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S. Hrg. 118–62

OVERSIGHT OF THE CAPITOL POLICE BOARD

JOINT HEARING

BEFORE THE

COMMITTEE ON RULES AND ADMINSITRATION
UNITED STATES SENATE

AND THE

COMMITTEE ON HOUSE ADMINISTRATION
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

JULY 26, 2023

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OVERSIGHT OF THE CAPITOL POLICE BOARD

WEDNESDAY, JULY 26, 2023

UNITED STATES SENATE,
COMMITTEE ON RULES AND ADMINISTRATION AND
UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The Committee met, pursuant to notice, at 3:30 p.m., in Room G50, Dirksen Senate Office Building, Hon. Amy Klobuchar, Chairwoman of the Committee, presiding.

Present: Senators Klobuchar, Fischer, Ossoff, Bennet, Welch, Cruz, Capito, and Britt.

Representatives Present: Representatives Steil, Morelle, Loudermilk, Griffith, Murphy, Bice, D'Esposito, Lee, and Torres.

OPENING STATEMENT OF HONORABLE AMY KLOBUCHAR, CHAIRWOMAN, A UNITED STATES SENATOR FROM THE STATE OF MINNESOTA

Chairwoman KLOBUCHAR. Good afternoon. I call to order this joint hearing of the Senate Rules and House Administration Committees on Oversight of the Capitol Police Board. I would like to start by thanking Ranking Member Fischer in the Senate and Chairman Steil. We planned this hearing together, I even wore my red suit to show how bipartisan this hearing is going to be. As well as Ranking Member Morelle, who I have been glad to work with, all of the Members, to plan this really important hearing to discuss the security of our Nation's Capitol.

I would like to thank our colleagues for being here, as well as our witnesses, the members of the Capitol Police Board, who we will introduce shortly, Senate Sergeant at Arms, Karen Gibson; Acting House Sergeant at Arms, William McFarland; Acting Architect of the Capitol, Chere Rexroat; and Capitol Police Chief, Thomas Manger.

I would also like to acknowledge that this week marks 25 years since the shooting of Capitol Police officer Jacob Chestnut and Detective John Gibson, who were killed while bravely defending the Capitol on July 24, 1998.

It is a sobering reminder of the importance of the work of the Capitol Police and that they stand with us. The Capitol Police Board is tasked with the critical work of overseeing and supporting the Capitol Police and coordinating the security efforts of your agencies to protect the Capitol and all those who work and visit here.

This hearing is an opportunity to discuss the progress that has been made in recent years and the work that lies ahead. The members of the Board have strived to make needed improvement in the past few years since we had a major bipartisan—I know the House also conducted security hearings, but in the Senate with Senator Blunt and I at the time, as well as Senator Portman and Senator Peters—conducted a review of Capitol security.

Similar work, again, at the House. Out of that came a number of suggestions and the legislation that provided for this hearing—which I understand is the first joint hearing, is this right Chairman, since like 1945 or something—Came out of that report as one of the recommendations. Significant progress has been made to implement our ten recommendations for the entities charged with protecting the Capitol.

The majority have been put into effect. We have worked very well between the House and the Senate as well. Critically, the Board has worked closely with the Department to improve the handling of intelligence, prioritize operational planning, and ensure officers have training and equipment.

We remain focused on how we can best support our officers who continue to stand every day. They do not just greet us, they protect us. In the past few years, these men and women have worked significant overtime and had vacations canceled while work has been ongoing to get the Department back to full strength. We owe it to our officers and the work that they have done.

I would like to recognize the head of the Capitol Police Union who is also with us back there. He is so shy and retiring. In the second row, Gus Papathanasiou—I just like calling him Gus, who is here today and who has been a consistent and strong advocate on behalf of the rank and file members of the Department.

I would note that Chief Manger, as the Chief of this Department, has hired 280 officers last year and is staying on track to keep with his hiring goals this year, which we truly appreciate. General Gibson, I want to acknowledge the efforts you led to improve how the Board functions. I also want to note the work that we are doing together, the Chairman and I, and Senator Fischer and Congressman Morelle, on making sure that we have accountability for the Architect of the Capitol.

We are excited that the bill actually to give Congress the power to make a decision on changes and termination of the Architect of the Capitol is in the Defense Authorization Bill. We got our amendment, Senator Fischer's and my amendments included in the bill unanimously.

That happens all the time. No, I am kidding. While progress has been made, we must remain clear eyed about challenges, top priority threats against Members of Congress. This has happened on both sides of the aisle, where Members have had threats. Top priority is making sure our resources are used smartly to protect people in the Capitol and when they are in their home districts.

Top priority has been our retaining and adding police officers for the Chief and to bringing back accountability and transparency of the Board, including making it easier for the Board and for the Police Chief to call in help when necessary. Those were bills that we have just passed.

I know not everything is rosy, but I think it is very important at this moment in time to acknowledge the work that we have done together and the trust we have built. That trust can be taken away, we know, but we have clearly done more to build morale with the troops. Thank you, Chief.

We are so proud of seeing them every single day, and that there just feels a bit more of a positive feeling around this Capitol, and a lot has to do when you are able to find common ground. With that, I will turn it over to you, Mr. Chairman.

OPENING STATEMENT OF BRYAN STEIL, CHAIRMAN, A UNITED STATES REPRESENTATIVE FROM THE STATE OF WISCONSIN

Mr. STEIL. Thank you very much. Thanks for your work, Chair Klobuchar, to pull us together for this joint hearing. Thank the Ranking Member Senator Fischer, and Members of the Senate Rules Chamber, or Senate Rules Committee, for hosting today's joint hearing in the upper chamber. I think of it as the smaller chamber, but, nonetheless.

We thank Ranking Member Morelle and all the Members the House Rules—the House Administration Committee for joining as well. Today's hearing is historic in several ways. It is the first time in modern history that the full Capitol Police Board will testify before both authorizing committees. It is also the first time the Board will testify before both of those Committees in a joint session.

I would like to start by recognizing, as Chair Klobuchar said, by recognizing officer Jacob Chestnut and Detective John Gibson, who lost their lives 25 years ago while defending our Capitol. As we remember their sacrifice, I would like to thank all members in the Department who work every day to keep Members, staff, and visitors, and their fellow officers safe.

We must continue to work to support our officers and ensure they have access to important resources, like those provided through the Howard C. Liebengood Center for Wellness, which was recently established within the United States Capitol Police.

Supporting our officers also means bringing transparency and accountability to the United States Capitol Police Board. The voting membership in the United States Capitol Police Board has not changed since 1873.

Now, members of the Board, all of you are new to your positions within the last two years. This is a unique opportunity, a unique moment in time where we have an opportunity, I think, in particular to depoliticize Capitol security. I am concerned that, historically speaking, security decisions have been influenced sometimes by politics and political considerations rather than security needs.

I can give you a couple examples. The Board previously signed off on assembling a fence around the Capitol despite no actionable intelligence. Then on the House side, former board members allowed selective enforcement of magnetometers just off the House floor.

The House side remained closed for COVID–19 long after the Senate began loosening its restrictions. Let me be clear, security should not be political. As Chairman of the Committee in House Administration, I am committed to de-politicizing Capitol security and establishing greater accountability for the Board.

New board members have made progress toward increasing transparency and accountability, and I thank you for that. This includes closing the 2017 GAO report recommendations, establishing the quarterly board fora, and providing greater communication with its congressional oversight committees.

I am also encouraged that both the House and the Senate Sergeant at Arms will actively address some of our concerns regarding accountability and transparency in their written testimony for today's hearing. Those are steps in the right direction, but there is still more work to do.

As we work to increase transparency and accountability, the United States Capitol Police Office of Inspector General is an important tool in the toolkit. Congress has directed the office to make its reports publicly available.

Last week, during a subcommittee on oversight hearing, the Office of Inspector General said that the Board is stalling the public release of its report. I am troubled that the office lacks the independence necessary to conduct thorough and trusted analysis of the Department.

Overall, more must be done to ensure greater transparency, accountability, and de-politicization of the Board. I remain concerned that there has been certain instances in which politics has seeped into the Board, impacting its decision-making. We must seize this opportunity to make meaningful reforms to the Board.

The Board should be focused on effective oversight of the United States Capitol Police, and not the day to day management of the Department. Ultimately, this is about giving the brave men and women the United States Capitol support—this is ultimately about giving the brave men and women of the United States Capitol Police the support they need. Thank you, and I yield back.

Chairwoman KLOBUCHAR. Thank you very much, Mr. Chairman. Thank you, and I now turn it over to my colleague in the Senate and friend, Senator Fischer.

OPENING STATEMENT OF HONORABLE DEB FISCHER, A UNITED STATES SENATOR FROM THE STATE OF NEBRASKA

Senator FISCHER. Thank you, Chairwoman Klobuchar and Chairman Steil, for calling this joint oversight hearing of the Capitol Police Board. Thank you, board members, for being with us this afternoon. I am pleased to be part of this historic hearing, and I look forward to more hearings in the future to improve transparency and open communication between the Board and Congress.

Board members, each one of you holds a pivotal role here at the United States Capitol. General Gibson, as the Senate Sergeant at Arms, and Mr. McFarland as the Acting House Sergeant at Arms, you are responsible for the security of the United States Senate and the House of Representatives.

Ms. Rexroat, as the Acting Architect of the Capitol, you are responsible for the physical security and safety infrastructure on our campus. Chief Manger, as the Chief of Police, you are responsible for the leading of the brave men and women of the United States Capitol Police Department.

As members of the Capitol Police Board, you are all charged with working together to secure not only the Capitol campus, but any place where the work of the legislative branch is conducted.

This responsibility is instrumental in ensuring that we as Members of Congress can fulfill our Constitutional and Legislative responsibilities. It also ensures that our constituents have a safe and open access to their representatives here in Congress.

You are a part of a long history, 150 years of this Board overseen and supported in the Capitol Police in its mission of protecting Congress. Congress is the Constitutional and Legislative responsibilities of our Government, and all Americans who interact with that legislative process must be safe.

One of our goals here today is to understand how best to enhance coordination of your respective agencies to support those purposes. Recently, the Board has navigated a number of challenges, including ever changing physical and cybersecurity risks, evolving threat landscapes, and staff shortages.

Congress has recognized these challenges and prioritized increased funding for the Capitol Police to aid it in tackling all of those issues. There will always be emerging challenges for the Capitol Police and this Board to navigate, and I look forward to hearing today about how the Board has put its resources to work and about other ongoing initiatives to improve and enhance the work of the Capitol Police. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much, Senator Fischer. Representative Morelle.

OPENING STATEMENT OF JOE MORELLE, A UNITED STATES REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. MORELLE. Thank you, Madam Chair. And to Chairman Steil, Ranking Member Fischer, and all of my colleagues here who have come for this important bicameral hearing. I want to thank members of the Board as well.

Of course, Acting Sergeant at Arms, Will McFarland, who I have a chance to work with each and every day. General Gibson, thank you for your leadership. Thank you, Chief Manger, for all the work you are doing. I concur with the Members that have spoken. Thank you for all of your work, particularly in the last couple of years.

Specifically, I would like to thank the Acting Architect of the Capitol who has a job, I think, you neither applied for or necessarily wanted, but you went into work one day as engineer and left as the Acting Architect, so—with great responsibilities. Those that I am not sure you ever expected to have, but I want to thank you for your commitment to this institution and to your service.

I, too, as my colleagues have, want to, recognize the 25th anniversary, if you will, of the deaths of Detective Gibson and Officer Chestnut who were killed in the line of duty. I think it is an important reminder of all the work that you do, that we support, and our family—and our thoughts continue need to be with their families and their loved ones.

That act of heroism is a reminder. When we talk about security, we are talking about more than, seems to me, just the windows and the doors and how to protect the place. We are also talking about the nearly 2,000 Capitol Police officers. I know, Chief, you

are thinking about those officers each and every day, as all of you are. We need to make sure that those who protect us, that we are doing everything we can to make sure their environment that they work in is as safe as possible.

I know today we are going to talk about issues like implementation of security supplementals, staffing issues, the need for transparency and accountability on the part of the Board, and our oversight responsibilities. I would also want to take some time to make sure we are looking to the future.

While the security landscape and the threat environment of the Capitol is constantly evolving, this is a particularly transformative moment for both security and law enforcement in general. I think we all recognize that.

I do want to focus a little bit, and my colleague, Chairman Steil referenced this, the concept of wellness in law enforcement. I think even the strongest, most physically fit officers cannot function effectively if they are not emotionally healthy, if they are not mentally healthy. I am glad to see the wellness program coming online and increasingly seeing it as a standard feature in law enforcement, particularly with officers who are trained, I think, to, you know, outwardly have strength and project strength, and they do.

I think sometimes their willingness to acknowledge the challenges they may have mentally, emotionally, is something we need to continue to work on. I recently had one of the most impactful meetings in my career.

I met with Dr. Serena Liebengood, whose husband, Officer Howie Liebengood, died after the vicious attack by rioters after January 6th. As Chairman Steil mentioned, he is the namesake of the wellness center in Congress. But I am eager to learn more about the Department's wellness programing, the Board's role, and whether we are meeting the needs of the brave men and women of the Capitol Police.

Along similar lines, I was pleased to see Capitol Police terminate the contract with what I think was an unqualified, unlicensed Department psychologist. I appreciate the leadership in terminating that contract. I expect the incoming contractor to be appropriately credentialed and to refer officers in need of specialized care to the proper professionals to address those concerns.

I also would like, and I know we are limited in time, but interested in how recent advances and increased commercial investment in artificial intelligence will impact security operations of the legislative branch.

I recently sent letters to the Chief, the Architect, and the House officers seeking more information on how they plan to incorporate AI into their operations, and how they intend to protect Congress from AI related threats.

I want to make sure Congress in general, and the Capitol security apparatus more specifically, is prepared for both the opportunities and the threats posed by AI, and I look forward to working on a bipartisan issue with my colleagues on this exciting but at times precarious issue.

Finally, no discussion in the future would be complete without addressing the fundamental mission of the Capitol Police as threats not just to Members, but to staff, to families, visitors re-

main historically high, and it is important that we focus on our role as a protective agency as opposed to a more traditional.

I am grateful to have the opportunity to be in front of you. I want to thank all of you for your incredible service and look forward to the conversation. With that, I yield back.

Chairwoman KLOBUCHAR. Very good. Thank you so much, Ranking Member Morelle. Chairman Steil and I are going to introduce the witnesses here, and our first witness is Karen Gibson, Senate Sergeant at Arms and Chair of the Capitol Police Board.

General Gibson became the Senate Sergeant at Arms on March 22, 2021, after a 33 year Army career, retiring at the rank of Lieutenant General. This is what she did in her retirement.

During her military career, General Gibson served in senior intelligence and cybersecurity positions, including Director of Intelligence for the United States Central Command. She led intelligence operations in Iraq, Afghanistan, Korea, East Africa, and in the United States.

She received her bachelor's from Purdue University, and two master's degree from the National War College and the National Intelligence University.

Mr. STEIL. Our second witness is Mr. McFarland, who began his career on Capitol Hill in 1991 as a security aide for the United States Capitol Police. He has since served in several capacities, spanning over a decade as the Director of Security at the House Permanent Select Committee on Intelligence, and as Director of the Office of House Security, where he remained until 2021.

After a brief stint in the private sector, Mr. McFarland was sworn in as the Acting Sergeant at Arms of the United States House of Representatives on January 7, 2023. Mr. McFarland, we appreciate you being here today and look forward to your testimony.

Chairwoman KLOBUCHAR. Very good. The third witness, as described by Mr. Morelle, who woke up one day and became the Architect of the Capitol, is Acting Architect of the Capitol, Chere Rexroat. I also did want to thank Chairman Steil and the work of your House Committee. Of the Senate, Senator Fischer and I were engaged in this as well before that hearing.

But I really appreciated the work because I think it was time for a change there in a big way. Again, this was a bipartisan effort.

Ms. Rexroat became Acting Architect in February and has been with the agency since 2018, most recently serving as Chief Engineer, where she was responsible for overseeing architectural and engineering design, historic preservation, and project management.

Ms. Rexroat joined the agency with over 30 years of design and construction experience with the Department of Defense, Navy, Marine Corps, and Army. She earned her bachelor's from Texas A&M.

Mr. STEIL. Chief Manger, it is good to see you again. Thanks for joining us. Chief Manger was sworn in as Chief of Police for the United States Capitol Police on July 23, 2021.

Chief Manger has served over 42 years in the policing profession, including more than two decades as Chief of Police for two of the largest police agencies at the national capital region.

I would also like to acknowledge that Chief Manger came out of retirement to take on the difficult job of rebuilding the Department following January 6th. Thank you for being here, Chief.

Chairwoman KLOBUCHAR. Very good. If the witnesses could stand now to be sworn in. Do you swear that the testimony you will give before the Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MANGER. I do.

Mr. MCFARLAND. I do.

Ms. REXROAT. I do.

Ms. GIBSON. I do.

Chairwoman KLOBUCHAR. Thank you. You can be seated, and we are going to proceed to the testimony for five minutes each. General Gibson.

OPENING STATEMENT OF HONORABLE KAREN H. GIBSON, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, UNITED STATES SENATE, WASHINGTON, DC

Ms. GIBSON. Chair Klobuchar, Chair Steil, Ranking Member Fischer, Ranking Member Morelle, and Members of the Committees, I appreciate the opportunity to testify today as Chair of the Capitol Police Board.

This afternoon, my colleagues and I will discuss our progress in safeguarding the Capitol and our plans for the future. Behind us, sit dedicated officers and staff of the Capitol Police, the Architect of the Capitol, and the offices of the Senate and House Sergeants at Arms, representing more than 5,000 dedicated public servants who strive daily to ensure the safety, security, and support services required for America's Congress.

When I came to this job, the security environment was dramatically different. The Capitol was surrounded by tall fencing and razor wire. Hundreds of National Guardsmen and women patrolled the grounds.

Our buildings and even our grounds were off limits to the public. I am proud to report that today, the Capitol is secure, the Capitol is safe, and the Capitol is fully reopened.

Over two years, I have witnessed the evolution of the Capitol Police Board and the Capitol Police. This nonpartisan group of security professionals is committed to understanding the lessons of the past, to making steady improvements, and to pursuing innovations that enhance security.

I assumed the chair of the Board my very first day on the job, in March 2021. At that time, our most critical and urgent task was to select a permanent chief. We sought a transformative leader who understood policing and the dedication and sacrifice required of law enforcement, and who would take decisive action to lead and reform a demoralized Department.

The Board unanimously chose Chief Tom Manger, and I believe we chose well. I can vouch for significant improvements in the Department's ability to plan for, coordinate, and execute responses to major events and security incidents. I have witnessed the development of a competent and professional intelligence capacity that informs the USCP's daily activities.

The Department has also improved the way it equips, trains, recruits, and retains personnel. In coming months, I look forward to seeing the Chief's vision play out as we continue the Department's reform and reorganization. Post January 6th, studies in reports also highlighted shortcomings in the Board.

As Chair in 2021, and again in 2023, it has been my priority to make the Board more responsive, more transparent, and accountable. We have significantly reformed the way the Board operates. We revised our manual of procedures and abide by it in our daily operation. We follow industry best practices and procedures in our actions and in our frequent communication with stakeholders.

I am pleased that the Government Accountability Office recognizes our significant progress in implementing leading practices, having closed a longstanding open recommendation about Board operations. We are working to close recommendations from three more recent reports and are committed to responding to such observations swiftly. We have also made great strides in transparency.

For the first time, the Board holds bicameral security forums at least twice a year with congressional leadership and leaders of our oversight committees. For the first time in at least six years, the Board is clearing Inspector General reports for public release. Since May, we have formally released four reports, and two others are under review with more to follow.

I have heard varied opinions on the Capitol Police Board's structure. The informed security decisions we make must be considered in an objective and responsive forum. The current Board configuration provides such an environment and I believe our composition is the appropriate structure for advancing the security needs of the legislative branch in an agile, objective, nonpartisan, and bicameral manner.

It has been 28 months since I joined the Capitol Police Board when I was sworn in as the 42d Sergeant at Arms and Doorkeeper of the United States Senate. I am humbled by the tremendous mission I am entrusted with, and by the dedicated public servants who help me execute my responsibilities.

I am very proud of the progress we have made to improve security at the Capitol. I take heart in our successes. I acknowledge the need for additional improvement, and I remain absolutely committed to enhancing the security of the Capitol and the safety of Members, staff, and the millions of visitors who walk our halls. I must always thank the brave men and women of the Capitol Police dedicated to keeping us safe, as well as the hardworking employees of our respective staffs.

Thank you for your continued trust and support, and for the honor of serving our great nation in this capacity. I thank you again for the opportunity to appear and look forward to your questions.

[The prepared statement of Ms. Gibson was submitted for the record.]

Chairwoman KLOBUCHAR. Yes, I think—yes, Mr. McFarland.

OPENING STATEMENT OF HONORABLE WILLIAM MCFARLAND, ACTING SERGEANT AT ARMS, UNITED STATES HOUSE OF REPRESENTATIVES, WASHINGTON, DC

Mr. MCFARLAND. Chairman Steil, Ranking Member Morelle, Senator Klobuchar, Senator Fischer, and distinguished Members of the Committee on the House Administration and Senate Rules and Administration, thank you for the opportunity to testify today at the first joint hearing on the Capitol Police Board.

My testimony focuses on my objectives for the Capitol Police Board, oversight and accountability, innovation and transparency. Not coincidentally, these values align with the objectives and strategic plan I have established for my own team at the House Sergeant at Arms.

I believe that when the Capitol Police embodies these values, it functions at its best. Since starting as the House Sergeant at Arms in January, my first goal has been to increase oversight and accountability on the United States Capitol Police Board and working with my counterparts to reform the way we operate.

At its core, the Capitol Police Board serves as an oversight body to the United States Capitol Police. The Board focuses on strategic decisions and makes sure the United States Capitol Police identifies and takes appropriate operational measures to implement those decisions.

Accordingly, the Chief serves as that—as that operational head of the United States Capitol Police force. In accordance with this approach, the Board is currently working on the Chief's yearly review and establishing the goals for the upcoming year.

In my role on the Board, I will hold him accountable for filling those goals and will support his team however I can. The Board has also reformed the way it works with the United States Capitol Police Inspector General to increase oversight and accountability of the Department.

We have closely partnered with the United States Capitol Police IG to close IG recommendations, with a particular emphasis on those that were included in the flash reports after January 6th. In the spirit of transparency, and as part of my office leadership in the United States Capitol Police IG Working Group, the Capitol Police Board has improved the public release, with appropriate redactions, of IG reports concerning the Capitol Police.

We are actively working those additional reports. It is always hard to strike the balance between publicly releasing information and maintaining security. But consistent with the instructions received from the legislative branch's Appropriations subcommittee, four IG reports have been released over the past months and a number of others are pending. The public release of four reports this year is a new approach for the Board.

As we iron out the processes associated with public release, I am confident we can increase the speed in which these reports are released. While I am optimistic about the progress we made closing United States Capitol Police IG recommendations and publicly posting reports, following last week's hearing, it is clear that we have more work to do in maintaining transparency and clear communication with our committees of oversight.

I am committed to further improvements in both areas and holding the United States Capitol Police IG responsible for doing the same. We are focused on reviewing the remaining Fiscal Year 2023 IG reports first. Leaning forward, we have asked the IG for a list of all reports issued prior to Fiscal Year 2023, so the working group can expand the amount of reports we are releasing.

Continue to the theme of reforming the way the Board operates, I am also pleased to report that the GAO recommendation concerning the Board adopting corporate best practices about accountability, transparency, and communication was closed earlier this year. There is still work to be done to improve the way we operate as an oversight board.

One area of focus going forward is timely closure of GAO recommendations that were issued after the January 6th review. I am holding myself and my partners on the Board accountable for timely completion of these recommendations.

Significant improvement is needed in the timely completion of security projects around the campus. While the inception of many of these projects predate my time on the Board, it is an accountability focus of mine to ensure that the Capitol, our beacon of democracy and the capital of the free world, receives much needed enhancements for which Congress has provided generous support.

I look forward to working closely with my counterparts on the Board and the committees of jurisdiction on my side as we continue to reform the way we operate. During my tenure on the Board, I have also focused on fostering a spirit of innovation within the Capitol Police and the Capitol Police Board.

One important accomplishment on this front is the recent reorganization proposal of the United States Capitol Police. I understand and value the input the Committees have in the process and appreciate your support in moving this forward.

Prospectively, I believe a significant innovation reform would be use of manpower. The Capitol Police have a significant number of officers spread across a wide range of missions. I think there are improvements that can be made to ensure that officers are used for their best and highest use.

I look forward to challenging the Chief and the Department to evaluate this area. For example, filling the civilian vacancies within the Department to reach the allocated civilian staffing levels can help. Doing so, can help free sworn personnel to perform duties that only sworn officers can perform.

This, in turn, can allow officers to take much needed time off and allow greater access to take vital training. I would also like to see the Department move forward with promotions to fill up many of the acting positions officials are serving today while instilling accountable leadership culture. I also firmly believe that United States Capitol Police Board and the Capitol Police must continue to focus on operating transparently with our stakeholders.

The Capitol Police Board and the Capitol Police must be transparent with stakeholders about the processes and inputs that go into decision-making. We must feel comfortable in the appropriate forum explaining why we made the decisions we did.

The Capitol Police Board will not always agree. A constructive dialog around opposing views can lead into new discoveries and im-

prove the ways—way that we operate. In closing, my tenure as a Sergeant at Arms and my actions on the Capitol Police Board have focused on three goals, oversight and accountability, innovation, and transparency.

These goals have guided my past actions and will continue to help guide my service on the Board, in the future, and in continuing to reform the way we operate. Thank you again for the opportunity to testify before you.

[The prepared statement of Mr. McFarland was submitted for the record.]

Chairwoman KLOBUCHAR. Thank you very much. Ms. Rexroat.

OPENING STATEMENT OF CHERE REXROAT, ACTING ARCHITECT OF THE CAPITOL, ARCHITECT OF THE CAPITOL, WASHINGTON, DC

Ms. REXROAT. Good afternoon. Good afternoon, Chairwoman Klobuchar, Chairman Steil, Ranking Member Fischer, and Ranking Member Morelle, and distinguished Members of the Committees and thank you again for the opportunity to discuss the work of the Capitol Police Board.

As a member of the Board, the AOC remains dedicated to our partnership with the House and Senate Sergeant at Arms and the United States Capitol Police to ensure that we meet the needs of the congressional community.

I would like to begin with an acknowledgment of how truly grateful I am for the AOC hardworking staff, mission focused employees who come every day to make sure that the functions of Congress, the Supreme Court, and the Library of Congress are met.

Over the past five months, I have met with the Committees, stakeholders, and board members to gain an understanding of their concerns, issues, and priorities. As highlighted in the Fiscal Year 2024 budget hearings, my focus remains, safety, security, and accountability.

The AOC continues to make strides and effectively addressing these priorities, but understandably, there is more work to do. In coordination with the Board and the Capitol Police, the AOC repaired the facility damage from January 6, 2020—or 2021 and implemented various physical security measures to increase the security of the Capitol complex. We completed the planning and programing required to fully execute the Fiscal Year 2023 security supplemental, and those construction projects are scheduled to begin this fall.

The other related physical security projects are in various stages of acquisition and execution. We will continue coordinating with the Board to ensure these projects include the latest technical requirements. As discussed with your staffs, some of these projects and improvements are visible, while others are not.

We stand ready to provide a status briefing on any specific project in a secure environment. To help address the speed of project execution and expedite the acquisition process, we are hiring two contracting officers that will be assigned to the Office of the Chief Security Officer.

Another initiative to help facilitate the overall program will be the establishment of a temporary program management office to

assist with project administration and execution. Similarly, to improve transparency of the planning and implementation process, the AOC will resume the monthly action officer meetings with representatives of all board agencies.

We will restart the formal project coordination process within the Board to ensure the planned projects fully address the requirements and concerns. We will also continue our monthly meetings so that we can standardize notification and quarterly status updates. In addition to balancing the physical and safety requirements, the AOC actively participates in the Emergency Management Task Force developed drills and exercises.

Likewise, we have increased the number of officer emergency coordinators and continue to develop comprehensive emergency training and the programs available to all staff.

On behalf of our dedicated servants who carry out our mission every day, I want to thank you for your time and your support, and your acknowledgment of what the AOC—and our role on the Board.

[The prepared statement of Ms. Rexroat was submitted for the record.]

Chairwoman KLOBUCHAR. Thank you very, very much. Last up, Chief Manger.

OPENING STATEMENT OF J. THOMAS MANGER, CHIEF OF POLICE, UNITED STATES CAPITOL POLICE, WASHINGTON, DC

Mr. MANGER. Chairwoman Klobuchar, Chairman Steil, Ranking Member Fischer, Ranking Member Morelle, and Members of the Committee, thank you for the opportunity to provide both Committees with an overview of the comprehensive security improvements we have implemented to keep our campus safe.

When I was sworn in two years ago, the Department was in the midst of dealing with multiple Inspector General and Committee after action reports detailing the failures and improvements needed related to January 6th. However, far and away, the most serious issue was staffing. The USCP was—not only woefully understaffed to meet its mission, but it was also losing more employees than it was able to hire.

To date, the Department, with the support of Congress, has been successful in getting ahead of attrition, bringing on 549 officers since March 2020. The current number of sworn employees on the Department is 2,010, which includes recruits at the USCP Academy and FLETC. While still below, the Department's authorized level of 2,126 sworn officers has allowed us to reopen the campus and provide critical training for our officers.

These staffing enhancements have allowed us to make substantial improvements to the Department. It has enabled the USCP to stand up an intelligence bureau capable of collecting, analyzing, sharing, operationalizing, and disseminating intelligence.

The Department has implemented additional wellness programs and services, including the onboarding of trauma informed employee assistance counselors and wellness specialists. We distributed new civil disturbance equipment to our sworn officers and ensured that the officers have received updated CDU training.

We obtained funding for our Dignitary Protection Division to travel and protect Members of Congress here and around the country. With a 300 percent increase in threat cases against Members of Congress, we have updated Department technology to enhance investigative capabilities.

We have also re-engineered our training capabilities, and we have adopted industry best practices with the use of virtual scenario training to include active shooter training in the very buildings we need to protect. We have been tasked in the last two years to close out over 150 Inspector General and after action report recommendations.

At the same time, we are developing and implementing a transformational change within the Department. All the while, we must maintain the staffing and resources needed to carry out the Department's daily core mission. While the big picture reforms are significant and important, staffing daily mission requirements are also vital. We engage in a no fail mission every day. It is my responsibility as Chief to pay attention to all of the Department's needs.

At this time, I cannot overstate how great our resource needs are for the Protective Services Bureau. The sheer increase in the number of threats against Members of Congress requires new and innovative techniques to identify, deter, and mitigate threats before they materialize.

Over the last year, a Member of Congress was brutally assaulted. Another Member was attacked on the campaign trail. The husband of a former House speaker was critically wounded in an attack. A Member—and a Member's district staff was attacked by a baseball bat wielding intruder.

These events demonstrate how the Capitol Police need to increase our focus on protecting Members, their families, and staff throughout the country, not merely in Washington, DC.

One of the Department's greatest challenges right now is the retention of our dignitary protection agents and investigative division agents. Prior to January 6th, DPD was staffed with 218 agents. Currently, DPD has 174 fully trained agents. This staffing level is unsustainable for DPD. Agents are averaging nearly 50 hours of overtime per pay period.

We are again on pace this year to receive approximately 8,000 threat assessment cases. Threat assessment agents carry an average annual caseload of nearly 500 cases. This pace cannot be maintained, and we must have the ability to continue our hiring efforts in this critical area. The Department, with the Board's assistance, are working to remedy this situation. Many of the strategies to address these challenges were included in our Fiscal Year 2023 and 2024 budget.

These strategies include additional positions, and 1811 law enforcement series status, and leap pay, both of which would positively impact our recruitment efforts and slow attrition in our Protection Services Bureau.

To address our staffing issues in the short term, we continue to work with our state and local law enforcement agencies in the Members' home districts for protective detail support through the

MOU process. I am pleased to report today on the great progress that we have made.

While there are still improvements that are underway, I assure the Committees that the United States—that the brave men and women of the United States Capitol Police stand ready to protect and defend this campus without fail.

[The prepared statement of Mr. Manger was submitted for the record.]

Chairwoman KLOBUCHAR. Thank you very much, Chief. We have a number of Members here from the House and Senate, so I will stay within my five minutes. We ask that your answers be brief. I know that is hard for Senators, but we will. Acting Architect Rexroat, we are at the height of the tourist season, there are people everywhere, it is really actually quite wonderful to see. We have had more than one million visitors so far this year at the Capitol Visitor Center. Have staff and volunteers at the visitor center kept pace with the increased volume of visitors?

Ms. REXROAT. Thank you for the question. Yes, ma'am. My understanding is that they have.

Chairwoman KLOBUCHAR. Okay, very good. Thank you. General Gibson, quick question. The Board established a process last year for reviewing and making public Capitol Police Inspector General reports public, and four were released this year.

It is important for increasing transparency at the Department, while at the same time, we know you have to protect sensitive security information. Are you committed to making additional Inspector General reports public? What is the expected timeline?

Ms. GIBSON. Absolutely, Senator. Thank you for that question. I am absolutely committed to making those reports public once they have been through a security review. It is an effort we began with this Congress.

Our first step was to establish the process and an understanding across all the entities who played a role on how we would proceed, and then we began. I realize we have not released them publicly at the rate that is desired. I think Mr. McFarland did a great job of outlining our approach collectively to accelerate that in the future.

Chairwoman KLOBUCHAR. Thank you. Chief Manger, you talked about restoring morale at the Department, hiring new officers, how important that is, while working to retain those already in the ranks. To buildup the Department and stay ahead of attrition has been a top priority for you.

Talk about how the funding has helped. Both houses have worked on funding. Then talk about how you are using this funding in terms of what you talked about, the threat assessment, the Members and safety at home and the like, and what more resources you need.

Mr. MANGER. The funding has helped in a number of ways. One, it has made us more competitive in terms of being able to attract applicants to the Department. It has assisted us in strategies to retain officers so that we—our attrition rate has gone down. Most of the increases in my budget requests are directly tied to staffing.

In the beginning we needed to get USB up to staff so we could reopen the campus and staff all the posts that need to be staffed

around the campus. Now the focus is on our Protective Services Bureau to—and there is a number of strategies that we are—you will see in the coming months and in the next year that will assist us in getting lateral transfers over to our DPD section and investigative agents, as well as allowing our officers to, some officers, when they get hired to go directly to DPD.

They would not have to do time in USB if they—we will put them through the training, and they will go directly to DPD. All of that is meant to increase the numbers in DPD as quickly as we can.

Chairwoman KLOBUCHAR. Can you speak to the role of the Department's field offices and the three special assistant United States attorneys at San Francisco, Tampa, and Washington, and help in other areas, I believe, in coordinating responses to Members' threats, what is the status of the Department's effort to open additional offices?

Mr. MANGER. They have really only been in effect for about a year or so, so we are still evaluating their effectiveness. But I can tell you anecdotally that there have—they have been a big help in terms of being able to deploy from their locations much more quickly and efficiently than it would be for us to send folks out from DC—for a number of threat cases.

They are subject matter experts for all of our investigators as we are investigating those threats and looking toward the possibility of prosecution. They have the subject matter experts that assist us. Right now, our hope is to open up three additional field offices over the next year or so, Milwaukee, Boston, and somewhere in Texas. So, and——

Chairwoman KLOBUCHAR. It is a big state, so but——

Mr. MANGER. It is, but we will find a place.

Chairwoman KLOBUCHAR. All right. Excellent. Chief, one last question. You talked about the proposed reorganization, and Mr. McFarland also mentioned it, to help the Department to carry out its mission. Could you talk about, have you gotten input and communicated with rank and file officers during the process? That is obviously important to us, to Gus—that rhymed—and to all those involved.

Mr. MANGER. Almost any decision I make is informed by my discussions with the rank and file and with the FOP. As I—I try not to ever pass an officer without stopping and talking to them for a few minutes and you get a real idea of what their issues are, what their needs are, what—and that is how I quickly understood that the biggest issue that we face was staffing, for the reasons that you discussed earlier about, you know, holding people over and canceling days off. That we needed to get to a staffing level where that is not happening every day, too frequently.

Chairwoman KLOBUCHAR. Very good. Thank you. Chairman Steil.

Mr. STEIL. Thank you very much. I started my opening remarks talking about the, one of my priorities is really to de-politicize Capitol security.

Mr. McFarland, I know you share this goal with me, and I want to thank you for your leadership in bringing greater transparency and accountability to the Board. As you know, the United States

Capitol Police Office of Inspector General is required to make their reports public. You referenced that in your opening remark.

As we noted, only two reports were made public prior to this hearing—or in the near future you obviously increased that and doubled it in the lead up to this hearing. Appreciate making progress. Question for you.

It was referenced, you are building out a policy. Is there a written policy regarding the process for approving the public release of Inspector General reports or is that an informal process that the Board has?

Mr. MCFARLAND. Sir, the way it refers—I think that the IG process works is the United States Capitol Police IG, after it reviews everything it proposes, redactions, it is sent then to the Capitol Police Office of the General Counsel, where they also take a look at it.

They propose redactions. It is then sent to the Inspector General Working Group that we currently chair. Then this is where we either propose our own redactions or we ask for concurrence.

It then goes to the Capitol Police Board. We vote on it, and then once we vote on it, then it gets published.

Mr. STEIL. In that voting, do you feel that the Board then has the final say on making those publicly available?

Mr. MCFARLAND. That the Board does, yes.

Mr. STEIL. The Board holds that—has the authority. Thank you, and I appreciate the work you are doing on that. Ms. Gibson, thanks for being here at the hearing as well. I think you would agree that both the Senate Rules Committee and independently the Committee on House Administration have oversight jurisdiction over the United States Capitol Police Board, right?

Ms. GIBSON. Of course.

Mr. STEIL. You are currently the Chair of the United States Capitol Police Board. For the most part, in the role of the Chair of the Board, is that mostly administrative or is there any other practices that would be unique to the chair, as all board members are voting equally correct?

Ms. GIBSON. All board members are voting equally. All board members have a say and participate in deliberations.

The role of the chair is largely administrative. It is, you know, hosting the meetings typically held in our spaces. It is assisting with administrative requirements and setting the agenda. I have never known any time when a board member has been denied the opportunity to introduce an item to our agenda.

Mr. STEIL. Perfect. Do you agree that the Committee on House Administration has oversight jurisdiction over the Chairperson of the Board as it relates to the role of the Board?

Ms. GIBSON. That is an interesting question, Chairman. I honestly never contemplated that as an oversight role separate from my role as an officer of the Senate.

Mr. STEIL. I would go back, and you sent me a letter in your capacity as Chair of the Capitol Police Board objecting to actions taken by the Committee on the House Administration.

I think there is a dialog that we should have a little bit. But in the role as Chair of the Capitol Police Board, I think—the Com-

mittee House Administration does have oversight. I understand we do not, if it is in your role as Senate Sergeant at Arms.

I would like to insert to the record the letter that you wrote dated June 6, 2023, signed by you as Chair of the Capitol Police Board, making those comments.

[The information referred to was submitted for the record.]

Mr. STEIL. Let me move on, though. In your opening remarks, you noted that the Capitol is secure. You were also a member of former Speaker Pelosi's post January 6th on a raid task force, which raised multiple security concerns in the report regarding the Capitol complex and provided pretty significant recommendations. Of those recommendations that you were a part of, have those all been completed?

Ms. GIBSON. The vast majority of them have been, I believe. We certainly can get back to you on that. I know that the one on introducing horses into the Department is not. It is not a recommendation that the Department has chosen to adopt, and there may be a few others like that.

Mr. STEIL. Inside the—a sufficient number have been resolved that you feel confident in saying that the Capitol is secure?

Ms. GIBSON. Yes.

Mr. STEIL. Okay. Let me jump back to you, Mr. McFarland, in the final minutes that I have, just to turn our attention to the 2017 Government Accountability Office report, where the GAO did an analysis of the Board's operation, and it found that the United States Capitol Police Department's tactical decisions were being made by the Board or the responsibility of the Board.

An example of that would be the uniform standards in issuing of gear, a pretty tactical, less strategic decision-making process. I would like to see the Board operating a little bit more strategically than tactically. Can you comment as to the reforms you could make? I know we are short on time, but maybe very briefly.

Mr. MCFARLAND. Sure, sir. What I suggest is on little things like that, when it talks about the clothing of the Capitol Police, I do think that the Chief should make the ultimate decision on that. I do not think it should be a board recommendation.

Mr. STEIL. Thanks. I think there is a broad idea here as to how we get the Board to operate strategically, not tactically, so we can focus on oversight, de-politicizing Capitol Police security, and supporting the men and women of the Capitol Police. Thank you all for being here. I yield back.

Chairwoman KLOBUCHAR. Very good. Senator Fischer.

Senator FISCHER. Thank you, Madam Chair. Thank you, Chairman Steil. Chief Manger, you have proposed to restructure the Department to prioritize accountability, internal controls, and employee development. Your proposal creates several new positions, including a third Assistant Chief of Police.

There are also several current positions, including your two current Assistant Chiefs of Police that remain occupied by acting personnel. What is your strategy and timeline for filling these open positions with some permanent appointees?

Mr. MANGER. I have said from the day I got here that I was not going to make those promotions with the upper ranks because that would just deplete the lower ranks and we could not afford to do

that. However, we are in a position right now where we have just completed promotional processes and I am looking to make promotions throughout the ranks by the end of the summer.

Senator FISCHER. That is good to hear. Thank you. Many law enforcement agencies are having trouble maintaining appropriate staffing levels. What programs have you implemented to improve recruitment and retention at the Department? You have been successful. What impact have they had on those programs?

Mr. MANGER. First of all, I would have to thank Congress for changing our pay scale, which made us very competitive. The fact that we are able to fund the retention bonus each year, student loan repayment program, a number of other benefits that we are able to offer our officers that other Departments do not.

We, as much as I read and hear from my colleagues about difficulty in recruiting people, thankfully we have not had that problem. We get over a thousand applications every month.

Senator FISCHER. Remind me what the number is now on officers with the Department.

Mr. MANGER. We have 2,010 officers. Now, that includes officers that are in the academy as well.

Senator FISCHER. What is your goal?

Mr. MANGER. Our authorized strength is currently 2,126. However, I am hopeful, if the Fiscal Year 2024 budget passes, that bumps up to 2,204.

Senator FISCHER. On the assistant positions that I mentioned earlier, are you looking at drawing from current officers within the Department, or do you anticipate to look outside? I assume you are on that road right now when you said you were hoping to fill those positions with permanent people by the end of summer.

Mr. MANGER. Yes, we are in the process now. We have gotten applications both from inside the Department and outside, and all will be considered.

Senator FISCHER. Okay. Thank you. Also, Congress has provided specific mutual aid funding for the Department to reimburse other law enforcement agencies that assist the Department's protection of Members at events in their home states. Can you describe that process for conducting outreach to these agencies and how the Department ensures collaborative information sharing to support those mission requirements?

Mr. MANGER. Where we know that there are either leadership or Members who have threats that we are dealing with, we are proactive in reaching out to local law enforcement. Where we get requests from any Member of Congress for a law enforcement coordination if they are doing a town hall meeting or whatever in their home district, we are proactively contacting the state or local agency that can assist and formulating a memorandum of understanding so that we can reimburse them for their assistance in that home district.

Senator FISCHER. Have you found that cooperation, that collaboration, to be positive?

Mr. MANGER. Very positive. Now, there are—some of our Members live in small towns where the Departments cannot necessarily give us the assistance that we are looking for. But then we look

beyond the town to the county or the state. But it is all very positive.

Senator FISCHER. When you look to the state, do you have a pretty good relationship then with the Governor's Office, say? Has state patrol been involved in this?

Mr. MANGER. Well, we go directly to the law enforcement agency. Yes, the cooperation is always very good.

Senator FISCHER. Okay. This is for any member of the Board to answer. As we look at these threats against Congress and Members of Congress, they are increasing, not just physical, but online and through technology that we use on a daily basis. How are your agencies working together to mitigate cybersecurity threats that target the technology infrastructure of the legislative branch? General.

Ms. GIBSON. I will take that one, Senator, because I think—as I am responsible for cybersecurity in the United States Senate, as you know, and my House counterpart is the Chief Administrative Officer.

We have a very robust and capable cybersecurity team within the Senate Sergeant at Arms CIO shop. They work closely—they have access to a number of commercial vendors to provide additional support. We collaborate very closely with the Capitol Police and the House Chief Administrative Officer on cyber threats, as well as the Architect has some cyber security responsibilities as well.

Together, we are working to enhance relationships with external entities like the FBI, DHS, and others who have access to sensitive threat information that does not readily make its way to the legislative branch. While there is still considerable work to be done, I am very pleased with the progress that we are beginning to make in that regard.

Senator FISCHER. Thank you, General. Thank you, Madam Chair.

Mr. STEIL. I now recognize Ranking Member Morelle for five minutes.

Mr. MORELLE. Thank you, Mr. Chair. Thank you again to my colleagues. Thank you all. I want to start, if I can, Chief Manger, with asking a little bit about, again, emotional health and wellness.

I also want to acknowledge Gus Papathanasiou. You know, I do not know, that is probably not—I am not terribly good with Greek names, a little better with Italian, but Gus, thank you for all your work. Chief, thank you for your courtesies.

Having us over at the operations center and meeting with senior staff, I think has helped me and my staff get a much better handle.

When you are there and you are talking to people, and you are able to ask some questions about operations, certainly helps, at least for me to take theoretical ideas and it makes them much more tangible.

But I want to go back to some eye opening comments, particularly around the wellness program you offer through the Howie Liebengood Center. Can you just give an overview from your perspective of how that is going and how the program is progressing?

Mr. MANGER. Well, I am very happy to report, and I think this is the first time I have been asked about this at every hearing, but I—we have 16 full-time employees in the wellness center currently, and we are still building.

We have—it is an employee assistance program. It is a peer support program. It is a wellness program. We have trauma informed counselors so it can—we can deal with PTSD problems with—for the officers. We have also provided critical incident stress management training. One hundred and fourteen of our employees have taken advantage of it. We have got 87 more that are signed up to take that training.

We are going to have folks, peer support assistance all throughout the Department. But our wellness program tries to address—we have looked at what is working around the country at wellness programs, and we have tried to get these best practices to make sure that we are addressing all of the needs that our Department has.

But we are also doing a formal needs assessment where we will hear from everybody in the organization about what they would like to see. This is informing us as we continue to build this program.

Mr. MORELLE. If you are having interaction with officers and members of the force, what has the feedback been from your perspective of the things that they would like to see that you have not been able to do yet? Or is it being received well? I mean, just give a sense for how the members are dealing with it.

Mr. MANGER. It runs the gamut. I mean, you have got some officers that say, you know, I want to get in better shape physically. I want to improve my nutrition. You have got other officers that are dealing with very difficult emotional problems, some at home, some to do with work. It is just a matter of having all of those services available to folks.

Mr. MORELLE. Is it—is there access 24 hours a day? I do not know how it works in terms of—I mean, if a member is having a crisis in the middle of the night, do they—is it open? Can they access it?

Mr. MANGER. You know, I will have to—I am fairly certain there is, because we certainly when we need someone from the wellness center, we can get them 24/7. That certainly will be part of the way we operate. I do not know if we are there yet, but it certainly is the goal.

Mr. MORELLE. In terms of recruits, do they receive wellness training throughout the Federal law enforcement training center? Do you know if that is part of the——

Mr. MANGER. It is. It is just basically an introduction course. We talk about the importance of understanding how the job can impact you, the stress of the job can impact you, what services are available, and how to deal with that stress in as healthy a manner as one can. Yes, they get familiarized with that in the academy.

Mr. MORELLE. Yes, I would love to continue to be supportive of that. If there is other things that we ought to be doing, we would love to have that conversation.

Just to shift gears, earlier this month, a Federal Judge in the case, *Missouri* v. *Biden*, issued a pretty wide ranging preliminary injunction restricting the Government's communication with social media companies that bars the executive branch from engaging with platforms on content moderation issues, with a few exceptions.

I am just curious if you have been tracking the case and whether or not because, while it does not deal with the legislative branch directly, it does with partners like the FBI and Department of Justice on intelligence gathering.

Has this impacted your ability to work threat cases and gather intelligence? Has it had an impact at all?

Mr. MANGER. Not to my knowledge. I will get back to you, I will talk to my folks, but not to my knowledge.

Mr. MORELLE. Then, I do not have enough time, but I am going to follow-up offline. Just want to continue to ask questions about artificial intelligence and how you see that essentially as a tool, and also how you see it as a potential threat. I probably will come back to all of you in that regard. Thank you, sir.

Chairwoman KLOBUCHAR. Thank you very much, Representative Morelle. We have been joined by a number of Senators, including Senator Ossoff, Senator Britt, Senator Capito, Senator Welch is with us, and I appreciate him allowing Senator Bennet to go before him because Senator Bennet has another time commitment. Senator Bennet.

Senator BENNET. Thank you, Madam Chair. Thank you very much to my colleague from Vermont for letting me jump in line just for a moment. I really appreciate it. Chief. I apologize, I missed some of the earlier testimony. I want to go back to something you said. Your authorized force is going to be 2,200, you think, if there is—if the——

Mr. MANGER. If the Fiscal Year 2024 budget is approved.

Senator BENNET. You are up to 2,000 now, so you are 200 or so short at this point. How big are your academy classes?

Mr. MANGER. They generally run around 24 to 25 officers.

Senator BENNET. How often do they run?

Mr. MANGER. Nearly every month.

Senator BENNET. How long do you—I mean, if you are able to fill those classes, how long do you think it is going to take you to be able to get to the authorized—?

Mr. MANGER. You know, realistically, we seemed to, in the last few years, we seemed to get about a hundred head of attrition each year. To get 200 would be 2 years, that is my guess.

Senator BENNET. What—in a long ago, long faraway place, I was the Chief of Staff to a Mayor of Denver whose name was John Hickenlooper. I do not know whatever happened to that guy but he——

[Laughter.]

Senator BENNET. I can remember, you know, in the work that we did there, there are challenges when you are building a police department. You know, sometimes poor management before you means you have got a lot of attrition and you cannot find the people you need.

Sometimes there are too many—you know, you have got a long lag in hiring because of budget things. We have—you are in a very interesting position, I think, in part because people saw both the events of January 6th, but also, you know, heard how uncompetitive the pay was at some point, how poorly budgeted this was.

Obviously, we have made a lot of progress. But I wonder if you could use this opportunity to tell us what you are telling people

who are thinking about whether they ought to try to join the Capitol Police force.

What is your recruiting pitch about why they should come and how they should think about the bad news that maybe hopefully is in the rearview mirror?

Mr. MANGER. Well, there are a lot of ways to serve your country, but this is one of the finest ways to serve your country by serving with Capitol Police. People truly get a front row seat to history.

This is not—you know, I have worked and grew up in two other police departments and they were very different from this police department. There are a lot of folks that this kind of job, the protection part of it, the service to their country, being a part of—being in this historic campus appeals to them.

I think we have been blessed to have no trouble getting people to apply.

Senator BENNET. Do you think, I mean, and you mentioned earlier, I just want to underscore for people who might be listening that the compensation now is competitive in ways that it was not before.

Mr. MANGER. Absolutely. An officer, the day they stepped out of the academy, is making $74,000 a year. That is pretty good.

Senator BENNET. Do you, Mr. McFarland, I wonder, do you have anything that you would like to add on the questions about mental health, in particular the services that we are providing or that you are providing in support of the Chief's mission here?

Mr. MCFARLAND. Sure. At the request of certain members, I have actually reached out to Ms. Liebengood personally to talk to her exactly what she thought the mission should be. I think there was a disconnect in the beginning of what the wellness center, you know, what she envisioned and what the wellness center kind of envisioned.

But I think together, by having these discussions, I think we have gotten in on the right track and I am fully supportive of the Chief and how it has been working out so far.

Senator BENNET. You did not—I heard the Chief's numbers in terms of people that it asked to—those sounded a little bit lower than I might have expected, given everything that we are—we have been confronting. I wonder if you have any reaction.

Mr. MCFARLAND. No, I think 16 people right now for starting out is adequate. I would like to see the numbers go higher, but I think it is trying to find out a good baseline of where we are right now.

Senator BENNET. I just have 30 seconds left, so that is lucky for you, Ms. Gibson, because I was going to come to you with a question but let me make an observation.

You know, when people come from Colorado, I think it is really important for them to feel like these buildings are accessible to them and there are entrances that have been closed, you know, some of it after January 6th.

Some of it, I think, goes back to the sequester, the budget stuff several years ago. The one that drives me craziest is the second floor of the Russell Building where you know that entrances in huge block letters, entrance closed, which for many people is the first—their first view of our—of their building, of the place that they are supposed to be able to have access.

I wonder if there is a plan to think about reopening some of those entrances now that we are in the position that we are in today, and in particular that one.

Ms. GIBSON. Thank you, Senator. I appreciate that feedback. That is something we will work with the Department. You know, we have prioritized the doors that would open based on their growing numbers, and certainly that is one that we can look at where it falls in the broader scheme of continuing to man posts as the Department grows larger.

Senator BENNET. Thank you, Madam Chair.

Mr. STEIL. Mr. Griffith is recognized for five minutes.

Mr. GRIFFITH. Thank you, Mr. Chair. Chief Manger, I appreciate your candor and willingness to answer questions earlier this year regarding a separation agreement of former Acting Chief of Police Pittman, which resulted in her retirement with full benefits.

I think you are transparent, and I appreciate that, and thank you for that. I think you are one of the good guys, but I am kind of like a dog with a bone.

Regarding Ms. Pittman's separation agreement, was the United States Capitol Police's General Counsel, Thomas DiBiase, acting as your personal attorney or the attorney for the United States Capitol Police?

Mr. MANGER. For the Capitol Police.

Mr. GRIFFITH. Are you aware that the United States Capitol Police's General Counsel, DiBiase, in a transcribed interview has attempted to invoke attorney client privilege, yes or no?

Mr. MANGER. Yes.

Mr. GRIFFITH. If yes, did you instruct him to do so?

Mr. MANGER. No.

Mr. GRIFFITH. Okay. Notwithstanding the fact that attorney client privilege does not apply in my opinion in this case, because this is a legislative branch investigating a legislative branch entity, common law established practice, and the Congressional Oversight Manual stand for the proposition that there is no attorney client privilege in such cases.

Notwithstanding that this Committee or Congress might be the client, as opposed to you in your official capacity, if you are in fact the client, would you waive the attorney client privilege between you and lawyer DiBiase, yes or no?

Mr. MANGER. I trust his judgment on the attorney client—the use of the attorney client privilege.

Mr. GRIFFITH. Do you understand that—I do not think it is your privilege? But if it is, it is not his privilege, it is your privilege. The lawyer does not have that privilege, you do. If it is, in fact, your privilege, would you be willing to waive?

Mr. MANGER. I would take my attorney's advice.

Mr. GRIFFITH. Well, it is a privilege. It belongs to you. It does not belong to your attorney.

Mr. MANGER. I understand that.

Mr. GRIFFITH. If he is giving you advice on that, that would be a conflict of interest for him, do you understand that? You would need to get separate counsel for that.

Mr. MANGER. I deal with my General Counsel all the time on these issues, and I trust his advice.

Mr. GRIFFITH. All right. I understand you trust his advice, but this is specific between you and he, and therefore he would have a conflict in advising you on this. I suggest you get separate counsel for that. Ms. Gibson, are you familiar with the separation agreement entered into between the United States Capitol Police and former Acting Chief of Police Pittman, yes or no?

Ms. GIBSON. I am familiar with that.

Senator BENNET. But you were not involved in that discussions, as I understand it. From the——

Ms. GIBSON. That is correct.

Senator BENNET. The good Chief has told us that before.

Ms. GIBSON. Right. The Board was not aware of that agreement until the testimony before this Committee.

Mr. GRIFFITH. Okay. Have you all as a Board discussed this separation agreement after the fact? Have you all had discussions regarding this agreement and how it came about?

Ms. GIBSON. We have.

Mr. GRIFFITH. Have you had those discussions with Attorney DiBiase?

Ms. GIBSON. I do not recall Mr. DiBiase being present.

Mr. GRIFFITH. He was not privy to those discussions?

Ms. GIBSON. No.

Mr. GRIFFITH. Was Chief Manger privy to those discussions?

Ms. GIBSON. Yes. I mean, we discussed this at a board meeting following——

Mr. GRIFFITH. Did he discuss with you the attorneys advice that was given to him?

Ms. GIBSON. That I do not recall. I actually think it was—our discussion was more—well, we see the management of personnel within the Department to be within the Chief's purview, back to the tactical versus strategic. It was a significant event that we would have appreciated knowing about in advance.

Mr. GRIFFITH. Okay.

Ms. GIBSON. That was really the extent of our——

Mr. GRIFFITH. Same questions to the other two members. Did you all ever have any discussions with Chief Manger about his discussions with the Attorney DiBiase?

Mr. MCFARLAND. No.

Mr. GRIFFITH. Okay. My concern is, is that policy was changed and that may or may not have been appropriate. That is another issue which Chief Manger got a legal counsel, and I am not—he is a good guy. I am not fussing at him.

My concern is, if we have done it for one, are we going to do it for others? Has such an agreement been approved for any rank and file officers? I would ask this of you, Ms. Gibson, do you have any knowledge that this was approved for rank and file officers?

I am not talking about a case where, as the rules says, you can do it when you expect somebody to come back or you hope they will come back, maybe they have got a slight disability, or a medical issue and you are hoping they are coming back.

In this case, we had an employee who actually had taken another job and left the region, had gone to the West Coast. Do you know of any other cases where that has been done for rank and file members of the United States Capitol Police?

Ms. GIBSON. I would say I do not have knowledge of when it has been done, period, because, again, it is a personnel management decision that the Board has not been involved in for any of the officers.

Mr. GRIFFITH. Have you ever taken those liberties with the Senate under your—any of the folks under your situation in the Senate?

Ms. GIBSON. I do not have a similar program.

Mr. GRIFFITH. Okay. I appreciate that. I see my time is up and I yield back.

Chairwoman KLOBUCHAR. Very good. Next up is Senator Welch, who spent a lot of time with the House in the past and is now back in his capacity as a Senator.

Senator WELCH. Thank you very much. It really is good to be here with my colleagues from the House. By the way, I do not know who provided all those goodies out back, this is on the down low, all right. But thank you to the House Administration Committee.

[Laughter.]

Senator WELCH. It is good to be here. I want to thank Chairwoman Klobuchar and Chairman Steil for this hearing. Number one, I just want to thank all of you for the work you do, especially everybody who has been involved since January 6th.

I mean, obviously an incredibly traumatic event. I know folks suffered more than our officers. It is just astonishing because for a lot of the officers, the experience has not lessened. I also just want to acknowledge that, as is always the case after that happens, there have to be investigations.

There are different points of view about what and how it happened, who should have done what. But bottom line, I think you all have done a really good job, and I, just as a person who serves here and benefited from the work that you all have done, I want to express my gratitude to you. Thank you.

I do want to just go back, Chief Manger, to some of the questions that Mr. Morelle was asking about mental health. I mean, that is a tough topic. Officers are tough people, and they do their job, and they have no expectation that they will do anything less than what is required. But at the end of the day, some of the experiences that our officers had were pretty, pretty tough.

Also, I wonder whether at times when there has been so much political discussion about what happened, who was at fault, what does it mean, that diminishes the reality of what folks on the front line did that day to protect us here.

Maybe you can just talk about morale and what we can do to be supportive of the people who protected us and stood up and did their duty.

Mr. MANGER. Certainly January 6th had a devastating impact on morale, and a lot of it was directed toward the officers feeling that the Department, the leadership let them down.

Things as simple as just having the equipment that they needed, they did not have. But as time went on, and I guess the political discussion about January 6th did, in fact, impact my officers as well, they felt like they were doing, you know, the job they were paid to do. Acted very bravely and fought courageously that day.

Then you had folks, frankly no offense, on both sides of the aisle, who were critical of—had their own agendas, you know, to about what happened. Oftentimes, it certainly impacted my officers to feel like they were being disrespected or not—you know, that somehow they were at fault for what occurred.

I spent a lot of time ensuring that—making sure they knew that the one thing that did not fail that day was the courage of the men and women of this police department.

Senator WELCH. Well, I am sure I speak for everybody up here in saying we agree with that. Thank you. Ms. Gibson, the Senate Rules and Homeland Security Joint Report recommended the Board streamline its policies and procedures for—in the last Congress, you took steps to address this, including implementing an electronic approval process.

I just want you to comment on what steps the Board is taking to make sure the Board is responsive to Department requests and how that is going.

Ms. GIBSON. Thank you, Senator. The electronic approvals was a big one. Previously, requests from the Department were hand walked around to various members of the Board for them to sign things. We can now sign things electronically.

I have seen instances where, you know, within five minutes every electronic signature is in. I would say also we do not need to wait for a formal board meeting to field a request from the Department or to make a decision.

There have been any number of occasions when a member of the Board has raised an issue that they thought needed immediate discussion, and we are able to convene a meeting either virtually or in person to ensure that is discussed.

We are looking at other ways in which we might further expedite and streamline. I think some of the recommendations to remove some of the tactical decision-making from the Board are good ones that would help to enhance our ability to really focus on strategic things.

Senator WELCH. Okay. Thank you very much. My time has expired.

Mr. STEIL. Thank you. Representative Torres is recognized.

Ms. TORRES. Thank you, Chairman. Thank you, Senator Amy Klobuchar, for being—for allowing us to come and join us—join you today. Thank you for also working with me on the 9–1–1 Saves Act. As you know, 9–1–1 dispatchers, police dispatchers across the country deserve to be recognized as the first responders that they are.

Thank you for being my partner in doing that. Thank you to our guests for being here today. Chief, thank you once again. Last week, the Oversight Subcommittee on House Administration held a hearing with Capitol Police Inspector General. During that hearing, the Inspector General indicated that he had closed out recommendations based on reforms undertaken in, and I am going to quote, "in the spirit of those recommendations."

Mr. McFarland, in general, is it common practice in Government for IG recommendations to be closed based on agency compliance with the spirit of the recommendations?

Mr. MCFARLAND. Congresswoman Torres, as it relates to the compensating control, it is not uncommon that this has happened

before, including the predecessor to the current IG also did the same measures.

Ms. TORRES. Are you made aware when those recommendations are made to be closed in the spirit, and do you typically agree with them, or is there some discussion that happens?

Mr. MCFARLAND. I think what—the good news is we were unaware at first, when I first got here, of being here just seven months, we were unaware that some things were being closed out.

But once we found out that they were being closed out with these compensating controls, we immediately took action to actually remedy the situation by making sure that the Board is now informed of, since May—I think it is May, that we will be notified if any of these controls come forward. I am pleased to announce that nothing has come forward that way since, but yes, ma'am.

Ms. TORRES. I am going to give you an example why this is so important to me and why it gives me such heartburn when I read recommendation 20.

On January 6th, I found myself, as well as other colleagues, stranded on the balcony, 45 minutes, face down, crawling from one side of the balcony to the other, without a place to really hide with no, you know, with basic security. We had one officer on our side. The officer, the one officer that was present near Gallery 1 had—or Gallery 3, did not have keys to a door that was wide open.

When the announcement was made to lockdown the Capitol and that we were going to go on lockdown and to lay on the ground and lay down quietly, that door remained wide open. Members of Congress were yelling, you know, back and forth to the officer to close the door.

He informed us that he had no keys. When I read the report analysis that says that, you know, based on, I guess common practice, there is a process to keep those doors or to have somebody secure those doors or have access to keys, what is that process? Because we certainly did not have that process on January 6th.

I never want to find myself or any other Member of Congress or visitor in that predicament where we were trapped without a place to evacuate.

Mr. MCFARLAND. Congresswoman Torres, I will let you know that this predates me being here, but I can say that the chamber itself now is more secure than it has been previous to January 6th. We have also——

Ms. TORRES. Well, that does not satisfy me. Come back to me and tell me how—why this recommendation was closed and what the process is. Chief, maybe you can come back and tell me how officers were trained to find whomever the key master is.

I mean, at that time, and it is not your responsibility, but the AOC was conveniently, you know, in another state while the rest of us were trapped. I have exceeded my time, so I am going to yield back. Please come back to my office with a response.

Mr. MCFARLAND. Yes, ma'am.

Mr. STEIL. Thank you. Dr. Murphy is recognized for five minutes.

Mr. MURPHY. Thank you, Mr. Chairman. Thank you all for coming today. You are in the inimitable position of being here that you have to defend what was done before. Some of things are indefen-

sible, but some of also the fact that you are going to say this is what the plan is moving forward. Pipe bombs.

A couple of pipe bombs were planted outside the Republican and Democratic Party National Headquarters. The individual still remains at large, has eluded law enforcement, and FBI Director Christopher Wray says it is ongoing but has not provided us any details.

Chief Manger, I asked you about these pipe bombs in a previous meeting. Let me ask you this, do you believe Members of Congress were targets of the pipe bombs that were placed at the Party headquarters?

Mr. MANGER. Well, I think that certainly political parties were a target. I mean, I think—and I am just——

Mr. MURPHY. Just two years ago.

Mr. MANGER. Yes, I am just——

Mr. MURPHY. Two years ago. The rest of you guys, to the other members of this Board, have you guys received any updates, any updates at all about the ongoing investigation?

Mr. MCFARLAND. No sir.

Mr. MURPHY. Not a word, not a peep?

Ms. GIBSON. I understand it is an ongoing FBI investigation but have no additional information.

Mr. MURPHY. When was the last time? Have you all asked for an update?

Ms. GIBSON. We meet regularly with the FBI on a recurring basis. We can certainly ask about that the next time we meet.

Mr. MURPHY. Well, I mean, I would imagine just you are asking—and I mean, here we are, two years with no update. Just seems a little bit odd with all the cameras and everything that are going around here that there is no update.

You guys are responsible for protecting us, and I thank you for doing it and for volunteering a job that I would not want to do. I would love for you guys to commit to calling the FBI and asking for an update on their investigation. We need to know that they are actually doing their job.

Mr. MANGER. I will, sir.

Mr. MURPHY. I need that commitment from you guys. I truly do, because we need to know, just in light of all the things that happened and all the politics that occurred, we just need to know that you need to know, that you are making sure that you are covering our backs. I have great faith in you guys compared to what was happening before, but I think we need to know that publicly.

At the time, you know, decisions made by the police board—again, everything in retrospect. You guys were not here. It was very troubling that the police board prevented House Republicans, but not House Democrats, from releasing January 6th footage. We did not get that until after we had gotten to the Majority.

It reveals a horrible double standard, one of which we are seeing more and more, and Americans are concerned more and more about this country, about a double standard of justice that is occurring. You cannot stick your head in the ground.

It is happening. Americans are very concerned about that. That decisionmakers, at the time, especially, again, not in your purview,

were perceived as having more political rather than threat based considerations.

I go back and looking through since we have been able to look and see, what about the National Guard, what about this, what about that, and according to a GAO report, approved by both House and Senate leadership, we found that the House and Senate Sergeant at Arms wasted valuable time seeking approval from House and Senate leadership to bring in the National Guard.

Cannot have that happen again. This was politics, it was not security. You know, after January 6th, numerous security decisions were dictated politically, politically, by the Speaker of the House at that time to further a political agenda.

What I need from you all are guarantees that you are going to be an apolitical board, that decisions, regardless if it were the head of the Senate, regardless of the Speaker of the House, that if there is a security threat upon the Members of Congress, that if you deem it to be a political one rather than an actuarial threat, you will at least alert the Minority party at the time, I do not care who it is, about the political nature of the charge rather than the actuarial threat.

Ms. GIBSON. Dr. Murphy, I can assure you that I am committed to a nonpartisan approach in every security decision that I make, and I demand the same of all my staff.

Mr. MURPHY. Thank you. It was honestly an embarrassment on our Nation because it was obviously done politically. What happened on January 6th is beyond comprehension. What happened was wrong, but there were obviously mitigating factors that could have occurred which did not occur for political reasons. With that, Mr. Chairman, thank you. I yield back.

Mr. STEIL. The gentleman yields back. Ms. Bice is recognized for five minutes.

Ms. BICE. Thank you, Mr. Chairman. I want to thank the Board for being with us this afternoon. I am grateful for the work that you and your employees do to keep the Capitol complex safe for Members, for staff, and certainly for visitors.

However, following up on Mr. Griffith's line of questioning, I am concerned about the separation agreement with former Acting Chief Pittman and how it was handled. It appears she was given the ability to go on leave without pay status with Capitol Police to attain the necessary 20 years of service required for federal retirement benefits, while simultaneously beginning a new lucrative job with UC Berkeley.

I want to start with this, General Gibson, you stated earlier in your testimony that personnel issues for the United States Capitol Police were under the purview of the Chief of Police. However, Madam Chair, I ask unanimous consent to enter into the record a page from the Police Board GAO report dated February 2017, which lists roles and responsibilities for the Capitol Police Board and the Chief of the United States Capitol Police.

Under this, the human capital roles includes issuing waivers to mandatory retirement provisions for Capitol Police officers, as well as determining the leave system for Capitol Police personnel. It does state, in fact, the Board establishes the uniform policy. Madam Chair.

Mr. STEIL. Without objection.

[The information referred to was submitted for the record.]

Ms. BICE. Thank you. Mr. Chairman, my apologies. General Gibson, the Capitol Police Board is required by statute to implement a uniform policy, correct?

Ms. GIBSON. Yes. Policy, but not the—we do not get involved in the application of the policy to individuals within the Department, unless it is a termination.

Ms. BICE. Do you believe that the policy for leave has been applied uniformly in this particular situation?

Ms. GIBSON. So, Ms. Bice, it would be difficult to say if it is applied uniformly without understanding how it has been applied across the Board. Ms. Pittman or former Chief Pittman's separation is the only one I am aware of like that, because, again, this is not a matter that the Board has been personally involved in.

Ms. BICE. Mr. McFarland, if I could ask you, do you believe that the—do you agree with the interpretation that the United States Capitol Police have the unilateral authority to place employees on leave without pay?

Mr. MCFARLAND. Policies, yes. The Chief is responsible for administrating the policy while the Board and the oversight committees look at the regulations. So, yes.

Ms. BICE. Ms. Rexroat, and I know you—this is a little bit of a foreign topic for you as you have only been acting for a short time, but——

Ms. REXROAT. Yes, it would be hard for me to answer that one without the full details. I do not have the full details, so I apologize.

Ms. BICE. This is my concern. You know, we mentioned at the beginning of this hearing that we have worked hard to improve processes and sort of you know clarify issues, come together.

But on this particular topic, I think there is disagreement. It is very clear that there is sort of this, we are not quite sure. We think the Board can, but the Chief—I am sorry, the Board has the ability, but the Chief can unilaterally make these decisions. It does not seem like there is real clarity on whether or not this policy has been put in place uniformly across the Board.

I have concerns about that. I want to also talk about the nondisclosure agreements, if I may, Chief. It has been widely reported that at least one former United States Capitol Police signed a nondisclosure agreement when he left.

Additionally, former Officer Pittman also signed a separation agreement prohibiting her from sharing that information. This Committee has actually asked for a copy of that agreement, and we have been given a summary, but actually not a copy of the agreement.

The reason given was that Ms. Pittman was prohibited from doing so in the agreement. Would you be willing to offer this agreement to this Committee to be able to review?

Mr. MANGER. The summary has absolutely everything that is included in the agreement.

Ms. BICE. Would you be willing to give us a copy of the actual agreement that was signed by Ms. Pittman and yourself, and legal counsel?

Mr. MANGER. I would have to check with my General Counsel before I answer that.

Ms. BICE. Mr. Chair, my time is almost expired, so at this time I yield back.

Mr. STEIL. Gentlewoman yields back. Ms. Lee is recognized for five minutes.

Ms. LEE. Thank you, Mr. Chairman. I would like to focus on the subject of the Inspector General process. As we know, the Inspector General reviews the processes and procedures of the Capitol Police from time to time, makes recommendations on areas where we might need to see improvement.

Then, of course, we track, and you all as a Board, track implementation of that improvement. I would like to talk a little bit more detail about how that happens and the status of some of those improvements. Last week, we had Inspector General Ron Russo testify in front of our Oversight Subcommittee in the House Administration Committee, and he shared with us that some of the Inspector General's recommendations had been designated as closed, even though there had been some internal modification to what exactly was changed, or improved, or implemented.

