in our secure location and we were in the phase of getting
12 the Capitol secure again and getting resources to secure the Capitol. So then there was
13 further -- there was then continued discussions later that afternoon about the Guard.

14 Q Copy that, sir. And I am going to talk about that in a second, but let's put
15 that to the side and focus on prior to when you went into emergency mode. You had
16 mentioned earlier that there was some folks, some other folks in the room. And, also
17 during our conversation, you had mentioned the fact that, when you got the initial
18 request from Capitol Police, you gave the leadership, the Speaker's Office a heads-up.
19 Did you give a similar heads-up once you all gave the approval for Sund to move forward
20 implementing the National Guard? I guess I am just trying to get a sense of what
21 information intelligence sharing there might have been with congressional leadership
22 prior to when you went into sort of lockdown emergency mode?

23 A There was very little discussion, if any, because the period of time was so
24 short from the time that he made the request to the time that the Capitol was breached.
25 And I was then consumed with the emergency phase. And my discussions with

1 leadership were not until later that afternoon as we were working toward getting the
2 Capitol secure again.

3 Q Copy that, sir. So let's move to that part of the discussion. How
4 long -- when did lockdown mode resolve itself to the point that you could then shift your
5 focus back to the subsequent discussions about the Capitol Police? Were you in
6 lockdown mode for like -- was it like several hours? I'm just trying to get a sense of
7 timing.

8 A I don't know if I understand your question. We -- once the Capitol was
9 breached, we worked to get the Members secure and then were engaged in trying to
10 secure the Capitol again, and that was throughout the afternoon. That was, you know,
11 4 o'clock or 5 o'clock, or so. So a lot of discussions with the chief regarding the getting
12 the Capitol back in coordination with local law enforcement. And he had had numerous
13 discussions with us and local law enforcement and the National Guard. I don't know if I
14 understand your question.

15 Q I apologize if it was confusing. I guess what I was trying to first understand
16 was -- you sound like there was a definite shift in focus once you all moved into lockdown.
17 So I was just curious sort of how long you were sort of in that posture. It sounds like it
18 was several hours, you know, as the day progressed, which I understand. And then,
19 based on your answer, I was just curious to know, as part of that response process,
20 getting Members safe, getting people secure, you mentioned that there was some
21 discussion about Sund's coordination with local law enforcement and the National Guard.
22 Anything about those conversations stand out in your mind with the National Guard sort
23 of already in place and working? Or was it -- were we still waiting for them to sort of
24 become involved? I am just trying to get a sense of sort of where you thought they
25 were in your overall security posture?

1 A Well, we were trying to secure the Capitol throughout the afternoon, and
2 the chief was trying to get the National Guard to respond to the Hill, and other local law
3 enforcement. And my recollection was we had a local law enforcement response fairly
4 quickly. The National Guard took longer due to some approvals required. But I just
5 remember that the discussion involved the National Guard as other law enforcement as
6 part of the plan to secure -- retake the Capitol or secure the Capitol.

7 Q Copy that, sir. And, in your mind, from your perspective, when you are
8 going backwards in time -- I apologize for the time jumping -- but when you and Mr.
9 Stenger gave Chief Sund the go-ahead to use the National Guard, in your mind, was that
10 the end of the discussion and there were no other approvals needed, or was there some
11 other steps that either you or he needed to take to make that happen?

12 A No, there were no other approvals needed. No.

13 Q Okay. Do you recall -- and, again, I know this is a long time ago, so I am just
14 asking for your best guess -- you mentioned earlier that there were other folks in a room,
15 staffers from the leadership. Do you recall if any of them were communicating with
16 others about the National Guard and their potential use prior to when you went into
17 emergency mode?

18 A I can't -- I don't know. I would have no knowledge of that.

19 Q Okay. All right. So, once the Capitol is secured later in the
20 afternoon -- and I am pretty sure I know the answer to this question, but I want to ask
21 anyway -- any other discussions about the National Guard and other events and what
22 they were doing in relation to helping to keep the Capitol secure, you know, once we get
23 sort of to the end of the day, and you're moving out of your emergency posture mode?
24 If that makes sense? If my question makes sense?

25 A No. You're asking were there any other discussions regarding the National



118TH CONGRESS
1ST SESSION

H. CON. RES. 40

IN THE SENATE OF THE UNITED STATES

MAY 30, 2023

Received and referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Expressing support for local law enforcement officers and condemning efforts to defund or dismantle local law enforcement agencies.

Whereas our brave men and women in local law enforcement work tirelessly to protect the communities they serve;

Whereas local law enforcement officers are tasked with upholding the rule of law and ensuring public safety;

Whereas local law enforcement officers selflessly put themselves in harm's way to fight crime, get drugs off our streets, and protect the innocent;

Whereas, in the summer of 2020, looting, rioting, and violence in major cities caused the destruction of many shops, restaurants, and businesses;

Whereas, in 2020, the United States tallied more than 21,000 murders—the highest total since 1995 and 4,900 more than in 2019;

Whereas leftist activists and progressive politicians called for the defunding and dismantling of local police departments across the country and actively encouraged resentment toward local law enforcement;

Whereas the defund the police movement vilifies and demonizes local law enforcement officers and puts them at greater risk of danger;

Whereas many local jurisdictions defunded their police departments and saw a subsequent increase in violent crime;

Whereas calls to “defund”, “disband”, “dismantle”, or “abolish” the police should be condemned and rule of law should be strictly maintained;

Whereas local law enforcement officers take an oath to never betray the public trust;

Whereas in the course of investigations into officers who have allegedly exhibited misconduct, local law enforcement should have certain rights to ensure a fair administration of justice, including—

(1) a local law enforcement officer’s inherent right to self-defense against physical threats;

(2) a local law enforcement officer’s right to legal recourse if a civilian attempts to assault the local law enforcement officer;

(3) a local law enforcement officer's right to be protected from physical harassment targeting a local law enforcement officer;

(4) a local law enforcement officer's right to equipment necessary for personal protection;

(5) a local law enforcement officer's right to counsel or a representative present at any interview conducted as part of an investigation;

(6) a local law enforcement officer's right to be informed of the nature of the investigation before any interview commences, including the name of the complainant and sufficient information to reasonably apprise the officer of the allegations;

(7) during questioning in the course of an investigation a local law enforcement officer's right—

(A) to not be subjected to any offensive language;

(B) to not be threatened with departmental, civil, or criminal charges; and

(C) to not receive financial or promotional inducement;

(8) a local law enforcement officer's right to a hearing, with notification in advance of the date, access to transcripts, other relevant documents, and evidence;

(9) a local law enforcement officer's right to have the opportunity to respond to adverse accusations; and

(10) a local law enforcement officer's right to not be disciplined for exercising a Fifth Amendment right to remain silent unless granted immunity that such statements will not be used against the officer in any criminal proceeding;

Whereas in order to ensure these investigations are conducted in a manner that protects the public, respects the rights

of local law enforcement personnel, and is conducive to good order and discipline;

Whereas States across the country are encouraged to adopt a "Bill of Rights" for local law enforcement personnel for protections related to investigation and prosecution arising from conduct during official performance of duties;

Whereas the local law enforcement community protects our streets, acknowledges the rights of all Americans, and keeps citizens safe from harm;

Whereas local law enforcement officers are recognized for their public service to all, knowing they face extremely dangerous situations while carrying out their duties;

Whereas a healthy and collaborative relationship between local law enforcement officers and the communities they serve is essential to creating mutually respectful dialogue;

Whereas violent leftist extremists have repeatedly attacked and assaulted local law enforcement officers; and

Whereas local law enforcement officers deserve our respect and profound gratitude: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That Congress—

3 (1) recognizes and appreciates the dedication
4 and devotion demonstrated by the men and women
5 of local law enforcement who keep our communities
6 safe; and

Passed the House of Representatives May 18, 2023.

Attest: CHERYL L. JOHNSON,
Clerk.

AMENDMENT TO H. CON. RES. 40
OFFERED BY MR. MCGOVERN OF
MASSACHUSETTS

Page 2, line 6, strike “and” at the end.

Page 2, line 8, strike the period at the end and insert “; and”.

Page 2, insert after line 8 the following:

1 (3) offers its sincere gratitude to the United
2 States Capitol Police who protected our Capitol on
3 January 6, 2021, from those who sought to violently
4 overturn a free and fair election.



Although the resolution waives all points of order against consideration of H.R. 3091, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 3091, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H. Con. Res. 40, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H. Con. Res. 40, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 52

Motion by Mr. McGovern to amend the rule to make in order amendment #8 to H. Con. Res. 40, offered by Rep. McGovern, which expresses gratitude to the United States Capitol Police who protected our Capitol on January 6, 2021. Defeated: 3-8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Reschenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	
Mr. Massie		Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 53

Motion by Mr. McGovern to amend the rule to self-execute amendment #8 to H. Con. Res. 40, offered by Rep. McGovern, which expresses gratitude to the United States Capitol Police who protected our Capitol on January 6, 2021. Defeated: 3-8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Reschenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	
Mr. Massie		Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

COMMITTEE VOTES

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Mr. Burgess.....	Nay	Mr. McGovern.....	Yea
Mr. Reschenthaler.....	Nay	Ms. Scanlon.....	Yea
Mrs. Fischbach.....	Nay	Mr. Neguse.....
Mr. Massie.....	Ms. Leger Fernandez.....	Yea
Mr. Norman.....	Nay		
Mr. Roy.....	Nay		
Mrs. Houchin.....	Nay		
Mr. Langworthy.....	Nay		
Mr. Cole, Chairman.....	Nay		





Rep. Matt Gaetz ✓

@RepMattGaetz

We want:

Single-subject spending bills

A vote on term limits

A vote on a balanced budget amendment

Full release of J6 tapes

And stop spending money at COVID/Biden levels!

Time is running out, @SpeakerMcCarthy.



