

Testimony Concerning Disclosure of U.S. Capitol Police Inspector General Reports

House Committee on Appropriations

Subcommittee on the Legislative Branch

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Dear Chairman Valadao, Ranking Member Espallat, and Members of the House Committee on Appropriations Subcommittee on the Legislative Branch,

Thank you for the opportunity to submit written testimony on behalf of my organization, Citizens for Responsibility and Ethics in Washington (CREW). CREW is a nonpartisan, nonprofit organization dedicated to transparency and accountability in government. We write to you today concerning the urgent need to enhance the transparency of the U.S. Capitol Police Inspector General by establishing a process for timely disclosure of Inspector General reports.

The United States Capitol Police (USCP) is charged with the critical task of ensuring the safety and security of the U.S. Capitol and those who work within it. On January 6, 2021, the vital importance of the USCP was brought into sharp focus as a violent mob attacked the Capitol in an effort to disrupt the democratic process. The assault on the Capitol also laid bare the vulnerabilities in the Capitol security system, highlighting the need for urgent reform.¹ With this

¹ US Gov't Accountability Off., GAO-22-105001, The Capitol Police Need Clearer Emergency Procedures and a Comprehensive Security Risk Assessment Process (2022), <https://www.gao.gov/assets/d22105001.pdf>.

in mind, effective oversight and robust transparency of the Capitol Police are essential to safeguarding members of Congress, their staff, and the infrastructure of our democracy.

The USCP Inspector General (IG) is tasked with providing independent oversight of the USCP, which it carries out mainly by conducting investigations and issuing reports. In recent appropriations cycles, the subcommittee has emphasized the need for these IG reports to be made public, provided they do not compromise law enforcement activities or national security. In the FY 2022 Legislative Branch Appropriations bill, the committee instructed “the Inspector General to institute procedures to make reports publicly available whenever practicable and to begin publishing reports on its website.”² The House report accompanying the FY 2023 Legislative Branch Appropriations bill, contained the following language:

USCP Office of the Inspector General Reports: The Committee is aware that the public does not have access to reports issued by the Capitol Police Office of Inspector General. While the Committee understands that these reports can be sensitive to law enforcement actions and Congressional security, the Committee is interested in what reports can be shared with the general public. The Committee believes that the Inspector General should try to make appropriate reports public if they do not compromise law enforcement activities, national security, or Congressional security and processes without redaction. The Committee instructs the Inspector General to institute procedures to make reports publicly available whenever practicable and to begin publishing reports on its website.³

² H.R Rept. No. 117-80, at 26 (2021), <https://www.congress.gov/congressional-report/117th-congress/house-report/80/1>.

³ H.R Rept. No. 117-389 at 25 (2022), <https://www.congress.gov/congressional-report/117th-congress/house-report/389/1>.

Despite the subcommittee's commendable efforts, the USCP IG has not sufficiently complied with directives to increase transparency. According to responses to questions for the record (QFR) accompanying a joint House and Senate hearing into the Capitol Police, the USCP IG has issued 650 reports since its inception.⁴ This number has likely grown since the July 2023 hearing as the USCP IG has issued new reports. As of April 15, 2024, only 16 of these reports have been made publicly available.⁵ Moreover, according to the same responses to those QFRs, the USCP IG has no timeline for the release of the remaining 600 plus reports.⁶

The subcommittee should include in its FY 2025 appropriations bill the below bill text to establish a process and timeline for the release of the IG reports. The proposed text instructs the USCP IG to clear the backlog of unreleased reports over the next 6 years by publishing at least 10 reports per month. Importantly, the bill also clarifies the process for making necessary redactions to the reports and instructs the USCP IG to adopt a presumption of disclosure.

Bill Text:

USCP Office of the Inspector General Report Disclosure.

Within 30 days of the issuance of this report, the USCP IG shall publish on its website a tabular chronological list of every final USCP IG report ever published and shall continue

⁴ S. Hrg. 118-62 at 877 (2023), <https://www.govinfo.gov/app/details/CHRG-118jhr53099/CHRG-118jhr53099> .

⁵ United States Capitol Police, *OIG Reports* (April 15, 11:00 AM), <https://www.uscp.gov/oig-reports>.

⁶ S. Hrg. 118-62 (2023), <https://www.govinfo.gov/app/details/CHRG-118jhr53099/CHRG-118jhr53099>.

to update that list in perpetuity contemporaneous with the issuance of each new final report. The table shall include the full title of the report, date issued, report number, and a link to the text of the report whenever possible.

The underlying USCP IG reports shall be available to any Member of Congress who serves on the Committee on House Administration or the House Appropriations Committee upon request to the USCP IG or the USCP Board.

Furthermore, upon the issuance of this report, the USCP IG shall publish the text of all newly issued reports on its website and on oversight.gov no later than 14 calendar days after the final report is completed. A report is issued when any of these conditions are satisfied: the USCP IG determines that it is issued, it has been transmitted to the USCP/USCP Board, or it has been transmitted to a congressional office. The USCP/USCP Board may not edit or alter a USCP IG report in any way but may provide to the USCP IG within 10 calendar days a letter to accompany the report as an appendix.

Furthermore, upon the issuance of this report, starting with the most recent USCP IG reports, the USCP Inspector General is instructed to publish at least 10 USCP IG reports per month on its website and on oversight.gov until the USCP has finished reviewing all 650 reports in its backlog. The USCP IG shall adopt a presumption of disclosure and publish as much of the text of the report as possible, only withholding information that is classified, constitutes a clear invasion of privacy that outweighs the public's interest in disclosure, or for which there is an articulable, specific harm to the security of the U.S.

Capitol and those who work there that outweighs the public's interest in disclosure. To the extent the USCP/USCP Board is informed of the release of these reports and conducts a review of the materials to make recommendations on what cannot be released, such reviews must be accomplished and provided to the USCP IG for evaluation within 10 calendar days of transmission of the report to the USCP/USCP Board. The USCP IG shall make the final determination for what information, if any, should be withheld.

We urge the subcommittee to include the above bill text in its FY 2025 report in order to bolster public trust, enhance oversight, and ensure the security of our Capitol, and in turn, our democracy.

Thank you for considering this testimony. We remain ready to provide any further information or assistance as needed.