We have heard and have been tracking closely in this Committee the progress of those changes, implementation of the Inspector General's recommendations, and of course our shared interest in ensuring that we are equipping and implementing the best practices that we can identify for our Capitol Police.

Inspector General Russo stated that some of these recommendations may have been essentially marked and reported as completed because they were moving in the right direction, and they met the spirit of the recommendation. In essence, the recommendation itself, the thing that needed to be fixed or was recommended to be fixed had been altered in some way, but nonetheless marked as closed.

While we certainly appreciate the Capitol Police's Inspector General bringing this to our attention, we want to be sure that we understand a little bit more about those modifications and that process.

General Gibson, I would like to start with you. Are you familiar with these Inspector General reports and the recommendations in them?

Ms. GIBSON. Yes, we are familiar with the IG's reports as he publishes them and the recommendations. I would say the IG's decision as to whether or not to close a recommendation, and whether or not is because it was fully met or a compensatory control has been applied, is his decision not the Board's decision or the Chief's decision.

Ms. LEE. Where a modification of any type is made, is that indicated, is that reported back to the Board as something that was changed or modified?

Ms. GIBSON. This is something that Mr. McFarland mentioned previously, where we have recently become aware that Mr. Russo, like his predecessor, has applied at times compensatory controls.

Mr. Russo has made a commitment to keep us informed when this occurs. We have quarterly updates at formal board meetings with the IG, and that is an ideal forum for us to discuss that and

better understand his rationale, particularly in those places where he has applied some kind of compensatory control in his decision to close that.

Ms. LEE. Are you concerned—with his commitment to continue to keep you all informed in mind, are you concerned about the concept of compensatory controls and deviations from the actual recommendations that are made by the Inspector General?

Ms. GIBSON. I think the concept of compensatory controls is not in itself disturbing. It is a practice that is applied by other IGs at times. I am not yet concerned about the compensatory controls that Mr. Russo may have applied in making—in his decisions to close them, but certainly it is something that we will want to continue to look like—look at in our shared interest in that aspect of oversight.

Ms. LEE. As part of your oversight role, will you all be making an assessment, an independent assessment essentially, of whether you think any modification, any compensatory control is still done in a way that truly does meet that objective, the objective of the recommendation in the first place?

Ms. GIBSON. It is a hypothetical, but certainly our IG Working Group that is working closely to dig into the details of those reports, I would expect them to bring that to our attention, should they find such an instance.

Ms. LEE. All right. Chief Manger, anything that you would add on this subject and how you view this from an operational perspective?

Mr. MANGER. We very carefully document our actions, the IG's response to our actions, and it is logged in and it is available to this Committee, to the Board, and it gives specific detail about what actions we have taken.

If I want to—say for the record that we are not changing the target—I mean, we are complying with the recommendation, and it is solely the IG's decision whether to close it or not. It is all documented.

Ms. LEE. All right. Thank you, Chief. Mr. Chairman, I yield back.

Mr. STEIL. The gentlewoman yields back. Mr. Loudermilk is recognized for five minutes.

Mr. LOUDERMILK. Thank you, Mr. Chairman. Thank you all for being here. General Gibson, I agree with something you said in your opening statement. I do think the Board made a wise choice in selecting Chief Manger. I think he was an excellent choice and has done a lot to improve the security.

Something else you said, though, was, yes, I agree that the Capitol is more secure than it was on January the 6th. The question is, is it as secure as it needs to be? That is what my subcommittee is trying to get to, to identify the failures of January 6th, which unfortunately, the Select Committee did not look at.

Identify those to make sure that they are corrected so the general populace and the people that visit the Capitol can feel that, yes, it is as secure as it needs to be. I am also—I am going to ask some questions about January 6th, understanding none of you were in your capacity or in your current job at that time.

But as your capacity, in your current position that you can answer those. There was a 2003 directive of the Metropolitan Police

that prohibits their officers from being on Capitol Hill property without explicit approval from the Capitol Police Board.

Ms. Gibson, in your position as Chair of the Board, I am going to ask you this. Do you know, are there any preexisting agreements between Capitol Police and Metropolitan Police that allow them on campus without prior board approval?

Ms. GIBSON. Well, there are memorandums of agreement between the Department and the Metropolitan Police, and there are instances in which they can come without the approval of the Board, and specifically the legislation, which I appreciate, from 2021 that allows the Chief to declare an emergency and call for that kind of external support without having to convene the Capitol Police Board for decision and discussion.

Mr. LOUDERMILK. Thank you. Do you know, were there any preexisting agreements in place on or before January 6th that also allows that?

Ms. GIBSON. Mr. Loudermilk, I will be honest, I am very focused on improving the security of the Capitol today and moving forward. Things that occurred well before my tenure are not things that I have been focused on. I am afraid I do not have that answer.

Mr. LOUDERMILK. Mr. McFarland, do you know if that was in existent on January 6th, any previous agreements?

Mr. MCFARLAND. Sorry, I do not know.

Mr. LOUDERMILK. Chief Manger?

Mr. MANGER. I do not know either.

Mr. LOUDERMILK. Okay. If it is possible, if somebody could look, that is very important for us. General Gibson, do you know, has there ever been a time that undercover agents, either Federal or local, operated on the United States Capitol complex without Capitol Police Board approval or in compliance with some other agreement?

Ms. GIBSON. I am not aware of that occurring in my tenure on the Capitol Police Board.

Mr. LOUDERMILK. Okay. Thank you. Chief Manger, I am not going to ask any questions about separation agreements, so I think that one is done for now. Who is Julie Farnam? Who is Julie Farnam?

Mr. MANGER. She was a former employee who was the Deputy Director of our—or our supervisor in our intelligence section.

Mr. LOUDERMILK. Okay. She is no longer working in the Department?

Mr. MANGER. That is correct.

Mr. LOUDERMILK. When she was here, was she working on a book while she was employed with the Capitol Police?

Mr. MANGER. I know she has written a book. I do not know when she—if she wrote it while she was here or after she left.

Mr. LOUDERMILK. When was her last day as a Capitol Police employee?

Mr. MANGER. I can get back to you with that. But it has been a couple of months at least.

Mr. LOUDERMILK. If you will, I would appreciate that. Have you ever seen a copy or a draft of the manuscript?

Mr. MANGER. I know that two of my staff have reviewed the book.

Mr. LOUDERMILK. Okay. Mr. McFarland, have you ever seen a copy or a draft of that?

Mr. MCFARLAND. Yes, we have a copy for security review.

Mr. LOUDERMILK. Okay. Same, Ms. Gibson.

Ms. GIBSON. Yes. My staff has also reviewed to make security redactions of sensitive security information.

Mr. LOUDERMILK. Ms. Rexroat?

Ms. REXROAT. I have not——

Mr. LOUDERMILK. You have not. I am taking it that the review was for security sensitivity. General Gibson, who is Jennifer Hemingway?

Ms. GIBSON. Jennifer Hemingway is the Chief of Staff of the Senate Sergeant at Arms.

Mr. LOUDERMILK. What was her role on January 7, 2021?

Ms. GIBSON. I believe at some point on that day, she probably became the Acting Sergeant at Arms.

Mr. LOUDERMILK. Okay. Yes, she was. Are you aware that on January 7th, as her role as Acting Senate Sergeant at Arms, she called Ms. Pittman, Assistant Chief Pittman, and offered her the role as Acting Chief of Police?

Ms. GIBSON. I have no knowledge of anything that happened on January 7th.

Mr. LOUDERMILK. Have you ever discussed that with her?

Ms. GIBSON. No, I have not.

Mr. LOUDERMILK. Do you know if the Capitol Police have any records of this communication?

Ms. GIBSON. No, I have no records of anything on January 7th.

Mr. LOUDERMILK. Okay. Do you know if the Capitol Police has any records of the hiring of Ms. Pittman or Chief Manger?

Ms. GIBSON. Oh, I know we have copies of the hiring of Chief Manger. I was intimately involved in that action.

Mr. LOUDERMILK. Okay. Unfortunately, I see I am out of time, and I yield back. I will submit the rest of my questions for the record.

Mr. STEIL. The gentleman yields back. Mr. D'Esposito is recognized for five minutes.

Mr. D'ESPOSITO. Thank you, Chairman. I thank you all for being here. I am going to start first, I am a proud retired New York City detective, so I am going to start with the police stuff first and talk like a cop.

Chief, I know that you mentioned in some of your remarks the most serious issue that we are facing is staffing. Obviously throughout this country, staffing in law enforcement agencies is a problem, and it is a problem because cops are treated so poorly, whether it is by Administrations, whether it is by the people that they serve, whether it is so-called leaders and elected officials.

What are you doing to make sure that we are getting the best and the brightest here in the Capitol Police Force?

Mr. MANGER. Our recruitment efforts through social media, and I think it is the way we, for lack of a better term, the way we market this position. This, as you know, is a different kind of police department. It is a very unique police department.

Our mission is unique around the country. There are—we are appealing to folks who want to serve their country, who want to work

in Federal law enforcement, that do not necessarily want to be transferred all over the country, like most other Federal law enforcement agencies.

We have—this strategy has been very successful in terms of attracting good quality folks.

Mr. D'ESPOSITO. Okay. I am going to talk fast like a true New Yorker, so, to try to get through this. You also mentioned in your remarks leap pay, and you specifically mentioned leap pay to DPD.

Now, why wouldn't we include all members of service in the leap pay? I mean, just speaking as a cop and not as a Member of Congress, I think that if we are going to implement programs like that for members of service and some not others, I think the morale would be destroyed in the Department.

Mr. MANGER. We are just trying to mirror what the other 1811 series Special Agents have, and we are just trying to mirror that for our folks.

Mr. D'ESPOSITO. Okay.

Mr. MANGER. We can certainly discuss expanding it.

Mr. D'ESPOSITO. Okay. At the Inspector General oversight hearing last week, Capitol Police Inspector General stated that he supported the United States Capitol Police implementing specific whistleblower protections. Ms. Rexroat, do you agree that the United States Capitol Police should implement specific whistleblower protections?

Ms. REXROAT. I am not sure about the Capitol Police, sir, but I know that for whistleblower protection, just in general, I would be an advocate of that.

Mr. D'ESPOSITO. Okay. Mr. McFarland, do you agree?

Mr. MCFARLAND. Yes, I agree.

Mr. D'ESPOSITO. Ms. Gibson, do you agree?

Ms. GIBSON. Absolutely. Whistleblowers must be protected and cannot be retaliated against.

Mr. D'ESPOSITO. Chief, since you appeared before our Committee weeks ago, months ago, have you implemented specific whistleblower protections?

Mr. MANGER. There are regulations that prohibit discrimination and harassment of employees that I think can be used to ensure the protection of whistleblowers.

Mr. D'ESPOSITO. Okay. Will you commit to expand on them by the end of the year? It is one of the most serious issues that we are talking about as a Committee. I think that what is already in place needs to be expanded.

Mr. MANGER. Whistleblowers should be protected. True whistleblowers should be protected.

Mr. D'ESPOSITO. Will you commit to work with us by the end of the year to expand?

Mr. MANGER. I can certainly work with the Committees on it, absolutely.

Mr. D'ESPOSITO. Ms. Gibson, why hasn't the Capitol Police Board directed the United States Capitol Police to implement specific whistleblower protections?

Ms. GIBSON. The Capitol—I absolutely support whistleblower protections. It is essential to ensuring there is an environment in which an employee who might discover waste, fraud, and abuse

would feel free and safe and secure in bringing that to someone's attention.

Certainly, the Board can—I think perhaps the best avenue might be to ask the IG to look at the whistleblower protection program and assess its adequacy.

Mr. D'ESPOSITO. Okay. I look forward to working with the Chairman and Ranking Member to get some answers on that. Ms. Gibson, I also want to thank you for providing the Committee on House Administration with a copy of the Board Manual of Procedures.

Is it correct that this manual was not made available to oversight entities until your arrival as the Senate Sergeant at Arms?

Ms. GIBSON. I believe that is correct, but I do not know for sure what happened before I got here.

Mr. D'ESPOSITO. It seems important that the men and women in the rank and file of the United States Capitol Police have access to these regulations as well. When will you make a copy of the relevant sections of the manual available to all personnel in the Capitol Police?

Ms. GIBSON. That is certainly an important consideration. What I would like to do is consult with my colleagues and our oversight entities to develop a more fulsome response.

Mr. D'ESPOSITO. I know I only have a few seconds left, but back in the NYPD, we have something that is called a patrol guide. Chief Manger, does the United States Capitol Police have a policy in place in their guide that governs the use of social media applications, or I should say communication applications like WhatsApp, Signal, or other messaging apps?

Mr. MANGER. We have a social media policy.

Mr. D'ESPOSITO. Okay. Are messaging apps involved in there?

Mr. MANGER. I know that they are mentioned. I cannot tell you more specific——

Mr. D'ESPOSITO. Do you know that these, or are you aware that these applications are currently in use by the United States Capitol Police?

Mr. MANGER. It would not surprise me.

Mr. D'ESPOSITO. Okay. Have you ever used WhatsApp in your official capacity?

Mr. MANGER. I have not.

Mr. D'ESPOSITO. Okay. Just—my time has expired. I yield back.

Chairwoman KLOBUCHAR. Next up, Senator Cruz.

Senator CRUZ. Thank you, Madam Chair. Thank you to each of you for being here. Thank you for the service each of you provides. I want to take a minute in particular, Chief, to thank the men and women of the Capitol Police.

In Texas and all across the country, I view a big part of my job as supporting the men and women of law enforcement. I am grateful for the courage of the men and women of the Capitol Police and police officers all across our Nation who risk their lives to keep—keep Americans safe.

I want to ask you, Chief, first of all, about your assessment of the current morale in the Capitol Police and the state of readiness of the Capitol Police to protect against the threats we are facing.

Mr. MANGER. I think morale is always in the eye of the beholder. I think it has improved since January 6th. There are still—we are still at a point staffing wise where we are holding people over. We are canceling days off. This is a—has a big impact on morale.

We have a ways to go. But I think that the cops understand that things are better than they were, and they are improving. I assure you that our state of readiness is good.

There is still work to be done, but I have great confidence in the men and women of this Department that they have the training, the courage, the equipment, and we, as in leadership, have good plans in place to ensure the safety of this campus.

Senator CRUZ. Well, I will tell you one concern that I have, and it is a growing concern, which is the rise of threats that are directed against lawmakers, and lawmakers of both parties. We have seen an explosion of threats of violence against Members of both parties.

According to CBS News, Capitol Police investigated 7,500 cases of potential threats against lawmakers in 2022 alone. That is nearly double what the number of threats were in 2017. We have also seen multiple instances, whether it was the horrific shooting at the congressional baseball game where you had a deranged lunatic who came with the explicit objective of murdering Republican Members of Congress.

It is only because of Steve Scalise's Capitol Police detail that happened to be there, that that deranged lunatic was stopped and killed. Had Congressman Scalise been late that morning, had he decided to take his kids to school that morning instead of going to the congressional baseball practice—there was no one else there that had a detail.

Had Steve Scalise not been there that morning, the outcome of that morning likely would have been two dead Senators and a dozen or more dead House Members shot defensively in a bullpen in Northern Virginia. We have seen instances escalating from there, including, we had a Member of Congress attacked in the elevator of her apartment building.

We had tragically a Senate staffer repeatedly stabbed in broad daylight here in Washington, DC, just a couple of blocks from this hearing room. I am very concerned with this rising level of threats, and I fear we are going to wake up one day and somebody is going to be killed. On either side of the aisle, the number of lunatics who are seeking to do harm is growing.

I want to ask you, what is your view of what needs to be done to prevent that? To ensure that we can protect the safety of lawmakers on both sides of the aisle in both houses from the growing and serious threats of violence, and specific violence targeting individual Members.

Mr. MANGER. The first step is for our intelligence bureau, which has been greatly expanded, to continue to be proactive in scrubbing social media to try and locate these threats. Many of these threats, and you know this Senator, come back, we actually get them from the staffs of the Members.

But we also are able to pick some of these up early so that we can mitigate them as quickly as possible. You know, in my budget, I have requested additional investigative agents because of the

caseload. Five hundred cases per year, per investigator, which is just unmanageable, and we need to do better than that.

We also are working with state and local police departments all around the country to assist us in ensuring protection for Members at events when they are in their home districts. But we have got to continue to—and I know we are short on time. We need to do a better job at protecting Members when they are home, their families, and——

Senator CRUZ. Obviously, we have the tragic attack of Nancy Pelosi's husband at home and all of our families are at risk.

Mr. MANGER. We had a Congressman whose staff was attacked by a baseball bat wielding man just a couple of months ago. We have got to make sure that we have got security measures in place in home district offices, in homes, so that it raises everybody's level of scrutiny.

Senator CRUZ. I am working in a bipartisan way with Chairwoman Klobuchar, who is very concerned about this issue as well. We are working on a Member Protection Act that would help enhance resources available to keep Members and our families safe.

I hope with each of you here that you will work with us to try to address this problem so that we can address it proactively on the front end, rather than being confronted with tragedy on the back end.

Mr. MANGER. We are committed to do that, sir.

Senator CRUZ. Thank you.

Mr. STEIL. For purposes—does gentlemen seek recognition?

Mr. LOUDERMILK. Mr. Chairman, I seek unanimous consent to submit for the record a bulletin from the Capitol Police Board dated January 8, 2021, appointing Ms. Yogananda Pittman as Acting Chief of Police signed by Ms. Jennifer Hemmingway, Acting Chairman of the Police Board, Paul Irving, member of the Police Board, and Brent Brannon, member of the Capitol Police Board.

Mr. STEIL. Without objection.

[The information referred to was submitted for the record.]

Mr. LOUDERMILK. I also request unanimous consent to submit for the record the testimony of Paul Irving, dated February 23, 2021, to the Senate Committee on Homeland Security and Government Affairs, where he testified that he resigned his position effective January 7th. He resigned as House Sergeant at Arms effective January 7, 2021, a day before he signed the appointment of Ms. Yogananda Pittman.

Mr. STEIL. Without objection.

[The information referred to was submitted for the record.]

Mr. LOUDERMILK. Thank you, I yield back.

Mr. STEIL. For their own purposes, does the Ranking Member seek recognition?

Mr. MORELLE. Yes, thank you. Mr. Chair, I would like to ask unanimous consent to enter into the record the following transcribed interview transcripts from the January 6th House Select Committee. Two transcripts of former House Sergeant at Arms, the Commanding General of the DC National Guard, General William Walker's interviews with Select Committee dated December 13, 2021, and April 21, 2022, respectively. The transcript of Acting As-

sistant Chief of the Capitol Police Sean Gallagher's interview with the Select Committee dated January 11, 2022.

A transcript of former Acting Police Chief Pittman's interview with the Select Committee dated January 13, 2022. Transcript of former House Sergeant at Arms, Paul Irving's interview with the Select Committee, dated March 4, 2022.

The transcript of former Police Chief Steven Sund's interview with the Select Committee, dated April 20, 2022. I also ask unanimous consent to enter into the record Appendix two of the final report of the January 6th House Select Committee entitled, DC National Guard preparation for and response to January 6th. I ask unanimous consent to insert into the record the following news articles.

An article from the Associated Press, dated July 23, 2021, entitled, Pelosi Did Not Block the National Guard from the Capitol on January 6th. An article on the Washington Post, dated July 28, 2021, entitled, The False GOP Claim that Pelosi Turned Down the National Guard before January 6th Attack. An article in the New York Times, dated July 27, 2021, entitled, Republicans Are Blaming Nancy Pelosi for the January 6th Attack, Their Claims Don't Add Up.

Finally, an article from CNN dated July 21st, 2021, entitled, Fact Checking Representative Jordan's Claim That Speaker Pelosi Was Responsible United States Capitol Security and January 6th.

Mr. STEIL. Without objection.

[The information referred to was submitted for the record.]

Mr. STEIL. As we wrap up, I just want to say thank you to our witnesses. Thank you for what you do to keep the Capitol safe, the visitors of the Capitol safe, and those that work here safe. It is not an easy task.

Thank you for those of you who you work with, in particular the men and women of the Capitol Police, who every day wake up with a badge over their heart and walk out the door, knowing they are going to answer the call to protect this institution, to protect our visitors and those that work here.

We thank them for their service, and we thank you all for being here in a bicameral, bipartisan conversation about protecting this institution.

Chairwoman KLOBUCHAR. All right. Well, thank you very much, Chairman Steil. To also Senator Fischer and, of course, Ranking Member Morelle. This has been a thorough hearing and pretty good for the first one since 1945. That was a little intimidating on its own. I want to thank our witnesses. I want to thank all of you for the work you do to adapt and modernize to address our current and future challenges.

I want to thank you, Chief Manger, for all you have done in recruiting and retaining officers and responding to so many Members' concerns on a daily basis, and always, far as I can see, keeping your cool. The hearing record will remain open for one week. Again, we all thank our Capitol Police, and this has been a productive hearing. Thank you. We are adjourned.

[Whereupon, at 5:52 p.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

Testimony of the Honorable Karen H. Gibson
Chair of the Capitol Police Board
Sergeant at Arms and Doorkeeper of the Senate
before the Senate Committee on Rules and Administration
and the Committee on House Administration

July 26, 2023

Chair Klobuchar, Chair Steil, Ranking Member Fischer, Ranking Member Morelle, and members of the Committees, I appreciate the opportunity to testify today as Chair of the Capitol Police Board, together with my Board colleagues, as we discuss our efforts to safeguard the Capitol over the past two years, and our plans for the future.

I also appreciate the opportunity to highlight for the Committee on Rules and Administration the work of the Senate Sergeant at Arms team to provide security services for Senators and staff in D.C. and in state offices, and for Senators at special events, in transit, and at home.

I would be remiss if I did not also highlight the efforts, sacrifices, and devotion of the nearly 5,000 non-partisan officers and employees of the United States Capitol Police (USCP), the Architect of the Capitol, and the Offices of the House and Senate Sergeants at Arms. I know I join you in appreciating their dedicated service to the Congress and the United States.

The Capitol is secure, safe, open, and will remain so

When I came to this job in March 2021, the security environment was vastly different. Today, I am proud to report that the Capitol is secure, the Capitol is safe, and the Capitol is fully reopened to the public.

I'd like to reiterate something I said at the very beginning of my tenure. In April 2021, a reporter asked what worries me when it comes to securing the Capitol. I explained that "we could lock down the building…. We could keep the three-mile fence up with razor wire and National Guard. But that defeats the purpose of having the [Capitol] available and open to constituents…. And so, it [would] be a tricky balance to accomplish security while still providing the access that's needed for [constituents] to come marvel at the beauty and the history of this building."[1] Those words still hold true today.

[1] Karen H. Gibson, "New Senate Sergeant-At-Arms Wants to Keep Capitol Secure And Open To the Public," interview by Steve Inskeep, *Morning Edition*, NPR, April 15, 2021, audio, 07:02, https://www.npr.org/2021/04/15/987552077/1st-priority-is-to-restore-confidence-in-job-senate-sergeant-at-arms-says

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The safe reopening of the Capitol was one of my guiding principles when I took this role, and has been a focus of the Board throughout my entire tenure. This year, thanks to increases in USCP staffing and changes in security preparations since January 6th, we were able to reopen the campus to its pre-January 6th and pre-COVID levels.

Over the past two years, I have witnessed the growth and success of the Capitol Police Board and the United States Capitol Police. This non-partisan group of security professionals has committed to understanding the lessons of the past, to making improvements, and to looking forward.

We spent much of the past two years working with the Capitol Police and stakeholders to fully reopen the Capitol complex, while ensuring USCP is properly staffed to meet its challenging mission. We have reopened the Capitol Visitor Center on Saturdays, so that the American people are able to safely and easily visit their seat of government. On the Senate side, we have reopened all doors that were open prior to COVID.

Thanks to the efforts of the Board, the United States Capitol Police, and our dedicated staff, the Capitol is open, and it will remain so. I am very proud of that work. The Board is committed to keeping the Capitol fully reopened and to retaining the daily balance between security, openness, and free access to the campus.

Lessons Learned

I would like to acknowledge the many lessons we have learned, both from January 6th and from other events. I greatly appreciate the dedicated work and findings of the numerous reports from outside organizations, Congressional committees, and USCP's Inspector General. I take each of those reports and their recommendations very seriously, and we have used them as a guide as we continue to advance the work of the Board. While I will not repeat the details laid out in those reports, I will note areas on which the Board and USCP have focused.

Since 2021, I have seen significant improvements in USCP's ability to forecast, plan for, synchronize, coordinate, and execute responses to major events and security incidents. I have witnessed the development of a highly competent and well-integrated professional intelligence

capacity that informs USCP's daily activities. The department has also vastly improved its communication, both internally and externally, and there have been corresponding enhancements in equipping, training, recruiting, and retaining personnel.

Those reports also contained criticisms of the Board, which we have used to improve our oversight practices, codify decision-making processes, and increase transparency and accountability. Indeed, these very hearings are a result of those recommendations, and I am pleased to be here as we collectively implement that change.

Significant Improvements

I came to this position following a 33-year career in the United States Army and the Intelligence Community. It has been a distinct honor and privilege to continue my service to the Nation by ensuring the protection of Members of Congress and the Capitol. I know everyone joining me at this hearing and all of our staff feel it is not just our job, but our civic duty to preserve and protect the Citadel of Democracy so that Congress can safely perform its Constitutional responsibilities to the American people.

I testified before the Senate Committee on Appropriations in April 2021, after only 30 days in this role. In that hearing, I discussed my top priority, which remains the same today: to work with my Capitol Police Board colleagues to develop a comprehensive plan to keep the Capitol and its occupants safe—guided by the desire to maintain a secure, open campus in a manner that guarantees both access and security.

There is more work ahead, but we have made significant progress as a Board. With the assistance of Congress and these committees, we completed a comprehensive security review of the campus, prioritized repairs and improvements to our security infrastructure, and worked to provide needed relief and support to the men and women of the United States Capitol Police who protect our entire community. I will continue to ensure that the protection of the Congressional community remains at the forefront of all we do.

I am proud of the work that we have accomplished so far, and would like to highlight some of our efforts and successes. What we have accomplished may not always be plainly visible. We will

continue building on these efforts and successes over the coming years, thanks to the hard work and dedication of the Board, the Capitol Police, and our security professionals.

Safety and Security

The Capitol is secure, but we have more work to do, and always will. The Board and the United States Capitol Police must continually look forward in order to mitigate new threats, while not losing sight of the lessons we have learned in the past.

While I am unable to share technical specifics in this forum, I can note that, over the past two years, the Board has taken a number of strides for the physical security of the campus. Areas that were breached on January 6th have been strengthened and additional work is planned. We have created priorities to shape the remediation of those and other risks, and have applied them to the resources provided to the Capitol Police and the Architect of the Capitol.

Transformation of the United States Capitol Police

I assumed the Chair of the Capitol Police Board on my first day on the job. At that time, my primary focus was to ensure the Board identified and selected the correct person as the permanent Chief of Police.

This was our most critical and urgent task. We needed a transformative leader, one who understood policing and the national capital region, and who would take decisive action. The new Chief would need to lead a demoralized police department following a major event, which laid bare the significant weaknesses of its management and practices. Whomever we chose needed to be able to recognize the dedication, sacrifice, and needs of USCP officers and staff, and make major changes, while still earning the respect and confidence of the Congressional community.

We had to get this decision right. I was willing to continue looking for new candidates if the pool of applicants did not meet that high bar.

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The Board unanimously chose Chief J. Thomas Manger, and the Board chose well. He has made tough decisions and worked with us to effect needed changes, and retains the respect of his team and the Congressional community. He continues to have my strong support and confidence.

Board Governance and Practices

As Chair, I believe the Board should be responsive, transparent, and accountable. Over the past two years, we have significantly improved the way the Board operates, and our current day-to-day managerial practice reflects these goals.

As the Government Accountability Office (GAO) and others have reported, the Board previously operated in an ad-hoc manner. Certain Board members were not consistently consulted, decisions were not well documented, and stakeholders were not kept informed of Board activities.

All of that has changed.

As the committees are aware, the Board rewrote its manual of procedures in 2021, the first significant revision since the 2017 GAO report. In that rewrite, we incorporated best practices recommended by the GAO to improve our responsiveness to oversight, as well as validated and updated our decision-making processes for both routine events and in emergencies. I was gratified to see that these changes led the GAO to close its long-standing recommendation.

As we learned on January 6th, the former Board's responsiveness and decision-making processes were not well suited for a crisis. I am grateful to the Committee on Rules and Administration and the Congress for passing the *Capitol Police Emergency Assistance Act of 2021*. This critical legislation allows the Chief to request assistance from the Executive Branch during an emergency without requiring prior approval of the Board.

The Chief has already exercised this authority to proactively coordinate potential support for large events, and it has reduced the time required to generate that support. As the Board, we remain informed of the Chief's requests; however, thanks to this authority, he has been able to

make the real-time operational decisions needed to protect the Congress. The Board works with USCP on feedback after the event, and we assist the department as needed.

Just as importantly, we have changed the way we deliberate, discuss, and make security decisions as a Board. Previously, security matters might be decided in forums separate from formal Board proceedings, or only between certain members of the Board. Decisions were not always well documented, and information and intelligence were not consistently shared between our organizations.

This is no longer the case. Since March 2021, when I assumed the Chair, every Board member has been involved in each deliberation and decision, and alternative opinions are freely exchanged. Board members do not always agree with one another, but we remain a non-partisan group of security professionals with diverse backgrounds, focused on a singular mission: protecting the Congress.

The informed security decisions that we make must be considered in an objective forum. The current configuration of the Capitol Police Board provides such an environment. I believe the voting membership of the Board, which dates to 1873, combined with the 2003 addition of the Chief of the Capitol Police as an *ex-officio* member, is the appropriate structure for advancing the security needs of the Legislative Branch in an agile, objective, non-partisan, and bicameral manner.

Many of our decisions are unanimous; however, when we don't agree on a life safety issue, each Board member explains their position from a security and professional standpoint, and the Board decides. Following any significantly diverging opinion, we work to resolve the cause of the disagreement for the future. We discuss how to handle similar situations, and learn from these events, creating guidelines and policies for subsequent decisions to reduce the likelihood of future issues.

This year's State of the Union provides a good example of such a process. The Board, as you are aware, was not unanimous on the use of the temporary fencing around the Capitol for the address. As I highlighted in testimony to the Senate Committee on Appropriations in April, following the State of the Union, the Board agreed to develop consistent guidelines for temporary fencing usage.

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Moving forward, we will have guidelines which will assist the Board in evaluating the balance between security and access, taking into account possible threats, the nature of the event, and Continuity of Congress considerations. This is how security should work.

I would also like to highlight the fact that we now have the ability to erect the temporary fencing within 24 hours. The Board will continue to investigate temporary fencing options that are more modular in design – and more in keeping with the beauty of the Capitol – that can also be installed and removed quickly in response to security needs.

We have also implemented new policies on information and intelligence sharing between our organizations. All of these changes will be reflected formally in our pending edit of the *Manual of Procedures*.

Transparency

The Board has made several improvements to increase transparency, and is committed to ensuring we properly balance security with transparency.

We have significantly increased engagement with Congressional Leadership and oversight. The twice-annual stakeholder forums have been of great use to the Board, affording us a chance to discuss sensitive security information, plans, and future activities. We are grateful to the leadership of your committees and other participants for the discussion, feedback, questions, and suggestions we have received in those forums. We find the interaction extremely useful.

We have also begun publicly releasing reports from USCP's Inspector General. I acknowledge that the security review and release of these reports in concert with the Inspector General has taken longer than anticipated. Over the past year, the Board and its staff worked collaboratively with the Inspector General to develop a process for security review of those reports that he and his office identified for potential release. When Inspector General Russo started in January, we asked him to review the policies his predecessor had identified, the reports in queue for release, and the Board's proposed process.

Once complete, the Board worked with USCP and the Inspector General to carefully review the first set of reports identified for potential release. Our goal is not to protect USCP from

embarrassment, or to excise information that is critical to understanding the Inspector General's reports. Rather, we seek to safeguard that security information whose public release might jeopardize the safety or security of the Congressional community, including Members of Congress, staff, and the public, by providing harmful actors with sensitive information on security vulnerabilities, police tactics, technique and procedures, sensitive support relationships, or other security-related knowledge.

As our staffs and the Board review the reports, we discuss how we might best tailor redactions to ensure that the reports' conclusions and recommendations are clear, without jeopardizing sensitive security information. This review process takes significant time. The Board knows well that once information becomes public, there is no recalling it. We are committed to transparency, but never at the peril of our mission to protect the campus and people who work or visit here.

To date, the Board has formally released four Inspector General reports. In addition, two other reports are far along in the review process, and I look forward to their release soon. More are coming. Members of the public may review these reports on the USCP website at https://www.uscp.gov/oig-reports.

There will always be a tension between security and transparency, but the Board acknowledges its responsibility to ensure an appropriate balance between protection and public scrutiny.

Oversight of the United States Capitol Police

The Board has greatly improved its oversight and the way in which it executes oversight of the United States Capitol Police, while still ensuring that the Chief can lead the department. We do not seek to micromanage, but instead look to provide strategic guidance, direction, and support to ensure the success of Chief Manger's vision and the USCP overall.

To that end, we have increased the reporting requirements of the Chief and the police department, both at formal Board meetings and beyond. Previously, USCP might provide verbal briefings on upcoming events or topics, and few questions were asked. The Chief and his staff now routinely brief the Board on strategic plans, upcoming operations, significant initiatives,

challenges, issues, and successes. We discuss numerous issues, ask questions, provide suggestions, and work with him to tailor changes and updates to help him be successful.

Where we, the IG, or others identify issues, we ask the Chief to provide information. We pride ourselves on being an 'all voices' Board, in which all three members are empowered to provide their opinions, and the Chief is able to provide his.

USCP Hiring and Staffing

Oversight is about more than fixing mistakes. During my time on the Board, I have been privileged to work with the Chief and the Congress to make changes to the United States Capitol Police that advance the security of the Congress and provide necessary improvements for the dedicated police officers and civilian staff who protect us every day.

The Board has worked closely with the Capitol Police and Congress to improve USCP's ability to attract, hire, and retain professional law enforcement officers to protect the Capitol complex and its occupants. At its lowest point after January 6th, USCP had slightly more than 1,800 officers. As of July 24, 2023, that number stands at 2, 011 sworn officers and recruits. In calendar year 2023, USCP has already graduated 9 Recruit Officer Classes, with a total of 169 graduates. An additional 5 classes are in progress, with 91 potential graduates. I look forward to welcoming those new officers in the months to come.

The Board has assisted USCP by setting pay and retention policies aimed to attract both new and experienced law enforcement officers, established a lateral transfer program for experienced officers, and created a retired annuitant program for lighter work posts. The Board also authorized the use of Capitol Security Officers to augment USCP at select posts.

While these efforts have been successful, we still have more work to do. We are close to our pre-January 6th staffing numbers; however, the mission demand in certain areas of USCP has increased considerably. The Board will continue to work closely with the Chief and our stakeholders to ensure the United States Capitol Police is able to meet its expanding mission at the same time as it is able to provide its officers with the support and work-life balance they deserve.

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USCP Reorganization

The Capitol Police Board has worked with Chief Manger to support his vision for the future of the United States Capitol Police. His reorganization plan focuses on expanding the department's intelligence, threat assessment, operational planning, and dignitary protection capabilities, while it continues to increase its staffing level. These changes will help USCP meet many of the remaining recommendations from the Inspector General's flash reports and address ongoing operational challenges. We fully support the Chief's work to transform the Capitol Police to ensure current and future missions address feedback from USCP officers and our Congressional stakeholders.

I am grateful to both committees for your support, feedback, and thoughtful leadership in evaluating the reorganization, and I look forward to seeing the successes of Chief Manger's vision.

Improvements to Senate Security and Services to Senators

I would also like to provide the Committee on Rules and Administration with an update on Sergeant at Arms initiatives to better protect Senators and staff.

With the support of this committee, the Committee on Appropriations, and the Senate writ large, we have made significant enhancements to our ability to provide security support services here at the Capitol, at state offices, in residences, while in transit, and at special events. I am thankful for your support, feedback, and encouragement.

Member Security

The increasing number of threats to Members of Congress is of great concern. My office has made hundreds of referrals of concerning items to USCP over the past two years. With the support of the Senate, we have made changes and improvements to the services we offer to protect Members from the increasing threat landscape.

My Security Planning & Police Coordination team and Member Outreach and Security Coordination team provide complementary service for Members and D.C. offices. Security Planning & Police Coordination manages the new residential security program, coordinates

security requests and briefings for D.C. offices and committees, and assists with vehicle and special access requests to the Capitol complex. Member Outreach and Security Coordination provides law enforcement coordination support for events throughout the country, as well as travel support for Members.

Residential Security

The newly implemented Senate Residential Security Program assists with the costs and coordination of certain security improvements. We have long worked with USCP to provide security assessments for Senators. This new program allows us to fund implementation of recommended protective measures. Since inception of the program this spring, we have had significant interest from Senators. I am heartened to see so many Senators engaging with my team on measures they might adopt to better protect themselves and their families at home, and I encourage others to reach out to the office of Security Planning & Police Coordination for additional information if they have not already done so.

Member Outreach and Security Coordination

The Member Outreach and Security Coordination team has significantly increased its support to Senators. Each week, we work with USCP and other partner law enforcement agencies to provide coordination, support, and services to Senators for events in D.C. or at home, and to coordinate security support for Senators in transit. In the last year alone, this team managed nearly 3,500 support requests, many of which were required on a short-notice basis. We have developed a new process flow for these requests, including a security portal and streamlined online request forms, eliminating the need for cumbersome emails or written correspondence.

Communication

Routine and Emergency Communication with Stakeholders

One of the most consistent pieces of feedback I initially received was that the Sergeant at Arms office did not communicate well with the Senate community. This may not seem significant, but

poor communication in an emergency can have devastating consequences. We immediately revamped the way we communicate with the Senate community.

We consolidated what were previously scattershot administrative updates throughout the week into a weekly bulletin sent to Senate offices, committees, and support entities to provide a single reference document that covers door hours, permitted demonstrations for the upcoming week, training events, announcements on new services, software updates, and various support offerings.

We release *The Chamber,* a new publication for the Senate community, on a quarterly basis. *The Chamber* highlights Senate traditions, new SAA innovations, and information on SAA issues and services in a format that allows for greater depth and exploration of important topics. This summer's *Chamber* focused on innovations in our Printing, Graphics, and Direct Mail department, detailed information on ADA accessibility services, cybersecurity, security and accountability, state office services, training, the Employee Assistance Program, and announcements from across the Senate and region. I hope *The Chamber* will remain a valuable resource, providing useful, in-depth information on the many services the SAA offers Senators and staff.

We have also improved our emergency communication. In partnership with the Secretary of the Senate, we created a Senate Operations Center (SOC), which monitors events across the campus throughout the day and serves as the primary source for promulgating Senate-specific information during emergencies or security incidents. By consolidating Senate emergency and security information into the SOC, we streamlined and centralized emergency messaging to the Senate community, and are able to provide accurate and timely information to facilitate decisions. We continue to update our procedures and communication techniques, and I look forward to the committees' feedback on how we can further improve this critical service.

Accountability During Emergencies

We have made major strides in a critical, but often overlooked, part of responding to emergencies: the rapid accountability of personnel. By providing a proper accountability of Senate personnel, their location, and their status, we assist the United States Capitol Police in ensuring limited first responder capabilities are directed to the places they are most needed.

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In the past, our accountability system required one person from each office to account for the whereabouts and safety of everyone assigned to that office. The mobile website, while advanced for its time, could be challenging to use and required manual intervention. Offices would often email the SAA team with accountability updates, greatly limiting our ability to process and understand the data in real time. Additionally, this method did not provide accurate information on a staffer's current work status or location.

After two years of work, the SAA team fielded a modernized accountability tool this year, which allows individuals to rapidly report their individual status during an emergency. Each office can see the status of its employees within a mobile app, noting whether they have reported themselves safe, off the Hill, or have not yet responded. Office Emergency Coordinators can then focus solely on locating those individuals who have not responded or responding to those who have indicated a need for help. We can also collate data from across the Senate in real time and provide information directly to USCP if staff are identified as missing or needing assistance.

So far, we have only used the tool during drills or limited evacuations of an offsite building, but the response has been extremely positive. During a recent evacuation drill, more than 70% of Senate community responded, giving us an immediate snapshot of who was on campus and where they were located.

We have also rolled out our new Emergency Preparedness application, which allows staff to rapidly access and follow their office's specific emergency action plan. The app shows evacuation routes, internal relocation areas, and the designated shelter-in-place location for each individual office. Between the accountability tool and this new application, staff will have ready access to emergency information at their fingertips, without having to rely on recall in a crisis. A well-trained and informed workforce that knows how to respond in an emergency lessens the load on the USCP by decreasing confusion and allowing them to focus resources where they are most urgently needed.

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Security and Support for State Offices

My security responsibilities extend beyond the Capitol complex to more than 450 state offices across the country, where we support installation, maintenance, and monitoring of physical security measures; provide emergency supplies; conduct security preparedness planning and training; and facilitate rental payments and renovations. I have placed significant focus on improving support to Senate state offices to ensure the security and safety of staff and visitors.

For many constituents, visiting a state or district office may be their principal interaction with a Member of Congress. The rise in threats, and even actual attacks, at these offices has been a clear signal that we must enhance security support to state offices, not just at the Capitol.

A significant driver of our success has been re-engaging with state offices on the ground in their workspaces. In the past 12 months, my state office team has travelled to 68 offices, providing training, security assessments, inspections of vendor performance, and assistance with facility issues. In that time, more than 99% of state offices have adopted some level of SAA-recommended security measures, and I am heartened to see the significant engagement of staff in implementing measures to provide for their protection. In addition, we have executed nearly 50 contracts to improve security in state offices, and have conducted critical in-person training while visiting these offices.

Availability and Acquisition of Federal Space

Where possible, we highly encourage occupancy in federal office space rather than less secure commercial options. I am pleased to report that our federal footprint is increasing, though it still remains low. I recognize that availability of suitable office space is limited in some markets.

We are pushing the General Services Administration (GSA) to identify creative solutions in key markets with low federal office space vacancy rates, especially in light of a recent GAO study that indicates many federal agencies operate at a low level of capacity.[2] We believe this trend extends to many federal buildings across the United States, where buildings that are fully rented may not

[2] U.S. Government Accountability Office, *Federal Real Property: Preliminary Results Show Federal Buildings Remain Underutilized Due to Longstanding Challenges and Increased Telework*, GAO-23-106200 (Washington, DC, 2023), accessed July 23, 2023, https://www.gao.gov/products/gao-23-106200.

be fully occupied. We are challenging GSA to identify ways to carve out small amounts of underutilized, suitable space in these federal buildings to meet office needs.

Security Services for State Offices

In response to increasing threats to Members of Congress and attacks at state and district offices, the SAA has worked with vendors, landlords, and federal partners to provide additional security services to state offices. We have deepened our relationship with the Federal Protective Service (FPS) to provide state offices with a number of services from FPS and their vendors.

I am grateful to the Senate Committee on Appropriations for including a provision in the FY24 bill that allows Senators to exempt the costs and square footage associated with security from the statutory limits on state offices. This important change will ensure that Senators and their staffs will no longer be forced to choose between their safety and security and the operating space needed to serve constituents.

State offices continue to encounter issues with the availability of funds for GSA and FPS to complete construction and resolve security deficiencies in federal buildings. We are working on recommendations to resolve existing issues that limit the availability and use of federal buildings for state offices.

We created a State Office Demo room that models security equipment and design best practices. This has been the most effective outreach tool in the history of the state office program. To date, staff from nearly every Senate office have received customized tours, most resulting in requests for additional security features.

Training

The most effective security countermeasure is a well-trained and engaged staff. Proper training is one of the most critical aspects of preparedness and security, and an area that can be easily overlooked at state offices. In the past calendar year, we trained over 500 staff from more than 70 offices.

We now provide training for state offices and state staff on security topics ranging from office emergency planning, dedicated security briefings provided by the Capitol Police and other federal agencies, STOP THE BLEED®, and more. We also offer courses from the Senate Office of Training &

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Development, the Employee Assistance Program, and the Senate Post Office specifically for state staff in areas from security to providing services to constituents. We partner with the Office of Congressional Accessibility Services and the Congressional Research Service to ensure that state staff have access to training opportunities similar to those provided in D.C.

STOP THE BLEED and AED/CPR training

We have seen significant interest in STOP THE BLEED training, which teaches staff how to provide medical assistance during an emergency until first responders can arrive. This is especially important in state offices, where trained USCP officers are not present. We have delivered approximately 180 STOP THE BLEED kits to state offices, and have trained more than 130 staff since 2022.

Building on the success of the state office program, we have begun offering this training in Washington, D.C. Given the great interest in this program, we are now certifying SAA employees as instructors. Having SAA trainers, rather than relying on outside contractors, will allow us to offer the course in a more routine fashion and provide on-demand training. So far, we have provided STOP THE BLEED kits to 23 D.C. offices.

In addition, we are finalizing details of a program to provide automated external defibrillator (AED) kits for state offices and dedicated training on CPR and the use of AEDs. We will begin a limited pilot in 10 offices.

Senate Cybersecurity

Finally, I wish to discuss one area of security that can often be overlooked, but is no less critical: cybersecurity. Our network, data, and services must remain secure to allow the Senate to conduct its legislative business. Just as threats against Members have increased, threat intelligence demonstrates renewed adversary interest in attacking U.S. Government networks to deny access to data and compromise our ability to function.

The SAA team defends Senate networks and infrastructure all day, every day, against a broad and persistent array of advanced cyber threats. We have successfully mitigated critical events, such as distributed denial of service attacks and ransomware attempts, to ensure the continuity and security of Senate communications.

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Improving our Cyber Threat Intelligence Partnerships

I am focused on furthering collaboration with Executive Branch partners in the Intelligence Community to improve timely and actionable access to pertinent cyber threat information. While communication of threats has improved over the last two years, our ability to receive timely threat information is often tied to personal relationships with staff at individual agencies. Too often, we rely on an Executive Branch partner to remember to push relevant threat reporting to our network defenders.

I appreciate the inclusion of a provision on cybersecurity intelligence sharing in last year's NDAA that requires the Executive Branch to work more closely with us. While we have made strides with some partners, I am disappointed that we have not seen the level of engagement called for in the legislation and hope that the required appointment and interaction will be forthcoming. In the meantime, I advocate for the cybersecurity needs of the Senate and Congress with Executive Branch partners at every opportunity.

Enhancing the Technical Resilience of the Senate

My Chief Information Officer (CIO) team oversees the engineering, implementation, and operations of the Senate's information technology continuity and disaster recovery programs, as well as emergency and secure communications. This includes the Senate's communications infrastructure, disaster recovery capabilities, and support for National Security Special Events.

We continue our work to enhance the Senate's data center posturing, security, and strategic communications capabilities to ensure redundant and secure means of communication. The CIO is also focused on critical emergency communication efforts designed to better protect the Senate's staff and resources, including the Joint Audible Warning System and Joint Emergency Mass Notification System, both joint projects under the auspices of the Capitol Police Board.

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Conclusion

Thank you again for the opportunity to appear before you to discuss the work of the Capitol Police Board, United States Capitol Police, Architect of the Capitol, House Sergeant at Arms, and Senate Sergeant at Arms in ensuring the security of the Congress, the Capitol, and our millions of visitors.

I am proud of the progress the Capitol Police Board and the United States Capitol Police have made over the last two years. There is more work to do, certainly, and we must always keep moving forward. The motto of the Senate Sergeant at Arms office is "Honoring Tradition… Embracing Innovation" and that also applies to the Board and USCP. I take heart in our successes, acknowledge the need for continuous improvement and impeccable customer service, and constantly seek to enhance the security of the Capitol and the safety of Members, staff, and visitors.

It has been 28 months since I was sworn in as the 42nd Sergeant at Arms and Doorkeeper of the Senate, and became a member of the Capitol Police Board. Each day, I am humbled by the mission I have been entrusted with, and the dedicated public servants who help me execute that mission. I thank the brave men and women of the Capitol Police, whose job it is to keep us all safe, and the hard-working employees of the Senate Sergeant at Arms, the Architect of the Capitol, and the House Sergeant at Arms.

Thank you for your continued trust and support, and for the honor of continuing to serve my great country.

Statement of William P. McFarland
Acting Sergeant at Arms of the House of Representatives

Chairman Steil, Ranking Member Morelle, Senator Klobuchar, Senator Fischer, and distinguished Members of the Committees on House Administration and Senate Rules and Administration.

Thank you for the opportunity to testify today at the first joint oversight hearing on the Capitol Police Board. My testimony focuses on my objectives for the Capitol Police Board: Oversight and Accountability, Innovation and Transparency. Not coincidently, these values align with the objectives and strategic plan I have established for my own team at the House Sergeant at Arms. I believe that when the Capitol Police Board embodies these values, it functions at its best.

Since starting as the House Sergeant at Arms in January, my first goal has been to increase oversight and accountability on the Capitol Police Board and working with my counterparts to reform the way we operate. At its core, the Capitol Police Board serves as an oversight body to the U.S. Capitol Police (USCP). The Board focuses on strategic decisions and makes sure the USCP identifies and takes appropriate operational measures to implement those decisions. Accordingly, the Chief serves as the operational head of the USCP force. In accordance with this approach, the board is currently working on the Chief's yearly review and establishing the goals for the upcoming year. In my role on the Board, I will hold him accountable for fulfilling those goals and will support his team however I can.

The Board has also reformed the way it works with the USCP Inspector General (IG) to increase oversight and accountability of the department. We have closely partnered with the USCP IG to close IG recommendations with a particular emphasis on those that were included in the flash reports after January 6th. As a part of this effort, I'm proud that the House Sergeant at Arms chairs the Capitol Police Board IG Working Group, and I am happy to report that 28 recommendations have been closed this year. While I am excited to tout our success, it is not lost on me that we have more recommendations to

tackle. In the spirit of transparency and as part of my office's leadership in the Capitol Police Board IG Working Group, the Capitol Police Board has approved the public release (with appropriate redactions) of IG reports concerning the Capitol Police. We are actively working through additional reports and are excited to share more information about the department and its activities. It is always hard to strike the balance between publicly releasing information and maintaining security, but, consistent with the instructions received from the Legislative Branch Appropriations subcommittee "to make reports publicly available whenever practicable and to begin publishing reports on its website", four IG reports have been released over the past few months, and a number of others are pending. The public release of four reports this year is a new approach for the Board but one I am happy to be a part of. As we iron out the processes associated with public release, I am confident we can increase the speed in which reports are released.

Continuing on the theme of reforming the way the Board operates, I am also pleased to report that the GAO recommendation concerning the Board adopting corporate best practices about accountability, transparency and communication was closed earlier this year. There is still work to be done to improve the way we operate as an oversight board. One area of focus going forward is the timely closure of GAO recommendations that were issued after their January 6 review. I have met with the GAO Comptroller earlier this year to better understand their views and I am holding myself and my partners on the Board accountable for timely completion of these recommendations.

Additionally, I believe significant improvement is needed in the timely completion of security projects around the campus. While the inception of many of these projects pre-date my time on the Board, it is an accountability focus of mine to ensure that the Capitol, our beacon of democracy and Capitol of the free world, receives much needed enhancements for which Congress has provided generous support. I am invested in identifying ways in which we can reform our approach to physical security projects so that we can remain agile and ahead of

threats to our institution. I look forward to working closely with my counterparts on the Board and the Committees of jurisdiction on my side as we continue to reform the way we operate.

During my tenure on the Board, I have also focused on fostering a spirit of innovation within the Capitol Police and Capitol Police Board. One important accomplishment on this front is the recent reorganization proposal of the United States Capitol Police. I understand and value the input that the Committees have in this process and appreciate your support in moving this forward, and I believe the reorganization will result in a stronger and more agile organization.

Prospectively, I believe a significant innovation reform will be the use of manpower. The Capitol Police have a significant number of officers spread across a wide range of missions. I think there are significant improvements that can be made to ensure that officers are used for their best and highest use and I look forward to challenging the Chief and the department to evaluate this area. For example, further training and creativity on the scheduling of officers will allow manpower to be better used and ensure officers have much needed rest. Another area of focus, which works in tandem with scheduling, is filling the civilian vacancies within the department to reach the allocated civilian staffing levels. Doing so, can help free up sworn personnel to perform duties that only sworn officers can perform. This in turn can allow officers to take much needed time off and allow greater access to take vital training. I would also like to see the department move forward with promotions to fill many of the acting positions officials are serving today while instilling an accountable leadership culture.

I also firmly believe that the Capitol Police Board and Capitol Police must continue to focus on operating transparently with our stakeholders. The Capitol Police Board and Capitol Police must be transparent with stakeholders about the processes and inputs that go into its decision-making. We must feel comfortable, in the appropriate forum, explaining why we made the decisions we did. The Capitol Police Board will not always agree. We are different people with different approaches and we support two sides of the Hill that do not always

agree with one another and I am comfortable acknowledging that. Constructive dialog around opposing views can lead to new discoveries and improve the way we operate. Nevertheless, part of building confidence, relationships, and rapport is having discussions that we may not want to have, but need to have in order to ensure we are addressing the challenging balance between security and open access for the public.

In closing, my tenure as the Sergeant at Arms and my actions on the Capitol Police Board have focused on three goals: oversight and accountability, innovation, and transparency. These goals have guided my past actions and will continue to help guide my service on the Board in the future and in continuing to reform the way we operate. Thank you again for the opportunity to testify today.

Statement of Chere Rexroat, Acting Architect & Chief Engineer
Oversight of the U.S. Capitol Police Board
Senate Committee on Rules & Administration
Committee on House Administration
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Chairwoman Klobuchar, Ranking Member Fischer, Chairman Steil, and Ranking Member Morelle,

Thank you for the opportunity to discuss the work of the Capitol Police Board (Board) in safeguarding the Capitol campus. The Architect of the Capitol (AOC) remains dedicated to our partnership with the Senate and House Sergeants at Arms and the U.S. Capitol Police (USCP) to ensure the AOC meets our mission's requirements and Congress' expectations.

The Capitol campus is the workplace for over 30,000 individuals. The AOC is responsible for the care and maintenance of the facilities encompassing over 18.4 million square feet and 570 acres of grounds. I am grateful for our hard-working, mission-focused employees who provide vital support — seen and unseen — serving Congress, the Supreme Court and the Library of Congress.

The AOC plans, designs and implements physical security measures in close coordination with the Board. We provide input on the impacts of security decisions on the physical infrastructure and operations to balance the priorities of our work based on safety and security. Over the past two and a half years, the AOC worked with the USCP and Board members to repair or replace damaged elements, enhance facility components, and install critical support infrastructure.

With the support of Congress, and in partnership with the Board, the AOC has undertaken numerous projects that significantly enhance physical security throughout the campus. A vital aspect of implementation is the consistent application of security standards and continuous collaboration, thus helping the AOC to respond swiftly to emerging security requirements.

Emergency Preparedness

The AOC stresses emergency preparedness through training, processes and protocol standardization to ensure workforce safety. As the number of visitors to the Capitol campus continues to grow, offices return to pre-pandemic levels, and special events requiring distinct security considerations remain, our training and tools to support emergency preparedness have also increased. In Fiscal Year 2021, the AOC developed a comprehensive Emergency Management (EM) program centrally supporting all AOC jurisdictions and our partners in the legislative branch to improve staff preparedness. We augmented the number of assigned Office Emergency Coordinators (OECs) embedded in every layer of our organization. Currently, 170 OECs provide emergency planning and communication for the AOC.

We also updated the OEC Manual, provided online training, and increased the number of training and education opportunities for staff. In partnership with the USCP, the AOC hosted two "Office Hours," providing employees with essential safety and security information. The USCP similarly partnered with the AOC to provide in-person training sessions for Capitol Visitor Center (CVC) staff to address their concerns about returning to pre-COVID operations. We coordinated with the

Emergency Management Task Force (EMTF) to ensure the CVC staff could participate in training exercises. We provided long-range event calendars, which allowed them to adjust tour schedules for maximum participation.

Physical Security & Deferred Maintenance

The AOC prioritizes life and safety deferred maintenance projects such as replacing fire alarm systems and repairing and replacing infrastructure components. The deteriorating condition of foundational elements necessitates immediate attention to rectify the potential risks. Therefore, project deferred maintenance prioritization entails planning against potential infrastructure failures, natural disasters, emergencies, health crises, and other challenges in a unique environment as the Capitol campus.

Internal Measures

Maintaining a healthy cybersecurity posture is required to meet the agency's mission and protect sensitive information. The AOC focuses on a comprehensive strategy strengthened by continuous monitoring to proactively detect potential risks and fortify our defenses against diverse threats. We have undertaken initiatives to reinforce our cybersecurity measures ensuring our operations' resilience and reliability to preserve a secure industrial control system facilitating real-time reporting. Our business network is fortified through a comprehensive set of security appliances, protocols, policies and industry best practices. These measures work in tandem with the physical security safeguards implemented by the USCP. The multi-layered and comprehensive approach collectively supports protecting the AOC's critical systems from potential threats and vulnerabilities.

The AOC also made great strides to improve the internal air quality following lessons learned from the pandemic operations. We aim to ensure safe and comfortable indoor ventilation for building occupants. This initiative aligns with the post-pandemic guidance set forth by the Centers for Disease Control and Prevention and the American Society of Heating, Refrigeration, and Air Conditioning Engineers. These guidelines emphasize the significance of adequately functioning ventilation systems that provide satisfactory indoor air quality tailored to the occupancy levels of each respective space. The AOC is committed to implementing and maintaining this program for the well-being of facility occupants.

Conclusion

The AOC is committed to fulfilling its role in safeguarding the physical security of the Capitol campus for visitors, staff and the entire congressional community. We acknowledge security measures and requirements are constantly evolving, and through coordination and communication, progress is achieved through our concerted efforts with the Board.

We remain dedicated to working closely with you, your staff, and the Appropriations Committees, and thank you for the assistance in facilitating our day-to-day operations, sustaining our resiliency efforts, and fostering strengthened collaboration essential to support the AOC's mission.

Formal Statement of J. Thomas Manger
Chief, United States Capitol Police
For the Joint Hearing of the
Senate Committee on Rules and Administration
and the
Committee on House Administration

July 26, 2023

Chairwoman Klobuchar, Chairman Steil, Ranking Member Fischer, Ranking Member Morelle and Members of the Committees, thank you for the opportunity to provide both Committees with an overview of the comprehensive security improvements we have implemented, our collaboration with the Capitol Police Board (Board) to implement those changes and increase transparency, as well as a roadmap of the work that still lies ahead. The Department greatly appreciates the Committees' continued support of the women and men of the U.S. Capitol Police, who courageously carry out their duties of protecting the Members of Congress, staff, visitors, the Capitol Complex, and the legislative process each and every day. Congress' support has been invaluable as we continue to meet the dramatic workload increases in an increasingly volatile threat environment. The Department also appreciates the guidance and support provided by the Board in assisting the Department's resolution of the various post-January 6 recommendations as the Department transitions to a more protective model of policing.

The United States Capitol Police is unique among federal law enforcement agencies. We patrol a campus that is completely open. The public has a constitutional right to visit, protest, and petition their government on Capitol Grounds. Our officers work 24/7 to keep you safe, whether here on Capitol Hill, or when you travel to your home states and districts. We staff the doors, corridors, plazas, garages, and street corners—in sum, every square foot of the Capitol Grounds. Prior to the pandemic, the Capitol was visited every year by an estimated seven to ten million people from around the world. Now that the campus is reopened, the Department is once again managing this increased level of visitor activity—all within the context of evolving and increasing threats against Members of Congress and their families, and the need to provide protection nation-wide.

In the last three years, the Department confronted two transformative events: the coronavirus pandemic and January 6. These events directly impacted the Capitol community, particularly the men and women of the U.S. Capitol Police, who responded to each crisis with courage and resilience, adjusting and pivoting when needed, and within extremely compressed timelines.

The pandemic represented a historic and unprecedented event that required the USCP to quickly recalibrate and move to an entirely new operational and administrative model. While House and Senate office buildings were closed to the public, the work of the Congress had to proceed unimpeded. Under these circumstances, the men and woman of the USCP performed critical job functions. The Department had to manage delayed recruitment efforts due to the closure of the Federal Law Enforcement Training Center (FLETC), a move that affected the

hiring and deployment of new sworn officers--essentially bringing our sworn hiring to a halt. Low officer morale, and the public's declining confidence in law enforcement, put a further strain on the organization. Hiring within law enforcement remains challenging in the post-pandemic environment, not just for the Department but nation-wide, as men and women consider occupations that are less stressful, certainly less dangerous and provide a better work-life balance.

Since March 1, 2020, approximately 462 officers have left the Department, of which 390 left after January 6, 2021. After FLETC reopened, the Department committed to onboarding approximately 288 officers a year to get ahead of attrition, closing the delta between the Department's sworn FTE cap and the actual number of sworn officers. The Department determined this was necessary to address the USCP's expanding mission requirements and to address the attrition.

To date, the Department, with the support of Congress, has been successful in getting ahead of attrition, bringing on 549 officers since March of 2020. The current number of sworn employees on the Department is 2,011 officers, which includes recruits at USCP Academy and FLETC. While still below the Department's authorized level of 2126 sworn officers, it has allowed us to reopen the campus and provide critical training for our officers, such as Civil Disturbance, virtual scenario training, and active shooter training within Congressional buildings.

In consultation with the Board, through Board Orders and the approval of the Department's budget submission, and the support of Congress, the Department has implemented a number of strategies to retain officers and civilian employees, such as bolstering salaries to be more competitive with competing agencies, offering retention bonuses, the student loan repayment program, and specialty pay to attract and retain officers. I would like to thank the Board and Congress for its assistance and support.

January 6 exposed weaknesses within the organization. The more than a dozen after-action reviews and resulting recommendations shifted the Department's priorities and accelerated the timeline for resolving the findings of those recommendations, thus beginning the Department's transformation. These audit and oversight reviews were pivotal. The Department dedicated a significant amount of time and resources to the implementation of recommendations issued by the various stakeholders and oversight entities, including the USCP Office of the Inspector General (OIG), the Senate Homeland Security Committee, the Government Accountability Office, and other third party reviewers. The OIG alone issued 103 recommendations in the post-January 6 flash reports.

In order to assist the Department in addressing the various recommendations, the Board revitalized the Inspector General Working Group. The working group, comprised of representatives from the Department and the Board, is working productively to develop strategies for closure of open recommendations, collaboratively identifying and overcoming obstacles that arise along the way. The USCP Inspector General is an important member of the working group. The Inspector General provides updates on the Department's progress, highlighting issues or target areas that are of particular importance. This involvement by the

Inspector General has been invaluable in the Department's efforts to address and complete all OIG recommendations.

As part of a move towards increasing transparency while safeguarding sensitive security information, the IG working group has developed a process to review and redact, if necessary, OIG reports slated for publication. This review is designed to provide the public with important information regarding the work of the USCP, with the recognition that security or sensitive information that may affect the safety and security of Members of Congress and the Capitol complex is not widely disseminated. USCP subject matter experts conduct a thorough review of these reports, which are then submitted to the working group and the Board for further review and approval before posting on the OIG's website.

Thanks to the Department's sustained efforts, the support of the Capitol Police Board, and the Congress, the vast majority of recommendations issued have been addressed, and those that remain are on a glide path to completion. Of the 103 recommendations made by the OIG, 89 recommendations have been closed, leaving only 14 open.

The Department's improvements extend beyond those mentioned above. Other significant enhancements include increasing staffing levels for the Intelligence and Interagency Coordination Division. This has enabled the USCP to stand up an Intelligence Bureau capable of collecting, analyzing, sharing, operationalizing, and disseminating intelligence; the implementation of additional wellness programs and services, including the onboarding of trauma-informed employee assistance counselors and wellness specialists; procuring and distributing additional civil disturbance equipment to our sworn officers and insuring these officers have received updated CDU training; obtaining funding for our Dignitary Protection Division to travel and protect Members of Congress here and around the country; updating Department technology to enhance investigative capabilities; installing physical barriers at vulnerable vehicular access points on Capitol Grounds; re-engineered training capabilities to meet recruit officer, in-service, physical skills, professional and leadership develop needs and requirements; and we have adopted industry best practices with the use of virtual scenario training, to include active shooter training in the very building we need to protect. I would particularly like to thank the Committees and the Board for their support of our active shooter training. The Department is also participating in the Active Bystandership for Law Enforcement program. Modeled on a train-the-trainer approach, the program's aim is to create a culture of peer intervention and de-escalation. The Department's training efforts in this area are well underway and we expect to train the entire workforce on the ABLE program within the next 12 months.

Unlike other law enforcement agencies, we have been asked in the last two years to develop and implement transformational structural and strategic changes within extremely accelerated time lines, while simultaneously maintaining the staffing and resources needed to carry out the Department's daily core mission. And the effort and manpower resource allocation that undergirds these efforts are often not sufficiently recognized or understood. The opening of doors throughout the Congressional Campus exemplifies this challenge. Adequately staffing a campus door requires 3 to 4 officers per shift to ensure a proper level of security (3 shifts per day, often 5-6 days per week.) Long lines are not only an inconvenience to Members, staff, and

visitors, they represent a security risk that, in these increasingly volatile times, the Department must address. While the "big picture" reforms are significant and important, staffing daily mission requirements are vital. We engage in a "no fail" mission every day. Working in close collaboration with the Board, the Department implemented a plan to reopen the campus that balanced the public's need for open access with the security of the Members, staff and visitors, and the legislative process.

While all the Department's needs are important, I cannot overstate how great our resource needs are for the Protective Services Bureau. The sheer increase in the number of threats against Members of Congress—approximately 300% over the past 7 years—requires new and innovative techniques to identify, deter, and mitigate threats before they materialize. Over the course of the last year, the world has continuously changed, becoming more violent and uncertain. A Member of Congress was brutally assaulted, another Member was attacked on the campaign trail, the husband of the former House Speaker was critically wounded in a politically-motivated attack, and a Member's district staff was attacked by a baseball bat wielding intruder. These events demonstrate how the Capitol Police need to transform to a more protective agency, one that concentrates on protecting Members, their families and staff throughout the country, not merely in Washington, D.C. Upcoming elections, the campaign activities that precede them, and the increasingly heated political rhetoric further heighten the prospect of future security risks and challenges that the Department needs to be prepared to meet.

One of the Department's greatest challenges is the retention of our Dignitary Protection Division (DPD) and Investigations Division Agents. Prior to January 6, 2021, DPD was staffed with 218 agents and 15 Supervisory Special Agents. Currently, DPD has 174 fully trained agents, 38 USB reserve officers, and 12 Supervisory Special Agents.

Due to the increased threat environment, our protective responsibilities have increased, requiring additional protection details, increased coverage of CODELs and field hearings, as well as other enhancements to our current protective details. This staffing level is unsustainable for DPD. Agents are averaging nearly 50 hours of overtime a pay-period, more than double the average of uniformed officers. We are on pace again this year to receive approximately 8,000 to 9,000 threat assessment cases. Threat Assessment agents are similarly stretched to capacity. They carry an average annual case load of nearly 500 cases. Notwithstanding these crushing caseloads, our DPD and Threat Assessment agents work tirelessly and the utmost professionalism and dedication. However, this pace cannot be maintained and we must have the ability to continue our hiring efforts in this critical area.

The Department, with the Board's assistance, are working to remedy this situation. Many of the strategies to address these challenges were included in our FY23 and FY24 budget requests. These strategies include additional positions, 1811 law enforcement status and LEAP pay, both of which would positively impact our recruitment efforts and slow attrition in our Protection Services Bureau. To address our staffing issues in the short term, we have supplemented DPD with reserve officers, and when possible, we work with other law enforcement agencies in a Member's district for protective detail support through the Memorandum of Understanding process. We are on track to recruit rehired annuitants to fill Protective officer positions, such as DPD drivers, residential officers, and our Threats duty desk,

to ease the burden on our agents. The Capitol Police Board recently amended the pay regulations, which will facilitate hiring for positions within DPD and Investigations division thru lateral hires and rehired annuitants. This would also not have been possible without the Committees' approval of those regulations, and for that, I thank you for your continued support.

The Department and the Board are also taking steps for increased transparency and accountability. The Department is in the final stages of implementing a FOIA-like process that will enable the public to request information from the Department. In addition, the Department is now posting arrest information on its website in a searchable format. As an ex-officio Member of the Board, my participation in stakeholder forums allow our stakeholders to be briefed by the Department and Board, with the opportunities that afford for robust dialogue and discussion. I am also available to discuss any issue with you at any time.

Working in close collaboration with the Department, the Board is also working to close all of the outstanding GAO recommendations that addressed accountability and transparency. The Board updated the Board manual of procedures to address the concerns raised by GAO and is in the process of updating the manual further to address concerns.

The Department has accomplished a great deal and reached many milestones, but much hard work lies ahead as we progress to the next phase of our shift to a more protective model of policing. Our continued collaboration with the Board, and of course the Committees, is central to furthering this objective. Thank you again for this opportunity and I look forward to answering your questions.



Assessing the US Capitol Police's Failure to Comply with Congressional Calls for Accountability

Written by Taylor J. Swift, senior policy advisor

DEMAND PROGRESS
EDUCATION FUND



Executive Summary

The United States Capitol Police (USCP) serves an essential mission: safeguarding the United States Capitol complex and protecting members of Congress, staff, press, and visitors. The Capitol Police has nearly 2,450 employees and its budget in FY 2023 was $734.6 million. The agency is immediately overseen by a small Board, and the Capitol Police and its Board in turn are overseen by the House Administration and Senate Rules Committees.

The January 6, 2021 attack on the Capitol focused a spotlight on failures in the agency's leadership, security planning, training, and response, leading to calls for comprehensive reviews of its operations and accountability for its failures. The roots of these problems lie deep in an insular culture that routinely ignored warnings of deficient practices and resisted remedial efforts.

At the heart of effective agencies are feedback loops that surface problems and focus attention on reform processes. The Capitol Police, however, has worked diligently to undermine and avoid accountability to Congress, the press, and the public. In addition, the weak position of the agency's Inspector General means internal checks-and-balances are insufficient to the task.

This report examines congressional directives to the Capitol Police to reform its practices issued between FY 2019-2023 and reform recommendations issued by the Government Accountability Office (GAO) during that same period of time. It evaluates whether the Capitol Police has complied and whether it did so in a timely fashion. You can find a list of all publicly-available congressional directives and GAO recommendations in the appendix.

When it comes to evaluating reform at the USCP, the direction from Congress and reform recommendations issued by the GAO are only the tip of the iceberg and leave many areas unaddressed. Indeed, there are more than 100 recommendations issued by the US Capitol Police Inspector General (IG), but as was made clear at a July 2023 House Administration Committee hearing, it is not possible to trust the USCP IG's assessment of whether they have been properly closed.

In addition, we at Demand Progress Education Fund have made a number of recommendations for reform at the Capitol Police that began before the January 6th failures. The Senate Homeland Security and Government Affairs Committee in conjunction with the Senate Rules Committee made recommendations as well, as did General Honore on behalf of the House of Representatives. This report does not address those recommendations.



Key Findings

Responsiveness to Congressional Directives

Over the last few years, the Appropriations Committees incorporated nine instances of language directing and encouraging the Capitol Police to undertake a series of reforms. Overall we found full and timely compliance with three directives from Appropriators, full but belated compliance with two directives, and non-compliance and/or unclear compliance with four directives.

A breakdown of the directives is as follows:

The Capitol Police fully and timely complied with three directives from Appropriators. These directives concerned:



- Capitol Police Employee Overtime, Wellness, and Mental Health
- Risk-Based Protection for Members of Congress
- Diversity and Diversity Training

*The Capitol Police fully complied with two directives from Appropriators, but did **not** do so in a timely fashion. These directives concerned:*



- Capitol Police Arrest Records as Data
- USCP Public Information Office and Social Media

There is no public evidence the Capitol Police complied with the following two directives from Appropriators. These directives concerned:



- Creating a FOIA-like Process for USCP Records
- Capitol Police Inspector General Reports Public Availability

There is no clarity regarding whether the Capitol Police complied with the following two directives from Appropriators. These directives concerned:



- Body-Worn Camera Pilot Program
- Combating Bias in the Workforce

A complete list of Appropriations language directing and encouraging action by the Capitol Police is in the appendix.