12:47 PM · Sep 18, 2023 · 413.8K Views



UNITED STATES CAPITOL POLICE

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

PHONE: 202-224-9806

September 18, 2023

COP 231347

The Honorable Brian Steil
Chairman
Committee on House Administration
United States House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515

The Honorable Joseph D. Morelle
Ranking Member
Committee on House Administration
United States House of Representatives
1216 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Steil and Ranking Member Morelle:

The Department is in receipt of the Committee on House Administration's policy governing Access to the USCP Video. While we appreciate the procedural and substantive restrictions that the committee has included in its policy, we remain concerned about further exposure of the Capitol Complex's security posture through the release of video footage, particularly when it is viewed in the aggregate. Additionally, we remain concerned about protecting the integrity of ongoing investigations conducted by the Federal Bureau of Investigation and the Department of Justice into the events of January 6, 2021, and the criminal prosecutions related thereto.

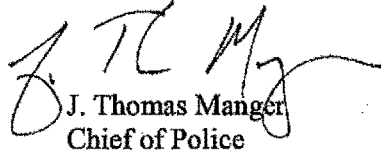
I want to reiterate that although 2 U.S.C. 1979 provides Committees and Members with access to these videos, it does not provide independent authority for the public or third-party release of sensitive security information, including Capitol security footage, provided to Committees or Members. Doing so without review by, or consultation with, Capitol law enforcement and security professionals could adversely impact the security of the Capitol and the safety of Members.

For these reasons, we renew our request to review all video footage requests received by the committee and to address the committee regarding the Department's security concerns prior to the video release. As was conveyed to your staff by my General Counsel, the Department has shown over the past two and a half years that it can quickly and efficiently review all video requests and, indeed, the Department generally approves those requests. The Department has worked with this committee in the past regarding this sensitive footage, and we believe we can continue to successfully work collaboratively to review all video requests in a timely fashion.

180

I would welcome the chance to discuss this with you further.

Very Respectfully,



J. Thomas Manger
Chief of Police

cc: Capitol Police Board
Rep. Barry Loudermilk

Chairman LOUDERMILK. I now recognize the gentleman from New York, Mr. D'Esposito, for 5 minutes.

Mr. D'ESPOSITO. Thank you, Mr. Chairman.

I just want to make it very clear that I think all of our colleagues, the Republicans, have been very concerned about the response of the National Guard, which is why most of us have asked questions about the timing, about the authority, about you getting permission, and the fact that you had to get answers from two individuals who clearly were taking—taking their orders from Speaker Pelosi. I just want to make that very clear.

Just touching quickly on the Chamber evacuations, the Capitol was breached at 2:12 p.m. The House Chamber did not start evacuating until 2:28. What was the reason for the delay?

Mr. SUND. I am not really sure what the reason for the delay is.

Mr. D'ESPOSITO. OK.

Mr. SUND. They should have been called—the evacuation should have definitely been called earlier.

Mr. D'ESPOSITO. Who would have made that decision?

Mr. SUND. When I was up in the Command Center, I had two assistant chiefs with me. They were in charge of operations. I had one assistant chief that was in charge of Member protection—intelligence and protection, and one in charge of uniformed operations. Either of those could have called it, but it should have been called earlier.

Mr. D'ESPOSITO. OK. Do you know what time the Senate Chamber was evacuated?

Mr. SUND. I will see if I have it in my—give me 1 second. Sorry about that.

I am sorry.

I do not have that right in front of me right now, sir. Sorry.

Mr. D'ESPOSITO. OK. No worries. I will move on to something else.

Yesterday Chairman Steil hosted a security briefing here in this room, brought all the stakeholders, the law enforcement agencies that oversee the Washington, D.C. area, into one room to talk about the spiking violent crime and what we can do better.

I think something that has been a common theme, and probably not one that we are really proud of, but a common theme that we have all heard is staffing issues when it comes to the Capitol Police.

Obviously, I think any law enforcement agency around the country right now would agree that the more people in uniform, the better.

In your book, you wrote that on January 6th, United States Capitol Police would be subjected to the greatest staffing demands on the Department's limited resources, and that, quote, "This would make pulling together the staffing for a large CDU detail even more difficult."

What was it specifically about January 6th and the joint session that placed such significant demands on the staffing of your department?

Mr. SUND. Any time you have a joint session of Congress, where you have both the House and the Senate in session, as well as the

Vice President there holding a joint—joint hearing, it is going to take a lot of—a lot of work.

The problem that we have is with the electoral college, when you are in there doing the certification, it can likely run into the early morning hours. You have to prepare for 24-hour staffing for that. That is what takes a lot of the resources.

You know, we had prepared for, I think it was 223 hard CDU officers, as well as some officers on the perimeter, and that is about—about the most we can get on the outside. It takes a lot of our staffing on the inside, sir.

Mr. D'ESPOSITO. You spent over three decades in the law enforcement arena. Public safety, emergency management, it is all kind of tied in there. As someone who has spent most of his adult life in the emergency management world, one of the questions that we always ask ourselves is, are we better off today than we were when we saw the last event unfold.

My question to you is, are we better off today than, God forbid, if we saw an event like January 6th unfold again?

Mr. SUND. I continue to be concerned. I know, like you had mentioned, and I think there was an influx of money coming in. That was key for getting some of the equipment and helping out with the training.

The officers are still very, very short. They are getting overworked. They are getting held over, and it is still making training difficult. I would say, as far as some of the equipment coming in, yes.

As far as the politicization, which is, the No. 1 thing I had recommend, you know, there is no reason you should be going and having Members of Congress in an approval or review category for laws overseeing the Capitol Police. That needs to be restricted.

You know, let the Capitol Police chief do his job.

Mr. D'ESPOSITO. I agree.

Mr. SUND. That is the No. 1 thing I can say.

Mr. D'ESPOSITO. Leave policing to the law enforcement professionals.

Mr. SUND. That is correct. If they mess up, hold them accountable.

Mr. D'ESPOSITO. Exactly. Well, thank you for your service.

Mr. Chairman, I yield back.

Chairman LOUDERMILK. The gentleman yields.

I also want to clarify something Mr. Morelle brought up, regarding bringing Mr. Irving before this Committee. It is the intention of this Committee to bring Mr. Irving before our Committee, whether in a hearing or in a transcribed interview which, if either takes place, we will notify the minority and invite them to participate.

With that, I would now recognize the Chairman of the full Committee, Mr. Steil, for 5 minutes.

Chairman STEIL. Thank you very much.

I want to go back to your recollections in the transcribed interview of Mr. Irving. He said that on January 6th, the initial statement about the Guard occurred on a phone call. You noted it is in his office. Which is correct?

Mr. SUND. Can you repeat the question, sir, just so I—

Chairman STEIL. Yes, no, absolutely. Mr. Irving said that on January 6th, the initial statement about the Guard occurred on a phone call. You contend that you went into his office to discuss the Guard.

Mr. SUND. On January 6th?

Chairman STEIL. Yes.

Mr. SUND. No, sir. I was in the—I was in the Command Center on January 6th when we became under attack at 12:53.

Chairman STEIL. OK.

Mr. SUND. I was there for several hours until I left at 5, approximately 5 p.m. to go see the Vice President and go check on the Capitol.

Chairman STEIL. Thank you.

On January 6th, Mr. Irving said that when you called and asked his permission to ask for the Guard, he gave you permission. Is that correct?

Mr. SUND. That is false. I think if you look at his testimony, he says, When I first call him—I want to, just for clarification—at 2, because I think his testimony is, before I was saying, I might be needing the National Guard, that is absolutely not true.

When I first called at 12:58, I absolutely said, We need the Guard now. I think my response was, I think we are getting our asses handed to us. No, it was not correct that he gave me approval on the first call.

Chairman STEIL. When comparing your transcribed interview with the January 6th Committee, and the transcribed interview of Mr. Irving, there seems to be some pretty big discrepancies in the timeline of events and how they happened. Can you explain the discrepancies?

Mr. SUND. Maybe there is problems with recollection. The one thing I would say is, when you think there is discrepancies, realize that Congress did try and change the law to correct those discrepancies in the sense of, they changed the law giving the chief the authority now. Obviously they agree with my position.

Chairman STEIL. Well, I thank you for being here, Mr. Sund, and, you know, we really are working, as chair of the full Committee, to de-politicize Capitol Police. I remain concerned that under the previous Congress and the previous Speaker, Capitol Police was politicized, and we are working to de-politicize the security apparatus on Capitol Hill.

With that, I yield back.

Mr. SUND. Thank you.

Chairman LOUDERMILK. I thank the Committee Chairman for his questions and being here today.

I now recognize myself for 5 minutes.

Just to finish up on the previous question—line of questioning, regarding General Milley and his notification to the Senate of this particular intelligence. You had stated that he did not notify you. Do you know if General Milley notified the intelligence division at all of this intelligence?

Mr. SUND. I have no idea, sir.

Chairman LOUDERMILK. OK. From what I recall, and I believe it was in your book, you had issued an all-hands-on-deck, for officers to be present, and on duty on January 6th. Is that correct?

Mr. SUND. That is correct, sir.

Chairman LOUDERMILK. Do you know, was that order put in place with the intelligence division?

Mr. SUND. The intelligence division actually—it is funny you say that—the intelligence division had two-thirds of their personnel working from home that day. No, it was not put in place. It only had one intelligence analyst assigned to monitor the January 6th events.

Chairman LOUDERMILK. Even though you issued an all-hands-on-deck—this would have been Yogananda Pittman's call—she had nearly 70 percent of her workforce at home?

Mr. SUND. At least of that one unit. When you talk about the intelligence—

Chairman LOUDERMILK. Intelligence.

Mr. SUND. Yes, the larger—

Chairman LOUDERMILK. That is right. She was over a larger, but, yes—so the intelligence, do you know why they chose to not order their people to come to work.

Mr. SUND. No, sir. I have not been able to follow up on that.

Chairman LOUDERMILK. Very interesting.

Are there any preexisting—or when you were chief, was there any preexisting agreements between the Metropolitan Police Department and Capitol Police that would allow MPD to come onto Capitol Grounds without the approval from the chief or the Police board?

Mr. SUND. Well, you got to understand, there is a number of thoroughfares through the Capitol Grounds that Metropolitan Police will patrol regularly—Constitution Avenue, Independence Avenue, so they have to traverse the Capitol, when you call the Capitol Grounds regularly.

For them to be coming up and coming into one of our buildings, it usually requires approval and notification for them to be able to come in and be invited in.

Chairman LOUDERMILK. OK. From our research, the only directive that we have seen with the Metropolitan Police Department, which dates back about 10 years, is that no officer can come onto Capitol Grounds, patrol Capitol Grounds, or enter any Capitol building without the explicit approval or request by the Capitol Police Board. You do not know that there is anything that has superseded that?

