



DEMAND PROGRESS
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The U.S. Capitol Police: What A Year Of Data Tells Us About The Congressional Police Force

February 2020



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Introduction

Congress has a security-force-police-department hybrid, the U.S. Capitol Police (USCP), tasked with the critical mission of protecting the Congress—Members, employees, and visitors—so constitutionally mandated business can be carried out in a safe and open environment¹. The department mitigates threats against Members of Congress, which the House Sergeant at Arms says have increased three-fold² in recent years, with some cases resulting in criminal charges³. Additionally, USCP evaluates millions of Capitol campus visitors each year, screening more than 10 million visitors in 2018 alone⁴.

The department has 2,300 employees⁵ and a budget of over \$460 million⁶ to protect its extended jurisdiction of almost two-square-miles⁷. That’s enough staff to rival the Atlanta Police Department⁸, and its budget eclipses spending levels of police departments in cities like Austin, Texas and Detroit, Michigan⁹.

USCP absorbs almost 10%¹⁰ of Congress’ (already limited¹¹) funding, a percentage that has dramatically increased over the last decade. Does USCP use that money and manpower efficiently and effectively? The short answer is, we don’t know.

Over the last year our team has tried to gather information about USCP, but insufficient transparency around the USCP makes it difficult for outsiders (and Congress) to understand department operations and activities. Unlike most police forces, USCP is housed inside the Legislative Branch, which means that traditional accountability mechanisms, such as the Freedom of Information Act (FOIA), do not apply. With the little information that has been disclosed, our team has ascertained a few key facts.

¹ <https://www.uscp.gov/the-department/our-mission>

² <https://docs.house.gov/meetings/ha/ha00/20190716/109781/hhrg-116-ha00-wstate-irvingp-20190716.pdf>

³ Examples of Members targeted include Rep. Rodney Davis, Rep. Ilhan Omar, Rep. Steve Scalise, and Rep. Alexandria Ocasio Cortez. The links to court filings for each member respectively:

<https://www.courtlistener.com/docket/16587296/united-states-v-tarr/>;

<https://www.courtlistener.com/docket/14889402/united-states-v-carlineo/>;

<https://www.courtlistener.com/docket/13447849/united-states-v-bayon/>;

<https://www.courtlistener.com/docket/16037973/united-states-v-ireland/>

⁴ <https://docs.house.gov/meetings/AP/AP24/20190312/109072/HHRG-116-AP24-Wstate-VerderosaM-20190312.pdf>

⁵ <https://www.uscp.gov/media-center/uscp-fast-facts>

⁶ <https://www.congress.gov/116/bills/hr/1865/BILLS-116hr1865enr.pdf>

⁷ Calculated using this map: <https://firstbranchforecast.com/2019/08/07/the-long-arm-of-the-u-s-capitol-police/>

⁸ <https://www.atlantapd.org/about-apd>

⁹ [https://assets.austintexas.gov/budget/19-20/downloads/2020 Approved Budget.pdf#page=107](https://assets.austintexas.gov/budget/19-20/downloads/2020%20Approved%20Budget.pdf#page=107);

<https://detroitmi.gov/sites/detroitmi.localhost/files/2019-05/FY2020-2023%20Approved%20Four-Year%20Financial%20Plan%20-%20Section%20C%20Legal%20Budget.pdf#page=44>

¹⁰ https://www.everycrsreport.com/files/20181113_R45214_aef25d431d5f7ceac4f8e60249155a96080f1468.pdf

¹¹ <https://firstbranchforecast.com/2019/12/17/first-branch-second-rate-funding/>

Primary Concerns

USCP Does Not Share Enough Information With The Public.

In terms of proactive disclosures, the department published 15 press releases in 2019¹², whereas DC Metro Police Department (MPD) published 1,785 newsroom releases¹³ during the same period. The department was largely nonresponsive to our requests, and when the department did respond, crucial information generally was omitted¹⁴.

USCP Activity Extends Far Beyond Security Threats To Members of Congress.

The first 12 months of USCP arrest data¹⁵ show that 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. There were also 80 drug related¹⁶ incidents, 52 of which occurred in the Union Station Area¹⁷. However, it is not possible to determine whether public reports of arrest information are complete.

USCP Is Not Subject To Most Traditional Police Oversight Mechanisms.

The department does not have to respond to records requests because they are not subject to FOIA¹⁸. In addition, there is no civilian oversight board and only a handful of journalists cover the department. However, USCP *does* answer to overseers in Congress, and that work has unearthed evidence of some alarming misconduct, which suggests further investigation and accountability are required.