Responsiveness to Government Accountability Office Recommendations

Since 2019, the Government Accountability Office has made 11 recommendations to the USCP and the USCP Board — three to the USCP and eight to the USCP Board. To date, the USCP and the USCP Board have only closed two of the GAO recommendations. Specifically, the USCP has closed zero of the three recommendations while the USCP Board has closed two of the eight recommendations. We note that there likely are older recommendations from the GAO that have not been closed.

According to the GAO, the USCP/Board have not satisfactorily addressed their recommendations concerning:

- corporate governance
- emergency preparedness
- information sharing
- department training

Many recommendations were made following the events of January 6, 2021. So long as these recommendations remain open, the Capitol Police is failing to address known factors that leave the United States Congress vulnerable and insecure.

A complete list of GAO recommendations to the Capitol Police is in the appendix.

Conclusion

In our view, transparency and accountability are essential for an agency to improve itself and adapt to new threats. The Capitol Police, including the Board, have an insular culture focused on evading transparency and accountability. This is made worse by the Capitol Police's position inside the Legislative branch, which does not have the benefit of most Executive branch transparency and accountability laws, whistleblower protections, and measures to provide for a more independent Inspector General.

Two-and-a-half years after the January 6th attack, the Capitol Police still has not resolved recent major recommendations concerning its operations. Instead, the USCP has shifted focus from its leadership and operational failures to funding. This is a red herring, as the USCP has always been well funded, and no amount of money can fix the problems at the top.

Congress must step in and reform the Capitol Police, from top to bottom. They must also reform how Congress oversees the Capitol Police. The following section summarizes some of our recommendations along these lines. The body of the report that follows analyzes in significant detail Capitol Police compliance with (1) congressional directives to the Capitol Police to reform their practices issued between FY 2019-2023, and (2) reform recommendations issued by the Government Accountability Office during that same period of time.



Recommendations

The US Capitol Police must be transformed into an effective security force. For that to happen, the agency must be accountable to internal stakeholders, to members of Congress, to journalists, to civil society, and to the public.

Security agencies throughout the government are subject to an array of accountability laws and practices, which should now be extended to the Capitol Police. These laws are intended to keep agencies focused on their missions and provide a feedback system to keep them on track. While these systems are imperfect, they would enable a marked improvement at the Capitol Police, which lacks a correcting mechanism for the Capitol Police and its Board.

Demand Progress Education Fund urges the relevant congressional stakeholders to direct the following steps to improve transparency and accountability and for the Capitol Police Board and for the Capitol Police Chief to properly and fully implement the following recommendations.

- **Establish a Freedom of Information Act-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.
- **Release USCP Inspector General reports to the maximum extent possible** and publish a list of all USCP IG reports.
- **Make the USCP Inspector General fully independent** from the USCP Board and USCP Chief and have oversight over all aspects of behavior of the USCP, including its Board.
- **The proceedings of the Capitol Police Board should be made publicly available.** Currently the USCP Board does not hold public meetings or release summaries of internal stakeholder meetings.
- **Establish an independent USCP Oversight Board,** a.k.a. a civilian oversight board with representatives from the various stakeholders that oversee and comment upon the operations of the USCP and its Board.
- **Empower congressional committees** by appropriating funds for them to hire permanent staff who are deeply experienced with policing and are funded through Capitol Police appropriations.



- **Highlight how the public may file complaints** concerning the USCP and protect whistleblowers concerning USCP practices.
- **Reinforce public-facing efforts by the USCP public information office** to contemporaneously inform the public regarding its activities.
- **Publish accurate and complete arrest records** that include demographic data of the individuals arrested and sufficient location details. Include information arrests conducted by partner agencies. Include information about whether the arrests lead to prosecution and conviction.
- **Publish the FY 2021 *Combatting Bias* report** on the USCP website.
- **Publish regular updates regarding the department's activities to promote workforce diversity,** including partnering with organizations that focus on developing opportunities for minorities and women.
- **Publish more specific information regarding department complaints** and lawsuits.
- **Reform the USCP Board** and change its composition.
- **Close the remaining GAO recommendations** for both the USCP and the USCP Board.
- **Fully address the directives** from the congressional appropriations committees.

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Introduction

The United States Capitol Police has an important mission: ensuring that the US Capitol complex is safe for lawmakers to conduct government business and the public to communicate with their elected representatives. First established as part of the Public Building Appropriations Act of 1828, the USCP is a security-force/police-department hybrid with nearly 2,450 employees, of which about 2,000 of whom are sworn officers.[1] The USCP has primary jurisdiction over a small area stretching from H Street to Potomac Avenue SE and from Third Street SW to Seventh Street NE.

The Capitol Police operates differently from other security forces. For example, the USCP is not subject to public records requests. Additionally, the department has a Capitol Police Board, which is tasked with overseeing the operations of USCP to ensure the safety of the Capitol Complex. But unlike other police oversight bodies, the Board has an extraordinary level of involvement in the operations of USCP.

In furtherance of its mission, the USCP evaluates millions of Capitol campus visitors each year; prior to the pandemic, the Capitol was visited every year by an estimated 7-10 million people from around the world. The USCP also is charged with mitigating threats against members of Congress, which the department Chief says have increased 400% in recent years. However, the department only reported 217 cases to the US Attorney's office, and only 27 cases were pursued by prosecutors, according to a letter from House Administration Chair Zoe Lofgren to Chief Manger.[2] Without reliable data it is not possible to square the implication of Chief Manger's statement, i.e., that there's a huge number of threats to members of Congress, with the data that suggests only a small number of serious threats.

The events of January 6, 2021 raise important questions about whether the Capitol Police and the Capitol Police Board are adequately prepared to respond effectively and efficiently in the current threat environment.[3] Congressional reports and investigations have indicated that USCP leadership had reason to believe that an attack on the Capitol was highly probable, as did other federal security forces, but failed to adequately plan for the event.[4] As a result, officers were woefully unprepared for January 6, resulting in catastrophic consequences including the death of officers and civilians. Since the events of January 6th, there have been a slew of in-district violent attacks, including the attack on then-Speaker Pelosi's husband at their San Francisco home and an attack on Rep. Connolly's staff in his Northern Virginia district office.[5]

In light of the USCP's inability to protect the Capitol, despite the heroic efforts of its rank and file, and the subsequent attacks in members' district offices and homes, Demand

Progress reviewed the operations of the USCP and the agency's compliance with congressional directives that reflect concern for how it functions. Is the USCP adequately prepared to protect members as the 2024 election draws closer? Is the USCP deploying its resources and forces to maximally protect the Capitol complex, district offices, and lawmaker homes? Is the USCP prepared for another potential transfer of power?

Understandably, its preparedness and accountability have come under scrutiny by congressional appropriators and the GAO, particularly as the Capitol Police continues to request large funding increases year after year while it continues to falter in protecting the US Capitol complex, members of Congress, congressional staff, and lawmakers' families. As the hearing into the USCP has suggested, these look like management and oversight failures.

Contributing to this concern is how its oversight structure is inherently flawed and rife with conflicts of interest. Its Board meets in secret and the Capitol Police Chief is an ex-officio member. The department's IG lacks structural independence from its Chief and governing Board, who directed the IG's reports to be secret. The Board refuses to have all its members testify before a committee of jurisdiction in either chamber.

The following sections of this report:

- Provide a brief background of the Capitol Police
- Explain the methodology of this report
- Evaluate the Capitol Police's Compliance with Congressional Appropriations Directives
- Evaluate the Capitol Police and Capitol Police Board's Compliance with Government Accountability Office Recommendations
- Provide some concluding thoughts
- List Congressional Appropriations Directives (in the Appendix)



Photo by Alex Smith · Flickr Public Domain

About the US Capitol Police

Mission of the US Capitol Police

First established as part of the Public Building Appropriations Act of 1828, the US Capitol Police is the security-force/police-department hybrid tasked with keeping Congress safe and open for business.[6] Its primary jurisdiction is the US Capitol grounds, but that has expanded to a nationwide jurisdiction following an increase in political violence and attacks against members of Congress on and off the Capitol complex during the 21st century.[7]

Role of the US Capitol Police Board

According the to the USCP website, "The Capitol Police Board (USCP Board) oversees and supports the United States Capitol Police in its mission, and helps to advance coordination between the Department and the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, in their law enforcement capacities, and the Congress. Consistent with this purpose, the Capitol Police Board establishes general goals and objectives covering its major functions and operations to improve the efficiency and effectiveness of its operations."[8] The USCP Board is comprised of three official members: the House Sergeant at Arms, the Senate Sergeant at Arms, and the Architect of the Capitol. The USCP Chief also serves as an ex-officio non-voting member of the Board. The chairmanship alternates annually between the House and Senate Sergeants at Arms.

While the Capitol Police Chief makes security recommendations, they do not have the authority to implement them. Additionally, the Board historically does not have a process for formally considering or making decisions on the recommendations. The Board does not hold public meetings or release summaries of those meetings. Until recently, the Board did not track decisions made by the Board and memorialize them in writing. Without a comprehensive, documented process, the USCP has no functional system in place to ensure it is properly performing its job to assess and mitigate potential security risks.

Role of the US Capitol Police Inspector General

The Capitol Police Inspector General (USCP IG) is charged with conducting audits, inspections, and investigations involving USCP programs, functions, systems, and operations. The USCP IG is appointed by the Capitol Police Board for a five-year term that may be renewed, may be removed by a unanimous vote of the Board, and is under the general supervision of the Board.

This hiring and reporting structure of the Capitol Police Board creates an inherent conflict of interest with respect to the independent operations of the USCP IG. The USCP IG is

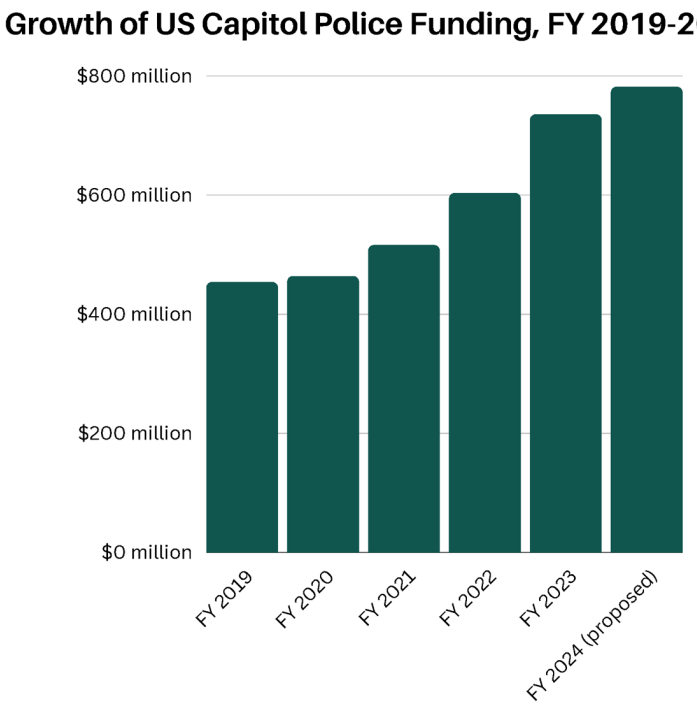
intended to supervise and inspect all functions and operations of the Capitol Police, including the Capitol Police Chief, and yet reports (via the Board) to the Capitol Police Chief. The Board also provides "general supervision" of the USCP IG. That general supervision apparently extends to the Board directing the IG via a 2017 non-public letter to not make IG reports publicly available.[9] It is unknown whether the USCP is still bound by this 2017 directive, but what we do know is the USCP has only released two USCP IG reports publicly.[10] Further, the USCP IG has testified that his jurisdiction does not extend to oversight of the Capitol Police Board. A 2017 GAO report found that many committee stakeholders believe "the board does not operate in a transparent manner" and that they lacked insight into the Board's decision making in the areas that the committees have responsibilities.[11] Furthermore, a 2022 Committee on House Administration report found that the USCP Board has resisted long-standing calls for reform.[12]

Funding

Every year, Congress appropriates funding so the USCP can carry out its critical mission of protecting the Capitol — lawmakers and their staff, employees, and visitors — so constitutionally mandated business can be conducted in a safe and open environment. As the USCP receives a large and growing share of the Legislative branch budget, it's a matter of fiscal responsibility to ensure it is an effective steward of taxpayer dollars.

The size of the Capitol Police's budget can compete with many major municipal police forces such as San Francisco, Baltimore, and Washington, DC.[13] The department has a budget that exceeds $734.6 million for FY 2023, as compared to total Legislative branch funding of $6.9 billion total. This number jumps significantly when including the USCP building, grounds, and security, which is housed under the Architect of the Capitol's budget.[14] The department is authorized to have nearly 2,450 employees, around 2,000 of whom are sworn officers. USCP salaries and expenses alone have received an increase of more than $308 million since FY 2020.

For FY 2024, the department proposed a budget of $841 million, a $106.3 million (14%) increase over current year funding. USCP Chief Tom Manger testified that the funding would help provide annualization for onboarding new offices, increase overtime funding to help with the upcoming national and political conventions, dispense a cost-of-living adjustment, and usher in security and cybersecurity upgrades.[15] In May 2023, the draft House Legislative Branch Appropriations Subcommittee bill provided $780.9 million, $46.3 million more than FY23 but $60.1 million less than the department's request.[16] In July 2023, the draft Senate Legislative Branch Appropriations Subcommittee bill provided $792.5 million, a $57.9 increase from FY23 but $48.5 million less than the department's request.[17]



Since FY 2019, the annual budget of the US Capitol Police has grown by about 72%

Congressional Action

There have been recent successful legislative efforts to impose some measure of transparency and accountability of the Capitol Police from the relevant committees that oversee and provide funding to the department. Among House and Senate Appropriations, the Committee on House Administration, and the Senate Rules and Administration Committee, there have been more than 20 hearings since 2019.[18] (This report does not review the extent to which the January 6th Committee covered these matters.)

A full list of directives from appropriators may be found in the appendix, and a list of recommendations from GAO may be found later in this report. In the evaluation section, we review compliance with Congress's directives and recount GAO's assessment of USCP compliance.

Report Methodology

This report examines the Capitol Police Board's structure and disclosure practices to provide fact-based recommendations on improving the Board's accountability.

It also assesses whether the USCP has complied with myriad congressional directives, and measures the time taken between their issuance and USCP response. The methodology is based on requests or requirements that the Appropriations Committees have promulgated for the USCP since FY2019.

We can only judge what is publicly known.

Our Grading System:



Failed to Comply

No public indication the directive has begun by the department despite numerous requests from appropriators.



Compliant but Late

Fully completed, but took longer than mandated time frame.



Fully Compliant

Fully completed within the mandated time frame.



Compliance is Unknown

No public indication the directive has begun by the department and no information on the directive from appropriators.

The purpose of this schema is to highlight where the agency has demonstrated accountability — and where more action is required — to make it clear where more oversight is needed.

We note when the USCP has adhered to requests and requirements by Congress, and the speed of their action. We also note when the USCP has failed to take any action to comply with such directives.

This report focuses more on the kind of activities related to protecting Capitol security, rather than every request made (e.g., the use of Horse Mounted Units, reduction of plastic waste, etc.), but we included all requests to provide a central place for review.[19]

We examined the following congressional directives:

- Capitol Police Employee Overtime, Wellness, and Mental Health
- Risk-Based Protection for Members of Congress
- Capitol Police Arrest Records as Data
- Diversity and Diversity Training
- Combating Bias in the Workforce
- USCP Public Information Office and Social Media
- Creating a FOIA-like Process for USCP Records
- Capitol Police Inspector General Reports Public Availability
- Body-Worn Camera Pilot Program

We also asked GAO for information on compliance with their requests, which is noted in the appropriate section.

As discussed elsewhere, we did not include as part of the evaluation the joint reports from the Senate Homeland Security and Governmental Affairs and the Senate Rules Committee, the recommendations from the Honore commission, USCP IG recommendations, or our own recommendations.

This methodology is informed by our years studying Legislative branch operations, including research specifically analyzing the USCP,[20] our testimony before Congress,[21] and our efforts to educate the media.[22]

For a list of all of the public resources available regarding USCP operations, see our website.[23]

Evaluation



Evaluating the USCP's Compliance with Congressional Appropriations Directives

1. Employee Overtime, Wellness, and Mental Health

Overtime is required of USCP officers to ensure adequate staffing and security during critical events, emergencies, and unexpected situations that require immediate response and attention. Each year, USCP officers work a combined hundreds of thousands of hours of overtime.

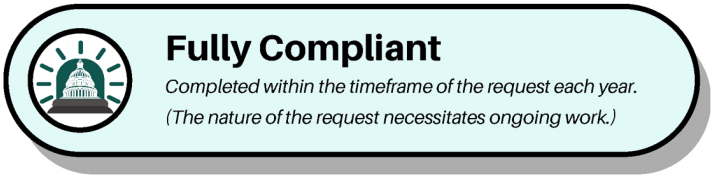
After the events on January 6th, USCP morale was extremely low resulting in a staff exodus. In 2021 alone, 153 USCP officers resigned or retired and took with them decades of training, experience, and expertise.[24] We note, however, that overtime was common for USCP officers even before the January 6th attack, where many were forced to work mandatory overtime. USCP is generally appropriated $50 to $60 million in mandatory overtime for USCP employees.[25] In FY22, appropriators added a provision in the Legislative Branch Appropriations bill report fixing a longstanding problem that prevented USCP officers from using overtime pay as part of their retirement formula. According to the USCP Fraternal Order of Police, prior to this fix, mandatory overtime was often resented by officers.[26]

Pre-January 6th, Congress appropriated emergency funding through the Emergency Supplemental to:

- provide hazardous duty pay and retention bonuses;
- increase staffing levels for the Intelligence and Interagency Coordination Division;
- formally establish an employee wellness center;
- onboard trauma-informed Employee Assistance Program and wellness specialists; and more.[27]

Congress included funding and instructions in the FY23, FY22, and FY20 appropriations bills mandating the USCP develop and implement a holistic wellness and resiliency program for its workforce. This was to include its partnership with the House Wellness Center, the office that provides staff with programs on nutrition, fitness, general health, and stress management.

Status



During the May 2023 Committee on House Administration hearing, Chief Manger testified that the department continues to expand its wellness programs and trauma-informed services, including the continual hiring of new counselors. He mentioned that it's difficult for many police officers to want to seek help, mainly due to a common stigma around this practice within police departments — but reiterated his support that officers should feel confident about going and using the services.[28]

Next Steps:

This work has been a significant step in the right direction over the past several years, especially after the events of January 6, 2021. The department should be encouraged to continue to provide these services and resources to its officers, including constant funding and adjustments for inflation over time.

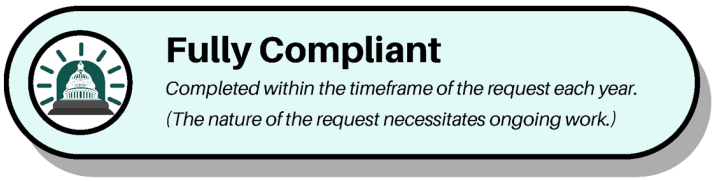
2. Risk-Based Protection for Members of Congress

USCP Chief Manger testified that threats to members of Congress are up 400% over the past six years, and that the upcoming elections, the campaign activities that precede them, and the increasingly heated public political rhetoric further heighten the prospect of future security risks and challenges to the department.[29]

Unfortunately, there is very little information to substantiate Manger's claims. Of the threats they are tracking, how many were investigated? How many investigations led to arrests? How many arrests led to prosecutions? How many prosecutions resulted in convictions? To what extent does the increasing number of identified threats arise from increasing tracking of threats made against members of Congress as opposed to an increase in the baseline in threats?

Congress included funding and instructions in the FY23, FY22, and FY19 appropriations bills, as well as in the draft FY24 bill, for USCP to continue working closely with the House and Senate Sergeants at Arms and local law enforcement partners in the National Capital Region (NCR) and educating member offices on the USCP strategy for members' protection within the NCR while outside the Capitol Grounds.

Status



During the May 2023 Committee on House Administration hearing, Chief Manger testified that the department continues to expand its wellness programs and trauma-informed services, including the continual hiring of new counselors. He mentioned that it's difficult for many police officers to want to seek help, mainly due to a common stigma around this practice within police departments — but reiterated his support that officers should feel confident about going and using the services.

Next Steps:

The USCP should actively encourage member offices to report threats, and provide guidance on how to report. The USCP Board should also provide solid metrics along the lines discussed above to help evaluate and prepare for threats against members, staff, and the Capitol complex.

3. Capitol Police Arrest Records as Data

On December 19, 2018, the US Capitol Police announced it would publish each week arrest summaries that had previously been distributed via email to select members of the press on an inconsistent basis.[30] This practice officially started on January 2, 2019.

Arrest summaries are an important oversight tool that contribute to public understanding of how the department allocates its resources. However, upon the release of these weekly arrest summaries online, the department's data publishing practices had significant flaws. At the time, the arrest summaries were posted weekly in a PDF format, with key information published as prose. The Capitol Police would remove hyperlinks from the website to where they published the summaries one year after publication. Among other information, the summaries included "the Capitol File Number (CFN); crime classification with any additional charges; offense date and time, and crime summary."[31]

In the summaries, criminal charges were formatted inconsistently; incident reports occasionally omitted critical information, such as the number of individuals arrested or a specific description of the location where the arrest took place; reports did not include demographic information; and more.

Demand Progress and Demand Progress Education Fund published two reports — one in February 2020 and the other in January 2021 — examining the arrest data and publicly-reported information to understand how the department spends its time and utilizes its resources.[32] Both investigations found that nearly 50% of incidents reported are traffic stops and only roughly a third of arrests happened on the immediate Capitol campus, calling into question whether the USCP was adhering to its mission. These reports also were apparently incomplete and omitted information.

In March 2020, we testified before the House Legislative Branch Appropriations Committee about these arrest record disclosure shortcomings.[33] We urged the committee to require the USCP to publish arrest information online as a digital spreadsheet — in structured data format — that allows everyone to track arrests by date and time, arrest location, charges issued, number of individuals arrested, case file number, and more.

In response to our testimony, the Appropriations Committee took actions to address the arrest disclosure transparency issue to the USCP as part of the FY 2021 Legislative Branch Appropriations bill report.[34] Unfortunately, the USCP did not fully adhere to this appropriations request. In response, the Appropriations Committee once again included language in the FY 2023 Legislative Branch Appropriations bill report, directing the department to publish this information within 30 days of the publishing of that report.[35]

In 2022, USCP began to publish arrest information as a digital spreadsheet that is embedded in its website, allowing everyone to better track arrest by data and time, arrest location, charges issues, number of individuals arrested, and case file number.[36] The website also enables users to search by charge, date, capitol file number, and crime summary.

Status



We note, however, we have serious concerns about whether the information published by the USCP is complete. We suspect significant arrest information is redacted for "security" reasons.

Next Steps:

While the USCP has worked to comply with publishing arrest records as data, its website still does not provide enough information to be properly analyzed (e.g., incident reports often omit critical information like the number of individuals arrested or sufficient location details).

- Also, the USCP should release aggregate demographic data on those arrested. We note that information published by the USCP may be incomplete in that not all arrests are being published. Some information may be redacted for "security" or other purposes, although it is not noted when such a redaction occurs, so we cannot evaluate its frequency or scope.
- The USCP should continue to publish arrest summaries on at least a weekly basis, and the links to the summaries should be permanently available on the USCP arrest summary page.
- Furthermore, USCP should summarize all arrests made by the USCP, those which occur in partnership with the USCP, or that relate to Capitol security, and should further track and publicly report on whether the arrest resulted in prosecution and conviction, in addition to reporting the aggregate demographic data of individuals arrested.
- The USCP should also disclose the total number of weekly arrests and its guidance on which charges are included and excluded from the arrest summaries.

4. Diversity in the USCP and Diversity Training

USCP officers and employees have often raised concerns that the agency has a discriminatory culture and a glass ceiling. The Capitol Police, historically, has had discrimination complaints, and minorities have experienced trouble advancing to the top tiers of management. In 2010, the department hired a diversity officer after a 2008 oversight hearing where then-Capitol Police IG Carl Hoecker told members that the department lacked a formal diversity program or an Equal Employment Office function.[37]

Fast forward to January 2021, when *ProPublica* released a jarring report finding that since 2001, more than 250 Black USCP officers had sued the department for racial discrimination, some alleging that white officers called Black colleagues slurs. One officer found a hangman's noose in their locker.[38]

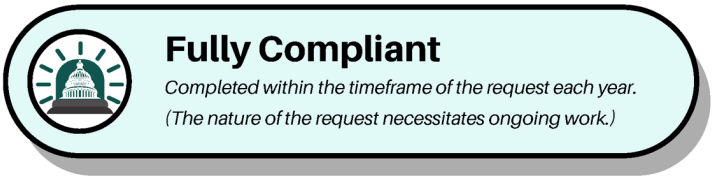
Language was included in the FY23, FY22, FY21, and FY20 appropriations bills and reports to include diversity training as a part of the current USCP training sessions. Furthermore, the FY 22 Appropriations report requested the department provide a report on the breadth of training programs employed by USCP, as well as the number of sworn officers who have participated in the training.[39] This report is publicly available on the department's website.

The FY 2021 appropriations bill requested the USCP provide a report concurrent with the budget submissions that details[40]:

1. the number of activities to try to promote workforce diversity, including partnering with organizations that focus on developing opportunities for minorities and women;
2. the steps taken to attract and retain a diverse workforce; and
3. a breakout of USCP positions sworn and civilian by race and gender.

In March 2022, Chief Manger hired Vilma Alejandro to serve as USCP's Chief Diversity Officer and Director of IDEA; Alejandro previously led the department's office of Diversity and Inclusion. The department has made available online its Equity and Inclusion Plan FY23-FY26, which provides information on programs and strategies that USCP is implementing on DEI initiatives, including how the department plans to promote diversity, steps taken to attract and retain a diverse workforce, and a breakdown of USCP positions by race and gender.[41] This report complies with the FY 2021 appropriations request regarding its diversity report.

Status



We note that compliance with report language does not mean the problem has been resolved.

Next Steps:

While we commend the department for its compliance with these congressional directives and the increased attention to these issues, it does not mean the discriminatory issues within the USCP have been satisfactorily resolved. We ask for the department to:

- Submit regular updates regarding the department's activities to promote workforce diversity, including partnering with organizations that focus on developing opportunities for minorities and women.
- Regularly publish more specific information regarding department complaints and lawsuits.

5. Combating Bias

The USCP has faced longstanding concerns and scrutiny regarding issues of bias within its ranks. These concerns have come to the forefront due to incidents, policies, and practices that have raised questions about the agency's commitment to fairness, equal treatment, and accountability. Given its crucial responsibilities, it is essential that the USCP operates with utmost professionalism, fairness, and adherence to the principles of equality and justice. According to the USCP Equity and Inclusion Strategic Plan, roughly 53% of sworn Capitol Police officers are white, in contrast to the DC police, where just 36% of sworn officers are white, and the senior command staff of the Capitol Police is even more skewed toward white men.[42]

The department has had issues with racial bias in the past, including an incident in 2016 where Senator Tim Scott was targeted by police because of the color of his skin.[43] Additionally, the department has investigated dozens of its officers for their involvement in the January 6 attack on the Capitol.[44] Furthermore, a former USCP officer was found guilty of obstructing an investigation of the January 6 attack.[45]

The issue of bias within the United States Capitol Police is a complex and multifaceted challenge, but for years the USCP has not publicly addressed how it is looking to combat these issues. Addressing these concerns requires a comprehensive and sustained effort from the agency's leadership, policymakers, and the broader law enforcement community.

Appropriators have asked for years — FY21, FY22, and FY23 — for the USCP to participate in the Attorney General's program implementing evidence-based training programs on de-escalation and the use-of force, as well as on police-community relations, and to report back to the Appropriations Committee on its efforts. The public has no knowledge whether the USCP department has been complying with these directives.

Additionally, the Appropriations Committee requested a report in FY21 outlining what policies and procedures are in place at the academy to eliminate unconscious bias and racial profiling and more. In FY22, appropriators wrote in the committee report that it was concerned that the racial profiling report was not completed by the department, and requested USCP to provide the report immediately. In FY23, appropriators commended the department for its detailed response on current efforts to combat bias, and noted its continued interest in the work that USCP does around preventing internal bias.

The department has not made publicly available the FY 2021 report outlining what policies and procedures are in place at the academy to eliminate unconscious bias and racial profiling during training; what steps the USCP has taken to eliminate existing practices that permit or encourage racial profiling; and arrest information disaggregated by race, ethnicity, and gender. We encourage the department to release this report.

Status



According to appropriators, the USCP took longer than the initial one-year timeframe to implement since first requested by Congress. The Combating Bias report remains private. Additionally, there is no public information around whether or not the USCP is participating in the Attorney General's program implementing evidence-based training programs on de-escalation and the use-of force.

6. Body-Worn Camera Pilot Program

The use of body-worn cameras gained significant attention and momentum across the United States following several high-profile cases of alleged police misconduct and officer-involved shootings. The January 6, 2021 insurrection at the Capitol also prompted calls for a thorough examination of law enforcement response and tactics, leading to discussions about the potential benefits of body-worn cameras for Capitol Police officers.

Congressional appropriators have asked the department to provide the Appropriations Committee with an interim report on the pilot program within 180 days following full implementation of the body-worn camera pilot program that will include the states of the implementation process, challenges and recommended solutions experienced during the pilot implementation and lessons learned to date that may inform additional applications for the body-worn camera program.



Photo by Utility, Inc. • Flickr Creative Commons

Little is publicly known about the status of the body-worn camera pilot program. The USCP director of communications stated in July 2023 that the department does not currently use body-worn cameras but "the USCP is in the very early stages of planning for a pilot program that would be tailored to the unique considerations of the legislative branch."[46]

Status

Compliance is Unknown

Little is publicly disclosed about the status of the body-worn camera pilot program.

7. USCP Public Information Office and Social Media

Prior to the attack on the Capitol, the department's communication office was well known for its dismissiveness towards requests from reporters and the general public, and did not hold any public press conferences. The Capitol Police offered no press conference about the Capitol siege and officers' roles in it in the days immediately following the attack, prompting appropriators to urge the department to interact with the media.[47] Moreover, the department did a poor job providing press releases on its website.

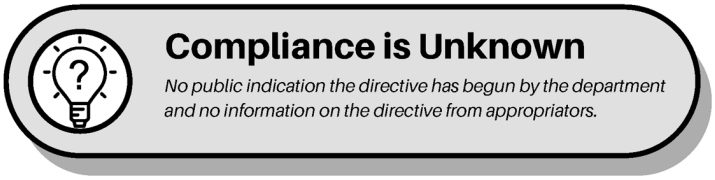
USCP public communication is vital to provide accurate and timely information to members and their staff, employees, and the public that often visits the Capitol Hill complex. The USCP has been faulted for not keeping members and staff informed, although that behavior is improving. With respect to everyone else, the Appropriations Committee has said in the past that it is concerned that the public is often not aware of severe weather events and security incidents while on the complex grounds.

Up until February 5, 2021, nearly a month after the attack on January 6, the USCP public Twitter account had never been updated.[48] While the account has been more proactive with updates for congressional security and arrest disclosures, it was dormant for years, making it difficult for stakeholders and the public to be up to date with USCP activities. To our knowledge, the department also posts on Facebook, but does not use other platforms such as Instagram, TikTok, etc.

The FY 2021 appropriations bill requested the USCP to submit a report to the Committee on Appropriations detailing the creation of a community notification system to keep the general public better informed.[49]

The USCP did not comply with the FY21 directive within the first year, so identical language was included in the FY22 appropriations bill report that directed the USCP to employ a community notification system that can be utilized by visitors and community members to allow a larger audience to receive USCP notifications.[50] On October 28, 2021, Congresswoman Eleanor Holmes Norton announced that District of Columbia residents can now receive security alerts from the USCP through AlertDC.[51]

Status



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Status



The FY23 appropriations bill report stated that the Committee appreciated the detailed report on the progress made by the USCP Public Information Office that was requested in FY22 Legislative Branch Appropriations bill report, which may suggest the USCP complied with the directive, although that is unclear.[52] Since October 2021, the department has been sending security alerts through AlertDC.

Next Steps:

- The USCP must look to continue to maximize the availability of its Public Information Office and continue to use its social media accounts and AlertDC notifications to proactively inform the public of relevant information.
- Also, the department should continue holding regular press conferences and being responsive to press requests for information.

8. Creating a FOIA-like Process for USCP Records

Most federal law enforcement agencies are located in the Executive branch and are, therefore, subject to an array of rules concerning transparency, accountability, and oversight. The Capitol Police, however, as a Legislative branch agency, is solely responsible to answer to Congress. That means traditional accountability mechanisms, such as the Freedom of Information Act (FOIA), do not apply.

While Congress is not subject to the FOIA, some Legislative branch agencies and offices make information publicly available in a number of ways. First, they proactively disclose significant amounts of information in a structured data format, second, they in response to requests from the public they will disclose important information, and finally some follow a FOIA-like process to respond to requests for information.[53] The USCP does not proactively disclose much information, makes it difficult to figure out whom to contact, and does not have formal processes in place to respond to requests.

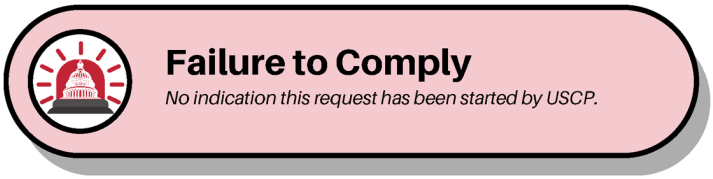
In 2019, Congress requested the USCP to create a process through which members of the public can request USCP records, predating the events of January 6, 2021.[54] The agency was instructed to "develop a policy and procedure for the sharing of information that follows the spirit of the Freedom of Information Act."

Demand Progress Education Fund consulted with FOIA and congressional experts to inform the creation of Model Public Records Request Regulations for the US Capitol Police released in December 2021, drawing heavily from comparable regulations issued by the Government Accountability Office and the Library of Congress.[55]

We commend the Appropriations Committee's efforts to increase US Capitol Police transparency in committee report language in the FY 2021[56] and FY 2022[57] appropriations bill reports.

Should the Capitol Police not comply with the request to create a FOIA-like process, Congress should extend the application of the FOIA to the US Capitol Police.

Status



The creation of a FOIA-like process has been directed by congressional appropriators for the last few fiscal years, but the Capitol Police still has not brought that program to fruition or consulted with members of civil society who are expert on FOIA and can offer guidance and model regulations.

In addition, the Board routinely asserts that USCP materials are classified or law-enforcement sensitive, yet the Board lacks the authority to classify materials. When everything is deemed "law enforcement sensitive," it is clear that the term is inappropriate and being misapplied. Instead, materials so deemed should be reviewed by an outside body with expertise with respect to public records, such as a FOIA professional, and released on an expedited basis.

While the Capitol Police has not promulgated an information-sharing policy pursuant to this direction, during the May 2023 Committee on House Administration hearing, USCP Chief Manger did not object to — but did not endorse — having a FOIA-like process for department records. He deferred on his authority to implement the policy change.[58]

Next Steps:

It is our belief that the Chief can set the policy to create a FOIA-like process. He can follow the lead of other Legislative branch agencies who have these processes and create such a FOIA-like process for the USCP, if he so chooses.

- We urge the committees — both the House Administration Committee and the Appropriations Committee — to direct the Capitol Police to issue information-sharing regulations by a date certain.
- The committees should likewise require the Capitol Police to consult with civil society, governmental FOIA experts, and peer congressional agencies.
- They should direct the USCP to review the Model Public Records Request Regulations issued by Demand Progress Education Fund.
- Furthermore, the committees should prompt the USCP to engage in a notice-and-comment rulemaking process.
- Should the USCP fail to do so, Congress should extend the FOIA to the agency, as has been recommended by a National Archives advisory committee.

9. Capitol Police Inspector General Reports Public Availability

The USCP IG provides independent, professional, and nonpartisan oversight over the US Capitol Police's operations. Unfortunately, the USCP IG does not make its reports available to the public. It has only released two reports in the past three years despite numerous congressional directives — undermining public accountability and congressional oversight. By comparison, federal inspectors general routinely release their reports.

A fully independent and empowered IG is an essential accountability mechanism for the Capitol Police and its Board. So too is the publication of the IG's findings. Rebecca Jones, then with the Project on Government Oversight (POGO), testified before the House Legislative Branch Appropriations Committee in April 2019 on the undue limitations placed upon the Capitol Police Inspector General.

> Under the Inspector General Empowerment Act of 2016, most IGs are required to publish on their website any audit, inspection, or evaluation report they create within three days of sending it to the head of the agency involved. By publishing these reports, IGs keep the public, including groups like POGO, informed of waste, fraud, and abuse within an agency. This allows the public to call out wasteful or illegal practices and to increase pressure for swift change. In effect, publication greatly increases the influence of IGs' work. But not all IGs are subject to these reporting requirements. Two such IGs are those of the House of Representatives and the Capitol Police. While these watchdogs provide independent, nonpartisan oversight of the operations of both entities, they do not make their reports, findings, and recommendations readily available for public consumption. In fact, hardly any of their reports are available on their websites, and therefore are not easily available even to Congressional staff who could find themselves looking for information ultimately contained in these reports years after publication with no idea that the reports even exist.

We note the Capitol Police Board is located inside the Legislative branch and is unable to classify material, so the only properly classified material it holds would be that which is classified elsewhere.

Status



After three years of no compliance, the USCP posted four IG reports on its website in 2023, but still has not instituted procedures to make reports publicly available whenever practicable nor has it published reports on its website despite numerous congressional directives instructing it to do so. The House Legislative Branch Appropriations Committee has directed the IG — in FY 2021,[59] FY 2022,[60] and FY 2023[61] — to release reports as a remedy to ensure that IG reports have a maximum effect. Unfortunately, after years of requests, the IG still has not complied.

The latest House report accompanying the draft FY 2024 House Legislative Branch Appropriations bill contained the following language: "As included in previous House Reports 117–80 and 117–389, the Committee again requests that the Inspector General institute procedures to make its reports publicly available whenever practicable, and to begin publishing reports on its website. The Committee is aware of the process initiated by the Office of the Inspector General to gain approval for the public posting of its reports and directs the Capitol Police Board to further these efforts to expedite the process."[62]

During a May 2023 Committee on House Administration hearing, lawmakers pressed Chief Manger about making USCP IG reports public; he offered no objection to the Board doing so as Congress has asked, but said it ultimately would be the IG's call, even though he's on the Board. In fact, the Capitol Police Board had issued a non-public letter telling the IG that it could not make the reports available. Notably, on May 17, 2023, the day after the committee hearing, the USCP IG office made two reports public.[63] Chair Bryan Steil rightly hailed this as a "huge win" as a result of the hearing.[64] That said, it shouldn't take a hearing to spur disclosure of IG reports.

Next Steps:

- The relevant committees should statutorily require the USCP to take action to publish these IG reports.

- Additionally, they ought to continue to press the USCP IG on what regulations prohibit it from making more, if not all, of these reports public despite congressional requests.
- While the US Capitol Police may be permitted to review the final reports, it should be unable to halt or deny their publication. The best practice is for the USCP to have an opportunity to provide a letter to be released with the USCP IG report but not to otherwise change, delay, or approve its content.
- Final IG reports should be made publicly available no later than two weeks after their transmission to the relevant committees of jurisdiction. They should be published on the USCP IG website — which should be managed separately from the USCP website — and on oversight.gov, the federal Inspectors General web portal maintained by the Council of Inspectors General on Integrity and Efficiency. This is the practice for the nearly 80 federal Inspectors General.
- In circumstances where the USCP IG determines the full report cannot be released on the basis of a specific articulable reason that would undermine an ongoing criminal matter or would provide specific details concerning congressional security the disclosure of which would cause a specifically articulable threat to the safety of Congress, the USCP IG should strive to release relevant portions of the report. If nothing can be released, a summary of the report findings should be made publicly available. In the unusual circumstance where a report contains classified material, the IG should follow the best practices demonstrated by the GAO on its website with respect to classified matters.
- Reports must not be kept indefinitely as "draft' to avoid public disclosure.
- In addition, already issued IG reports should be published online immediately.

Such a shift to proactive transparency would build trust with the public, ensure investigations are accessible so that course corrections can be made when necessary, and would also reduce resources needed to address public and congressional requests for information.



Photo from House.gov



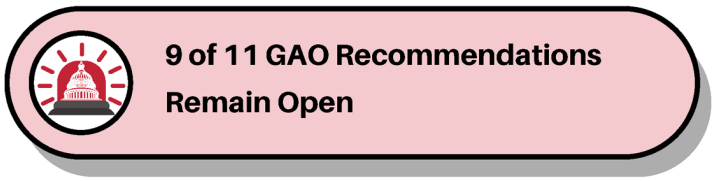
Evaluating USCP and USCP Board Compliance with GAO Recommendations

Background

Since 2019, there have been five GAO reports that examine the Capitol Police and the Board. Each of these reports contain recommendations for the department to strengthen its workforce, security and preparedness, leadership structure, and more. For the purposes of clarity, we will list the reports since 2019, outline the recommendations, and highlight the outstanding and unresolved recommendations. Those GAO reports include:

- Capitol Attack: Federal Agencies Identified Some Threats, but Did Not Fully Process and Share Information Prior to January 6, 2021 (February 28, 2023)
- Capitol Attack: Additional Actions Needed to Better Prepare Capitol Police Officers for Violent Demonstrations (March 7, 2022)
- Capitol Attack: The Capitol Police Need Clearer Emergency Procedures and a Comprehensive Security Risk Assessment Process (February 17, 2022)
- Capitol Police: Applying Effective Practices to Address Recommendations Will Improve Oversight and Management (June 14, 2021)
- Capitol Police: Potential Effects of Raising the Mandatory Retirement Age (December 18, 2019)

Status



Within these five reports, GAO has made a total of 11 recommendations to the USCP and the USCP Board — three to the USCP and eight to the USCP Board. To date, the USCP and the USCP Board has only closed two of the GAO recommendations — the USCP has closed zero of the three recommendations while the USCP Board has closed two of the eight recommendations.

Total Recommendations Pertaining to the Capitol Police: Three

Open Recommendations: Three

- The Chief of Capitol Police should establish policies for sharing threat-related information agency-wide.
- The Chief of the Capitol Police should finalize and document its procedures for obtaining outside assistance in an emergency that, for example, clearly detail roles and responsibilities.
- The Chief of the Capitol Police should finalize the development of a comprehensive, documented risk management process that includes elements called for by the Interagency Security Committee (ISC) standard, such as clearly assessing the risk of each applicable undesirable event and considering a comprehensive list of countermeasures.

Closed Recommendations: Zero

Total Recommendations Pertaining to the Capitol Police Board: Eight

Open Recommendations: Six

- The Chief of the US Capitol Police should make changes, as appropriate, to policy, guidance, and training to address findings from actions taken to better understand officers' comprehension of the department's expectations and policies related to the use of force.
- The Chief of the US Capitol Police should take actions to provide more refresher crowd control training to prepare all officers, including those who are not part of the Civil Disturbance Unit, for large-scale and potentially violent demonstrations.
- The Chief of the US Capitol Police should identify underlying factors related to employees' concerns with the department following the January 6 attack and develop an action plan to address these issues.
- The Capitol Police Board should finalize and document its procedures for obtaining outside assistance in an emergency that, for example, clearly detail roles and responsibilities.
- The Capitol Police Board should finalize and document its procedures for considering recommended countermeasures from the Capitol Police's security surveys, including documenting the rationale for accepting risk when recommendations are not implemented.
- The Capitol Police Board must revise its Manual of Procedures to fully incorporate leading practices.

Closed Recommendations: **Two**

- The Chief of the US Capitol Police should take actions to provide officers with more realistic training, such as in person and hands-on training.
- The Chief of the US Capitol Police should take additional actions to better understand officers' comprehension of the department's expectations and policies related to the use of force, including identifying underlying causes related to potential officer hesitancy to use force.

GAO

Capitol Attack: Federal Agencies Identified Some Threats, but Did Not Fully Process and Share Information Prior to January 6, 2021

Recommendations pertaining to USCP: **One**

Recommendation Language: The Chief of Capitol Police should establish policies for sharing threat-related information agency-wide.

Status of recommendation: **Closed - Implemented**

- **GAO Language**: In March 2023, US Capitol Police updated its information-sharing standard operating procedures to, among other things, ensure the appropriate distribution of intelligence to officers in instances where there are potential operational or safety impacts. In addition, Capitol Police officials have implemented a process to disseminate intelligence information, such as incident action plans and intelligence reports, to all Capitol Police personnel through an application installed on all personnel's Department-issued cell phones and have provided guidance to personnel on how to use the application. Establishing these procedures for sharing threat-related information agency-wide can help ensure all relevant personnel have the information they need to perform their duties. We consider this recommendation closed as implemented.

GAO

Capitol Attack: Additional Actions Needed to Better Prepare Capitol Police Officers for Violent Demonstrations

Recommendations pertaining to USCP Board: **Five**
Status of recommendations: **Two Closed**; **Three Open**

Recommendation 1 Language: The Chief of Capitol Police should establish policies for sharing threat-related information agency-wide.

Status of recommendation: **Closed - Implemented**

- **GAO Language**: The US Capitol Police (Capitol Police) have taken actions to address our recommendation to better understand officers' comprehension of the department's expectations and policies related to the use of force. Since we closed our survey of Capitol Police officers in September 2021, Capitol Police has issued four bulletins related to use of force. For example, Capitol Police issued a bulletin in late February 2022 in advance of an anticipated truck convoy event to remind officers of some important components of the department's use of force policy. Further, Capitol Police issued a bulletin in early March 2022 reminding officers of various aspects of the department's use of force policy. According to Capitol Police officials in September 2022, these bulletins, which are both read at roll call and posted on bulletin boards in each division, often engender discussion among officers about use of force, and one of the bulletins contained real-life scenarios specifically meant to spark discussions on use of force issues. In September 2022, Capitol Police officials stated that the department is planning voluntary quarterly use of force discussions to begin in the fall of 2022. For example, the department held discussions in October 2022 and January 2023, and has scheduled additional quarterly sessions through the end of calendar year 2023. Capitol Police's efforts to clarify policy through bulletins and offer opportunities for officers to discuss use of force issues has helped to ensure that its officers have a clear understanding of the agency's use of force policy.

Recommendation 2 Language: The Chief of the US Capitol Police should make changes, as appropriate, to policy, guidance, and training to address findings from actions taken to better understand officers' comprehension of the department's expectations and policies related to the use of force.

Status of Recommendation: **Open**

- **GAO Language**: As of September 2022, US Capitol Police officials stated that the department was in the process of finalizing its updated use of force policy. According to officials, the updates are to better reflect the tenets of modern policing such as requiring de-escalation, adding a duty to report any improper uses of force by fellow officers and an explicit ban on chokeholds. The officials added the policy was updated in part to make sure the policy was easily understood. As of February 2023, the policy was under review by the department's executive team. We will continue to monitor Capitol Police's efforts to update its use of force policy.

Recommendation 3 Language: The Chief of the US Capitol Police should take actions to provide more refresher crowd control training to prepare all officers, including those who are not part of the Civil Disturbance Unit, for large-scale and potentially violent demonstrations.

Status of Recommendation: **Open - Partially Addressed**

- **GAO Language**: The US Capitol Police (Capitol Police) has taken actions to provide additional crowd control training to some, but not all, of its officers. Specifically, in August 2022, Capitol Police created the Civil Disturbance Unit (CDU) specialty pay assignment, which requires CDU officers to apply to be part of the unit and take required annual advanced CDU refresher training. However, while the department trained some non-CDU officers in refresher civil disturbance and crowd management courses prior to the creation of the CDU specialty pay assignment, Capitol Police officials stated that the department does not plan to provide such refresher training to non-CDU officers in the future. We have requested additional information from the Capitol Police on efforts to fully address our recommendation, such as how, if at all, the department plans to provide refresher crowd control training to non-CDU officers who may be called upon to assist crowd control operations during large-scale demonstrations.

Recommendation 4 Language: The Chief of the US Capitol Police should take actions to provide officers with more realistic training, such as in person and hands-on training.

Status of Recommendation: **Closed - Implemented**

- **GAO Language**: US Capitol Police (Capitol Police) has taken several actions to provide officers with more realistic training since the January 6, 2021 attack on the Capitol. These actions include the addition of scenario-based training, incorporation of roles players, and training on Capitol grounds. The department also acquired and is implementing a virtual simulator program, which Capitol Police officials stated will provide realistic judgmental use of force simulator and de-escalation scenario training for officers in various scenarios. These actions--intending to provide more realistic training to Capitol Police officer--will help ensure that all officers are better prepared in the future.

Recommendation 5 Language: The Chief of the US Capitol Police should identify underlying factors related to employees' concerns with the department following the January 6 attack and develop an action plan to address these issues.

Status of Recommendation: **Open - Partially Addressed**

- **GAO Language**: US Capitol Police (Capitol Police) has taken some actions to address employee concerns following the January 6, 2021, attack on the Capitol, but has not yet fully analyzed its employee feedback survey results. Capitol Police officials stated in September 2022 that based on GAO's report and the department's ongoing internal discussions with officers and employees, the department identified several broad areas of employee concerns arising out of the January 6 attack, including:
    1. lack of preparation for an event of the magnitude of the attack;
    2. lack of guidance before and during the event;
    3. misunderstandings regarding the permissible use of force;

4. additional training and equipment;
5. concerns about department leadership, and
6. the effective delivery of actionable intelligence to the department.

Capitol Police officials described various actions to address these areas. For example, Capitol Police officials noted that the single biggest issue expressed by officers that affected morale after the January 6 attack was staffing. The officials added that the department was short staffed before the attack, and retirements and resignations afterwards exacerbated the problem. To address this problem, the department reported taking several steps, including increasing recruitment and hiring a marketing/branding firm; increasing starting and existing salaries; paying retention bonuses totaling over $11,000; and making promotions. However, as of February 2023, Capitol Police has not yet finished its analysis of its 2022 employee survey. The survey, which was deployed December 2021 through February 2022, was the first employee survey following the January 6 attack and included questions regarding specific workplace matters related to the events of the attack. Capitol Police officials stated that the department had not yet completed the analysis due to the resignation of the department's Chief Administrative Officer. As of February 2023, Capitol Police officials stated that the department intended to complete the analysis in early 2023. We will continue to monitor the department's efforts to identify underlying factors related to employees' concerns with the department following the January 6 attack, including the analysis of the 2022 employee survey.

GAO

Capitol Attack: The Capitol Police Need Clearer Emergency Procedures and a Comprehensive Security Risk Assessment Process[66]

Recommendations pertaining to USCP & USCP Board USCP Board: Four (Two Board, Two USCP)

Status of recommendations: **Four Open**

Recommendation 1 Language: The Capitol Police Board should finalize and document its procedures for obtaining outside assistance in an emergency that, for example, clearly detail roles and responsibilities.

Status of recommendation: **Open**

- **GAO Language**: In March 2023, the Capitol Police Board informed us that updates to its Manual of Procedures-which were made in December 2021 prior to our report's issuance-addressed both of our recommendations. However, as we reported in February 2022, the updated manual did not identify clearly detailed procedures for obtaining outside assistance in an emergency. We will continue to monitor the Capitol Police Board's efforts to address this recommendation.

Recommendation 2 Language: The Capitol Police Board should finalize and document its procedures for considering recommended countermeasures from the Capitol Police's security surveys, including documenting the rationale for accepting risk when recommendations are not implemented.

Status of recommendation: Open

- **GAO Language**: In March 2023, the Capitol Police Board informed us that updates to its Manual of Procedures-which were made in December 2021 prior to our report's issuance-addressed both of our recommendations. However, as we reported in February 2022, the updated manual does not include procedures to document when the Board chooses to not implement countermeasures and the rationale for accepting the risk of that decision, as called for by the Interagency Security Committee standard. We will continue to monitor the Capitol Police Board's efforts to address this recommendation.

Recommendation 3 Language: The Chief of the Capitol Police should finalize and document its procedures for obtaining outside assistance in an emergency that, for example, clearly detail roles and responsibilities.

Status of recommendation: Open

- **GAO Language**: As of March 2023, the Capitol Police informed GAO that it has developed a framework to enhance and codify all emergency procedures under a recently proposed "Emergency Operations Plan." This plan will also include annual training and testing requirements. Once finalized, we will review the plan to determine if it is responsive to our recommendation.

Recommendation 4 Language: The Chief of the Capitol Police should finalize the development of a comprehensive, documented risk management process that includes elements called for by the ISC standard, such as clearly assessing the risk of each applicable undesirable event and considering a comprehensive list of countermeasures.

Status of recommendation: Open

- **GAO Language**: As of March 2023, the Capitol Police informed GAO that the department is continuing to develop a comprehensive risk management process aligned with the Interagency Security Committee standard. For example, the department has developed requirements necessary to update relevant standard operating procedure documents. The Capitol Police has also developed a draft schedule for conducting future security assessments of congressional facilities that aligns with the ISC standard. Further, the department is continuing work to procure a new assessment tool that will incorporate Interagency Security Committee standards. We will review the department's actions once they are finalized to determine if they are responsive to our recommendation.

GAO

Capitol Police: Applying Effective Practices to Address Recommendations Will Improve Oversight and Management

- GAO did not make any new recommendations in this report. However, GAO previously made a recommendation in February 2017 that the Board revise its manual to fully incorporate leading practices, which remains **open**.

GAO

Capitol Police: Potential Effects of Raising the Mandatory Retirement Age

- GAO did not make any new recommendations in this report.

Next Steps:

For years, the USCP and the Board have failed to address long-standing GAO recommendations that stem from concerns about a lack of operational transparency and accountability.

The department and the Board must be more publicly open about why these GAO recommendations have not been closed, where each recommendation is in the process of completion, and a timeline for when they expect each to be closed.



USCP IG Ron Russo Testifies Before Committee on House Administration

Conclusion

Congress is where the aspirations of American democracy are turned into concrete action. The public, advocates, staff, journalists, visitors, neighbors, and members of Congress must feel and be safe on Capitol Hill. The Capitol Police has an essential role in keeping the Capitol complex safe and open to the public. As is true with any large investment, Congress must ensure that the taxpayer dollars funding the Capitol Police are being used efficiently and effectively.

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. To help mitigate the risk of another attack on the Capitol is to significantly overhaul the congressional security structures and the mechanisms by which they are overseen and held accountable. Following practical and achievable transparency-related practices similar to other police forces around the country helps to support that mission.

> ***To help mitigate the risk of another attack on the Capitol is to significantly overhaul the congressional security structures and the mechanisms by which they are overseen and held accountable.***

While there are still many outstanding congressional requests that the United States Capitol Police must adhere to, there have been progress in several areas, including the publication of some USCP IG reports, greater arrest record transparency data, and more risk-based assessments for members of Congress. Despite these improvements, much is still needed to be done, including further examination of USCP Board reforms, adherence to creating a FOIA-like process for the public to request information, and more.

The failures of the Capitol Police to prepare for and respond to the January 6 attack, as outlined in numerous USCP IG reports, GAO investigations, and committee findings are undeniably a failure of oversight and direction from the Board that oversees the Capitol Police. Additionally, the decades-long defiance by the USCP Board to reform its structures must end. Congress must look to reform the structure of this entity to ensure operational transparency and accountability. Until then, the seat of our democracy remains at risk.

Endnotes

1. [1] See “Bill Establishing the United States Capitol Police” History, Art, and Archives of the House of Representatives, https://history.house.gov/HouseRecord/Detail/25769816242?current_search_qs=%3FPreviousSearch%3DSearch%252cAll%252c%252c%252cTitle%26CurrentPage%3D1%26SortOrder%3DTitle%26Command%3DNext and [2] See “Our Mission” United States Capitol Police https://www.uscp.gov/the-department/our-mission

2. Letter from Committee on House Administration Chair Zoe Lofgren to Capitol Police Chief Manger (Nov. 1, 2022), https://www.documentcloud.org/documents/23258027-lofgren-letter

3. For a more detailed description on the leadership and intelligence failures leading up to the January 6, 2021 attack on the Capitol, see “Insurrection’s Eve: Inside the Capitol Police’s Intelligence Dysfunction Leading Up to January 6” Nick Schwellenbach, Project On Government Oversight, April 27, 2023 https://www.pogo.org/investigation/2023/04/insurrections-eve

4. For additional information, see “Examining the U.S. Capitol Attack: A Review of the Security, Planning, and Response Failures on January 6” Senate Committee on Homeland Security and Governmental Affairs and Senate Committee on Rules and Administration https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/HSGAC&RulesFullReport_ExaminingU.S.CapitolAttack.pdf

5. [1] See, “Man Charged with Assault and Attempted Kidnapping Following Breaking and Entering of Pelosi Residence” Department of Justice Office of Public Affairs, October 31, 2022 https://www.justice.gov/opa/pr/man-charged-assault-and-attempted-kidnapping-following-breaking-and-entering-pelosi-residence and [2] See, “Statement from Congressman Gerry Connolly on District Office Attack” Representative Gerry Connolly, May 15, 2023 https://connolly.house.gov/news/documentsingle.aspx?DocumentID=4759

6. See “Bill Establishing the United States Capitol Police” History, Art, and Archives of the House of Representatives, https://history.house.gov/HouseRecord/Detail/25769816242?current_search_qs=%3FPreviousSearch%3DSearch%252cAll%252c%252c%252cTitle%26CurrentPage%3D1%26SortOrder%3DTitle%26Command%3DNext and [2] See “Our Mission” United States Capitol Police https://www.uscp.gov/the-department/our-mission

7. For more information regarding U.S. Capitol Police jurisdiction, see “The Long Arm of the Capitol Police” Daniel Schuman, The First Branch Forecast, August 7, 2019, https://firstbranchforecast.com/2019/08/07/the-long-arm-of-the-u-s-capitol-police/

8. See “Capitol Police Board” United States Capitol Police https://www.uscp.gov/the-department/oversight/capitol-police-board

9. See “Capitol Police Board Order 17.16: Office of the Inspector General Information” United States Capitol Police Board, December 2017 https://storage.courtlistener.com/recap/gov.uscourts.dcd.227866/gov.uscourts.dcd.227866.19.4.pdf

10. See “OIG Reports” United States Capitol Police Office of the Inspector General https://www.uscp.gov/oig-reports

11. See “Capitol Police Board: Fully Incorporating Leading Governance Practices Would Help Enhance Accountability, Transparency, and External Communication” Government Accountability Office, February 2017, p. 34

12. See “Report of Investigation: Security Failures at the United States Capitol on January 6, 2021” Committee on House Administration Republicans, https://s3.documentcloud.org/documents/23492671/final_report_of_investigation_republicans.pdf

13. For examples of police spending in major cities, see “What Policing Costs: A Look at Spending in America’s Biggest Cities” Vera Institute of Justice https://www.vera.org/publications/what-policing-costs-in-americas-biggest-cities

14. USCP buildings, grounds, and security — which is housed under Architect of the Capitol funding — received a $340,517,267 increase (a whopping 545.8%) from the $62,389,733 received in FY 2022 to $402.9 million in FY 2023. See, Public Law No: 117-328, p. 470 https://www.congress.gov/117/bills/hr2617/BILLS-117hr2617enr.pdf#page=470

15. See “Formal Statement of J. Thomas Manger, Chief, United States Capitol Police For the United States Senate Committee on Appropriations, Subcommittee on the Legislative Branch” April 25, 2023 https://www.appropriations.senate.gov/imo/media/doc/USCP%20FY%2024%20Budget%20Request%20Testimony%20-%20SAC%20-%20FINAL1.pdf

16. See “FY 2024 House Legislative Branch Appropriations Draft Bill” https://appropriations.house.gov/sites/republicans.appropriations.house.gov/files/documents/FY24%20Legislative%20Branch%20-%20Subcommittee%20Mark.pdf#page=13

17. See “S. 2302 - FY 2024 Senate Legislative Branch Appropriations Bill” https://www.appropriations.senate.gov/imo/media/doc/fy24_legislative_branch_bill_text.pdf#page=14

18. For a complete list of relevant Capitol Police hearings, see “Resources on the U.S. Capitol Police” GitHub https://github.com/DanielSchuman/Policy/wiki/Capitol-Police#hearings

19. See “United States Capitol Police Appropriations Requests: FY19-FY24” Demand Progress Education Fund https://docs.google.com/spreadsheets/d/1rbUYV91UC47otTf2q3msre_Y7dKGVGReN59eROCocTE/edit#gid=1187376756

20. A list of our articles and research can be found at https://github.com/DanielSchuman/Policy/wiki/Capitol-Police

21. http://docs.house.gov/meetings/HA/HA00/20220217/114404/HHRG-117-HA00-Wstate-SchumanD-20220217.pdf

22. https://www.npr.org/2021/05/07/994320154/the-worst-ive-seen-capitol-police-face-scrutiny-for-lack-of-transparency

23. For more information, see “Capitol Police: Resources on the U.S. Capitol Police” Github https://github.com/DanielSchuman/Policy/wiki/Capitol-Police

24. See “US Capitol Police chief: 153 officers have left force since Jan. 6; hiring is imperative” USA Today, January 5, 2022 https://www.usatoday.com/story/news/politics/2022/01/05/capitol-police-officers-left-since-jan-6/9104403002/

25. See H.R.2617 (117th Congress) https://www.congress.gov/117/bills/hr2617/BILLS-117hr2617enr.pdf#page=467

26. See “Capitol Police Union Welcomes Retirement Fix” United States Capitol Police Labor Committee, June 30, 2021 https://uscp-fop.com/wp-content/uploads/2021/07/Capital-Police-Union-Welcomes-Retirement-Fix-June-30-2021.pdf

27. See Public Law 117-31 (117th Congress) https://www.congress.gov/117/plaws/publ31/PLAW-117publ31.pdf

28. See “Looking Ahead Series: Oversight of the United States Capitol Police” Committee on House Administration, May 16, 2023 https://cha.house.gov/committee-activity/hearings/looking-ahead-series-oversight-united-states-capitol-police

29. See “Formal Statement of J. Thomas Manger, Chief, United States Capitol Police For the United States Senate Committee on Appropriations, Subcommittee on the Legislative Branch” April 25, 2023 https://www.appropriations.senate.gov/imo/media/doc/USCP%20FY%2024%20Budget%20Request%20Testimony%20-%20SAC%20-%20FINAL1.pdf

30. See “United States Capitol Police Weekly Arrest Summary to be Posted on USCP.gov” United States Capitol Police, December 19, 2018 https://www.uscp.gov/media-center/press-releases/united-states-capitol-police-weekly-arrest-summary-be-posted-uscpgov

31. Ibid.

32. See [1] “The U.S. Capitol Police: What A Year Of Data Tells Us About The Congressional Police Force” Demand Progress Education Fund, February 2020 https://s3.amazonaws.com/demandprogress/reports/US_Capitol_Police_February_2020_Report.pdf and [2] “A Primer on the Capitol Police: What We Know From Two Years of Research” Demand Progress Education Fund, January 6, 2021 https://firstbranchforecast.com/2021/01/06/a-primer-on-the-capitol-police-what-we-know-from-two-years-of-research/

33. See “Hearing: Public Witnesses testifying on FY21 Budget” House Legislative Branch Appropriations Subcommittee, March 4, 2020 https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=110517

34. The House report accompanying the FY 2021 Legislative Branch Appropriations bill report (H. Rept. 116-447, p. 22) contained the following language: “The Committee is aware that the Capitol Police does publicly share its arrest data, however, it is not available in a user-friendly format that is searchable, sortable, and downloadable, and is made available on a cumulative basis. The Committee directs USCP report to the Committees as soon as practicable, but no later than 180 days after enactment of this Act on a timetable for deploying a system that can meet these requirements.” https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf#page=22

35. The FY 2023 Legislative Branch Appropriations bill committee report (H. Rept. 117-389, p. 23) contained the following language: "The Committee commends the USCP for their progress toward compliance with a directive to post arrest summary information in a user-friendly format that is searchable, sortable, downloadable, and is available on a cumulative basis. The Committee reminds the Department of the importance of this directive and directs the Department to provide a briefing on their ongoing efforts to publish this information within 30 days of the official posting of this report. Furthermore, the Department is directed to submit a report of arrests made both on the Capitol complex and the surrounding Capitol Hill community on a quarterly basis to the Committee." https://www.congress.gov/117/crpt/hrpt389/CRPT-117hrpt389.pdf#page=23

36. See "Arrest Summary Report" United States Capitol Police https://www.uscp.gov/daily-arrests

37. See "Capitol Police Hire Diversity Officer" Emily Yehle, Roll Call, February 2, 2010 https://rollcall.com/2010/02/02/capitol-police-hire-diversity-officer/

38. See ""No One Took Us Seriously": Black Cops Warned About Racist Capitol Police Officers for Years" Joshua Kaplan and Joaquin Sapien, ProPublica, January 14, 2021

39. The House report accompanying the FY 2022 Legislative Branch Appropriations bill (H. Rept. 117-80, p. 24) contained the following language: "Capitol Police officers interact with thousands of domestic and international visitors every day. Visitors have varying cultural and social needs, including but not limited to individuals with limited English proficiency, diverse cultural and ethnic backgrounds, and disabilities. The Committee recognizes the USCP for including diversity training as a part of the current Capitol Police training sessions and encourages the Capitol Police to continue strengthening its curriculum to ensure service is provided to all visitors in a culturally competent manner. The Committee supports vigorous action to improve training for the USCP sworn officers on racial profiling, implicit bias, procedural justice, the use of force, and the duty for officers to intervene when witnessing the use of excessive force against civilians. The Committee directs the USCP to report to the Committees not later than 60 days after enactment of this Act the on breadth of training programs employed by the Department that focus on racial profiling, implicit bias, procedural justice, use of force, preventing use of excessive force. Such report shall include the number of sworn officers who have participated in training and the types of training programs." https://www.congress.gov/117/crpt/hrpt80/CRPT-117hrpt80.pdf#page=24

40. The House report accompanying the FY 2022 Legislative Branch Appropriations bill (H. Rept. 116-447, p. 21) https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf#page=21

41. See "United States Capitol Police Equity and Inclusion Strategic Plan FY23-FY26" https://www.uscp.gov/sites/uscapitolpolice.house.gov/files/USCP%20Equity%20Inclusion%20Strategic%20Plan_Final%20May%2011.pdf

42. See "United States Capitol Police Equity and Inclusion Strategic Plan FY23-FY26" https://www.uscp.gov/sites/uscapitolpolice.house.gov/files/USCP%20Equity%20Inclusion%20Strategic%20Plan_Final%20May%2011.pdf and [2] "A Cultural Assessment of the MPD Workplace" Police Executive Research Forum Metropolitan Police Washington D.C., March 2023 https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/PERF%20MPD%20Cultural%20Assessment_032923.pdf

43. See "Sen. Tim Scott reveals incidents of being targeted by Capitol Police" Louis Nelson, Politico, July 13, 2016 https://www.politico.com/story/2016/07/tim-scott-capitol-racism-senate-225507

44. See “6 Capitol Police officers facing discipline for Jan. 6 actions, dozens absolved” Kyle Cheney, Politico, September 11, 2021 https://www.politico.com/news/2021/09/11/capitol-police-officers-discipline-jan-6-511352

45. See “Former U.S. Capitol Police Officer Found Guilty of Obstruction Charge Involving Investigation of Jan. 6 Capitol Breach” Department of Justice U.S. Attorney’s Office, October 28, 2022 https://www.justice.gov/usao-dc/pr/former-us-capitol-police-officer-found-guilty-obstruction-charge-involving-investigation

46. See “US Capitol Police in ‘very early stages’ of body-worn camera pilot” Rebecca Heilweil, FedScoop, July 7, 2023 https://fedscoop.com/us-capitol-police-in-early-stages-of-body-worn-camera-pilot/

47. See “Appropriators pressure Capitol Police to make Jan. 6 IG report public, hold press briefings” Katherine Tully-McManus, Roll Call, March 29, 2021 https://rollcall.com/2021/03/29/appropriators-pressure-capitol-police-to-make-jan-6-ig-report-public-hold-press-briefings/ and [2] “Capitol Police overhauls, once an afterthought, now at the forefront after riot” Chris Marquette, Roll Call, January 8, 2021 https://rollcall.com/2021/01/08/capitol-police-overhauls-once-an-afterthought-now-at-the-forefront-after-riot/

48. See United States Capitol Police, Twitter, February 5, 2021 https://twitter.com/CapitolPolice/status/1357834113651253248

49. The House report accompanying the FY 2021 Legislative Branch Appropriations bill (H. Rept. 116-447, p. 22) contained the following language: “USCP communication is vital to provide accurate and timely information to Members and staff, as well as the general public that often visits the Capitol Hill Complex. While the USCP does an excellent job of keeping Members and staff informed, the Committee is concerned that the general public is often not aware of severe weather events and security incidents while on the complex grounds. The Committee directs the USCP to establish a community notification system that can be utilized by visitors and community members to allow a larger audience to receive USCP notifications. The USCP may leverage social platforms to meet this goal. The Committee further directs the USCP to provide a report no later than 90 days after the enactment of this Act on its progress to meet this directive.” https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf#page=21

50. The House report accompanying the FY 2022 Legislative Branch Appropriations bill (H. Rept. 117-80, p. 26) contained the following language: “USCP communication is vital to provide accurate and timely information to Members and staff, as well as the public that often visits the Capitol Hill Complex. While the USCP does an excellent job of keeping Members and staff informed, the Committee is concerned that the public is often not aware of severe weather events and security incidents while on the complex grounds. The Committee directs the USCP to employ a community notification system that can be utilized by visitors and community members to allow a larger audience to receive USCP notifications. The Committee further directs the USCP to brief the Committees no later than 90 days after the enactment of this Act on its progress to meet this directive.” https://www.congress.gov/117/crpt/hrpt80/CRPT-117hrpt80.pdf#page=26

51. See “Norton Announces that D.C. Residents Can Receive Capitol Security Alerts” Congresswoman Eleanor Holmes Norton, October 28, 2021 https://norton.house.gov/media-center/press-releases/norton-announces-that-dc-residents-can-receive-capitol-security-alerts

52. The House report accompanying the FY 2023 Legislative Branch Appropriations bill (H. Rept. 117-389, p. 25) contained the following language: “The Committee appreciates the detailed report as requested in House

Report 117–80 regarding a community notification system that may be utilized by visitors and community members. The Committee remains concerned that the public is not often alerted to significant events such as security incidents impacting the Capitol Complex. The Committee encourages the Department to continue exploring ways to keep the Capitol Hill community and visitors informed."
https://www.congress.gov/117/crpt/hrpt389/CRPT-117hrpt389.pdf#page=25

53. For instance, the Office of the Clerk is a shining example of how a given entity can disclose across many types of records through a modern website but not publish administrative or performance data about the office and its staff itself. (It's worth noting, however, that the Office of the Clerk is not an agency.)
https://clerk.house.gov/

54. The House report accompanying the FY 2021 Legislative Branch Appropriations bill (H. Rept. 116-447, p. 22) contained the following language: "While the USCP is not subject to the Freedom of Information Act (FOIA) (5 USC 552), the Committee encourages the USCP to develop a policy and procedure for the sharing of information that follows the spirit of the Freedom of Information Act. This policy should be consistent with, and not interfere with, USCP's primary function of protecting the Congress."
https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf#page=22

55. See "Model Public Records Request Regulations For the U.S. Capitol Police" Demand Progress Education Fund, December 3, 2021
https://s3.amazonaws.com/demandprogress/reports/Model_USCP_Public_Records_Regulations_2021-12.pdf

56. Ibid.

57. The House report accompanying the FY 2022 Legislative Branch Appropriations bill (H. Rept. 117-80, p. 26) contained the following language: "While the USCP is not subject to the Freedom of Information Act (FOIA) (5 USC 552), the Committee directs the USCP to develop a policy and procedure for the sharing of information that follows the spirit of the Freedom of Information Act. This policy should be consistent with, and not interfere with, USCP's primary function of protecting the Congress."
https://www.congress.gov/117/crpt/hrpt80/CRPT-117hrpt80.pdf#page=26

58. See "Looking Ahead Series: Oversight of the United States Capitol Police" Committee on House Administration, May 16, 2023 https://cha.house.gov/committee-activity/hearings/looking-ahead-series-oversight-united-states-capitol-police

59. In the House report accompanying the FY 2021 Legislative Branch Appropriations bill (H. Rept. 116-447), lawmakers requested that the Capitol Police Inspector General publicly release IG reports if they do not compromise law enforcement activities, national security, or congressional security and processes without redaction. The committee requested the USCP IG review all issued reports from the previous three years to determine which could have been made public is commendable; the USCP IG review was due March 27, 2021.
https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf#page=22

60. The House report accompanying the FY 2022 Legislative Branch Appropriations bill (H. Rept. 117-80, p. 26), the committee instructed "the Inspector General to institute a process to make reports publicly available whenever practicable and to begin publishing reports on its website."
https://www.congress.gov/117/crpt/hrpt80/CRPT-117hrpt80.pdf#page=26

61. The House report accompanying the FY 2023 Legislative Branch Appropriations bill (H. Rept. 117-389, p. 25), 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." https://www.congress.gov/117/crpt/hrpt389/CRPT-117hrpt389.pdf#page=25

62. See "Legislative Branch Appropriations Bill, FY 2024, Report 118-120" p. 16 https://www.congress.gov/118/crpt/hrpt120/CRPT-118hrpt120.pdf#page=16

63. See "Audits" United States Capitol Police Office of the Inspector General https://www.uscp.gov/the-department/office-inspector-general/audits-investigations

64. See "Chairman Steil Statement on USCP OIG Publicly Releasing Reports" Committee on House Administration, May 18, 2023 https://cha.house.gov/media/press-releases/chairman-steil-statement-uscp-oig-publicly-releasing-reports

65. For more information on the Council of Inspectors General on Integrity and Efficiency, see "About the IGs" Council of Inspectors General on Integrity and Efficiency https://www.ignet.gov/content/about-igs

66. GAO, Capitol Attack: The Capitol Police Need Clearer Emergency Procedures and a Comprehensive Security Risk Assessment Process (Feb. 17, 2022), https://www.gao.gov/products/gao-22-105001

67. See "Legislative Branch Appropriations Bill, FY 2023, Report 117-389" p. 23 https://www.congress.gov/117/crpt/hrpt389/CRPT-117hrpt389.pdf#page=23

68. See "Legislative Branch Appropriations Bill, FY 2022, Report 117-80" p. 24 https://www.congress.gov/117/crpt/hrpt80/CRPT-117hrpt80.pdf#page=24

69. See "Legislative Branch Appropriations Bill, FY 2020, Report 116-64" p. 15 https://www.govinfo.gov/content/pkg/CRPT-116hrpt64/pdf/CRPT-116hrpt64.pdf#page=15

70. See "Legislative Branch Appropriations Bill, FY 2023, Report 117-389" p. 22-23 https://www.congress.gov/117/crpt/hrpt389/CRPT-117hrpt389.pdf#page=22

71. See "Legislative Branch Appropriations Bill, FY 2022, Report 117-80" p. 23 https://www.congress.gov/117/crpt/hrpt80/CRPT-117hrpt80.pdf#page=23

72. See "Legislative Branch Appropriations Bill, FY 2023, Report 117-389" p. 22-23 https://www.congress.gov/117/crpt/hrpt389/CRPT-117hrpt389.pdf#page=22

73. See "Legislative Branch Appropriations Bill, FY 2021, Report 116-447" p. 22 https://www.congress.gov/117/crpt/hrpt80/CRPT-117hrpt80.pdf#page=22

74. See "Legislative Branch Appropriations Bill, FY 2023, Report 117-389" p. 24 https://www.congress.gov/117/crpt/hrpt389/CRPT-117hrpt389.pdf#page=24

75. See “Legislative Branch Appropriations Bill, FY 2022, Report 117-80” p. 24-25 https://www.congress.gov/117/crpt/hrpt80/CRPT-117hrpt80.pdf#page=24

76. See “Legislative Branch Appropriations Bill, FY 2021, Report 116-447” p. 20 https://www.govinfo.gov/content/pkg/CRPT-116hrpt447/pdf/CRPT-116hrpt447.pdf#page=20

77. Ibid, p. 21

78. See “Legislative Branch Appropriations Bill, FY 2020, Report 116-64” p. 15-16 https://www.govinfo.gov/content/pkg/CRPT-116hrpt64/pdf/CRPT-116hrpt64.pdf#page=15

79. See “Legislative Branch Appropriations Bill, FY 2023, Report 117-389” p. 24 https://www.congress.gov/117/crpt/hrpt389/CRPT-117hrpt389.pdf#page=24

80. See “Legislative Branch Appropriations Bill, FY 2023, Report 117-389” p. 4 https://www.congress.gov/117/crpt/hrpt389/CRPT-117hrpt389.pdf#page=4

81. See “Legislative Branch Appropriations Bill, FY 2022, Report 117-80” p. 25 https://www.congress.gov/117/crpt/hrpt80/CRPT-117hrpt80.pdf#page=25

82. The House report accompanying the FY 2022 Legislative Branch Appropriations bill (H. Rept. 116-447, p. 4) contained the following language: “The Committee notes that the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2021 directs the Attorney General to establish a training program to cover the use of force and de-escalation, racial profiling, implicit bias, and procedural justice, to include training on the duty of Federal law enforcement officers to intervene in cases where another law enforcement officer is using excessive force, and make such training a requirement for Federal law enforcement officers. The Committee further notes that several Departments and agencies funded by this Act employ Federal law enforcement officers and are Federal Law Enforcement Training Centers partner organizations. The Committee directs such Departments and agencies to adopt and follow the training program established by the Attorney General, and to make such training a requirement for its Federal law enforcement officers. The Committee further directs such Departments and agencies to brief the House and Senate Committees on Appropriations on their efforts relating to training no later than 90 days after the Attorney General has established such a training program.” https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf#page=4

83. The House report accompanying the FY 2021 Legislative Branch Appropriations bill (H. Rept. 116-447, p. 21) https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf#page=21

84. The House report accompanying the FY 2021 Legislative Branch Appropriations bill (H. Rept. 116-64, p. 4) contained the following language: “The Committee notes that the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2021 directs the Attorney General to establish a training program to cover the use of force and de-escalation, racial profiling, implicit bias, and procedural justice, to include training on the duty of Federal law enforcement officers to intervene in cases where another law enforcement officer is using excessive force, and make such training a requirement for Federal law enforcement officers. The Committee further notes that several Departments and agencies funded by this Act employ Federal law enforcement officers and are Federal Law Enforcement Training Centers partner organizations. The Committee directs such Departments and agencies to adopt and follow the training program established by the Attorney General, and to make such training a requirement for its Federal law enforcement officers. The Committee further directs such Departments and agencies to brief the House and Senate Committees on Appropriations on their efforts relating to training no later than 90 days after the Attorney General has established such a training program.” https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf#page=4

85. See “Legislative Branch Appropriations Bill, FY 2023, Report 117-389” p. 25
https://www.congress.gov/117/crpt/hrpt389/CRPT-117hrpt389.pdf#page=25

86. See “Legislative Branch Appropriations Bill, FY 2022, Report 117-80” p. 26
https://www.congress.gov/117/crpt/hrpt80/CRPT-117hrpt80.pdf#page=26

87. See “Legislative Branch Appropriations Bill, FY 2021, Report 116-447” p. 22
https://www.govinfo.gov/content/pkg/CRPT-116hrpt447/pdf/CRPT-116hrpt447.pdf#page=22

88. See “Legislative Branch Appropriations Bill, FY 2022, Report 117-80” p. 26
https://www.congress.gov/117/crpt/hrpt80/CRPT-117hrpt80.pdf#page=26

89. See “Legislative Branch Appropriations Bill, FY 2021, Report 116-447” p. 22
https://www.govinfo.gov/content/pkg/CRPT-116hrpt447/pdf/CRPT-116hrpt447.pdf#page=22

90. See “Legislative Branch Appropriations Bill, FY 2023, Report 117-389” p. 25
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91. See “Legislative Branch Appropriations Bill, FY 2022, Report 117-80” p. 26
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92. See “Legislative Branch Appropriations Bill, FY 2021, Report 116-447” p. 22
https://www.govinfo.gov/content/pkg/CRPT-116hrpt447/pdf/CRPT-116hrpt447.pdf#page=22

Appendix

The following is a compilation of congressional directives concerning the US Capitol Police for 2019-2023.