Mr. SUND. No, I do not. I had have to say that there is a Metropolitan Washington Council of Government's Mutual Aid Agreement that I believe—that I believe exists, but I do not know how that interacts with that.

Chairman LOUDERMILK. The mutual aid agreement that you enacted, is that that same mutual aid agreement?

Mr. SUND. Yes, sir.

Chairman LOUDERMILK. OK. What time did you enact that?

Mr. SUND. I enacted that at 1—approximately 1:51, I called Scott Boggs over at the Metropolitan Washington Council of Governments.

Also realize that I did call Metropolitan Police Department right at 12:55. We were attacked at 12:53. At 12:55, I called MPD and asked them to send in the resources. I called—I had called earlier

that morning at 10:55 and asked Chief Carroll if he could put additional resources on Constitution Avenue in case we needed them.

Chairman LOUDERMILK. No, that would have been off Capitol Grounds at that point.

Mr. SUND. I believe it would have been right on the—right on the edge of Capitol Grounds.

Chairman LOUDERMILK. Yes. OK.

Mr. SUND. I think it actually technically would have been on Capitol Grounds, correct.

Chairman LOUDERMILK. Were you made aware that MPD would be sending their emergency services unit in plain clothes to be in the crowd?

Mr. SUND. Their—

Chairman LOUDERMILK. I mean—I am sorry—their electronic services unit, ESU.

Mr. SUND. Oh, I am sorry. No. No, sir, I was not aware of that.

Chairman LOUDERMILK. OK. We actually have evidence and records indicating plain clothes MPD officers were on Capitol Grounds on January 6th, and you are saying you were not aware that they would have embedded those officers within the crowd. They did not make you aware of that.

Mr. SUND. No, sir, they did not make me aware of it. It is not unusual for agencies to have plain clothes units deployed around major events, but no, I was not made aware that they would be on Capitol Grounds.

Chairman LOUDERMILK. OK. Some of what actually Metropolitan Police provided to us, the camera footage, body cam footage, shows that there were undercover agents in the crowd with one apparently encouraging some of the protestors to enter the Capitol. That would—I assume you would think that that was uncalled for, or unprofessional?

Mr. SUND. I have not seen that. If it turned out to be a police officer involved in that, that would be inappropriate.

Chairman LOUDERMILK. OK. When did you come on as acting chief? I know it was 2017. What month?

Mr. SUND. January. It was beginning of January, the first week of January.

Chairman LOUDERMILK. You were acting chief at the time that a—someone crazed by political rhetoric came on the baseball field, which I was on, and began shooting at Members of Congress, Republican Members.

Mr. SUND. Yes, sir.

Chairman LOUDERMILK. That after-action report, do you remember that after-action report?

Mr. SUND. I do, yes.

Chairman LOUDERMILK. You had two Capitol Police officers involved in that, and from what I remember, it was a pretty significantly large after-action report. Is that right?

Mr. SUND. Yes. I had have to remember exactly, but yes, that was Crystal Griner and David Bailey that were heroic in that event. Yes, substantial. I was involved in that, as well as, you know, other infractions.

Chairman LOUDERMILK. Have you seen the Capitol Police after-action report on January 6th.

Mr. SUND. Yes, sir. The 27-page after-action, yes, sir.

Chairman LOUDERMILK. Does it surprise you that it is only 27 pages long when—how many officers were here that day?

Mr. SUND. I called in 1,700 officers, as well as there was a total of 18—let us see—I am sorry—our total of 1,457. You figure a little over 3,000—3,200 officers. No, I would have expected a much larger after-action.

I was involved in Navy Yard as the incident commander there. The after-action there was at least three times that length.

Chairman LOUDERMILK. That is what amazes me is that this after-action report of the Capitol—or the baseball shooting with two officers involved, 15 or 16 Members of Congress, received this comprehensive after-action report, but the January 6th after-action report literally is just a handful of pages, and it is very sketchy.

Who was responsible for that after-action report?

Mr. SUND. I do not remember the exact date that it was published. I do not know if that would have been the acting chief, Pittman, or the new chief, Manger.

Chairman LOUDERMILK. Yes. I think it was Acting Chief Pittman.

Finally, this will be my last question. I appreciate you being here with us and being so vigilant.

You have mentioned earlier in response to a question by the minority, that there should be others that are held accountable to this. Who else do you believe that should be held accountable?

Mr. SUND. When I talk about holding people accountable, I think, you know, you are dealing with a morale issue, I think, right now on the—on the police department. That is one of the big issues that you face when you talk to the officers.

I agree with Representative Torres, these were heroic officers. They are working really hard all the time, and I appreciate that. There is a morale issue, and I think part of that morale issue goes to the fact that people have not been held accountable. You know, failures have not been identified, and people that have been left in certain positions that—that should be identified as contributing to some of the issues we had that day.

Chairman LOUDERMILK. In contrasting that, there are individuals who—I believe you even mentioned this in your book—that acted above and beyond the call of duty, or above and beyond their position, who were actually terminated from the Capitol Police, and there were many whistleblowers that were retaliated against. That is exactly what we are trying to get at here.

We thank you for spending time with us today, thank you for your service. It is been exemplary. Look, you had the ability to just step away and go in obscurity like some that were here that day have, but you chose to stand up and see that justice is done and that, more importantly, that we do correct the wrongs and we secure this Capitol.

It is not the intention, as has been mentioned several times, for this Committee to rewrite history. History is there. Violence was done. We want to get to the truth of how there was a security failure at this Capitol so that we can ensure that it never happens again.

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

Mr. SUND. 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 Subcommittee stands adjourned.

[Whereupon, at 5:19 p.m., the Subcommittee was adjourned.]

QUESTIONS FOR THE RECORD

**Committee on House Administration
Subcommittee on Oversight
Oversight of United States Capitol Security:
Assessing Security Failures on January 6, 2021
Minority Questions for the Record**

Mr. Steven A. Sund

1. According to the Capitol Police Inspector General, the Capitol Police lacked a comprehensive operational plan for the January 6, 2021, Joint Session of Congress and lacked appropriate guidance for operational planning.

a. Do you agree with this assessment? Why or why not?

A plan was developed for the demonstrations and any civil disobedience that could occur on Capitol grounds. However, there should have also been a plan that addressed the events taking place inside the Capitol building during the Joint Session of Congress. Extensive planning and preparation go into a joint session of Congress. The Capitol Division would have worked with the offices of the House and Senate sergeant at arms to coordinate meetings and walk-throughs in advance to ensure that everyone knew the required protocols and processes of the joint session. These meetings would also address such things as VIP access, USCP escort teams, the media, timelines, and evacuation plans. These walk-throughs and meetings would include the USCP, the House and Senate sergeants at arms, media galleries, and the United States Secret Service—all of which should be reflected in an operational plan. An operational plan for the joint session inside the Capitol building on January 6 should have followed standard operating procedures and a template that had existed for years. Combining the internal Joint Session of Congress operations plan with the exterior civil disturbance plan would have provided a more comprehensive document.

The responsibility to prepare special event plans is spelled out in departmental directives to include US Capitol Police, Directive 2000.001, Organizational and Management Structure of the USCP, and is the responsibility of the Command and Coordination Bureau (CCB). CCB is tasked with preparing for and managing emergencies, planning special events, and managing multiagency responses to evolving emergency and crisis situations. A plan of action is required for all large events at the Capitol and is standard procedure at the USCP.

b. Please describe the operational planning process for the January 6, 2021, Joint Session of Congress.

On Monday, December 14, immediately following the MAGA II weekend, we learned that another MAGA event was being planned in the city to coincide with the January 6 joint session of Congress to certify the Electoral College votes. We had received information through the National Park Service and other partner agencies that an organizer had submitted a permit to hold an event on the Ellipse, just south of the White House. Unlike previous demonstrations that occurred on Saturdays when Congress wasn't in session, this event would occur on a Wednesday

and during the joint session of Congress. This meant that both the House and the Senate would be in session, and the vice president of the United States would be in attendance.

Over the next twenty days, IICD would produce four intelligence assessments that guided planning and preparation, not only for the USCP but also for the members of the Capitol Police Board (CPB). The first, Special Event Assessment 21-A-0468, was a four-page document dated December 16, 2020. It started with a bottom-line-up-front, or BLUF, section. BLUF is a method in which the key information (i.e., the bottom line) is listed first. It noted, “The certification of the electoral votes will take place on January 6, that some Republican representatives may attempt to challenge the certification against the advice of Senator McConnell.”

The assessment noted that the IICD was tracking two protests scheduled to take place on Capitol grounds—one pro-Trump, the other pro-Biden.

The assessment then provided an overview of the threats to congressional leadership for the 116th Congress, and investigations thereof. The report indicated that in reference to organizational or group threats, there was no information to indicate that any type of violence or civil unrest would be associated with the joint session of Congress. The IICD’s overall analysis indicated that they had “no information to indicate there would be acts of civil disobedience targeting this function.” The assessment further stated that “due to the tense political environment, threats of disruption or violence cannot be ruled out.”

It concluded that with the possibility of some members of Congress objecting to the certification, we should anticipate that the certification could very well run into the morning hours, possibly until sunrise. We immediately began working to develop a staffing plan to provide around-the-clock coverage until the certification concluded.

A week later, on December 23, the IICD produced the second assessment. Special Event Assessment 21-A-0468 v.2 was a seven-page document. The BLUF section read almost identically to the first assessment, with the addition that “some protesters have indicated that they planned to attend the demonstrations armed.” The assessment further provided an overview of the expected protests, indicating that the demonstrations were “expected to be similar to the previous Million MAGA March rallies in November and December 2020” and that members of the Proud Boys, Antifa, and other extremist groups would be present. The assessment provided an overview of the various known pro-Trump and pro-Biden demonstration groups expected. Organizers of one main pro-Trump protest group said that they planned to be on the Capitol lawn and steps to show support for senators planning to object to the certification. The MPD had indicated that hotel occupancy rates were high, so we anticipated a well-attended event. The assessment also included social media references encouraging protesters to come armed. Again, the December 23 overall IICD analysis of the joint session of Congress indicated that there was “no information regarding specific disruptions or civil disobedience targeting this event.”

