

QUESTIONS FOR THE RECORD
Minority

Committee on House Administration
Looking Ahead Series: Oversight of the United States Capitol Police
May 16, 2023

**J. Thomas Manger, Chief
U.S. Capitol Police**

1. During the hearing, a Member of the Committee Majority said, in reference to the Capitol security footage provided to Tucker Carlson, “[t]here was only one clip of all of that that was on the U.S. Capitol Police Sensitive List, and it was cleared by U.S. Capitol Police beforehand...” The implication of this statement was that the Department only requested to review footage from the Sensitive List.

However, the Capitol Police General Counsel stated, under penalty of perjury in a recent federal court declaration, “**I emphasized the Capitol Police’s desire to review every footage clip, whether it was on the Sensitive List or not**, if it was going to be made public...this was the same process followed by the Select Committee and the prosecutors in all of the criminal cases: that we were shown and had to approve of every clip before it was made public.”

- a. **Is the General Counsel’s statement quoted above true?**

Yes

- b. **Did the Committee Majority provide all footage aired by Tucker Carlson, whether it was on the Sensitive List or not, to the Department for review prior to the footage being made public?**

No

2. **In the same declaration, the United States Capitol Police General Counsel said,**

10. On February 8, 2023, I received a request from ...the Committee on House Administration (CHA), one of the four oversight committees of the Capitol Police. [Committee Majority staff] requested that CHA be given the same access to the USCP footage that had been provided to the January 6 Select Committee (Select Committee)[.] (This verbal request was followed by a formal letter with the same request from the Chairman of CHA on February 9, 2023.) Within days of the request, the Capitol Police installed three Genetec terminals in a House Office Building and provided to CHA the four hard drives I received from the Select Committee when it had completed its work. The USCP also provided one CHA staffer with a password to sign into the system. **At no time was I nor anyone else from the Capitol Police informed that anyone other than personnel from CHA would be reviewing the camera footage.**

11. On February 20, 2023, through a report from the media, the Capitol Police learned that access to the footage had been granted to members of the Tucker Carlson Show. That access was not previewed with the Capitol Police nor was the Capitol Police informed before that access was granted. I was informed that personnel from the Tucker Carlson Show were allowed to view whatever footage they wanted...

Please confirm whether the above excerpt from the General Counsel's declaration is accurate.

Yes

3. In addition to providing Capitol security footage to Tucker Carlson, the Committee Majority has been empowered to provide criminal defendants with thousands of hours of Capitol security footage.

a. **Do January 6 defendants already have access to the Capitol security footage relevant to their particular case as part of the ordinary federal court discovery process?**

Yes

b. **To your knowledge, has any entity or Member of the House of Representatives, including but not limited to the Committee on House Administration, provided any Capitol security footage to any January 6 defendants?**

Yes

If so, who provided what footage to whom, and when did this occur?

The USCP's General Counsel had a conversation with the CHA Staff Director in mid-May and during that conversation the Staff Director stated that some defendants had recently seen portions of footage the defendants had requested to view.

4. **Did any federal judge issue a protective order related to Capitol security footage as part of the January 6 prosecutions?**

It is the Department's understanding that most, if not all, judges have issued protective orders in the January 6th cases.

If so:

a. **What is the purpose of the protective order?**

To prevent the public release of Capitol security footage to the public unless approved by the court.

b. Did the Department advocate for such a protective order?

Yes. The USCP was very involved with the U.S. Attorney's Office in drafting the protective orders.

Why?

To help protect the Capitol and the Members and staff from possible attacks based upon the public release of the security footage and prevent individuals or nation-states from identifying potential vulnerabilities in security.

5. On March 7, 2023, you sent a memorandum to all Department employees in response to a Tucker Carlson broadcast that included out-of-context clips of Capitol security footage provided by the Committee Majority. Can you please explain what you meant when you wrote that Tucker Carlson “cherry-picked” from the footage and presented “offensive” and “misleading” conclusions about the attack?

