



DEMAND PROGRESS

June 8, 2020

The Honorable Zoe Lofgren
Committee on House Administration

The Honorable Rodney Davis
Committee on House Administration

The Honorable Roy Blunt
Committee on Rules and Administration

The Honorable Amy Klobuchar
Committee on Rules and Administration

The Honorable Tim Ryan
House Committee on Appropriations
Legislative Branch Subcommittee

The Honorable Jaime Herrera Beutler
House Committee on Appropriations
Legislative Branch Subcommittee

The Honorable Cindy Hyde-Smith
Senate Committee on Appropriations
Legislative Branch Subcommittee

The Honorable Chris Murphy
Senate Committee on Appropriations
Legislative Branch Subcommittee

Dear Chairs Lofgren, Blunt, Ryan, and Hyde-Smith, and Ranking Members Davis, Klobuchar, Herrera Beutler, and Murphy:

We are writing to express our concerns regarding inadequate transparency and accountability for the U.S. Capitol Police. As you know, the Capitol Police (USCP) has a \$464 million budget for FY 2020 and 2,514 employees, of whom 2,060 are sworn personnel. By comparison, the Washington, D.C. Metropolitan Police Department (MPD) is funded at \$556 million and has 3,851 sworn officers.¹ The Capitol Police have 83% the budget of MPD and 53% the number of sworn officers, a much narrower mission, comparatively little public accountability — and a primary jurisdiction of fewer than two square miles.²

Unlike the MPD and the vast majority of local police forces, the USCP provides little public information about its activities;³ is under no statutory obligation (such as a Freedom of Information

¹ MPD has 3,851 sworn officers and 681 civilian personnel; see “2018 Annual Report Metropolitan Police Department,” Government of the District of Columbia.

https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202018_lowres_0.pdf.

The 2020 Budget for MPD is \$556 million; see, Peter Hermann, “Mayor’s budget proposes slight increase for D.C. police, more money for programs that treat violence as health issue,” *Washington Post*, March 26, 2019.

https://www.washingtonpost.com/local/public-safety/mayors-budget-proposes-slight-increase-for-dc-police-more-money-for-programs-that-treat-violence-as-health-issue/2019/03/26/1057444a-4fde-11e9-a3f7-78b7525a8d5f_story.html

² See Amelia Strauss and Daniel Schuman, “The Long Arm of the U.S. Capitol Police,” Demand Progress, August 7, 2019. <https://firstbranchforecast.com/2019/08/07/the-long-arm-of-the-u-s-capitol-police/>.

³ Daniel Schuman, “Questions for the U.S. Capitol Police,” Demand Progress, July 17, 2019.

https://s3.amazonaws.com/demandprogress/reports/Demand_Progress_Interim_Assessment_US_Capitol_Police_2017-07-17.pdf.

law) to answer record requests from the public;⁴ does not publish an annual report on its activities; does not publish reports from its oversight body, the Capitol Police Board, nor the USCP Inspector General; does not proactively publish its annual statistical summary of complaints drawn from Office of Professional Responsibility records;⁵ and only began in December 2018 publishing sparse information concerning its weekly arrests.⁶ The agency issued only 15 press releases in 2019; has never used its Twitter account;⁷ and, while we have been able to determine there is a daily Department News Summary, that document has not been made available despite our requests. In addition, repeated efforts to meet with Capitol Police Chief Steven A. Sund concerning the USCP's agenda have been rebuffed, and the Public Information Office is unhelpful and unresponsive.⁸

The USCP faces many challenges in how it operates, which authorizing and appropriating committees have expertly drawn out in hearings.⁹ For example, at one of those hearings, the police union chairman described morale problems, *prima facie* discriminatory disciplinary practices, a lack of transparency, inadequate training, and more.¹⁰ Ongoing litigation by USCP officers and reporting by news outlets like *Roll Call* have brought to light additional concerns.¹¹ We welcome

⁴ See Alex Howard, "Exempt from FOIA, US legislative support agencies follow uneven transparency standards," Demand Progress, February 6, 2020.

<https://firstbranchforecast.com/2020/02/06/foia-legislative-support-agencies-transparency/>. USCP now allows the public to request the following information: (1) The Annual Statistical Summary Report; instructions are posted here: <https://www.uscp.gov/the-department/bureaus-and-offices>. (2) Arrest records: The department can and does deny requests; the rules governing that process are not posted publicly. The request form is available here: https://www.uscp.gov/sites/uscapitolpolice.house.gov/files/wysiwyg_uploaded/USCP%20Report%20Request%20Form%202019.pdf.