On December 23, I received an email from the MPD’s Intelligence Division regarding a website called wildprotest.com, which contained information about groups expecting to protest on January 6. When I received the email, I immediately forwarded a copy to Pittman and Gallagher for the IICD’s awareness and for inclusion in future intelligence products. Gallagher immediately responded to me that the IICD was aware of the website and its contents and was tracking it.

Since the previous MAGA events had occurred when Congress was not in session, I’d had far fewer required posts to staff, because the office buildings were closed, the chambers and the galleries did not require full staffing, and fewer pedestrian and vehicle access points required officers. As a result, I had more officers available to help staff the event and the civil disturbance

units without having to hold people over for very long. With the House and Senate both in session and planning to hold an all-night joint session of Congress with the VP attending, we would be subjected to the greatest staffing demands on our already limited resources. This would make pulling together the staffing for a large CDU detail even more difficult. Both sergeants at arms and my oversight committees were aware of these staffing requirements and my existing personnel shortages.

I began meeting with my two assistant chiefs, Thomas and Pittman, almost immediately to start planning for January 6. I directed that we activate the greatest number of hard CDU platoons, and Thomas advised that Deputy Chief Waldow would handle the CDU plan. Four hard platoons were the largest number of fully outfitted CDU officers we could deploy. I directed that the department be put into an all-hands-on-deck (AHOD) staffing posture, meaning that all available personnel would need to be at work on January 6. The week of January 3, we canceled rotating anyone out into the COVID Ready Reserve posture. No one was to be working remotely, and no one was to take January 6 as a day off.

On December 29, the Operational Services Bureau developed a draft plan for civil disturbance units and submitted it for review. The plan activated four hard CDU platoons and less lethal capabilities. D/C Waldow was designated the incident commander, and an Operational Services Bureau captain was assigned as the field force commander in charge of CDU resources for the event. The plan included the assignment of two less lethal grenadiers to each CDU platoon—one with an FN 303 less lethal projectile weapon, and another with the Pepper Ball launcher. As is standard when preparing a plan for a large demonstration, D/C Waldow activated a tactical team from our Containment and Emergency Response Team (CERT) to provide a tactical response and overwatch. CERT is the specially trained and equipped SWAT team for the USCP. The plan also established a perimeter around part of the East Front of the Capitol and around part of the West Front.

On December 30, IICD published a third special event assessment for the joint session of Congress, which was numbered 21-A-0468 v.2. (It was mistakenly titled “v.2,” just like the December 23 assessment.) This version was a nine-page document with the BLUF section reading almost verbatim with the December 23 assessment. The assessment indicated that much of the previous violence occurred between pro-Trump and opposing groups, often after the march concluded. The assessment again provided an overview of the various known pro-Trump and pro-Biden groups of demonstrators expected on January 6, and reported, “No group is expected to march and all are planning to stay in their designated areas.”

This assessment forecast the January 6 event to be well attended, due to high hotel occupancy rates. The assessment also indicated, “IICD found no information regarding specific disruptions or acts of civil disobedience targeting this function.”

As January 6 approached, I knew that this was going to be a well-attended event and that the perimeter would be my biggest issue. My staffing was already overextended since both the House and the Senate would be in session. The staffing needs of an extended joint session of Congress, even with the AHOD directive, would leave me few extra personnel to help support my perimeter and CDU operations. SAAs Stenger and Irving were both aware of these issues. I felt I needed some additional support to help staff the perimeter and maintain its integrity. We had used unarmed National Guard soldiers on the Hill during major events like presidential inaugurations before, and I believed this would be an appropriate request. However, for me to request the National Guard in advance, according to federal law 2US1970, I would first have to get the approval of the CPB and congressional leadership. I had to get the support of the two

chief law enforcement officials for the House and the Senate (the Sergeants at Arms) to move forward. Without their support, there was no way I could get the National Guard.

My initial request for the National Guard occurred on the first day of the 117th Congress, Sunday, January 3, 2021. I decided to go over to Irving's office in person to make my request.

I went to meet with the sergeants at arms because I knew this would be a sensitive issue for them and for leadership. I walked down the empty halls of the Capitol to H-124, the office of the House sergeant at arms, arriving at 9:24 a.m. I know this because after my testimony at the Senate hearing, the USCP did a video review and found the video of me walking into the office. I asked Mr. Irving for the assistance of the National Guard on January 6 to help support the perimeter. Mr. Irving responded that he didn't like the optics and that he didn't feel that the intelligence supported it. It is important to understand that Mr. Irving was getting the same intelligence information and briefings I was receiving. The Intelligence and Interagency Coordination Division (IICD) is responsible for briefing and advising the USCP Executive Team, Executive Management Team, Senior Management Team, Capitol Police Board, and other members of the Department regarding emerging tactics and threats posed by various terrorist groups or individuals.

Instead of approving my request, Mr. Irving advised me to go talk to Mr. Stenger to see what he thought of the idea. Stenger was the current chairman of the Capitol Police Board, so that made sense to me.

I then went to S-150 in the Capitol. This was the office of the Senate sergeant at arms. The door to his office was open, and I walked right in, but no one was there. I left his office and went back to headquarters.

I returned to Stenger's office later that morning, at 11:53 a.m. As I walked into his office and asked him about the National Guard, instead of approving my request, he asked, "Do you know anyone at the DC National Guard?" Yes, sir," I said. "I'm good friends with the commanding officer, General William Walker."

Stenger then asked if I could unofficially inquire with Walker about what assistance the National Guard could provide if we needed them on January 6. He wanted me to find out how many soldiers they could provide if we needed them and how quickly they could send support. I told Stenger that I would call Walker that evening and ask him.

At 11:00 a.m. on Sunday, January 3, Gallagher gave Irving and his staff an updated intelligence brief regarding January 6. This was less than an hour after Irving had not approved my request for support from the National Guard. Gallagher's briefing provided no new concerning intelligence and raised no concerns.

Around noon, I had left my meeting with Stenger and was back at USCP headquarters. I was on the seventh floor, walking down the hallway past the two assistant chiefs' offices, and ran into Gallagher outside Pittman's office. He said he had received a call from Carol Corbin, program director at the United States Department of Defense, and she wanted to know if we would be requesting the National Guard to assist us on Wednesday. Having not received the required approval per federal law from the House or Senate Sergeants at Arms to bring in the National Guard, I had to decline the offer.

Later that day, I contacted both Irving and Stenger and told them about the call from Carol and the inquiry from DoD. I told them both that based on their instruction to me, I had asked Gallagher to inform Carol that the USCP would not be requesting the National Guard. I also reiterated that I was still planning to call General Walker that evening and would advise them of the outcome.

That evening, I called General Walker of the DC National Guard at 6:14 p.m. I advised Walker that I went to request the assistance of the National Guard from Irving and Stenger for January 6, but they wouldn't give me the approval to formally request that Guard. Instead, they asked that I call and unofficially ask that if we needed the Guard on the sixth, how many troops could they send us and how quickly? Walker advised that he had about a hundred and twenty-five troops assisting DC with COVID relief, and if needed they could repurpose them fairly quickly. He reminded me that I would need to have a USCP official available to swear them in as special police officers, and he would have to get approval from the secretary of the army.

That same evening, the final intelligence assessment from the IICD was published. IICD Special Event Assessment 21-A-0468 v.3, dated January 3, 2020, was distributed shortly before 11:00 p.m. This one was also mistakenly titled with the wrong date.

The fifteen-page assessment provided a more detailed description of the various demonstrations expected to occur both downtown by the White House and on Capitol grounds. The BLUF, the most critical section of the report, included four bullet points:

On Wednesday, January 6, 2021, the 117th United States Congress will gather for a joint session in the chamber of the House of Representatives to certify the counting of the electoral votes.

There are some representatives and senators who plan to challenge the votes during this session, which will allow the objection to move forward.

The Intelligence and Interagency Coordination Division is currently tracking several protests slated to take place on Capitol grounds and elsewhere in Washington, DC, on January 5, 2021, and January 6, 2021, and some protesters have indicated they plan to be armed. There is also indication that white supremacist groups may be attending the protests.

Detailed information concerning potential counterprotest activity is limited.

The final IICD intelligence assessment once again indicated that the January 6 protests and rallies were "expected to be similar to the previous Million MAGA March rallies in November and December 2020, which drew tens of thousands of participants." The assessment also stated, "No groups are expected to march and all are planning to stay in their designated areas."

At the end of the fifteen-page document, after several pages of traffic closures in the city, the last paragraph provided the IICD's overall analysis of the event:

Due to the tense political environment following the 2020 election, the threat of disruptive actions or violence cannot be ruled out. Supporters of the current president see January 6, 2021, as the last opportunity to overturn the results of the presidential election. This sense of desperation and disappointment may lead to more of an incentive to become violent. Unlike previous post-election protests, the targets of the pro-Trump supporters are not necessarily the counter-protesters as they were previously, but rather Congress itself is the target on the 6th. As outlined above, there has been a worrisome call for protesters to come to these events armed and there is the possibility that protesters may be inclined to become violent. Further, unlike the events on November 14, 2020, and December 12,

2020, there were several more protests scheduled on January 6, 2021, and the majority of them will be on Capitol grounds. The two protests expected to be the largest of the day—the Women for America First protest at the Ellipse and the Stop the Steal protest in Areas 8 and 9—may draw thousands of participants and both have been promoted by President Trump himself. The Stop the Steal protest in particular does not have a permit, but several high profile speakers, including Members of Congress are expected to speak at the event. This combined with Stop the Steal’s propensity to attract white supremacists, militia members, and others who actively promote violence, may lead to a significantly dangerous situation for law enforcement and the general public alike.

Coinciding with the distribution of the final intelligence assessment on January 4 was a second document from the IICD, the Daily Intelligence Report (DIR), also dated January 4. This was a detailed twenty-seven-page report that provided an individual summary assessment of every group expected to demonstrate on January 6, especially regarding “the level of probability of acts of civil disobedience/arrests occurring based on current intelligence information.” It is important to note that for all the groups expected to demonstrate on Wednesday, January 6, the report assessed the probability of acts of civil disobedience/arrests as “remote” to “improbable.” Even the two demonstrations specifically referenced in the last paragraph of the IICD’s final intelligence assessment—the Women for America First and the Stop the Steal demonstrations—were now assessed as “remote” and “highly improbable” regarding possible acts of civil disobedience or arrests.