Mr. Carlson showed a very small number of clips on his program that misleadingly depicted the events of January 6th as mostly peaceful such as walking through a hallway. When all of the clips are taken into account it is clear that the events of the 6th were not at all peaceful, but in fact were chaotic and violent and resulted in numerous injuries to USCP officers and others and were an attempt to prevent by force an important constitutional duty. The footage was also offensive in its depiction of the death of Officer Brian Sicknick by insinuating he had not suffered any injuries on January 6th.

6. During a recent nationally-televised town hall, former-President Trump, who has received the endorsement of more than 50 members of the House Republican Conference, said that if elected he would pardon a “large portion” of those convicted of federal offenses on January 6. According to the Department of Justice, 90 defendants have already either pleaded guilty to, or been found guilty of, assaulting law enforcement officers. Can you think of any good reason to pardon individuals arrested and convicted of federal crimes committed at the Capitol on January 6th, including those who assaulted Capitol Police officers?

Since the Department's officers are still witnesses in many January 6th prosecutions, we believe it best to not take a general position on any pardons.

7. Among the most prominent themes of last Congress' series of Committee on House Administration hearings on the Department's preparation for, and response to, the January 6 attack was the inadequacy of the Department's training. According to the Capitol Police Inspector General, the Department's Training Services Bureau had not been properly integrated into its organizational structure. The decentralized nature of trainings resulted in trainers creating courses without input or oversight from the Training Services Bureau, and no process existed to ensure training courses met applicable standards.

a. Can you describe the steps the Department has taken to centralize training and ensure it meets applicable standards?

In response to feedback received from employees and stakeholders post January 6th, the Department has taken the following steps to address the requirement to centralize training and ensure that it meets applicable standards within the Department:

- As a first step, the Department created and proposed a reorganization plan to centralize Department-wide training and development under an Assistant Chief of Police for Standards and Training. This will ensure that all training supports the goals and vision of the Department, provide a single Department entity to create and implement unified training protocol, and to establish oversight, program development, directives, and standards for all USCP training efforts. Department-wide. As a part of this process, each Department bureau, as well as the Office of the CAO, will have a dedicated Training Coordinator, whose work will include serving as a liaison to the Assistant Chief for Standards and Training in order to communicate training needs and opportunities between the bureau and TSB.
- A second step toward being able to centralize Department-wide training within USCP is utilizing the positions approved under the Fiscal Year 2023 Appropriations Act to right-size the TSB instructor staff. As of March 2023, the USCP Office of Human Resources (OHR) has diligently worked to create and classify position descriptions for the twenty-three full-time positions approved for hire within the FY23 budget. To date, 17 of the 22 positions have been advertised and are in various stages of the recruitment process, 3 are in the classification process, and 2 others are in the vacancy announcement drafting stage.
- As a third step, TSB is leading the Department's efforts to update and establish new policies for Department-wide training and development activities. In keeping with one of the post-January 6th Inspector General recommendations, the Department submitted an application to begin the Federal Law Enforcement Training Accreditation (FLETA) process this year. A lieutenant within TSB was assigned as the Accreditation Manager for this process and TSB is currently working on identifying a gap analysis of our

current policies and directives against the FLETA standards. Within the next year, FLETA will schedule an accreditation assessment, receive the results, and prepare and implement a corrective action plan for any deficiencies identified during the assessment.

- A fourth step being taken is utilizing the Concept of Operations Plan Contract to study and identify training and professional skill development requirements for sworn and civilian employees to ensure that all employees have and maintain the required skills and abilities to meet the ever-changing demands on the Department. It is expected that, at the conclusion the Department will be presented with recommendations with respect to internal and external training needs.

b. Can you please describe the training that new recruits receive when joining the Department?

