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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. Realignment 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 capsicum* 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.