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¹² <https://www.uscp.gov/media-center/archive/2019>

¹³ MPD Newsroom, 2019 results:

[https://mpdc.dc.gov/newsroom?field_date_value\[min\]\[date\]=01/01/2019&field_date_value\[max\]\[date\]=01/01/2020&keys=&field_release_type_tid=All&sort_by=field_date_value&sort_order=DESC](https://mpdc.dc.gov/newsroom?field_date_value[min][date]=01/01/2019&field_date_value[max][date]=01/01/2020&keys=&field_release_type_tid=All&sort_by=field_date_value&sort_order=DESC)

¹⁴ USCP did fulfill our request for the annual statistical summary reports within two months of our initial request. We detail the process and results here:

<https://firstbranchforecast.com/2019/07/15/complaints-against-capitol-police-officers-are-on-the-rise/>

¹⁵ USCP Arrest Data from December 19, 2018 through December 19, 2019 can be downloaded as a dataset from Demand Progress here:

https://s3.amazonaws.com/demandprogress/documents/USCP_First_12_Months_of_Arrest_Summary_Data.csv

¹⁶ Drug-related incidents include any case where the arrest summary includes one or more of the following terms: marijuana, powder, substance, pipe, joint, drug, paraphernalia, rock, leafy

¹⁷ This includes Union Station, and the surrounding one block radius: Columbus Circle NE; the unit and 100 blocks of Massachusetts Avenue, NE; the unit and 100 blocks of F Street, NE; the unit and 100 blocks of G Street, NE.

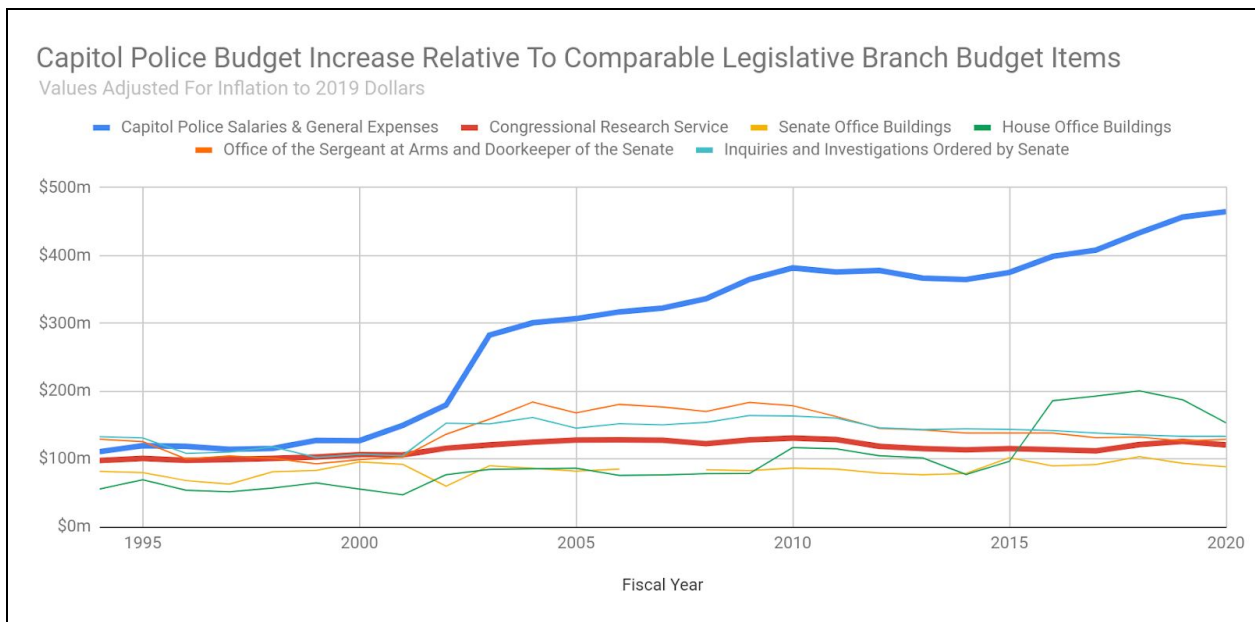
¹⁸ <https://www.muckrock.com/news/archives/2018/oct/04/congress-foia-exemption/>

Analysis

USCP Activity Is Shrouded From Public View

The American taxpayer does not spend very much on Congress; fewer than 1% of all federal discretionary funds¹⁹ are designated for the Legislative Branch. However, Congress spends a sizable portion of its money on USCP. Adjusting for inflation, the Legislative Branch budget has increased 26.7% over the last 25 years, going from \$3.98b²⁰ to \$5.05b; meanwhile, USCP's budget has grown 288%, from \$119.5m²¹ to \$464.3m. As the graph below shows, the increase in spending on USCP came shortly after 9/11 and never stopped, outpacing the growth rate of spending on just about every other item in the Legislative Branch budget.