Employee Overtime, Wellness, and Mental Health

Legislative Branch Appropriations Bill, FY 2023, Report 117-389: *Wellness Programs for Law Enforcement*: The Committee appreciates the efforts undertaken by the United States Capitol Police to develop and implement a holistic wellness and resiliency program for its workforce, to include its partnership with the House Wellness Center. The Committee recognizes the importance that mindfulness plays in having a first responder workforce that is holistically balanced and resilient.[67]

Legislative Branch Appropriations Bill, FY 2022, Report 117-80: *Wellness Programs for Law Enforcement*: The Committee appreciates the efforts undertaken by the United States Capitol Police to develop and implement a holistic wellness and resiliency program for its workforce, to include its partnership with the House Wellness Center. The Committee recognizes the importance that mindfulness plays in having a first responder workforce that is holistically balanced and resilient. The Committee is pleased that the new United States Capitol Police structure includes a dedicated FTE to this program. Therefore, the Committee directs the United States Capitol Police to continue this effort and to continue to collaborate with the Department of Homeland Security's Federal Law Enforcement Training Center to expand this initiative through a pilot program, so it may be reviewed and considered for full implementation across all aspects of Federal law enforcement.[68]

Legislative Branch Appropriations Bill, FY 2020, Report 116-64: *Wellness Programs for Law Enforcement:* The Committee appreciates the efforts undertaken by the United States Capitol Police to develop and implement a holistic wellness and resiliency program for its workforce, to include its partnership with the House Wellness Center. The Committee recognizes the importance that mindfulness plays in having a first responder workforce that is holistically balanced and resilient. Therefore, the Committee directs the United States Capitol Police to continue this effort and to closely collaborate with the Department of Homeland Security's Federal Law Enforcement Training Center to expand this initiative through a pilot program, so it may be reviewed and considered for full implementation across all aspects of Federal law enforcement.[69]

Risk-Based Protection for Members of Congress

Legislative Branch Appropriations Bill, FY 2023, Report 117-389: In light of this year's 107% increase in threats against Congress, the Committee continues to find that ensuring the continuity of government must include protecting the physical security of Members of Congress. The recommendation provides $2,000,000 for the Department to enhance Member security outside of the Capitol campus in the National Capital Region (NCR), as warranted by risk-based analyses. As laid out in the December 2018 report detailing the Department's plans to enhance off-campus Member security in the NCR, the Committee expects the USCP to continue working closely with the House and Senate Sergeants at Arms and local law enforcement partners in the NCR and educating Member offices on the USCP strategy for Members' protection within the NCR while outside the Capitol Grounds. The Committee instructs USCP to coordinate with the House and Senate Sergeants at Arms to direct patrols to buildings or locations where the Members tend to congregate in order to fulfill its mission under 2 U.S.C. 1966.[70]

Legislative Branch Appropriations Bill, FY 2022, Report 117-80: Risk-Based Protections for Members of Congress: Provided this year's 107% increase in threats against Congress, the Committee continues to find that ensuring the continuity of government must include protecting the physical security of Members of Congress. The recommendation provides $2,000,000 for the Department to enhance Member security outside of the Capitol campus in the NCR, as warranted by risk-based analyses. As laid out in the December 2018 report detailing the Department's plans to enhance off-campus Member security in the NCR, the Committee expects the USCP to continue working closely with the House and Senate Sergeants at Arms and local law enforcement partners in the NCR and educating Member Offices on the USCP strategy for Members' protection within the NCR while outside the Capitol Grounds. The Committee instructs USCP to coordinate with the House and Senate Sergeants at Arms to direct patrols to buildings or locations where the Members tend to congregate in order to fulfill its mission under 2 U.S.C. 1966.[71]

Legislative Branch Appropriations Bill, FY 2019, Report 115-696: As highlighted by the 2017 shooting in Alexandria, Virginia, evolving threats to Congress include the physical targeting of Members of Congress. In addition to securing the Capitol campus, the Committee finds that ensuring the continuity of government must include protecting the physical security of Members. The bill includes $1,000,000 to enhance Member security outside of the Capitol campus in the National Capital Region, as warranted by risk-based analyses. Such funds may be used to reimburse local law enforcement and/or support additional dignitary protection teams to be assigned on a flexible and dynamic basis. The Committee further expects the USCP to adopt Inspector General recommendations on improving the effectiveness of USCP units, including those other than the Uniformed

Services Bureau, to better position the USCP to expand offcampus security for Members. The USCP is directed to report to the Committee within 90 days of enactment on plans for utilizing the increased funding for off-campus Member security in the National Capital Region, including cost estimates for expanding such efforts. The USCP is also directed to include in such report a recommendation to the Committee on specific features of such events that may warrant a threat assessment. Such recommendations should be made in a format that could better inform Members and staff of events that may need to be alerted to the USCP.

Capitol Police Arrest Record as Data

Legislative Branch Appropriations Bill, FY 2023, Report 117-389: Arrest Summary Data: The Committee commends the USCP for their progress toward compliance with a directive to post arrest summary information in a user-friendly format that is searchable, sortable, downloadable, and is available on a cumulative basis. The Committee reminds the Department of the importance of this directive and directs the Department to provide a briefing on their ongoing efforts to publish this information within 30 days of the official posting of this report. Furthermore, the Department is directed to submit a report of arrests made both on the Capitol complex and the surrounding Capitol Hill community on a quarterly basis to the Committee.[72]

Legislative Branch Appropriations Bill, FY 2021, Report 116-447: Arrest Summary Data: The Committee is aware that the U.S. Capitol Police does publicly share its arrest data, however, it is not available in a user-friendly format that is searchable, sortable, and downloadable, and is made available on a cumulative basis. The Committee directs the U.S. Capitol Police to explore the potential of developing a system that can meet these requirements and provide the Committees a report of the cost of such a system no later than 180 days after enactment of this Act.[73]

Diversity in the USCP and Diversity Training

Legislative Branch Appropriations Bill, FY 2023, Report 117-389: Diversity Training: The Committee commends the USCP for including diversity training as a part of the current Capitol Police training sessions and encourages the Capitol Police to continue strengthening its curriculum to ensure service is provided to all visitors in a culturally competent manner. The Committee supports continued vigorous action to improve training for the USCP sworn officers on racial profiling, implicit bias, procedural justice, the use of force, and the duty for officers to intervene when witnessing the use of excessive force against civilians.[74]

Legislative Branch Appropriations Bill, FY 2022, Report 117-80: Diversity Training: Capitol Police officers interact with thousands of domestic and international visitors every day. Visitors have varying cultural and social needs, including but not limited to individuals with limited English proficiency, diverse cultural and ethnic backgrounds, and disabilities. The Committee recognizes the USCP for including diversity training as a part of the current Capitol Police training sessions and encourages the Capitol Police to continue strengthening its curriculum to ensure service is provided to all visitors in a culturally competent manner. The Committee supports vigorous action to improve training for the USCP sworn officers on racial profiling, implicit bias, procedural justice, the use of force, and the duty for officers to intervene when witnessing the use of excessive force against civilians. The Committee directs the USCP to report to the Committees not later than 60 days after enactment of this Act the breadth of training programs employed by the Department that focus on racial profiling, implicit bias, procedural justice, use of force, preventing use of excessive force. Such report shall include the number of sworn officers who have participated in training and the types of training programs.[75]

Legislative Branch Appropriations Bill, FY 2021, Report 116-447: Diversity Training: Capitol Police officers interact with thousands of domestic and international visitors every day. Visitors have varying cultural and social needs, including but not limited to individuals with limited English proficiency, diverse cultural and ethnic backgrounds, and disabilities. The Committee recognizes the U.S. Capitol Police for including diversity training as a part of the current Capitol Police training sessions and encourages the Capitol police to continue strengthening its curriculum to ensure service is provided to all visitors in a culturally competent manner.[76]

Legislative Branch Appropriations Bill, FY 2021, Report 116-447: Diversity in the USCP: The goal of any organization should be to build a workforce with people from diverse backgrounds. The Committee believes that hiring more officers from underrepresented groups in the U.S. should be a critical priority for the USCP. Therefore, the Committee directs the USCP to provide a report concurrent with the budget submissions that details: 1) the number of activities to try to promote workforce diversity, including partnering with organizations that focus on developing opportunities for minorities and women; 2) the steps taken to attract and retain a diverse workforce, and; 3) a breakout of USCP positions, sworn and civilian, by race and gender.[77]

Legislative Branch Appropriations Bill, FY 2020, Report 116-64: Diversity Training: Capitol Police officers interact with thousands of domestic and international visitors every day. Visitors have varying cultural and social needs, including but not limited to individuals with limited English proficiency, diverse cultural and ethnic backgrounds,

and disabilities. The Committee recognizes the U.S. Capitol Police for including diversity training as a part of the current Capitol Police training sessions and encourages the Capitol Police to continue strengthening its curriculum to ensure service is provided to all visitors in a culturally competent manner.[78]

Combating Bias

Legislative Branch Appropriations Bill, FY 2023, Report 117-389: Combating Bias: The Committee commends the Department for their detailed response on current efforts to combat bias within the USCP workforce. The Committee continues to restate the importance of combating bias and remains interested in ongoing programming, hiring, and education to prevent bias within the Department.[79]

Legislative Branch Appropriations Bill, FY 2023, Report 117-389: Federal Law Enforcement: The explanatory statement that accompanied the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2022 directed the Attorney General to ensure implementation of evidence based training programs on de-escalation, the use-of force, and the protection of civil rights, that are broadly applicable and scalable to all Federal law enforcement agencies. Several agencies funded by this Act employ Federal law enforcement officers and are Federal Law Enforcement Training Centers partner organizations. These agencies are again directed to consult with the Attorney General regarding the implementation of these programs for their law enforcement officers. The Committee further directs such agencies to submit a report to the Committee on their efforts relating to such implementation not later than 90 days after consultation with the Attorney General. In addition, the Committee continues to direct such agencies to the extent that they are not already participating, to consult with the Attorney General and the Director of the FBI regarding participation in the National Use-of-Force Data Collection. The Committee further directs such agencies to submit a report to the Committee not later than 180 days after enactment of this Act on their efforts to so participate.[80]

Legislative Branch Appropriations Bill, FY 2022, Report 117-80: Racial Profiling: The Committee is concerned that the report on Racial Profiling has not been completed as directed in House Report 116–447. The Committee repeats the text in the following paragraph, which is identical to that carried on page 21 of House Report 116–447 from July 14, 2020 and directs the Capitol Police to provide this report immediately after the official posting of this report.[81]

The Committee is interested in what programs and training methods and procedures USCP use to eliminate racial profiling. The Committee directs the USCP to provide a report to the

Committee on Appropriations and the Committee on House Administration detailing: (1) what policies and procedures are in place at the academy to eliminate unconscious bias and racial profiling during training; (2) what steps the USCP has taken to eliminate existing practices that permit or encourage racial profiling; and (3) arrest information disaggregated by race, ethnicity, and gender.

The FY 2022 appropriations bill report requested the USCP participate in the Attorney General's program implementing evidence-based training programs on de-escalation and the use-of force, as well as on police-community relations, and to report back to the Committees on Appropriations on their efforts within 90 days of consulting with the AG.[82]

Legislative Branch Appropriations Bill, FY 2021, Report 116-447: Racial Profiling: The Committee is interested in what programs and training methods and procedures USCP use to eliminate racial profiling. The Committee directs the USCP to provide a report to the Committee on Appropriations and the Committee on House Administration detailing: 1) what policies and procedures are in place at the academy to eliminate unconscious bias and racial profiling during training; 2) what steps the USCP has taken to eliminate existing practices that permit or encourage racial profiling; and 3) arrest information disaggregated by race, ethnicity, and gender.[83]

The FY 2021 appropriations bill report also requested the USCP participate in the Attorney General's program implementing evidence-based training programs on de-escalation and the use-of force, as well as on police-community relations, and to report back to the Committees on Appropriations on their efforts within 90 days of consulting with the AG.[84]

Body-Worn Camera Pilot Program

Legislative Branch Appropriations Bill, FY 2023, Report 117-389: Body Worn Camera Pilot Program: The Committee commends the Department's ongoing efforts for greater transparency while balancing the protection of life and safety on the Capitol Complex. The Committee believes that the Department's request for funding to implement a pilot body worn camera program is an important step in this effort. The Committee understands that the Department's pilot program will be limited to patrol and exterior sworn activities where services are being provided directly to the public. In order to ensure that the Congress can undertake its constitutional responsibilities regarding speech or debate, the Committee understands that this pilot will not be implemented for interior locations on the Capitol Complex, during protection detail activities, or other activities involving direct interactions with Members of Congress. Further, the Committee understands that the Department's pilot program will be limited to patrol and exterior sworn activities where services are being provided directly to the public. In order to ensure

that the Congress can undertake its constitutional responsibilities regarding speech or debate, the Committee understands that this pilot will not be implemented for interior locations on the Capitol Complex, during protection detail activities, or other activities involving direct interactions with Members of Congress. Further, the Committee understands the importance of protecting critical law enforcement-sensitive Member protection information that may be adversely impacted by the release of camera footage captured by a body worn camera. The Committee expects the Department to continue to carefully balance the restriction of access to this information with the transparency expected by the public, while ensuring that the Congress can carry out its constitutional responsibilities in a safe and open environment. The Department shall provide the Committee with an interim report on the pilot program within 180 days following full implementation of the body worn camera pilot program. This report shall include the status of the implementation process, challenges and recommended solutions experienced during the pilot implementation, and lessons learned to date that may inform additional applications for the body worn camera program.

USCP Public Information Office and Social Media

Legislative Branch Appropriations Bill, FY 2023, Report 117-389: USCP Public Information Office: The Committee appreciates the detailed report as requested in House Report 117–80 regarding a community notification system that may be utilized by visitors and community members. The Committee remains concerned that the public is not often alerted to significant events such as security incidents impacting the Capitol Complex. The Committee encourages the Department to continue exploring ways to keep the Capitol Hill community and visitors informed.[85]

Legislative Branch Appropriations Bill, FY 2022, Report 117-80: USCP Public Information Office: USCP communication is vital to provide accurate and timely information to Members and staff, as well as the public that often visits the Capitol Hill Complex. While the USCP does an excellent job of keeping Members and staff informed, the Committee is concerned that the public is often not aware of severe weather events and security incidents while on the complex grounds. The Committee directs the USCP to employ a community notification system that can be utilized by visitors and community members to allow a larger audience to receive USCP notifications. The Committee further directs the USCP to brief the Committees no later than 90 days after the enactment of this Act on its progress to meet this directive.[86]

Legislative Branch Appropriations Bill, FY 2021, Report 116-447: USCP Public Information Office: USCP communication is vital to provide accurate and timely information to Members and staff, as well as the general public that often visits the Capitol

Hill Complex. While the USCP does an excellent job of keeping Members and staff informed, the Committee is concerned that the general public is often not aware of severe weather events and security incidents while on the complex grounds. The Committee directs the USCP to establish a community notification system that can be utilized by visitors and community members to allow a larger audience to receive USCP notifications. The USCP may leverage social platforms to meet this goal. The Committee further directs the USCP to provide a report no later than 90 days after the enactment of this Act on its progress to meet this directive.[87]

Creating a FOIA-like Process for USCP Records

Legislative Branch Appropriations Bill, FY 2022, Report 117-80: While the USCP is not subject to the Freedom of Information Act (FOIA) (5 USC 552), the Committee encourages the USCP to develop a policy and procedure for the sharing of information that follows the spirit of the Freedom of Information Act. This policy should be consistent with, and not interfere with, USCP's primary function of protecting the Congress.[88]

Legislative Branch Appropriations Bill, FY 2021, Report 116-447: USCP Information Sharing: While the USCP is not subject to the Freedom of Information Act (FOIA) (5 USC 552), the Committee encourages the USCP to develop a policy and procedure for the sharing of information that follows the spirit of the Freedom of Information Act. This policy should be consistent with, and not interfere with, USCP's primary function of protecting the Congress.[89]

Capitol Police Inspector General Reports Public Availability

Legislative Branch Appropriations Bill, FY 2023, Report 117-389: USCP Office of 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.[90]

Legislative Branch Appropriations Bill, FY 2022, Report 117-80: USCP 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.[91]

Legislative Branch Appropriations Bill, FY 2021, Report 116-447: USCP 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 make an effort to make appropriate reports public if they do not compromise law enforcement activities, national security, or Congressional security and processes without redaction. Therefore, no later than 90 days after the enactment of this Act, the Inspector General is directed to conduct a review of all issued reports within the previous 3 years and provide to the Committees a report listing which reports could have been made public.[92]



Photo from USCP Instagram @uscppio



Capitol Alert: Assessing the US Capitol Police's Failure to Comply with Congressional Calls for Accountability

Written by Taylor J. Swift,
senior policy advisor at Demand Progress

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United States Senate
OFFICE OF THE SERGEANT AT ARMS

June 6, 2023

The Honorable Bryan Steil
Chairman, Committee on House Administration
U.S. House of Representatives
1309 Longworth Office Building
Washington, DC 20515

RE: Release of Capitol Security Video Footage

Dear Chairman Steil:

As Chair of the Capitol Police Board, I write to object to the release of the security footage proposed by your Committee. This footage was recently shared with the Committee by the U.S. Capitol Police Office of General Counsel, but was not approved for public release. Pursuant to 2 U.S.C. § 1979, the Board is charged with authorizing the release of Capitol security information publicly and to third parties. For the reasons stated below, I do not believe the footage should be released. Any such release would "compromise the security and safety of the Capitol buildings and grounds or any individual whose protection and safety is under the jurisdiction of the Capitol Police", as stated in the statute.

- The first set of video footage from Jan. 5, 2021 contains law enforcement sensitive information that could potentially impact an ongoing federal investigation if released. Only a small fraction of that video has been previously released by the Federal Bureau of Investigation.

- The second set of video footage from Jan. 6, 2021 depicts Members and staff evacuating from the Capitol, which I consider to be sensitive. There are only so many ways to evacuate the Capitol, and places where Members and staff can be brought. The ability to safely evacuate Members and staff is extremely sensitive. Release of this footage may jeopardize the ability to safely use these limited routes in the future.

- The third set of video footage from Jan. 6, 2021 depicts clear Senate equities, to include Senator hideaways, the hallway that leads to the Senate Sergeant at Arms Executive Office suite, and Office of the Attending Physician equipment. While these clips have been used in Jan. 6 prosecutions subject to agreement with DOJ and under Protective Orders entered in those cases, prior public release occurred over the objections of the Board, U.S. Capitol Police, and the Senate Sergeant at Arms. The more video that is released publicly or to third parties, the more difficult it becomes to protect Senator safety and Senate-side security information.

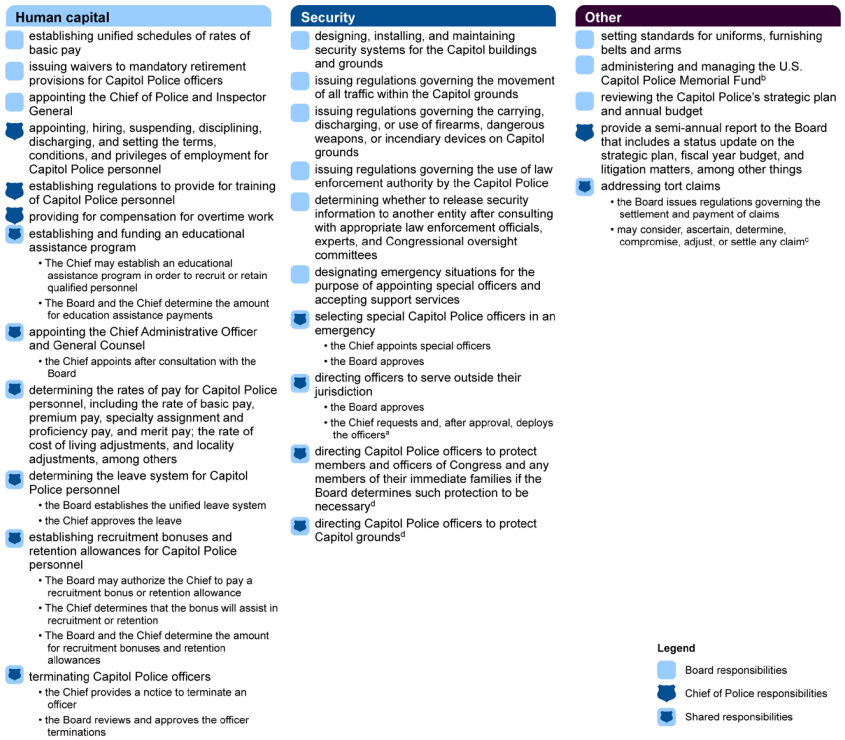
I fully support the objections communicated recently to your Committee staff by the U.S. Capitol Police's General Counsel. I hope your Committee will decline to release this footage for the reasons stated above. I appreciate you taking the time to hear my objection.

Sincerely,



Karen H. Gibson
Chair
Capitol Police Board

Figure 2: Roles and Responsibilities of the Capitol Police Board and Chief of the U.S. Capitol Police



Source: GAO analysis. | GAO-17-112

[a]According to the Board's Manual, the Board's approval is not required if the purpose for deployment is responding to an imminent threat or emergency, intelligence gathering or providing protective services. However, the Board should be advised of any deployment in response to an imminent threat or emergency at the earliest possible moment after deployment.

21.3

Bulletin

Designation of Acting Chief of Police

Bulletin #: 21.3 **Publish Date:** 01/08/2021
Initiating Unit: Office of the Chief **Expiration Date:** 09/30/2021

TO BE READ AT ALL ROLL CALLS AND POSTED ON ALL BULLETIN BOARDS

CAPITOL POLICE BOARD
S-151 The Capitol
WASHINGTON, DC 20510
PHONE (202) 224-2341

JENNIFER A. HEMINGWAY, Acting Chairman
PAUL D. IRVING, Member
J. BRETT BLANTON, Member
YOGANANDA PITTMAN, Ex-Officio Member

CAPITOL POLICE BOARD ORDER 21.04
DESIGNATION OF ACTING CHIEF OF POLICE

Sec.1. (a) Pursuant to the authority of the Capitol Police Board (Board) under provisions of 2 U.S.C. §1901 to appoint the Chief of the United States Capitol Police; upon the resignation of Chief Steven A. Sund, effective January 8, 2021; the Board hereby formally appoints Assistant Chief of Police Yogananda Pittman as Acting Chief of Police, effective on January 8, 2021, for such period as may be necessary for the Board to appoint a permanent Chief of Police.

Sec. 2. The Board orders that the Acting Chief of Police shall have and is vested with all of the powers, duties, responsibilities and authorities of the Chief of Police during the pendency of service as Acting Chief of Police.

So Ordered and Approved this 8th Day of January, 2021.

Jennifer A. Hemingway
Acting Chairman
Capitol Police Board

Paul D. Irving
Member
Capitol Police Board

J. Brett Blanton
Member
Capitol Police Board

This document is the property of the United States Capitol Police (USCP) and is intended for official use only. Neither it nor its contents may be released outside of the USCP without authorization.

Hearing Before the U.S. Senate Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration

Testimony of Paul D. Irving
Former Sergeant at Arms for the U.S. House of Representatives

February 23, 2021

Chairman Peters, Chairwoman Klobuchar, Ranking Member Portman, Ranking Member Blunt, and distinguished Members of the Committees: Thank you for the opportunity to appear before you today.

My name is Paul Irving and I served as the House Sergeant at Arms for nearly nine years. I resigned from my position on January 7, 2021. Serving as the House Sergeant at Arms was one of the great honors of my life. As the thirty-sixth Sergeant at Arms, I worked with Speakers of the House of Representatives from both the Democratic and Republican parties.

I am a law enforcement officer by training. I began my career as an intern at the Department of Justice more than 40 years ago, and later became a clerk at the Federal Bureau of Investigation (FBI). I eventually became a Special Agent at the U.S. Secret Service and served for twenty-five years, working on two different presidential protection details and ultimately rising to the rank of Assistant Director. Immediately after that, I was the Managing Partner of an international security and intelligence consulting firm.

I appreciate the Committees' role in investigating the horrific events of January 6, 2021, and I welcome the opportunity to answer your questions. The events of January 6 shook me to my core, and I am deeply saddened and dismayed by what happened on that tragic day. The entire world witnessed horrific acts of violence and destruction carried out by our own citizens against a global symbol of democracy. I am particularly saddened by the loss of life, which included three police officers. My heart goes out to all the families that lost a loved one.

During my tenure as Sergeant at Arms, we implemented many security enhancements to make the U.S. Capitol safer for Members, staff, and the public. More has to be done. There are important lessons to learn from January 6, and I commend the Committees for conducting this review of the events leading up to and on January 6. I want to help the staff and Members make changes and improvements to the security of the U.S. Capitol, and to ensure the tragedies of January 6 never happen again.

Intelligence and Security Planning in Advance of January 6, 2021

The U.S. Capitol Police Department (USCP) began planning in December 2020 for the January 6 Joint Session and the associated demonstrations and marches. The large rallies in support of former President Donald J. Trump in November and December 2020 informed the USCP's judgments about the intelligence for the January 6 events.

On January 3, 2021, the USCP issued its special event assessment for January 6—it specifically concluded that the protests were expected to be similar to the two prior First

Amendment marches in November and December. Both prior events saw multiple arrests during and after the demonstrations, with clashes between protesters and counter-protesters resulting in a number of injuries to law enforcement officers. January 6 was also expected to be a First Amendment march and demonstration. Intelligence reported that some groups encouraged protesters to come armed, that violence was a possibility as it had been in November and December, and that Congress would be the focus. The intelligence was not that there would be a coordinated assault on the Capitol, nor was that contemplated in any of the inter-agency discussions that I attended in the days before the attack.

The USCP's intelligence component relied on intelligence reporting from various state and federal agencies to draft its special event assessment. Those sources included the FBI and the Department of Homeland Security, neither of which assessed or forecast a coordinated assault on the Capitol like the one that took place. And for each of the days leading up to January 6—and indeed, on January 6 itself—the USCP issued a daily intelligence report in which it assessed the potential for civil disobedience and arrests as "remote" to "improbable."

On January 4, I spoke with USCP Chief Sund and Senate Sergeant at Arms Stenger about a National Guard offer to incorporate 125 unarmed troops into the security plan to work traffic duty near the Capitol, with the expectation that those troops would free up Capitol Police officers to be at the Capitol. Certain media reports have stated that "optics" determined my judgement about using those National Guard troops. That is categorically false. "Optics" as portrayed in the media did not determine our security posture; safety was always paramount when evaluating security for January 6. We did discuss whether the intelligence warranted having troops at the Capitol, and our collective judgment at that time was no—the intelligence did not warrant that. The intelligence did warrant the plan that had been prepared by Chief Sund.

Chief Sund's plan was for "all hands on deck," whereby every available sworn USCP employee with police powers was assigned to work on January 6. The Chief's plan included approximately 1,200 Capitol Police officers on site, including numerous Civil Disturbance Units and other Capitol Police tactical units. The D.C. Metropolitan Police Department (MPD) was also on 12-hour shifts, with no officers on days-off or leave,[1] and they staged officers just north of the Capitol to provide immediate assistance, if required. The plan also closed the entire Capitol square with a western perimeter beginning at 1st Street NW and SW. And in the course of the January 4 call, we agreed that Chief Sund would ask that the National Guard have the 125 troops standing by as an asset in reserve.

Had I thought for an instant that the intelligence called for the presence of 125 unarmed National Guard troops to work traffic duty (as was contemplated in the January 4 discussion), I would not have hesitated to do everything necessary to ensure their presence. Moreover, had Chief Sund, Senate Sergeant at Arms Stenger, or any of the law enforcement leaders involved in the planning concluded that the intelligence called for the National Guard or any other resource on January 6 (or that the security plan fell short in any respect whatsoever), I would not have hesitated to ensure the National Guard's presence or to make any other changes necessary to

[1] Testimony of Robert J. Contee, III, Acting Chief of Police, Metropolitan Police Department, before Committee on Appropriations (January 26, 2021) (Contee), 1.

ensure the security and safety of the Capitol. Our ultimate need for the National Guard was starkly different than unarmed troops for traffic duty.

On January 5, Chief Sund and I participated in a web-based interagency conference call with multiple law enforcement partners: the FBI, the MPD, the U.S. Secret Service, the U.S. Park Police, and the Military District of Washington, among other law enforcement agencies from the National Capitol Region. Based on the intelligence and threat assessment, everyone on the call believed that we were prepared and the plan met the threat.

Also on January 5, Chief Sund briefed the security plan to the Chairs of the two committees of jurisdiction; I attended the briefings. He stressed there would be "all hands on deck" and described the law enforcement and contingent National Guard assets that would be on call. Like Chief Sund, based on the intelligence and the extensive deployment of law enforcement resources, I erroneously believed that we were prepared.

As we now know, the security plan was not sufficient for the unprecedented attack that unfolded on January 6. As Sergeant at Arms and as a senior official responsible for the security of the Capitol, I accept responsibility for my approval of that plan. And as you know, I resigned from my position on January 7.

The Tragic Events of January 6, 2021

I started the day believing that my official duties on the House floor for the Joint Session would predominate my day. At around 1:00 p.m., I announced to the Speaker in the House Chamber the arrival of the Vice-President and the Senate.

It has been reported that Chief Sund contacted me to request National Guard support shortly after that at 1:09 p.m. I was in the House Chamber working protocol for the Electoral College Joint Session at that point. I have no memory of a call at 1:09 p.m. and I have reviewed my phone records: there is no call from Chief Sund (or any other person) at that time; the first call from Chief Sund in the one o'clock hour is at 1:28 p.m. My records also do not show any text messages from Chief Sund at that time.

Shortly after I left the House Chamber, I recall speaking with Chief Sund more than once in the period between 1:28 p.m. and 2:00 p.m. regarding the conditions outside. At one point, Chief Sund informed me that conditions were deteriorating outside and that he might need to make a request for the National Guard. I told Chief Sund that I would soon be with the Senate Sergeant at Arms and that I would also alert House Leadership, which I did. I believe that I arrived in the Senate Sergeant at Arms office around 2:00 p.m. I remember a call after that in which Chief Sund requested National Guard support, and the request was approved on that call.

Since that time, I have seen the timeline published by the Department of Defense (DOD). I have no personal knowledge of the information in DOD's timeline, but I am aware that it reports the Secretary of the Army received a request from Mayor Bowser at 1:34 p.m., and that the National Guard received a request from Chief Sund at 1:49 p.m. Regardless of whether the National Guard was requested at 1:34 p.m. and 1:49 p.m. according to the DOD's own timeline, or shortly after 2:00 p.m., it is clear that the National Guard was not quick to respond—as we

had planned—and it was several hours before they were onsite. I am of course very grateful for their support.

I am also incredibly grateful for the support of the MPD and our other law enforcement partners. In the same period of time, the MPD routed hundreds of officers to the U.S. Capitol. Chief Contee has stated in Congressional testimony that he had as many as 850 officers on-site at one point that afternoon.[2] We also activated the Mutual Aid Agreement with law enforcement agencies in the surrounding jurisdictions, and I understand that brought more than 1,000 additional officers to the Capitol that afternoon.

Thanks to the heroic efforts of law enforcement, the National Guard, my own staff, and many others, the House recommenced the Electoral College vote at approximately 9:00 p.m.

***

I am honored to have worked beside the brave men and women of the USCP, including Chief Sund, each and every day of my tenure as the House Sergeant at Arms. I hold them in the highest regard.

I am also grateful to the House Leadership, the Committees of Jurisdiction to whom I reported, and to all the Members and staff that supported me throughout my tenure as the House Sergeant at Arms. It was truly an honor to serve.

Thank you, and I look forward to your questions.

[2] Contee at 3.

SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: GENERAL WILLIAM WALKER

Monday, December 13, 2021

Washington, D.C.

The interview in the above matter was held in Room 4480, O'Neill House Office Building, commencing at 1:59 p.m.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Appearances:

For the SELECT COMMITTEE TO INVESTIGATE
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

[redacted], CHIEF INVESTIGATIVE COUNSEL
[redacted] SENIOR INVESTIGATIVE COUNSEL
[redacted] RESEARCHER
[redacted], CHIEF CLERK
[redacted] PROFESSIONAL STAFF MEMBER
[redacted] INVESTIGATIVE COUNSEL
[redacted] INVESTIGATIVE COUNSEL
[redacted] INVESTIGATOR
[redacted] INVESTIGATOR

[redacted] So I just want to take care of some housekeeping stuff in the beginning, and then we'll go ahead and get started, sir.

This is a transcribed interview of William J. Walker conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol, pursuant to House Resolution 503.

[redacted] Mr. Walker, could you please state your full name for the record?

General Walker. William Joseph Walker.

[redacted] Thank you, sir. In the room today are myself, and I will have them introduce themselves starting to my right.

[redacted] Good afternoon. My name is [redacted] I'm an investigative counsel with the select committee.

[redacted] I'm a researcher on the select committee.

[redacted] investigative counsel with the select committee.

[redacted] I'm [redacted] senior investigative counsel for the committee.

[redacted] General Walker, I'm [redacted] I'm the chief investigative counsel. Thanks very much for being here.

General Walker. Sure.

[redacted] As well as the court reporter, sir.

General Walker. Certainly.

Hi.

[redacted] Before I -- I'm sorry. I forgot to mention that I'll be leading the interview today, sir.

General Walker. Okay.

[redacted] Before we begin, I'd like to describe a few ground rules.

General Walker. Should I introduce Colonel [redacted]?

[redacted] Yes, sir. I'm sorry.

Colonel [redacted] So I'm not his counsel, so -- this is my thing. I was his lawyer, and I was present. I probably have a better memory than the General does. I really have a good memory. And so he asked me to join. I mean, I'm not sure if you want -- what you want me to do or -- I mean, because I am a witness to some of this stuff also, so just tell me how you want to handle that. My name is [redacted]

General Walker. Yeah. You already said he could be here, so --

[redacted] Yeah. I just want to flag that we wanted to also talk to Colonel [redacted] since he is a witness to the event. So I wouldn't want his testimony that we intend to seek to get, you know, influenced by what you state here today.

Colonel [redacted]. Okay.

[redacted] So I just wanted to see -- we should probably talk that through.

[redacted] Yeah.

[redacted] Earl, did we -- did you and I have a text exchange last week?

Colonel [redacted] We did text last week.

[redacted] We did. Great. So I thought that -- I do think it probably makes sense for you to not be present when General Walker testifies just because you have your own independent recollection, which we definitely want to get.

Colonel [redacted] Okay.

[redacted] So you're welcome to stand by outside and be available, but if you're both witnesses in the same investigation, our preference would be --

Colonel [redacted] I understand.

[redacted] -- for you not to be present.

Colonel [redacted] Okay.

[redacted] Okay. So, again, you're welcome to -- we can put you in a holding room. You can stay in the event General Walker wants to talk to you about something, but we probably should preserve the integrity of each witness testifying separately.

Colonel [redacted] Okay. Sure.

What do you want to do, General? Do you want me to stand by or --

General Walker. It's up to you. If you've got other stuff, some place you can make a -- you know, make phone calls.

[redacted] Yeah. There's a conference room.

[redacted] do we have a holding -- we do.

[redacted] I think we have a holding. I want to just make sure -- I think it's 5200, but I'll double check.

Colonel [redacted] Why don't you let me know?

General Walker. Yeah.

Colonel [redacted] I'll stand by.

[redacted] Thank you for referencing that. I didn't put together that you also had some involvement in this, so I thank you for doing that.

I don't know how long you expect it to be, [redacted]

[redacted] So we're scheduled for 3 hours, sir. I'm not entirely sure we'll take 3 hours, but just in terms of planning, the worst case scenario would be until 5 o'clock.

Colonel [redacted] I can make myself available until then. Do you -- I mean, do you think you're going to need me for anything?

General Walker. I don't know. I mean, you do have a -- he's gifted. I mean, extraordinary recollection.

[redacted] We appreciate that.

Colonel [redacted] I have contemporaneous notes and contemporaneous emails too, so that's very helpful.

[redacted] Watch the guide wire.

Colonel [redacted] I'm not going to kill myself.

[redacted] Well, [redacted] has got a room for you, so we'll keep you close by.

[redacted] I'll walk you out.

Colonel [redacted] Do you want me to stay, General?

General Walker. Yeah.

Colonel [redacted] I'll stay.

General Walker. Yeah.

[redacted] And, General Walker, at any time, if you want to stop and talk to Colonel [redacted] that's fine.

General Walker. Yeah.

[redacted] I guess I should say, at any point, if you want to break for any reason, for that or a bio break, comfort break --

General Walker. Yeah.

[redacted] -- just let me know.

General Walker. Well, as I explained, when we were on the teams that he was with me the whole time. The whole day he was with me as were -- there was a group of people that were with me, but I trust his recollection better than mine.

[redacted] Okay. Good to know.

General Walker. He is 20 years younger than me.

[redacted] We're going to do this with him as well.

General Walker. Okay. All right.

[redacted] I appreciate that. Should we wait for [redacted]

[redacted] Yeah. Just give it a moment.

[redacted] Off the record.

[Recess.]

[redacted] We're back on the record.

Prior to the brief pause, we were going around the room to identify ourselves. If we could identify who's on the line on the team's Webex call for purposes of the court reporter, that would be great.

[redacted]. [redacted] investigator with the select committee.

[redacted] [redacted] investigator with select committee.

[redacted] And I believe we also have [redacted], who is with the select committee. There's an official reporter transcribing the record of this deposition. Please wait until each question is completed before you begin your response, and we will try and wait until your response is complete before we ask our next question. The stenographer cannot record nonverbal responses such as shaking your head, so it is important that you answer each question with an audible verbal response.

We ask that you provide complete answers based on your best recollection. If the question is not clear, please ask for clarification. If you do not know the answer, please simply say so. I also want to remind you that it is unlawful to deliberately provide false information to Congress. You will have the opportunity to review the transcript once we're all said and done, sir.

Any questions about any of that?

General Walker. No.

[redacted] Thank you, sir.

And, before we begin the questioning in earnest, I'll just wait for my colleague to return. Thank you, sir.

[Recess.]

[redacted] As I said, I should have noted earlier that, during our time together, some members of the committee may join us via the Webex. If they do, we'll pause and identify them and see if they have any questions for you, sir.

General Walker. Okay.

[redacted] Thank you for your patience, sir.

EXAMINATION

BY [redacted]

Q So what I'd like for to do is for this to be conversational. My goal is just to sort of get a better understanding of what happened. And, to be mindful of everyone's time, I'd like to give you a roadmap of where I'd like to go.

So the questions are going to sort of fall into four buckets. The first bucket is, what is the National Guard Bureau? How does it work? What is the organization like? Who's in the chain of command? Because I'm an Air Force JAG, but I do Active Duty and Reserve, so my knowledge of the National Guard Bureau is kind of iffy. So I just want to understand how that system works.

The second bucket is, how does -- how it works organizationally. The second bucket will be, putting aside January 6th, how typically is the D.C. National Guard activated? So what are the steps that have to take place and the permissions that need to be sought and the triggers that need to be tripped in order for the D.C. National Guard to mobilize.

The third bucket will be overlaying that process on top of the summer of January 2020 and then doing the same thing for January 6th.

So, with that sort of as the backdrop, any questions about that before we get started, sir?

A No questions.

Q All right. So I guess let's start with the D.C. National Guard Bureau itself organizationally. Can you --

A The D.C. National Guard Bureau or the National Guard Bureau?

Q So I want to -- well, actually let's do both. Let's start with the National Guard Bureau and then the specific reference to the D.C. National Guard Bureau.

A So there is no D.C. National Guard Bureau.

Q I'm sorry. D.C. National Guard.

A D.C. National Guard.

Q I apologize. Yes.

A Okay.

Q So let's start with the National Guard Bureau, sir.

A So the National Guard Bureau is a resourcing organization. There is no command and control. There's no command authority. There is a four-star chief of the National Guard, but he cannot command any of the National Guard.

Q Okay.

A So I'm kind of blending. There are 54 National Guards in the United States; 53 work for Governors. The Governor is the commander-in-chief for the 53 National Guards of the States and territories. The District of Columbia National Guard is the only National Guard with a commanding general in charge. It's been that way since 1802 when Congress created the District of Columbia National Guard at the request of President Thomas Jefferson.

There is a one-star adjutant general in charge of the District of Columbia National Guard. That adjutant general is a two star in the 53 National Guards in the States and territories. The District is not a State. It's the President -- President Thomas Jefferson

created the District of Columbia National Guard, and since 1802, it's been a Presidential appointment, and it continues to be that way today.

So their -- the authority that the States and territories have come from their commander-in-chief, the Governor, who appoints the adjutant general in charge. And in some States, the Governor appoints all of the generals, the two stars, the one stars. But most of the time -- and I've served in a lot of different National Guards; Illinois, Florida, New Jersey. I used to drill with the Reserves, the U.S. Army Reserves. I drilled -- as I moved around nationally and internationally with the Drug Enforcement Administration, I found a unit to drill with, so I could hopefully retire one day from the military.

So it's kind of complex in the District of Columbia. So President Nixon delegated day-to-day authority over the District of Columbia National Guard by executive order -- you can find it -- to the Secretary of Defense. Subsequently, the Secretary of Defense, by memorandum, delegated the day-to-day control over the District of Columbia National Guard to the Secretary of the Army. So, if you find the Secretary of the Army's organizational chart, you'll see off to the right as you face the chart the commanding general, two star; adjutant general, one star; District of Columbia National Guard, direct report even for the Air Force. So, when the Air Force matters, I would bring them to the Secretary of the Army, who consults with the Secretary of the Air Force, but that day-to-day authority is the Secretary of the Army.

Q I appreciate that, sir. That's very helpful.

What is the role of the chief of the National Guard Bureau? What purpose did that -- does that position fill?

A Resourcing, funding. But he has no control, but he's a resource element. So the way I understand it, the Army sends a pot of money to the National Guard, and I believe it's to the director of the Army National Guard, a three star. And that three star

allocates the funds throughout the enterprise to include the District of Columbia National Guard. But nobody works for the National Guard Bureau.

Q I understand.

A No -- nobody in the 54 National Guards.

Q Including the D.C. National Guard?

A Including.

Q Because there's the 53 -- I'm just making sure I'm understanding this thing. There's the 53 --

A That work for Governors.

Q Work for Governors. And there's the D.C., which is separate.

A To maybe make it even more clear, so when you're in -- and all States don't do this -- but in the New Jersey Guard, when I was a member, I received a commission from the Army. It's called a DA 1, and every officer in the Army has it, the President of the United States recognizing the patriotism, valor, fidelity, abilities. It goes on and on and on. You're hereby appointed second -- I have eight of them from second lieutenant all the way to major general. It goes all the way to lieutenant general and general. So I had that when I was promoted. I received a commission from the Governor of New Jersey.

So you really have -- every -- there's one Army, and the President or the Army can mobilize the National Guard. And, at that point, you become title X, and you work for the Army or the Air Force. You don't work for the National Guard Bureau. So you come under a Governor day-to-day, and when the Nation needs you in a title X capacity -- Afghanistan, Iraq, Horn of Africa, you name it -- then you come under title x, and you're deployed wherever the Army needs you to go.

Q And, when the Army is operating under the control of the Governor, they're

in a title 32 status?

A They're in a -- it depends. Most of the time, they're under State orders.

Q Okay.

A Hurricane Andrew, 1992. I'm in the Florida National Guard. I'm mobilized by the Governor. I'm in -- I'm being paid by the State of Florida. So it's various, radically different.

Q And, with respect to the D.C. National Guard in particular --

A Always Federal.

Q So they're always in title 10?

A No. You're always in title 32.

Q They're always in title -- excuse me. They're always in title 10.

A You can be in title 10. So to go overseas, you have to be on title 10. The D.C. National Guard has two State partners, Jamaica and Burkina Faso in West Africa. So, whenever we would go on those trips, we would be in title 10. To leave the continental United States, you should be on -- you must be on title 10 orders.

Q I see. So would a fair distinction -- so both it sounds like title 32 and title 10 are a Federal status?

A It's a Federal paying mechanism, yes. A status.

Q And it sounds like --

A Title 10 is court martial authority. Title 32 is not.

Q And title -- it sounds like title 10 is also OCONUS, but title 32 is CONUS?

A Most of the time.

Q Most of the time?

A So the border. The border. Those soldiers, I believe, are on title 10.

Q Okay. And, going back to the chief of the National Guard Bureau for a

second, does that person -- understanding that they manage the resources that are allocated to them for the benefit of all of the National Guards, do they play any role operationally if any one of the Guards is called into action in either a title 32 or a title 10 status or even under the auspices of the Governor of a particular State?

A Yeah. So they facilitate the movement of troops if you need aircraft, buses. So lodging, food, medicine. So they're a resource.

Q Okay. And, in a circumstance where they're providing that function, are they normally in communication with the adjutant general or the commanding general of -- who is in charge of the operation itself? In other words, are they -- is there communication between those two about sort of what's going on? And, if the chief of the National Guard Bureau is providing resources and buses and that sort of thing, I guess I'm wondering sort of what is his or her interface into the actual operation itself so they know what to provide?

A Well, I kept him informed. So, as commanding general, I reported directly to the Secretary of the Army. I received my evaluations from him. He was my rater. When you become a two star, there's no more evaluation, but he still could influence me. He could fire me. So I -- but I -- so I would report to him. SIT REPs, as we call them. You're familiar them, situational reports. I kept him up to date, and then I would take that same SIT REP normally and then send it to the chief of the National Guard Bureau --

Q Okay.

A -- just to keep him up to date.

Q Thank you, sir.

Anybody have any questions about organizational structure before we move on?

A So you look at Oklahoma. The Governor said they're not taking the -- whatever that -- the COVID shot. So the Secretary of Defense says they're not

going to get paid. But there was nobody that can make them do it.

Q Uh-huh.

A That two star couldn't make them do it. They all work for the Governor. The chief of the National Guard Bureau couldn't do it. Nobody could do it. So just to give -- hopefully that illuminates --

Q It does, sir.

A -- the relationship.

Q No. It's very helpful.

A They work for Governors. I work for the Secretary of the Army.

Q I appreciate that.

A I worked for the Secretary of the Army.

Q Let's move on to the second bucket.

A Uh-huh.

Q And starting sort of from cradle to grave --

A Uh-huh.

Q -- with specific reference to the D.C. National Guard --

A Right.

Q -- what -- walk me through how you all are called into action. What needs to happen? Sort of what are the steps that need to be triggered? Just -- I'm just trying to get an understanding from a -- sort of in a vacuum how the process works.

A Yeah. So we're always in support. The District of Columbia National Guard is always in support of civil authorities, usually an elected official. So I'll just pull some examples --

Q Sure.

A -- that come to me. So, around here, a big snowfall -- I'm from Chicago, but

around here, a couple inches of snow is a big deal. So the Department of Homeland Security Emergency Management would contact me and say, "Look, can you bring the trucks out or, you know, bring our vehicles out to help," and he'll put it in writing. I'll send it to my operations officers. They'll conduct mission analysis, and we'll make a determination if we can do it or not. Is it feasible? Is it -- does it -- is it conducive to training? Is it something we need to practice? Does it promote good will? There's a whole lot of things that go into it.

They brief me on it: This is how many people it's going to take. This is how long we can do it.

Then I'll package that up. I'll get the lawyers involved. We'll -- they'll prepare a briefing on, is it legally sufficient? I'll put that all in a memorandum to the Secretary of the Army, and if I agree to do it, then I would write in there: Mr. Secretary, I recommend that we honor the request, and this is why: It's good training. It's in the budget. We planned for it. We can execute the mission. And this is who -- this is how many people it's -- how many forces it's going to take.

Then the Secretary of the Army takes it -- there's a process. He takes it, and then he runs it up, and then he consults with the Attorney General or the Deputy Attorney General, and then he concurs with -- he just concurs blanket, or he concurs with constraints or restraints, and then we execute the mission.

Q So if we could back up a couple of steps. So it sounds like in order for -- to use the euphemism -- not euphemism, use the quote, saying, get the ball rolling, there has to be some kind of request --

A Yes.

Q -- from someone?

A Yes.

Q And, in the example you provided, that request came from the Department of Homeland Security?

A It can come from the -- it normally comes from Dr. Chris Rodriguez and his predecessor. I can't think of his name right now, but they are -- they make the request on behalf of the city.

Q Okay.

A Now, but I have had requests from the mayor.

Q Okay.

A So she can pick up the phone and call me and say: Hey, General Walker, I need ABC. Can you do it?

Or she'll put it in writing.

Q Okay.

A And then we'll act on it. The time -- the whole time I was there, I don't recall denying -- well, there was one snow thing that was -- you know, I would call Air Force -- they call it weather flight, and they convinced me that it wasn't going to be enough snow. Then I would -- Brian Baker was the gentleman before Dr. Chris Rodriguez. And I'd say: You know, it's not going to snow, you know. It's not going to be enough. I'm not going to bring these people from their civilian jobs, put them on orders, and have them come out for nothing.

Q Right. So, earlier in your example when you mentioned the Department of Homeland Security, that was the D.C. Department of Homeland Security?

A HSEMA.

Q Okay.

A District of Columbia Homeland Security Emergency Management Agency.

Q Okay.

A HSEMA.

Q So they put a request in writing to you saying: This is what we -- this is what's happening. This is what we think we need.

And then your team does a mission analysis. Is that it?

A Uh-huh.

Q Explain to me what's a -- what happens in the mission analysis?

A So they take the mission apart: Who is going to do it? With what? How long? Where are they going to come from? Who are we going to get? So it's just this backward planning that we -- you know, what is asked of us, and then who do we need to call in to get it done? And then how many? They never tell us -- well, we don't -- they don't tell us "we need 50 soldiers." They'll tell us what they want covered, and then we'll tell them how many soldiers based on the experience and doing it before; this is what we think we're going to need.

Q And then, once that analysis is done, they bring it back to you and say: General, here is the mission analysis. Here is what we think we'll need.

And then you package that up, and you send it to the Secretary of the Army with a recommendation?

A Yeah. There's been times when I've sent it back, you know. So I've said: Look, I think we need to have more soldiers.

So I influence them.

Q So you have the ability to influence that process. You can say: We need more. We need less. Go back and check this again. Make sure that we --

A Uh-huh. Relook it.

Q -- check it again.

A Relook it.

Q But, once all of that is vetted, once that process is vetted, then you take that, and you send it to the Secretary of the Army with a recommendation --

A To honor the request.

Q Has there ever been a time, just out of curiosity, where you've recommended other than -- not to honor the request because I know you said earlier that you've said no to the -- at the front end to the request.

A Right.

Q Right?

A Uh-huh.

Q But has there ever been a time where you have gotten the request, vetted it, and now you're sending it to the Secretary of the Army with a recommendation of no?

A No.

Q Okay.

A No. The Secretary of the Army is very busy. I'm not going to --

Q You're not going to waste his time.

A Yeah. I'm not going to -- you know.

Q Understood. Understood, sir.

And then you mentioned that, once it's with the Secretary of the Army, I think first you said -- well, let me back up. You said it goes through the lawyers. Are those National Guard lawyers or are those --

A So the National Guard lawyers have already looked at it.

Q Okay.

A And then what they do, they will send it to the Army's lawyers who will look at it.

Q Okay.

A I can see there's a lot of lawyers in here, so it --

Q It's D.C., sir. You can't swing a dead cat and not hit a lawyer.

A They make it the courtesy, you know, send it to the lawyers, the headquarters Department of the Army's lawyers: It's coming. This request is coming. The Secretary's getting it, and then -- so you're ready when the Secretary comes to you. It's just a courtesy --

Q Uh-huh.

A -- to give it to those lawyers so they're already running.

Q So they're ready. So the skids are pregreased, so to speak --

A Uh-huh. Uh-huh.

Q -- so that people know it's coming, and they can get it in front of the right people and not sit on it?

A Yes.

Q So, once it goes to the Secretary of the Army, what process, if any, does it have to go through? Does the Secretary of the Army have to send it above him or her, like, to the Secretary of Defense or sort of -- what's that process look like?

A It goes to the Secretary -- it goes to the Attorney General or the Deputy Attorney General --

Q Okay.

A -- who has to concur with it as well because they're not in State status. They're in some kind of a Federal status.

Q They're either going to be in title 32 or title 10?

A Right.

Q Okay.

A Right.

Q Okay.

A So the Attorney General concurs, or since I've been here, the Attorney General has not nonconcurred. So the Attorney General gives a thumb's up, and then the lawyers chop off on it, and then if it's a Federal request, meaning Capitol Police, Park Police, U.S. Marshals, Secret Service -- well, it's different for the Secret Service, I believe. But if it's a Federal request, then the Secretary of Defense has to approve it as well.

Q Okay. So it sounds like what triggers another level of approval is if the requester is a Federal entity?

A Yes.

Q So, if it's, like you said, the Capitol Police, Park Police --

A Secret Service.

Q -- Secret Service, that will trigger the need for it to go --

A SecDef.

Q To get SecDef approval?

A Uh-huh.

Q But if it's the mayor of D.C. or --

A Metropolitan Police.

Q -- Metropolitan Police --

A D.C. Fire and Emergency Services, they call us all the time. Then the Secretary of the Army can okay that.

Q Okay. And, even in those instances where the Secretary of the Army can okay it, does the Secretary of the Army ever sort of just give the SecDef, Secretary of Defense, like a heads up, like, "Hey, boss, this is" --

A Oh, yeah. If you -- you know, yeah. Just like -- you definitely want to tell him. He shouldn't see it on CNN. He shouldn't see it in the news. This is what the

District of Columbia National Guard has been requested to do, and I've approved it.

Q Okay.

A I mean, I've never been in that room, but I know the Secretary of the Army notifies the Secretary of Defense. It's just prudent.

Q Right. And then, once that process occurs --

A Uh-huh.

Q -- does the request come back to you for execution, or sort of what -- what are sort of the next steps to --

A Yeah. I get a letter saying that, you know, I'm authorized to execute the mission, and these are the parameters and keep them him in-- keep him up to date.

Q And, other than establishing parameters, who has primary responsibility for planning the execution of the mission itself? Is that the Guard, or is that the Guard and the Secretary of the Army? Who sort of has primary responsibility for making -- once you get -- say go, for making it go?

A So the commanding general through his subordinates, and now her subordinates, come up with an operations order and an execution order and execute.

Q Okay. So --

A I don't need anybody above me to tell me how to operate and execute.

Q Understood, sir. So it comes back down to you or the person in your position, and then you all plan and execute?

A Right.

Q Okay. And then are there any -- once the mission is--

A Plan, and then -- so, like, for civil disturbance, plan, and, if time is available, rehearse.

Q Okay.

A Exercise. So a civil disturbance, you brought -- just to get -- maybe better illustrate, so when there's a civil disturbance mission, we'll bring out the civil disturbance equipment, what we wear, and we'll aggress one another and just rehearse, rehearse and refresh, because we train on it every year. It's a foundational requirement to train on civil unrest, civil disturbance, civil disobedience nationwide. We train for that in the National Guard.

Q So what's the foundational skill set for --

A For guarding. For National Guardsmen.

Q And you made it a point to make a distinction about a civil defense response. Are there any other types of responses where, if you have time, you do or should rehearse?

A Yeah. You want to make sure everybody knows what they're doing and they're calm, they're steady, and we talk -- I talk to the soldiers and airmen: This what we've been asked to do. Look out for one another. We've done this before. You can do it. Discipline, order. Watch each other. I've said it. It's on film. It's on film.

Q So it sounds like, when appropriate and when you have time --

A When you have time. So it's May 31st. It is 2000 hours. I'm watching CNN. I see that the White House is locked down. I get a call from Secretary of the Army. He's joined with General Milley, General McConville. General Walker, what are you doing? You know the White House is on lockdown. I said: I'm well aware of it. I'm watching it right now. It's -- where you are, sir? I'm at work. It's only 8 o'clock. I'm looking at the screen. Do you have a plan? Yes, sir. I always have a plan. I mean, and we do. I mean, it's not the first civil unrest, not the first civil disturbance.

So he said: I'm going to call you back. When he called me back, I had already moved the drill day. Our weekend assemblies --

Q Uh-huh.

A The Guard Reserves, they meet one weekend a month at a minimum. So I moved the drill date, which was the second week of June -- the second weekend of June to June 1 and 2 and then encamped the D.C. National Guard, meaning everybody was going to be working.

Q On that weekend?

A On that weekend. They called me back. I explained what I had done. The Secretary told me: I'll meet you in the morning. I'll be there around 9, 0900. We're going to go see the mayor, offer our services. Yes, sir, Mr. Secretary. Upon his arrival, I showed him. I had everybody laid out, all the equipment, and we were aggressing one another. Showing him film, the Air Force at Andrews Air Force Base was doing the exact same thing: preparing, rehearsing. Then I invited the Secretary to speak to everybody. Then we went down and we saw the mayor, and the Secretary offered the mayor the resources of the District of Columbia National Guard, if required.

Q Okay.

A And then, later on that night, we were required.

Q Okay. So I'm glad we made the segue to the summer of 2020, but before we completely cross over there, I just wanted to wrap up --

A Sure.

Q -- one or two thoughts --

A Sure.

Q -- sort of, under the general rubric of how did the -- how does this operate in a vacuum. So, once it comes back to you and you've executed the mission like you've completed it, what steps, if any, happen next to sort of close the books on it and call it done?

A Almost always, there's an after-action report done, and we say, what did we do right, what could we have done better, how would we do it differently, you know. We really critique each other on everything that was done. So an AAR is done, and for the summer, I submitted the AAR to the Secretary of the Army.

Q And is that sort of review critique process just sort of within the D.C. National Guard, or does the Secretary of the Army and/or the Secretary of Defense also participate in that process?

A Well, I prepare it for them, and then they -- you know, I look at the Secretary of the Army and the Secretary of Defense as my customers. So I did the AAR, and on the summer, I invited the Center for Army Lessons Learned to come up and walk through the AAR with us.

Q And when you say "AAR," that -- you mean after-action report?

A After-action report.

Q Okay. I just want to make sure --

A Yeah. That is the way I started out. After-action report, AAR.

Q Yes, sir.

A After-action report. So we submit the after-action report. I talked about the strength levels of the District of Columbia National Guard. We're almost too small to really respond to a major civil disturbance without what we call Guard Nation, help from the other National Guards. The District of Columbia National Guard, before I joined, I transferred from the Florida Guard to the District of Columbia National Guard, but it used to be massive. It used to be a huge organization. I don't know if it was the Peace Dividend or just as the pie gets sliced, but the District of Columbia National Guard is pretty small now. And there's very little that the District of Columbia National Guard can do by itself right now when it comes to civil unrest, civil disturbance.

Q And did that reduction, sir, happen prior to the summer of 2020?

A Yes. It has happened over time. I'd say the last, 10, 15 years.

Q Okay. So, over the last decade or so, it's been getting smaller and smaller?

A Force structure reduction, you know. So we can't do what California, Pennsylvania -- we can't do -- New York. We can't do what major National Guards can do.

Q But it sounds like, if you need assistance, you can reach out to Guard Nation --

A Yes.

Q -- to provide assistance?

A Tell the Secretary of the Army. The Secretary of the Army calls the National Guard Bureau. The chief calls the different adjutant generals and says, can you help the District of Columbia National Guard.

Q So I'm glad you brought that up because I want to just make sure I understand that with respect to sort of, you know, the triumvirate of States here in the National Capitol Region: Maryland, D.C. and Virginia. So, if the D.C. National Guard wants assistance from Maryland and/or Virginia, what -- what's the process that needs to happen in order for them to be able to provide the D.C. National Guard with that assistance?

A Well, the Secretary of the Army requests it from the National Guard Bureau. The National Guard Bureau facilitates, but it's really -- so the Governor has to be okay with it, and then the adjutant general has to have the forces available. And if --

Q Sure.

A Because you still have to do the home mission as well.

Q Understood.

A So that State -- since you brought up Maryland and Virginia, they have to have the forces available. They're not deploying anywhere, and the Governor has to agree with it. If the Governor doesn't agree with it, then it's a matter of title 10. You're coming anyway.

Q Understood.

A The problem with that, you can't be in -- posse comitatus does not allow you to be in a title 10 status to support law enforcement.

Q To support law enforcement. Yes, sir.

So where -- in a situation where the Governor of Maryland and/or Virginia says, "We approve," and the TAG of that State has said, "We have the forces, they're not deployed, we can assist," is that enough for them to just then start assisting, or do they need to get permission from somewhere else in the DOD chain of command before they can actually come over or from you before they can actually come over and help?

A No. I'm requesting the help through the Secretary of the Army. So the Secretary of the Army is that person because, at the end of the day, somebody's -- everybody wants to get paid.

Q Uh-huh.

A So the Secretary of the Army is that individual that is telling the National Guard Bureau to be able to say: Yes --

Q Okay.

A -- Maryland, send forces. Virginia, send forces. Pennsylvania, which is a big National Guard, send people.

Q So the Secretary of the Army working with the chief of the National Guard Bureau, who you explained earlier is in this sort of resource management role, sort of coordinates the request for outside State assistance. And then, assuming the Governor

says, yes, and the resources are available, then the Secretary of the Army can say: Okay, go forth verily and help.

A Yes.

Q And is that something that the Secretary of the Army has to, like, affirmatively say? In other words, can the -- are people standing by until someone says okay, even though the Governor said yes, and even though we've got to wait, we're still -- if someone says okay, go --

A It's the Secretary of the Army.

Q The Secretary. Okay. Okay. I think that's all the questions I have about this section.

BY [redacted]

Q Yeah. Can I just ask, General? Tell me a little more about the training. I'm interesting -- interested in that. What more specifically do guardsmen get with respect to civil disturbance training? Could you just tell us a little bit more detail about that?

A Yeah. So the use of the riot baton, the use of the shield, you know, defensive tactics.

Q Uh-huh.

A It's -- when you go through basic training, when you join the National Guard, you learn -- part of the core curriculum is civil unrest, civil disturbance. There's field manuals on it, FMs, field manuals on civil unrest, civil disturbance.

Q Do they train as a unit? In other words, are they training with the same men and women with whom they will ultimately be deployed, or are they just all training independently?

A No. So they -- so the -- we have a lot of MPs in the District of Columbia

National Guard, and many of them are policemen, Federal agents, Federal law enforcement. The same thing with the 113th Wing. There's a security forces squadron. Many of them are police officers in their civilian positions. So we all get together and train as a team, as a unit. So you haven't been trained, and you didn't come out on anything in 2 or 3 years, we're going to rehearse the tactics --

Q Right.

A -- techniques, and procedures, TTPs. We're going to rehearse those, and we -- we're comfortable everybody is on the same sheet. Everybody has a baseline understanding of what we're getting ready to go do, or we'll just keep doing it.

Q Right. It makes perfect sense. So, if I play basketball, and I shoot a lot of free throws on my own, or I practice a lot of jump shots on my own, that's very different from practicing with the same other four people with whom I'm going to be playing in a game. Similar with the Guard. It's important for them to train as a unit so that they're aware of each other's capacities --

A Well --

Q -- and skills.

A -- a little different in the Guard.

Q Okay.

A One weekend a month, they're coming together --

Q Yeah.

A -- 2 weeks a year. Everybody knows everybody.

Q Uh-huh.

A So let's say you just came in from Wyoming --

Q Okay.

A -- National Guard. Your civilian job moved you here.

Q Right.

A So you haven't been out with us, but you know how to do it in Wyoming.

Q Yeah.

A So we're just going to make sure you're comfortable.

Q I see.

A You have the baseline skills.

Q Uh-huh.

A The last time you've been on a bike --

Q Uh-huh.

A -- you know --

Q Yeah.

A -- I'm sure you still know how to ride --

Q Yeah.

A -- but I want you to prove it to me.

Q I see.

A Yeah.

Q Does the training also include the appropriate role of the Guard vis-a-vis the domestic law enforcement agencies, sort of what our role is versus what the police agency is with whom we're going to be working?

A Absolutely.

Q Uh-huh.

A So, once you finish training, then you'll sit in these bleachers, and then the lawyers will brief you, brief you, brief you on what we call rules and use of force.

Q Uh-huh.