Examples of Demand Progress requests for information that did not receive an adequate response include a February 14, 2019 letter, https://s3.amazonaws.com/demandprogress/documents/2019-02-05_USCP_Letter.pdf and an April 29, 2020 request for disbursements data:

<https://firstbranchforecast.com/2020/04/29/capitol-police-statement-of-disbursements/>.

⁵ Amelia Strauss, "The Changing Nature of Misconduct Complaints Against Capitol Police Employees," Demand Progress, July 15, 2019. <https://firstbranchforecast.com/2019/07/15/complaints-against-capitol-police-officers-are-on-the-rise/>.

⁶ See Daniel Schuman and Amelia Strauss, "Capitol Police to Publish Some Arrest Information," Demand Progress, December 20, 2018. <https://firstbranchforecast.com/2018/12/20/capitol-police-to-publish-some-arrest-information/>.

⁷ See <https://twitter.com/capitolpolice>.

⁸ This is a longstanding problem with the PIO's office. By way of example, it has ignored our multiple requests to be added to the department's press distribution list.

⁹ Examples from the 116th Congress include: House Appropriations Subcommittee on the Legislative Branch "U.S. Capitol Police FY 2021 Budget Request," February 11, 2020,

<https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=110477>; Committee on House Administration "Oversight of the United States Capitol Police," July 16, 2019, <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=109781>.

¹⁰ See "Testimony of Gus Papathanasiou, Chairman, Fraternal Order of Police, U.S. Capitol Police Labor Committee, Before the U.S. House Committee on House Administration," July 16, 2019.

<https://docs.house.gov/meetings/HA/HA00/20190716/109781/HHRG-116-HA00-Wstate-PapathanasiouG-20190716.pdf>.

¹¹ See, e.g., Katherine Tully-McManus, "Capitol Police crackdown on press escalates to physical altercation," Roll Call, February 15, 2019,

<https://www.rollcall.com/2019/02/15/capitol-police-crackdown-on-press-escalates-to-physical-altercation/>; Katherine Tully-McManus, "Capitol Police weapon left unattended in Capitol bathroom, again," Roll Call, February 27, 2019, <https://www.rollcall.com/2019/02/27/capitol-police-weapon-left-unattended-in-capitol-bathroom-again/>; Kathryn Lyons and Chris Marquette, "Staffers gripe about lack of communication during Capitol lockdown," Roll Call, November 26, 2019, <https://www.rollcall.com/2019/11/26/staffers-gripe-about-lack-of-communication-during-capitol-lockdown/>; Chris Marquette, "Former Capitol Police chief acknowledges 'systemic failure' in supervising new officers," Roll Call, November 5, 2019,

this oversight, and believe that information about USCP operations should be made available to the public on a regular basis.

The U.S. Capitol Police has an important mission: ensuring that the U.S. Capitol complex is safe for lawmakers to conduct government business and the public to communicate with their elected representatives. We understand that Members of Congress have a unique and often personal relationship with members of the USCP, who provide them protection and support in a turbulent world. This is a relationship that arises from privilege, and we would hope that all interactions with the USCP would go as smoothly as those they have with elected officials and senior staff.

However, the USCP routinely goes beyond the mission of protecting Congress, both in terms of the people they interact with and the role that they play. Capitol Police officers make arrests on and off the Capitol complex, with nearly 10% of annual arrests made at Union Station; a significant number of arrests are for traffic violations or drug use; and the majority of “incidents” occur outside of business hours.¹² When the USCP is acting in a law enforcement capacity, it should be held to similar standards as other law enforcement agencies. When it acts like a federal agency, it should be held to account like all federal agencies.

Accordingly, we urge you to consider the following steps to improve transparency and accountability. The U.S. Capitol Police should:

- Make publicly available, on a contemporaneous basis, the USCP Department News Summary, releases and announcements sent to its press distribution list, timely information and advisories relevant to the Capitol complex and its visitors, arrest information,¹³ and other information of this kind.
- Publish an annual report comparable to that published by local police departments that describes the scope of work performed by the department, summary information about its arrests and other activities, its budget, its personnel (including demographic information), its accomplishments, statistics about disciplinary actions, statistics about complaints raised concerning the department and the disposition of those complaints, and so on. This should include disciplinary actions taken that concern leadership.