Figure 1.



Congress will spend roughly 10% of its funding on USCP in FY 2020. It's hard to gauge whether the institution will see a good return on its investment because USCP is averse to sharing information about its activities. By comparison, many municipal police departments traditionally interact with the public²² by answering public records requests

¹⁹ <https://firstbranchforecast.com/2019/12/17/first-branch-second-rate-funding/>

²⁰ https://www.everycrsreport.com/reports/RL30212.html#_1_53

²¹ <https://www.congress.gov/bill/103rd-congress/house-bill/4454/text>

²² <https://mpdc.dc.gov/page/open-government-and-foia-mpdc>

and proactively disclosing information; they are also subject to scrutiny from civilian oversight boards²³, journalists, and nonprofit groups²⁴.

As a police-department-security-force hybrid and a Legislative Branch agency, however, the rules for USCP are different. Department disclosures are voluntary, and, in more cases than not, USCP has declined to provide responsive documents (or even acknowledge) our requests for information.

For example, in early 2019 we requested copies of public arrest records referenced in USCP's weekly arrest summaries. The department withheld several documents, and some documents were turned over with pages missing—e.g. A four page pdf would have pages marked “page 3 of 10”. To find out why certain records were withheld, we asked USCP's Public Information Office (PIO) for a copy of the guidelines governing information disclosures to the public, but the PIO did not reply to our emails. When we sent a formal request²⁵, we did receive a letter in response, however the PIO did not directly answer our question²⁶.

USCP also ignored our request for basic information about their jurisdiction, but we were ultimately able to find that information independently²⁷ in publicly available documents²⁸ published by the department.

Here's the information USCP does share:

1. **Press releases:** USCP publishes occasional press releases, posting 15 in 2019²⁹. By contrast MPD published 1,785 posts on its newsroom page³⁰ in the same time frame.
2. **Complaint Summary Statistics:** The report compiles basic summary statistics about the complaints filed against officers. You can follow the online instructions³¹ to request the report or take a look at our copy³². It is not proactively disclosed.

²³ <https://policecomplaints.dc.gov/page/about-office-police-complaints>

²⁴ <https://fundersforjustice.org/organizations/>

²⁵ 2019-02-04 Demand Progress letter to USCP:

https://s3.amazonaws.com/demandprogress/letters/2019-02-14_Request_For_USCP_Information_Sharing_SOPs.pdf

²⁶ 2019-03-01 USCP reply letter to Demand Progress:

https://s3.amazonaws.com/demandprogress/documents/2019-03-01_USCP_Letter_to_Demand_Progress.pdf

²⁷ <https://firstbranchforecast.com/2019/08/07/the-long-arm-of-the-u-s-capitol-police/>

²⁸ https://go.mpdconline.com/GO/GO_310_01.pdf

²⁹ <https://www.uscp.gov/media-center/archive/2019>

³⁰ MPD Newsroom, 2019 results:

[https://mpdc.dc.gov/newsroom?field_date_value\[min\]\[date\]=01/01/2019&field_date_value\[max\]\[date\]=01/01/2020&keys=&field_release_type_tid=All&sort_by=field_date_value&sort_order=DESC](https://mpdc.dc.gov/newsroom?field_date_value[min][date]=01/01/2019&field_date_value[max][date]=01/01/2020&keys=&field_release_type_tid=All&sort_by=field_date_value&sort_order=DESC)

³¹ <https://www.uscp.gov/the-department/bureaus-and-offices>

³² https://s3.amazonaws.com/demandprogress/documents/Annual_Statistical_Report_Summaries.pdf

3. **The Form To Request Arrest Records**, which USCP posted on its website³³ after prompting from civil society.
4. **Weekly Arrest Summaries**: Responding to encouragement from Congress, USCP began posting weekly arrest summaries³⁴ in December 2018³⁵. The data is posted in PDF format and has some flaws, which we detail below. We converted the first 12 months of arrest information into a downloadable dataset³⁶.

Arrest Data Points To Mission Creep

Between December 19, 2018 and December 19, 2019, USCP reported 543 incidents in their weekly arrest summaries. Officers issued 815 charges and arrested at least 1,279 individuals. Officers may issue more than one charge per incident and/or arrest more than one individual.