A And then they'll take questions, and then they'll show you a presentation on

it.

Q I see.

A Then, if it's the Park Police, they will come in and explain exactly what they want our support in and how we're going to do it.

Q I see.

A And then, if it's the Secret Service, what they want.

Q I see. Okay.

A Yeah.

Q That's very helpful. Thank you.

Thank you, [redacted]

[redacted] Yes, sir.

BY [redacted]

Q That raises another question in my mind, and you mentioned it earlier, sir, posse comitatus. So is there ever an instance where the D.C. National Guard does serve in a law enforcement or can serve in a law enforcement capacity lawfully, or are they always prohibited from doing that under posse comitatus?

A No, sir. They're never in title 10 on the street, so they're always in title 32 --

Q Okay.

A -- which affords them the ability to be deputized.

Q Okay. So if they're --

A And they're deputized to support civilian law enforcement.

Q Okay. So if they --

A So they can assist in an arrest. They can assist in apprehension. Yeah.

Q Yeah. That was going to be my next question. So what does that support

look like?

A They can assist -- that support is coming to the raid -- the aid of a policeman and taking direction from a policeman.

Q Okay. So -- and do they -- do they need to be deputized to do that?

A They do.

Q So some entity deputizes them?

A Somebody has to deputize them.

Q And it -- can it be any entity like MDP?

A Uh-huh.

Q Park Police?

A Yeah. So there's -- it's normally a white -- it's normally a lieutenant, somebody in a white shirt, but in an emergency -- we haven't needed that, but it's almost always -- it's the same persons that come over and do it.

Q Okay.

A And we know them, you know: Hey, Lieutenant such-and-such is coming over. Captain such-and-such is coming over. And then everybody will line up, and everybody will get a card, and everybody will have a special police identification, and on the back of that is the rules of use of force again.

Q Okay.

A So you get it. You sign for it, and you swipe in. We know you had it. And I'm watching. I'm watching the lawyers give it to you.

Q So the rules on use of force that are on the back of the card --

A Uh-huh.

Q -- the special police identifier. It sounds like those are prepared ahead of time, like in conjunction with the JAG sort of giving the briefing?

A Yeah. We have them.

Q So is it, like, a standard briefing, or can it change based on the circumstances?

A It's a standard briefing for the rules of use of force.

Q Okay. So the same rules of-- rules on use of force apply --

A Uh-huh.

Q -- no matter the circumstances?

A Yeah.

Q Okay.

A I mean, these are -- we've been doing this. I was in the D.C. National Guard. I got there in 2000, and I just left, so it's -- you know, every inauguration is the same. Everyone is different. Every -- the International Monetary Fund, IMF, that civil unrest. I believe that was 2001.

Q Uh-huh.

A Early 2001. We were out there. So we -- it's not new to us.

Q Understood, sir. And you said they would go out, and they would -- once they're deputized, they're going to then assist a designated person from law enforcement who's going to provide direction on what support is needed. Do I have that right?

A You have that right. But a policeman can say: Hey, I need you all to move from -- normally, normally a policeman can say: Hey, there's nobody coming through this traffic control point. I need you to move a block away.

Q Okay. Is there anything that, once they -- the -- once the National Guard folks have been properly deputized and briefed and reported to the police or to whatever the law enforcement agency is, is there anything that they still can't do? Like, is there -- in other words, are there certain things? I'm assuming whatever's on the back

of the card, they can't violate the rules of use of force. That seems obvious to me. But is there -- I guess I'm wondering, are there some things even in that status that our Guards' folks are prohibited from doing? Or in that status, do they have this -- sort of this same panoply of power as a regular law enforcement officer?

A No. They -- they're always in support.

Q Okay.

A We're always taking direction. Yeah. There has to be a lawful law enforcement officer there with us. Even at the traffic control points --

Q Uh-huh.

A -- there was a Metropolitan Police officer out there with us. Normally, at the Metro stations, there's a Metro -- there's a Metro Transit police officer there, and you're taking direction from him or her.

Q Okay. I understand. Thank you, sir.

A Uh-huh.

Q Appreciate that.

A You're very welcome.

Q Okay. So now let's segue over to the summer of 2020, and I think I -- and if you want -- do you want to take a break, sir?

A No. I'm just freezing.

Q Okay.

[redacted] We've all got that problem.

BY [redacted]

Q It's always cold. I don't know what it is. It's winter, and it's still very cold. When you first started talking about this, I think you said it -- your -- the day began with you watching TV and seeing --

A No. This was the-- the night began.

Q Okay.

A This is 2000 hours.

Q So let's back up a bit.

A Okay.

Q Let's just start from the beginning --

A Of that day.

Q -- of that day.

A Sure.

Q Yes, sir.

A So we were in the midst of -- we were already in direct support of the city with COVID. So we had graves registration people, the mortuary affairs. We were helping them move bodies. We were helping them with crowd management, spacing 6 feet apart at congested grocery stores. What is the seafood -- The Wharf or --

Q Uh-huh, The Wharf.

A So we were out there at The Wharf.

Q Uh-huh.

A The flowers that come every couple -- the --

[redacted] Cherry blossoms.

BY [redacted]

Q Cherry blossoms.

A We were out there for the cherry blossoms at the request of the mayor.

Q Okay.

A So the mayor requests us, and we had hundreds of soldiers on Active Duty orders, title 32, in direct support of the mayor and the Metropolitan Police Department

with spacing, crowd management, and mortuary affairs support with the morgues moving bodies.

Q Okay.

A We -- that's what we were doing. And I would send the Secretary of the Army an update, a SIT REP, on that. So my adjutant general, Brigadier General Aaron R. Dean, and I were going over the Power Point presentation. It's 2000 hours, and I normally would send it to him around 2030. On -- and that was -- that was a Friday. We normally wrap up the week or every 2 weeks. I think I was sending it every week. And then we also set up these -- with the hospitals had these extended -- it looked like a trailer.

Q Uh-huh.

A And so we helped them with that. So we were leaning forward with the COVID.

Q You were already there in support of some other operation.

A We already had hundreds of soldiers and airmen on Active Duty, title 32, in support of the city for COVID operations --

Q Okay.

A -- COVID relief. 2000 hours, I get the call from the Secretary of the Army, and then he asks me for the mayor's number. I gave him the mayor's number. He called the mayor. He called the -- Chief Newsham. I gave him Chief Newsham's number.

Q And who is Chief Newsham?

A He was the head of the Metropolitan Police at the time.

Q Okay.

A He retired in 2020, I believe, January of -- when did he retire? He retired,

though. He retired in time -- he retired in time for Chief Contee to inherit it, so -- but he was -- he was the chief of the Metropolitan Police Department during the summer of 2020. So I gave the Secretary of the Army their numbers. They spoke, and then we agreed to meet Saturday morning at the mayor's office.

Q So the night that you spoke to him, was that a Friday night?

A It was Friday night.

Q Okay.

A Friday, the 31st of May. And then I moved -- on my own, I moved the drill date to the -- to 1-2 drill, to 1-2 June instead of I think it was 7-8 or 6-7.

Q And help me understand. What operationally did that do for you, moving the drill date from basically a week up? What did that allow you to do?

A It gave me the ability to have every single National Guardsman, so you've got to you understand. I'm watching the news nationwide --

Q Uh-huh.

A -- and I see the unrest unfolding through the United States. The logical conclusion is it's coming here.

Q Uh-huh.

A So you can't get ready. You have to be ready.

Q You have to be ready. Yes, sir.

A So, in an abundance of caution, I found it prudent to adjust the drill date into the very next weekend --

Q Okay.

A -- and then sent that out, and every single guardsman got it, and then they had to get here with all deliberate speed.

Q And that would have been Saturday, June 1st, and Sunday, June 2nd?

A Yes. And then I just encamped them once they got there.

Q And, when you say "encamped them," what does that mean?

A That's an order saying you can't go anywhere.

Q You can't go anywhere.

A You can't go anywhere.

Q So, when they show up -- so if I were a D.C. National Guardsperson and I'm, you know, working at the local Walmart, I get the order. I come. I'm encamped. And I encamped just for the 1st and the 2nd, or am I encamped until you say I'm no longer encamped?

A You're encamped until I say you're no longer, yeah.

Q Okay.

A You normally do it, like, 15 days.

Q Okay. So -- and is that something that people coming in would know ahead of time, like, hey, or can the encampment sort of ball be dropped after I'm already there?

A The encampment can be dropped right after you're there.

Q Okay.

A You just drop the encampment. The farthest -- I had an airman, an attorney, who is a JAG with us. He drove from Utah straight.

Q Oh, wow.

A Uh-huh. And he was there in time to support us.

Q Okay. So the Secretary of the Army calls you on that Friday?

A And he calls me back, and I tell him what I've already done.

Q And you provide him with, I think you said, the chief of police number for the -- for MPD and the mayor's number?

A Uh-huh.

Q Okay. He asked you sort of what -- what's the plan?

A He said: What are you doing? And I told him: I'm moving the drill date, and we're going to rehearse civil unrest procedures and protocols.

Q Okay. So then what else happened on Friday, the 31st?

A A series of phone calls with me and the Secretary, me and Chief Newsham, me and the mayor's office. I actually called the mayor and asked her, could I give her number to the Secretary of the Army.

Q Okay.

A And then we just talked about, are you going to need our help, and no one was committal. So then I told the mayor: The Secretary wants to come to your office tomorrow. We believe there could be some unrest, and we just want to be able to be prepared to help you.

Q Appreciate that. So two questions come to mind. The first is, based on our previous discussion, was the chief of the National Guard Bureau sort of in that loop of people that were being talked to on the 31st and the 1st about what was going on?

A I didn't talk to them.

Q Okay. And then my second question is, is that something that happens? I guess, is it noteworthy that the Secretary of Defense went to the mayor and said, "Hey, do you want to help," or is that --

A No. The Secretary of the Army.

Q I'm sorry. The Secretary of the Army that said, "Hey, do you want our help," or is that something that happens with some regularity?

A Normally, the mayor would call us or Dr. Rodriguez from Homeland Security Emergency Management Agency, HSEMA, would contact us. Normally. I think the Secretary was leaning forward.

Q Okay. And is that something that is unusual, for the Secretary to lean forward like that, or is that something that the Secretary has done before, any Secretary?

A Well, so we hadn't had that experience. We hadn't had -- you know, so you've got what's going on throughout the Nation. I think that these were unusual circumstances, and I think that's -- I mean, I can't think for the Secretary.

[3:00 p.m.]

BY [redacted]

Q Okay.

A But he was concerned. He told me he was concerned about what could happen in the Nation's Capitol, and we need to be prepared.

Q Okay. So it sounds like, in part, because of unrest that's being seen around the country in other parts and you correctly pointing out that it's likely to come to D.C.?

A I thought it was coming.

Q Right. And got to be ready, not get ready. That all sort of plays into the Secretary of the Army leaning forward to want to go to the Mayor and say, Do you want our help?

A Yes.

Q Okay. And I just want to go back to the dates, because I want to make sure we have the date right. So I think May 31st of 2020, was actually on a Sunday.

A May 31st?

Q Yeah. I think -- and I just want to make sure that we're talking about the right days.

A May 31st of 2020?

Q May 31st of 2020. So I'm going to trust my trusty iPhone here. So May 31st would have been on a Sunday, and June 1st and 2nd would have been a Monday, Tuesday. So I'm wondering -- just so I'm making sure we have these dates right, that conversation that you had that Friday, could that have been on May 29th?

A Well, let me go to my calendar.

Q And I know that was over a year ago, so that -- you know, I understand.

[redacted] If it helps, General, the murder of George Floyd was on May 25th.

General Walker. Yeah. So it was May 30th. I'm sorry. May 29th.

BY [redacted]

Q May 29th.

A May 29th. Yeah.

Q Okay. Okay.

[redacted] Thank you, [redacted]

BY [redacted]

Q So May 30th -- May 29th would have been the Friday where --

A Do we have anything from that summer there?

Q I don't have anything from the summer in here, so I apologize for that. Most of the stuff in here is in reference to --

A It was a Friday.

Q -- the 6th. Okay. Okay.

A It was a Friday night.

Q And I just want to make sure --

A Oh, no. It matters. It matters.

Q I just want to make sure we have the dates right. So it sounds like on Friday, May 29th, is when you would have had that discussion, and you would have moved the drill date up to the weekend of May 30th and 31st, where you then encamped everyone.

A Yeah. This is -- I should have brought -- I should have brought the summer stuff with me.

Q And I think that tracks, sir, because -- and we're going to get to it, but I think on Monday, June 1st, is when the Lafayette Square incident happened.

A Hmm. I thought we went to see the Mayor on the weekend, though. I'm almost certain we went to --

Q I'm not saying you didn't. I'm just saying the dates, I think we were off. So I'm not suggesting that you didn't see the Mayor on a Saturday. I'm just saying that I think that the Saturday was actually May 30th instead of June 1st, based on the calendar.

A Everybody -- everybody I'm thinking about calling, you're going to call anyway, so I can't call them. So yeah. So [redacted] will have the right date.

Q Okay.

A But if you're looking at the calendar here, it had to be May 29th.

Q Okay.

A It had to be May 29th. And then the drill was -- hmm.

Q Would have been the 30th and the 31st.

A Yeah, it would have had to have been.

Q Okay.

A Yeah.

Q Okay. So it sounds -- going back to the Secretary of the Army visiting with the Mayor, it sounds like the circumstances were significant enough and unusual enough that that was warranted?

A Uh-huh.

Q Okay. So you're making phone calls on Friday. You move the drill date up. So then what happens the next day, on Saturday, May 30th?

A May 30th, we go see the Mayor.

Q And when you say we, who all went to see the Mayor?

A Myself, Colonel [redacted], General Dean, Command Sergeant Major [redacted], the Secretary of the Army, and he probably had somebody with him.

Q And just so I'm clear, Colonel [redacted] role, what was his role at that time?
A The senior legal officer.
Q Senior legal, to the D.C. --
A To me.
Q To you. To you specifically?
A Uh-huh.
Q Okay. Gotcha. And so you get to the Mayor's office, and then what happens while you're there?
A So we explained that, you know, we were there, we were prepared to support if anything -- if they needed us. And they were -- they were grateful, and they -- at that point, they thought they had it under control.
Q Okay. So as of the point where you went in, said, hey, we're here, got a plan, we're ready to help, they essentially say, we appreciate it, but we think we've got it under control?
A Uh-huh.
Q Okay. So then what does -- what does, then, that mean practically for you all? Since you've, you know, moved the drill date up, you've encamped the folks, the Mayor has said, I think we've got this. So what does that --
A Uh-huh.
Q What does that response mean for you practically?
A So I had already encamped them. I had already brought them, so just continue to rehearse, continue to prepare, and then train.
Q Okay.
A So we call it hip-pocket training. So you can always train. There's always something you can be training on. So we -- I'm not -- we didn't waste their time.

Q Uh-huh.

A So they continued to train. And then I took the Secretary of the Army to the Mortuary Affairs sites, and I said, Hey, you might as well take him around to see what his soldiers and airmen are doing.

Q Okay.

A So we spent the rest of the day doing that. Then we came back to the armory, and then things started heating up. And then, later on that evening, they did call us.

Q Okay. And so before we get to the part where they called you, about what time of the day -- and I know it was a long time ago, so a ballpark would be fine. What time of the day were you all meeting with the Mayor on Saturday?

A It was -- it was in the morning.

Q In the morning?

A Yes, before noon.

Q And then how long were you and the Secretary sort of doing the tour with the troops and seeing Mortuary Affairs --

A Show him some of the COVID sites?

Q Yeah, yeah. How long did that go for?

A That was -- it was probably the rest of the afternoon.

Q Okay.

A And then we came back to my office in the armory. And then, later on that evening -- he was still with me -- the phone call comes in, they need our help.

Q And the folks that were encamped, were they encamped at the armory?

A Yeah.

Q And is that where they would normally be?

A So they were still on a drill status then.

Q Uh-huh.

A They were just -- the drill had just been moved. And then, over that weekend, when we saw how -- what was going on, the civil unrest, then I just encamped them.

Q Okay. And is that where -- in any circumstance where you call the National Guard for a drill, are they normally -- do they normally report to the armory?

A So -- so they'll report to their workstation, the armory, Andrews Air Force Base, Bolling Air Force Base.

Q Okay.

A Fort --

Q Fort Myer?

A Fort -- no. Fort in -- further out in Virginia.

[redacted] Belvoir.

BY [redacted]

Q Fort Belvoir?

A Fort Belvoir.

Q Okay. So it could be any in one of the military bases or --

A Uh-huh.

Q -- joint military bases --

A Uh-huh.

Q -- in the area?

A So it's their regular duty assignment. What makes the day different is they break out the civil unrest, the civil disturbance gear, put on the red man suits, then start poking another, pushing one another.

Q So on Saturday, May 30th, all those folks that were normally -- could normally otherwise be at Bolling or Andrews or Belvoir, Anacostia, were all at the armory?

A The people at Andrews did it at Andrews.

Q Okay. So they would do it where they were already --

A Uh-huh.

Q Okay.

A But the soldiers at Belvoir, they came to the armory.

Q And is that because logistically, it just made more sense for them --

A Yeah.

Q -- to do it there?

A Uh-huh.

Q So if the training could be done on base where they were, it would be done there?

A They did -- yeah.

Q If not, then they would come to the armory?

A Armory.

Q Okay. So you said sometime that night, you get the call from --

A Sometime that -- late afternoon, early evening, get the call from the city.

Q And who called you?

A In D.C.

Q Who called you, sir?

A Dr. Rodriguez.

Q Okay. And what did Dr. Rodriguez say?

A Said they would need help. We want people out there to help us.

Q And did they specify what type of help they wanted or, like --

A Civil disturbance help.

Q Civil disturbance help.

A Uh-huh. Vehicles. They wanted roads blocked. And then at the same time, the Secret Service was calling. They wanted help as well. Secretary was right there with me. He approved it instantly in what we call VOCO, you know --

Q Verbal command authorization?

A Yes.

Q Okay. And was there already -- so, earlier in our conversation, when you were sort of walking me through how this normally works, you said one of the things that you do is you put together a plan --

A Right.

Q -- right, that gets vetted.

Did that occur in this process? Was there -- I guess, where in the process, if at all, was the civil disturbance plan created -- or maybe it wasn't -- that sort of would apply to this particular situation?

A Well, the Capitol -- the Park Police came over, briefed what they wanted us to do. Then we started supporting them. So we're -- our initial support was to the Park Police.

Q Okay.

A We supported them. And it's just -- so that senior military officer out there is going to report to the senior Park Police officer.

Q Okay. So the senior military officer can report to a senior law enforcement officer --

A To take direction. And then he goes back. So the military is always under

military control --

Q Uh-huh.

A -- but is taking direction --

Q Direction from law enforcement?

A Yes.

Q And it sounds like, if I have this correctly -- excuse me -- that with respect to the summer of 2020, it doesn't sound like there was a pre -- like there was a plan done ahead of time, or was there, for what exact -- like, in the beginning, when you walked me through it, you said, you know, we get a request, we evaluate sort of what we need to fulfill the request. We build the plan.

And I guess I'm wondering, did that process take place in the summer, or was it, hey, we need help, go report to the senior law enforcement officer, and they'll tell you what to do?

A That -- you got it exactly right.

Q Okay.

A Uh-huh.

Q So --

A There was no five-paragraph mission order.

Q There is no mission order. Okay.

A Right.

Q Okay.

A Uh-huh.

Q And so folks went out and reported, you said, initially to the Park Police?

A Yes.

Q Okay. And what function -- they were doing, you said, civil disturbance?

A Civil disturbance, yeah. So the Park Police was out front. D.C. Guard was behind them keeping the crowd back. And then behind them was the Uniformed Division of the Secret Service.

Q Okay. And was that the only function that the D.C. National Guard served on that day, or did --

A No. We later came to support the city, the Metropolitan Police, with vehicles blocking, and then our presence as well.

Q Okay. So let me first make sure I understand the civil disturbance piece. So how long are our folks, meaning the D.C. National Guard folks, out there providing that particular support you just described --

A Yeah.

Q -- to the Park Police?

A So I don't remember how long they were out there, but we stay out there until -- until we're no longer needed.

Q Okay.

A So until they relieved us.

Q And was it --

A I mean, the crowd dissipates, the crowd leaves, and then everybody goes --

Q And everybody goes home?

A And do it again tomorrow.

Q So the second level of support where you provided vehicles as part of the presence --

A Right.

Q -- did that happen concurrently with the civil unrest piece or afterwards, sort of --

A No, we're doing them -- we're doing them both.

Q They're doing them both?

A So we're doing Lafayette plaza, and with the city -- and I should have brought notes for this, but what the city wanted was what happened in Virginia where somebody would just come down, start ramming people, so it was really to block off the streets so nobody could just, you know, attack pedestrians.

Q And the request for the vehicles and such, did that also -- did that come in the same discussion where they said, yes, we want your help, or was that a subsequent request?

A So it was two different -- so the city requested us, and then Park Police requested us.

Q Okay. So the first one that the D.C. National Guard is responding to --

A Is the Park Police.

Q -- is the Park Police?

A Uh-huh.

Q Okay. So if we back up a couple of steps, when you said that the next day you got the call, and they said, hey, we want your help, was that from the Park Police or was that from the city of D.C.?

A The Park Police came to the Army. They asked for our help.

Q Okay.

A And then the city called.

Q Got it. So Park Police --

A We helped them both.

Q Right. So Park Police showed up and said, hey, we want your help.

A Uh-huh.

Q And then the city shows up and says, hey, we want your help?

A Uh-huh.

Q And then that formulates the help?

A Right.

Q And with specific reference to the civil disturbance folks, there is no plan. It's, hey, go find a senior law enforcement person in the Park Police, support them, and get the job done?

A Yeah.

Q Okay.

A The -- there was a captain from the Park Police who -- he came to the armory, and then there was other officers came to the armory.

Q Okay.

A So we knew who we were going to be supporting.

Q And in that instance where they just moved straight out, would there have been that briefing with the JAG about use of force, where they would have gotten the badges with the use of force?

A Oh, yeah.

Q Okay.

A Definitely.

Q So they would have already had the badges. And they would have -- I'm assuming they would have been deputized by the --

A Park Police.

Q -- Park Police to sort of do what they needed to do?

A And the Metropolitan Police.

Q And the Metropolitan Police.

So the request for -- so the city also calls you and says, we want your help. And what specific help did they ask for?

A They asked for the vehicles and people to man the vehicles.

Q Okay. And what kind of vehicles were you talking about?

A These were like Humvees, vehicles you -- you know, you couldn't just ram them. They weren't going to move.

Q And was the idea to -- were they supposed to sort of --

A Control the pedestrian traffic, you know, so nobody --

Q To sort of direct pedestrian traffic so they couldn't --

A To protect the pedestrian traffic. So what happened in Virginia where the woman was struck by a guy that just rammed the crowd --

Q Uh-huh.

A -- that's what it was for.

Q Oh, so to prevent sort of what happened in Charlottesville?

A Charlottesville, yes.

Q Okay. Okay. And was there a mission piece that was -- a mission order that was done for that piece of it, for the vehicle piece, or was it like the civil disturbance side where basically people just moved out?

A They just moved out.

Q Okay. So how did the people just move out with the vehicles? How do they know what they're supposed to do? Are they going to report to like the Metropolitan Police Department senior person who's going to say, okay, I need the vehicles here, here, and here?

A Oh, yeah.

Q Okay.

A Exactly. So the senior from the MPD, Metropolitan Police Department, is going to tell the lieutenant colonel or the major out there what needs to happen, and then it's executed.

Q And were there any other vehicles other than the Humvees that were provided by the D.C. National Guard for that day?

A There were probably trucks out there as well.

Q And what kind of trucks would those be, sir? Just trucks?

A Military trucks.

Q Military trucks. Sort of to serve the same pedestrian protection function?

A Troop carrier. Troop carrier trucks.

Q So were there troops actually in the trucks?

A No. They didn't want a lot of troops out there.

Q Okay. And this is all happening on Saturday, the 30th?

A Yeah. To the best -- so I'm a little --

Q Right. Right.

A So now I'm questioning my -- I mean, it's been a while, because I don't know why I was stuck on the 29th, but I have to be wrong because the calendar is right.

Q And so does that support the -- both the civil disturbance and the vehicle support?

Well, let me, before I ask that question, ask: Was there any other type of support that was provided by the national -- D.C. National Guard other than to the Park Police and to the Metropolitan Police?

A Yeah. That was -- that was it.

Q That was it. And did that support continue from Saturday into Sunday? Did it end at the end of Saturday, sort of --

A It continued until -- so now I don't remember what date the -- but the church -- somebody set the church on fire. I was out there for that. I just don't remember what date that was. But we were -- we were -- now it's unrest throughout that whole area.

Q Uh-huh. And then, moving --

A And we're in direct support of the Metropolitan Police Department.

Q So would it be fair to say that whatever actions were taken by the National Guard folks that were deployed that day were either at the direction of the Park Police or the Metropolitan Police?

A Yeah. Yeah. We're always in support of a law enforcement agency.

Q Okay.

A We're support of civil authorities.

Q Okay. And now let's move forward to Monday, which is when the Lafayette Square incident happened.

A Uh-huh.

Q Sort of walk me through your day that day.

A I was probably with the Secretary for most of it, walking around with the Secretary.

Q And were nat- -- were our National Guard folks still out there doing the civil unrest --

A Uh-huh.

Q -- function and the vehicle --

A Blocking.

Q -- pedestrian --

A Uh-huh.

Q Okay. Were there any other vehicles provided by -- I think I asked this already, but, I guess, there was reporting that there was a helicopter -- a low-level flying helicopter --

A Uh-huh.

Q -- involved. Was that a D.C. National Guard asset?

A Yes.

Q Okay. Can you walk me through sort of how that came to be, sort of --

A Yeah. So -- so the -- we always have the task force commander, so a one-star general that worked for, ultimately me, but General Dean, Aaron Dean, so Brigadier General Robert Kenneth Ryan was the joint task force commander. He authorized the -- the helicopters to fly over the crowd to observe and report, and the Secretary of the Army approved that.

Q And the task force commander, what was that person's rank again?

A Brigadier general.

Q And did that -- is that person someone that would report to you, sir?

A Ultimately.

Q Ultimately. So he's a -- he or she is a couple levels --

A Yes.

Q Okay.

A So he's the land component commander -- commanding general, land component. He reports to Brigadier General Aaron Dean, and then through him to me.

Q Okay. And would the request to use helicopters, would that ultimately -- did he have the ability to approve that at his level or did it have to be --

A As the joint task force commander, it was in his inherent authority. Not only that, I mean, he was using the helicopters to move supplies for COVID all around.

So he was --

Q Okay.

A -- using them. The helicopters belonged -- they belonged to me ultimately, but they belonged to him. I mean, he -- he moves those helicopters and has them flown at his discretion. And it's in his inherent authority to operate those helicopters.

Q Okay. And I think you said this, but I might have missed it, so I apologize. Who made the request for the helicopter?

A No, no -- he -- he decided he wanted air support out there.

Q Oh, so he on his own decided use of the helicopters --

A Yeah.

Q -- would be a good idea?

A And he texted me, and I said, Hey, outstanding. I told the Secretary, and the Secretary said, Approved. And I just -- I didn't acknowledge. I just said okay. But, you know, it was already done.

Q Okay.

A Yeah. It was already --

Q So --

A He had already done it. He was letting me know, and I said, Outstanding. I text back "Outstanding."

Q So it was within his purview as the joint task force commander to make that assessment and then say, hey, this is an appropriate use of our resource. And then they let you know ultimately, and then he goes off and sort of -- and does what he's going to do?

A Yes. So he directs that two helicopters fly over to observe and report.

Q Uh-huh.

A And that's what I told the Secretary. And the Secretary said, Yeah, fine, that's approved. Observe and report.

Now, the pilots came a little too close to the civilians on the ground.

Q And do you think that's -- why do you think that is? Why do you think that they came too close to the civilians on the ground?

A Well, the Army -- the Army did an investigation. They said that they were -- they were okay.

Q Oh, so the Army does an investigation and says they weren't too low?

A Right.

Q Okay.

A Yeah. So --

Q I guess what I'm asking is that is -- does the tactical decision about how high or low to fly the helicopter rest with the pilot of the helicopter or is that something that, you know, the joint task force commander has to approve?

A Well, the joint task force commander is not a pilot, so the pilots -- we're counting on the pilots.

Q Okay. To make those decisions?

A Yeah. To make the decision.

Q And that -- based on their expertise and their experience?

A And they were in restricted airspace, and they had permission to go all the way to land. So they were cleared to land in that restricted airspace. So just looking at it, some could say it was too low. But I've talked to people who said it was okay. I've talked to people who said it wasn't. Here's what we know: It didn't look right.

Q Right. Right.

A So I commissioned a 15-6 investigation. The Secretary of the Army took

the investigation, and then the Secretary of Defense took it from the Secretary of the Army.

Q So you as the commanding general of the D.C. National Guard --

A I ordered the 15-6, yes.

Q -- order an investigation.

A Yes.

Q It is then sort of subsumed by the Secretary of the Army, and then further subsumed by the Secretary of Defense?

A Yes.

Q Is that unusual?

A No. That can happen.

Q Okay.

A No. That can happen.

Q Okay.

A So I -- you know, I -- I want to get to the bottom of it. I want to find out, you know, what went wrong. Secretary of the Army decides he wants to find out. And then Secretary of Defense wants to find out.

Q And the next question I'm about to ask you admittedly involves a little bit of cognitive dissidence, but I'm going to ask it anyway. So putting the 6th -- January 6th aside for a moment. At that time, in the summer of 2020, did you -- how did you feel about the level of response that was being provided by the D.C. National Guard in relation to the civil unrest that was going on? What was your sense about its appropriateness at that time?

A On January 6?

Q No, no, no. No. So --

A Going --

Q Go backwards in time and pretend you're there back in the summer of 2020. So January 6th hasn't happened yet, right? And I guess I'm asking you: At that moment in time, how did you feel about the level of response to the civil unrest? Did you feel it was appropriate, too little, too much? I'm just trying to get a sense of what you thought at that time.

A Yeah. I thought it was appropriate. I mean, we can't have the White House being attacked, we can't have people -- my position is, you know, for -- I'm an African American. That could have been my son. I have three sons, all taller than me. I mean, George Floyd could have been my grandson.

Q Uh-huh.

A He's not that tall yet. He's a year old. But I'm well aware that I could be George Floyd. But you still can't just have civil unrest, civil disorder. You can't have anarchy, and you cannot force the White House to be on lockdown.

So I was proud of the soldiers. They -- and airmen, very proud of them. I thought our response was appropriate. And nobody -- nobody found the District of Columbia National Guard had abused anybody. We didn't -- well trained, well rehearsed, well disciplined, and well executed the mission. So I was very proud of the soldiers and airmen for what they did.

Q Yes, sir. And what were the ultimate result, if there was one, of the investigation that you ordered that ultimately got subsumed by the Army and ultimately got subsumed by the Secretary of Defense?

A Nobody was punished.

Q Okay.

A And, you know, the pilots had -- you know, they explained their actions,

and --

Q So it sounds like there was no action as a result of the -- I guess, let me ask this question first. I don't want to make that assumption. Was the report ultimately concluded and closed?

A Yes.

Q Okay.

A And they all -- they all received, what I was told, letters of caution, letters of concern.

Q Letters -- like kind of like a letter of counseling?

A Letter of counseling.

Q So no --

A Nothing punitive -- really punitive.

Q So no UCMJ action?

A No.

Q No administrative -- no article 15s or anything like that?

A No. No article 15, no reduction in grade, no suspension of flying privileges.

Q Okay.

A None of that.

Q Okay.

[redacted] [redacted] do you have any questions?

[redacted] Yeah.

BY [redacted]

Q General, just -- I'm just interested in if you could talk a little bit more about what was the concern about a low-flying helicopter? What message does that send, or what's the potentially negative impact of the helicopter flying low over a civil disturbance

event?

A Well, it -- it could cause more damage. I mean, what if somebody was hurt from it? What if -- there was a whole bunch of things that could have went wrong --

Q Uh-huh.

A -- just looking at what I saw.

Q So is the reason it's not advised is the potential of some kind of mechanical failure or is it more sort of a psychological impact on the people below?

A I would hope it's the former. I would hope we're concerned about, if you had some kind of failure --

Q Yeah, absolutely.

A -- and then it crashes, it's -- you're too low to recover.

Q I see.

A Yeah.

Q So that's the concern, is --

A Yeah.

Q -- if it's too low, then you're -- it's dangerous as a matter of a potential crash --

A Uh-huh.

Q -- or an equipment issue?

A Yes.

Q The problem is not, rather, hey, that sends -- that's a militarized response to civil unrest, which causes a reaction in the crowd, or changes the sort of context of what's occurring on the ground?

A Yeah. I mean, so these pilots, you know, they've all been, you know, deployed. They've all been in combat. They've all -- they're very gifted, talented,

seasoned pilots.

Q Yeah.

A It just appeared to me that it was too close, and that's why I had an investigation.

Q Yeah.

A I don't think they were using it as the second part, to try to disperse the crowd.

Q Okay.

A Yeah.

Q Okay. And all in, last question for me is: How many D.C. National guardsmen are available for something like the summer or Jan 6? Like, if every single resource is activated, how many people is that?

A So total strength?

Q Yeah.

A It's less and less and less. It was about 2,700.

Q Okay.

A And I know it's less than that now.

Q I see.

A Because when we bring people on and they can leave, they do.

Q Right. And at its historic height, do you have any sense of how --

A Oh, it's thousands. Before I got there, there were thousands.

Q Like 10,000?

A Probably 7 --

Q Okay.

A -- 6,000.

Q So 2,700, down pretty substantially?

A Whole units went away. You know, the District of Columbia National Guard had a MASH, a mobile Army surgical hospital.

Q Uh-huh.

A They had an engineer battalion. They had a military police command, which has brigades in it.

Q I see.

A And it's down to one -- one battalion, and it's really a battalion minus.

Q Yeah.

A So it's -- it's hollowed out pretty well.

Q Okay. And I may be asking you things beyond your personal knowledge, and I apologize if that's the case. I'm just wondering if that was an intentional drawdown as a matter of policy? Was it a budget issue, we don't have sufficient funding? Is it just a manpower issue, that the Guard is shrinking and we haven't replaced soldiers? What's the reason for that?

A I think it's all of that.

Q Uh-huh.

A And -- I'm going to be careful here, because it's a political response.

Q Yeah.

A But I'm just telling you what I think.

Q That's -- I appreciate that.

A Some -- there is no Senators here. There is no Governor. There is no Congressman. Well, you know, we have the --

Q Yeah.

A Ms. --

Q Delegate Norton?

A Delegate Norton.

Q Uh-huh.

A But -- so if the National Guard Bureau decides, hey, we're going to take force structure, who is going to fight it?

Q There's no advocate in Congress?

A There's no advocate in Congress.

Q I understand.

A And there's no Governor.

Q Yeah.

A So the force structure is just removed.

Q Right. I see.

A So the Army will say, you're going to -- the Army is going to shrink. The Army is an accordion. When there's wars -- you know, if you have tattoos, during peacetime, you can't get in. If there's a war going on, meh, what's the tattoo say?

[redacted] Right. And can you cover it with your shirt?

General Walker. Yeah. It's an accordion. I mean, it goes -- it collapses, it expands. Probably should. Probably should. But when the Army is going to cut force structure, then it's really one Army.

[redacted] Yeah.

General Walker. It's really one Army. And then the Reserves is going to lose. The Guard's going to lose. The Active Duty Army is going to lose.

[redacted] Right. Yeah.

General Walker. And when they decide who it's going to cut, who can fight the cut?

[redacted] Yeah.

BY [redacted]

Q So some of this isn't specific to the D.C. Guard. It's part of that overall accordion --

A Yeah.

Q -- with the overall force?

A But given the mission to protect the Capitol, that's -- you know, if you go and see a D.C. guardsman, the shield on their shoulder is the Capitol.

Q Uh-huh.

A Protect the Capitol. That's why Thomas Jefferson created it.

Q Yeah.

A There should be -- the cuts shouldn't be proportional.

Q Yeah.

A It's too small to take the same cut that Pennsylvania, California, Illinois -- I served in the Illinois Guard.

Q I see.

A You know, I've served in different guards. Some are -- they're just huge.

Q Yeah.

A Multiple -- Illinois has three two-star generals.

Q Right.

A D.C. has one two star and, on the Army side, two one stars, and one Air Force general.

Q Yeah. And what was the total force when you stepped down as the commanding general of the Guard?

A I want to say maybe 2,600, 2,500.

Q 26?

A Yeah.

Q Okay.

[redacted] Appreciate that. Thank you.

Thank you, [redacted]

[redacted] [redacted]

[redacted] I just had one question.

General Walker. Sure.

BY [redacted]

Q I think we're heading into January 6 now. I know that you've talked about the appropriate response during the summer, and it sounds like from the 29th, 30th, 31st, 1st, that a number of decisions were made.

How was your communication with the Secretary, with Ryan McCarthy, during that time? It sounds like he was with you for some of it.

A Oh, he was with me for all of it.

Q Okay.

A We've got the photos. I mean, he was out there with me. He came to the armory every day. He brought his staff with him. He brought General McConville with him. He brought the two star in charge of the Military District of Washington. I mean, he was there.

Q And it sounds like, correct me if I'm wrong, that for most of these kind of decisions regarding civil disturbance, the vehicles, the helicopter, did you consult with him -- or I don't want to put words in your mouth. He was informed or did you have to get his approval? I just want to --

A Well, to initially roll out, yes, I had to get his approval. But he was right

there. And I said, Hey, that was the city. This is what they want. He said, VOCO, approved.

Q Got it.

A Boom. And I called. In fact, I said, Hey, we're on the -- we'll be there as quick as possible, and then told General Ryan, General Dean, make it happen. Secretary's right here. He approved it.

Q Got it. Good.

A Yeah.

[redacted] Anything else, ma'am?

[redacted] No.

[redacted] Sir?

[redacted] No.

General Walker. So he was with me.

[redacted] So, sir, we've been going about -- oh, I'm sorry. [redacted]

BY [redacted]

Q General, you mentioned that they didn't want a lot of troops out there. Who did you mean by they? Is that representatives of the D.C. government? Was that somebody from the Mayor's office who said that, or did they tell you why?

A For when?

Q When [redacted] asked you about the troop trucks, whether they were to hold troops, you said, They don't want a lot of troops out there during the summer of 2020.

A No. They didn't -- they just wanted the vehicles. They didn't need -- at that point, there was no -- there was no civil unrest. They wanted the vehicles to make sure to protect the pedestrians that were there, that nobody would just ram and run over

the vehicles. So we had the appropriate amount of troops to -- so we always have a driver, an assistant driver, and a ground guy. So that's who we had out there.

Q Okay.

A And it was no need for forces out there at that point.

Q And the last question is just, there were reports of the Mayor being concerned about the identification of troops. Did anyone ever talk to you about those concerns? Did you hear them from the Mayor herself or --

A Yes, I did. I heard them from her and her staff. So anybody can buy that U.S. Army uniform. So what I did, several years earlier, I purchased the black vest that a lot of National Guard and even the Active Duty Army has. So if you go to Fort Myer DOC, it says "military police" across the back, it has the name on it, and it has the military police badge.

So if you google January 6, if you google -- and in images, the summer of 2020, you will see the District of Columbia National Guard, because the black vest says "District of Columbia National Guard," the District of Columbia flag, and then either U.S. Army or U.S. Air Force, and the name.

So we purchased those, actually started buying them the end of 2016 in the run up for the 2017 inauguration. I wanted to be able to distinguish guardsmen from everybody else out there. And that's why the media -- I had -- I had a news outlet call me and say, we can't find one photo of a D.C. guardsman beating anybody with a stick, so I sympathize with you, you know, but not so much.

You know, I'm glad you couldn't find anybody.

Q Okay.

A Because these are our fellow citizens. We're from the community. We're community based -- the National Guard is a community-based organization. So

the -- you did see people out there in military accoutrements, but not -- but it didn't have their name on it. It didn't say U.S. Army or U.S. Air Force. But from a distance, you wouldn't know.

Q And did anyone else -- or was there anything else that someone from the Mayor's office reached out to you, either about concerns with the -- you know, the level of involvement from the D.C. National Guard during the summer of 2020, or was that the only sort of issue that you heard that she and people who worked for her had a concern about?

A She was concerned about unknown -- I mean, she knows the District of Columbia National Guard. We have a healthy relationship with the Mayor; with the Metropolitan Police Department; with HSEMA, Homeland Security Emergency Management; and D.C. FEMS, the District of Columbia Fire and Emergency Services. They know us, we know them.

And those flags -- the District of Columbia flag has gone a long way to identify that's a District of Columbia guardsman. That's not somebody in law enforcement in those battle fatigues. So that's why we wear those vests.

Q Okay. And there were no other concerns that you had heard through her or people in her office with the level of --

A Yeah. She was concerned about outside military. She was concerned about if the Active Duty military would come in. And she was concerned about National Guard from other -- other States.

Q Okay.

[redacted] Perfect. Thank you.

[redacted] All right. So, sir, let me thank you for indulging me in going through the first three buckets. I think it's important, because it provides background

and context for what we're going to talk about next, which is, you know, specifically January 6th.

We've been going for about an hour and a half, so this seems like maybe a logical place to take a 5, 10-minute break. So why don't we break for about 5, 10 minutes. And then --

General Walker. Okay.

[redacted] -- when we come back, we'll focus on the 6th specifically.

General Walker. Sounds good. And I regret the confusion about the --

[redacted] No, no. I -- it's fine. So that's what this is for, so we can understand. So I appreciate it.

[redacted] Are we off the record?

The Reporter. Yes.

[Recess.]

BY [redacted]

Q General Walker, thanks for your time again, sir. And, again, thanks for the background. I think it's really helpful for us to talk about January 6th.

So I want to start, actually, before the 6th, back up to the December 31st, where -- I think is where the story kind of begins. And I'm -- from your perspective. So tell me what happens on or about December 31st of 2020.

A Sure. Let me make sure that was a Friday.

Q I have that -- so that was a Thursday.

A It's a Thursday.

Q It was New Year's Eve actually.

[redacted] As the 31st always is.

[redacted] Thank you, young Jedi.

[redacted] Good point. Good point.

General Walker. So December 31st, I received correspondence, I'm pretty sure, from HSEMA, Dr. Rodriguez, and from the Mayor.

BY [redacted]

Q And is that the request for assistance?

A Is that here?

Q Yeah. So I think if you look at -- let me get to the table of contents. No, that's not it. Because there are several requests. Just give me a minute.

[redacted] The 15th.

[redacted] Thank you. No.

[redacted] Yeah, 15th.

BY [redacted]

Q Yes, sir. So let's, in your book, flip to exhibit 15.

A Uh-huh.

Q Is this the letter you were referencing?

A Yes.

Q Okay. And is this a typical type of request that would come in from the Mayor, like in this form where they spell out sort of, you know, what they want and what they need from you all?

A Yes.

Q Okay. So then what happens after you get this letter from the Mayor?

A The mission analysis is -- so there's another letter that comes from -- I don't know if you have that letter, but the letter from Dr. Rodriguez.

Q Let's see. So even if the Mayor sends a letter, the -- Dr. Rodriguez is going to send a separate letter?

A Yes.
Q Okay. I think --
A So on 14 is Dr. Rodriguez' letter --
Q Okay.
A -- which is also dated December 31st.
Q And so they came at the same time?
A Uh-huh.
Q Okay. And that's -- again, that's -- is that typical, the Mayor --
A When the Mayor sends it, she's reinforcing that, you know -- I mean, Dr. Rodriguez is enough.
Q Uh-huh.
A But when she sends it, then she's letting me really know --
Q Letting you know that that's -- she's serious?
A Like for COVID, she wanted initial call.
Q And is it typical for the Mayor to send a follow-on letter to -- after Dr. Rodriguez sends a letter, or is that sort of unique to the circumstance?
A Well, I can get one from her first or Dr. Rodriguez first. It's not really --
Q Okay.
A Yeah. It's just -- it's the Mayor. So when I talk to the Secretary, saying, Mayor as well. Just it puts more emphasis on it.
Q Okay. And so you get both of these letters, and then I think you said you start putting together the mission analysis?
A Uh-huh. That's a yes.
Q Do -- earlier in our conversation, when you were walking me through how the -- sort of this process works in a vacuum, one of the things you said that you did was

you would contact the Secretary of the Army to say, Hey, we've got this request, and this is what they want us to do.

Did that --

A Uh-huh.

Q -- happen in this --

A Yes. I called.

Q And was that before or after you started pulling together the mission analysis?

A First thing I did was call -- I called Colonel -- what was his name? Just saw him too. Ebbert. I called Colonel [redacted]. Hey, this is what's been asked of us. I'm getting ready to send it to you.

Then I called the lawyers so they could start working it. Notified the Army's lawyers. Then I called the Secretary.

Q And, sir, who is Colonel [redacted]?

A He was the three. He was the operations guy. He put all the plans and everything together.

Q And is Colonel [redacted] part of the D.C. National Guard?

A Yes, he is.

Q Okay. So the request comes in.

A I notified General Dean, General Ryan, Colonel [redacted].

Q Okay. So they have situational awareness --

A Uh-huh.

Q -- of what's going on?

A Just, yeah, we've been asked to do this.

Q Okay.

A I need you to start leaning forward, get it ready.

Q And then you start putting together your plan?

A Uh-huh.

Q Okay. Give me a second.

So if I can have you, sir, flip to exhibit No. 16 in your book.

A Uh-huh.

Q This is a letter from you to the Secretary of the Army. So is this that coordination piece we were just discussing?

A Yes.

Q And it looks like the mission analysis would have -- was part of this ultimate package that was sent up to --

A Enclosure 3 would be -- the bottom --

Q That had been your mission analysis part?

A Uh-huh.

Q Okay.

A And then the rules of use of force. And then right next to that is rehearsal of concept.

Q Okay. Oh, that's what ROC stands for --

A Uh-huh.

Q -- rehearsal of concept?

Okay. So now let me ask you to flip to exhibit 23.

A Okay.

Q This looks like it's from a colonel whose name is redacted. I'm wondering if that's Colonel [redacted]?

A Yeah. That's Colonel -- yes, that's Colonel [redacted]

Q Okay. And so this is -- looks like Colonel [redacted] is providing you with information. Is this to inform the mission analysis? I guess I'm trying to figure out what the purpose of this letter to you was.

A This is the mission analysis.

Q Oh, this is --

A This is going --

Q Okay.

A -- with the package to the Secretary of the Army.

Q Okay. Okay. So now -- so from your perspective, sir, what did you understand the request from the Mayor and from Dr. Rodriguez to be? What is it exactly that they wanted you -- they wanted the D.C. National Guard to do?

A To support the Metropolitan Police Department at traffic control points so they could have more police officers to do police functions, and to ensure that at the Metro stops, the -- they weren't overcrowded, so nobody fell into the path of an oncoming train. So it's crowd management.

Q Crowd management. And it sounds like traffic control, kind of different from what the summer of 2020 -- the function you all served at their request in the summer of 2020?

A Yes. But we routinely do the traffic control points for the city. We routinely do the Metro stops.

Q So this wasn't anything -- this was basically within your bailiwick? You guys know how to do this --

A We do it during the inaugurations, especially with the Metro stops, so they're not overcrowded. We'll hold the traffic up -- the pedestrian traffic. Too many people down in the subway, you have to wait.

Q Now, did -- when the Mayor requested -- when the Mayor and Dr. Rodriguez made their request of you, were they specific about what they didn't want? In other words, what they didn't want you to do, what they didn't want you to wear, what they didn't want you to have?

A Well, they don't talk about what we can wear. I mean, I don't think that was in the response. You saw what --

Q So like if we refer back to exhibit No. 14, about the very last paragraph on the page that begins DCNG, second sentence says: In addition, it is requested that DCNG members be equipped with visibility vests and lighted traffic wands to assist with this mission?

A This is 14?

Q Yes, sir.

A From the Mayor?

Q This would be the letter from, I think, Dr. Rodriguez, sir.

A Yeah. Visibility vests --

Q Yeah.

A -- the lighted traffic wands. Yeah. I mean, we -- we have those vests.

Q We have those vests?

A Yeah.

Q And then if you flip to the second page of that, sir --

A Uh-huh.

Q -- the very last paragraph reads: No DCNG personnel will be armed during this mission. At no time will DCNG personnel or assets be engaged in domestic surveillance, searches, or seizures of U.S. persons.

Is that something that would normally accompany a request?

A Not necessarily.

Q Okay. So did that strike you as unusual at all when you saw it?

A It didn't concern me.

Q Okay. But it doesn't sound like it's something that would normally be in --

A No.

Q -- this kind of request?

A No.

Q But it didn't concern you?

A Not at all.

Q Okay. So you get the request. The mission analysis is done. So it sounds like that's --

A I mean, for us to be armed, that takes a whole -- that's another whole path for the D.C. Guard to be armed. So, you know, we're rarely, rarely armed.

Q Okay. The response to civil disturbance, does that ever involve being armed, or just with sort of the civil disturbance gear that is normally provided?

A We normally have -- since I took over, we have the black vests --

Q Uh-huh.

A -- that clearly say D.C. National Guard. We did not have that prior to 2017.

Q Uh-huh.

A Big flag that says District of Columbia on the front of the vests.

Q Uh-huh.

A But to be armed, it -- that's a big deal. It doesn't normally happen.

Q So it sounds like in a normal response to civil disturbance, it would be highly unusual for D.C. National Guard personnel to be armed?

A Right.

Q Okay.

A Now, during the summer, there was select personnel armed. General Ryan was probably armed. General -- he's now a general -- General -- his name escapes me. But there was some people armed, but just a handful. Nobody out there with the crowd was armed, because you can't -- you can't -- you can't negotiate the shield, the baton, and a weapon.

Q Understood.

A So you're not going to be armed.

Q And so, once you get the mission analysis back from Colonel [redacted], what are your next steps?

A Package it and send it to the Secretary.

Q To the Secretary of the Army?

A Uh-huh.

Q Okay. And that happened in this case?

A Yes.

Q And what, if anything, did the Secretary of the Army do in response to you sending up the mission analysis?

A Well, there was this pushback because they didn't want to do it.

Q So talk to me about that. Why do you say there was a pushback, and what makes you think they didn't want to do it?

A Well, he told me --

Q Okay.

A -- you know.

Q When did he tell you?

A When I called him. He said -- first he said, We're not doing it. We're not

doing it.

And I said, Well, sir, I think you should look at it.

And then he told me, Well, we'll talk about it, but we don't really want to do this, because the look it would give, the military out there interfering.

So I said, Well, sir, I'll send it to you, and I -- and the lawyers had already sent it to him. And then that's where we had -- we spent the whole day going back and forth about the traffic control points and how close they could be to the Capitol. So we had to be far enough away from the Capitol.

Q So let's unpack that a little. So --

A Uh-huh.

Q -- on the 31st is when you get the request from the Mayor and from Dr. Rodriguez.

A Uh-huh.

Q Is it also that same day that you package it up and send it to -- for the mission analysis, or did that happen afterwards?

A We -- probably that Monday, we start crunching it hard.

Q Okay. Okay. So -- so Thursday would have been New Year's Eve. Friday would have been New Year's Day.

A And we worked New Year's Day going back and forth with the -- where the position of every single guardsman and how close they were to the Capitol.

Q Okay. So this conversation where you describe there was the initial pushback and they didn't want to do it, when did -- do you remember, did that happen on that Thursday, that Friday, that Saturday, to the best of your recollection, if you recall?

A I believe I called him instantly when I got the letters.

Q Okay. So you get the letters, and as part of, you know, your preparing, you

call the Secretary of the Army and say --

A To let him know, Hey, this is coming.

Q -- this is what we've got and it's coming. And is it there that the Secretary of the Army says, I don't want to do it or we don't want to do it?

A Words to that effect. I don't think we're going to do it. We're not doing this. And then he -- and I keep talking to him. He says, Well, we'll discuss it on Monday.

Q Okay.

A But we spent -- the staff, we spent -- we talked to him on Monday, but he had his staff contact me, and we went back and forth, sending emails back and forth about -- with what it would look like, where the traffic control points were, and then how close they were to the Capitol.

Q Uh-huh.

A Do you have those emails?

[4:11 p.m.]

[redacted]

Q I believe I do. I have a -- yeah. I do. So, if you flip to exhibit 9, for example --

A Uh-huh.

Q -- there's an email from you to General Piatt, Ryan McCarthy, the chief of the National Guard Bureau, and it says: Sir, reference our conversation yesterday per my email today. The attached MPD map depicts tentative traffic control points that would be augmented if you approve the request for support below at the projected locations by Metro station and street.

And that -- this looks like it was Friday night, so that would have been --

A Uh-huh.

Q So this is what you referred to --

A Yeah.

Q -- when you said you were having this back and forth?

A And you see here I copied for his awareness the four star for the National Guard Bureau.

Q Yes, sir. Yes, sir.

A And others -- and others that he asked me to copy.

Q And does that exchange over the weekend with the Secretary of the Army regarding sort of where people are going to be, does that inform the mission analysis, or was the mission analysis being run concurrently with that? Had it been done first -- I'm just trying to sort of understand where in the process -- or probably a better question is how, if at all, that exchange that you were having impacted the mission analysis is probably a better way to ask the question.

A Sure. So the number of soldiers and airmen is up to me to offer to the Secretary of the Army: This is what I think we need to safely execute the mission. The mission analysis, and I don't know if that's in here, but on my own, I increased the number of guardsmen to do the mission. And I forget what number, but I remember the letter that I sent over was more than we initially discussed. And I just said: You know what? There's too much going on. I don't feel safe. I want additional soldiers and airmen out there.

Q So the original number of folks that are -- that you ultimately decide should be augmented --

A Uh-huh.

Q -- is that informed by the requests from the mayor and from Dr. Rodriguez? I guess that initial number, like, how does -- how did we come to land on when we think initially, it should be X, and then later you say, no, I think it should be Y; how did we determine it was X?

A My instincts, my judgment.

Q Okay.

A My interpretation of what is going on.

Q So initially you think X and then --

A Well, initially -- so I'm told this is -- sir, this is what we -- we can do it with this number --

Q Got it.

A -- and I believe it was 200 something.

Q Okay.

A It was a lower number than we ended up initially, and I started to even go even higher than that.

Q Okay.

A But there was a lot of things weighing on why we -- why the people who support me didn't want to tax the soldiers and airmen.

Q Okay.

A And so we had COVID. We had the summer, and these men and women have jobs --

Q Uh-huh.

A -- that they have to go to. So some of it was that, saying: Hey, I think we can do it with a smaller number of soldiers and airmen. We can't keep going to the well. So I said: Now, we have to be safe. We're going to -- I want to have more soldiers, more airmen.

Q Okay. So you look at the request initially, and you think X number. You talk to other folks on your staff that inform you. You start thinking about the impact of other things on that same group of people that have happened already. You also think about what's necessary to make sure things are safe, and you come to an independent decision that, hey, it should actually be higher than what you originally thought?

A I'm looking at November and December.

Q Uh-huh.

A The civil unrest in November, the civil unrest in December, and everything I'm reading in the papers. So I -- I'm an intelligence officer, so I -- to me, the intelligence was there that this was going to be a big deal, so --

Q And that's what informed your decision?

A That's exactly what did it.

Q Copy.

So, going back to the exchange between you and the Secretary of the Army over

that weekend --

A Uh-huh.

Q -- when we talked earlier in our conversation when we were sort of looking at the process in a vacuum, you explained how, you know, you send the request up to Sec Army for approval. How -- was the Secretary of the Army's involvement at that time regarding what was going to happen normal? Was it unusual for him to be that involved? I'm just trying to get a sense -- I guess, really another way to ask the question, and I'm sorry I keep rephrasing the questions, but I think of a better way to ask it later.

A Sure.

Q But is it typical for the Secretary of the Army to weigh in at that operational level about how the D.C. National Guard mission is to be accomplished?

A So that -- this -- so I was with the Secretary for the summer and then this event, so I don't know if there's enough interaction to say what's typical.

Q Okay.

A It is ultimately his decision to make.

Q I see.

A So I'll give him the latitude to -- you know, until he feels comfortable and he gives the thumbs up. So we had the summer, and, you know, I think this was different than the summer --

Q Right.

A -- in many ways, and it was the same as the summer in many ways. It was civil unrest. It was civil disturbance.

Q Did you -- were you concerned at all by his level of -- his initial pushback and his sort of level of wanting to be involved? Did that concern you, or was it the case you were, like, well, like you just said, let me give him the latitude, you know; this might be

different? Like, how did you feel about that?

A Well, initially I felt I must have caught him at a bad time, you know, because, actually, the more I think about it, I remember calling and not getting an answer. So I called General Piatt, and then he called me back --

Q Uh-huh.

A -- is my recollection. General Piatt called him. Lieutenant General Piatt called him, and I explained to General Piatt: Hey, this is -- got these requests. Will you let -- will you have the Secretary call me. And then I remember the Secretary calling me.

Q Okay. And then you say that the decision was made that you all would talk about it on Monday?

A Uh-huh. But work through it, work the plan.

Q Right. So you don't stop working. So you're still -- you're working as if it's going to --

A We're working January -- we're working January 1st.

Q New Year's Day --

A The holiday.

Q -- the weekend. Right, right.

A Yeah. We're working.

Q So that you can -- so you can be ready, not get ready?

A Right.

Q All right.

A Yeah.

Q So -- but understanding that sort of a final determination about whether we're going to say yes or no is still forthcoming --

A Uh-huh.

Q -- based on a subsequent conversation that's going to happen on Monday?

A Yeah, and my emails: Sir, if you approve this --

Q This is what we're going to do.

A Yes.

Q This is the plan. So what happened on that Monday? Did you end up talking to him or someone from his office about what was going to happen?

A Yeah. I did talk to him, and we came to an agreement that, you know, he was going to approve this, but we had to be so many feet away from -- we couldn't be close to the Secretary. And I remember -- and General Piatt was a lot more involved, and we had -- we couldn't be but so many feet -- if we were going to move from one traffic control point to another, I had to get permission from General Piatt.

Q Okay.

A So, for example, the police asked the soldiers at one traffic control point, can you move, like, a block? They called me. I called General Piatt, and eventually we moved, but it --- nothing like that had ever happened before, that kind of direct oversight.

Q That kind of granularity?

A Moving a block over, one city block.

Q Okay. So, for example, compared to, like, the summer, you didn't have to sort of do that in order to move trucks or Humvees --

A No.

Q -- or assets?

A If the police asked us to move, we moved.

Q But in this case, if you had to move a block, it was --

A We had to show where the Capitol was. So this is -- I don't know if you have one of the actual work products that show where each traffic control point was and

then how close that was to the Capitol.

Q And if I'm understanding you correctly, sir, you're saying there was a level of granularity and management about where folks could move that wasn't -- that was not typical for that kind of scenario?

A Typically, we would support the Metropolitan Police and be aligned and arrayed where they wanted us to be. The oversight that we received on the 5th and 6th didn't give the police the ability to move us as they saw. They had to ask us, we had to ask the Secretary of the Army, and then they would look at it on the map and then say, "Okay, yeah, you can move," or "No, you can't."

Q Okay. Let me ask you to take a look at exhibit No. 5, sir.

A Okay.

Q Excuse me.

A Uh-huh.

Q So this looks like a letter from Secretary McCarthy to you responding to your recommendation to approve the request --

A Uh-huh.

Q -- of the mayor and Dr. Rodriguez. So the oversight that you were just talking about, is this what you're referring to where they would -- where it was -- it lays out sort of who's going to do what, where they're going to be? It looks like, you know, total number of traffic control points, the quick reaction force. It lays out some prohibitions. It says they're not going to be issued weapons, ammunition, or bayonets unless --

A Where are you at?

Q I'm sorry. So if you -- if we flip to exhibit No. 5 --

A Uh-huh.

Q -- on the very first page. Towards the bottom, right, it says: Your mission analysis determined that the D.C. NG could provide all of the requested support. I approve the D.C. NG to support the MDP with 340 total personnel.

A Uh-huh. Yes.

Q Then it goes on to say: D.C. NG disposition will include traffic control points, 90 personnel; Metro station support, 24 personnel.

A Right. Yes.

Q And, if we flip over: The CST support of 20 personnel; a quick reaction support of 4 -- 40 personnel stationed at Joint Base Andrews; and then an internal CTU in support of 52 personnel. And I want to go through what each of those means in a second --

A Sure.

Q -- or ask you what they mean in a second. But it then goes on to say: D.C. NG are not authorized to perform any additional tasks or duties not authorized in this memorandum in addition without my personal authorization. The D.C. NG is not authorized the following: To be issued weapons, ammunition, bayonets, and batons. And then it goes through A through H, sort of different things that they can't do without personal authorization of the Secretary. So C says employ riot control agents. D says share equipment with law enforcement agencies.

And I guess my question is, that portion of this memo, is that something that typically shows up in these kinds of memos back to you? In other words, is it typical for the approval to say you're approved to do X, but you need my permission to do A through H?

A No. He has the latitude to put constraints on it, so it -- when we brief this, we say it comes with constraints; it can come with restraints, and he can change it all

together. So what was unusual here was that -- to withholding approval of a quick reaction force. So, normally, that would -- so a quick reaction force, something's happening; do I have time to find you and call you and ask you?

Q So let's talk about --

A Or do I need to get the quick reaction force into the situation?

Q So I know in my brain, probably from watching too much TV and movies, what I think a quick reaction force is, but what is --

A Why the first word is "quick."

Q What is a quick reaction force, and what's their general purpose? Like, what is -- what are they supposed to do?

A To support, to back up, to augment those in a situation where they're either overrun, overwhelmed, or both, and they need some immediate support, and that's that quick reaction force. If it gets there in time, it can stabilize and buffer whatever's going on.

Q And, in a case like this where the request is for traffic control and Metro station management, is it normal to also have a quick reaction force associated with that sort of mission set?

A So the way I've always operated, I have a quick reaction force for anything we're doing.

Q Okay.

A If we're handing out ice cream, I'm going to have a quick reaction force there. It's just in an abundance of caution. So I'm already watching what's going on. I saw November. I saw December.

Q Uh-huh.

A And I thought it prudent -- I thought it would be prudent to have a quick

reaction force because, quite frankly, that number that we had out there, I thought that was the bare minimum number.

Q That 340?

A The 340. I really wanted to go higher. So the quick reaction force, I felt like if they -- if we had a problem, the quick reaction force could get there and help out. So I moved -- we'll come to this later, but I actually on my own moved the quick reaction force from Andrews Air Force Base to the Armory.

Q To the Armory.

A Once I could see that the Capitol was under attack, Chief Sund called me. I called and said: Move the quick reaction force to the Armory.

Q Okay. And we are going to get to that --

A Okay.

Q -- section of the story in a second. I just want to make sure I'm understanding all the pieces.

So, in a -- in the mission set where the goal is the traffic control --

A Uh-huh.

Q -- if the quick reaction force were needed --

A Uh-huh.

Q -- would it be to perform that same function, or is the quick reaction force there where something goes left or right unexpectedly, and then we send in the quick reaction force?

A That's exactly right.

Q Okay.

A Unexpectedly, you have a spontaneous unrest. Spontaneous unrest.

Q Okay.

A I asked you to move from this traffic control point, and something happens unexpected, and then it becomes a confrontation.

Q So if I -- if I'm understanding what you're saying, the quick reaction force is there to provide that quick support in the event of some spontaneous event like civil unrest, no matter what the original mission set is of the D.C. National Guard?

A It's over watch of the troops that are out there.

Q Got it.

A It's the 911 for those soldiers and airmen out there. This was an Air Force unit, but they're -- they have that mission. They know what they're doing.

Q And earlier you said, and I want to come back to this, that you thought it was unusual that the Secretary would withhold approval of the quick reaction force. And I guess I'm -- I want to talk to through that as well because if you go back to exhibit No. 5 on page 1, at the very bottom, it says: I approve the D.C. National Guard to support MPD. And then it goes on to say: D.C. NG disposition will include. And then, when you flip to page 2, it says: Quick reaction support, 40 staged at Joint Base Andrews. And then, on page 3 --

A I approve. Yeah.

Q Right.

A Your mission analysis determined -- is that what you're talking about, sir?

Q Yes. So if we -- I'm sorry if I'm going too fast. So, if we go -- if we start on the very first page --

A Right.

Q -- at the bottom, the Secretary says that he approves D.C. NG support, and then he goes on to say that the National Guard disposition will include --

A Will include, right.

Q And then among the things that are included, when you go to page, 2 under D, it says quick reaction support, 40 personnel staged at Joint Base Andrews.

A Right.

Q So it sounds like at that point in the memo, the quick reaction support is authorized for 40 personnel staged at Joint Base Andrews. When we go to page 3 of that same memo, and this, I think, is what you were alluding to --

A Uh-huh.

Q -- earlier. At the very top, it says: I withhold authority to approve employment of the D.C. NG quick reaction force and will do so only as a last resort in response to a request from the -- from the -- an appropriate civil authority. So --

A That is highly unusual.

Q Okay. And that's why I want to try and understand. So I guess my first question is, before we talk about why it's unusual, is that -- and again, I'm not a National Guard person, so maybe this is obvious to people who are sort of more in that world. But on its face, it seems contradictory to me, right. On page 2, he says, "I'm authorizing a quick reaction support," which I'm assuming is -- well, let me ask. Is a quick reaction support the same thing as a quick reaction force, or is that something different?

A It's the same 40 people --

Q Okay.

A -- at Andrews Air Force Base. It's the quick reaction force.

Q Okay.

A Did [redacted] want to say something?

[redacted] No. That was just a meeting thing.

General Walker. Oh, okay.

[redacted] Sorry.

General Walker. So we're talking about that same quick reaction force.

BY [redacted]

Q So it's the same group of people?

A Uh-huh.

Q So, on page 2, the Secretary says: Authorize 40 people at Joint Base Andrews. But then, on page 3, he says: I'm not going to approve their employment unless we get a specific request -- unless it's a last resort, and it comes from an appropriate civil authority. And you said that's highly unusual. I agree -- and on its face, it seems contradictory. Help me understand why that's -- why you say that's highly unusual.

A So I need a quick reaction force. I don't need a reaction force to get there wherever you can. I need a quick reaction force. Things are unfolding rapidly, rapidly. I need somebody here to help immediately; quick reaction force. Now, what this is asking to do is -- it's already implied that it's a last resort.

Q Uh-huh.

A In response from an appropriate civil authority? That's what's -- I mean, so as a two-star general, even my -- my colonels that were out there should be sophisticated enough and experienced enough. Every general is a War College graduate. All the generals in the D.C. Guard are combat veterans. I think we all should have the know-how to know -- should -- the awareness to know that -- when we require a quick reaction force.

Q Uh-uh.

A So -- and it goes further. A concept of operation prior to employing the quick reaction force. That takes time. So I need a -- I need to write a concept of operations for a quick reaction force? They're no longer quick. It's just a reaction

force.

Q Okay. So, before we talk about the concept of operations piece, it sounds like, if I'm understanding you, for previous requests for help, it would be -- this would be unusual for the Secretary to say: You can't do anything with your quick reaction force essentially until I say so.

A Exactly.

Q Okay. And, when they say -- when the Secretary says, "from an appropriate civil authority," your response is, well, all of us are trained war vets; we know when to use a quick reaction force. What, in your mind, do you think -- what did you take "appropriate civil authority" to mean? When I read it, I think one thing, but I guess I'm curious. What did you think that meant?

A I made the operating assumption that he wanted somebody from either the Metropolitan Police Department, the Homeland Security Emergency Management Agency, the fire department, the District of Columbia, or the mayor.

Q Okay.

A We never got -- he never explained who that civil authority was.

Q Okay. And then you talked about -- it goes on, as you correctly point out, that you would need a concept of operations specifically targeted to the quick reaction force.

A Right.

Q And that was also unusual?

A Yes.

Q Okay. And unusual for the same reasons as it normally -- it affects it being quick, and people already know what they're doing. There's sort of -- there's no real need for a concept of operations. I guess, why is a concept of operations for the quick

reaction force unusual, in your mind?

A The concept is get to the point of need as quick as possible.

Q Uh-huh.

A Take direction from civil authority. Back up the guardsmen that are on scene.

Q So -- and I appreciate that, sir. So what it -- it sounds like -- and I don't want to put words in your mouth, but tell me if I'm -- if my understanding is correct. It sounds like what you're saying is, at the level of use of something like the quick reaction force, normally that is left to the people who actually have done it before, have the expertise to do it. For the Secretary of Defense or the Secretary of the Army, rather, to be that involved at that level is unusual?

A Unless he was out there with me like he was during the summer. So, during the summer, he was right there.

Q Uh-huh.

A I mean, we were all -- you could google it. You can -- google images summer, Ryan McCarthy, William Walker, [redacted], [redacted], and you'll see us all together.

Q Okay.

A So, right then, you know, you say: Hey, Mr. Secretary, we need a quick reaction force. Boom. And there's no time. That's -- instantaneous.

[redacted] Can I ask a question?

[redacted] Yes. Go ahead.

BY [redacted]

Q Was the QRF deployed during the summer?

A Yes. Well, it was there. We didn't have to deploy -- we had a quick

reaction force constantly. There's always a quick reaction force ready.

Q But was it available, or was it actually --

A It was available.

Q So it wasn't actually put into action --

A No.

Q -- during the summer?

A No.

[redacted] Let me go ahead for a second.

BY [redacted]

Q And, when we say "available," does that mean they were sort of --

A They were in The Armory.

Q In The Armory ready to go?

A Sitting in there, waiting.

Q They're waiting for the flag to go up --

A Uh-huh.

Q -- to say go forth verily and do what you need to do? Okay.

A And I would let the Secretary know. As things are stabilizing, the quick reaction force would drawdown so I need the smaller, smaller quick reaction force. As I had less soldiers and airmen on the street, I needed less -- less of a quick reaction force.

[redacted] [redacted] did you have some more questions?

[redacted] I wanted to zoom out, but I don't want to mess up your flow.

[redacted] You can zoom out. That's fine.

[redacted] No, that's fine.

[redacted] Are you sure?

[redacted] Yeah.

BY [redacted]

Q So you get this letter from this -- from the Secretary of the Army. You notice these things that are different, that sort of stand out to you. I think you said earlier that he never really explained to you why he wanted it this way. Did anyone ever -- did you ever come to an understanding about why the authorization was stylized the way it was?

A There was a concern about being too close, military uniforms too close to the Capitol.

Q And how do -- how did you come to the understanding that that was the concern?

A Oh, it was said. It was said by -- you know, we were on conference calls. It was -- that was the concern is -- we went back and forth with slides to the Army. We had to highlight where the Metro stop was and then how close that was to the Capitol, where the traffic control point was and how close that was to the Capitol. We -- the Army did not want uniforms near the Capitol.

Q And that -- and that's -- is that the discussion that's happening back and forth over the weekend from the time that you get the written request up until Monday before you have the follow on discussion?

A Yeah, and that's what's driving the slides being changed and changed --

Q Uh-huh.

A -- and changed to the point where we had to put -- we had to really illuminate where the Metro stops were, where the traffic control points were, where the Capitol was.

Q And stealing [redacted] term, to zoom out a little bit, who was involved in those conversations over the weekend? So it would be -- you mentioned -- I think you

mentioned yourself, obviously. Who else? Who were you talking to? Were you talking directly with Secretary McCarthy, with Piatt? Like, sort of who were the --

A This would have been General Piatt and his staff. So he -- Lieutenant General Piatt directed the Army staff. So he had Brigadier General Neve (ph), Colonel [redacted] some other lieutenant colonels, and we just went back and forth.

Q And Lieutenant General Piatt is the Army -- Director of Army Staff?

A Uh-huh.

Q Was it your understanding that sort of what you were communicating, he was communicating back to the Secretary?

A Yes.

Q Okay.

[redacted] This is my zoom out question.

[redacted] Okay. Go ahead.

BY [redacted]

Q So I'm just wondering, General, this days -- these days leading up to the January 4th memo and you're having these discussions. Is there also a discussion about the greater context of what's going on with the -- with DOD at that time? In particular, General Michael Flynn was reported in the press by saying that martial law should be put into effect for the election, and there was calls for the Insurrection Act. There was a couple of different kind of pressure points that DOD was reacting to which resulted in a statement, I think, around December 18th that said that the left -- that there's no role for the military in a Presidential election. You're aware of that conversation?

