

January 3, 2022

The Honorable Amy Klobuchar
Chairwoman
Committee on Rules and Administration
United States Senate

The Honorable Roy Blunt
Ranking Member
Committee on Rules and Administration
United States Senate

The Honorable Zoe Lofgren
Chairperson
Committee on House Administration
House of Representatives

The Honorable Rodney Davis
Ranking Member
Committee on House Administration
House of Representatives

Re: Publication of U.S. Capitol Police Inspector General Reports

Dear Chairwoman Klobuchar, Chairperson Lofgren, Ranking Member Blunt, and Ranking Member Davis:

Thank you for your ongoing efforts to provide oversight of the United States Capitol Police. The Capitol Police must be held to a high standard of transparency and accountability to prevent failures like that which occurred on January 6th. We respectfully request you direct the Capitol Police Inspector General to publish its final reports online, which is the practice for nearly all federal inspectors general.¹

As part of the FY 2021 Consolidated Appropriations Act, Congress directed the Capitol Police Inspector General to conduct a review of all IG reports issued within the previous three years and report back to the Appropriations Committee, within 90 days, a list of those reports that could be publicly released.² As far as we are aware, no list was transmitted by the March 27, 2021 deadline, or any date thereafter. A further directive was incorporated as part of the committee report accompanying the pending Legislative Branch Appropriations Act for FY 2022, which passed the House of Representatives and is pending in the Senate,³ stating:

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.** (emphasis added)

¹ We further encourage you to make the USCP IG independent of the Capitol Police Board and to expand its scope of review to include the Board's activities.

² See the committee report accompanying the House Legislative Branch Appropriations Subcommittee Bill, FY 2021, page 22, available at <https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf#page=22>. The underlying legislation was incorporated as part of the FY 2021 Consolidated Appropriations Act, P.L. 116-260, enacted December 27, 2020.

³ See the committee report accompanying the House Legislative Branch Appropriations Subcommittee bill for FY 2022, page 26, available at <https://www.congress.gov/117/crpt/hrpt80/CRPT-117hrpt80.pdf#page=26>.

We agree with this policy. All final reports issued by federal inspectors general, including the U.S. Capitol Police Inspector General, should be publicly available, subject to limited redactions. The vast majority of the 70-plus inspectors general appointed by the president and subject to Senate confirmation already publish their final reports online.⁴ This includes reports that concern national security and law enforcement information, subject to appropriate redactions. In circumstances where an Executive branch IG report is not publicly released, the best practice⁵ is for an IG to provide online notification of the issuance of the report — a practice adhered to by many agencies, including the Department of Defense Inspector General and the Government Accountability Office — which provides an avenue for the public to request a mandatory declassification review.⁶

Unfortunately, the Capitol Police Inspector General's final reports that investigate Department waste, fraud, and abuse are shrouded in secrecy. The Capitol Police IG had previously indicated that final IG reports are withheld pursuant to a directive by the Capitol Police Board; we are unaware of the Board publishing this directive (or any substantive information about the Board's activities). We note a small subset of recent IG reports focused on the January 6th events have been released publicly via your committees — not the USCP — as “flash reports,” which consist only of the executive summary and recommendations and are shorn of significant context.⁷

The purpose of publishing final inspector general reports is to provide for accountability for agency programs and operations. Publication of final IG reports makes it more likely that the Department will be aware of the content of Inspector General reports and implement IG recommendations. It also creates pressure on the Department to remedy waste, fraud, and abuse, and continuously improve its operations. Furthermore, publication supports public scrutiny, empowers the press to bring problematic practices to light, and provides reassurances to whistleblowers that accountability is possible. Finally, it provides a record to hold the Department accountable in case of future transgressions.

We urge you to direct the Capitol Police Inspector General to publish all final reports in a central, externally-facing website, subject to appropriate (but strictly limited) redactions. Publications of these reports on the central IG website, Oversight.gov, would suffice. To the extent the USCP IG is constrained by a directive from the Capitol Police Board, the Board should be directed to rescind that policy, publish all of its policies that intersect with the

⁴ See <https://www.oversight.gov/>.

⁵ For most information on best practices, see the Project on Government Oversight's July 9, 2018 report, *The Watchdogs After Forty Years: Recommendations for our Nation's Federal Inspectors General*, available at https://docs.pogo.org/report/2018/2018-07-09_POGO_The_Watchdogs_After_40_Years_IG_Report.pdf?_ga=2.113296903.1667384554.1640022659-547208498.1635963104.

⁶ For more on Mandatory Declassification Review, see the National Archives webpage, <https://www.archives.gov/isoo/training/mdr>.

⁷ Additionally, only a handful of peer review audit reports are publicly available., Office of Inspector General Audits, United States Capitol Police, available at <https://www.uscp.gov/the-department/office-inspector-general/audits-investigations>.

public interest, and be encouraged to enact policies that embrace— not avoid — transparency and accountability.⁸

Publication of inspector general reports creates an essential feedback loop for overseers, the press, accountability organizations, and the public. Undue secrecy at the Capitol Police has allowed for problematic activities and dysfunction to fester. We believe insufficient transparency concerning the Capitol Police, which obscured its dysfunctional administration and misplaced priorities, were a contributing factor to its failures on January 6th. We must not allow that to reoccur.

We appreciate your attention to addressing public availability of USCP Inspector General reports and ensuring that the Capitol complex is both safe and open to the public. To discuss this further, please contact Daniel Schuman, Policy Director for Demand Progress, at Daniel@DemandProgress.org.

Best regards,

Daniel Schuman
Policy Director, Demand Progress

cc: Members of the Committee on House Administration
Members of the Senate Committee on Rules and Administration
Members of the January 6th Committee
Members of the Homeland Security and Governmental Affairs Committee

⁸ See, for example, *Draft Model Public Records Request Regulations for the U.S. Capitol Police*, Demand Progress Education Fund (December 2021), https://s3.amazonaws.com/demandprogress/reports/Model_USCP_Public_Records_Regulations_2021-12.pdf