The DIR also stated, “The Secretary of Homeland Security has not issued an elevated or imminent alert at this time . . .” indicating that DHS and the intelligence community did not possess any information showing that a coordinated attack might occur on January 6. I received this report from the IICD at 10:06 a.m. on Monday, January 4. This DIR was distributed again, almost verbatim, on January 5 and January 6. It was also distributed to the offices of the sergeants at arms.

On Monday morning, my chief administrative officer, Richard Braddock, advised me that some of the riot helmets that had been ordered back in September were finally arriving. Although we had originally wanted them sometime before the inauguration, with this large demonstration coming up, I had asked Richard back in December to see if we could expedite delivery and get them by January 6. Richard had worked out a deal to have the company fly in a pallet of about a hundred helmets as soon as they were manufactured. The original delivery had been postponed for months due to COVID-induced manufacturing delays.

In the days leading up to January 6, I briefed several members of Congress who had requested an advance briefing on our security plan and the permitted demonstration activity scheduled for January 6, 2021.

The intelligence assessments indicated that some websites were advocating that demonstrators come armed to Washington. On January 4, I directed Assistant Chief Thomas to develop a plan to deal with the possibility of armed protesters. We had dealt with armed protesters in the city during the MAGA I and MAGA II events, and we were already anticipating that on the sixth there would be some people in the crowd with guns, but I wanted to make sure we had a coordinated plan and that individual officers wouldn’t try to take action on their own.

We discussed various resources that could be used, including officials, civil disturbance units, our tactical CERT team, and plainclothes assets. Thomas met with his team and finalized a plan.

Following the distribution of the final intelligence assessment on January 4, the IICD scheduled a 1:00 p.m. intel briefing. However, for some reason, I was not invited to this briefing and only learned about it after January 6. I would later learn from those participating in the call that no new or concerning intelligence was provided at the briefing and that the briefing did not portray a high level of concern about violence toward law enforcement or a threat to the Capitol.

On January 4, I sat down to go over the final planning with Pittman and Thomas. Gallagher gave us an update on the current intelligence, advising that there was still the possibility of armed protesters and extremist groups attending.

After checking with the events unit and determining that no group had applied for a demonstration permit on the West Front, I reached out to both sergeants at arms and discussed adjusting the perimeter on both the East and West Fronts. Traditionally, if we establish a perimeter on the East Front, we barricade off the hard surface area (roughly half the space). On the West Front, we usually have protest groups on the grassy lower area and barricade off the lower West Terrace. Since we had the inaugural platform on the West Front and no one had a permit for area 1, I wanted to completely bike-rack in the west side of the Capitol. This time, Irving was immediately in favor of my idea, but he wanted to see and approve the final plan. Stenger thought about it for a minute and then said, "We want that too."

On the East Front, I wanted to tie in the perimeter from the West Front on the north, as well as on the south side of the Capitol, up to the south barricade. This would provide a large area for protesters to leave in an emergency and still maintain a barrier between the permitted demonstration areas on the East Front and the plaza.

At 3:00 p.m. on Monday, January 4, the USCP Special Events Section participated in a weekly conference call hosted by the Metropolitan Police Department. This call usually occurred on Mondays and was attended by representatives from many different law enforcement agencies, including:

- MPD
- United States Park Police (USPP)
- USCP
- Washington Metropolitan Area Transit Authority (WMATA)
- FBI
- United States Supreme Court Police
- USSS
- DC Fire and Emergency Medical Services

I participated in this call on January 4, and it included an overview of the schedule of events and agency preparations. No other agencies provided any new or alarming intelligence on this final call. In addition to the Special Events Section, the IICD was also invited to this call, but notably, no one from IICD participated.

A total of six First Amendment demonstration permits were issued for groups to demonstrate on Capitol grounds on January 6. Each permit was issued for a group of fifty or fewer demonstrators due to the COVID-19 restrictions on mass gatherings that were in place at the time. Most of the requests were for demonstrations on the East Front of the Capitol, with two exceptions: one group had received a permit for area 7, which is two blocks north of the Capitol,

near Union Station, and a second group had been granted a permit for area 15, which is on the west side of the Capitol between the Reflecting Pool and Third Street.

I signed off on the permits, approving them by proxy on behalf of the Capitol Police Board, but not before they went through a thorough review process. In preparing the permit packages for final approval, the IICD provided an assessment of the likelihood of arrests or acts of civil disobedience from each group seeking a permit. The six applications for permits to demonstrate on Capitol grounds on January 6 got these assessments:

Group	Location	IICD Assessment
One Nation Under God	Area 8	Highly Improbable
Bryan Lewis	Area 9	Remote
Jesus Lives	Area 15	Remote
Rock Ministries International	Area 11	Remote
Virginia Freedom Keepers	Area 7	Remote
Women for a Great America	Area 10	Highly Improbable

As part of the approval process, the applications were reviewed and endorsed by the commander of the Protective Services Bureau (Gallagher), along with my two assistant chiefs (Pittman and Thomas). This endorsement included their recommendation on whether the permit should be approved or disapproved. All six permit applications were endorsed by each of the reviewers, who recommended approving them all, most of the endorsements occurring after the final IICD Special Event Assessment had been published. Once the application proceeded through the review process, it came to me for final approval and signature. Based on the recommendations and the information available to me at the time, I approved all the permits.

On Monday evening, both Paul Irving and Mike Stenger sent out a notice to their congressional communities providing their guidance regarding January 6. This was a usual course of action before a big event such as a joint session of Congress or any event on the Hill where members' or employees' access or daily activities may be affected.

Late Monday evening, Gallagher contacted me about a threat relayed by the FBI. The Federal Aviation Administration had picked up a transmission overheard on a general aviation radio frequency by air traffic control in New York. The message stated, "We are going to fly a plane into the Capitol on Wednesday. Soleimani will be avenged." (This was a reference to the death of a high-ranking Iranian military officer killed in a US drone strike.) We received an audio excerpt of this radio communication along with the notification from the Bureau. The same message was played a second time over the FAA frequency the next day. The USCP worked with the FBI to investigate and determine the validity of the threat, and I provided notification of the threat to the CPB. Also, since it appeared that this threat was going to make it into the media, I also notified my oversight committees regarding the threat.

On January 5, I drove around the Capitol with Thomas and Pittman to finalize the perimeter plan. Then we sent a copy of the final plan to the sergeants at arms, and they both approved it. Pittman then worked with her Security Services Bureau to reconfigure the metal barricades to the latest design.

Waldow had been completing the CDU plan for the past several days, and once we had a final perimeter on January 5, he published the final version.

The CDU plan listed Waldow as the incident commander and an OSB captain as the field force commander. The field force commander would be in charge of all CDU operations and protective actions and would have the primary responsibility to authorize less than lethal options. With the additional staffing made available by activating the all-hands-on-deck order, the CDU plan now had eight platoons—four hard platoons with all the protective gear and four soft platoons to assist in supporting operations and maintaining the perimeter.

For major events like a joint session, we implement many routine measures to help secure the complex, including:

- restricting access to the East Plaza
- restricting access to the Capitol and admitting only staff with offices in the building
- placing additional officers at the underground walkways, tunnels, and Capitol entrances to *challenge and validate* visitors and credentials to ensure they were authorized
- deploying additional assets from CERT and our Hazardous Device Section
- increasing interior patrols
- deploying metal crowd-control barriers
- posting officers at vehicle barricades to facilitate access for authorized personnel
- posting additional officers at building entrances and on exterior patrols
- enhancing leadership details
- instituting twenty-four-hour intelligence
- placing USCP officials in operations centers of partner agencies such as the MPD and DC Homeland Security and Emergency Management; and
- hosting partner law enforcement agencies in our command center

At 10:00 a.m. on Tuesday, January 5, Irving and I briefed Chairperson Zoe Lofgren and Jamie Fleet from the Committee on House Administration. Before handling the call, I advised Irving of my call to General Walker on Sunday. I told Irving that Walker had assured me the National Guard would be prepared to repurpose 125 troops and send them our way once Walker notified the secretary of the army. We would just need to send someone over to the armory to swear them in. Irving seemed satisfied with this level of support and thanked me for following up with General Walker.

Around 11:30 a.m. on January 5, I was preparing to host a call with some of our law enforcement partners, along with Pittman and Thomas. Because we were tied up on the call,

Deputy Chief Gallagher went over to the Rayburn House Office Building to brief Representative Rodney Davis and his staff director, Tim Monahan, regarding January 6.

At 11:48 a.m. on January 5, I sent an email to all my primary points of contact on the four committees with oversight of the USCP. This was my usual course of business before a major event or a protest on Capitol Hill. The email stated:

As you are likely aware, significant demonstration activity is expected to occur this week. Starting today Tuesday, January 5, through Wednesday, January 6, multiple organizations are planning to congregate in various locations in Washington, DC, including permitted areas on Capitol grounds. Information gathered by the department indicates that the majority of this week's demonstration activity is scheduled to occur on Wednesday, January 6, concurrent with a joint session of Congress to certify the electoral count. As was the case during the November 14 and December 12 demonstrations, we expect these events to be widely attended and to present a possibility of civil disobedience.

Shortly before noon on Tuesday, Stenger came over to my office to participate in the video call I had scheduled with our partner law enforcement agencies. When he arrived, I told him about my conversation with General Walker on Sunday evening. He seemed satisfied with the National Guard's ability to provide 125 troops if necessary.

The purpose of this call was to have a final discussion about January 6 and the upcoming presidential inauguration and also to introduce three new people in key positions. On this call were the who's who of security in our nation's Capitol. I had the director of the USSS Washington Field Office; the director of the FBI Washington Field Office; the chiefs of the Metropolitan Police Department, the United States Park Police, Metro Transit Police, Amtrak Police, and the USSS Uniformed Division; and the top generals from the DC National Guard and the Army's Military District of Washington—all the key people responsible for securing the city against domestic or international attacks. I also had all the members of the Capitol Police Board on the call, as well as Irving and AOC Blanton, who had logged in from their offices. With me in my conference room were Stenger, Pittman, Thomas, and Inspector John Erickson. Thomas had brought Erickson to provide a brief on the inaugural planning.