A I am.

Q How much do you think -- was that part of the discussions during those days?

A Not verbatim, but you could see where the Army did not want to be involved. And the Army Guard, that's where, to me, the vest came in. This was the National Guard, not the Army.

Q I see. So, in your perception -- again, I don't want to put words in your mouth, but the D.C. National Guard is tremendously different from Active Duty, which is what kind of the press reports were about.

A Yeah. I believe the press to the Army were concerned about the Army having a role --

Q I see.

A -- in, you know, the -- not the election but the --

Q The joint session.

[redacted] The certification.

General Walker. The certification of -- the certification. And the Army is different from the Army National Guard, and that's what needed to be stressed, that the Army is not out there. It's the Army National Guard, and that's why I thought the District flag, National Guard was -- you know, let everybody know it's not the Army, per se. It is the National Guard Army and Air.

BY [redacted]

Q And did you vocalize that as kind of a remedy for this perception issue, the optics?

A So it wasn't -- feedback was not welcome. It was: This is what we're going to -- you have to -- even if the Air Force, I don't know how much feedback you -- you're allowed.

Q I guess my question is from purely a civilian perspective here --

A Uh-huh.

Q -- as someone who's not been in the military, can you understand how there might not be a difference to someone like myself if you see D.C. National Guard versus the Army?

A I would hope that you could appreciate the difference, that the National Guard is handing out sandbags during storms; they're coming to help you during floods. That's not the Active Duty Army. The Active Duty military fights and wins America's wars. That's what the Active Duty does. And the National Guard is part of that, but it is a -- the National Guard does both.

Q I see.

A Twice the --

Q I appreciate that context.

BY [redacted]

Q Yeah. Just along the same lines, General Walker, I appreciate that. And I understand that some of these questions are asking you to speculate or to read into the intentions of some of the people with whom you're speaking. Nonetheless, I want to ask you about your sense of what was motivating this. I understand that you were hearing --

A Uh-huh.

Q -- we've got to be some distance from the Capitol. We don't want Army troops near the Capitol. How much of that, in your view, was a response to criticism of the military in terms of its action from the summer?

A I think they're totally separate.

Q Okay.

A Totally. I mean, completely separate. So you've got to understand --

Q Uh-huh.

A -- after the helicopter incident --

Q Yeah.

A -- that was George Floyd. And then, later, later that summer, the monuments were being attacked.

Q Uh-huh.

A Do you remember that?

Q Yes.

A Who came out and supported that? The District of Columbia National Guard in those same vests with the same city flag --

Q Uh-huh.

A -- D.C. National Guard across the back.

Q Uh-huh.

A No more monuments were destroyed. So we came out. We were mobilized for that. We come out. We support the United States Capitol Police. Nobody complained. Everybody was happy. No more monuments. Fourth of July. We're supporting the city for the Fourth of July. Flawless. 57th anniversary of the March on Washington, August. No problems. So I don't think it was -- had anything to do -- the two helicopters are convenient. They're convenient. The two helicopters that everybody would acknowledge got too close.

Q Uh-huh.

A And that was really a Lieutenant Colonel who was eventually punished because he did something else wrong.

Q Yeah.

A People don't -- but he -- you know, the postman rings twice. He -- if you can get your hands on a report, you'll see what happened, why those helicopters went

too low.

Q Yeah.

A But I think that's convenient for the Army to say or for anybody to say: Oh, it was the summer, too heavy handed.

We weren't heavy handed. Two pilots flew a little bit too low. Actually, it was really just one.

Q Yeah.

A The other one -- other one was up higher. So you have the monuments, July 4th, August, everything was fine, and we were still doing the COVID mission.

Q Right. The criticism of the military writ large in the summer extended beyond helicopters. It was -- and I'm not saying this is credible criticism, but there was criticism that it was a very aggressive, heavy-handed military response to the exercise of free speech. Was there any concern along those lines that this was a free speech event that we were expecting at the Capitol, and we don't want to trigger that criticism that we, the military, are aggressively stifling or reacting aggressively to free speech? Did you ever hear anything along those lines?

A No. I didn't think that. I thought that what we were there to do would be support the Metropolitan Police if they --

Q Yeah.

A -- needed our help. The Park Police who needed -- if they needed our help --

Q Uh-huh.

A -- because that is shared. A lot of that area is shared with the Park Police. And then, ultimately, if the Capitol Police needed our help, that we would just be in a position to help --

Q Yeah.

A -- is -- was the prevailing thought of members of the District of Columbia National Guard --

Q Yeah.

A -- because we do see ourselves as citizen soldiers.

Q Right.

A We do see ourselves as your neighbors that are going to come to your aid and rescue when you need us.

Q Yeah.

A And then mentally shift gears and go fight America's wars.

Q Yeah. I'm getting the impression that you personally and, by extension, the D.C. National Guard was more than ready, more than willing to provide an increased level of support than the mission that you were given.

A Yes.

Q But you were -- because of the request from the D.C. government, because of the resistance of some of the Army leadership, you weren't given that full mandate. We're just trying to figure out why.

A I think the D.C. government request was the proper request --

Q Okay.

A -- you know, and it was -- the mayor just put that in there. We don't come out armed, you know.

Q Uh-huh.

A It takes a whole different set of triggers for us to be armed.

Q Okay.

A Something really -- the D.C. Guard in its entirety, last time they were armed

was September 11th.

Q I see. So you didn't take the mayor's request to be a limitation on --

A No.

Q -- or reflecting a different attitude --

A We weren't going to be armed. I mean --

Q Yeah. Okay.

A -- if I'm holding that shield with two hands, pushing you back, and if I got to put my arm through it and then take my baton to maybe make the message a little stronger --

Q Yeah.

A -- which we didn't do. There's no pictures of us hitting people.

Q Right.

A We're pushing them back. We're pushing them back. Then I've got to defend the weapon as well. No. I've got to be able to protect the weapon. No. It's very, very difficult.

Q Yeah. The other possible reason for the change in January 6th versus the summer is that there's new leadership at the Pentagon. Do you have any sense as to whether an Acting Secretary of Defense who potentially had a different attitude, approach to the appropriate use of the Guard in civil disturbance had any impact on the planning or the restrictions that you've described?

A Not really.

Q Okay.

A I mean, Secretary Miller --

Q Yeah.

A -- served in the District of Columbia National Guard.

Q Yeah.

A And then he went on from there to join the regular Army --

Q Uh-huh.

A -- and go off and have a full Army career.

Q Okay.

A The prior Secretary of Defense --

Q Yeah.

A -- Secretary Esper --

Q Served in the D.C. National Guard.

A -- served in the D.C. National Guard. We both were in the same unit.

Q Yes. I see. But then the third possibility, it seems like the uniqueness of the event, that, on January 6th, you're dealing with a very significant event with respect to an election, the certification of electors that leads to the peaceful transfer of power. That's a very different event than the Lafayette Square, even though they're both in proximity to monuments --

A Uh-huh.

Q -- the connection of an election-related issue, was that, in your view, what caused the sort of different approach from leadership because it was related to an election?

A What I -- what my perception was, it was the optics of it. It was --

Q Okay. Tell us more about that.

A -- that they did not want to be involved in having military people anywhere near that Capitol during the certification of the election.

Q Yeah. And the question that we keep coming back to is why? I don't have a problem with having the optics of military personnel close to the White House in the

summer. Why is this any different than that? Why the hesitation to have military, the optics of military personnel close to the Capitol, in your view?

A Yeah. Well, you know, I guess I prefer not to really think about it.

Q Well, I'm asking you to think about it, and I understand this is just your perception. This is your opinion. But, as a person that has your experience as the leader of the D.C. National Guard, I'm just curious as to what your opinion is as to what motivated that difference.

A So when I think about it --

Q Yes.

A -- you know, to me, it was some interference. It was -- and by who, I don't know.

Q Yeah.

A Yeah. But it was just so unusual.

Q Right.

A I mean, 39 years I've been wearing the cloth of the Nation --

Q Uh-huh.

A -- and a retired Federal agent, so I kind of -- maybe it's hope. Maybe I was hoping that there was no interference --

Q Uh-huh.

A -- and I still don't know.

Q And the interference could -- again, I understand you don't know, but the interference, if it existed, would be brought to bear on the Secretary of the Army. So he -- somehow, his decisionmaking was --

A I thought he was being influenced.

Q Okay.

A I did feel like he was being influenced. By who, I don't know.

Q I see. Okay. Did he saying anything about others with whom he was consulting --

A No.

Q -- or needing to get direction from others?

A He just became unaccessible.

Q Uh-huh.

A I had to go through -- so the Secretary was right next to me --

Q In the summer?

A -- in the summer. I mean, he --

Q Yeah.

A -- routinely came to my office. I routinely went to his office.

Q Yeah. And gave you the VOCOs and could immediately --

A Yeah. It was right there. Right there.

Q That didn't happen --

A No.

Q -- in December or January?

A We stood in front of the White House together.

Q Uh-huh.

A We stood -- I mean, we were right outside the church when it caught on fire.

Q Yeah.

A So, I mean, I've got the photos.

Q Yeah. I understand.

A So he was right there.

Q Okay.

A Now, for this, he's not there. I found a lot of things troubling.

Q Uh-huh.

A And, when General Piatt said that the Secretary of the Army was running through the Pentagon looking for the Secretary of Defense, that -- that caused me some concern. These are two men who are protected by the United States Army Criminal Investigation Division. They -- where the Secretaries, either one of them are, is never a doubt. People know where they are.

Q Yeah.

A So I didn't think he'd have to run through the Pentagon, and I believe that was General Piatt's testimony, that the Secretary of the Army was running through the Pentagon looking for the Secretary of Defense to get his approval.

Q I see. Yeah.

A And then later they said they had to put together a plan for me to execute --

Q Uh-huh.

A -- which I found kind of disturbing.

Q Uh-huh.

A You're coming up with a plan without me being involved in the plan?

Q Yeah. We're going to get into that.

BY [redacted]

Q Yeah. That was a -- that's actually a good segue. So I think -- I think at least I have a more fulsome understanding of the picture from your perspective of what happened prior to January 6th. Now let's talk about the day.

A It's uncomfortable. It's annoying me. I mean, it really -- that was a day I was deeply disappointed in how the Army that I've served for a long time responded.

Q Uh-huh. So let's talk about the day of --

A Uh-huh.

Q -- and let's start in the morning. So --

[redacted] Before we do the day of because I don't want to mess you up --

[redacted] Okay.

BY [redacted]:

Q Before January 6th, I know it's been reported. I think you testified before the Senate that you had calls with Chief Sund from Capitol Police.

A Uh-huh. Yes.

Q Now -- and during those calls, there was a discussion of whether the D.C. National Guard would be needed, but there wasn't an actual request by the Capitol Police. Is that correct?

A That's correct.

Q Did you -- and you said a few minutes ago about your -- you saw what happened in November, you saw what happened in December, and you were aware from reading newspapers that there was -- you know, this could be a big deal. Did you convey that to Chief Sund?

A Yes. We talked about it. Chief Sund told me that he was told that the Secretary -- that the police board --

Q Right.

A -- didn't want to approve his requesting the National Guard in advance and that they -- it was the word again, optics, of having the military on the Capitol. So he -- so then he asked me, could I have -- could I lean forward and have as many guardsmen available, and I think we came up with the number 250. So I told him yes, I could do that using the COVID people. I would just remission the people that were on duty for COVID support to the city and have them come out and support the Capitol.

That was my thinking when I talked to him, that we could do both.

Q But could you do anything without a request, a formal request?

A No, because I had to push the request up.

Q Got it.

A Now, what could have also happened, what I thought should have happened, Chief Sund calls me. I immediately call General Piatt, push -- because I can't get ahold to the Secretary. And it should have been VOCO.

Q You're talking about January 6th?

A January 6th.

Q Okay. I just wanted to talk pre-January 6th.

A Yeah. So we --

Q I'll turn it back over to [redacted]

A So I have a good credit score with everybody. I know Steve Sund. [redacted] Yes.

General Walker. I've known him for quite a while. We talk. So -- and I was disappointed that his hands were tied, at least according to him. He said he could not formally request our support. You might have email traffic where he invites me to a group discussion on the 4th of January where we had the Secret Service, the FBI, MPD. There was Secret Service, FBI, somebody from DHS. We were all talking about what's going to happen on the 6th.

Q If Chief Sund had requested the D.C. National Guard prior to the middle of the attack as we're just going to walk through shortly, would that have made a difference in the response time of the D.C. National Guard?

A Oh, yeah. I can't see -- well, if the Secretary of the Army would have approved it --

Q Uh-huh.

A -- then we would have had dedicated guardsmen ready to go to the Capitol.

Q Okay.

[redacted] Sorry, [redacted]

[redacted] That's okay.

BY [redacted]

Q So that's a good segue into the 6th itself, right? So it sounds like -- and I'm going to truncate a little bit because I want to be mindful of time, and we're already bumping up against 5.

So, in the morning, it sounds like the -- let me ask you this: Is the traffic control plan executed? In other words, are people where they're supposed to be, at their -- you know, at their traffic control points, at the Metro stops on the morning of January 6th?

A Yes.

Q Okay. Earlier in our conversation, you mentioned that, as a baseline foundational training, everyone is trained in civil disturbance. Did the folks that were stationed for the traffic control, did they also have that same training?

A They had it, and they exercised it during the summer.

Q What about equipment? Did they have their civil disturbance equipment nearby or with them?

A It was in the vehicles.

Q And what constitutes a civil disturbance kit? Like, what sort of standard issue?

A So it's the breast plates, breast -- the breast pad, full helmet, shield, shin guards, knee guards.

Q And when you say "shield," you mean face shield?

A Uh-huh. Face shield.

Q Okay. So not like the shield like --

A Oh, they had the shields, too.

Q Okay. So they had the shield, the external shield plus a face shield --

A Uh-huh.

Q -- the helmet, the breast plate, shin guards. You mentioned --

A Knee guards.

Q Knee guards. Sorry. Knee guards. Thank you.

And you mentioned -- we talked about earlier that they had --

A And most of them had the glasses because we were getting lased.

Q Oh. So to prevent --

A Uh-huh.

Q -- to help mitigate against being lased?

A These were all from the summer's after-action.

Q And they had traffic control wands already where -- and you mentioned batons. Are batons part of the standard kit?

A For the civil disturbance, yes.

Q So they had those with them too?

A In the trunks.

Q Okay.

A In the vehicles.

Q In the vehicles. All right. So --

A What do we think, another 30 minutes? He's outside to pick me up. 30 more minutes?

Q Yes, sir. I think we can be wrapped up in the next 30 minutes, which will be

about 5:30.

So when did you first realize that the mission of the National Guard might have to change on January 6th? What -- sort of explain to me how you got there.

A Watching CNN.

Q Uh-uh.

A Seeing the crowd grow and grow and grow. Actually, before that, out there talking to the guardsmen. Look at all these people. This is massive. It's a lot more people here. And then we hear about the explosion over by the Capitol Hill Club, then another. Wow. These are distractions. This is to draw the police away. I mean, anybody who's studied anything on these kind of tactics appreciates that. So now my soldiers are even asking me, lieutenant colonels and colonels: Hey, sir, are we heading to the Capitol? Don't know. Probably will. Start thinking about it.

Q Okay.

A Started -- now we're just -- we're all sitting there watching it. 1:49 is when -- 1349, we get the call from Steve Sund, you know, demanding immediate assistance.

Q Uh-huh.

A I immediately called General Piatt and said: Hey, this is what's going on, and then eventually we get a conference call, and I just couldn't believe nobody was saying: Hey, go.

Q Who was on the conference call, sir, if you can recall?

A So the initial conference -- the initial thing was a VTC with myself, my staff, General Flynn, General Piatt. General McConville was in and out, and then a bunch of people that I couldn't even see on the screen. It was a lot of folks. Subsequently, I get a call from Dr. Rodriguez from HSEMA --

Q Uh-huh.

A -- Homeland Security Emergency Management Agency. He has on the call with him the deputy mayor. He has -- Chief Contee either had dialed in to him, but he was on -- I could hear him, and then we had Steve Sund, and Steve Sund either had on the call with him or that person -- or he was -- the senior uniform division of the Secret Service was on the call as well.

Q Uh-huh.

A There was a host of people on this call.

Q So one giant VTC.

A A giant VTC patched in by --

Q By other people --

A -- by other people calling in --

Q Right.

A -- and they were patching in.

Q So sort of other groups of people patched into the VTC? Okay.

A Everybody could hear everybody.

Q And this is at 149?

A No. By this time, it's 14 maybe 20, 1425.

Q Okay. So let me back up. So you get the request from Sund who says: Come now, we need help.

A Every available guardsman.

Q Every available -- and then that leads to the 1429?

A Yeah.

Q Okay.

A Because the Secretary is not available. They're looking for him, you know.

Q Okay. So then what happens? And you started off your comments about this section saying you were surprised that no one was saying go --

A Right.

Q -- right, because all hell's breaking loose, and you're, like: Why we aren't -- why aren't we going?

A Yes.

Q Anything else about that conversation, that discussion, that seemed unusual?

A I mean -- so, I mean, I remember asking him: Aren't you watching the news? Can't you see what's going on? We need to get there. And cognizant of the fact that I'm talking to senior --

Q Uh-huh.

A -- people, but I could see what was happening, so I was more than anxious, as were the guardsmen that worked for me: Hey, what are we doing, sir? What are we doing? I mean, they were just as anxious as I was to get over there and put an end to this.

Q And --

A And we all believed, if we could have got there in time, we would have been able to -- I can tell you what we did when we got there. We were pushing the crowd back.

Q Right.

A Immediate impact upon arrival.

Q Right. So -- and I want to get to that in a second, but I want to make sure I'm filling in the steps in between.

A Sure.

Q So you're on the call with all of these folks. And what, if anything, is discussed, and sort of what is the resolution, if any, from that call? Like, what -- when you read the call, what's your understanding about what's supposed to happen next and why?

A So I'm on the call, and I'm thinking: You know, what's the delay? Why are we delaying us getting there? Then they started talking about they didn't have the authority, wouldn't be their best military advice or guidance to suggest to the Secretary that we have uniformed presence at the Capitol.

Q And when you say "they," who is they?

A This is General Piatt, General Flynn.

Q Okay. So. Prior to this discussion, General Piatt and General Flynn are saying things like: We're not sure if this is in the Army's best interests. We're not sure if it's going to look good. Those kinds of comments?

A Yes. They were concerned about how it would look, the optics. At some point, Chief Contee from the Metropolitan Police, he's -- he tells -- he comes on, and real clear, he says: Chief Sund -- from the Capitol Police -- are you requesting immediate National Guard support? Chief Sund says yes. Chief Contee says: Are you going to authorize the National Guard to come and support? They say: It would not be our -- we -- and he said: Are you saying yes or no. And they wouldn't say yes or no. And then Chief Contee says: I'm going to call the mayor and ask her to have a press conference saying that the Army is not going to allow the D.C. Guard to come and support. I remember that very clearly.

Q Uh-huh.

A General Piatt says: Please don't do that. I don't have the authority to authorize the National Guard to go. So please don't do that. Please don't hold the

press conference. And, at some point, Chief Contee gets off the phone.

Q Was there anyone on that call, sir, that had the authority to authorize that, or did someone on the call have to go get someone else's permission to do it?

A If you were representing the Secretary of the Army --

Q Uh-huh.

A -- I believe you could. If the Secretary of the Army had said: Act on my behalf.

Q Okay. So, if the Secretary of the Army had told -- was it Lieutenant General Piatt?

A If he had told General McConville --

Q Or General Piatt?

A -- four star; or if he told General Flynn, three at that time; or General Piatt, three at that time. And I believe there were Assistant Secretaries of the Army on the call as well. I believe the Assistant Secretary of the Army for Manpower and Reserve Affairs, Mr. Casey Wardynski, was on the phone.

Q Uh-huh.

A So you -- these things were popping up like that is right now.

Q Yeah.

A You could -- it was lot more people than that, so you could see a name, and then it would disappear, and you would see -- but I -- I'm almost sure the Assistant Secretary of the Army for Manpower and Reserve Affairs, so Reserve Affairs would -- we would be in his portfolio. I believe he was on the call and others. I believe -- if you track him down, he might be able to tell you who from his --

Q Uh-huh.

A -- section was on the phone, was on the call.

Q So what was the resolution of the call? So I understand that Contee gets on and says: Okay. It sounds like you're not going to help, so I'm going to call the mayor and tell her to have a press conference and say publicly you guys are refusing to help.

And they say: Please don't do that. So what was -- what were the marching orders? What was your understanding of next steps?

A We were just told to hold. And then -- and then I -- somebody told me that the city went to Virginia and Maryland to ask them to send their National Guards, and I remember somebody from the Virginia Guard told me: Hey, what's going on? We've been asked to send people.

Q And when they -- you say you were told to hold, hold for what? What were --

A Approval from the Secretary of the Army.

Q Approval for the Secretary -- from the Secretary of the Army?

A Who was -- who's supposedly going to get the approval from the Secretary of Defense.

Q Okay. So then how long are you holding before you can do something?

A Three hours and 19 minutes.

Q Okay. And in that -- what's your understanding of what's happening in that 3 hours and 19 minutes? I'm just asking your personal opinion. What's your personal understanding of what was happening in that 3 hours and 19 minutes?

A Delay.

Q Uh-huh.

A That's what I thought was. It was just a delay that somebody or somebodies were willfully, deliberately delaying making the decision.

[5:09 p.m.]

BY [redacted]

Q And let me back you up to the call -- to that conference call where everyone was on. Earlier in our conversation, you talked about how, because of the level of experience with the people involved, you all can move very quickly in a civil disturbance response scenario.

Was that expressed on that call with those folks, that, hey, we have the capability to move and move now and take care of it now? Was that expressed during that call?

A No. They already knew that. They knew that --

Q Okay.

A -- from the summer. I mean, these are people who saw us operate instantly from that Friday night to be ready Saturday morning, and then execute Saturday evening, Sunday, Monday. So they knew what we were capable of.

Q And if they had said on that call -- play a hypothetical for a second, but I'm just trying to understand what your next steps would have been. If they had said on that call, General Walker, go, go now, what would you -- what would have -- what would you have done? What would have been your process?

A So all the vehicles that were on the traffic control points and the Metro stations, get back to the armory, put the equipment on, get on the buses, which I already had in the armory, get to the Capitol. So I don't have all these vehicles that I have to account for, buses, get -- get there, and I already saw Lieutenant Colonel, now Colonel [redacted]

Q Uh-huh.

A On his own, he deployed to the Capitol, and he met with Jeff Carroll, who

runs their homeland security. So the two of them are talking. Carroll said -- Chief Carroll says, Where is the National Guard? Where is everybody?

[redacted] says, I'm sure they're on the way. That's why I'm here, to have -- to show where everybody needs to go.

[redacted] calls me, We're back on board.

I said, Don't have permission. Can't go.

And this -- I was so frustrated that Colonel [redacted] is the one who -- because I was saying, Hey, you know what? You know, we're going to go, and I'm just going to shoulder the responsibility.

And then he said, Hey, you could -- what if you get sued? What if you won't have -- you know, he's a lawyer. I mean, he went to Harvard Law School.

Q He was in his lawyer stage, yeah.

A He was doing his lawyer thing. And -- but at one point, he was like -- he was with me, like maybe as a lawyer, how can I -- how can he arrange it to make it, you know, legally --

Q So you would have some protection?

A Some protection. And he said, Hey, sir, you can't do it.

So -- so we were ready. Everybody was leaning forward, leaning forward to get there.

So [redacted] is there. He never leaves. He stays at the police headquarters -- Capitol Police headquarters.

Q Uh-huh.

A And he and ranking Capitol police officers were ready to distribute the forces once they got there, along with Chief Carroll from the Metropolitan Police Department.

Q So when you say earlier -- you said earlier that you were waiting for

approval, do you understand what -- I think -- what did you understand that to mean? Like, what ultimately happened is it sounds like they put together a plan about who was going to do what and where. Is that your understanding of what was happening?

A That's what they said.

Q Uh-huh.

A That they -- they asked me what was the casualty evacuation plan, and I remember just shaking my head. I said, It's the same one we had in the summer when we had multiple soldiers injured.

They were heaving these concrete slabs, and I had a soldier, concussion, went to the hospital. We got him there. He got treated. He's back in the -- back on the mission.

There's no -- it's not a FOB in Afghanistan. You didn't need a casualty evacuation plan. So they -- if they came up with a plan, they never shared it with us. The plan was executed just like we said it would be, get to the Capitol, take direction from the ranking police officers there --

Q So --

A -- to help restore order.

Q So what you ultimately ended up doing is what you would have done anyway --

A Precisely.

Q -- if I'm understanding you, right?

A Yes.

Q And you didn't need to wait for someone to tell you go do what you would have normally done anyway?

A Should relieve me. Should fire me. If I need you to tell me how to

execute a civil disturbance mission, then -- something we do, something we rehearse, we're ready for it. So the police were there. I know Jeff Carroll. We had the inauguration in '13, the inauguration in '17. That inauguration, we -- there was -- I forget how many arrests we helped effect. You can google it.

Q Uh-huh.

A But we know -- we know what we're doing when it comes to civil unrest and civil disturbance. The plan was to get there, take direction from ranking Capitol police officers. We say white shirts.

Q Uh-huh.

A Take direction, and --

Q And that's ultimately what they did?

A That's exactly what they did, uh-huh.

Q There's nothing that the Secretary of Defense through the Secretary of the Army told you to do that you weren't already going to do?

A It -- I never got a plan from them. They claim they were putting a plan together. That's what took so long. I never saw a plan from the Department of Defense or the Department of the Army.

Q Even post-January 6, did you see the plan, quote/unquote? Did anyone ever share it with you?

A I'd like to give them the benefit -- I'd like to think that they're -- you know, that they would come up with a plan after the fact.

Q No, no.

A Yeah.

Q And I'm not suggesting that he came with -- I'm just --

A Oh, the plan that they did?

Q The one that they --

A No, they never shared the plan.

Q Just giving them the benefit of the doubt that it was done, if you actually saw it later on?

A No, I never saw it. Nobody's seen it. Nobody's seen it.

Q So that you hang up the call, and then you're basically standing by --

A Standing by.

Q -- for 3.5 hours until -- and then --

A Yeah.

Q -- how do you get word, Okay, go, go now and move?

A 1708, the Chief of Staff of the Army says that we got a green light, we can go, and then we leave immediately. We already had the soldiers on the buses. The soldiers and airmen were already on the buses in the armory.

Q In the armory?

A Because the media was across the street wait -- they thought that we would leave like we did in the summer, where we left out the back and came down and went straight to the Capitol.

Q So during the 3.5 hours that you're waiting for the authorization, are folks sort of getting in place so they can be ready to go, assuming you're going to get the authorization, or are they basically still carrying out the same traffic control mission, waiting for someone to tell them to do something different?

A Oh, no. I -- we had pulled back. I had pulled the people -- abandon the traffic control points.

Q Okay.

A Get back to the armory.

Q So you had already told everybody, Get back to the armory?

A I had already moved the quick reaction force. I had moved them to the --

Q From Andrews --

A From Andrews Air Force Base to the armory. I had moved them -- 1,500, I believe. You'll probably find it in here. Some place -- some point in time --

Q Around 3 o'clock?

A Yeah.

Q 3:04, something like that?

A I had told them, Hey, start heading this way, and it had a police escort for them too to get right through traffic, come to the armory. And my thinking was they would head straight to the Capitol. Still didn't have the approval, so they sat --

Q So everybody sat at the armory?

A Everybody sat at the armory.

Q Geared up, ready to go?

A Ready to go.

Q Including the quick reaction force?

A Including the quick reaction force, which was the first unit there.

Q Right. Because you sent them there at 3 o'clock?

A Uh-huh.

Q 3:04-ish?

A Right. I sent them from the --

Q From Andrews to --

A From Andrews Air Force Base --

Q Basically, you sent -- if I remember, you sent everybody to the armory?

A Yes.

Q So when you finally got the approval 3, 3.5 hours later, they could just get on the buses and go?

A Take off, yes.

Q And did the quick reaction force deploy with them as well?

A Uh-huh.

Q Okay.

A Yes. Yes. That's a yes.

Q And --

A You know, I heard they said, well, we got -- we got to scout out the best route. I heard that was part of their decision. You know, they were looking for what the best route to get to the Capitol.

Really? I mean, you can -- you can jog. You can double time from the armory to the Capitol.

Q So let me ask you this.

A That's running, double time.

Q What some -- we've learned from other witnesses is that DOD's explanation is that, well, they were missioned for traffic control, and now they were going to do civil disturbance, and they're -- you know, they're vastly different missions, and these are young people, and we're concerned about people getting hurt, and that sort of thing, and that's why we needed a plan. That's why the plan was there to, you know -- in large measure, for safety of the people who were going to be involved.

How does that strike you, that explanation?

A Bizarre, especially when you think about the performance over the summer that -- how long people had been in, where they come from. They're not like the Active Duty, who are not from here. They move and they move and they move and they move.

You were Air Force. I'm sure you moved around.

Q Uh-huh.

A So these are citizen soldiers. They're from the community. They know where the Capitol is, and they had the whole summer of civil unrest. Pretty much the whole summer.

Q Right. Not just Lafayette Square, but, as you mentioned, the --

A The monuments.

Q The monuments, the --

A July 4th.

Q The July 4th. The 57th anniversary of Dr. Martin --

A Anniversary of Dr. King.

Q Dr. King. Followed -- so --

A COVID.

Q The totality of all those things --

A Although COVID wasn't civil unrest.

Q Right.

A But you're working together.

Q Right. So the totality of all of those things --

A Equals experience.

Q Equals experience. And when they say, Well, we need a plan, that's why you find that bizarre, because you're like, we don't need a plan because we know how to do this, and here is the proof that we know how to do this?

A Yeah. It's the same plan you use when you get up and drive to work in the morning. That's the plan. Get to work. And we didn't need a plan, you know. You might need a plan the first time, but we didn't need a plan. We didn't even have a plan

for, you know, the summer.

Q Uh-huh.

A June -- June 1st, there was no plan.

Q There was no plan?

A Yeah.

Q You just executed --

A We executed.

Q -- based on experience?

A The city came and told us what they wanted us to do and we did it. The Park Police came and told us what they wanted us to do and we did it. That's -- it's just that simple.

Q And last question before I open it up to [redacted] and [redacted]. What did the folks do when they got there? What mission -- what, did they just protect the Capitol? What function did they carry out when they got there?

A Well, start pushing the crowds back.

Q Okay. So they just --

A They got their -- so I saw them. I mean, they was soaking wet, and this was January 6th. It was cold out. You know, they were in it. They were pushing the crowds back with the Capitol Police and the Metropolitan Police Department. Jointly, they were pushing the crowds back.

Q Okay.

A So they went -- they came in and went right to work. They went right to work.

Q Understood, sir.

[redacted] [redacted] I guess --

[redacted] [redacted] you go first.

[redacted] No, go ahead.

BY [redacted]

Q Couple things we heard from other witnesses is that they needed to be given weapons, that they had to go to the armory to actually be assigned a weapon. It was a process that includes a particular weapon assigned to a particular soldier. There's some kind of card or paperwork.

Did that occur? Was that something that, in your view, was necessary? And, if so, would that take some time?

A So I was out there.

Q Yeah.

A No guardsman had weapons.

Q So they never ultimately got weapons?

A No.

Q So when they ultimately went --

A Well -- well, we got weapons much, much later.

Q Okay. Right.

A You know, in preparation for the national special security event --

Q Uh-huh.

A -- yes. But January 6th, 7th, 8th, there was no weapons. You know, but other guard units started coming in. They started bringing weapons, and then -- then we had more people with weapons. But January 6th, no guardsmen were -- had weapons, and I was out there.

Q I see. So the quick reaction force from Andrews?

A No weapons.

Q The traffic control officers?

A No weapons.

Q They went to the armory, but nothing happened at the armory in terms of --

A I wanted to consolidate. I didn't want force guardsmen rolling up in a government vehicle, another four rolling up -- the ones leaving the --

Q Yeah.

A -- traffic control points and the Metro stations, get to the armory --

Q Uh-huh.

A -- get on the buses. That way I don't have to worry about all the vehicles. You've got a mob out there.

Q Yeah.

A I don't want to -- damage to the government vehicles is safer than arriving in the right numbers.

Q Yeah.

A Colonel [redacted], he jumps in with Chief Carroll from the Metropolitan Police Department, and they arrived. they -- at some point, they get in the same vehicle. They get in a police vehicle.

Q Yeah.

A But everybody else came there on buses or the SUVs.

Q Yeah. So did the guardsmen who went to the armory, were they given any new piece --

A No.

Q -- of equipment?

A No, no, no.

Q They weren't given --

A They absolutely wouldn't have signed out weapons.

Q I see.

A And then -- you know how long that would have -- so the weapons and then get the ammo?

Q Yeah.

A And then put that together.

Q Then that didn't happen?

A No.

Q Okay. Were they given any other new equipment beyond what you described in the kit in response to [redacted] question?

A No.

Q So the same equipment -- no arms -- so they didn't receive anything new when they --

A It was --

Q -- got to the armory?

A They already had it.

Q Right.

A They already had it.

Q Okay. And were they given any new training, briefing, instruction, anything at all beyond what they had that morning?

A No. The rules of use of force would have still applied.

Q Uh-huh. So another -- just to summarize, they left their traffic control posts or Andrews, got to the armory. They weren't given anything new -- no new mission, no new orders, no new equipment -- and they waited for a while. And then they got on the buses and, at 1508, were finally sent to the Capitol?

A 1708.

Q Excuse me. 1708. That's right. Yeah. But that's it? So --

A Yeah.

Q So nothing happened other than the waiting?

A No. No. They weren't going to be issued weapons.

Q Uh-huh.

A You know, the decision for weapons would have been mine, with the approval of the Sec Army, and the -- so, later on, as we got closer, I did go to the Secretary of the Army, and this was as we got closer to the inauguration. Then he did approve them, the weapons.

Q Yeah. I see.

A But, no, there were no weapons out there on January -- the initial response, as I think about it later -- but the initial people that rolled out, they did not have weapons.

Q Okay. And then in terms of what they ultimately did, they didn't go inside the Capitol. Is that right? They created --

A We were outside.

Q You were outside.

A Uh-huh.

Q So the perimeter and the pushing back that you described, that occurred --

A Right.

Q -- on the grounds of the Capitol, not inside the building?

A Right.

Q Okay.

A Now, much later that night, there were guardsmen inside the building.

Q Okay. That was once --

A Much, much later.

Q That was once the building had been --

A Yes.

Q -- secured?

A Uh-huh.

Q Got it. Okay.

A Because we had people that didn't go home. They spent the night --

Q Right.

A -- on the buses. We warmed up on the buses out there.

Q They were encamped?

A Encamped.

Q Yeah.

A Yeah.

Q Okay.

[redacted] [redacted] go ahead.

[redacted] I just wanted to --

General Walker. Somebody saw weapons out there?

[redacted] Just --

General Walker. Yeah.

[redacted] -- not sure whether they were present or not, but yes.

General Walker. Yeah, but there were no weapons.

[redacted] No weapons.

BY [redacted]

Q I just wanted to go back to that 2:30 call, and I think you said that Secretary McCarthy and Secretary Miller were not on that call. It was just Piatt and

Flynn, as far as what you remember.

A McConville was off and on.

Q Okay.

A But General McConville was the one that said we -- eventually told me to go.

Q Got it. At 5:08?

A Yep. Yes.

Q And at 3:04, were you moving the folks all -- from the 154 folks with the 37 different traffic locations to the armory, how long did that take for them all to get to the armory?

A I mean, it's not far. I mean, you --

Q I'm just --

A I don't know. I didn't -- I didn't really mark the speed, but, you know, they came deliberately. Yeah. I think it might have been 15, 20 minutes.

Q And then are those the 154 people that were already out there or -- because you were approved for 340 guardsmen, but I'm just curious where --

A So the second shift came in. They came, plus there's always soldiers at the armory.

Q I see.

A Yeah. So then they had a lot of them gear up as well.

Q So the first kind of tranche of folks who go as a result of 5:08 call, how many guardsmen?

A That would have been probably every -- and I don't have the exact number off the top of my head right now.

Q Okay.

A Whatever is in writing, that would be the number. But we were just trying

to get as many there as possible --

Q But it was --

A -- as fast as possible.

Q But it was bare minimum, at least that first shift, the 154?

A Oh, yes. Yeah.

Q And then when they got to the armory, again, as [redacted] asked about this, the remissioning concept, what does that mean -- did that mean anything to you as it's been told to us by DOD officials that they were initially missioned for traffic control and had to be remissioned?

A So you know how to do this, but you went out to do that, and now you're going to do this. You know how to do civil disturbance. You did it the entire summer. You're going to go out and do traffic control. And now we're going to ask you -- so in July -- July 4th, as well as August, we were doing traffic control, and -- and we were doing the Metro stations for July 4th, big crowds; August, for the reenactment, huge crowds, and prepared for the quick reaction force that we had at U.S. Capitol -- that was staged at U.S. Capitol Police headquarters. Had the buses all lined up. It was peaceful. They never got on the buses.

Q But my question is, practically speaking, what does the remission mean? Do you stand in front of the 154 folks and say, Okay, shift. Now you're responding for a civil disturbance, or is there something magical that happens more than that?

A So -- so as a police officer, I may pull you over, give you a ticket. I know how to do that. And then -- and then I may go in and do a raid. I know how to do that.

I mean, these are skills that just we're asking you to -- I mean, it would be like you being a defense attorney and then the next day being a -- the JAGs in the military, they do both. They defend and they prosecute.

Q Uh-huh.

A They do both. So if -- these are multi -- these are talented people. This is the treasure of America. They know how to do more than one thing.

Q I understand. I think that when -- as, again, as a civilian, when I heard --

A Yeah.

Q When I hear the word "remissioning," it sounds like it's something --

A Well, what did they mean by it? What did they --

Q I'm asking you what it means. I don't know what they mean by it.

A Yeah.

Q I'm asking you what it means. If it's something as simple as, okay, now you're civil disturbance versus traffic --

A Yeah. Now you're civil disturbance versus traffic, just what you did in the summer.

Q I -- okay.

A Yeah. That's what you're getting ready to go do now.

Q And who did they -- before they left and got off those buses at the Capitol, did they -- did each of those guardsmen know who they were responding to, or was there a sense of what location?

A Each bus, they had a leader, and that leader went up to -- so Colonel [redacted] would go and see the lieutenant from the police department, Hey, we're here. I've got this busload. What do you want me to do?

He takes direction, and then you give the direction.

Q And was that preassigned as far as the location and who they would be responding to?

A Yes. So Colonel [redacted] from the District of Columbia National Guard was

on the ground at Capitol Police headquarters. So when they got there, he was the one that was at -- he was prepared to receive the D.C. National Guard and put them into play.

Q And was Mayor -- was Secretary McCarthy involved at that Capitol Police location?

A No. He didn't come to the Capitol until much later that night.

Q Do you know, during that 3-hour timeframe, was he with Mayor Bowser and Chief Contee?

A I later learned that. I didn't know where he was, but I later learned that he was -- he was at MP -- he was at Metropolitan Police headquarters.

Q So, during that time, was there any communication between you and Secretary McCarthy?

A None. Not until much later that night.

Q And did you ask Secretary McCarthy, Where have you been? I understand chain of command, but if you're with him the entire time during the summer, it seems like there was a communication flow.

A Yeah.

Q Doesn't sound like you had any -- correct me if I'm wrong -- any negative --

A When I --

Q -- experience with him then.

A His -- one of his staff members said -- called me and said, General Walker, where are you?

I said, I'm at the Capitol. Where are you? Where's the Secretary?

We're at police headquarters.

I said, I'm at police headquarters.

No. We're at Metropolitan Police headquarters. Can you come over here?

I said, We're at the Capitol.

He said, Yeah, but we're at MPD.

So me, Colonel [redacted], Command Sergeant Major [redacted], Lieutenant [redacted], we drive over to police headquarters -- Metropolitan Police headquarters.

I speak to the Mayor. I speak to Chief Contee. And I'm just wondering, well, what's going on here?

Q Sorry. What's the timeframe of that?

A This is probably 1930. This was after -- way after 7:00.

Q I see.

A Yeah. And then I asked the Secretary. I said, Sir, Mr. Secretary, I think you should come over to the Capitol. That's where it's going on, and I think it would be good if you spoke to Chief Sund.

So he says, Yeah, you think I should come over?

I said, Yes, sir.

So then he comes over, and then he doesn't stay, and then he leaves.

Q That's at the 7 o'clock timeframe, though?

A That's after 7. That's way after 7.

Q I just wanted to go back when you said that -- when you responded to civil unrest in the August, July timeframe, you said you took direction from Park Police or MPD.

Who did they take direction from on January 6th, the D.C. National Guard?

A Capitol Police and -- and MPD. Both.

Q Did you have, any time, any discussions with Secretary McCarthy or anyone in DOD leadership about a lead Federal agency for January 6th?

A They kept asking me who was the lead Federal agency? And I -- to me, it

was the Capitol Police. And they wanted somebody from the executive branch. Like, they were throwing out FBI, DHS. And my position was the Capitol Police is who we needed to be responding to.

Q And was that before January 6th, or --

A No. That -- this was the day of.

Q The day of.

A They wanted a lead Federal agency.

Q Was there any discussion before January 6th about the lead Federal agency as part of the mission analysis that was being conducted?

A No. Only -- only that if we used a quick reaction force, it would have to come from a lead Federal agency, the request.

Q I see.

A And I think that's in -- that's in -- that's in his letter to me.

Q I just wanted to ask one thing about this equipment thing, which, again, is a point of confusion. As you know, HSGA conducted an investigation. You testified at a hearing on the Senate side. And I know you state that they had all the gear there were -- in their vehicles. From your own testimony, you said they were equipped with force protection, helmets, shin guards, and body protection.

A Yes.

Q Did they have shields and batons?

A I'm almost certain they did.

Q And I ask simply because that's what something -- according to Secretary McCarthy, they believed that's what they needed to be further outfitted with at the armory.

A I mean, if they didn't, they had it well before -- if they didn't have it out there

on the -- in the cars -- what I wanted was the helmet, the body protection. We -- it takes -- doesn't take -- way before we got permission --

Q I see.

A -- everybody on those buses had it.

Q Okay.

A Should have made this 2 days.

Q Sorry. Just I wanted to give you the opportunity to respond. Obviously there is the IG report that came out. There's the differing timeline between DOD and D.C. National Guard.

I know you say you got the call from General McConville at 5:08, and there is this 4:32 call or order. I don't know how it's phrased on the timeline, from Secretary McCarthy to you.

And just to give you an opportunity, obviously you say that did not -- you did not receive that 4:32 call.

A No.

Q Is it possible that someone within your D.C. National Guard, in the office, received it? Is there any possibility to explain -- how do you explain the 4:32 call?

A How did I explain the --

Q The 4 -- the discrepancy.

A Especially since I was already -- I stayed on the VTC. I was in -- I was in with everybody else. So if I'd got a call, you know, General Piatt, General -- they would have saw me get -- I would have said, Hey, there's the Secretary right now. Hold on. I can't talk. This is the Secretary. I would have said that.

Q So you're saying, at 4:32, you were on the VTC?

A We never left the VTC.

Q I see.

A Yeah, that line never shut down.

Q I see.

A Yeah. So Chief Contee got off the call. The Deputy Mayor got off the call. Dr. Rodriguez got off the call. But the line, at 1708, we didn't redial anybody. So that was in my office -- not that big, but a big VTC. We were -- we were on it. And eventually, I believe General McConville came back into the call and said, Hey, you're a go.

[redacted] So that whole 3-plus hours, the VTC is up?

General Walker. It's up. It gets up around -- a little after 2:00 was when the VTC gets up.

BY [redacted]

Q Do you know who hosted or originated the VTC? What agency?

A Headquarters, Department of the Army.

Q Okay. And do you know if it was recorded?

A I wish it was. I doubt it.

Q But it was Army headquarters that originated it?

A Yes.

Q Okay.

A Because if it was recorded, memories would be better.

Q Yeah. Exactly. Read my mind.

A Looking back --

Q Yeah.

A -- people that didn't remember appearing on it. And what I don't know is if HSEMA -- I don't know if that was recorded or not.

Q Yeah.

A I don't know.

Q Yeah.

BY [redacted]

Q Just back to the 2:30 call -- this is my last question.

A Sure.

Q I appreciate your indulgence. Did you take that -- I know you said Chief Contee said -- or took it as a denial. Did you take that as a denial by DOD to support the request?

A We would have been out there. It was absolutely -- you know, so we --

Q No. Let me clarify my question. Did you say -- think of it as not right now, we're evaluating, or, no, you're not getting this?

A I took it as not right now.

Q Okay.

BY [redacted]

Q It wasn't outright denial, in your mind?

A I -- no. I mean, it was just -- how could it be with everything that was going on.

Q Right.

A I just -- we all thought, it's in a minute, we're going to be told to go, in a minute. Then 5 minutes, then 10 minutes, then 15 minutes. We kept thinking, any minute now, somebody is going to say go.

[redacted] I see.

General Walker. And then an hour went by, then more time went by.

[redacted] Right.

General Walker. But we never thought it would take that long.

[redacted] The only other thing I wanted to ask, if you're finished.

[redacted] Yes, sir.

[redacted] Yeah.

[redacted] It's something that we ask every witness, and that is that the select committee is tasked not just with looking backward at what happened, but looking forward and potentially proposing some recommendations and process changes, changes in law, whatever it is.

And I'm just wondering, General Walker, someone with your experience, do you have any thoughts about things that should change to make this --

General Walker. I have quite a few.

[redacted] Okay.

General Walker. So, first of all, the District of Columbia National Guard needs to grow and have a dedicated union -- a dedicated unit -- unit, probably a small battalion or maybe three companies that is dedicated to protecting the Capitol and maybe other venues in the District of Columbia for civil unrest, civil disturbance.

If you look at what the FBI reports are saying, we are going to have more civil unrest in the coming years, we're going to have -- I mean, could even have a full out civil war.

[redacted] Yeah.

General Walker. So what does that mean? You know, can -- it's not just the Capitol. The Supreme Court. There are other -- the monuments. What do the monuments mean to us as a Nation? They're symbols. You attack these symbols, what are you saying?

[redacted] Uh-huh.

General Walker. So I think there should be a robust National Guard. And Congress, through the Sergeant at Arms or the -- actually, the chief of police to be able to say, I need the District of Columbia National Guard.

[redacted] Okay. So the authority to deploy that specialized unit or the Guard writ large --

General Walker. Yeah.

[redacted] -- in your view, should not be any longer the SecDef or the Secretary of the Army, but should be others?

General Walker. Well, ultimately I still think it should be the SecDef and the Sec Army.

[redacted] Okay.

General Walker. But under exigent circumstances -- I think lawyers call it in extremist or extremist or --

[redacted] Uh-huh.

General Walker. Under --

[redacted] One of those lawyer terms.

General Walker. The lawyer term, they should be able to, 24 hours, 48 hours, that the chief -- the sergeants at arms or the chief of the Capitol Police should be able to say, I need the National Guard. And within 24 to 48 hours, the SecDef or the Sec Army should say --

[redacted] I see.

General Walker. -- hey, you know what? This -- the Army shouldn't be -- the D.C. National Guard shouldn't be out there.

[redacted] So there would be a post-hoc approval requirement, but the --

General Walker. Yeah.

[redacted] -- Capitol Police or the Sergeant at Arms could deploy, absent --

General Walker. Could call.

[redacted] Could call.

General Walker. And that commanding general should be able to execute.

[redacted] I see.

General Walker. Should be able to send this battalion --

[redacted] Yeah.

General Walker. -- designated to support the Capitol.

[redacted] The commanding general of the D.C. National Guard?

General Walker. Should be empowered --

[redacted] Okay.

General Walker. -- to get to the Capitol --

[redacted] Uh-huh.

General Walker. -- it's right down the street -- and help maintain order.

[redacted] Understood.

General Walker. Yeah. And that the National Guard should have a dedicated unit that does just that.

[redacted] Yeah.

General Walker. Now, what would they be doing if they didn't do this? They could be supporting -- have you been to Fort -- you've been to Andrews Air Force Base?

[redacted] Uh-huh.

General Walker. Look at all the gates that are closed. So they could do law and order right there. They could be manning those gates that are shut down now.

And then when they're needed, close those gates, get in those emergency vehicles, and get to the Capitol. But they would be gainfully employed. They could be

training. They could be at Fort Belvoir, Fort Myer, augmenting the MPs.

So it should be a military police unit, and maybe even a civil affairs unit that would -- and then a medical unit. So self-contained unit that could get to the Capitol. And then they would train, rehearse, work with the Capitol Police, work with the Park Police, work with the Metropolitan Police Department, and just be at a high state of readiness, and then go augment the military installations in the NCR, and then have duty units that would be on stand-by for any eventuality in the Nation's Capital.

[redacted] Yeah. And that would be distinct from the other units of the D.C. National Guard?

General Walker. Right. This would be --

[redacted] A special --

General Walker. -- a nondeployable unit.

[redacted] Right. I see.

General Walker. So they would -- in my mind, this would be a unit that you would rotate off and on that unit. So, you know, you wouldn't spend your whole career there. Then you would go back into the institutional D.C. National Guard, and if you want -- you know, we're going to go to war with somebody probably, and then you -- you know, if there's another war, you would be able to have that experience.

But you should be -- we should have a unit dedicated to the Capitol.

[redacted] Uh-huh.

General Walker. And these soldiers and airmen would know the Capitol. They would know the Rayburn Building. They would know all the different buildings, and the police would know them, so they would rehearse and practice together.

That's one thing I would recommend.

[redacted] No. I appreciate that. What else?

General Walker. So we've got the authorities. We've got the strength. We have -- I'll think about it.

[redacted] Yeah. I was just going to say --

General Walker. I'll think about it.

[redacted] -- this is an ongoing discussion. We know where to find you. If you have other thoughts --

General Walker. I will.

[redacted] -- the select committee --

General Walker. Yeah.

[redacted] -- would very much appreciate, again, someone with your experience helping inform some of these prospective recommendations.

General Walker. And I think the Capitol Police should go out to the armory and practice with the --

[redacted] Uh-huh.

[redacted] Uh-huh.

General Walker. -- with the guardsmen out there as well.

[redacted] Right.

General Walker. Yeah. There's a whole host of things that I -- I'll come up with some stuff.

[redacted] Okay. Thank you.

General Walker. Yeah.

[redacted] Appreciate that.

[redacted] Well, General Walker, I want to --

General Walker. We should have broke this up into 2 days.

[redacted] Well, I was going to say I want to thank you for your time and your

indulgence, sir.

General Walker. I apologize for the --

[redacted] No, please.

General Walker. -- for the misfire with the dates.

[redacted] No. It's fine. I appreciate your time and you joining us today. And thank you for your service as well. So thank you very much.

General Walker. You're welcome. All right.

[redacted] Thank you, sir.

[Whereupon, at 5:46 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

_____

Witness Name

_____

Date

SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: GENERAL WILLIAM J. WALKER

Thursday, April 21, 2022

Washington, D.C.

The interview in the above matter was held in Room 5480, O'Neill House Office Building, commencing at 2:36 p.m.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Appearances:

For the SELECT COMMITTEE TO INVESTIGATE
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

[redacted], SENIOR INVESTIGATIVE COUNSEL
[redacted], CHIEF INVESTIGATIVE COUNSEL
[redacted], INVESTIGATIVE COUNSEL
[redacted], INVESTIGATIVE COUNSEL
[redacted], PROFESSIONAL STAFF MEMBER
[redacted], INDEPENDENT CONTRACTOR
[redacted], CHIEF CLERK

For GENERAL WILLIAM J. WALKER:

CONRAD RISHER

[redacted]. We'll go on the record.

This is an interview of William Walker, conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol pursuant to House Resolution 503.

General Walker, could you please state your full name and spell your last name for the record?

General Walker. Sure. It's William Joseph Walker, W-a-l-k-e-r.

[redacted]. I'd like to ask everyone in the room today to introduce themselves for the record. I'll begin with my colleagues.

[redacted]. [redacted], investigative counsel. How are you, sir?

General Walker. Great.

[redacted]. Hi, General Walker. [redacted]. I'm the chief investigative counsel. Good to see you again.

General Walker. Good seeing you.

[redacted]. [redacted], senior investigative counsel.

General Walker. Good seeing you, ma'am.

[redacted]. Good to see you.

[redacted]. I'm [redacted], professional staff member.

General Walker. Great seeing you.

[redacted]. All right.

And if we could also have on your end. If you could introduce yourself, sir.

Mr. Risher. Conrad Risher. I'm the senior advisor to the Sergeant at Arms.

[redacted]. Great.

On the call with us is also members of the select committee staff members,

[redacted] and [redacted].

This will be a staff-led interview, and members of course may choose to also ask questions if any of them join the call.

My name is [redacted] and I'm an investigative counsel for the select committee.

Before we begin, I'd like to describe a few ground rules. They're the same as the previous transcribed interview, but I'll just repeat them now.

There is an official reporter transcribing the record of this interview. Please wait until each question is completed before you begin your response, and we will try to wait until your response is complete before we ask our next question. The stenographer cannot record nonverbal responses, such as shaking your head, so it is important that you answer each question with an audible, verbal response.

We ask that you provide complete answers based on your best recollection. If the question is not clear, please ask for clarification. If you do not know the answer, please simply say so.

I also want to remind you that it is unlawful to deliberately provide false information to Congress.

And you will have an opportunity, of course, to review the transcript once it is prepared.

So this is a short followup from our first interview. We have heard from what is essentially the full complement of witnesses as it relates to the deployment of the D.C. National Guard, both numerous leaders within the D.C. Guard itself and you've pointed us very helpfully to a number of names who we have interviewed at this point, both informally and transcribed, but also law enforcement partners and officials within the Department of Defense, all the way up through to the former Acting Secretary of

Defense. And we just wanted ensure you had a full opportunity to address and respond to their comments.

So today we'll be, you know, walking through the events, the same way we did the first one, you know, leading up to and through January 6th in detail. We'll hop around, and I'll still try to do so chronologically, but focusing on some places where we were interested in either some more detail or things that you might actually appreciate having, sort of, your say in the conversation that we've sort of developed between the two sides.

So let's begin.

EXAMINATION

BY [redacted]:

Q I wanted to ask you about the meeting with Mayor Bowser over the summer, on Saturday, May 30th, after you and Secretary McCarthy met up at the Armory.

You told us how you had moved up the drill date to that weekend, and your servicemembers were aggressing one another and rehearsing, and that you two spoke about meeting up with Mayor Bowser at City Hall. And the way you described Secretary McCarthy telling you was, quote, "We're going to see the Mayor, offer our services."

So let's talk about that meeting, if you can.

Had she, if you recall, invited you to come, or was this the Secretary proactively scheduling a meeting with her?

A It's the latter. It's the Secretary proactively scheduling a meeting.

The night before, the Secretary matter-of-factly told me, "We're going to go see the Mayor, and we're going to convince her the National Guard needs to be out there." Very, very proactive.

That night, I talked to General McConville, General Milley, and the Secretary repeatedly. He asked for the Mayor's number. I called the Mayor and asked the

Mayor, can I give the Secretary of the Army her cellular phone number? She agreed. I gave it to the Secretary.

The Secretary called her, called me back -- am I going too fast? -- called me back and said, "I'm going to see you tomorrow morning. I want to see what your plan -- what you're doing."

And when he got there -- and I have photos of all this -- D.C. guardsmen rehearsing a foundational mission. And that civil disturbance, civil unrest, civil disorder is foundational to the National Guard. So we were rehearsing that. We broke out all the equipment just in case, photographed it. He saw it. And then he spoke to us.

And then we went to see the Mayor.

Q So you had given her the heads-up the night before that you were going to give at least the phone number to Secretary McCarthy. Did she know you two were going to visit her in person the next day?

A He called her. Then he called me and said, "We're good to go. We're going to go visit her."

Q Okay.

A So I asked her, can I share her number with the Secretary of the Army, and the Mayor said yes. I then gave the Secretary of Army, "Here's her number."

Q Okay. So they two set up the meeting --

A They spoke, and then the next morning we went to City Hall.

Q And you used the word "convince." You said that we're going to go and convince her to --

A Yeah, yeah, he felt strongly about it. He felt that the National Guard had to be out there. I mean, there was no -- so there's witnesses to this conversation. You know, I kind of -- I try to have lawyers with me, you know? I learned that a long time

ago. They can help you.

So there were witnesses to this conversation in City Hall, and if you need the list of names -- so Colonel Matthews was there. I try not to go anywhere without him. The chief of police; at that time, it was Chief Peter Newsham. The Secretary of Homeland Security was there. Dr. Christopher Rodriguez was there. Command Sergeant Major Michael Brooks, I don't go anywhere without him. And there were others.

But actually in the Mayor's private office, that's who was there in that private office. Other members of the District of Columbia National Guard were outside.

Q And Secretary McCarthy talks about -- with us he did -- that meeting and said that he told her, quote, "It looks like the crowds are getting much larger."

Can you give us, to the best of your recollection, basically a rundown of that meeting? What did Secretary McCarthy say? How did the Mayor respond?

It's my understanding that on that day she didn't request assistance from the Guard. I know the next day, that Sunday, you had told us that Dr. Christopher Rodriguez gave you a call asking for help with civil disturbance.

Secretary McCarthy said that he also received a call back from the Mayor asking for assistance with the traffic. And I know that -- but on that Saturday she didn't take up the offer.

Can you just give us how that meeting went? What was talked, and what was her disposition about the fact that he had come to try to convince her to call in the Guard?

A Sure.

So the Mayor said that -- and it's true -- the Metropolitan Police Department is probably one the most practiced police departments in the Nation with civil disturbance. They're huge on First Amendment rights. So this is -- I don't know anybody that is that

open about having people permitted to share their grievances. Given the experience of the Metropolitan Police Department, she was certain that they could handle it.

And then the crowd just grew and grew and grew.

Q Okay.

Tell me a little bit about Secretary McCarthy. How was --

A He was adamant that you need -- you know, this an elected official, so he can only go so far. But he was very -- he tried to be convincing to her that the National Guard is ready, we're prepared. He saw what we were doing, and he offered our assistance proactively. He really wanted us out there.

Q Did you, you know, have a position, General Walker? Did you say anything in the meeting, or were you --

A I said, "We need to be out there." I felt strongly that -- I mean, I moved the drill. I had one guardsman drive 17-1/2 hours. So I gave -- it was a deployment order -- it was a mobilization order. So you have to come. I don't care where you are; you have to get to the Armory at all deliberate speed.

So I certainly felt -- I'm the kind of guy, I am going to err on the side of caution always. Always. So, if I think I need a platoon, I'm going to bring two platoons.

Q So did you also communicate your, sort of, view to the Mayor as well, that you thought it would be --

A I spoke to her the night before.

Q Okay.

A Yeah. But she is an elected official, and she told me, "We have this." I said, "Yes, ma'am. Yes, Your Honor."

Q And I know a lot of that was, you know, the night before you were watching television and you saw the sort of walk down (ph) at the White House, you saw what was

going on on the streets, and that was sort of what spurred you and Secretary McCarthy to talk.

A That's what spurred me to act. So, when the Secretary of the Army called me, I already told him what I had done. Under my own authority, which I had at one time, I mobilized the entire District of Columbia National Guard, a mobilization order, put that out on Webex, "Get here."

Q And did Secretary McCarthy --

A And I moved the drill from -- you know, I moved it a whole week earlier.

Q And did Secretary McCarthy explain to you why he sort of shared your view that, you know, this is a moment ripe for National Guard involvement? What was he seeing? Or was he telling you why he thought it was also a good idea?

A He was seeing civil unrest in other parts of the United States, as was I. I mean, George Floyd had been murdered, and, you know, people were voicing their displeasure in that event.

So my law enforcement experience told me -- and I'm a career intelligence officer -- said, "Now, this is likely to happen. Be ready." So that's my position, was to be ready for any eventuality.

Q And by the next day is when the Mayor, I guess, comes to see it the same way and realizes that she would like some assistance from the D.C. National Guard.

A The following day, uh-huh.

Q Okay.

You mentioned that, you know, the numbers were just getting larger. Do you recall if she or -- I know you were on the phone with Dr. Rodriguez -- explicitly said what it was that changed their minds?

A The crowd size. I mean, it was just -- it was getting out of control.

Q What do you think about the parallels between the summer, right, where we had the Secretary of the Army proactively seeking to try to get the city help from the National Guard, versus, you know, the lead-up to January 6th -- and we'll get into, of course, the reasons, but -- where there obviously was documented, in the lead-up, hesitance to get the National Guard involved?

What do you think about that? And what do you think about, you know, the idea that electoral considerations is what made January 6th different?

A So I personally, William Joseph Walker, not General Walker, thought that it was just vastly different. Everything about the summer of 2020 and January of -- the summer of 2020, November of 2020, December of 2020. National Guard is not called in December. National Guard is not called in November. And I watched on television the difference between people coming to the Capitol in November. And if you watch the film, and if these same groups came back in December, better prepare. Better prepare.

So, in my mind, January 6th was not an intelligence failure; it was a failure to appreciate what people were being asked to do and appreciate that they were going to do it, they were going to respond to the call. And they did.

The Mayor clearly saw the same thing. December 31st, I get a letter from her, I get a letter from Dr. Rodriguez -- a phone call from Dr. Rodriguez. "We need guardsmen to man traffic control points and Metro stations. We're going to need all the policemen to do police things. We don't want you to be armed. We want you to be prepared." "Got it."

I send that request to the Secretary of the Army, along with mission analysis. "This is what I think we're going to need to get that done." Tremendous resistance.

I mean, New Year's Day, the 2nd, 3rd, we were back and forth with the Army about how close a guardsman in uniform could be to the Capitol. Explicit direction:

No guardsmen can be at this street, no guardsmen can be at that street, I don't want any guardsmen near the Capitol.

Q And so we'll get into those restrictions. Let me stick with the summer just --

A Sure.

Q -- for a moment.

So both you and Secretary McCarthy, you know, talked about how side-by-side you were over the course of the summer.

A I can show you photos.

Q Right.

A And he's right next to me.

Q He agreed. And so -- and how different January 6th obviously felt --

A And he agreed. He agreed he was right next to me. You have the photos.

Q Yes, sir -- and how different January 6th felt in that respect.

And I want you to give a reaction to how Secretary McCarthy explained the difference in terms of why you weren't physically able or maybe communicatively able to be side-by-side on January 6th.

He says, quote, "In the summer, it was kind of a build to the weekend, and my frequency of discussions and how much time I spent with General Walker went from, you know, once a day to hours a day, and then, ultimately, you know, we're -- a couple times a day, we're sitting side-by-side." But January 6th was, quote, "very different. I mean, one transpired over days. January 6th happened within minutes and hours," quote/unquote.

What's your view as to your thoughts on that and how -- it appears he's saying that the situation dictated that you, General Walker, and Secretary McCarthy couldn't be

side-by-side on the day of January 6th because everything was happening so last-minute. What's your thought process on that?

A This was my thought: The citadel of democracy, the beacon of freedom for the whole world, is being attacked. What else could be going on? Why couldn't you call me, have me come to you, or you come to me, or, better yet, we both go to the Capitol? So, you know, where is he? Who could he be with?

What I was told -- what I was told is, he's looking for the Secretary of Defense, he's looking for the Secretary of Defense. It's a big building. But here's the deal. The Secretary of the Army has a protection detail. The Secretary of Defense has a protection detail. They both have phones. Where could you be?

So I don't think he was trying to get in touch with me.

Q And I want to run through the -- when we get to January 6th, I will run through, sort of, the day's events and whether, you know, you're reaching out to Secretary McCarthy or he's reaching out to you.

Did you have the ability to try -- did you try to call Secretary McCarthy?

A I did.

Q Okay.

A So the phone that I had -- the number I had is no longer a working number. So now -- and I was directed to go through Lieutenant General Piatt. If I wanted to speak to the Secretary, I had to go through Lieutenant General Walter Piatt.

Who do I work for? The Secretary of the Army. Lieutenant General Piatt is not in my chain of command. I work directly for -- I worked directly for the Secretary. Actually, I worked for the President, through the Secretary of Defense, through the Secretary of the Army. Two executive orders makes that clear.

Q So let me ask you, then: Is January 6th the first time you realized that the

phone number that you had for Secretary McCarthy was out of service?

A Yes.

Q And so, when you called it -- particular question, but -- did you hear ring tones? Or is that --

A "This phone is out of service." So then I was told to go through General Piatt.

And, actually, that had started around November, December. I could still reach him, but he would tell me, go through Piatt, go through Lieutenant General Piatt.

So, for example, in December, when there were skirmishes in the city, and I'm watching it -- I have Major Ford, Major Ford, who's a Metropolitan Police lieutenant and also a District of Columbia guardsman -- I told him to go to police headquarters and take two other policemen that are also guardsmen to MPD headquarters, monitor the situation, report to me, so we're not late to need if the District of Columbia needs our support.

I had people that are with the White House -- White House Secret Service. I had those people with the White House tell me what's going on.

I had FBI agents that are guardsmen at FBI watching the field office, what's happening, so I could call the Secretary.

I called the Secretary. We talked very briefly. He said, run everything through General Piatt. So I had to -- so now I'm feeling this go-between between me and the Secretary all of a sudden when it comes to civil unrest in December.

Q I want to talk a little bit about when you came to find out -- the Secretary had drawn a number of lessons from the summer. And there's some, you know, debate and discussion as to whether they were either proper lessons, whether they were founded, but I kind of just want to talk about when it became clear to you.

So let me quote the Secretary. He told us, "What we learned in the process was, we were not capturing a lot of the information in writing in the orders process, which is fundamental, foundational. Because of the stress of the situation and the speed of the situation, there was tremendous pressure to get things settled, you know? There was -- you know, you can tell, there was a lot of almost anxiety in the way the decisionmaking was going. Faster, faster, faster. And, you know, we have an expression in the Army: Slow is smooth, and smooth is fast. Get it right. And so that was one of the things we learned, you know? When you're doing things very quickly, you can get things lost in translation. You've got to put things in writing so you're very clear about their roles and mission and their authorities."

And so Secretary McCarthy tells us that he told his staff, quote -- this was after the summer -- "When we get a request next time, we have to be absolutely certain that we understand the mission clearly and that no other civil authority could remission off that support without the approval of either the Secretary of the Army or, in certain circumstances, the Secretary of Defense."

Putting aside the wisdom of that lesson that he learned, how much of this sort of conversion for Secretary McCarthy toward detailed, written-out CONOPS that were done at the Secretary level -- when did you become aware of that? When did you become aware of that, that that was important to him? Did you know from the summer that he started to feel this way? Or was it surprise to you, leading up to the days of January 6th?

A I honestly can't tell you how he felt. I know I did a complete after-action report and sent it to him; never heard anything about it. And I talked about how the summer could've been better.

But here's what happened after the summer. July Fourth, we were out there,

District of Columbia National Guard, supporting the city. The -- I want to say the 57th anniversary of the March on Washington in August, the District of Columbia National Guard was out there.

Who came to the Armory? Dr. Wardynski, the Assistant Secretary of the Army for Manpower and Reserve Affairs; his deputy, Assistant Secretary Williams, was there; and others. And they watched how we planned and supported Metro stations, traffic control points throughout the city. We had a base of operations at the United States Park Police headquarters. Dr. Wardynski came there. Assistant Secretary Marshall Williams came there. They were there. The Army leadership was there, out there with us.

So you had the July Fourth; you had the March on Washington in August. So I didn't -- if this change occurred, it occurred sometime between August and January.

Here's what I can also tell you, though. I called and said, "Hey, Mr. Secretary, do you think we should have people in the Armory on standby in case the city needs our help?" "Absolutely not. No."

December: "Mr. Secretary, don't ever want to be late to need. Do you think we need somebody?" "No."

Both occasions, you could see on television the Metropolitan Police Department received assistance from the United States Park Police. And so we kind of -- you know, it worked out.

Q So I want to get back to that, but, briefly, that makes me think -- so, in the November and December MAGA 1 and MAGA 2 marches --

A Uh-huh.

Q -- you asked Secretary McCarthy, you proposed to him --

A Should we be --

Q On standby.

A -- on standby, you know.

Q When he said no, did he give you an answer as to -- or a reason? Excuse me.

A No, he didn't. He just said no.

Q Okay. So --

A And I also called the Metropolitan Police Department, called the Park Police -- I called anybody that might need us. Because the National Guard, it's fundamentally a part-time force. We have several hundred guardsmen in that building, but the bulk of the Guard, they're your cooks, your bakers and candlestick makers, they're firemen, they're policemen. They have other things to do.

So, you know, one of the lawyers, like I told you, he drove 17-1/2 hours. Didn't recommend -- I didn't know where he was coming from. I would've never asked him to do that. But I did need him to be here, and he -- and they all came.

[redacted]. And on that point, [redacted] --

BY [redacted]:

Q General Walker, if you're a National Guardsman and you're a sworn officer with MPD and both agencies need you, which legally takes priority?

A Who can get the orders first.

Q Okay.

A So I was pushing for these orders, and I had some policemen and Federal agents said, "Hey, I gotta go." You know, they were here for the -- so I had people on orders for the COVID mission.

Q Uh-huh.

A I had people on orders for the mission to support the city. But because we

weren't actively at the Capitol, I was told that, hey, this guy had to go or that guy had to go. So their police departments --

Q Yeah.

A -- and, you know, FBI, different -- they left.

Q Okay.

A Because they had to go. So who takes --

Q Yes. Is there a statute that controls this? Like --

A If you're on orders, if you're on, like, a Title 10 order --

Q Right.

A -- or a Title 32 order, you're on that order.

Q You gotta stay.

A You gotta stay.

Q I see.

A You've gotta stay in the military.

Q But, before that, if you're a guardsman and you get the call but you've already been --

A Then you go back.

Q Then you go back to your --

A And then it also depends, what do you do. Like, if you work in a hospital and you're a neurosurgeon and you're -- then go back and do that, you know.

Q I see.

A So we still have some leniency.

Q Got it.

A We have some flexibility, rather.

So, if he said, hey, you know, you're -- whatever you do in your civilian job and it's

absolutely mission-critical --

Q You've gotta go.

A -- to your city, county, State, then we'll -- I forget what we call it, but we take you off the order list.

Q Yeah. And so the result of that is that your, sort of, footprint, your maximum numbers --

A Could fluctuate.

Q -- could fluctuate, given who is deployed in the mission --

A Who's making the ask.

Q Got it.

A Who's asking.

Q Okay. That's helpful.

BY [redacted]:

Q So, on the shift in the Secretary's mind in between the summer and January, I know it's difficult to read his mind, so I just want to ask if you recall a meeting in which there was discussion about the summer and the lessons learned from it.

So Secretary Esper, when we asked him, "Do you remember discussing that" -- sort of, the lessons learned from the summer -- "with General Milley, in terms of writing down what occurred over the summer and making sure it didn't happen again?"

And former Secretary Esper told us, he recalled, quote, "I don't recall physically writing a letter or a memo discussing these things, but there was a larger meeting. I think General Milley was there. I know Secretary McCarthy was there. I know General Walker was there, and others. And this was a week or two, like I said, sometime within the first 2 weeks, I want to say, of the two events of June 1st. And we discussed these things -- again, uniforms, shields, things like that."

A Uh-huh.

Q And then we asked if, "After the summer, was it your intent for the Secretary of the Army" -- this is Secretary Esper -- "or the Secretary of Defense to be more involved in the deployment of the D.C. National Guard?"

This is what he said. Quote, "Let me answer this in a few ways. I think given what happened the week of June 1st and some of the events that happened -- so we, for example, we were surprised that a helicopter was used on the evening of June 1st, and within an hour of being informed I immediately directed an investigation. We were later surprised that another National Guard aircraft was used and conducted another investigation.

"So I think there were a number of things that surprised us during the course of the week June 1st that prompted us to get more involved in these types of deployments. And so we took a more active -- I certainly did. I know Secretary McCarthy did.

"And I think the thing is, this was a unique event. It's fair to say protests and civil unrest like this probably hadn't happened in decades, a couple generations. And so we were no longer dealing with the normal requests that come through the system for additional National Guard support for July Fourth celebration, for National Guard traffic control support for a parade, or something like that. We were in a completely new situation now.

