

Testimony of Amelia Strauss
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Before the House Appropriations Committee
Subcommittee on the Legislative Branch
for Fiscal Year 2021

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you for the opportunity to submit testimony. My name is Amelia Strauss and I am a policy associate with the Congressional capacity team at Demand Progress. We conduct research and engage in advocacy focused on strengthening Congress's ability to legislate and conduct oversight. We greatly appreciate this Subcommittee's ongoing work to improve Congress and we are very appreciative of the significant reforms you included in last year's appropriations bill, as well as in previous years. My testimony today concerns an important and sometimes overlooked agency within the legislative branch: the U.S. Capitol Police.

I am here to urge you to direct the Capitol Police to substantially improve how they publish information about the arrests that they make. Specifically, the Capitol Police should publish comprehensive information about the arrests they make and publish that information as data. This will foster better oversight, accountability, and public understanding of how the department is using taxpayer dollars and is working to keep the Capitol complex safe and open for the public's business. We have spent the last year looking deeply into what data can tell us about the Capitol Police.¹

As this Subcommittee is aware, congressional operations are generally funded at a lower level as compared to the rest of the federal government.² The 302(b) allocation for the Legislative Branch has represented a declining percentage of federal non-defense discretionary funds, currently standing at less than one percent. In fiscal year 2020, Congress appropriated the Capitol Police \$464.3 million, or roughly ten percent of the Legislative Branch discretionary funds, and the Capitol Police have requested a significant increase this year.

It is important that the Capitol Police have adequate funding to carry out its critical mission of protecting the Congress — Members, employees, and visitors — so constitutionally mandated business can be carried out in a safe and open environment. Notably, the percentage of Legislative Branch discretionary funds appropriated to Capitol Police have grown geometrically

¹ "The U.S. Capitol Police: What A Year Of Data Tells Us About The Congressional Police Force," Amelia Strauss, Demand Progress (February 10, 2020), available at <https://firstbranchforecast.com/2020/02/10/the-u-s-capitol-police-what-a-year-of-data-tells-us-about-the-congression-al-police-force/>. "

² See, generally, "The Undermining of Congress," Daniel Schuman, Demand Progress (February 17, 2020), available at <https://firstbranchforecast.com/2020/02/17/the-undermining-of-congress/>.

over the last twenty-five years. Adjusting for inflation, the Legislative Branch budget has increased 27% over the last quarter-century, from \$3.98 billion to \$5.05 billion. In the same time frame, the Capitol Police budget has grown by 288%, from \$119.5 million to \$464.3 million. Except for the Architect of the Capitol, no other legislative branch entity has received anything close to these sustained year-over-year increases.

As is true with any large investment, Congress must ensure that the taxpayer dollars funding the Capitol Police are being used efficiently and effectively. As a Legislative Branch agency, the Capitol Police is not subject to the Freedom of Information Act and, unlike typical police departments, it is not required to answer public requests for information. (Nor does it follow a voluntary FOIA-like process that some legislative branch agencies have adopted.)³ Sporadic press releases were the primary source of public-facing information about Capitol Police activity and the individuals the department was arresting until December 2018, when the Capitol Police began publishing weekly arrest summaries, apparently at congressional prompting.

These arrest summaries are an important oversight tool that contribute to public understanding of how the department allocates its resources. However, the Capitol Police's data publishing practices have significant flaws. Current practice is the arrest summaries are posted weekly in a PDF format, with key information published as prose and hyperlinks to summaries that disappear one year after publication. In other words, the summaries disappear after a year and are published in a format that is hard to analyze. Our specific concerns include:

- **Information published in a PDF format cannot be analyzed by computers**, so anyone who wishes to analyze Capitol Police data must manually re-type it into a digital spreadsheet.
- **The summaries are weekly**, so they do not reflect trends over time unless you compile the data yourself.
- **Criminal charges are formatted inconsistently** — e.g. the word 'misdemeanor' is spelled out in some cases and abbreviated as 'MISD' in others — but examining arrest trends in an automated manner requires consistent formatting, to compare apples to apples.
- **Incident reports occasionally omit critical information**, such as the number of individuals arrested or a specific description of the location the arrest took place.
- **It is unknown whether the Capitol Police are publishing all incident reports**, as there is no posted guidance clarifying which activities are and are not included in the weekly arrest summaries and there is some suspect to believe it is not inclusive.

³ See, generally, "Exempt from FOIA, US legislative support agencies follow uneven transparency standards," Alex Howard, First Branch Forecast (February 6, 2020), available at <https://firstbranchforecast.com/2020/02/06/foia-legislative-support-agencies-transparency/>.

We make the following recommendations:

- The Capitol Police should continue publishing arrest summaries on at least a weekly basis.
- The Capitol Police should preserve — not remove — links to arrest summaries on the public-facing arrest summary page.
- The Capitol Police should publish guidance on which charges are included and excluded from the arrest summaries, and disclose the total number of monthly arrests.

Most importantly, the Capitol Police should publish arrest information online as a digital spreadsheet — in structured data format — that allows everyone to track arrests by date and time, arrest location, charges issued, number of individuals arrested, case file number, and more. Publishing information in a usable, digital format is standard practice in the legislative branch, and we urge you to encourage the Capitol Police to adopt that practice.

Not only would this be a benefit to the public, it also may provide useful information to the Capitol Police as they track their activities.

Our research, based on the limited information available, has led to some interesting findings.

- Almost half of the incidents reported occurred outside of “business hours.”
- Fewer than 20% of incidents (157) occurred on the Capitol Campus.
- While drug-related charges were not the most common, they were prevalent. At least 80 of the reported incidents were drug-related, with more than 50 of those incidents occurring in the Union Station area.
- 35% of the 815 charges reported were traffic related; these include 173 charges for driving without a valid permit, 68 charges for driving under the influence, and at least 50 charges for other traffic violations.

We believe that better data supports better policing and policymaking, and we urge you to support improving how the Capitol Police publishes information about its arrest activities. They have an important job in keeping the Capitol complex safe and open to the public, and following the best practices of police forces around the country will help support that mission.

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