At 4:00 p.m. on January 5, Irving and I handled the final congressional briefing with Representative Tim Ryan, the chairman of the Legislative Branch Appropriations Subcommittee.

About 5:00 p.m., Pittman sent me an email asking if I would be available to discuss some information she had received about the tunnels leading from the congressional office buildings to the Capitol, along with intel that some protest groups were talking about trying to surround the Capitol. A short time later, Pittman and Gallagher came into my office and briefed Chad and me on this new information. The IICD had been contacted by an individual who operated a website featuring historical information on the Washington, DC, tunnel systems, including the pedestrian tunnels beneath the Capitol. The operator of this site had reported seeing an increase in the number of visitors accessing information about the Capitol tunnels. Also, IICD had discovered that protest groups on another website were discussing surrounding the Capitol to prevent members of Congress from being able to attend the joint session. We had experienced protest groups trying to surround the Capitol in the past, and this information was described as "rhetoric" and "aspirational" at best.

We discussed the preparations we had already put in place, such as additional officers both at the building entrances and in the tunnels to the Capitol to validate the credentials of people using them. We also discussed our plans for getting members of Congress into the Capitol in the event they were blocked by protesters. We didn't feel that we had the ability to bring in our CDU platoons any earlier, and neither Gallagher nor Pittman expressed an urgent need to do so.

We had planned to hold over our midnight officers until the CDU was in place the next morning, and Gallagher advised that he would have some Protective Services Bureau officers in the field to monitor for such activity in the morning and keep the Command Center informed. Everyone felt that this effectively addressed the concerns raised by Pittman and Gallagher. I asked them if they were going to notify the sergeants at arms of this information, and Gallagher said that he would.

A few hours later, at 8:55 p.m., Gallagher sent an email to the deputy House SAA and several of the HSAA staffers and cc'd Pittman advising them of the information.

At 5:29 p.m. on January 5, I reached out to MPD Assistant Chief Jeff Carroll to exchange information on our designated incident commanders for the anticipated march and demonstrations.

I knew how important it was for officers to get the best possible information on the day's events. I did not doubt that officers were already seeing news reports on the joint session of Congress and the MAGA rally downtown, and I wanted them to have the same information I had as they came out of roll call the next morning. So one of the last steps I took on Tuesday night January 5, at 10 pm, was to send an email out to my assistant chiefs, Thomas and Pittman, as well as to all my deputy chiefs, directing that all officers be briefed during the next day's morning roll calls on the day's expectations for the demonstrations and the joint session of Congress. I also directed them to ensure that the officers were aware of the aviation threat and of the investigation into the incident by the USCP and our federal partners. I would even follow up on the morning of January 6 in an email to all my officials, requesting confirmation of their briefings. They would all confirm that the officers had been briefed.

2. The Capitol Police Inspector General also found the Department lacked policies and procedures for the Civil Disturbance Unit defining its duties, composition, equipment, and training.

a. Do you agree with that assessment? Why or why not?

I do not have access to PoliceNet to research and answer the question regarding policies. The CDU training curriculum should exist within the Operational Services Bureau.

b. If not, where were the duties, composition, equipment, and training for the Civil Disturbance Unit memorialized?

3. In the days leading up to January 6, 2021, the Capitol Police produced a threat assessment which said,

"Supporters of the current president see January 6, 2021, as the last opportunity to overturn the results of the presidential election. This sense of desperation and disappointment may lead to more of an incentive to become violent. Unlike previous

post-election protests, the targets of the pro-Trump supporters are not necessarily the counter-protesters as they were previously, but rather Congress itself is the target on the 6th. As outlined above, there has been a worrisome call for protesters to come to these events armed and there is the possibility that protesters may be inclined to become violent.”

- a. Was this assessment provided to you prior to January 6?
Yes
- b. If so, did you read the above paragraph prior to January 6?
Yes
- c. If you received the assessment but did not read the above paragraph, why didn't you?
- d. The Capitol Police provided the Inspector General with a timeline of events of January 6 that was included as an appendix to one of the flash reports issued in the aftermath of the attack. According to the timeline, at 10:59 a.m., “Approximately 200 Proud Boys gather near Garfield Circle and move toward Senate Egg.” The Proud boys are a far-right extremist organization that the Southern Poverty Law Center describes as a hate group, as well as the group that former President Trump told to “stand back and stand by” during a nationally televised presidential debate. Then, less than a half hour later at 11:24 a.m., the timeline says, “USCP personnel monitors 3 to 4 counter demonstrators setting up props on 3rd Street and Pennsylvania Southeast.” There are no other references to the Proud Boys in the timeline. **Did the Department monitor the 200 Proud Boys? If so, why would it be omitted from a Department-produced timeline? If not, why would the Department monitor a small number of counter protesters but not the 200 Proud Boys, particularly given the intelligence in the above paragraph noting that the target of pro-Trump protestors were not counter protesters, but Congress itself?**

If you look at p. 112 of my book *Courage Under Fire, Under Siege and Outnumbered 58 to 1 on January 6*, you will see my minute-by-minute timeline of that day that references the 200 members of the Proud Boys. *At 11:00 am, we receive reports of about two hundred members of the Proud Boys marching on the Capitol grounds. The group was first seen marching through Garfield Circle from Maryland Avenue and then up to the East Front. They spent a little while at the permitted grassy areas (8 and 9) on the Senate side of the East Front. Within twenty minutes, the group marches west, off Capitol grounds. It appears they are headed back toward the Washington Monument and the Ellipse.*

I am not sure why the department would omit this from the timeline. I did not participate in compiling the Department's official timeline.

There was also discussion at the hearing about the fact that the above paragraph was at the end of the threat assessment, rather than at the beginning. However, the third bullet on the top of the first page of the assessment says, “Some protestors have indicated they

plan to be armed. There is also indication that White supremacist groups may be attending the protest.”

e. Did you read the above-referenced text prior to January 6?

Yes.

f. Did you take any specific actions because of the indications that protestors, which would include White supremacist groups, planned to be armed? If yes, what actions? If not, why not?

Yes, I directed Assistant Chief Chad Thomas to work on our plan to deal with the possibility of armed protesters. As already noted, we had dealt with armed protesters in the city during the MAGA I and MAGA II events, and we were already anticipating that on the sixth there would be some people in the crowd with guns, but I wanted to make sure we had a coordinated plan and that individual officers wouldn’t try to take action on their own.

We discussed various resources that could be used, including officials, civil disturbance units, our tactical CERT team, and plainclothes assets. Thomas met with his team and finalized a plan to address armed protestors. We made some minor adjustments to the plan and I told him to go back and make sure that all the involved units had been briefed and to let me know when that was completed. Later that day, he informed me that all involved units had been briefed and the plan was ready.

You testified during the hearing that the above paragraph “doesn’t tell you anything other than pretty much what we were expecting from any of the previous MAGA rallies.”

However, the sentence in the above paragraph identifying Congress as the target on January 6th begins, “Unlike previous post-election protests...”.

g. Was Congress identified as the target at other post-election and/or MAGA protests? If so, which ones and what intelligence supported that assessment? If not, please explain how the contents of that paragraph are “pretty much what we were expecting from any of the previous MAGA rallies?”

Many have focused on this final paragraph as damning, specifically because it indicated that “Unlike previous post-election protests, the targets of the pro-Trump supporters are not necessarily the counter-protesters as they were previously, but rather Congress itself is the target on the 6th.” It is critical to understand that the target of every protest that occurs on Capitol Hill is Congress. That is why groups come to Capitol Hill to protest. People have read this paragraph and construed the term *target* to mean the target of some type of violence. When considered in the context of the intelligence we were receiving, we were anticipating a large First Amendment demonstration, so these words alone didn’t raise any red flags.

When interpreting the intelligence that IICD was distributing to the department in advance of January 6, especially the Daily intelligence reports issued on January 4, 5, and 6, indicating a low probability of civil disobedience, and the briefings Deputy Chief Gallagher was providing to Members of Congress as late as January 5, indicating that January 6 would be similar to the previous rallies, it is important to consider this.

In reading the rest of the final paragraph, no new or alarming intelligence was provided. We had anticipated that some protesters might be armed. The presence of armed participants had already occurred during the previous MAGA marches and had been dealt with effectively by law enforcement. We had developed a contingency plan in case we had to deal with armed protesters on Capitol Hill. During the previous MAGA events, people had expressed a sense of desperation over the elections, and we had seen altercations with counterprotesters and between Trump supporters and law enforcement. We anticipated that this could occur on January 6 as well. This was one of the reasons why I had been pushing for expedited delivery of the riot helmets we ordered back in September.

h. Were there intelligence assessments for prior post-election and/or MAGA protests indicating protestors might come to events armed? If not, how are the contents of that paragraph “pretty much what we were expecting from any of the previous MAGA rallies?”

Yes. IICD Assessment 21-A-0342 (v.2) regarding the Proud Boys being encouraged to come armed.

4. You have mentioned, in both testimony before the Committee and television interviews,¹ a January 3, 2021, request to members of the Capitol Police Board for unarmed National Guard to help staff the Capitol perimeter on January 6. This is disputed in sworn testimony by other members of the Capitol Police Board, including former House Sergeant at Arms Paul Irving.²

In a December 28, 2022, interview on C-SPAN, you said, “I went and I asked [Mr. Irving], his first concern was, oh, the optics...his first concern was from optics. And it was clear that the concern was from the problems we had over 2020, the protests we had by the White House.”

According to Mr. Irving, his only concern was that the intelligence at that time did not support a request for the National Guard.³ In testimony to the Select Committee to Investigate the January 6 Attack on the Capitol (Select Committee), you agreed, saying, “[T]he intel that I was reading, it would've been a big stretch to say, hey, based on that intel we definitely need to bring in the National Guard.”⁴ You also said, in response to a question about whether you agreed with Mr. Irving that the intelligence didn't support the request, “Yeah, I guess so, yes.”⁵

¹ Sund, Steven, *After Words*, hosted by Luke Broadwater, C-SPAN, Dec. 28, 2022, available at <https://www.c-span.org/video/?524732-1/after-words-steven-sund>.

² Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 10 to 13.

³ *Id.*

⁴ Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 124 to 125.

