

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

Committee on House Administration  
United States House of Representatives  
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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 6<sup>th</sup>, 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 6<sup>th</sup> including a review of the Intelligence gathering process

required for the operational plan that related to January 6<sup>th</sup>. 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 30<sup>th</sup>, 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 6<sup>th</sup>.

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 6<sup>th</sup>.

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 6<sup>th</sup>.

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 Analysis Division*, Investigative Number 2018-I-0008, dated March 2019, to confirm the Department took the corrective actions in implementing the recommendations.

USCP did not have adequate policies and procedures for CDU defining its responsibilities, duties, composition, equipment, and training. CDU was operating at a decreased level of readiness because of a lack of standards for equipment, deficiencies noted from the events of January 6, 2021, a lapse in certain certifications, an inaccurate CDU roster, staffing concerns for the unit, 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 Grenadiers<sup>1</sup>.

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.

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<sup>1</sup> 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.