The USCP training protocol incorporates 36-weeks and well over 1,500 hours of training instruction that satisfies the requirements for certification as a United States Capitol Police Officer. This includes:

- USCP Training Academy at the Federal Law Enforcement Training Center (FLETC) – Cheltenham, Maryland - 14 instructional days consisting of 112 hours of training;
- Uniformed Police Training Program (UPTP) at FLETC– Glynco, GA or Artesia, NM - 64 instructional days consisting of 524 hours of training;
- USCP Training Academy at FLETC-Cheltenham - 70 instructional days consisting of 557 hours of training;
- Police Training Officer Program (PTOP) – Onsite at the Capitol Complex in Washington, DC - 40 instructional days consisting of 160 hours of training.

The first week of training consists of programing that will provide Recruit Officers (“ROs”) with an understanding of how emotional intelligence enhances critical thinking on their jobs when working with staff, peers, and leadership. This training, previously delivered by contractors, will now be delivered by professional staff within the USCP Liebengood Center for Wellness.

The second week of training at FLETC-Cheltenham is instructed by USCP Training Academy staff and provides ROs with an understanding of the history and organization of Congress, as well as an overview of the duties and responsibilities of being a USCP officer.

Recruit Officers then depart to FLETC-Glynco for a 12-week Uniformed Police Training Program (UPTP). The UPTP provides ROs with specific knowledge and skills necessary to perform any entry-level uniformed federal law enforcement position. The UPTP curriculum provides basic law enforcement concepts and addresses common knowledge, skills, and abilities that fulfills the basic

requirements of federal law enforcement officer training necessary for responsible and competent job performance across federal law enforcement agencies.

Following their time at FLETC-Glynco, ROs return to the USCP Training Academy at FLETC-Cheltenham to attend a 14-week intensive Entry-Level Training Program (ELTP). The purpose of the ELTP is to provide ROs with agency-specific knowledge and skills that prepares each officer to effectively perform their duties as a USCP police officer. The USCP ELTP curriculum includes fundamental principles, procedures and techniques of law enforcement, to include: Criminal Law, Patrol Procedures, Cultural Diversity, Investigative Procedures, Report Writing, Defensive Tactics, Firearms, Leadership, Ethics, Community Policing, Police Vehicle Operations, Traffic Enforcement, Security Operations, Terrorism Methodology, Handling Emotional Situations and First Aid/CPR. The USCP ELTP also includes a challenging physical conditioning requirement that will prepare recruit officers for police service. Recruit Officers are required to satisfactorily demonstrate their abilities and meet specific training objectives by completing written examinations, operational skills practical exercises, handgun qualifications, and physical challenges.

Recruit officers who successfully complete and satisfy the requirement of the above programs are sworn-in by the USCP Chief of Police and are thereafter identified as Privates with Training. These Privates are then assigned to an experienced Police Training Officer to ensure a smooth transition occurs from the training environment to full-duty. The USCP post-academy Police Training Officer Program (PTOP) is an 4-week program designed to complement the training provided by USCP Training Academy. The PTOP delivers a curriculum that merges academic instruction with operational activities and validates the critical skills required of Uniformed Services Bureau officers.

c. Does the Training Services Bureau or some other centralized entity now provide oversight of Department training as a whole?

As discussed above, the Department is making progress toward 100% centralization of the Department-wide training activities, but still awaits approval of the proposed reorganization in order to finalize these efforts. Currently, TSB has the responsibility of reviewing the training budgets for the majority of the Department through the Training Working Group (TWG) process. The TWG provides the USCP Executive Team with expert and continual advice and guidance on USCP training and educational programs. The TWG guides training and employee development activities for the entire workforce to identify and close competency gaps, ensure smooth leadership succession, prepare employees for professional growth, and meet mission demands now and into the future. The duties and responsibilities of the TWG extend across the USCP's training processes into the areas of training needs, training priorities, training resource management, training selection, and evaluation. TSB in part evaluates the

categorization of training submitted based on the initial prioritization by Bureau Commanders or Office Directors.