Our dataset³⁷ was created using USCP weekly arrest summaries, which are somewhat flawed. For example, incident reports occasionally omit critical information like the number of individuals arrested or sufficient location details. Additionally, charges are formatted inconsistently (e.g. the word ‘misdemeanor’ is spelled out in some cases and abbreviated as ‘MISD’ in others) which makes it difficult to track how frequently a given charge is occurring. It is also not entirely clear which types of arrests are and are not included in the summaries³⁸. It would be helpful if the department clearly communicated what is and is not covered by summaries, and published them as data with details like demographic information included.

The data still provides an interesting window into department activity. While some trends were not surprising—for example, more than half of individuals arrested (750+) were protesters³⁹—there were a few takeaways we did not expect:

³³ https://www.uscp.gov/sites/uscapitolpolice.house.gov/files/wysiwyg_uploaded/CP-1439.pdf

³⁴ <https://www.uscp.gov/media-center/weekly-arrest-summary>

³⁵ <https://firstbranchforecast.com/2018/12/20/capitol-police-to-publish-some-arrest-information/>

³⁶ 12 months of USCP arrest summary information as data, via Demand Progress:

https://s3.amazonaws.com/demandprogress/documents/USCP_First_12_Months_of_Arrest_Summary_Data.csv

³⁷ 12 months of USCP arrest summary information as data, via Demand Progress:

https://s3.amazonaws.com/demandprogress/documents/USCP_First_12_Months_of_Arrest_Summary_Data.csv

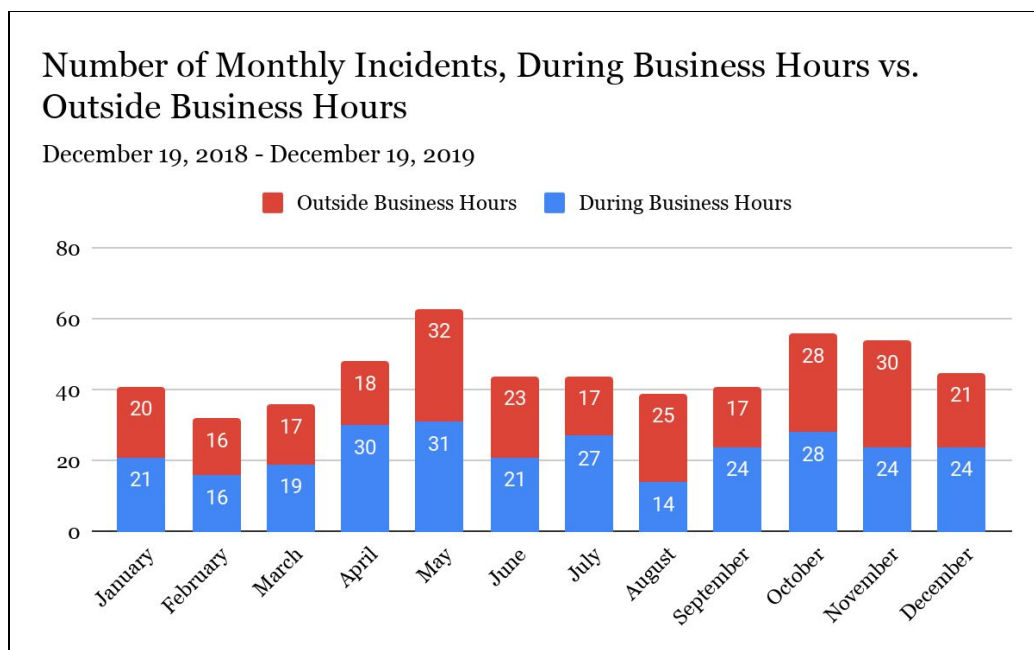
³⁸ https://s3.amazonaws.com/demandprogress/documents/2019-03-01_USCP_Letter_to_Demand_Progress.pdf

³⁹ Protestors are commonly charged under this section of the DC Code:

<https://code.dccouncil.us/dc/council/code/sections/22-1307.html>

1. Almost half of the incidents reported occurred outside of “business hours,”⁴⁰ reflected in Figure 2 below, and about 40% of those incidents were traffic related. Congress spends a significant amount on USCP overtime, appropriating up to \$47 million⁴¹ for FY 2020 alone.

Figure 2.