"And I think, as a result, we all took a more active interest in what was happening, down to the tactical level, to make sure that we were, again, abiding by kind of the core principles of civil-military relations, the military support to civil authorities."

So that's a lot, but first I want to ask, do you recall that meeting where he says you discussed this, sort of, after-action --

A Yeah. I do.

Q So I was in that meeting. And Dr. Esper -- who I serve with in the District of Columbia National Guard, and I appreciate his service -- Dr. Esper said that what we needed, to be sure that a National Guard uniform -- or, a military uniform wasn't mistaken for people that were law enforcement.

So the District of Columbia National Guard received criticism for being heavy-handed with people. And The New York Times and others did a very, very good job. And they called me; they said, "General, we can't find any District of Columbia National Guardsmen putting their hands on people." And I sarcastically said, "Well, I sympathize with you," but not so much. I was thrilled that they didn't find one guardsmen abusing anyone. And I'd like to take credit for that, from the discipline, what I spoke to these soldiers and airmen about before we went out there, and, actually, even what the Secretary of the Army said to them.

So that there were no D.C. guardsmen found abusing anybody. These were police officers. And The New York Times did a great job. If you zero in on them, you could see they had military-like uniforms, but the D.C. Guard have the city's flag. I did that when I was a one-star. I had them purchased for everybody in the D.C. Army Guard. And once I became the two-star, I had them purchased for the entire National Guard. And those flags, those D.C. Guard -- can't miss them -- those red flags that represent the city, they're Velcro'ed to the uniform, and they all had them on. And there's no photos of any guardsmen abusing anyone.

So the meetings were more -- Dr. Esper wanted to find a way to have surplus uniforms not be given to Federal, State, local law enforcement that come out to deal with people, because it gives the perception that it's the United States military. So he was big on that.

[3:07 p.m.]

General Walker. Now, as far as the helicopters -- so Brigadier General Ken Ryan had the inherent authority as the task force commander to bring the aircraft. He had done it before. We were moving -- that aircraft was constantly in the air, bringing COVID supplies. That night, he tells me, Sir, I launched the helicopters, observe and report. The Secretary was standing right next to me at FBI headquarters. And I said, Mr. Secretary, helicopters are up to observe and report. He said, approved. I approve. And I didn't say anything to him. I was like, you don't have to prove that, General Ryan did it on his own. I was basically letting him know, but he says approved. And people heard him say that. And he actually testified that he approved the helicopters.

So when I saw that they were low, I ordered a 15-6 Investigation conducted by the Army. The Secretary, later that day, said, no, it's my 15-6, and you have it done, General Walker, but I'm the customer, it's going to be my investigation. I want to say the next day, Dr. Esper took the investigation and it became his. So I still had -- I assigned two Air Force attorneys to do the investigation, Army helicopters, I wanted Air Force to look at it. And then the Army sent some people, and they found that it was safe. I don't know if you knew that.

BY [redacted]:

Q Yes, I think we have you from the first transcript. We have you on the record in essence. I think this is a good quote from you, I think. You know, it's convenient for the Army to say, or for anybody to say, Oh, it was the summer, too heavy-handed. We weren't heavy-handed. Two pilots flew a little bit too low. So we did go through quite extensively. So I'm less interested in substance because I know your feelings on whether the National Guard was heavy-handed, whether be the

helicopter was such an event that really should explain the scapegoat in your mind as to the delay that happened on January 6th.

I want to get into, you know, did you understand the perception from those above you that they were taking it as lessons learned, and how early that came about? I guess what I want to figure out is, was the hesitancy that we saw in the lead-up to January 6th, wasn't that in the making for six months? And what it could have been substantively bad, which think is your position, but wasn't it in the making for 6 months?

A Well, it wasn't there in August. So if you want to say it was there, it wasn't there in August. So, you know, that takes away the six months. I think it came on in January.

BY [redacted]:

Q Just on that point, General Walker, did you see a difference in the deployment for July 4th crowd control that people come to D.C. to see fireworks, and the August event, I think, was an anniversary event you mentioned --

A Uh-huh.

Q -- versus the commonality between the civil disturbance protest in June and what was expected for January 6th as civil disturbance protests?

A Between the two -- these two events, just the celebration, July 4th, and then a -- the August --

Q So just if the DOD leadership is concerned about the military's response to civil disturbance protests, in my mind, the July event and August event are not civil disturbance protests. Would you agree to that?

A I would agree. But when you say that they wanted to look over everything we did any time we came out, I think you said anything that we respond to -- any requests from the city.

Q Well, I believe Secretary Esper nuanced it when it comes to civil disturbance protests. So do you see that?

A Well, no, I don't. I don't. In my mind, they were just completely different. I did a very thorough after-action report on the summer. We even had the Center for Army Lessons Learned come from Fort Leavenworth to help us with it. We sent it to the Secretary and received no feedback from him.

Q And I think that everyone would agree within DOD leadership that there was no actual fault found. However, there was a certain amount of criticism that DOD received because of, take away the helicopters, because of the June 1st event with General Milley and Secretary Esper walking to Lafayette Square.

A Totally separate. There was not a -- I was out there.

Q I under --

A There's no D.C. -- so those were policemen in the military uniform when the Park Police, when they cleared that avenue of approach, there was no guardsmen there.

Q Right. I understand that, but I am just wondering if DOD is responding to it as an enterprise in terms of the perception of those events?

A I think not. DOD is General Milley, it's the Secretary of Defense, it's the Secretary of the Army, it's the Chief of Staff of the Army and the Vice. That is DOD. I mean, that's -- who else is there? And General McConville was out there. General McConville came to my office in the summer. I mean, they brought the commanding general of the military district of Washington. They brought the head of -- the two-star who ran -- I believe, CID was there. So they brought all of that to the Army. They actually, some could say, they were so involved that their very presence could have been misinterpreted by some of the guardsmen. And so some of the quotes by some of those leaders -- Washington is not going to burn on my watch. The White House won't be

breached. I mean, we didn't hear any of that in January.

Q And I understand what you're saying. I think that, again, as Robin pointed out, we've interviewed a number of people on the DOD side, as well as many people on the D.C. National Guard. And I think as you have stated, you believe those guidelines that came out for January 6th came out for January 6th. But as part of the greater investigation, we've learned, they actually were born months earlier.

A Is that written somewhere?

Q I --

A Did they give us any guidance?

Q If I could finish my question.

A Well, I was just trying to better understand.

Q Sure. So we learned that it came out from the summer and was essentially discussed during Secretary Esper's time, which, as you know, ended in November. So our question is, knowing that, does that change your view -- it may not -- about those guidelines and restrictions you felt on January 6th?

A It does not change what I know to have happened.

BY [redacted]:

Q Let me ask you about --

[redacted]. [redacted]?

[redacted]. Yes?

[redacted]. Can I just ask one quick clarifying question?

[redacted]. Sure.

[redacted]. Sir, you mentioned an organization, CID. Is that the Criminal Investigative Division?

General Walker. Yes. Yes.

[redacted]. I just wanted to make sure we had that for the record.

General Walker. And I'm not certain, but there was a two-star. I think he was CID. I think he was the -- but the military district of Washington, that two-star Army general was there as well. And there was talk about invoking the Insurrection Act. We were at FBI headquarters quite a bit. It's a very different response during the summer than it was on January 6th. And what I'm trying to say, respectfully, that if the Army thought different of how we respond to civil unrest, civil disturbance, I would hope, I would hope they would communicate that with the guy -- with the person who is going to execute that change.

BY [redacted]:

Q And I think I'm understanding from your testimony that you were at that meeting, you understood that there were things they wanted to look into, and perhaps lessons that they felt they were going to draw. But that no one made it explicit, at least to you, that they were thinking that there needs to be sort of top-down level control, more secretarial input, more written down of CONOPS. Is that fair that that sort of wasn't expressed to you?

A Sir, what I can tell you is I don't know what more they can get. So what happens? A former request is prepared. Mission analysis is conducted. That mission analysis is a whole team that comes up with that. Here's what we are going to need, here is the equipment, here is how long we're going to need it, here is who is going to do it. Then that package goes first to General Counsel of the United States Army. It goes there. Is this legal? Does this meet all these different requirements? Is it good training? Can we afford to do it? Does it promote readiness? There's a whole list of things that they go through. Then it goes to the Army staff, and they look at it. And then they either concur -- so I either get, General Walker, you know, here are the -- you

can do it as planned or it's modified or it has some restrictions. But they look at it. So are they saying that they weren't looking at it well enough? We send them everything how we are going to do the mission. This is our mission analysis, and this is how we're going to do it. Have you seen anything like that? Have you -- can I show you -- send you when a request comes in?

Q We do have all that paperwork. And we've seen it and talked to you, to D.C. National Guard leaders as well about it. And so we understand all of that process that really went into certainly January 6th and all the time when the civil disturbance request comes in.

Let me ask you about the request from Park Police to assist in planned demonstrations in the days before and after the election November 1st to November 8th. It's my understanding that that was flat out rejected, and, in part, because of its proximity politics. And so you've talked a little bit about how the hesitance -- you did start seeing it in November and December. You asked Secretary McCarthy to see if we can even be on standby. The answer was no. I know we have this example of a flat-out rejection of a request for assistance.

So what do you say about that, the fact that this sort of commonality between November, December, and January 6th is that those civil disturbance events dealt with the transfer of power, the peaceful transfer of power dealt with politics, and that there were those considerations, concerns, not just within the Department of Defense, but from without of having military footprint on an event dealing with democracy? What's your thought process on that?

A So the District of Columbia National Guard Capitol guardians created by an act of Congress to protect the Capitol. I thought that's what we should have been. I mean if you look at a D.C. guardsmen, the shoulder insignia is the Capitol. I don't think

the President, Thomas Jefferson, was mistaken in 1802 when he wanted a National Guard militia to protect the Capitol.

Q I would like to move now to the, sort of, 5 days of deliberation between December 31st and January 4th on approval for the Guard was ultimately given by Secretary Miller. And I want to actually start -- I want to talk to you about Secretary Miller, Acting Secretary Miller. He told us, quote, He heard through the grapevine that Secretary McCarthy was inclined -- I don't want to say inclined to disapprove. But, you know, looking at it carefully whatever, but -- so that's fine. He can do whatever he wants. I knew that I was going to honor the Mayor's request.

So I kind of want to know if you had heard anything, either from Secretary Miller directly yourself, or had heard talk that even while Secretary McCarthy was having these sorts of 5 days of deliberation negotiation, as you put it, that he apparently always intended to approve the request from the Mayor. Had you heard anything from Acting Secretary Miller?

A Well, no, so I can reach personal conclusions. So Secretary Miller was a D.C. guardsman. Were you aware of that?

Q Yes, he told us that. Yes, he did.

A He told you.

Q Yes, he did.

A Yeah, so he knows what the foundational mission of the District of Columbia National Guard is, protect the Capitol.

Q And, you know, we'll get to it a little bit for January 6th. Was it uncommon for you to have any direct communication with Acting Secretary Miller?

A Yeah, I wouldn't -- so I never talked to -- after Dr. Esper became the Secretary of Defense, I never spoke to him -- well, if I was in a meeting, he would come

over and say hi to me because we knew each other as National Guard officers.

Q It sounds with former Secretary Esper you were more in direct communication. Is that fair?

A When he was Secretary of the Army, I could pick up the phone and call him, yes. And for a while --

Q I see.

A -- I can pick up the phone and call -- I'm sorry?

Q When he was Secretary of the Army is when you --

A Yeah, Secretary of the Army. When he was Secretary of Defense, oh, no, he's got the entire Department of Defense to worry about. I'm not going to bother him. You know, and I was going through Secretary McCarthy, and everything was fine with Secretary McCarthy and I. It wasn't until after the election is when things, you know, it's hard to get to him, hard to reach him. It's just different.

Q In the Secretary of Defense's guidance to the D.C. National Guard, changes in the mission of the Guard had to be approved by the Secretary of the Army. That's what he wrote. But in some cases, it included, quote, interact physically with protesters, or to be issued batons. It required running up further up the chain to the Secretary of Defense. Was that extra level up to the Secretary of Defense -- this is, of course, leading to January 6th, was that new to you, and did you think it was necessary?

A Well, the Secretary of Defense, I mean, ultimately, that's who I worked for as well. But here, I mean, I had those batons. I had the riot equipment anyway. I mean, I'm going to protect people who are going to protect others. So I had all of that in the vehicles.

Q And we are going to get to that, but since you brought it up -- so what did you think about that knowing that it had been expressly prohibited as not -- it wasn't to

be included as part of the repertoire tools available to the guardsmen.

A Uh-huh.

Q And you, obviously -- we've spoken to Lieutenant Colonel Hunter who told, yes, that equipment, including the batons was included in the vehicles on January 6th. Talk us through why knowing that that was forbidden, but D.C. National Guard went ahead and did it anyway?

A D.C. Guard didn't go ahead and do it, I did it. I mean, I told him that you are going to have to protect these people. I'm not going to have them out there without the ability to protect themselves. So, in my mind, anything could happen. And I wanted them to get to those vehicles and put on protective equipment, helmets, have the masks, have the shields, have everything ready.

Q And just the spectrum of, you know, stepping out of the chain of command, like we'll talk again a little bit about it, but on one end was deploying the troops, even though you didn't have approval. And I know you contemplated that seriously. And resigning (ph) the next day, you told us all about that incident. And maybe on one end, on another end a little less severe is, you know, stepping out of the chain of command in terms of what equipment was available to them, which you did feel comfortable doing. I guess could you compare those for me as to why one, you know, you obviously felt comfortable and the other one was maybe a bridge too far for you?

A So having the equipment out there, it was in the vehicles, they could get to it if they needed it. And I didn't want anything to happen to a soldier or an airman who didn't have the ability to defend themselves and protect themselves. So the shields, the helmet -- and that's, you know, look at what happened in the summer. Several soldiers hit with bricks, concussions. So I wasn't going to have my soldiers unprepared. Now, as far as just going out there and reporting to the Capitol anyway, which I seriously

contemplated and talked about out loud, every lawyer in the room told me, sir, you can't do that. You cannot do that.

[redacted]. Can I ask a follow-up question [redacted] to that?

[redacted]. Sure.

[redacted]. General Walker, with respect to the order, in your mind, is there an appreciable difference between -- let me back up. So when the order says these items will not be issued to the guardsmen, in your mind, is there an appreciable difference between them having them on them versus them being available. And if there is, is the availability of them still in your mind in keeping with this theory of what the order said?

General Walker. Thank you, [redacted]. I should have said it with the grace and specificity that you did. You drove by, you did not see any guardsmen on the traffic control points, in the metro stations, at the top of the metro stops with helmets, riot gear, shields. So they didn't have it. But they could go to the vehicles and get it --

Q -- in case they needed it.

A In case they needed it.

BY [redacted]:

Q But, General Walker, there was a discussion where they didn't even allow the body armor or helmets to be in the vehicles. You pushed back, and you told Secretary McCarthy, Hey, for self-defense, we need these things in the vehicle --

A Uh-huh.

Q And you wanted a date on that?

A Yes.

Q So you did have that discussion. Why didn't you also push back on the batons and tell him, I also want to include batons? You did go to your superior and get what you needed in terms of the body armor and the helmets. Why the batons, in

particular, why wasn't that brought up, or why was it included without a discussion with your superior?

A I just had the batons in the vehicle.

Q I want to talk about your conversation with Chief Sund. You told us this is the lead-up to January 6th. You told us, this is how you put it. Chief Sund told you that the Capitol Police Board didn't want to approve requesting the Guard in advance because of the optics, and he asked you instead to, quote, "Lean forward and have as many guardsmen available," end quote, in case of an emergency. So I do really want to through the conversation -- of the details of that conversation. So Chief Sund told us it occurred on Sunday, January 3rd, the day of the congressional swearing in in the evening. It's okay if you don't recall. I just want to see if you do.

A No, we talked --

Q Okay.

A He's kind of a friend. So I spoke to him quite, quite frequently.

Q Okay. And so he told us at least in that conversation that he had a short conversations that same day earlier with Paul Irving, House Sergeant at Arms, and Michael Stenger, Senate Sergeant at Arms. Do you remember -- it's hard because you're saying you talk to him a lot. Think about the conversation what he told you about the leaning forward. Do you recall if he told you that he had actually discussed the matter with the members of the Capitol Police Board?

A Yes, he told me, and I'm pretty sure that's the right day.

Q Okay.

A But leaning forward, he used -- we talked about that on more than one occasion. And every time I was real clear, Chief, it's got to be in writing. It's got to be in writing so I can get it approved. You know, and he told me he wasn't going to be able

to get it in writing.

Q So let's go through that conversation. Did he mention what the Capitol Police Board -- and you sort of said it, but what the Capitol Police Board told him?

A He told me that he was not allowed to ask for the Guard. But -- and then he told me he told them, but I'll have them on standby, you know, leaning forward.

Q Do you recall whether his position -- so when he talked to you, is he telling you, I really wanted the Guard, I pushed for the Guard in front of the Capitol Police Board, and they told me no. Or it was just a suggestion, or he was just sort of feeling you out? What was his position on the Guard?

A Yeah, so it was both. He did want the Guard to be ready. But at the same time -- and I just kept drilling him. He said, all days off had been canceled, all hands are on deck, we're ready. He kept telling me, we're ready. And that's faith and confidence in his police department. I later found out that all hands weren't on deck.

Q Right.

A Leave wasn't totally canceled. I mean, I started digging at that as soon as I got the job. But he thought that he had the entire Capitol Police at his disposal. And he told me that he was not allowed to formally request the District of Columbia National Guard.

Q Can you tell me about his tone? It sounds as though it wasn't a tone of frustration, that the Capitol Board had somehow kept him from asking, he seemed to be in line with that thinking. Is that fair?

A No, he was concerned, but at the same time -- it's hard to explain. I mean, knowing him, he wants to have confidence in his police department. Yeah, we got it. He kept saying, you know -- I don't know if that was just he was thinking positively. But at the same time, I can tell there was a little bit of nervousness. And then he switched

the conversation several times. I told my wife, I said, I just hung up with Steve Sund, and he's talking about getting his son into the Air Force Academy, and he wants to fly in the F-16. I said, I remember thinking, I would have one thing on my mind. I wouldn't be talking about flying. So then I said, Well, he must be very confident in those policemen. And my wife and I had that discussion. I hung up, and I was baffled by his predicament.

Q It sounds, though, it certainly didn't seem as though he had had an argument with the Capitol Police Board over the involvement of the National Guard.

A I didn't sense that there was an argument, I sensed that it was more -- and so right now I'm the chair of the police board. And it's not really any argument. I mean, it was -- if you're not doing this, it's not happening. But I'll tell you one good thing that has happened, the Chief of the Capitol Police now doesn't need the board to request National Guard support. And the board was, you know, very happy about that.

Q Did he talk about whether -- anything about the Intelligence Agency and whether it would support requests for National Guard?

A No, we didn't talk about -- and that's -- I don't know if that's even fair, because you don't need intelligence. I mean, everybody knew that people were directed to come there by the President. November was a run-up, December was practice, and January 6th was executed.

Q Did he explain what he -- theoretically, you know, he told you to lean forward. When he would need these National Guard, if he had requested them earlier like not in the moment on the day, but ahead of time, what they would be doing, or what he needed them for if he needed them?

A No, I mean, I think that's implied. It would be to help restore order. I don't think, you know, that was implied. If I need guardsmen is to do what guardsmen

do.

Q I guess I wanted to make clear that he didn't feel a need at the time. So I know come January 6th, he is saying lean forward in case I need you. He is not calling you --

A No, before January 6th he is saying lean forward.

Q Right.

A January 3rd, 4th.

Q Right.

A January 2nd, 3rd, 4th, he's talking about leaning forward.

Q But he is not calling you to tell you that there is a current need. That's, in part, why he's saying --

A No.

Q -- we're doing all hands on deck.

A Yeah.

Q He is saying we don't need the National Guard right now, is how you interpret it?

A That's exactly how I interpreted it. We don't need the National Guard right now. But if we do, can you have some people ready? And I told him I would because I was going to remission the COVID people. And I had 400 soldiers on orders for COVID. These are part-time soldiers who I had on order to support the city with COVID operations. So stop, shift from COVID to the Capitol.

Q Let me get to the COVID part of the conversation. Last I want to ask, did he seem to agree with the optics characterization, or was he saying that that was coming from the Capitol Board?

A Right. He didn't talk about optics, him personally. Steve Sund did not talk

about optics. He relayed what they told him about the optics.

Q And did he, at all, communicate to you an opinion whether he agreed with it?

A He did not. It was just steady. And they don't like the optics. Just like I said it now, they don't like the optics.

Q And so, what did you mean that you withdraw from the COVID servicemembers? So I think at our first meeting, you had said around 250. Chief Sund had used a figure of 125. I don't know if either of those sound right to you. But what did "lean forward" mean given that on January 6th would you still have had to have gone through the same channels, gotten the same approval from Secretary McCarthy, then Secretary Miller? Was there anything about these COVID servicemembers that either would have had them be deployed faster, or would the same sort of delay that we saw on January 6th have --

A No, sir. So in June, the first -- that response on that weekend I brought in the entire National Guard, but I already had soldiers on COVID missions. So that's how I was able to get so many people out on the street, because I already had people. So I was just going to take the people who were on COVID orders, it's a matter of priority. So you're helping the city with dealing with the COVID response freeze, get the helmets, get the batons, get all the equipment, go help the Capitol. I'm just going to remission. That was my plan to do that. That's what I intended to do if he called me.

Q It's just having another bucket available, right? So you obviously have the 340 out in D.C., but now you have an extra amount that you could on redeploy and remission?

A Yes.

Q Why -- you know, we have spoken to, you know, all of the folks at the D.C.

National Guard leadership that you told us to speak to. We have spoken to, obviously, all the Department of Defense officials. And everyone sort of agrees there's kind of three buckets. There's the, you know, 40 at the QRF; there's the 118 or so at the metro stations at the traffic control points; and then there's the second shift at the Armory gearing up to relieve those people. What happened with that COVID contingency? No one -- as far as I can understand, they weren't either redeployed or remissioned on January 6th.

A They were. They remissioned to help, you know, the COVID -- I mean, we didn't have -- by January 6th, the second mission came on -- the second team came on early. Pretty much, I didn't want any guardsmen in the Armory. I wanted everybody out there at the Capitol.

Q So they would have been folks who got the activation message and headed back to the Armory. That's where they would have --

A Uh-huh.

Q -- been joined in with the second shift that was waiting at the Armory?

A Yes.

Q I'm going to move on from the topic of Chief Sund. I don't know if you have any other details?

[redacted]. I don't. Do you?

BY [redacted]:

Q I just have a quick question about the Chief Sund conversation. So, I just want to make sure it's clear in my head. Did you convey to him -- I know you said explicitly we're still going to need that written request, right?

A Uh-huh.

Q And you mentioned that in our prior interview as well. Is there any

mention that he thought that would be -- that the troops would be on standby, or that they would be able to quickly respond? I'm just trying to understand if there's a gap in the way you conveyed it and what he might have perceived?

A No, I'm a very direct person, very clear. I consistently, repeatedly told him that I would have to have a formal request. Even on January 6th when he called me and said, I'm calling the Secretary of the Army's office right now, 1349. I called over there. I said, Hey, this is what's going on. Steve Sund is -- I mean, it's a terrible call. He needs help right now. And I had already told him, Hey, get a letter generated, you know. And he sent it. About 45 minutes and sometime later --

Q Sure.

A -- I received a letter from Steve Sund. So he always knew he needed to send a letter.

Q Sure.

A There was never any doubt in his mind that -- I don't think -- that a letter had to -- a formal request had to come in.

Q No, no, thank you.

A Did I confuse it now?

Q No, no, no, I'm just wondering if there was a way that that written request would have been processed quickly? Like what if he had gone through -- had he ever gone through that process before?

A I don't think Chief Sund had, because I believe he maybe had 3 years with the Capitol Police. He was with the Metropolitan Police Department prior, but he probably knew about the request. He probably knew from his time with the Metropolitan Police Department that there has to be a formal request. But here's what I would have hoped would have happened, that once I had contacted the Secretary of the

Army, he would have just told me to go, and the paperwork would have followed.

Q Sure. But -- right.

A And he did that in June. When the Mayor's office called, we didn't get a formal authorization letter from the Secretary. He looked right at me and said "approved." Go support the city. And we sent -- actually, he and I got into a debate, to the extent that I can debate with him, because the city wanted for us to bring vehicles, military vehicles, and leave the vehicles. I said, Mr. Secretary, we cannot leave these vehicles. We have to have drivers. We have to have people with the vehicles. Look at what happened in L.A., you know. Now, they're not going to take turn over a big Humvee. They're not going to turn it over, but they can vandalize it. You're right.

Q I'm sorry, this is the summer?

A This is summer. So we're going, you know, not back, yes, sir, Mr. Secretary. Mr. Secretary, we need to have people with these vehicles. And he said okay. But there was nothing in writing.

Q Got it. But just back to Chief Sund who was the Chief of Police for the 14 months while you were the head of the D.C. National Guard --

A Yes.

Q -- there had never been a request for the D.C. National Guard before --

A No.

Q -- January 6th?

A No, not that I can recall.

Q Okay. Go ahead. Sorry.

BY [redacted]:

Q And that's for the Capitol then. D.C. National Guard did not go to the Capitol over those 14 months?

A Not during my time, no. And we would call them and say, Are you going to -- do you anticipate needing -- so when the parks were vandalized. So the parks are right here, the Capitol is right there. Just to get in front of it for planning purposes, not being late to need, Chief, you going to need us? No, we got it.

Q Let me ask you, so I have a grasp of not telling Secretary McCarthy about the batons beforehand. But Secretary McCarthy says that one of the reasons why he, you know, to oversimplify it. One of the reasons why he felt he could talk to sort of -- he thinks separately as a substantive issue, it's important to come up with a CONOPS operations. I know there's a little bit of a disagreement, certainly, but he felt that that was important substantively, but felt the guardsmen had to go back to the Armory anyway, because that's where their equipment was. Which I know that that is not true, because they had their equipment in their vehicle, right?

So Secretary McCarthy's response to that would be, quote, "The only thing I authorized General Walker to do was their ballistic helmets and body armor in the vehicle, not their shields or their riot batons." And so his impression is I don't know that. I don't know that I could so quickly deploy them, let's say, from traffic control points because no one ever told me that they their batons in their vehicles. My question to you is -- and it may be a function of -- you know, we talked a little bit about inability to reach Secretary McCarthy. But did you tell Secretary McCarthy or any of its intermediaries, like General Piatt, at any point that the servicemembers at the traffic control points were ready to deploy given that they had everything in their vehicles?

A I told him we were ready.

Q So not specifically about --

A Not --

Q -- that their equipment is with them?

A Yeah, but that we're ready to go. And here is the deal, sir. My number didn't change. My number didn't change. And I pulled my phone records. I don't have any calls from them. So he could have called me. He never did January 6th.

Q And let's say, what do you think about the idea, though, that he didn't know; he didn't know that the equipment was available to them in their vehicles? And that he thinks, I wouldn't otherwise have known because I told him that could be in the vehicle. So he would say a fair assumption that they wouldn't have it because that's what I ordered.

A No, I mean, so there's a whole menu of options that were available to me. So let's say I didn't have them, I could have quickly put them on buses, put them in a big truck, and got everything down there, had a rally point, issue everything, and get over to that Capitol. So all he had to do was call me and say, Look, I know you don't have the batons -- if you don't have the batons, how long is that going to take? And the batons are already on the bus. That's what I -- you know, you have to be proactive in this business of law enforcement, civil unrest. So if they hadn't had those batons, I'll give you an example -- the second shift that came on, that brought them in early, they were ready to go. They came out there. They had everything was issued at the Armory. So that just doesn't -- that's not a good explanation to me. Call me and say, Mr. Secretary, I did have the batons in the vehicles. So they're ready to go now. Go right to the Capitol. And if I didn't, all the equipment is on buses, and it's going to meet the guardsmen there. I mean, I already knew who was going to deputize them. I had Colonel Hunter already there. I mean, it's called leadership. I mean, shame on me if I don't know how to do that.

Q So let's walk through Lieutenant Colonel Hunter's testimony to us, which was incredibly invaluable. You know, he told us about some of the early planning, beginning

at 2:12 p.m. after hearing news of the breach, that he started to put in place, he says, to get the Guard ready by 3:10 p.m., including designating a rally point, having the servicemembers at their traffic control points, acknowledge that rally point, ask the QRF to get in gear and get on buses to get to the Capitol. That's where he thought they were going to go. And he confirmed to Lieutenant Colonel Reinke by 2:50 p.m. that they were ready to go. And then, of course, as you mentioned, he linked up with Assistant Chief Carroll and Chief Sund, physically, present at the Capitol Police Headquarters with them. And he said that he had done all this and he was prepared at 3:10 p.m., called Brigadier General Ryan to report to his direct supervisor all that he had done.

So when we're trying to figure out then how that then got to you and how fast that got to you, when, if at all, did you first hear about what Lieutenant Colonel Hunter had done on the ground?

A Well, Hunter had called me as well and General Ryan had called me. I mean, you met Colonel Hunter.

Q Uh-huh.

A He is a full colonel now. He was a lieutenant colonel then. He's a war college graduate. I don't know, what, if he shared his background. He is the future of the District of Columbia National Guard. I fully expect him to be a general officer. Hunter, on his own initiative, called me and said, Hey, sir, this is what I've done. Roger. Keep going. You know, just keep me updated. So he had the rally point, he had talked to everybody, he did what an officer is expected to do, take initiative, execute, and keep me informed.

Q And I think this is going to be a similar answer, but I just want to get it on the record. Secretary McCarthy, of course, told us that he had no idea any of the things that

Lieutenant Colonel Hunter had done. And when asked whose responsibility was it to inform him, he said it was yours. In part, you know, you've just explained how your subordinate called you to inform you of all the things that he had done to get the Guard ready. Why didn't you call, or visit in person, Secretary McCarthy, to let him know that the Guard had already handled all of the planning, all of the logistics that he, in his mind, thought he needed to do himself?

A So I couldn't get in touch with the Secretary. With all the technology we have, not just this phone, but I had a government phone, U.S. Army phone. I could not get through to him. Radically different, Colonel Matthews had a private number for the Secretary. They know each other socially. He couldn't get through to the Secretary of the Army. The story we were told is that he is running through the Pentagon looking for the Secretary of Defense. That's why he wasn't answering the phone. So how can I brief him? How can I update him when I can't get through to him? And I'm going between Lieutenant General Walter Piatt to relay messages.

Q So we'll go through that whole timeline. I'm going to break down basically in half-hour chunks what Secretary McCarthy said he was doing to sort of get your feedback?

A It has me a little annoyed because I'm reliving it, and I'm frustrated that, you know, I can't reach you to make a decision.

Q Right.

A And then I'm talking to Piatt and Flynn and the rest of these guys. I said, you see what's happening? We're right down the street. The D.C. Armory is right down the street.

Q And that's a good segue. You know, you've explained to us the cell phone, you know, his number wasn't working, he didn't call you. What about physically? Let's

talk about that. And why didn't you go down to the Pentagon?

A If they can't find him, how am I? You know, there was no -- they couldn't find him, he's running through Pentagon, is what they said. So my instinct was to go to police headquarters. And not MPD headquarters, Capitol Police Headquarters. Hunter said, Sir, I got it here. I have it here. I'm with Chief Carroll. I don't know if you talked to Chief Carroll.

Q Yes.

A And Chief Carroll says, Where is the National Guard? I'll let you fill that in. You know, and I later linked up with Chief Carroll that night. So nobody was calling -- I couldn't get through the Secretary. I would have gladly told him, Hey, sir, we're ready to go.

Q And the last question I have then is just the only channel would have been the generals that you're on the VTC with. Did you tell them, you know, Lieutenant Colonel Hunter is in X, Y, and Z, the Guard is ready, there is no planning?

A Yeah, they kept asking me for the plan, and I kept briefing it to them. I kept telling them. Then they said, well, where is your casualty evacuation plan? And that just, you know, really? A casualty evacuation plan? That's 9-1-1.

Q Right.

A And I said that, it's 9-1-1.

BY [redacted]:

Q Did you tell them the amount of detail that Colonel Hunter had provided to you? Did you convey that on the video call?

A We know where we're going to be, we know who we're going to report to, and we know what's going to be asked of us. And we're right down the street. I kept saying that. And then he started talking about how we're going to remission. I said,

Sir, you know, Sir, and I just kept, you know, trying to be polite, but I'm really losing my patience. When you ask me for a casualty evacuation plan, did we have one in the summer? No. Do we have medics organic to us? Do we have medics, combat medics? District of Columbia National Guard, you walk around the D.C. Guard, you won't find many guardsmen that haven't served in combat. We know what we're doing. I mean, I served in Afghanistan. I mean, everybody on the D.C. Guard, I can't think of anybody on that leadership team that hadn't been in the unforgiving crucible of combat.

Q So let's go through the afternoon where Secretary McCarthy, what he was doing through the afternoon, get your reactions to it. So, you know, there's obviously the 2:30 call. I don't have any questions about that. We went through that pretty extensively last time. And we know that he, as you say, agrees he is running the two corridors down to see the Secretary of Defense at the Pentagon; gets there, converses with him. It's about a half hour at 3:04, right, in the timeline. That's when Acting Secretary Miller approves the D.C. Guard. And it's actually the language says that he activated, or approved the activation of the D.C. Guard. But I want to tell you what Active Secretary Miller told us, which is that at 3:04, he believed, the D.C. Guard, quote, "had all the authorizations they needed to conduct operations in support of law enforcement at the Capitol," end quote. And when asked why servicemembers weren't deployed from that moment at 3 p.m., here is what Secretary Miller said. Quote, "Why didn't he" -- as in you, General Walker -- "why didn't he launch them? I'd love to know. I've launched QRFs without approval more than once. If you're the person on the ground in the Army, and you realize there's something that is unpredictable or unexpected, and you have the ability to influence the culture, the training, the education, the expectation of you, the American people, is that you will execute and do what you can, even if it costs you your job. The person on the ground is paid is closest to the

action and has an understanding. General Walker is a two-star general and completely within his agreement to employ his QRF if he thinks it's such an essential point in these situations," end quote. What do you have to say to that?

A I agree with everything he said totally. And I would have done just that, but not for those two letters. So his statement's at war with the letter that he sent. But when he's talking there, he is talking as an American soldier. And I am trained to do that. And that's why it was so difficult to not go and do it because 39 years, I have worn the cloth of the United States, 39 years. And that's what officers do. And to have this -- you've seen the two letters.

Q Right. No -- yes, sir.

A It's very clear.

Q And at least on Secretary McCarthy's part, you know, he agreed -- well, I guess Secretary Miller seems to think that he's already given his authorization, and that you pretty much have all the authorities you need. But Secretary McCarthy agrees with you that that's where maybe they had a miscommunication, Secretary McCarthy and Acting Secretary Miller because he thought he had the authority, but he had not yet passed it down to you. And that's why, of course, it's not until 2 hours later --

A But can I ask you a question?

Q Yeah.

A So I never spoke to Secretary Miller.

Q Right. So let me ask you about that.

A Yeah, so how did he direct me to do it?

Q No, not that he directed you, but that he felt he had already given all approvals. That there was no need to either return to him afterwards or really for Secretary McCarthy to sort of, on his own, withhold approval. He could have given that

to you at that moment, and he considered it that you were to have that at that moment, the approval. But let me give you another quote from Secretary Miller. He says, "Clearly there was a communications problem somewhere in there. If felt he was in jam" -- this is you -- "and he wasn't getting the support he needed, or better yet, if he didn't have the communications ability" -- because that happens all the time that your cell phone coverage doesn't work, you know, "there's plenty of opportunity. He could have bypassed McCarthy and come straight into the Pentagon, and I would have been happy to give him additional guidance," end quote. So my question is why didn't you do what Acting Secretary Miller saying you could have done which is go over McCarthy's head and call or visit Secretary Miller himself?

A Have you been in the Army?

Q No, sir. My parents both, but not myself.

A You just don't go over somebody's head. It wouldn't -- so the option I had was his first one, to just go do it, but not to go over the Secretary of the Army's head, but just take it upon myself. And when I think about it, you know, I'm still conflicted. I mean, I trust the lawyers who made it real clear to me that I could not do it; that I shouldn't do it. And there were soldiers, Army and Air saying, Sir, why aren't we out there? I mean, you can see it on TV. Every television in the Armory, and so, that was a struggle as well. And so I don't -- and we were sued over the summer by a lot of people. So I'm thinking, well, are the soldiers protected if they're going on me saying go? And lawyers, with all due respect to lawyers, you know, so four of them, you'll get nine opinions. So I didn't really know what do. But they kind of convinced me, wait for authorization. So that's what I did. But he -- Miller talking as an Army Green Beret. That's what he was, Ranger, Special Forces, Colonel. He is right. You know, in the absence of orders, seize the initiative. Do it. And that's what I wanted to do. But

that same Secretary gave me a piece of paper telling me that completely contradicts, you know, how he's trained and in what he wrote.

Q So let's talk about 3 o'clock. Secretary McCarthy, of course, said he spoke with you at 3:04, which I know you categorically deny.

A Where did he call me? So, I pulled my phone bills.

Q But let me tell you how he -- just so it helps that -- you know, I know you said there's no conversation, but I want to give you the opportunity to hear how he characterized the call. Secretary McCarthy said he gave General Walker a call. He told him to -- this is after Acting Secretary Miller had given him approval -- he told him to, quote, mobilize the entire Guard, bring everybody in. And I said, you know, move the QRF to the Armory and get as many people as you can to the Armory, and configure them in a minimum of riot gear and batons. And we're going to do a mission analysis of what we need to do with the police. And, of course, you have told us that, quote, "I actually, on my own, moved the Quick Reaction Force from Joint Base Andrews to the Armory." I know it's difficult. How can you reconcile that for us in any way that he has a recollection of a conversation for, like, things he actually said with the idea that, you know, no call at all even happened, even through an intermediary? Can you help us understand?

A Well, the theater of his mind, you know, it's his show. Here is what I can tell you. There's a whole list of people who know that I directed the Quick Reaction Force to leave Andrews Air Force Base on my own and stage them at the D.C. Armory. Everybody involved, after I said, go do that, I told General Dean. General Dean told Ryan. Ryan, I believe, called General, it might have been a colonel at the time, Campo. And they started moving.

Q Let me ask you --

A We brought them under police escort. They went from Andrews Air Force Base, police escort, back to the Armory. And they were the first ones at the Capitol, that Quick Reaction Force.

Q Can I ask you, why was the Quick Reaction Force at Joint Base Andrews to begin with and not the Armory? What's the advantage of having them just at the beginning of the day there?

A Yeah, so I had them doing their regular job. And it was a just in case -- the Quick Reaction Force was just in case, Hey, if something goes bad, the police escort could be there in 15, 20 minutes. So it was just a -- I put that in there as a just-in-case. This Quick Reaction Force, I asked for it.

Q So is that what their job is at the Joint Base Andrews --

A We needed airmen.

Q Okay.

A So this Quick Reaction Force was made up of airmen, U.S. Air Force people.

Q I see. And so, if you had just to say, went into the Armory instead, they wouldn't have been doing their jobs, their normal day jobs, you'd want them at the Joint Base Andrews so they can --

A Yeah, and hopefully the plan was that they would -- if I needed them, they would be there.

Q So --

BY [redacted]

Q Can I ask a quick clarifying question? Just so the record is clear, so the reason why you say the airmen were at Joint Base Andrews because that's where their job is because Joint Base Andrews is, in fact, an Air Force Base?

A Yes.

Q And airmen are enlisted members of the Air Force?

A Right.

Q Okay.

A There were offices there, too. The Lieutenant Colonel Reinke, I think, was there. The lieutenant colonel that was the -- were they a group or a squadron? He was the commander, and then he led --

Q Who would have been commander?

A It would have been --

Q Was he Air Force wing commander?

A He would have been a squadron. I think a squadron.

Q Okay. Okay.

A I am embarrassed to tell you that I don't know the air as well as I should. But, yeah, I'm pretty sure he was the squadron group, squadron wing.

Q Yes, sir.

Q Let's talk about the move to the armory for the QRF.

A Uh-huh.

Q So Lieutenant Colonel Hunter told us he didn't quite understand the logic. When he ordered Lieutenant Reinke to gear up and get the QRF from the bus back at 2:17 p.m., he said, quote, I thought that they would just come to me straight to the Capitol. Lieutenant Reinke himself said he wasn't expecting to be brought to the armory, learning first about it was while they were already mid-route to the armory.

A Uh-huh.

Q They already had their equipment. They had already trained for 2 days in civil disturbance, which was their own lead mission. They had not worked a single minute doing traffic control, the original mission for -- so they didn't need remissioning in

any real sense.

Why not just have them go to the rally point at the Capitol directly, especially because, you know, the so-called CONOP ended up being what you had always known it was going to be, which is go and assist law enforcement? What benefit was it for the QRF to actually head to the armory?

A They didn't have commission yet. You know, I couldn't just send them in -- well, I mean, according to Mr. Miller I could have, but his letter said I couldn't. So I'm still waiting for this green light, and that's what General McConville called it. He said you have a green light. And at 1708, he said you have a green light.

So they were frustrated, I was frustrated. Everybody in their heart knew they could make a difference. Why are we not going to the Capitol? And I received a lot of criticism from my office ever since -- even from some of the NCOs. Sir, why won't you just make the decision?

Q Right.

A You know, well, that piece of paper that I know would have been used against me if I just went on and did it. But that's why -- at least they were closer. From Andrews Air Force Base to the armory is right down the street.

Q Okay.

A But they were ready to go. And they're right, Lieutenant Colonel Reinke, hey, this doesn't make sense. You know, I didn't know he said that, but it's a natural reaction.

Q And one thing -- and maybe this is a little bit of the, you know, two hands -- the right hand and the left hand not being able to communicate with one another -- is that the time it took for people to assemble at the armory is one of the reasons that Secretary McCarthy says again that he had time to put together this

CONOPS.

Let me read what he says. He maintained that even if, let's say, the QRF could have been deployed straight from the Joint Base Andrews when Lieutenant Colonel Hunter at 3:10 p.m. says everything is ready, and the traffic control point members -- now he knows, obviously, sitting with us, that they have their gear, they have their weaponry, and they're ready to be deployed. And they don't need to go back to the armory, right? And then the second shift is already at the armory. They're already at the armory, and they already have their equipment. Everybody may be in three different locations, but they're all ready to go down to the rally point without having to go to the armory.

He maintains that the value is of them physically joining the rest of the forces all in one at the armory so they could be told their mission all together. Quote, getting eyeball to eyeball with adjustment units so they would go through their five paragraph op order, which of course is subparagraph op order in this case. But General McConville says, so the bottom line is, you've got to bring them back to the armory. You had to kind of get them all together. You had to figure out, okay, what do you want them to do when they go to the Capitol?

Secretary McCarthy, again, we needed to bring them all together because we needed to have a clear understanding of just how we were going to be successful here, Secretary McCarthy.

In hindsight, do you think that it was -- maybe it was a mistake to send over the QRF to the armory, have forces in transport, lending at least the impression of some leaders within the Department of Defense. There's time anyway. They need to go back. They need to get their things. Would it have been better to maintain the forces at their separate locations so that they wouldn't have, I guess, that excuse, that justification that there was a delay because of travel time?

A No. So to -- I need the Air Force people closer in. Andrews and the armory, it's not next door. So I needed them closer to, you know, time, distance. So, in my mind, I asked for a quick reaction force. I'm pretty sure I would have recognized the need for, in time, to bring them to whatever challenge they may have faced. As I'm watching and seeing what's going on at the Capitol, I need them here closer. Bring them. I moved them. Told -- and Hunter calls Reinke. Colonel Hunter calls, get here right now, get the police out there to escort them in. Here's the deal.

So I had Colonel Hunter there with Chief Carroll and other white shirts. And I told the Army leadership there were white shirts, leaders in the Capitol Police in the Metropolitan Police Department. We had people designated to deputize D.C. guardsmen and put them to work. Take the -- the National Guard -- the military is never in charge. We're always under civilian control. And those civilians were members of the Capitol Police, leaders. I made that very clear.

Here's the bottom line. The Secretary was unavailable to me, and he never called me. So I couldn't reach him, and he never called me. And if he had, I would explain to him in detail here's what we're doing. I mean, they don't -- the Active Duty Army doesn't do civil unrest, civil disturbance. They don't do that. The National Guard, in my experience, goes back to Hurricane Andrew in 1992 in Florida. I've done this. They don't know the National Guard mission and how we're ready to practice civil unrest, civil disobedience, civil disorder. And we proved it during the summer, and we didn't hurt anybody.

Q So let me get your just opinion on the record. It sounds as though you don't agree with Secretary McCarthy that there was any value in having them all come back to the armory to hear their mission. It was mostly just moving the QRF to the armory just in the meanwhile because you had not gotten approval and it would have put

them closer to the Capitol. But you don't agree that necessarily it's important to have all your disparate parts of the D.C. Guard come to the armory to hear their mission together and then be deployed to that area?

A So the lion's share of the support was that the armory on buses, on buses. I don't know if you talked to Command Sergeant Major Brooks?

Q Yes, sir.

A Did he tell you that everybody was on a bus?

Q Yes.

A Did he tell you where the buses were?

Q Didn't they pull in to the drill floor?

A We pulled onto the drill floor.

Q Yeah.

A And so all the news media asking where is the Guard --

Q Couldn't see it.

A -- couldn't see it.

Q Right.

A I went down there. NCOs brief soldiers and airmen on the buses. Here's the mission. Here's what you're getting ready to do. If we need a five-paragraph order, they would give it to them right on the bus. So I didn't. And then as you get there, that NCO is going to tell you, hey, here's what we're facing, here's what we're getting ready to do.

Q And all of that can be done at the rally point, I guess is what I want to --

A All of that could have been done en route under police escort. So that's why Colonel Reinke, who knew what he was going to be doing because Colonel Hunter told him, that's why he wanted to go straight there.

Q Right.

A But I didn't have -- as the Chief of Staff of the Army said -- I didn't have the green light --

Q Right.

A -- that was given to me at 1708. Lieutenant Nick, I don't know if you talked to him.

Q Yes, sir, we did.

A And he repeatedly said -- and [redacted] so he can be trusted, I hope -- he said, sir, they're doing everything they can to delay it.

Q Well, so let me go through that. Let me go through that with you. So we're now at 3:00, 3 o'clock, and 30 minutes of Secretary McCarthy's time, according to him, at that point was spent reassuring Members of Congress that the Guard was indeed coming.

So you told us about the 2:30 call and, you know, you recall, in quote, that Chief Contee said, I'm going to call the Mayor and ask her to have a press conference saying that the Army is not going to allow the D.C. Guard to come and support. And this is what General Piatt says he told Secretary McCarthy about that direct quote. The third time when they said that, you're denying a request, they also said, and we're going to the media. We were desperate, everyone was desperate. So I'm not angry at that, but I just knew it wasn't helpful. So we told that to Secretary McCarthy.

And so in addition to that alleged threat on the 2:30 phone call, a media tweet had gone out at 2:55 p.m., declaring that the Department of Defense had denied request for Guard support. So this is what Secretary McCarthy said he spent the next, around 25 minutes doing: So when the next 25 minutes of literally standing there, people handing me telephones, whether it was the media or it was Congress. And I had to

explain to all of them, no, we're coming, we're coming, we're coming. So that chewed up a great deal of time, end quote.

I'm going to go in 30-minute chunks. But what's your view on that explanation of, you know, at least between 3:00 and 3:30, that is what Secretary McCarthy was doing and would -- you know, understanding that, you know, he decided he was going to put together a CONOP that kept him at least in those 30 minutes from putting together that CONOP. Do you have anything -- a reaction to that?

A Well, it's an explanation. I was wondering what he was doing, why he wasn't calling me, why I couldn't get through. I mean, if that was more important in his mind than to call me and tell me to go or take a call from me, I mean, if that's what he says he was doing. I mean, I don't know what he was doing. I have no clue.

Here's what I know, he wasn't available to me.

Q And, you know, he talked about it's the Speaker of the House on his cell phone. You know, I'm going to take the call. I wanted to give assurances, not hand this off to one of my military assistants to let them know, you know, the leaders, congressional leaders, people who were calling him that they were definitely coming.

A I would have hoped he could have done that by phone and came to the armory and then met with Chief Sund, which I did. I mean, when I finally got through to him, it was after 6:00, he was at police headquarters.

Q Right.

A I said, I'm looking -- I said, sir, where are you? He said, I'm at police headquarters. Where are you at? I said, I'm at police headquarters.

The Capitol Police headquarters, that's where it's going on. He's at Metropolitan Police headquarters. So he tells me to come over there. I go. And I see the Mayor and I see the Chief Contee. And they were, like, General Walker, you know, and -- I'll let

you talk to Chief Contee and see what he thought about it. Because Chief Contee is the one that said, I'm going to ask the Mayor to have a press conference and tell everybody. And Piatt said, please don't do that.

Q I guess, do you have an appreciation for the idea that, given that threat and a tweet that had gone out saying the Department of Defense isn't coming, they're not coming to help support the Capitol, that the Secretary of the Army would need to -- you know, would get a lot of calls from leadership, from people meaning for that to be dispelled, for them to be instilled with confidence, no, of course, we haven't rejected, you know, the request for support?

A If you're asking me what I think, I don't sympathize with that. Here's the best way he could have solved that. His personal presence standing next to me at the Capitol, standing next to me and my soldiers and airmen. What would better demonstrate that we're coming? Our presence. Hey, I'm en route. I'm going to swing by, pick up General Walker, and we'll be there. Or, I'm going to link up with General Walker. I'm calling him right now at 3 o'clock instead of having a press conference. General Walker, get there immediately. And it wasn't till 1708 that General McConville says you have a green light.

Q So let's walk through it. After the phone calls, there's about 30 minutes of travel from the Pentagon down to the Metropolitan Police Department headquarters. He arrives at 4:10 p.m. And then there's about 30 minutes, because as you know, we'll get to there's -- he asserts there's a phone call with you at 4:30. So there's about 30 minutes of -- or 20 minutes of developing the concept of defense -- the concept of operations, which, you know, he had said that he had learned the lesson from the summer, it's important at the Secretarial level to have a strategic vision to not just send troops, but to have a concept of operations put together. Of course, that's his view, and

I know that you differ from him on that.

But he says -- or the generals on the VTC -- we talked a little bit about it, but I just want to briefly have you react. They said that as Secretary McCarthy is there at the D.C. headquarters, he spreads out a map alongside Chief Contee.

A At the D.C.?

Q Excuse me. Yeah, D.C. MPD. I meant MPD. D.C. Police. Metropolitan Police Department headquarters. He spread out a map of the city, alongside Chief Contee, with his Army Operations Director Brigadier General Chris LaNeve. And then Chief Carroll's by phone, because he's over at the Capitol Police headquarters. And he says General Piatt says this, how he was helping from the VTC call, quote, As he was working that plan with Chief Contee and the Mayor at downtown, we were getting requirements. And we were feeding him information on General Walker's ability. What we called in the Army, we call it generating combat power. As he's building those numbers, he's actually lining up vehicles, getting soldier packages ready to go. So when the Secretary has an approved plan, he can go.

And the him is you, I believe, in that last sentence. Is that how you would characterize what you and the generals were doing on the VTC call, assisting Secretary McCarthy with the development of his CONOP by building the numbers, lining up vehicles, getting soldier packages ready to go, so that when there's a plan you can go?

A I know you're asking the questions, but did you ever see the CONOP that the Secretary put together?

Q He says there's not one written, no. That it was verbally conveyed.

A Yeah. So -- okay.

Q So what is the quick description --

A It's nonsense. Yeah. That's a one-word reaction. Why didn't he have a

D.C. guardsman with him? General LaNeve is an Active Duty Army one-star who's now the commanding general of the 82nd Airborne Division. Why -- promoted after this. Why wouldn't he not have somebody from the District of Columbia National Guard, who knows the city, who knows the Capitol, the Capitol policemen in the District of Columbia National Guard. We have Federal agents in the District of Columbia National Guard. You're going to plan something with the Mayor?

And I'll share this with you. When I got there, the Mayor, the chief, they looked at me, and I could tell they were tolerating the Secretary of the Army. They were tolerating him. I don't think he added any value there, because you needed D.C. guardsmen to execute whatever plan they came up with. They're going to come up with a plan that the D.C. Guard's going to execute, and the D.C. Guard's not there?

I'm frustrated just thinking about this and how outrageous it is that you wouldn't have either my operations officer, my logistics officer, my planning officer. Why wouldn't you have those people there with you if you're not even going to have me or the acting general or General Ryan, the task force commander, none of those people were invited to the meeting.

And here's a flash. We could have got to police headquarters faster than him. So why would you not have anyone from the D.C. Guard? And what is General LaNeve going to do, an active Army general who cannot direct -- he's an Active Duty title 10 officer. He cannot direct title 32 officers.

Q Let's talk about General LaNeve. So at 4:30, Secretary McCarthy -- and I know, again, this is -- I'm going to go over a conversation that I know -- you say it didn't happen, but I want you to hear it --

A Uh-huh.

Q -- the description so that -- to hear your take on it.

Secretary McCarthy said he conveyed two things through Brigadier General LaNeve. So I want to make clear, Secretary McCarthy does not say that he personally gave you the green light. He said that it was conveyed through General LaNeve. So the two things that he says he conveyed to you through General LaNeve was the green light and then where to go and to whom to report. That that's the sort of two details that General LaNeve at least remembers conveying to you.

So let me go through the details recounting of the conversation, starting with Secretary McCarthy's. He says he was at a table writing talking points, preparing for the press conference with Mayor Bowser slated for 4:45 p.m. General LaNeve was standing next to him, quote, literally relaying all the details from the conversation that we had had. He means the 20-minute conversation where they developed the CONOP. Although he was, quote, multitasking, Secretary McCarthy said he overheard that, quote, he told him, with a mission, put all a hundred, I think it was 150 forces together to support static security, and they will be employed. I think that's the east side of the Capitol where they're conducting clearing operations, and they would flow in the direction. Like I said, it would be, what, north to south. And then he had said, you're going to link up at First and D, because that's the rally point. Assistant Chief Carroll -- and that's the person to link up with. And he went through specifics of the linkup points. Who you're going to work for, rules of engagement, the configuration of equipment, things of that nature.

We asked him: Could the person on the other end of the line have misconstrued these plans as just plans and not an express authorization to deploy? And this is what he said. No, he said. I mean, they talked pretty clearly.

I know that you've said that you hadn't had a conversation either with Secretary McCarthy or General LaNeve. But I do want to direct you to the notes that Lieutenant Nick provided to us, because there does appear to be an entry at 4:37 p.m., which would

be the time that both Secretary McCarthy and Brigadier General LaNeve said they spoke to you. And he wrote down, quote, advised to send 150 to establish D Street, First Street, outer perimeter. It says then, General LaNeve, as if that's where the information came from, and then beside a number which appears to be the number for General LaNeve.

So how do you think it is that Lieutenant Nick got that information on his notes? If you could explain that for us.

A So the only way he could have got it was listening to the VTC, which I was on. And I couldn't have been on the VTC and have a call with General LaNeve. So it must have been stated during the VTC.

But here's what also was stated during the VTC, that the Chief of Staff of the Army, the most senior Army officer said you got to go at 1708. Never received a green light before then. So at 1637, or 4:37 -- and I saw Lieutenant Nick's note. And he says send 150 to -- first of all, there's First and D.

Q Uh -huh.

A First and D Southwest, Northwest?

Q Right.

A What First and D? You know, and then why would I ever take directions from General LaNeve? Anybody? Brigadier General LaNeve, one-star. If I was going to take the -- General Piatt, General Flynn, General McConville, yes, sir, but not General LaNeve.

Q So let me go through that, but then -- so is it possible that that information was conveyed by General LaNeve on the VTC, that that call, he wasn't --

A Never saw him on the VTC. I never saw General LaNeve on the VTC.

Q Okay.

A So I'm not sure where Lieutenant Nick got that from. But for him to say -- and, I mean, I trust him. [redacted] He's a great lieutenant. He's got a future in the Army. But is he saying that I was repeating what LaNeve was saying? I mean, how does he know? I mean, I saw it. It said, you know, it said 150. Send 150, and it said First and D. And then I can barely see -- that's why I said, hey, I can't make this out. Type it up.

Q Sure.

A And then he typed it up. And let's just see if I have this timeline where he talks about this.

Q And let me be clear, Lieute- -- it's not Lieutenant Nick who says that you received a call from?

A No, Lieutenant Nick was taking the notes.

Q Right. He's just doing some notes. Right. General LaNeve is -- okay.

A Yeah. So advise possible to send 150 D Street and First Street to establish an outer perimeter. Possible to send?

Q So let me -- so I don't see possible on the notes, but maybe it's P-O-S-S.

A Yeah, this is his. He typed it up.

Q Let me ask you then, in this -- it sounds as though -- you know, you said you didn't see LaNeve visually on the screen, but he's referring to an auditory call. Is it possible that you can call in to a VTC and maybe it was General LaNeve's voice that you and Lieutenant Nick overheard as part of the VTC?

A Well, I didn't hear General LaNeve's voice. And I --

Q Okay.

A But I'm not saying that -- I was focused on the Chief of Staff of the Army, General Flynn, General Piatt, listening to them.

Q It could be possible. This phone call that Brigadier General LaNeve says happened, and that Secretary McCarthy says happened, could have been him calling into the VTC. And I understand that you would not have participated in the conversation, you were doing other things, but that -- is it possible that that is who he was talking to, a VTC, that apparently he understood it to be you on the other line?

A Anything's possible, but I don't think that's what happened. And it doesn't absolve the fact that, why would Chief of Staff of the Army tell me 30 minutes later at 1708 that, hey, we have a green light, you're approved to go?

Q So let me just go through what LaNeve says. I do want to alert you for his part, General LaNeve denies himself conveying the go order. He says that he overhears Secretary McCarthy do it, to say -- give it to you over the phone. Although Secretary McCarthy's version is that it was all through LaNeve, and he didn't speak directly to you on this second call.

A Say that again. So that --

Q Yeah. It was convoluted. My apologies.

General LaNeve says that he himself is not the one who conveyed the go order, but he did overhear Secretary McCarthy convey the go order to you on the phone call at 4:30.

So let me -- actually, let me just read it for you. It's a little bit easier if I just read it.

General LaNeve said he spoke with General Walker first at 4:25 p.m. So he said he had two calls with you. At 4:25, to tell him that his forces should, quote, get on the bus, do not leave. He said he assumed General Walker knew Secretary McCarthy was next to him because it was the Secretary who handed the phone to him to begin with. I would have no reason to talk to General Walker outside of assisting Secretary McCarthy,

LaNeve said.

On second call at 4:35 p.m., 10 minutes later, LaNeve said he overheard McCarthy himself convey the go order to General Walker. He said something, quote, to the effect of you're approved to provide support. LaNeve said the Secretary then again handed him the phone to give the details of where to go and what officer to meet up with. He even recalled General Walker saying, Roger, to acknowledge the plan. But LaNeve said there was, quote, mass confusion in the room, and he agreed that there were huge communications problems.

I take it that you rejected any of that occurred?

A Other than there was mass confusion. I agree with that.

Q As far as recognizing that LaNeve spoke with the authority of the Secretary, according to Secretary McCarthy, LaNeve wasn't a junior aide in his role. He can speak once given the authority, delegated authority, to speak as a Secretary of the Army. He said it should have been clear to General Walker that the first-star officer was speaking on his behalf because he was standing next to me. And General Piatt said it was generally not uncommon for him to ask his staff to transmit communication from the Secretary to General Walker.

On his part, LaNeve said he had plenty of interactions with General Walker over the summer, in particular, conceded that he didn't ever recall speaking on Secretary McCarthy's behalf before. But he distinctly recalls General Walker's voice on the other end, and quote, I have a speech impediment, so I'm pretty sure he recognized me too.

What do you say to that? You mentioned, I don't take my orders from General LaNeve. What's your reaction to their position that you would have recognized, if you were speaking to General LaNeve, that he was speaking obviously for the Secretary?

A I would have hoped I would have been able to discern that he was speaking;

that the Secretary wants me to convey this to you; the Secretary said for you to do A, B, C; the Secretary of the Army wants this done. And I don't recall any of that.

Q Let's talk about 5:09, which is the green light, as you understood it. General McConville, he said he heard about the 4:35 call, the green light call, walked by the teleconference screen and was, quote, surprised to see the commanding general sitting, you know, waiting by at 5:09 p.m. This is how he put it, quote, I walked in, I looked up there, and I saw General Walker, he said. I said, hey, you've got all the authorities you need. He goes, yeah. And I go, okay. You know, are you -- and he said, well, what do you want me to do, Chief? And I go, well, my recommendation is go command your unit and get on down there and get after it. And I don't know what happened, why he didn't take the call from the Secretary.

Can I have your recounting of how that conversation with General McConville went, whether it was like that?

A So he came in to the call and said, hey, you have a green light, you're a go. And I would hope that everybody else you talk to remembers that that's what he said, you have a green light.

Q You don't recall any sort of sense of surprise from him that you were --

A No.

Q Okay.

A No. I mean, General McConville is a very direct -- he's a four-star U.S. Army General. I think he would have admonished me if he knew that I had permission to go at 4:37. I think he would have given me some feedback.

BY [redacted]:

Q Just on that point, sir.

Sorry, [redacted].

Isn't it -- I mean, the Chief of Staff, so Army General McConnell, is not part of the chain of command to give you an order, right?

A No, he can't. He's not in the chain of command, but he is the Chief of Staff of the entire Army. So if he asked me to do something, I would do it. So the green light from him -- I know that that green light from him came from somebody that he reports to.

Q Whereas, if there was a conversation with Brigadier General LaNeve, you would not perceive it in the same way?

A Not necessarily. Yeah. My thinking was, especially over the summer, I didn't get any direction from General LaNeve. He was out there during the summer. He works for the Secretary of the Army. Everything I got during the summer came directly from the Secretary of the Army. And in my thinking, he would have picked up the phone and called me. Or he would have had -- like he told me, go through General Piatt. He would have had General Piatt. And we did a lot of that. General Piatt started being this in-between, but I didn't see General LaNeve as an in-between, especially directing me to do something.

Q But also, General Piatt's not part of that chain of command?

A He's not. So here's the chain of command: President, SecDef, Sec of Army, me. That's how it went.

Q So I'm just trying to clarify the chain of command versus the perception of who you would take the direction from.

A To me, if the Chief of Staff of the Army said the Secretary of the Army wants you to do A, B, C; Roger, sir, and I'd go do it. I never had that with General LaNeve before. I mean, he's not a peer, it wouldn't be somebody that would convey that type of a message to me.

Q Right.

A So my thinking wouldn't have been that he would have been speaking on behalf of the Secretary.

Q And just so I'm clear on the notes of Lieutenant Nick, he -- Lieutenant Nick -- always been confused about a video setup of how this has happened. But you're at the armory. Is Lieutenant Nick with you in that room?

A Yes.

Q And then who are you seeing on the screen during this 4:30 to 5 p.m. time period?

A So people were coming and going, but it was mostly General Piatt, General Flynn. There were others that would come off and on the screen. You know, they would pop up, pop off. But General McConville. Consistently, General Piatt and General Flynn.

Q But you're also able to receive phone calls?

A Oh, yeah. I never left the room. I mean, I was right there.

[redacted]. And I want to be respectful of your time. I have about no more than 30 minutes if you're available for that?

General Walker. Yeah, I can do that.

[redacted]. Thank you.

General Walker. But I better take a quick bio break. Is that okay?

[redacted]. Sure. We're off the record.

[Recess.]

[redacted]. We're back on the record.

BY [redacted]:

Q Lieutenant Colonel Hunter estimated that, had his preparation, you know,

been green-lighted all the way up the chain at the point, you know, that he's there calling at 3:10 and saying -- you know, letting you know of all the things they'd done, that the D.C. Guard could have arrived as early as an hour and a half earlier than they did. So this is how he crunches the numbers, and I want to get your impression.

He says, quote, within 1 hour, I'd say I could have had 135 servicemembers. So the 40 coming from Joint Base Andrews, that they would have headed directly to meet at the Capitol, and then the 90 I had on the street, and that were including myself, he said. So I arrived at the Capitol at 3:10. If I would have re-called everyone by 3:30, 3:40, we could have been -- had gear on and walking towards the Capitol by that point.

He estimated it would take another hour to empty out the armory. Quote, I would given them another hour, so by 4:40, I should have had at least 250 coming from the armory, that includes the second shift as well as full-timers.

Does that timing seem fair to you, or what are your views on how fast and how many?

A That's about right. Yeah. That's about right.

Q This is how Secretary McCarthy put it, so I want to get your reaction.

Presented with the plans, Lieutenant Colonel Hunter set in motion and the accessibility of their equipment. Both, of course, were unknown to Secretary McCarthy. He conceded that, quote, you could have shaved minutes, and the speed of deployment could have been pushed up, but it depends. Even if they got to the rally point earlier, it would have required them to sit there and explain, here's what you're going to do. So you know, there's more than just getting to the rally point. They have to clearly understand what it is they're being asked to do.

He said, although Lieutenant Colonel Hunter was thinking about the right way, he maintains that what I ultimately worked out with the Mayor as we progressed through

the timeline here is how are we going to support you? Because with Colonel Hunter, nor I, had that given time was what is the situation at the Capitol and in the building? How are you going to clear the clearing operations that you would conduct in the Capitol? What direction are you going? How are you going to try to flush the protesters out the building and then ultimately lock the building down and secure it, so we can get the Members back in and certify? It was going to be a very complex operation that we were required to really work with the main efforts, end quote.

What's your reaction to that?

A There's a lot of leap there. I mean, it was not -- our job was to help the Capitol Police. It wasn't all the other things he was talking about. It was, how we're going to clear the building? Nobody asked us to do that. If we would have got there in time, we could have helped reinforce the line. And that's what Chief Sund wanted to prevent the breach in the first place, and then push people off the Capitol Grounds, especially the front of the Capitol. You know, all this other stuff that he's talking about, nobody asked. I don't think we would have been asked to do that.

Q There's some talk about the numbers and whether the numbers themselves would have been significant enough to save the day, to have assisted with the securing of the Capitol had they been deployed earlier. So General Milley acknowledged that there were some forces prepositioned as part of the Mayor's request. But everyone, except for the guys who were doing the traffic control points and except for that little 40-man reaction force, the rest of the D.C. Guard is going from a cold start. So you're talking about, of course, the 1,100 not already activated -- the part of that park. Now we're coming from their houses, the phones are ringing. You know, it said time now, move to the armory, that sort of thing.

And then, B, the activated forces that were already propositioned on their own

didn't represent, quote, any kind of numbers. General McConville echoed the statement, quote, as I watched this thing, people are going wild. You know, the Guard was late, or they were this or this. We're going to -- do you think 34 people when there's 2,000 police officers, you know, on the Capitol, 8,000 police officers and 2,000 marshals. But for some reason this 34 -- I think he's referring specifically only to the QRF -- 34 personnel side mechanics was going to turn the tide on what was happening, end quote.

What's your feeling as to the numbers that you didn't have prepositioned -- you know, 40 here, 118 out at the traffic control points, the people at the armory -- whether those pockets were significant enough to have effected the outcome to have really helped in the moment?

A Okay. It would have made a difference. And I think, when I was there on January 6th, and to see State police from out of town, one State police car, I think one person can make a difference. I saw transit police cars. If you know anything about transit, they're by themselves. So people were coming to help. And I believe 100, 150, 200, 250 would have made a difference, especially when you understand the dynamics of civil unrest and civil disturbance and how to manage a crowd, push a crowd slowly. Just the presence of the National Guard, I think, would have made a difference. I mean, well-trained, highly disciplined, well-organized, practiced and rehearsed as recently as the summer, would have made a difference.

But what you hear is people who don't have experience in civil unrest and civil disturbance. I mean, I have tremendous respect for my Active Duty fellow officers, but they have not been involved in civil unrest or civil disturbance. Sometimes just your presence will turn people around.

Q Lieutenant Colonel Hunter told us that, you know, there was a decision, he

said, in consultation with sort of the D.C. Police, to keep the first shift handling traffic control out of their posts in case they were needed for remission by D.C. out in the city, you know, relying only on the QRF and the second shift at the armory and whomever else, of course, had come to the armory, to respond to the Capitol. And so those traffic control post servicemembers ended up manning their traffic control posts for 20 hours straight. They didn't respond to the Capitol that night.

Can you talk to us about that decision, if you're aware of it, that decision that kept them out their post and didn't ultimately have them come to the Capitol that night?

A At the traffic control points?

Q That's what Lieutenant Colonel Hunter told us, yes. The decision was made to keep them out there. And we were -- I think that was corroborated also by Captain Tarp, who is leading the sort of second shift, that when they arrived at the -- when they went from the armory to the Capitol, wasn't the traffic control point members who went back to the armory; they stayed out their posts.

A So my order, my direction was, when the police leave, collapse together with a policeman there. I wanted no one on the street without a police officer. So I'm hearing that that might not have been followed.

Q Okay.

A But I absolutely gave that direction to not have guardsmen out there where there were no police officers.

Q I see.

A So my direction was for everybody to collapse and then come together. And I was fairly certain that Colonel Hunter, on his own initiative, which I would have appreciated, would have taken -- had those soldiers be ready to report to the Capitol. I was not aware that anybody, that Captain Tarp or anybody thought that there were

traffic control points to be manned.

Q Okay. To remain out the posts?

A Right.

Q So I asked if it were possible that the sort of, you know, failures, I guess, on January 6th, the delay, was in part or in whole because sort of the left hand, the Department of Defense, and its ideas of the planning and what was required in order to go into battle, and the D.C. Guard in its readiness, that's the right hand, the D.C. Guard in its readiness for civil disturbance response both in terms of over the summer, their equipment, the fact that all these logistical plans had been put in place -- that the left hand and the right hand weren't coordinating.

And this is what Secretary McCarthy said. He said it could be. He acknowledged that a lot of things were probably missed. It was tremendously confusing, and that makes for a messy response.

What do you think of that assessment, that for whatever reasons and for whatever blame there may be on whichever persons for not communicating with one another, that that ultimately is what contributed to the delay, that, you know, Department of Defense was doing one thing, D.C. Guard was doing another, and had they only known what each other was doing, maybe there could have been a better understanding and a shortening of the delay?

A So I think there was a reluctance to do the mission, and I think that started when the Mayor sent the sent the request in. I don't think the Army really wanted to do it, even through the traffic control in the Metro. And there was a lot of concern about how close we were to the Capitol. And I think that was their motivation, it was not to have any guardsmen at that Capitol.

Q And so I wanted to get your reaction, you know, down the line. Although

everyone, of course, admits there was that hesitancy, right, there was that concern of having the troops near the Capitol in the lead-up to January 6th -- they all reject that, once an emergency happened, that any of the delay was attributable to a desire not to go. And that, ultimately, it was about the level of risk that, you know, leaders within the Army and the D.C. Guard were willing to wager, you know, the end. And, potentially, was -- I think there's a point that could be arguable that maybe their level of risk was -- they made it too high. That they required all of this thinking through and potentially, you know, waiting to see certain things happen that was incorrectly assessed. But that that was ultimately why there was a delay, not of intentional hesitancy once the emergency broke out.

General Milley put it this way, I've got to separate preparation from response. So they agreed hesitancy in the preparation, but they say different in the response.

What do you say to that? Why do you think that that's untrue, and that even after the emergency broke out, they were still actively intentionally hesitant to deploy the National Guard?

A You know, I don't know where the decision paralysis came from, but it clearly was there. The decision paralysis, decision avoidance. Why not pick up the phone and call me? I work for you. Mr. Secretary, call the commanding general of the District of Columbia National Guard. Find out what am I prepared to do. We never had that call.

And I cannot help but separate -- I think about in the summer when they constantly were calling me, and the very next morning they were all in my office. And they stayed there day after day after day. Now, you've got -- you know, everybody knew what was going to happen. Now it's decision time. They made the decision what they gave me in paper. Now you see the Capitol is being breached. You don't -- the

Secretary of the Army doesn't call me. The Secretary of Defense doesn't call me. I'm trying to get through to the Secretary of the Army, and I'm unsuccessful.

So I -- only thing I can attribute that to is decision avoidance, or decision paralysis, or not wanting to do it.