TSB continues to work in conjunction with the Office of the Chief Administrative Officer (OCAO) as the Department seeks to obtain appropriate resources to facilitate training and development, including infrastructure, vendors, materials, etc. TSB continues to represent the Department as it partners with external agencies to secure additional resources necessary for centralized training. Specifically, TSB and the OCAO have been working with the FLETC Mission and Readiness Support Directorate after receiving a detailed brief on potential development opportunities at a newly acquired FLETC West Cheltenham Property Venue. If approved, such development will provide much-needed additional space for more training to occur on the FLETC-Cheltenham campus with direct TSB oversight.

8. Although training problems were prevalent across the Department prior to January 6, Civil Disturbance Unit training stood out as particularly ineffective. For example, according to the Inspector General, the Department didn't authorize the Civil Disturbance Unit to use all available less-than-lethal munitions, such as grenade launchers and sting ball grenades, because the Department did not have sufficient personnel trained to deploy those types of weapons.

- a. **Does the Civil Disturbance Unit now train on the Department's full suite of less-than lethal munitions?**

Yes

- b. **Does the Civil Disturbance Unit now have policies and procedures for its training?**

Yes, the CDU policy has a "training" section.

- c. **Can you please describe that training and how it differs from the training in place prior to January 6?**

The Department has taken numerous steps to increase our training and provide more realistic training with regards to civil disturbance. Our training is benchmarked off other similar agencies. The National Tactical Officers Association published in June 2023 a new Public Order Response and Operations Standards for responding to public order events. This guideline of CDU standards was developed and reviewed by subject matter experts from across the country, to include a USCP Commander that was selected to participate. The Department is reviewing and providing further updates to our CDU training program that will align with the recommendations from the NTOA. Previous CDU training was unorganized and not realistic for the threats that law enforcement faces.

The CDU program now has ownership, in that the entire CDU program is the responsibility of the Operational Services Bureau. The Department has also provided specialized training for our CDU Commanders that centers on leadership and commanding platoons during emergencies.

d. Do all officers who graduate from the academy receive Civil Disturbance Unit training?

All recruits receive 40 hours of CDU training, including crowd control training, upon their graduation from the police academy, which is in addition to the CDU training they receive at the Federal Law Enforcement Training Center in Georgia.

e. Do Sergeants and Lieutenants in the Civil Disturbance Unit receive separate leadership trainings that focus on command tactics and responsibilities?

Yes. CDU supervisors receive an additional 40 hours of CDU training, specifically focused on supervisory and command responsibilities and management.

9. On January 6, the Department activated seven specialty Civil Disturbance Unit (CDU) platoons in advance of the Joint Session. Shockingly, only four of those platoons were outfitted with special protective equipment such as helmets, hardened plastic armor, and shields. The rest of the officers who fought to defend the Capitol did so in their ordinary uniforms. **Does the Department now have enough special protective equipment for all its officers?**

Approximately 98% of the Department has been issued brand new state of the art CDU gear. This gear contains the following: a protective under suit that is fire retardant, high impact protective guards for all major body areas, protective gloves, protective boots, respirators, pr-24 and new helmets and an individual go-bag. In addition, the Department is also providing an in-person training block for all officers and officials on how to suit up and how to use their new gear.

10. According to the Inspector General, CDU officers who were issued special protective equipment were not authorized to wear the equipment at the beginning of their shifts. Instead, the Department staged equipment on buses near the Capitol. At least one bus was locked, leaving a platoon without access to protective equipment. What changes have you made to guarantee that officers will never again find themselves under attack without necessary special protective equipment?

The gear officers had on January 6 was not state of the art and required significant time for officers to don and was only safe to wear for short periods of time. The new gear officers have been issued is able to be quickly donned over their uniform and safe to wear for a longer period of time and provided officers better maneuverability during a fight.