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2. USCP largely operates within its extended jurisdiction (see the map below), but fewer than 20% of incidents (157) occurred on the Capitol Campus, which we define as in, or directly adjacent to, Congressional office buildings, the Capitol, and the Capitol Visitor’s Center⁴³. Meanwhile nearly 10% of incidents (77) occurred in the Union Station area. See this information visualized in Figures 3-5 on the following pages.

⁴⁰ We have defined “business hours” as Monday through Friday, 7:30 AM to 6:30 PM, including holidays.

⁴¹ <https://www.congress.gov/116/bills/hr1865/BILLS-116hr1865enr.pdf#page=229>

⁴² December values are comprised of data from December 1, 2019 through December 19, 2019 and December 19, 2018 through December 31, 2018.

⁴³ This includes Cannon, Longworth, Rayburn, Ford, O’Neill, Dirksen, Hart, Russell, the U.S. Capitol, U.S. Capitol Visitor Center; the unit and 100 blocks of C Street, NE; the unit, 100, and 200 blocks of C Street, SW; the unit and 100 blocks of C Street, SE; the unit, 100, and 200 blocks of D Street, SW; the unit and 100 blocks of D Street, SE; the 200 block of E Street, SW; the unit and 100 blocks of Constitution Avenue NE; the unit and 100 blocks of Constitution Avenue NW; the unit block of Independence Avenue SE; the unit and 100 blocks of Independence Avenue SW; The 300 and 400 blocks of Third Street, SW; the 300 and 400 blocks of Second Street, SW; the 200 block of First Street, SW; the unit, 100, 200, and 300 blocks of South Capitol Street; the unit, 100, 200, and 300 blocks of New Jersey Avenue, SE; the unit, 100, and 200 blocks of First Street NE; the unit, 100, 200, and 300 blocks of First Street, SE; the 200 block of Second Street NE; the 200 block of Second Street, SE; the unit, 100, and 200 blocks of Delaware Avenue, NE.

Figure 3.

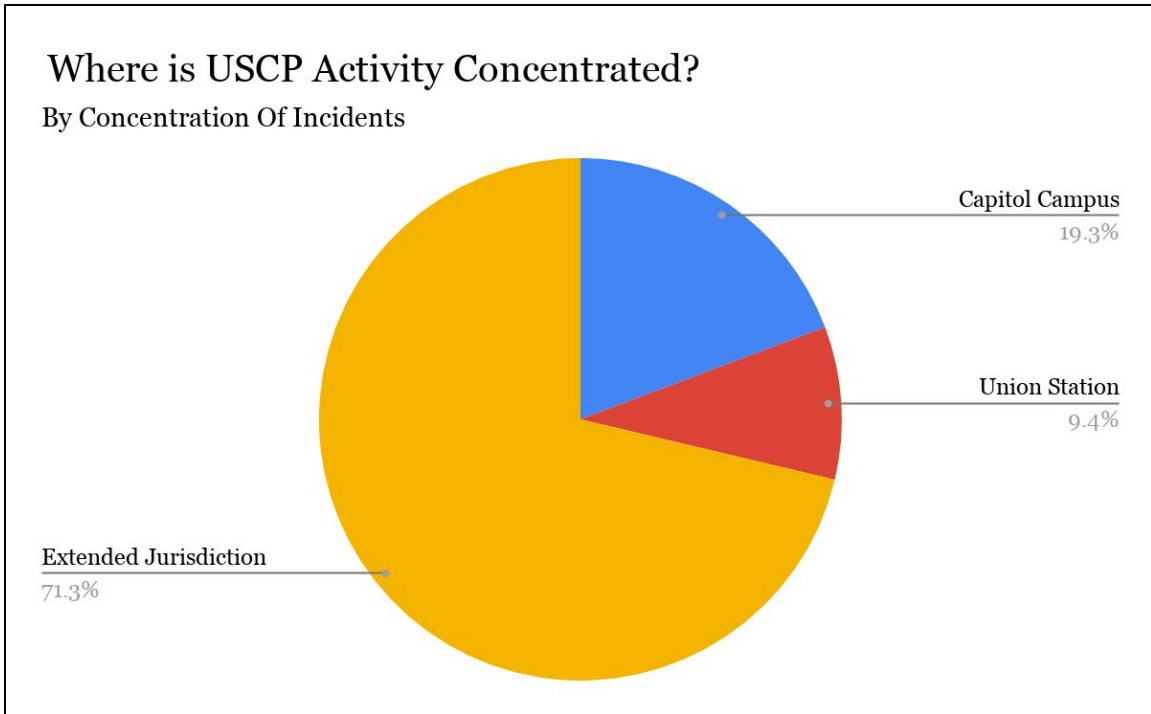


Figure 4.