<https://www.rollcall.com/2019/11/05/former-capitol-police-chief-acknowledges-systemic-failure-in-supervising-new-officers/>.

¹² See Amelia Strauss and Daniel Schuman, “The U.S. Capitol Police: What A Year Of Data Tells Us About The Congressional Police Force,” Demand Progress, February 2020.

https://s3.amazonaws.com/demandprogress/reports/US_Capitol_Police_February_2020_Report.pdf; Amelia Strauss, “Capitol Police Arrests: What Department Data Does and Doesn’t Tell Us,” Demand Progress, July 15, 2019.

<https://firstbranchforecast.com/2019/07/15/capitol-police-arrests-what-department-data-does-and-doesnt-tell-us/>;

Amelia Strauss and Daniel Schuman, “A Look at the US Capitol Police,” Demand Progress, March 11, 2019.

https://s3.amazonaws.com/demandprogress/reports/A_Look_at_the_US_Capitol_Police.pdf.

¹³ The arrest information should address shortcomings of the current data-collecting and data-sharing formats; for more information, see “Testimony of Amelia Strauss, Policy Associate, Demand Progress Before the House Appropriations Committee Subcommittee on the Legislative Branch for Fiscal Year 2021,” February 2020.

https://s3.amazonaws.com/demandprogress/testimony/Amelia_Strauss_Testimony_H_Leg_Br_Approps_FY_2021_.pdf.

- Create a FOIA-like process for the public to request information from the USCP, including regulations that govern the process, clearly stated timeframes by which the requests should be answered, public disclosure of the responses, and a mechanism to appeal denials of requests.
- Publish a list of all reports by the USCP Inspector General and the release of the contents of those reports to the maximum extent possible.
- Make more prominent how the public may file complaints concerning the USCP.
- Consider what other oversight mechanisms for relevant stakeholders should be created.
- Make use of social media to contemporaneously inform the public regarding its activities.

More than anything else, Capitol Police management should change their culture concerning transparency and accountability. It should not require civil society to complain to Congress to prompt the USCP to accomplish the vast majority of the items identified above.

Capitol Police funding has expanded greatly in the last twenty five years. The inflation-adjusted budget has increased by over \$340 million, almost 280%, since 1995.¹⁴ Particularly in light of current circumstances,¹⁵ we encourage you to modernize oversight and accountability mechanisms.

We welcome the opportunity to discuss this matter further. Please contact Daniel Schuman, the Policy Director of Demand Progress, at Daniel@DemandProgress.org, or Amelia Strauss, Policy Associate, at Amelia@DemandProgress.org.

cc: U.S. Capitol Police
House Sergeant at Arms
Senate Sergeant at Arms
Architect of the Capitol
Members of the House of Representatives
Members of the United States Senate

¹⁴ The police budget now comprises almost 10% of the Legislative Branch Budget, See Daniel Schuman, “The Undermining of Congress,” Demand Progress, February 17, 2020. <https://firstbranchforecast.com/2020/02/17/the-undermining-of-congress/>. To view the underlying data used in this analysis, see Amelia Strauss, “25 Years of Legislative Branch Appropriations,” Demand Progress, January 21, 2020. <https://firstbranchforecast.com/2020/01/21/follow-the-money-25-years-of-congressional-budget-information-all-in-one-place/>. Note values in this letter are adjusted to 2020 dollars and the values in the article are adjusted to 2019 dollars.

The underlying legislation, H.R.4454 - Legislative Branch Appropriations Act, 1995, and H. R. 1865 - Further Consolidated Appropriations Act, 2020, are available online: <https://www.congress.gov/bill/103rd-congress/house-bill/4454/text>; <https://www.congress.gov/116/bills/hr1865/BILLS-116hr1865enr.pdf>.

¹⁵ Anthony Capaccio, “Federal Plan to Control D.C. Protests Taps 7,600 Personnel,” Bloomberg, June 4, 2020 (“The total deployments include 500 personnel each from the U.S. Capitol Police”), <https://www.bloomberg.com/news/articles/2020-06-05/federal-plan-to-control-d-c-protests-has-7-600-personnel-tapped>.