⁵ *Id.* at p. 125.

a. During this meeting did you attempt to persuade Mr. Irving that he was wrong about the intelligence not supporting the National Guard request? If not, why not?

No, because it was clear his mind was made up and there was no intelligence to dispute his assertion. Even the briefing provided to Mr. Irving by Deputy Chief Gallagher on January 3, just a few hours after I made the request for the National Guard didn't provide any intelligence to change his mind. This intelligence being provided by IICD to the USCP and the Capitol Police Board didn't accurately portray the intelligence that they possessed. The final assessment, combined with the multiple daily intelligence reports assessing a low probability of civil disobedience, gave the operational leaders a false sense of expectations for the event and seriously hindered our preparations. About the final paragraph of the assessment, Deputy House Sergeant at Arms Blodgett testified, "Warnings should not be qualified and hidden."⁶ As noted by the Senate investigative report, the inconsistencies in the final assessment and the various IICD intelligence products led to a serious misunderstanding by many within the department regarding the threat posed on January 6.

Assistant Chief Pittman, who was in charge of the intelligence division, testified on January 26, at a closed-door hearing before the House Appropriations Committee, stating, "Let me be clear: [USCP] should have been more prepared for this attack. By January fourth, [USCP] knew that the January sixth event would not be like any of the previous protests held in 2020."⁷ Her comments contradicts *everything* in the intelligence assessments. All four intelligence assessments produced for this event presented January 6 in the same terms as the previous two MAGA events. In fact, the final assessment, produced by Pittman's intelligence division late in the evening on January 3, specifically stated: "The protests/rallies are expected to be similar to the previous Million MAGA March rallies in November and December 2020, which drew tens of thousands of participants."⁸

Although Pittman testified, "*By January fourth, [USCP] knew that the January sixth event would not be like any of the previous protests held in 2020,*" her actions and those of her subordinates leading up to the event indicated nothing remotely near this level of concern. Their actions clearly showed a lack of urgency or even concern regarding the expectations for this day:

- Just hours before the final January 3 assessment was distributed on Sunday, Gallagher briefed the House sergeant at arms and staff regarding January 6 and the department's plans. The briefing mentioned no high level of concern and gave assurance that the event would be similar to the two previous MAGA rallies. Tim Blodgett, the deputy House sergeant at arms, testified on February 25 regarding this briefing: "The characterization of the threat posed by the protests only reinforced the notion and thinking that they were similar to the two previous demonstrations and not the violent insurrection that we experienced." Blodgett further testified, "Intelligence missteps cascaded into inadequate preparations, which placed the health and lives of frontline officers at risk."⁹
- On January 4, Pittman, as the head of intelligence, submitted information to my chief of staff to be used to brief members of Congress about expectations for

⁶ Tim Blodgett's testimony, House Legislative Branch Subcommittee, February 25, 2021.

⁷ Senate Committee Report, 48.

⁸ USCP Special Event Assessment 21-A-0468 v.3, January 3, 2020, 2.

⁹ Tim Blodgett's testimony, House Legislative Branch Subcommittee, February 25, 2021.

January 6. The information she provided did not express any new concern or high level of concern for that day.

- Both Deputy Chief Gallagher and Assistant Chief Pittman signed off on all the permit applications for groups to demonstrate on Capitol grounds, recommending that I approve all of them. Pittman signed off, recommending approval of most of the permits on January 4 after the final intelligence assessment was published. This directly contradicts Pittman's testimony when she said, "*By January fourth, [USCP] knew that the January sixth event would not be like any of the previous protests held in 2020.*" If Gallagher and Pittman had a high level of concern for violence on January 6, why would they recommend approval for the permits? They could have recommended disapproval, noted their concerns, or come to see me. But they didn't. They approved the permits as they were and pushed them up to me for approval. It should also be noted that each of the demonstration permits contained an assessment from the IICD about the probability of civil disobedience, and all listed the probability as low.
- On January 4, at 1:00 p.m., Gallagher had an intelligence briefing scheduled for USCP leadership to discuss January 6 and the final assessment. Donohue provided the briefing on a conference call. Oddly, however, they failed to invite me. I only learned about the briefing after my resignation. The recollections of the call by many who participated indicated that Donohue did not present any new or concerning intelligence about January 6. No one got off the call with any sense of alarm. When the media asked why the chief was not invited, a spokesperson for the department stated, "The meeting was for operational commanders and was not a meeting Sund would normally attend."¹⁰ I found that response baffling. I regularly attended intelligence briefings. And if the assistant chief and intelligence leadership believed they had critical information indicating that [USCP] "*knew that the January sixth event would not be like any of the previous protests held in 2020,*" and they possessed intelligence that could affect the safety and security of Capitol Hill, members of Congress, and my officers, you sure as hell would expect the chief of police to be invited.
- On January 4, the director of the IICD sent an email to his unit regarding January 6. In the email, the director assigned a *single* analyst per shift to monitor the critical open-source information related to the January 6 demonstrations. He then reminded the rest of the staff that there was still a backlog of cases (not related to January 6) and directed them to help clear those cases throughout the day.
- The same day, January 4, the assistant director of the IICD sent an email to the IICD team, also advising them of the backlog of cases, and directed them to work on the backlog unless assigned otherwise.
- At 7:21 p.m. on January 4, Deputy Senate Sergeant at Arms Ronda Stewart sent a copy of the Senate's "Dear Colleague" letter to Pittman. In this letter, which was distributed to the entire Senate community, including Senate leadership and every senator, the SSAA indicated that expectations for January 6 were for "several First Amendment activities that will take place throughout the District of

¹⁰ Jacqueline Alemany et al., "Red Flags," *Washington Post*, October 31, 2021, www.washingtonpost.com/politics/interactive/2021/jan-6-insurrection-capitol/.

Columbia.” But Pittman offered no disagreement with their assessment, nor did she provide alternative language that would better prepare the Senate for what might occur on January 6.

- On January 5, Deputy Chief Gallagher briefed Congressman Rodney Davis and his staff director, Tim Monahan, regarding the expectations for January 6. According to both Representative Davis and Monahan, Gallagher expressed no serious concern and portrayed the event as being “just like the previous two MAGA events.” At no time did Gallagher give Davis or Monahan the impression that he was concerned about the demonstrations creating a significantly dangerous situation for law enforcement. According to Davis and Monahan, they didn’t walk away from the briefing with a feeling of concern about the demonstrations scheduled to take place the following day.
- On January 5, Pittman participated in briefings with members of Congress, both sergeants at arms, and law enforcement and military partners in reference to January 6 and never expressed concern for the following day in any of the briefings.
- On January 6, IICD leadership had two-thirds of the intelligence staff working from home. The directive I had issued to the department to have all hands on deck (AHOD)—that I wanted everyone working on campus and focused on the event on January 6—clearly was not followed within the IICD, further removing any sense of urgency within the unit regarding January 6.

All these actions are in stark contrast to the statement made before the House Appropriations Committee on January 26, 2021. This lack of urgency and concern was portrayed in the IICD assessments and the briefings leading up to January 6, giving the operational leaders of the USCP a false expectation of the events of January 6. This is especially concerning when you come to realize the intelligence that existed and was never included in the assessments in the weeks leading up to January 6. This intelligence could have been a game changer when it came to federal assistance, mutual aid, and the type and size of the fence on the perimeter. Acting on the intelligence given to me at the time, I had anticipated and planned for an event similar to the MAGA I and MAGA II demonstrations. My concern for the large number of attendees and the size of our perimeter prompted me, on January 3, to seek approval for bringing in the National Guard. The request for the National Guard would have been specifically for unarmed troops to help fill the gaps on our perimeter. But the House sergeant at arms immediately denied this request out of concern for the “optics” of having the National Guard on Capitol Hill and because he felt the intelligence did not support it. Even the IICD briefing and assessment he received later that day did not change his position.

You also testified to the Select Committee that Mr. Irving actually referred you to then-Senate Sergeant at Arms Michael Stenger, who at the time was the Chairman of the Capitol Police Board: “[Mr. Irving] referred me over to the chairman of the Board. I thought, okay, let’s at least take it to the chairman, see where we go with it. So that’s where we went.”¹¹

¹¹ *Id.*

b. Did you ever make a formal request for National Guard assistance to the Capitol Police Board during the January 3 meeting?

On January 3, I made an in-person request for the assistance of the National Guard to both the lead law enforcement officers for the House and Senate on January 3, one of whom was the chairman of the Capitol Police Board. My requests were not approved. I am not sure why this assertion remains in contention when it has now become clear that these same individuals delayed my urgent and repeated requests to bring in the National Guard for 71 minutes while we were under attack on January 6? In December 2021, based upon my Congressional testimony and media appearances, Congress amended the law (2 U.S. Code § 1970) that severely impacted my ability to assist my officers. My recollection of the events continues to remain accurate.

c. At any point prior to January 6 did either Mr. Irving or Mr. Stenger expressly tell you “no, you may not call on the National Guard,” or words to that effect?

The most important point that seems to be missed here and by the January 6 Select Committee is that 2 U.S. Code § 1970 doesn't require a denial by the Capitol Police Board, it requires their approval, and they wouldn't approve my request. But even more critical is that according to the law, it is the RESPONSIBILITY OF THE CAPITOL POLICE BOARD TO REQUEST FEDERAL ASSISTANCE. I made the recommendation and request to them, they should have been the ones asking for federal support, not the chief of police. And they elected not to request the support. I went to the Capitol Police Board with the request and THEY didn't act on it. Even while we were under attack on January 6, I faced a 71-minute delay in getting their approval to bring in support for my women and men. Once they granted the approval at 2:10 p.m., I was forced to seek out federal support on my own and repeatedly beg the Pentagon for National Guard assistance without the assistance of the two sergeants at arms or the Capitol Police Board.

5. The January 6 attack was based on a lie about election fraud and the hope of supporters of former President Trump that they could overturn the election. Fox News personalities like Tucker Carlson were so instrumental in spreading this misinformation that Fox News was forced to enter a \$787 million settlement over the false claims.¹² But another misinformation campaign to recast, whitewash, and downplay the events of January 6 continues to this day, led by those same individuals.