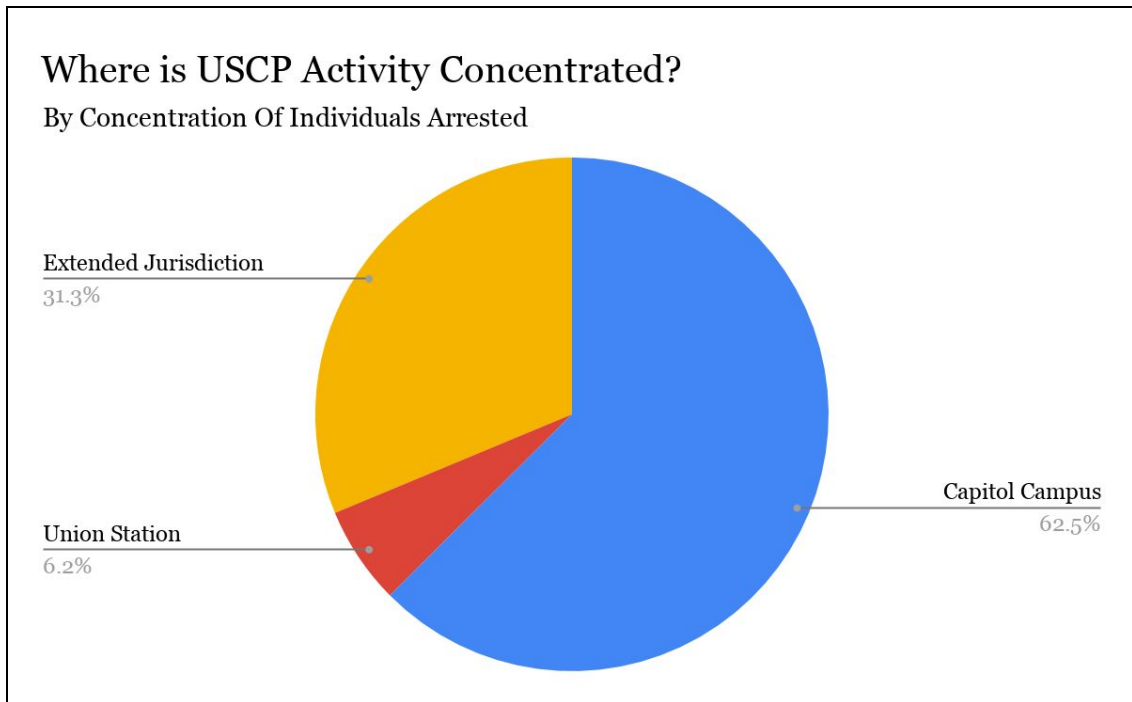
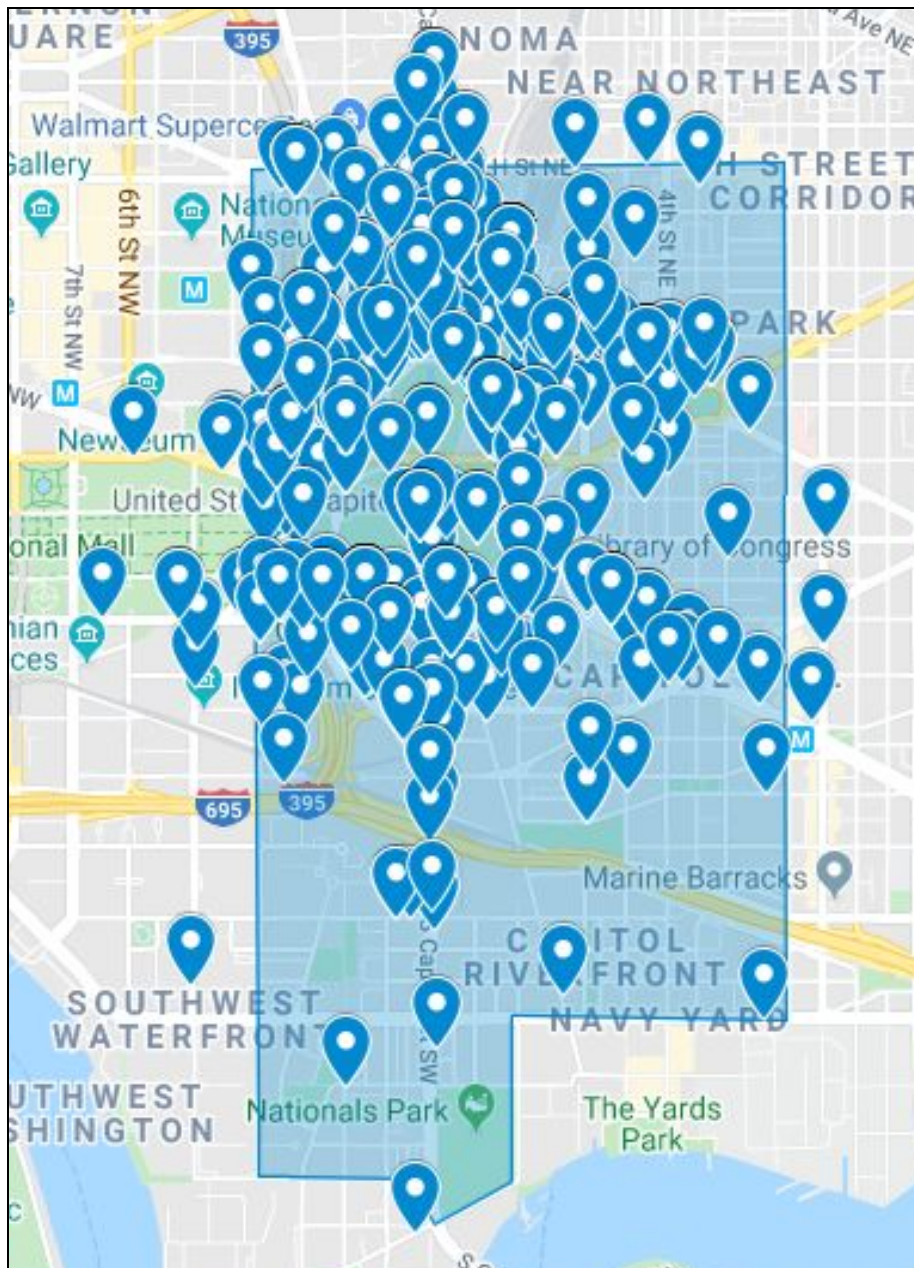