The Department recognizes the issue of having all CDU gear loaded on a bus and not having dedicated personnel assigned to the bus. When the Department expects the potential for violence, we now have contingency plans in place to provide additional support from other agencies with their CDU teams as well as the USCP CDU. Our CDU teams are in full gear and ready to deploy and if necessary, fight. The Department utilizes multiple vehicles and trucks to ensure that our gear and munitions are not solely located in 1 area that should that area be comprised there would be no access to gear. The Department has made the access to gear and munitions a priority in our planning.

- a. Some of the most disturbing Inspector General findings concerned the condition of Department equipment. For example, officers' riot shields shattered on impact because they were stored improperly.

The Department is aware of the issues with the older riot shields but is aware of only one shield that actually shattered. The Department has a life cycle program as well as internal controls in place to validate and check shields. The Department also purchased new shields and have them deployed strategically across the complex.

There was also a shortage of helmets

As previously stated, the Department has procured all new CDU helmets for every sworn member of the Department.

What have you done to ensure that all Department equipment is in full working order- that it is accessible to those who need it, and that there is a sufficient quantity for all officers.

Inspections are completed quarterly to ensure all equipment is in working order. Officers are responsible for reporting any issues to a supervisor, who can then send them to PAMD to replace equipment.

As noted above, all officers on the Department have been issued all new CDU gear. Dedicated space is being sought to store that equipment as well. In addition, the Department's recent reorganizational plan includes an Inspections Division. The new inspections Division will, among other duties, make sure that all Department equipment is up to date, there is a sufficient number to meet Department needs and track expiration dates.

11. The Department has faced severe staffing shortages over the past several years. As you testified, there are currently approximately 1,994 sworn officers in the Department, which is 132 fewer officers than the 2,126 authorized by law. This is an improvement over the shortfall on January 6, but there are still too many vacancies.

a. How often do new recruits graduate from the academy, and how many are in a typical class?

Over the last few years, it has been the goal of the Department to begin one Entry Level class per month, with a maximum of 24 recruit officers per class. Doing so would result in 288 new officers joining the Department each year. Due to a number of factors, to include recruitment challenges occurring throughout the nation, it has not been possible to consistently meet this recruitment goal. Nevertheless, the Department continues to make significant progress. For example, between June 3, 2022 and June 9, 2023, the Department graduated 14 Entry Level classes and has been able to bring on 263 new USCP officers.

b. Has the rate of resignations and retirement slowed at all over the past year?

Consistent with nationwide law enforcement trends, the rate of sworn resignations and retirements has not slowed over the past year. It should be noted that the year following January 6, 2021 saw a dramatically higher number of Officers leaving the Department. Those numbers have now returned to a more typical rate as seen in previous years.

c. What are officers who are leaving doing after they leave? Do you find that officers who are leaving are retiring, moving to other law enforcement agencies, or accepting other employment offers?

The Department cannot provide a definitive response to this question as departing employees are not required to provide the information. However, based on limited exit information provided from officers who left the Department between June 1, 2022 and June 1, 2023, 58 retired, 44 transferred to another federal agency, and 59 resigned without providing information regarding future employment.

d. Last year, the Department began to augment its sworn officers with contract security officers who fill in gaps and provide basic services such as identification checks for individuals who have already passed through security. Do you anticipate requiring the use of contract security officers for the foreseeable future?

The Department believes the use of Contract Security Officers will continue for at least the foreseeable future.

e. Can you please explain how the officer shortage prevents officers from engaging in in-service training?

In order for officers to be able to do in-service training they are taken from their posts to participate in the training. That removal from the post means another officer must cover that post and the only way to do that is by having an officer work additional duty. (Or to do the training during the first officer's overtime.) Moreover, the Department is already short approximately 130 officers from its authorized strength to begin with.

f. On average, how many overtime hours does a Capitol Police officer work each month?

Currently the officers in the Uniformed Services Bureau average about 40 hours of additional duty per pay period. Agents in the Dignitary Protective Division average about 50 hours of additional duty per pay period. Generally in no case can an officer exceed 64 hours of additional duty per pay period except there are occasions when DPD agents exceed that amount with the approval of the Chief.