Earlier this year, Mr. Carlson aired misleading, out of context footage from security footage provided to him by Speaker Kevin McCarthy. Among countless other statements during program, Mr. Carlson said that the rioters on January 6 were “peaceful,” that they “revered the Capitol,” and that “the footage does not show an insurrection or a riot in progress.”¹³ The current Capitol Police Chief wrote that Mr. Carlson “cherry-picked”

¹² David Folkenflik, *Tucker Carlson ousted at Fox News following network's \$787 million settlement*, NPR (Apr. 24, 2023), available at <https://www.npr.org/2023/04/24/1171641969/fox-news-fires-tucker-carlson-in-stunning-move-a-week-after-787-million-settlement>.

¹³ Sahil Kapur, *Tucker Carlson, with video provided by Speaker McCarthy, falsely depicts Jan. 6 riot as a peaceful gathering*, NBC News (March 6, 2023), <https://www.nbcnews.com/politics/justice-department/tucker-carlson-new->

from the footage and presented “offensive and misleading” conclusions about the attack.¹⁴

After Mr. Carlson aired the out of context footage, the family of Officer Brian Sicknick issued a statement saying, in part, “Every time the pain of that day seems to have ebbed a bit, organizations like Fox rip our wounds wide open again and we are frankly sick of it. Leave us the hell alone.”¹⁵

Considering the foregoing, why did you choose to provide an hour-long interview to Tucker Carlson while on your book tour?

Thankfully we have the First Amendment of the United States Constitution that provides for the freedom of the press and affords each of us a variety of media outlets from which to be informed. Since January 6, I have conducted interviews with dozens of media outlets that span the political spectrum. In each of these interviews, I have been treated fairly and with respect, because my information is truthful and based on fact, and my story has not changed since January 6.

Tucker Carlson is someone who a tremendous number of people turn to for information. Why would I limit my opportunities to reach the greatest number of people who want to know the facts of what happened on January 6? I continue to stand by the information regarding what occurred leading up to and on January 6, as presented in my book; *Courage Under Fire, Under Siege and Outnumbered 58 to 1 on January 6* (ISBN 979-8-200-98363-6).

[video-provided-speaker-mccarthy-falsely-depicts-jan-6-attack-73673](#); see also Azi Paybarah, *White House criticizes Tucker Carlson for depiction of Jan. 6 attack*, The Washington Post, (March 8, 2023), <https://www.washingtonpost.com/politics/2023/03/08/tucker-white-house-attack/>.

¹⁴ Memorandum from Chief J. Thomas Manger to Members of the United States Capitol Police (March 7, 2023).

¹⁵ Cami Mondeaux, *Capitol Police chief blasts Tucker Carlson for saying officers acted as ‘tour guides’ on Jan. 6*, The Washington Examiner (March 7, 2023), <https://www.washingtonexaminer.com/news/house/capitol-police-chief-blasts-tucker-carlson-for-jan-6-footage>.

Questions from Subcommittee Ranking Member Norma Torres

I. Amount of Personnel and Resources

Mr. Sund, on January 5th, when you attended the multi-agency law enforcement meeting about security planning, you and all the other participants said you had the right personnel and plan in place. Later that day when you briefed Rep. Zoe Lofgren, she asked whether you had enough officers and standby resources in your security plan to meet the expected threat; you said yes.

Question #1: If you had concerns about needing additional resources, why didn't you voice those concerns in the interagency meeting and to Chair Lofgren or to Committee staff at the January 5 briefing or at any time before January the 6th?

I had addressed this request with both the House and Senate Sergeants at Arms and respected their law enforcement experience and decision. Perhaps I trusted to a fault, but the intelligence and briefings being provided by the USCP Intelligence officials didn't provide the necessary support to go against the two SAAs decisions.

II. National Guard Request

As you know, there is no record of a Capitol Police Board request for National Guard support prior to January 6th. All three members of the Capitol Police Board – the Senate Sergeant at Arms, the House Sergeant at Arms, and the Architect of the Capitol – contradict your testimony about the decision not to request National Guard support. In fact, the Architect of the Capitol testified that (1) there was an established and well-used procedure for you to make emergency requests to the board and (2) he was never contacted at all about the National Guard.

Question #2: Mr. Sund, how is it that your recollection contradicts the recollections of all three Capitol Police Board members on this important issue?

I believe it is a case of both the House Sergeant at Arms and the now-deceased Senate Sergeant at Arms covering for themselves. My initial request for the National Guard occurred on the first day of the 117th Congress, Sunday, January 3, 2021. I arrived at H-124, the office of the House sergeant at arms, arriving at 9:24 a.m. I know this because following my testimony at the Senate hearing in 2021, the USCP provided a video transcript of my movements at the Capitol that day which matched my testimony. Irving didn't approve my request and sent me to talk to the SSAA Mike Stenger, who was the Chairman of the Capitol Police Board. I immediately went to S-150 in the Capitol, the office of the Senate sergeant at arms. But no one was there. I returned to Stenger's office later that morning, at 11:53 a.m. As I walked into his office and asked him about the National Guard, instead of approving my request, he asked me to call someone at the DC National Guard to inquire how many soldiers they could provide if we needed them on January 6.

That evening, I called General Walker of the DC National Guard at 6:14 p.m. I advised Walker that I went to request the assistance of the National Guard from Irving and Stenger for

January 6, but they wouldn't give me the approval to request that Guard formally. Instead, they asked that I call and unofficially ask that if we needed the Guard on the sixth, how many troops could they send us and how quickly? Walker advised that he had about a hundred and twenty-five troops assisting DC with COVID relief, and if needed they could repurpose them quickly. He reminded me that I would need to have a USCP official available to swear them in as special police officers, and he would have to get approval from the secretary of the army.

On March 4, 2022, Irving testified before the January 6 Select Committee (p.9) that I approached him on Monday, January 4, with an offer for 125 unarmed National Guard troops. I had only become aware of the ability of the National Guard to repurpose and send over 125 National Guard troops in the event of our request, following my call with General Walker on the evening of Sunday, January 3, 2021. A call I had been directed to make by SSAA Stenger, after I approached him and HSAA Irving on January 3, to request the National Guard. During my call with Walker, I informed him that I had been approached by Stenger and Irving earlier on January 3, and they had not approved my request for National Guard assistance. Walker testified before the Senate Committee in 2021 regarding this fact. Irving also testified that following my offer on January 4, we got on a conference call with Stenger to discuss the offer. This never occurred and I am sure phone records will support this fact. Again, I am not sure why my assertion regarding January 3, remains in contention when it has now become clear that just days later, on January 6, while we were under attack, these same two individuals (Irving and Stenger), would again delay approving my urgent and repeated requests to bring in the National Guard for 71 minutes! Obviously, Congress trusted my testimony and recollection regarding these facts enough to amend the law (2 U.S. Code § 1970) that severely impacted my ability to assist my officers. My recollection of the events continues to remain true and accurate.

About Brett Blanton, I never testified or stated that I reached out to the Architect of the Capitol. The confusing structure of the CPB is further evidenced by AOC Brett Blanton's accusation that I did not request the board because I didn't also reach out to him. Not only is that grossly inaccurate, but it also exemplifies the convoluted nature of the Board's structure and negates the role of the chairman of the board. The law that created the CPB provides an overview of its role:

The Capitol Police Board oversees and supports the United States Capitol Police in its mission, and helps to advance coordination between the Department and the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, in their law enforcement capacities, and the Congress.

In law enforcement matters, even the public law that formed the Board recognizes the direct relationship between the department and the House and Senate sergeants at arms. It doesn't call for coordination between the department and the AOC in their law enforcement capacities because that was not the intent of the AOC's inclusion on the board. I was already going to Irving and the chairman of the CPB (Stenger). This accounts for two of the three voting members of the board. Without Irving's and Stenger's support, the support of the AOC wouldn't have made a difference anyway.

III. Officer Communication on Operational Procedure

According to a survey conducted by the Government Accountability Office (GAO), many officers felt unprepared during and after the attacks. There was a lack of clear communication on operational procedure, which lead to a perceived discouragement from using force.

Question #3: a. In your opinion, as former chief, what was the primary cause of this miscommunication other than lack of operational knowledge?

I think that the primary cause for miscommunication was that my two assistant chiefs who oversee operations froze, due to a lack of experience and failed to appropriately deal with the situation and enact effective communications, due to a sense of shock from what they were dealing with. Between 12:58 and when I finally received approval for the National Guard at 2:09, I made thirty-two calls to coordinate response support for my officers, including at least eleven calls to the sergeants at arms regarding my request for the National Guard. If I hadn't been faced with the delay in my urgent request for federal assistance, I would not have had to make so many repeated calls to partner law enforcement agencies and the Sergeants at Arms for updates and may have become more aware of the communications failures.

IV. Improving Leadership within Capitol Police

Mr. Sund, in addition to the lack of procedural communication, GAO found that officers noted a lack of leadership and communication on January 6th that could have been improved. Clear instruction and communication start at the top, and officer trust towards leadership is important.

Question #4:

a. What happened among department leadership that caused miscommunication and unreliability on January 6th? Understanding that the country endured attacks in New York and Washington, DC on September, 11, 2001, what were the lessons learned and security improvements made and how did those recommendations carry out or fail to carry out in evacuating the House floor during the Jan 6th Attack at the Capitol?

Again, referring back to the above answer in question #3, a lack of experience in dealing with critical incidents and high-stress situations cascaded into other operational failures. The Command Center should have transitioned into an Area Command structure as per the National Incident Management System and ensured that all aspects of the incident were being properly managed, including communications. Those in the command center had the most information and should have directed the evacuation of the chambers sooner based upon the situation.

b. What kind of leadership training had been in place prior to the attacks?

Basic promotional leadership training at certain ranks, participation in the FBI's National Academy, and occasional contracted leadership classes.

c. Based on your experience that day, what type of additional training do you recommend for leadership within the department?

Stress test your leaders, policies and procedures.

V. Riot Gear

According to the review conducted by the Government Accountability Office after January 6th, key police gear had been stored in inappropriate locations and consequently was unreliable during January 6th.

Question #5: Who was responsible in the Capitol Police for ensuring the equipment was stored properly?

Following the previous MAGA I rally, an After-Action Report (AAR) had identified the need for officers to be outfitted sooner, positioned at their assigned locations earlier, and their equipment and water positioned nearby and readily available to them. It would have been the responsibility of the designated Field Force Commander to ensure these identified issues were appropriately addressed.