Figure 5.



3. 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. On more than one occasion, USCP officers arrested individuals for standing outside of the station holding a joint. Presumably, this work may be more appropriate for the DC police department. See Table 1 on the following page for the top 20 most common causes of arrest.

Table 1: 20 Most Common Charges

Charge	People Arrested	Instances
Crowding Obstructing Incommoding DC Code 22-1307	753	43
Traffic - Permit - No Valid	174	173
Traffic - DUI Alcohol Or Drugs	69	68
Fugitive From Justice	46	45
Unlawful Entry - MISD	40	22
Bench Warrant - Misdemeanor	28	27
Resisting Arrest	27	22
UCSA - Possession (Other)	18	17
UCSA - Possession Of Drug Paraphernalia - MISD	16	13
Contempt Of Court	14	13
Traffic - Misuse Of Tags	13	13
Assault On A Police Officer (Simple Assault)	13	13
UUV - Felony	13	12
Traffic - Permit - Operating After Revocation	11	12
Simple Assault DC Code 22-404	11	11
Theft II	10	10
UCSA - Poss Cocaine - MISD	10	7
Possession Of Drug Paraphernalia	9	8
Traffic - Permit - Operating After Suspension	8	8
Counterfeit Tags	7	7

Who Does USCP Answer To?

Unlike traditional law enforcement, USCP does not answer to civilians. Instead, the department answers to Congress.

The Capitol Police Board⁴⁴ oversees the Capitol Police, in addition to serving a goal-setting and coordinating function. An effective police oversight body should be independent and transparent, according to the National Association for Civilian Oversight of Law Enforcement⁴⁵. The Capitol Police board, however, is comprised of the House and Senate Sergeants at Arms, who work closely with USCP, as well as the Architect of the Capitol, and the Capitol Police Chief himself (as an ex-officio Member). As far as we can tell, not much is known about the Board's activities.

Oversight from Members of Congress, on the other hand, can have some teeth. USCP reports to Congressional authorizers—Members of the Committee on House Administration and Senate Committee on Rules & Administration—and appropriators on the House and Senate Legislative Branch Appropriations Subcommittees.

These Members are in charge of keeping the USCP program alive and funded. Their oversight has shed valuable sunlight on areas where the department has room to improve.

For example, a July 2019 oversight hearing⁴⁶ unearthed potential race and gender based discrimination within the department. Fraternal Order of Police Chairman Gus Papathanasiou told the Committee on House Administration that women and people of color on the force are more likely to be disciplined—and to be disciplined more harshly—than white male colleagues⁴⁷. Similar allegations were partially corroborated⁴⁸ by the D.C. District Court in November⁴⁹.