12. One of the major misconceptions about the restrictions to public access to the Capitol last year is that it was due entirely to the pandemic. As you mentioned in your testimony, to ensure the safety of the Capitol complex, the Department needed to reopen the campus in a phased and thoughtful manner that was tied to staffing needs. **Has the Department faced any additional challenges in staffing since the campus “fully reopened” to the public?**

There is always a consistent challenge with staffing. With the campus “fully reopened” there has been direction to open entrances that have been closed since the last sequestration, well before Covid. The increase in the Protective Services Bureau workload has taken additional bodies from Uniformed Services Bureau which is another reason for the staffing challenges.

13. Several experts, including the Inspector General, have opined that the Capitol Police should shift to more of a protective service agency than a traditional law enforcement agency. The Committee Minority was glad to hear you mention in your testimony the need to usher in a new era of protective policing. Your testimony specifically noted that the Department is in the early stages of developing a concept of operations strategic plan to help inform this shift in mission.

a. When do you expect that plan to be completed?

The Department has taken some initial steps in enhancing our Protective Services, to include creating and hiring a Forensic Psychologist to work directly with the Threat Assessment Section, starting a residential security program for leadership residences, developing concept for Protective Intelligence Operations Center (PIOC). There are also plans to transform the Protective Services Bureau by elevating the stature of Dignitary Protection Agents and Criminal Investigators. These plans would make their positions more competitive with their peer agents at other federal agents through the institution of Law Enforcement Availability Pay

(LEAP) which provides these agents with a guaranteed 25% overtime payment that would count as basic pay for retirement purposes. Additionally, the department has submitted a request for proposed Capitol Police Board Regulation changes, which are pending CHA approval, that will assist in hiring protective officer positions into PSB, and assist in hiring lateral agents into PSB.

b. Do you require additional resources to move forward in creating that plan?

Yes the Department would require both a statutory change as well as additional appropriated funds for the retirement piece of the plan.

c. How will you engage stakeholders such as the United States Capitol Police Labor Committee and other external experts in the development and implementation of this plan?

The Department already meets with the FOP every week and this topic has been discussed. Additionally, the reorganization plan requires the approval of the Capitol Police Board and the Committee on House Administration and Senate Rules Committee. The USCP meets monthly with its oversight committees and keeps them informed on progress on this plan.

14. One of the open Inspector General recommendations is that the Department seek approval from the Capitol Police Board and oversight committees to reorganize its intelligence resources into a Bureau-level entity. Do you agree with this recommendation?

Yes. As part of the Department's proposed reorganization plan, the Intelligence and Interagency Coordination Division is elevated to a Bureau.

Why or why not?

This change will elevate the importance of the intelligence mission to the Department as a whole while providing the latitude to implement new lines of efforts that will support a range of USCP operations and investigations. Further, a Bureau-level entity will allow for the creation of more robust career development opportunities for civilian Intelligence Research Specialists, who will then have a conceivable path from entry level analyst through senior leadership within USCP – an important factor for retention. Lastly, the elevation will help in ensuring department resources and training efforts are further catered to the intelligence mission set, which has unique needs as a professional discipline.

15. One of the open Inspector General recommendations is the establishment of a stand-alone counter-surveillance entity. **Do you agree with this recommendation?**

Currently the Department has an Intelligence Operations Section that is staffed with agents with the primary mission of counter surveillance. Once the reorganization is fully implemented this section will be under the Intelligence Bureau. The Department requires additional manpower to fully staff this section.

Why or why not?

See previous answer.

16. In addition to the Capitol Police Inspector General, the Government Accountability Office (GAO) also performed several reviews and provided eight recommendations. **What is the implementation status of the eight GAO recommendations?**

We are actively working to close all of the GAO recommendations. Indeed, the Department is actually down to having only six left to close. Several of them require drafting of policies, however, which can take several months to complete.

When do you expect each of the recommendations to be fully implemented?

We hope to have all of the remaining GAO recommendations closed by early Fall.