Union testimony also indicated that department leaders ignored discipline procedures set out in the Collective Bargaining Agreement, resulting in several wrongful termination lawsuits⁵⁰. In addition to the testimony suggesting there are issues with department management, summary statistics on complaints against the department reflect an over 100% increase in internal complaint cases between 2016 to 2018⁵¹.

⁴⁴ <https://www.uscp.gov/the-department/oversight/capitol-police-board>

⁴⁵ https://www.nacole.org/police_oversight

⁴⁶ <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=109781>

⁴⁷ <https://docs.house.gov/meetings/ha/ha00/20190716/109781/hhr-116-ha00-wstate-papathanasioug-20190716.pdf>

⁴⁸ <https://www.rollcall.com/news/congress/fired-capitol-police-officer-loses-sex-discrimination-lawsuit>

⁴⁹ <https://www.courtlistener.com/docket/4214837/sourgoutsis-v-united-states-capitol-police/>

⁵⁰

http://www.cafc.uscourts.gov/oral-argument-recordings?title=OOC&field_case_number_value=&field_date_value=2%5Bvalue%5D%5Bdate%5D=

⁵¹ <https://firstbranchforecast.com/2019/07/15/complaints-against-capitol-police-officers-are-on-the-rise/>

Recommendations

USCP Officers report for duty at a potentially dangerous job every day. There are real threats that the department must mitigate. Our hope is that the department will be as well equipped as possible to effectively and efficiently maintain a safe and open Capitol; accountability is a critical factor in that process.

The department should take the following steps to foster transparency, and by extension accountability:

1. Store and Share Information As Data

Currently, information USCP shares with the public, like weekly arrest summaries and Annual Statistical Summary Reports, are sent or posted as PDFs. Instead, the USCP should publish this information as data, in formats like CSVs, so it becomes easier to use and analyze the information.

2. Make Proactive Disclosure The Default

The USCP should default to proactively disclosing information, such as Annual Statistical Summary Reports, Arrest Summaries, and more. This would reduce resources needed to address public and congressional requests for information, and would build trust with the public. USCP could create a central resources page similar to Executive Branch agencies' FOIA Reading Rooms with a list of what resources are available, where they can be obtained (and downloaded), and the rules governing information that must be requested.

3. Proactively Disclose Inspector General Reports

The work of the USCP Inspector General is shrouded from the public. IGs investigate waste, fraud, and abuse within government agencies; Members of Congress, and the oversight community, should be able to see what issues are of concern to the USCP IG. Executive Branch Inspectors General reports are available in a central location⁵² and IGs who deal with sensitive security material, like the Department of Defense IG⁵³, just disclose report titles. It makes sense for the USCP IG to adopt this standard as well.

⁵² [Oversight.gov](https://oversight.gov)

⁵³ [https://oversight.gov/reports?field_address_country=All&field_oigs_submitted_particip\[\]=149&items_per_page=10](https://oversight.gov/reports?field_address_country=All&field_oigs_submitted_particip[]=149&items_per_page=10)

4. Opt In To A FOIA-like Process

Other Legislative Branch agencies, such as the Library of Congress⁵⁴ and GAO⁵⁵, follow a FOIA-like process even though they are not subject to the Freedom of Information Act. Generally speaking, police departments are expected to respond to records requests; it makes sense for USCP to adopt this norm as well. Congress could impose a statutory version of FOIA on the USCP or they could enact a regulation to a similar effect.

5. Transparency Around Demographic Information

Testimony before Congress indicates that women and people of color on the force are more likely to face disciplinary action than white male colleagues. There is also reason to believe that the demographics of the rank and file are at variance from leadership. USCP should release anonymized officer demographic data, including rank information. The department should also include demographic information in arrest summaries; access to this information is critical for identifying any implicit or explicit bias influencing police activity.

6. Civilian Oversight Board

Appropriators encouraged the Library of Congress to meet with stakeholders⁵⁶ such as journalists, academics, advocacy and public interest organizations, and more for feedback to improve services and reflect the perspectives of various stakeholders.

⁵⁴ <https://www.muckrock.com/foi/united-states-of-america-10/library-of-congress-regulations-lcrs-1604/>

⁵⁵ <https://www.gao.gov/foia-requests/>

⁵⁶ <https://www.govinfo.gov/content/pkg/CRPT-116hrpt64/pdf/CRPT-116hrpt64.pdf#page=28>