Q And so when we asked you, you know, we asked you what was happening in the 3 hours and 19 minutes when you were at the VTC, your answer was delay. That's really all that, you know, you felt was happening in that moment.

And so I want to make sure that I understand your position. Do you believe the delay was intentional? Or when you say decision paralysis, could it have been as they've described, cautious -- they're being cautious because of, you know, the desire not to have troops go into a dangerous situation without planning? You know, again, whether -- putting aside the wisdom of that choice, do you accept that as the actual accurate reason why there was maybe that decision paralysis?

A I don't think they were concerned about putting soldiers -- when you say at risk, it was a civil disturbance mission which we trained for, which we're prepared to do, which we are equipped to do. We had the civil unrest, civil disturbance, civil disobedience equipment. We were practiced over the summer. We would fall in with the police, just like we did when the parks were vandalized. We supported the United States Park Police. We supported the Uniform Division of the Secret Service. We supported the Metropolitan Police. So we knew how to do that. We would fall in with the Capitol Police and restore order.

Q So can you tell us, maybe, what you think it was then? You know, there are obviously a lot of theories out there about the differences between the summer and January 6th. Some people talk about the composition of -- or even the politics. The politics, the composition, racial composition of the protesters. There's a lot of theories

as to why there may have been a reluctance.

Can you -- a twirl is one of them, that can be a distinction between the summer and January 6th. President Trump and the things that he was saying in the background about, you know, how ready he was to, in his mind, to deploy the military, how much he enjoyed deploying the military -- or preferred use of the military, excuse me -- and his obvious apparent vocal intention to have people in positions of power to halt the certification of the election. That's one theory, right, that that's upon people's minds and that's maybe contributing to this decision process.

What's your theory, if you could give it to us, as to why?

A Well, theory or my thoughts?

Q Your thoughts. Yeah, what you believe or known to have happened, but the motivation behind it.

A So I'm African American. Child of the sixties. I think it would have been a vastly different response if those were African Americans trying to breach the Capitol. As a career law enforcement officer, part-time soldier, last 5 years full time, but a law enforcement officer my entire career, the law enforcement response would have been different.

You're looking at somebody who would get stopped by the police for driving a high-value government vehicle. No other reason. I think it would have been a different response. I've had to talk with my five children, and getting ready to have it with my granddaughter, the talk. I don't know if you know what I mean by the talk --

Q Yes, sir.

A -- of what to do to survive an encounter with the police.

So I think it would have been a different -- as a human being, as an African American, I think it would have been a different response by law enforcement on

January 6th. And I'll let you fill that in, but I just know it would have been a different response. I know that from experience.

BY [redacted]:

Q Yeah. No, I appreciate that. And that's exactly the right place to finish. We've heard a lot about the differences between the summer, the lean forward response of the Guard, DOD, law enforcement, and military working closely together from the January 6th response, which was much different.

You said yourself that they didn't want to do the mission. And our big question is why. Race is one possible explanation. Protesters in the summer were largely, you know, racial justice advocates. It was in the wake of a murder of an African-American man by police. And the perception of the danger that causes may have been, in retrospect, overstated.

Whereas, on January 6th, largely Trump -- pro-Trump crowd, the perception of danger also inaccurate, but was -- they were not perceived as much as dangerous.

It sounds like you're agreeing with that theory, that part of the motivation for not wanting to do the mission might have a racial animus or difference in evaluation of danger of the crowd.

A So I think they just didn't want to do it. And I think that because I read that. I read that --

Q Yeah.

A -- that there were leaked memos that said the Army didn't want to do it.

Q Uh-huh. And the question is why?

A And that, I don't -- I can't comment on. What I commented on was that I think the response would have been different, a lot more heavy-handed --

Q Yeah.

A -- response to -- I think there would have been a lot more bloodshed.

You know, as a law enforcement officer, there were -- I saw enough to where I would have probably been using deadly force. People coming at me trying to take my weapon -- I almost always had two when I was a law enforcement officer -- I think it would have been more bloodshed --

Q Yeah.

A -- if the composition would have been different.

Q Well, my question is whether you think that --

A If the Army -- I don't know if the Army -- if that was a fact bearing on the Army's decision --

Q Yeah.

A -- or not, I don't know. All I do know is that the Army seemed very reluctant to support the mission.

Q Yeah. And I'm asking you why you think, based on your conversations, based on your interaction, and your having lived through two very different approaches, what is your perspective as to why they were reluctant? Is it this race issue? Is it something different? Is it --

A I don't know if it was race why the Army didn't want to come out or if they really thought it was -- I don't know if they thought it was a political thing. If, you know, if they were -- because what -- I looked and saw that there were guardsmen at the Capitol after 9/11. There were guardsmen at the Capitol in 1968 doing the riots after Dr. King.

Q Uh-huh.

A You can Google guardsmen, military, at the United States Capitol. They've been there. I really don't know if race was -- I don't think race was part of the military's decision paralysis.

Q Okay.

A I don't know why, but I don't think it was race.

Q Okay. Uh-huh.

A When I talk about race, I think the physical response --

Q Yeah.

A -- to the protesters would have been --

Q I see.

A -- different --

Q Okay.

A -- yeah, from law enforcement.

Q Yeah. [redacted] read through a couple of other possible explanations. One is that it's in the midst of election activity, and there's a reluctance to insert the military into anything that is election related.

Do you think -- and, again, I'm admittedly asking you to speculate, but based on your vast experience and your interaction with these decisionmakers on January 6th, whether that was part of the motivation for the reluctance?

A I really don't know. I really don't know why -- I remember asking the leadership on the VTC, I said, can't you see what's going on?

Q Uh-huh.

A Can't you see what's happening to the Capitol? And then when the shot rang out, I remember Chief Sund saying, hey, I just got a report a shot fired. Now, we found out later that was a Capitol Police officer. But somebody on the VTC said, oh, that's alleged. That's -- I mean, so they just did not want to do it.

Q Yeah. And the other --

A The motivation's known really only to them.

Q Yeah. No, I understand.

The other possible explanation is criticism of a heavy-handed response in the summer. In other words, the helicopter's flying low, you've got, you know, guards, troops, an indistinguishable sort of for military, providing a heavy-handed response prompts a softer response on January 6th. Did you hear talk like that or that -- might that be --

A I heard that after the fact. I heard that -- that's convenient. So everybody knows that no one from the National Guard abused anybody.

Q Right.

A That is not in dispute. It's also not in dispute that the helicopter came too low.

Q Uh-huh.

A The Army cleared those helicopter pilots. They were absolutely cleared.

Q Yeah.

A So you can't say -- now, I personally think they came too close. But it was taken from me, that investigation was taken from me. And, ultimately, the Department of the Army decided that those pilots were okay.

Q Yeah.

A But nobody can say that a guardsmen abused anybody, hurt anybody. Those were police officers with uniforms that appeared to be U.S. military. D.C. guardsmen --

Q Yeah.

A -- the city flag.

Q Yeah, I totally understand. And I don't know that -- that that criticism is necessarily based on fact or appropriately directed at the Guard. My question's

whether the perception that the response generally to the summer protests was heavy-handed, informed the reluctance to have guardsmen or a similarly -- a perception of a similarly heavy-handed response at the Capitol?

A So, sir, I never received anything from the Secretary of the Army, the Secretary of Defense, Chief of Staff of the Army, the Chairman of the Joint Chiefs, not one word that said that the District of Columbia National Guard was heavy-handed in their approach. The only thing I heard was that the helicopters were too low. Everybody could see that. And then we get an investigation. Some of the best aviators in the Army came, conducted the investigation, and cleared those guardsmen.

Q Uh-huh.

A So this heavy-handedness is convenient after the fact. And when they say heavy-handed, what beyond the helicopters were heavy-handed?

Q Yeah. Again --

A And nobody, nobody -- I didn't get any letters of admonishment. None of my people received a letter of reprimand or what's called a GOMOR, General Officer Memorandum for Record. Nobody got that.

Q Yeah. And the predicate of the question is more perception than reality. Was there a sense out there or somehow in the city, in the public, that, hey, they were really heavy and militaristic in the summer, and we have to be careful that we are not walking into that same criticism, however unjustified it might have been, with respect to January 6th? Might that have been part of the experience --

A I don't believe so, sir. I think what people said was law enforcement was heavy-handed, especially when they cleared the area for the President to come through.

Q Yeah.

A I mean, everybody who saw that, those were police officers brought in from

out of State, deputized, and they cleared it.

Q Okay.

A I mean, I don't know if you saw that on TV.

Q Oh, yeah.

A They clearly cleared it, and they clearly were not guardsmen.

Q When you talked about reluctance to do the mission, who specifically, in your view, was reluctant? Sounds like you're saying the DOD, that the generals, the Secretary of the Army, General Piatt, General -- they were reluctant. But was Chief Sund reluctant? Was Mayor Bowser reluctant?

A No, no.

Q Were others reluctant?

A No. Mayor Bowser, as she typically does, she requested District of Columbia National Guard. And during my time as the commanding general, we honored her request. Every single one. She requested D.C. guardsmen. She requested us for COVID. Whatever she asked us to do, we did. And I was able to write the mission analysis, and the Secretary of the Army approved it.

Q Okay. So you didn't sense any reluctance in her?

A None.

Q Okay.

A I mean, she was the -- she had the foresight to ask for the D.C. Guard. We got this big event. You know, we expect an August protest. We got hotels at capacity. We have buses coming into the city, I need the D.C. Guard.

[redacted]. Could I ask you to react to something she said, Mayor Bowser, on this point about whether there was a perception? Again, whether it's true or not, she says, quote, I had no issue with the Guard being on the fence in front of Lafayette Square.

But in terms of the Guard trying to move people from protests areas, no. The D.C. Guard, we did not call on the D.C. Guard to do that. We never called in the D.C. Guard to fly helicopters over the city. I think that the President used not just the National Guard, but he used guards from other places, the D.C. National Guard, other guards, other parts of the Army, other parts of our normal, regional infrastructure to make a national point.

And that was over the summer. And then in terms of whether that led to constraints that we're talking about, her position is, quote, I assumed that they wanted a tighter rein -- this is DOD -- on what the Guard did for that reason because they had been, I think, badly embarrassed by the events of the previous year.

[5:00 p.m.]

General Walker. Hmm. Yeah, I really can't comment on that, other than, talking to the Mayor, she never was able to discern -- she used to say, out-of-State -- what did she call it -- she used to say, foreign guard. She said, "I don't want these foreign guardsmen in my city." And I remember telling her and her staff, I said, "You can't have foreign guardsmen. They're not foreign. They're Americans."

The problem that the Mayor had, in talking to her, is that you could not distinguish some of the guardsmen outside of the D.C. Guard, because guardsmen came, I wanted to say, from 10 different States to support the summer.

And so, if you saw me on the left side and you saw a patch that I wear, or wore, you might think I was an Active Duty soldier, but it's really my service in Afghanistan. If you saw the right side, it was the District of Columbia Capital Guardian patch.

And what happened, she -- people saw these patches and said, this is the Active Duty Army. But there were other Federal law enforcement that had the military uniforms indistinguishable from the Guard. And I know that bothered the Mayor, because she didn't know who was in her city. And, you know, that was --

BY [redacted]:

Q But I think that's precisely what we're talking about. It's those incidents that even rose to the level of having Secretary Esper put out that there shouldn't be insignia that is transferred to law enforcement or to anyone else. That was passed in the NDAA as a rule that went out prior to January 6th, as you're aware of.

So I understand the D.C. National Guard was not found at fault for anything during the summer. But all these little data points of what occurred, did that inform what was happening at DOD?

A It could. It could. I understand what you're saying. And Dr. Esper was right, and they did work to -- it could've been confusing to people, who was doing what.

Q Right.

A But not for the D.C. Guard, because of the flags.

I guess it was leaked that the Army didn't want to -- that's where I heard about it. I mean, I didn't know until after the fact that the Army did not want to do even the Mayor's request. They didn't want anybody around that Capitol. And that's known only to them, why they didn't want us around the Capitol.

I mean, we went back and forth: Hey, nope, this is too close. Move that -- you're not going to support that traffic control point. You're not going to be at this Metro stop. It's too close to the Capitol. I don't want anybody in a military uniform close to the Capitol.

BY [redacted]:

Q And did they say why?

A They didn't like the way it looked.

Q Did they say why they didn't like the way it looked?

A Not to me.

Q Okay.

A We didn't like the way this looks.

Q And, again, was that because it was an election? Because it --

A Yeah, that was my conclusion, that it was a -- the U.S. military -- because, at the end of the day, the uniform says U.S. Army --

Q Exactly.

A -- U.S. Air Force.

Q Yes.

A So they didn't -- what I was told is that the military wasn't going to be seen as interfering.

Q With an election-related joint session of Congress where the election is being certified?

A Yes.

Q Okay. And so that was not just your speculation, but someone said that, that we don't want guardsmen near the Capitol --

A Uh-huh.

Q -- because it's election-related and the military has to stay --

A Yes.

Q Okay. All right. I appreciate that.

[redacted]. So I just have one final thing I wanted to ask you. I don't know if [redacted] has also?

[redacted]. I just had one thing.

[redacted]. Go ahead.

BY [redacted]:

Q In the two rallies before, the November 12th and December 14th, was the National Guard on standby for those events?

A No. I asked, should we be. I asked the Secretary, and he said no. I asked the Metropolitan Police, would they need us; they said no. I asked the Park Police; no. Capitol Police; no.

Q In a prior interview, Secretary McCarthy did believe that they were on standby.

A No. Standby, but not, you know -- I probably had people -- we always had people that I can pick up the phone and call. But there was nobody in the Armory.

There was nobody sitting in the Armory waiting to go.

Q Okay.

A I had people at the FBI headquarters, I had people at different places, but there was nobody ready to -- because I didn't have a request from anyone.

Q Got it. But, so that could still be perceived as standby?

A So the National Guard's always -- we are always -- if something were to happen now, there's a -- who can get here in 2 hours? Who can get here in 4 hours? Who can get here in 6? We always have that.

Q Got it. Okay.

BY [redacted]:

Q And before we conclude, I just wanted to ask, because I got you on the record about Lieutenant Colonel Hunter's estimate that the Guard could've arrived about an hour and a half earlier than they did, but I know you've publicly said that you believe that the earliest they could've gone -- you could've had them out there in 20 minutes, I think, is -- I've heard you say that before.

A Oh, from the Armory. Yeah, I --

Q Okay.

A -- could've had them from the Armory --

Q I see.

A -- in 20 minutes. I mean, in traffic, 20 minutes. I mean, the Armory's right down the street.

Q Okay.

A In 20 minutes.

Q So you agree, maybe, like, 3:40, 3:50, which is where you had it. Not earlier than that, you wouldn't say.

A Could've had some people there earlier.

Q Okay.

A We could've. We could've.

Q Okay.

A Yeah, I mean, I could've took everybody that was in the Armory and sent them down there --

Q Right.

A -- in about 20 minutes, yeah. The folks that were there. You know, any given day, there's anywhere between 75 -- usually 75 up to maybe 100 guardsmen in the Armory doing their normal duties. So I could've pulled all of them.

Q But does that timing include any of the, you know, designating a rally point, linking up with law enforcement, finding out who was the person that they were going to link up with, the law enforcement --

A Colonel Hunter already had that done.

Q Right.

A Yeah.

Q But he puts it at -- earliest for him, he thinks it's -- for any, you know, for these groups that he has, it's 3:40, 3:50. He didn't believe that there was another grouping that he could send earlier than that. That's the earliest that he could send them, is his estimation.

A I think we could've got people there earlier.

Q Okay.

A Yeah. I do. But I trust what Colonel Hunter was doing. I mean, he's a man of tremendous insight, vision. But I personally think we could've got people earlier, you know. We could've -- and when Chief Sund called me and when I called the Army

and the Army said "go," my plan then would've been to bring the guardsmen that were working in the Armory, "Hey, sign out the gear, get on the buses, get down there."

Q I see. And so you're really thinking from the moment that Chief Sund even makes the, you know --

A The call.

Q -- the call --

A And then the Secretary would've said, "Okay," then I just would've got everybody going.

Q Okay.

All right. Thank you so much.

A But I don't want to conflict with Hunter. I mean, he did a lot of tremendous work there. I mean, on his own, he left the traffic control point, went right to the Capitol, and started planning -- I mean, just what I'd expect him to do.

Q Great.

[redacted]. We thank you so much for coming back a second time and spending this time and even more time than we had allotted. We are so very appreciative.

General Walker. Well, you're very welcome. I mean, the truth matters. I mean, I hope this -- what you're doing is important. It's very, very important. I mean, you all have other jobs. I think I was told that, right? Didn't you come here to do -- aren't you --

[redacted]. We left them. We left our previous jobs.

[redacted]. We left those. This is our only job for now.

[redacted]. This is now our job, but yeah.

General Walker. Oh, okay. I don't know why I thought that --

[redacted]. Some of us will go back to them, because some of us are detailed out, but --

General Walker. Yeah, that's what I thought.

[redacted]. -- us both, no, we're not going to --

[redacted]. We're actually unemployed after this.

[redacted]. After this, yeah, we need to find jobs again, but --

General Walker. That's even more important.

[redacted]. You're right.

General Walker. I mean, that just shows the level of commitment.

Oh, you don't need all this on the --

[redacted]. We can go off the record.

[redacted]. Just for the record, the transcribed interview stands in recess, subject to the call of the chair.

Thank you.

[Whereupon, at 5:09 p.m., the interview was recessed, subject to the call of the chair.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

_____

Witness Name

_____

Date

SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: SEAN GALLAGHER

Tuesday, January 11, 2022

Washington, D.C.

The interview in the above matter was held via Webex, commencing at 2:30 p.m.

Present: Representatives Schiff, Lofgren, Aguilar, and Murphy.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Appearances:

For the SELECT COMMITTEE TO INVESTIGATE
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

[redacted] SENIOR INVESTIGATIVE COUNSEL
[redacted] INVESTIGATIVE COUNSEL
[redacted] INVESTIGATIVE COUNSEL
[redacted] PROFESSIONAL STAFF MEMBER
[redacted], CHIEF ADMINISTRATIVE OFFICER
[redacted], CO-HOST

For USCP:

THOMAS (TAD) DIBIASE

[redacted] We will go ahead and get started.

This is an interview of Assistant Chief of Police Sean Gallagher of the United States Capitol Police conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol pursuant to House Resolution 503.

Mr. Gallagher, could you please state your full name and spell your last name for the record, sir.

Chief Gallagher. Sure. Full name is Sean Gallagher. Last name is G-a-l-l-a-g-h-e-r.

[redacted] Thank you, sir.

I am in the virtual room today. I apologize for not being able to be there in person, [redacted] I thought it best to conduct that meeting from here.

At this point, I also see my colleague, [redacted] who is with the House Select Committee, on the call as well.

We may later be joined, sir, by some other folks either from the select committee professional staff or the members themselves. If that happens, I'll let you know and acknowledge that they're here.

I see that Congresswoman Lofgren is here.

Good afternoon, ma'am.

Ms. Lofgren. Hello. How are you?

[redacted] Good. Thank you, ma'am.

All right. So what I'll do is just go over some ground rules.

Again, I'm [redacted] and I'm the investigative counsel. I'll be conducting the majority of the questioning. Some of my other colleagues, as well as members of the

select committee, may also have questions as we move through this process.

There is an official court reporter transcribing the record for this transcribed interview. Please wait until each question is completed before anyone begins or responds. And we will wait -- we will try and wait until your response is complete before we ask our next question. The stenographer cannot record nonverbal responses such as shaking your head, so it is important that you answer each question with an audible, verbal response.

We ask that you provide complete answers based on your best recollection. If the question is not clear, please ask for clarification. If you do not know the answer, please simply say that you do not know. No need to speculate.

I would also like to remind you that it is unlawful to deliberately provide false information to Congress. I see that you have Tad with you today, and he will have the opportunity to review the transcript once we're done.

With that said, does anybody have any questions before we get started in earnest?

EXAMINATION

BY [redacted]

Q Okay. So, Assistant Chief Gallagher, what I'd like to do, kind of like we did last time, is lay out a roadmap of what are interview topics I'd like to cover. And I'd like to break them out into three or four categories.

The first is just going to be some background information related to you, sir. So there will be a professional background, where you're from, what you've done, your professional career.

I then want to talk about January 6th itself, and I want to talk about it in sort of two components. I want to talk about it from the perspective of what you were doing

specifically as an individual that day and sort of how that day played out for you, and then I want to sort of pivot and talk about how were the Capitol Police postured that day. What were sort of -- what went into the planning and thinking and preparations leading up to January 6, as well as in response to the actual riot themselves -- itself, rather.

And then, similar to like what we discussed the last time we met informally, conclude our conversation with going over some of the recommendations that have been made by the Office of Inspector General in their flash reports and getting a sense from you about where the department is on implementing those and sort of what its long-term strategic plan is for implementing those recommendations.

We won't cover all the recommendations. We'll cover the ones that are limited to most likely CERT, first responders, command and control. So I don't think that we need to necessarily cover all of them, but I think that's where we at least start that conversation.

So, with that said, any questions from you, sir, before we get started?

A No, no questions. Thank you.

Q All right. And I also acknowledge that my colleague, [redacted] has joined us as well.

All right, sir. Could you just start with giving us a little bit of background about what your current position is with the Capitol Police and how long you've held that position?

A Sure. My current position is the Acting Assistant Chief of Uniformed Operations, and I've held this position since I believe the middle of May. And prior to that, effective I believe it was January 8th, I became the Acting Assistant Chief for Protective and Intelligence Operations. So at some point in May, I transitioned over to having both Protective and Intelligence Operations and Uniformed Operations.

Then when Chief Manger came on, I -- and Chief Pittman went back to Protective and Intelligence Operations, I took Uniformed Operations.

Q Thank you, sir. And what -- can you briefly list your positions prior to when you were the Acting Assistant Chief for Intelligence?

A Sure. Do you want me to go all the way back to when I came on the department or --

Q That would be great. Yes, sir.

A Sure. I came on the department -- my first day was April 16th of 2001 -- as a new recruit. And once I graduated the academy, I was assigned to the Senate, midnight shifts in Uniformed Operations, Uniformed Services. I got promoted to the rank of sergeant in 2005, and I was assigned to the House division.

I worked the House division for about 2.5 years, and then I went over to Protective Services Bureau as an executive officer for maybe about 8 months. And then I was a sergeant in our Intelligence Operations section, which is our countersurveillance team, for about a year. I then got promoted to lieutenant in 2008, and I was assigned to our Investigations Division.

2010, I was promoted to captain, and I was assigned to our Dignitary Protection Division. 2014, I went over to the Capitol division in Uniformed Services Bureau as a captain there. And I was there until 2018, when I got promoted to inspector, and I came back to Dignitary Protection Division. I was there for about a year. Then I got promoted to deputy chief, and I was the bureau commander for Protective Services Bureau.

Q Thank you, sir. I appreciate that.

And I just want to acknowledge that Representative Murphy has joined us this afternoon.

Good afternoon, ma'am.

Chief Gallagher, can you tell me a little bit about what are the responsibilities of your current position?

A Sure. My current position is all of our uniformed operations. So I am in charge of our Uniformed Services Bureau. I'm also in charge of our Command and Coordination Bureau. And I'm also in charge of our Operational Services Bureau. So those three bureaus I have.

Q And could you just give us a brief outline of what each of those bureaus do?

A Sure. Uniformed Services is all of our uniformed officers that work the four main divisions that we have in uniform, which is the Library of Congress, the House division, the Capitol division, and the Senate division.

Operational Services Bureau is our Special Operations Division, all of our K-9, all of our HIRD, which is our Hazardous Incident Response Division. That's our bomb techs and our hazmat technicians, and also our CERT, which is our Containment and Emergency Response Team, which is our version of our SWAT team.

And then our Command and Coordination Bureau, that's our command center, our continuity working group, our special events section, as well as our communications division.

Q Thank you, sir.

And for January 6th, which position were you in? Were you in the act -- the Assistant Chief of Police for Uniformed Operations or were you in the Acting Assistant Chief for Intelligence Operations?

A I was in neither of those positions. On January 6th, I was the deputy chief in charge of our Protective Services Bureau.

Q Okay. I appreciate that. And so tell me about what your responsibilities

were during that time period.

A Sure. Protective Services Bureau is our Dignitary Protection Division, our Investigations Division, and our Intelligence and Information Coordination Division, IICD.

Q And, again, briefly what do each one of those sections do?

A Of course. So Dignitary Protection Division is all of our plainclothes agents who provide the personal protection for the congressional leadership or any threat-driven details, as well as provide the protection of any tasks, retreats, or congressional events outside of the NCR or off the Capitol Hill campus.

Investigations Division is our threat assessment section. It also our criminal investigations and our intelligence operations section.

And then IICD is our intelligence analysis section.

Q I appreciate that, sir.

So now that we've gotten the background out of the way, let's segue first to what you -- how January 6th played out specifically for you that day. So if we could, walk us through sort of how your day started on January 6th.

A Sure. My day started -- as I mentioned, I was in charge of our Protective Services Bureau. So my day started early in the morning. We did a Protective Services Bureau briefing for all of our officials. And I call Protective Services Bureau PSB.

And then after that, I came up, and I was in the Capitol Police Command Center for the majority of the day on January 6th.

Q And so you mentioned that there was a -- you gave a briefing. Can you tell us what that briefing was about and who the audience was?

A Sure. The audience was all the officials in Protective Services Bureau. So it was all of the sergeants, lieutenants, captains, inspectors, as well as our assistant director and director of IICD. And what that was is going over the game plan for the day

of January 6th and just communicate what we were doing, where our teams were assigned, and stuff like that.

Q And you mentioned that IICD was a part of the audience for that particular briefing. What is IICD?

A That is where our intelligence analysis analysts are. Jack Donohue was the Director of Intelligence and Julie Farnam was the Assistant Director of Intelligence on that day, and then the rest of IICD was our civilian analysts.

Q And it sounds like, if I'm understanding you correctly, the briefing was about how the -- how the day was planned to play out. Do I have that right?

A The briefing was basically like a roll call. Here's -- here's what we're doing. Here's what DPD's doing. Here's what IICD is doing. Here's what Investigations Divisions is doing.

Q Okay. And what, if anything, sir, informed that discussion? In other words, was there any threat information, intelligence information, bulletins, products? What, if anything, sort of informed that roll call discussion?

A So I spoke to the general nature of what PSB was doing for the day. Jack and Julie each had a speaking role where they spoke to what information that they were privy to. Our inspector, Kim Schneider, of our Dignitary Protection Division, spoke to what DPD was doing. And then our inspector of Investigations Division, Jeanita Mitchell, spoke as well. I believe it was the evening prior, Chief Sund had asked for all bureau commanders to address their teams at roll calls, so we scheduled the briefing for [inaudible].

Q And you may have mentioned this earlier, and I might have missed it, sir. About what time of day did this roll call meeting happen?

A I don't have that off the top of my head. I would -- I would say it was either

probably around 9 a.m. --

Q Okay.

A -- at the latest maybe 10 a.m.

Q So in the morning, basically?

A In the morning, yes, sir.

Q Okay. Okay. And Jack -- with specific reference to Jack Donohue and Ms. Farnam's role from the intelligence side, did they provide any intelligence or threat information to you all, to that body during that meeting? And if so, do you recall what that was?

A I don't recall the exact verbiage that any of us used. It's been so long. But I do know that Jack spoke to the assessment, the final assessment, January 3rd, and just reiterated that it was sent out. Everyone should have reviewed it. And then he spoke a little bit more about what was in that assessment. I can't remember specifics this far.

Q No. And I appreciate that. And I apologize if I gave you the impression that I was looking for specifics. I was just looking more for a general sense of what was discussed. So I apologize for any confusion.

And so you started off -- I'm sorry. Do you have something else you wanted to add, sir?

A No. I was going to say there's -- every bureau -- well, I'll speak from what I know in PSB. We put some additional enhancement in play -- enhancements in place, operational, for January 6th. And I know I went over what those enhancements were. For instance, some of the enhancements we did within our Dignitary Protection Division, some of the additional postings that we put in place for agents, some of the additional tasks that we put on Investigations Division for that day.

So that was kind of the majority of what I was speaking to on that conference call

that morning.

Q Appreciate that, sir.

And your decision to augment your posture the way you did, what informed that?

A The final assessment, as well as just the heightened environment that we were in. And we put those enhancements in place, I believe, on January 3rd or January 4th. I can't remember the specific date that we pushed it out. But we had put those enhancements in place for the entire week, not just January 6th. So we started our enhanced operations I believe it was Sunday, January 3rd, which was the swearing-in date for the new Members of the Congress. And we had enhanced our operations for the entire week, so Sunday through Saturday.

Q I appreciate that, sir.

And I want to come back to those specific augmentations that you did for your section, as well as others. But before that, I kind of want to just march through a little bit more with more specificity sort of what you did that day.

So you said you started off at roll call. You finished that roll call briefing. And then you went to the command center? Do I have that right, sir?

A Yes, that's correct. As far as -- as far as I can remember back, after we did the conference call, I know I did the briefing from my office in Protective Services Bureau. And then at some point that morning, I was up in the command center, and I was up there pretty much throughout the entire events of the 6th into late in the evening.

And up there, we were providing information to -- it was all the senior commanders of the Capitol Police that were up there. So Chief Sund, Chief Thomas, Chief Pittman, myself. A couple of my commanders within Protective Services Bureau were up there as well, in addition to the routine command center staffing.

Q Yes, sir. I appreciate that.

So when you went to the command center, was that something that you had already planned to do that day, or was it in response to what was beginning to unfold on January 6th?

A So that has kind of been routine for the deputy chiefs in Protective Services Bureau, as well as both assistant chiefs and the chiefs, to be in the command center for any type of large event. So it wasn't specific just because it was the 6th. I was up there on the 3rd for the swearing in and for previous, the MAGA marches in November and December as well.

Q Thank you, sir.

So you said that your briefing, your roll call was around 9 or 10 o'clock. Was it -- did you arrive at the command center -- was it still in the morning? Do you recall? Was it -- had it moved to afternoon by then? I'm just trying to get a sense of timing.

A Yeah. I would say I was up there at some point in the morning.

Q Okay.

A It wouldn't have been too long after the briefing that we held.

Q And sort of describe for me, when you first got there, sort of what was the sense? What was the battle rhythm, if any? And what I'm leading to is sort of when and if and how that changed during the course of the morning. But when you first arrived, sir, what was your sense of the battle rhythm for the day?

A So when I first arrived in the command center, it was kind of similar to any of the other events that we did. Chief Sund was in there, Chief Pittman, Chief Thomas. Had Inspector Schneider was up there, Dignitary Protection Division commander. I had a sergeant that works directly for me. Sergeant Larry Cook was up there, as well as all of our command center staffing. I believe we had reps from our general counsel and stuff up there.

And as the morning was unfolding, it was just, you know, there's certain seats where all the commanders sit. There was people discussing, sharing information, talking about, you know, what was going on and stuff like that.

Then obviously, when things escalated around the Capitol, it took a much more, I don't want to say serious tone, because our command center is always serious, but it just -- it took a much more in-depth look at what we were doing as an agency.

Q Sure. The mood obviously changed to something more serious?

A Definitely.

Q Okay. And do you recall around when that was or -- and/or what sort of -- what was your first indication that things were different and things were changing?

A I would say the -- when we had on the cameras, when the group came from The Ellipse and started marching to the Capitol, once they got on Capitol Grounds right on the west side and they started to push the bike rack over and shove a couple of our officers. And I don't have our detailed timeline, but I believe it was right after the group got to the west front that we started dealing with the suspicious packages.

So we had a suspicious package early that morning before the large group got to the Capitol, and that was over at the Supreme Court that we were working. And we had cleared that package.

And then simultaneously at some point -- and, again, I don't have the specific times -- but we started working the suspicious package over at the RNC first where our teams identified the pipe bomb.

And then a little bit later, one of my countersurveillance teams that was doing enhanced sweeps around the DNC found a pipe bomb at the DNC as well.

Q I appreciate that.

Before we continue, I just want to acknowledge that my colleague, [redacted] has also

joined us. And he'll also be asking some questions later on related to the intelligence piece and when we get to that part of the story.

So things start to get more serious. You start noticing the people coming from The Ellipse. They're pushing over the bike rack.

You mentioned early in our conversation that you had already put some sort of protective measures into place. What, if anything, specific to PPD did you do as you saw this situation unfolding?

A You're talking specific as I was in the command center or are you talking the enhancements we put in place?

Q Well, let's start with the command center and then move to the enhancements that you put in place.

A Sure. With DPD, there was no additional enhancements that we could have put in place, if that make sense, as things were escalating, because we had already deployed pretty much everything that we had for DPD. We plussed up all of our details, which is adding additional agents to increase the protective model that we were deploying that day -- or that week, I should say. So we added additional agents to all of the DPD details.

As -- one specific thing that I know that benefited DPD that I put in place is as the crowds, as the rioters were on the west front and then you started to see the swelling on the east front, probably about 10 minutes before the east front bike racks were breached, I had made the call to move all of our DPD, we call them limos, which is the leadership limo that each of our leaders are in. So they're staged on the east front plaza right up against the east front of the building. So we had made the -- I had made that decision to move those limos off the plaza and get them over into a secure garage where we'd be able to do evac with our emergency limos, if need be.

In addition to that, I was -- I mentioned Inspector Schneider was up there. I was in frequent communication with her. Lieutenant Mike McCullough, one of our lieutenants assigned to DPD, was up in the command center, and Sergeant Larry Cook. So we were in constant communication between me to Inspector Schneider and Lieutenant McCullough and then to all the details, trying to keep them informed of what was going on.

Q Thank you, sir.

So with respect to what you've just discussed, going back to sort of the sense in the command center as the situation is growing more and more serious, what was your sense of how Capitol Police was postured? I guess what I'm really asking is: Is this something that you all expected and anticipated? Is it something that caught you off guard? Sort of walk me through sort of how you all viewed the situation as it was unfolding.

A So we anticipated a very large crowd and we anticipated members of that crowd to be armed. We did anticipate some skirmishes between the demonstrate -- the left-leaning groups and counter-protestors, as well as skirmishes between the groups and law enforcement.

The amount of violence that immediately took place when that crowd of 30,000, 35,000, whatever the number that was estimated to come was, that did catch, I think, caught Capitol Police and all of our partners a little off guard with how violent they were and how quick they were.

And so I don't want to say we anticipated that type of a violent confrontation. We did anticipate protestors and rioter -- I should say protestors being armed. We anticipated some skirmishes and battles between police and law enforcement but not along that, what we -- what played out, nothing along that type of violence.

Q And with specific reference to the crowd itself, at that time or previously, was there any expectation that folks might actually breach the Capitol, might actually come into the building? Is that something that you or the Capitol Police as an organization had considered as a possibility, or is that something that struck you something that was likely not to happen?

A So I would say we knew the groups were coming to the Capitol. Them violently breaking into the Capitol wasn't something that I'm aware that was, you know, discussed or something that was anticipated, I should say.

We knew the crowds. We knew that the rhetoric at The Ellipse was increasing. What I mean by that, just the intensity of the President's remarks at The Ellipse. And we knew there was, you know, Proud Boys. We knew there were groups down there wearing vests and helmets and stuff of that nature.

Q Appreciate that, sir.

So I just want to pull on that thread just a little bit, because I've asked a number of Capitol Police representatives this question. And I'm asking it, in part, because, you know, being outside the Capitol Police as an organization, I'm trying to understand it but thinking inside.

But given sort of the size of the crowd and the rhetoric and what you saw developing, why is it that you all thought that they wouldn't actually come into the building? Is it because no one had ever come into the building before? I'm just curious.

A I think that's -- you know, in hindsight, you know, looking at it, obviously it gives you a different vantage point. I think we anticipated, you know, a confrontation, if you will, a back and forth at our perimeter, at our bike racks and stuff of that nature. I don't believe that anybody was really intent on this group is going to be smashing

windows, kicking through windows and climbing in and opening doors from the inside and stuff of that nature.

Mr. DiBiase. Can I just clarify one thing, [redacted]? I just want to make sure.

[redacted] Yes, sir.

Mr. DiBiase. Are you focusing on what we thought that day as it was unfolding on before January 6th? Because I just want to make sure Chief Gallagher differentiates between those. And I wasn't sure if your question was really focused on, as you're watching this unfold, what did you think? Or were you more referring to before January 6th?

[redacted] Yes, sir. And I appreciate that. And actually now that you raise it, I think -- I think both.

So to answer you directly, my question was specific to January 6th that day.

BY [redacted]

Q But I would also be interested to know, again, just trying to understand the mindset of the Capitol Police as an organization pre-January 6th, sort of what your thoughts were about people actually breaking windows and sort of coming into the Capitol.

A Sure. So I'll take it on the two fronts.

And thank you, Tad.

Pre-January 6, we were not thinking this group was going to be kicking in windows and smashing and being as violent as they were. We were focused on a lot of protestors being armed, a lot of social media chatter, if you will, about being armed. We knew there were some incidents at previous demonstrations with arrests by Metropolitan Police for individuals being armed. And we knew there would be some confrontations between them and law enforcement as a whole, whether it was MPD, Capitol Police, Park

Police.

On January 6th, as these events, as they got to the Capitol and they immediately became violent down on I believe it was First Street where our perimeter was and then they pushed up into the west front by the inaugural staffing and platform and of that nature, that's when it took a different tenor, if you will, in the command center where we started to -- I believe it was Chief Pittman initiated a lockdown on the Capitol Building and took those type of steps once we saw how violent it was.

Q Thank you, sir.

[redacted] And I just want to take a moment to acknowledge that Representative Aguilar has joined us.

Good afternoon, sir.

Mr. Aguilar. Afternoon.

BY [redacted]

Q Thanks, Chief.

So let's go back to the command center. The situation is devolving. Things are moving about. How long were you actually in the command center itself? You said you got there sometime in the late morning. How long would you anticipate you were there?

A I was there for quite a few hours, probably until the Capitol Building was cleared that evening.

Q Okay. And I note you have already discussed whether -- what things you were doing with respect to DPD. Did -- did -- was there any other actions that you took in support of other parts of the Capitol Police? And if so, what were they -- what were those?

A So, yes, there's quite a few. As the events unfolded, you know, before the

crowd got there, like I mentioned, everyone had their specific area of responsibility. I had -- was briefing Chief Pittman, Chief Thomas, primarily, leading up to the crowd getting in the Capitol and then as they got there.

When we started having the suspicious package at the Supreme Court and definitely the two pipe bombs that we responded to, I started trying to coordinate our countersurveillance response to the command post and to additional sweeps.

So when we had the first pipe bomb at the RNC that our teams found, as they were mitigating that, I had directed one of our Investigations Division commanders to go to the command post there and then for countersurveillance to sweep, do a foundation check, if you will, of the DNC. And those -- the countersurveillance team is the one that found the second pipe bomb over at the DNC. So we were coordinating the investigative aspects of that.

In the timeframe of those two pipe bombs, we also had a suspicious vehicle parked right outside the RNC that had Molotov cocktails in it and other -- and weapons and stuff of that nature.

So it started to really unfold into a investigative -- heavy on the investigation of let's pull up the cameras. Let's try to get an imagine of the pipe bombs. Let's get the images to our law enforcement partners. Let's try to play back the cameras and see if we can identify anybody that placed these pipe bombs. Let's get the owner of the vehicle, run the vehicle information for that suspicious vehicle. So we were coordinating all of that type of response that was from our Investigations Division.

We also had our IICD team trying to run down as much information, working with our Investigations Division as they could, on the suspicious vehicle, the tags of the vehicle, stuff of that nature.

As the violence occurred at the Capitol and Chief Pittman had put the Capitol in a

lockdown, then I was primarily focused on the protection of our congressional leadership, dignitary protection. So I was communicating. Inspector Schneider was standing right beside me. Had Sergeant Cook and Lieutenant McCullough. We were making those decisions to move the leadership limos off the plaza so we'd be able to evacuate, if need be, from the secure garages to offsite locations.

As the Capitol became under siege, if you will, where the protestors -- where the rioters, I should say, got up against the skin of the building on the west front and they breached our police line on the east front, then it started -- I started taking a more active role, which was outside of Protective Services Bureau, in trying to coordinate the continuity piece.

Continuity Working Group falls under our Command and Coordination Bureau. That was led by an inspector at the time on January 6th. So I started trying to -- everyone had their hands full. So I started trying to make sure that we had some assets in place in order to move the Members of Congress, once we evacuated them from the Capitol, to their respective locations on the House and the Senate office buildings, and get the assets that were not stood up ahead of time for January 6th, get those assets to Capitol Grounds, get them to their respective locations.

I sent the sergeant that was up there that was working for me, Larry Cook, over to help with coordinating extraction teams using some of our other Dignitary Protection agents to go to specific locations where the command center were starting to track where Members were still sheltered in place in their respective offices or wherever they were, trying to coordinate extraction teams to be able to find those Members and move them to safety.

I had also started sending some additional assets to meet some of the local and Federal agencies that were coming up to support us, primarily the FBI, to meet them at

certain locations and bring them in so we could further fortify where the Members of Congress were moved to in the Hart building and the Longworth building as well.

So all of that was, you know, playing out pretty fast and stuff like that. We all kind of put on some different hats that day to try to make sure. You know, we were trying to put the plan in place once it was unfolding that quickly in that type of a critical incident to be able to provide those Members with that protection and fortify the locations that we were moving them to.

Q Thank you, sir.

I understand that former Vice President Pence was on the Capitol Grounds, and he was being assisted in his protective detail by people from Dignitary Protective Division. Tell me what, if anything, you know about that.

A So anytime that the Vice President or the President comes to the Capitol, we assign a supervisor and agents from our Dignitary Protection Division to almost be liaisons with the Secret Service. So they meet them at the drop location. They do the walkthroughs ahead of time. They meet them at the drop location, and then they stay with them from arrival through departure.

So we did have a lieutenant and an agent from our Dignitary Protection Division that was assigned to Vice President Pence for the day when he was at the Capitol, and they stayed with him I believe until we got him to a secure location where he kind of stayed at that secure location for a while. So our team stayed with him there until a decision was made to bring him back.

Q Thank you, sir.

And were your teams that were assigned to former Vice President Pence's protective detail, were they in communication with you about what they were doing as it was unfolding, or is it something that you sort of got reports on after it was completed?

A So I was not in direct communication with the lieutenant or the agent that were assigned to Vice President Pence. I did know, from being in the command center, where he was moved to and that we had a dignitary with him at that location, but I was not in constant communication with that team.

Q Thank you, sir.

So it sounds like everyone's very busy. And you said that you sort of concluded your time in the command center when the Capitol Building -- Capitol Grounds, rather, were secured. Do you recall around what time of the evening that might have been, just best guess?

A Best guess, it was late in the evening. I don't have the time off the top of my head. I want to say it was probably somewhere around 8, 9 p.m.

Q Okay.

A I can't remember off the top of my head when we cleared it. When I was up in the command center, I had sent Inspector Jason Bell over to the Capitol to try to stand up incident command for our building sweeps to make sure the building was clear, to make sure it was swept, and have a coordinated effort with some of the assisting law enforcement agencies of clearing the Capitol so that we could bring the Congress back over. So I would say that was somewhere probably 8, 9 p.m.

Q Okay. I appreciate that, sir.

And then what, if anything, did you do after you left the command center?

A So after I left the command center, I had -- at some point, I just was in conversation -- I was in constant conversation, I should say, all day with Chief Pittman.

When I left the command center, I went back down to Protective Services Bureau, where I met with my leadership team in Protective Services Bureau, which would be Inspector Schneider, Jack Donohue, and Inspector Mitchell, to try to talk about what our

continued operations would be with 24/7 for the foreseeable future, give accountability, where are all our agents, is everybody accounted for, is everybody safe, did we check in with everybody, and stuff of that nature.

I probably came back up to the command center a little while later. Met with Chief Pittman a little bit to talk about, you know, where we're going. I don't remember at what time, you know. It was well after midnight that we, I think, went and got a change of clothes and came right back.

Q Understood, sir.

And with respect to the meeting that you had with your leadership when you first left the command center, was everyone okay? Was everyone accounted for? Was there anything unusual that had happened with anyone on your team or any of your assets?

A No, I wouldn't say anything unusual. Everyone was accounted for. Everybody was okay. Inspector Schneider was able to go through kind of what Dignitary was doing, where the leaders were, where all the leadership were. We also had a threat detail that we stood up before New Year's that we were running. In addition to the regular congressional leadership, we have a threat detail. So we were checking on that.

Investigations was talking about countersurveillance. We started talking about setting up a -- transitioning over to the investigative actions that we were taking with the FBI as far as the evidence, the ERT teams that were coming up to assist us from the FBI. And then starting to talk about an investigative war room that we stood up on January 7th down in the first floor of our Capitol Police headquarters in our interagency conference room, where we were starting to talk about preserving evidence, the investigative responsibilities, attempting to get a multiple agency coordination effort to attempt to identify those rioters that were in there.

[redacted] Thank you, sir.

So I think I'm done with my questions about what you were doing specifically.

Before I change topics, I'll just ask if any representative or anyone else on the team has any questions about that specific topic before we move on to the broader question set about the overall posture of the Capitol Police.

BY [redacted]

Q Okay. Hearing none, so, Chief Gallagher, let's now shift our focus from you as an individual to the organization as a whole. And here is probably a logical spot where [redacted] and I will share some of the questioning, because I think what he's going to speak with you about with reference to the intelligence sort of fits organically into this part of the discussion.

But I guess I want to first start with: What preparations, if any, were you involved in or were you aware the department were involved in pre-January 6th? Who were they with? You know, sort of what -- I want to sort of talk about who the interagency partners were, like, what meetings, if any, they were -- you all were holding, that sort of stuff.

A Sure. And just so I'm on base with the questioning, you're looking for what was I involved in with our --

Q Sure. You specifically, sir, or if you have knowledge of any involvement of the department in any sort of preparations for January 6th prior to the 6th, that would be helpful as well.

A Absolutely. So leading up to the 6th, the -- I'll talk about the assessments. So the department had completed four intelligence assessments, the first for the 6th. Obviously, we did one for the MAGA march in November, one for the MAGA march in December.

But our first assessment was on December 16th. And that was Jack and Julie, our IICD team, drafts the assessment. And that was distributed out to the chiefs, the two assistant chiefs, and the operational deputy chiefs. So I believe we had three at the time.

Then we did a follow-on assessment. I believe the second one was December 30th, off the top of my head. And that one was a little bit more widely disseminated. It was sent to our assistant -- our chief, our assistant chiefs, the deputy chiefs, inspectors, and captains.

Then we had the final assessment, which is obviously the one that came out on the 3rd, which was a much larger distribution.

As far as those assessments, the final one, we ended up -- and this is the first time that we did it. We ended up sharing that with all of our sworn supervisors at the time. So went out on a distribution to all sworn supervisors.

We did -- the first time we've done this for any of the events, we set up a operational commander's conference call. And we did one on December 31st, the day after that December 30th assessment was sent out. And then we also did one on January 4th, the day after the final assessment had gotten sent out.

And that was a opportunity that I felt was -- a good opportunity, I should say, that I felt we were trying to put in place where Jack and Julie -- it was primarily Jack did most of the briefing -- would be able to brief to the assessment, expand a little bit upon his, what was done with the assessment, and have all operational commanders, the assistant chiefs, the deputy chiefs, inspectors throughout the department and operational captains, on those conference calls, so Jack could kind of synthesize the assessment and allow for questions from the operational commanders.

There were -- in addition to that, there were numerous, you know, conversations

and meetings and verbal meetings and stuff like that, that we had between myself, Chief Pittman, Chief Thomas, Chief Sund leading up to the 6th. So that was kind of the coordination piece.

There was also some external coordination. Metropolitan Police had set up a coordination call where they went over some of the different information. There's I believe representatives from almost every agency -- FBI, Park Police, Secret Service, and so on -- was on those coordination calls.

So that was kind of the coordination, if you will, leading up to the 6th.

Q Thank you, sir.

Let's focus on those interagency coordination meetings, if we can, for a minute. Were you -- let me ask it this way. My understanding is that there were a lot of Federal partners sort of meeting regularly prior to the 6th -- FBI, Secret Service, National Guard. Were Capitol Police part of those discussions, and were you personally part of any of those meetings?

A So I'm not sure which meeting you're alluding to. I was on a few of the Metropolitan Police calls that they set up and organized. I was not, to my knowledge -- you know, I know we're a year out. But to my knowledge, I wasn't on any other meeting that FBI or National Guard or DHS or any of them had. I know Jack and Julie were talking frequently with their counterparts, but I don't believe I was part of any National Guard or FBI meeting.

Q Appreciate that, sir.

Can you tell me, to the best of your recollection, what the meetings with MPD were about?

A So those meetings that went through, it was kind of a roundtable. So MPD would lead it off. They would talk about what they had as far as a group, anticipated

numbers, primary process. Then Park Police would talk. Jack or Julie would speak to what we had on our side. And it was just kind of a roundtable, if you will, just everyone kind of voicing what they had.

Q Understood, sir. And in that roundtable discussion, was there a sharing of sort of what everyone thought the threat landscape was going to look like on January 6th? Were people sort of sharing their perspective about what they thought the situation was looking like?

A Somewhat, yes. You know, some of the social media chatter was discussed on those calls. There was an emphasis on numbers, approximate attendees, stuff of that nature. They talked about hotel reservations, bus reservations, and stuff of that nature. There was somewhat sharing of information, if you will.

Q Appreciate that, sir.

And earlier, you mentioned that Jack and Julie participated in some interagency discussions. And they also -- you also mentioned the assessments, which I think [redacted] going to talk to you about in a second.

But I guess what I want to ask more generally: From your vantage point, was there anything that other folks in that conversation had by way of threat information that the Capitol Police didn't? Or maybe another way of asking it was: Did you feel like you all had the same information or was there things that were new that other people had that the Capitol Police didn't have, in terms of threat information?

A So I would say the -- it's tough to go back. Like, I don't have a write-out of what we all -- what was on each of those briefings. But I would say it was more geared to sharing information about permits, routes, approximate numbers. I wouldn't classify that as like an intelligence call, if you will. I don't believe some of our Federal partners spoke to any type of, like, intelligence. It was mainly a Park Police, Metropolitan Police,

Capitol Police talking about numbers, permits, locations of those permits, and things of that nature.

Q I see. So the calls that you were involved in with Metropolitan Police, Park Police, and you all were more about the logistics of the permitting process and numbers vice threat information and, you know, bad actors and that sort of thing. Do I have that right?

A That's correct, yes. For instance, our special events section is usually on these calls. And we continue with these calls even now. And that's kind of where, you know, all that logistical information and stuff was being shared.

Q Understood. So how early did you first start participating in these calls? I know it was sometime prior to January 6th. And, again, I know it was a while ago, So your best guess is fine. But did you all start these conversations like mid-December, late December, early January? I'm just sort of trying to get a sense of when you all started.

A So I believe -- and, again, I don't have the specifics with me --

Q Yes, sir.

A -- right now. We did a coordination call prior to the MAGA march in November, MAGA 1. We did another coordination call prior to the December 12th, which was billed MAGA 2. And then I want to say there was probably a call prior to the holidays. And then there was, I believe, the last one was January 4th, if I'm not mistaken.

Q Okay. And those, all three of those calls, the MAGA 1, MAGA 2, and the one in January, were they all of the same variety where it was more of the logistical sharing of information that you previously described?

A To my knowledge, yes.

[redacted] Okay. Okay. Let me stop here, because I think before I get into

my next set of questions about sort of posturing, this might be a natural segue for my colleague, [redacted] to chime in with questions I think specifically related to IICD.

So, [redacted] if that's okay with you, I'll turn it over to you. And then when you're done, I'll sort of continue on.

[redacted] All right. That's perfect. Thanks, [redacted]

BY [redacted]

Q For the record, my name is [redacted] I'm an investigative counsel with the select committee.

It's a pleasure to see you again, Chief Gallagher.

A Thank you, [redacted] You too.

Q So were you Deputy Chief of Protective Services Bureau at the time of January 6th? Is that -- was that your title?

A Yes.

Q Okay. Can you just describe for us the role you served in relation to the Intelligence and Interagency Coordination Division, which we'll be referring to as IICD?

A Yes. So IICD is one of the divisions within Protective Services Bureau.

Q And as deputy chief, like, what were your responsibilities in terms of how you interacted with IICD?

A Sure. So IICD was led by Jack Donohue, who was the new hire. I believe Jack started in maybe late October. Jack was our director. And I supervised Jack, as well as our Dignitary Protection Division commander and our Investigations Division commander.

Q Okay. So as you alluded to, only a few months before January 6th, a new director, Jack Donohue, and Assistant Director Julie Farnam were hired. How would you characterize the reputation of IICD before their hire?

A So our IICD, in my opinion, needed vast improvements. We knew that -- we knew that we wanted to expand upon what -- we knew we wanted to expand our intelligence capabilities for the department. And that was widely shared and widely known and widely supported, if you will, between the Police Board, Chief Sund, Chief Pittman.

IICD, prior to Jack and Julie coming on, was more -- it needed to improve in training. It needed to improve in products. We were trying to -- we did a nationwide search to bring a skilled intelligence professional on board, which we sought out, and Jack, who I believe had 30 years law enforcement experience with NYPD and was their Assistant Chief of Intelligence up there at NYPD for a number of years, and start transitioning more to a more active role, if you will, with our intelligence capabilities and what we're able to provide in order to support the growing threats that we had towards Members of Congress.

Q In the hiring of Mr. Donohue and Ms. Farnam, were there any expectations in hiring new leadership for IICD in terms of those goals or objectives in mind in revamping IICD? Was it merely to replace the retiring outgoing director? Or in your mind, were those hires, in part, to fix the problems that you just mentioned about the division?

A Yeah, I would say those hires were meant to address some of the -- where we wanted our IICD to go. Regardless -- Jack and Julie both came on, I believe, before the outgoing director left. And I believe it was our intention to hire Jack or Julie, regardless if the current individual that was leaving IICD decided to retire or not. We knew his plans were to retire, and that's why we did that nationwide search to bring on Jack.

[3:29 p.m.]

BY [redacted]:

Q All right. At that point, how would you characterize whether IICD had a seat at the operational table? So were they a part of those meetings? Were they listened to in terms of making choices about operations?

A So I would say, prior to bringing Jack and Julie on, IICD would produce assessments, and they would get electronically sent out.

I don't remember a time where in, as I mentioned to [redacted] the -- this -- I believe it was the December 30th assessment was the first time, in my knowledge, that we had an operational conference call for all of our commanders where we put IICD's leadership on that call specifically to address intelligence and the assessments and such. Previously, before that, it was just disseminated electronically.

Q Okay. And so I guess my question is, before January 6th, how was intelligence shared with leadership? It sounds as though that maybe there was a shift, that you were mentioned.

A Yes, we were definitely trying to make the shift. Prior to January 6th -- I would say prior to any of our assessments before January 6th, the assessments that would come out of IICD were sent routinely to the deputy chiefs, the assistant chiefs, and the chief. And the expectation would be that every deputy chief would share that with his or her team, his or her leadership team, and that it would be briefed at roll calls by sergeants of that nature.

Once we -- around December 30th, when I sent out the operational calls for the commanders, the last assessment that we actually disseminated to every sworn official in the department in an attempt to get it more widely out there. We were still limited in

the -- you know, when I say limited, we still relied upon sergeants to brief officers because there was no cell phones or anything of that nature before January 6th.

Q So outside of those two calls, conference calls December 30th, which was the first of your knowledge to happen with intelligence on the operations or leadership side, and January 4th, Ms. Farnam indicated that intelligence would be shared with the leadership, essentially through you.

As a deputy chief of the Protective Services Bureau, you mentioned that it would go through certain deputy chiefs and on down.

Would you agree with that assessment, that you were in essence the funnel by which intelligence, outside of these two calls, would get over to either leadership or to the operations side of the department?

A Before -- and you're saying this is before we -- the December 30th and up?

Q I would say outside of December 30th and January 4th, outside of those two calls, it would in essence -- they would rely on you to get that information over.

A Yeah, for the most part. We also started having either Jack or Julie come up to the command center for large events. So MAGA One, MAGA Two. They had a seat in our command center in order to be able to be right there and be able to share anything on the end date as well.

Q Okay. How did you conceive of IICD's role at this point? Was it an intelligence-gathering operation? An intelligence-sharing operation? Merely an intelligence consuming operation? Neither? All three? What did you see from it as its main objective or goal?

A Going into January 6th or going into --

Q Yes.

A So I would say they were heavy on intelligence consumer role. We, for U.S.

Capitol Police, we don't have any type of sources or informants and stuff, so we're heavily reliant upon some of our IC partners.

And then I would also say that they had a role in drafting of the intelligence assessment, that product that was drafted. I believe we did three or four assessments. All came out of IICD, analysts Jack, Julie reviewing them and pushing those out.

Q And is that how you conceived of it, in essence, that's descriptive of how it was? Was that fine with you? Or did you believe or envision, you or others in the department, in having a greater function or a larger role than that?

A Oh, absolutely. Before the 6th we were in discussions about how to expand IICD, how to leverage some of our Federal partnerships with the intelligence community, ODNI, how to put liaisons in different areas to better share, collect, and have access to information from partnering agencies. So I would say we definitely were talking.

Before the 6th, I had talked to Jack and Julie about a more aggressive posture, a training plan for the analysts, anticipatory intelligence, how to further expand partnerships.

So we definitely -- and that was part of the push to bring Jack and Julie on. Originally, it was just Jack, and then we wanted to expand the capability, so we brought both of them on to be able to move intelligence further.

Q Oh, did you finish your sentence, sir?

A Yes.

Q Oh, okay. And knowing that that, you know, from the hiring to January 6th is about, you know, 72 days, did you feel that you had reached that sort of robust vision of what IICD could be by the time we hit January 6th, or were you still short of that hope, that expectation of trying to make it more aggressive, make it more robust?

A Yeah, I would say the goal of making it more aggressive, more robust included additional training, bringing on additional analysts, bringing on additional supervisors between the analysts and Jack and Julie, reorganizing the divisions within IICD.

So I would say we envisioned this as probably, I think it would be safe to say, a multiyear approach to redefining what IICD was.

Q And being in that state, you know, seeking to improve but not -- you know, it's 2 months into that process, would you say that that had an impact on the preparation for January 6th from an intelligence perspective?

A I would say I think it helped because we had, prior to January 6th, we had brought Jack and Julie to meet some of the intelligence partners in the NCR -- Secret Service, FBI, and those -- and tried to further the relationships and let them know, here is our team, so you guys can communicate directly to them.

The change that we were trying to make with IICD was communicated to IICD, to the analysts. They knew I was up front that we were doing the hiring process. I had a few meetings with them to talk about, once we brought Jack and Julie on, why we brought on them, what we were looking to do with expanding training, and expanding some liaison roles, and stuff of that nature. So they knew change was coming.

Does that answer your question?

Q I guess I suppose, you know, knowing that that change hadn't been fully realized, was that a gap? Was that something that was disadvantaged to Capitol Police in preparing for January 6th?

A Yeah, I think that's safe to say there was a gap, because we were in the process of expanding, changing. And that was widely supported by the Police Board, by Chief Sund, and others. So, yeah, I think that's safe to say there.

Q All right. I would like to speak about that final threat assessment release on January 3rd. I'm sure you have had an opportunity, you are quite familiar with that I am sure. You have looked it over, I am sure, since it was over a year now it's been released. But let me know if you either need it or if you don't have it before you.

Can you tell us what role, if any, you played in either drafting, editing, or developing that document?

A Yeah. So when that document was -- you're talking about the final one, correct, the January --

Q Yeah, the final January 3rd threat assessment.

A Yeah. So that January 3rd assessment was sent to me on January 3rd. I had reviewed it and then asked Jack and Julie for a couple edits to the document. They made those edits, and then it was distributed out the 3rd and then also again distributed out, I believe -- and I don't have the exact date or time -- but I believe it was also disseminated out again on the 4th. That's when it went to all sworn officials.

Q Do you recall what edits you asked them to make?

A I do. The edits were primarily to the overall analysis piece on the last page. I don't have the document in front of me. I'm sorry. But the last piece -- the last page contained the overall analysis.

So I believe I had read the document and then asked them to update it based on the information that was being conveyed in the document leading up to that last page did not match the overall analysis, the original overall analysis piece. I believe it was maybe -- the overall analysis that was included in that was the same as like the previous three assessments that they had done early December.

Q So if you could be specific, you say that the -- you know, the first third of the assessment, did it match that last overall analysis. So what did you ask them to do in

terms of rewriting that analysis, that it should sound like what or it should say what?

A Well, I didn't tell them what it should say or what it should sound like. I believe when I read through the entire assessment, I had asked them that the overall analysis, I believe, needed additional work. Everything else in that assessment did not correlate to what that overall analysis was.

And I don't have the original one, but I believe the overall analysis was the same that we used in the December 30th and the December 16th where basically it stated that they're not aware of any civil disobedience. There were indications -- and I am paraphrasing now because I don't have the document -- but they're aware of the potential for protesters to be armed and a potential for violence.

When you read through the first, whatever, however many pages that final assessment was, there was a -- that overall analysis did not match everything else that was included in the document. There wasn't one little paragraph earlier in the document that I said didn't match. It was the totality of the entire document that did not match that overall analysis.

Q Are you saying that the first part of the document was sharp, was more -- gave more of a warning, and you wanted the overall analysis to match that, or it gave less of a warning, and you wanted the overall analysis to match that?

A No, I would say the totality of the assessment prior to the overall analysis gave more of a warning, and then the overall analysis was less. Does that make sense?

Q Sure. So is it fair to say you wanted the overall analysis to be sharper, more -- stronger, stronger worded, like the previous parts of the assessment? Is that fair?

A Yes, that's fair.

Q Okay. Can you tell me, generally, what pieces of intelligence that you saw

was used in sort of crafting the document? So what do you recall seeing that formed the basis of that warning generally? What did you see generally?

A So information that was included in that analysis talked about, you know, protesters, what they were seeing, some of the special media chatter that they were seeing about people being armed, outnumbering police, some of the equipment that they would be bringing, some of the concerns with the permitted groups, some of the White supremacist groups, Proud Boys. I believe it referred to Oath Keepers and stuff.

So that type of information, in addition to whatever calls and communications Jack and Julie had with some of their partners, would have formed the totality of that assessment that came up.

Q Is there a reason the threat assessment was final by January 3rd and not continually updated as more intelligence came in on the 4th, the 5th, and the morning of the 6th?

A Yeah, I think, you know, in -- we are doing that currently now. We would update an assessment and send out just what that additional information was. But at the time, we did not do that.

Q I'm sorry. Did you give a reason why?

A The reason why it was not updated?

Q Yes.

A I'm not aware as to why it was not updated. We pushed that out on the 3rd and the 4th, and that stood as that final document. We've made those enhancements now -- or I should say improvements now -- to continually update documents.

Q Okay. So the overall analysis, as you've mentioned, it concluded, quote, "This sense of desperation and disappointment may lead to more of an incentive to

become violent. Unlike previous post-collection protests, the targets of the pro-Trump supporters are not necessarily the counterprotesters, as they were previously, but rather Congress itself is the target on the 6th," end of the quote.

Do you think that warning, particularly that Congress itself was the target and not counterprotesters, like the previous two MAGA marches, was properly heeded by the leadership at Capitol Police?

A So it's tough, you know, looking back on what actually happened and stuff like that. I think there were changes that were made, operationally, based on that assessment that I'm aware of now that I wasn't aware of at the time. So I do believe that that assessment did change some of the operational plans, if you will.

Q All right. So let's get into that. I'll start first, because you mentioned that this is something you learned after the fact.

So let's go January 6th to before, and we're going to get into that conference call on January 4th, you know, part of the threat assessment is that part about Congress itself being the target.

Is it your representation that up until and through January 6th you couldn't tell me if I asked you on January 6th what operationally changed based on that intelligence? Is that fair?

A Can you say that one more time, please?

Q Sure. Just because you mentioned that only after the fact of January 6th did you come to learn about the operational changes that came as a result of that warning that the intelligence picture was portraying about Congress being the target and not counterprotesters as at the previous two marches.

So I just want to make clear, if I asked you, let's say, on January 6th, you would not have had visibility into what operational changes were made based on that intelligence.

Is that fair?

A Yes, I think that's fair.

Q And can we first -- maybe tell me why. Is it, as a, you know, function of your rank and where you were, or, you know, who was included in those conversations? Why was it that you as Deputy Chief of Protective Services Bureau wouldn't know how that intelligence informed the operations on January 6th or before?

A So I would say where we were at the time going into January 6th and where we are now is light years apart. There were silos, if you will, within the department.

So when we had sent that assessment out and we did the conference call and it went to all the sworn supervisors, I was focused on what Protective Services Bureau was doing. So what was our plan for Dignitary Protection and what was our plan for Investigations Division operationally. And I then briefed that plan up to Chief Pittman and Chief Sund.

On the operational side, as far as uniform operations and CDU and stuff of that nature, I wasn't in meetings or calls of what changes were being made on that side.

Q And was it your understanding that Chief Pittman was involved or she was also siloed from those discussions?

A I think that -- I don't want to allude to a perception of what I feel Chief Pittman may or may not have been included on. I know that her, Chief Thomas, and Chief Sund had a different -- had a way of communicating at the executive team level, which was the two assistant chiefs and the chief. But I wasn't in any of those meetings, so I'm not sure if she was included on the operational side or not.

Q Okay. And no one has since either told you -- obviously, you weren't in any of those meetings -- but no one has since told you about whether she was included in those conversations or not?

A Correct.

Q Okay. You did say that you did come at some point to learn what specifically operationally was done in response to warnings, like Congress being the target and not counterprotesters. Can you detail for us what those operational changes were, and how you found out about them, who told them to you, and when?

A So some of them that I'm aware of were Chief Pittman, Chief Sund, and Chief Thomas did a perimeter check, if you will. They went out in the field together to look at where the physical security would be, bike racks and stuff of that nature. And I don't have the exact date or time that they went out, but I believe it was somewhere around the January 4th timeframe.

So I know that was one enhancement. I know we positioned some additional officers at the tunnel entrances on the House and the Senate side. And we made quite a few changes with our Dignitary Protection Division as far as some of the operational enhancements we put in place with our congressional leadership.

Q All right. So is it fair to say one thing you've come to learn is that there -- you said there was a perimeter check in terms of the bike racks that were set up around the Capitol.

Is it just a check, or are you saying that more bike racks were placed, or that there were not going to be bike racks before and now there are? What was the change other than just checking the perimeter in terms of the bike racks?

A Yeah, I believe there were changes made to the bike racks where they were pushed out a little bit further. I can't speak to exactly how far and stuff. I learned that after January 6th in some discussions with Chief Pittman.

Q Okay. So in conversations with Chief Pittman you learned, in essence, that the bike racks were pushed out. That was one operational change. And it was your

understanding that that came as a function of the intelligence?

A Correct.

Q Okay. And the second thing you mentioned is, you know, additional officers posted at the tunnels, the underground tunnels. Is that fair?

A Yes, that's fair.

Q All right. And then it sounds like the -- you weren't too specific. When you said changes of the Dignitary Protection Division, that that would sum up the third area that you believe was operationally changed?

A Yes. You want me to provide specifics on DPD?

Q Sure.

Mr. DiBiase. Can I just clarify something, [redacted]

[redacted] Sure.

Mr. DiBiase. For DPD, these are ones that you are aware of because you were involved in those decisions, correct?

Chief Gallagher. Correct.

Mr. DiBiase. So I just want to be clear, when we're talking operationally, at least here in this call, Chief Gallagher is talking about sections other than his sections. That's just how we refer to them. So DPD would not, technically, for this conversation be considered an operational section nor would CID.

So that's why I just want to make sure we're distinguishing between when he is talking about operations and things he doesn't know about, it's USB, it's OSB. And when he is talking DPD, the Protective Service Bureaus, these are things you didn't know about at the time, just to help clarify. Because sometimes we say operational, you think, basically, every guy who is [inaudible] who is carrying a gun, and that's not really how we refer to them here.

[redacted] Okay. No problem. And I just want to, for the record, acknowledge that Congressman Adam Schiff has joined us in the conversation.

BY [redacted]

Q So is it fair to say that the bike racks and the additional officers at the tunnels, those were things that you were not aware of but made aware afterwards, and you are making a distinction between the changes in DPD protections which you didn't know at the time because they fell under your purview as Deputy Chief of Protective Services Bureau. Is that fair?

A Yes that's correct.

Q Okay. And if you want to just very briefly outline these changes that you're about to list which would be as a function of the intelligence. That's my question.

A So for DPD we provided residential coverage for our DPD leaders and our successor details. We also enhanced the protective model. So outside of the Speaker and the DPD, all of our other protective details operate with four-agent details. We upped that to six agents, and that was to be able to get three agents with the protectee no matter where they were.

We pushed out to the DPD teams that the team leader should be in very close proximity to the protectees. We had evacuation vehicles, additional evacuation vehicles that were staffed and were put in strategic locations. We assigned officials from DPD over to the Capitol and to the east front Plaza where our DPD limos are staged.

We also enhanced some of our protective teams, our leader teams, to 24/7 for that entire week. Some of them do not have midnights built in, so we included a midnight team for that week.

We also assigned DPD agents to the House and Senate floor 24/7 for the day of the 6th. There were two agents for each with 12-hour shifts with one official that we

assigned over there.

We also had some DPD agents staged at DCA Airport for any issues that would occur over at the airport for Members of Congress coming in or departing.

And then on the Investigations Division side, we went to a 24/7 posture for the entire week. We had enhanced countersurveillance teams. We had a PI team inside the Capitol. And we had all of our TFOs that were active -- the non-TFOs that we had, the Task Force Officers, that were active with our partnering agencies.

Q Was there full deployment of U.S. Capitol Police on the morning -- so before, you know, reports of breaching on January 6th -- in response to this intelligence that was being seen?

A So in my role with PSB, we had full deployment. As far as the overall department, I believe there was -- I believe that we initiated a full deployment, but due to COVID and stuff of that nature I don't think every sworn officer was actually working.

Q Okay. But it was, what, orders, it was a plan, it was that every single U.S. Capitol Police Officer would be -- would respond on January 6th and work that day?

A Correct. To my knowledge, yes.

Q And so I kind of want to ask, you know, in terms of outside of, you know, DPD, outside of your sort of bucket, and I know, you know, hindsight is difficult, it's going to color your answer, but did you think that was sufficient, the pushing back of bike racks and the additional officers at the tunnels? Were those operational changes sufficient in the face of what you and people under you at IICD were warning?

A Yeah, as you mentioned, hindsight's, you know, 20/20. I would emphatically say now, no, those operational changes were not sufficient.

Q Okay. I just wanted -- that final paragraph, that overall analysis Ms. Farnam mentioned, you had asked her and Mr. Donohue to rewrite it, and that ultimately

the paragraph that was used was hers. Is that correct? Is that Ms. Farnam's words in that overall analysis?

A Yes, that is correct.

Q Okay. That morning came on effectively the last substantive page of the third assessment, right? It was page 13 of 15 where the last two pages were largely footnote citations? In hindsight, do you think it would have had more of an effect if it had appeared on the first page of the assessment?

A I think the -- we -- I think there was definitely an opportunity to include some of that in the first page where the BLUF was.

But as far as our assessments, they've always included an overall analysis for years at the last page of the assessment where it correlates the entire assessment.

So I think the majority, almost all operational commanders know that the overall analysis piece is at the back of the assessment.

That first BLUF, bottom line up front, I don't believe we started even including that until Jack and Julie came on. So I believe that might have been December 16th, the first assessment for the 6th, where we ever started using a bottom line up front.

Q Okay. Well, and so, similarly, on the second page of the assessment, it reads, quote, "The protest rallies are expected to be similar to the previous Million MAGA March rallies in November and December 2020, which drew tens of thousands of participants."

And then, of course, that's the second page. Part of the overall analysis on page 13 is that it's fundamentally different this time, that it's not like the two previous marches where there were skirmishes between counterprotesters. This time it's different. The target itself is us, Congress, what we have purview over protecting.

So in hindsight, might that have undercut, particularly as it came early in the

document, whereas the warning came later in the document, would that undercut that later warning that this third demonstration was meant to be or was being seen as different from the previous two?

A Yeah, hindsight is, you know -- there is absolutely room to improve those assessments, definitively.

Q How you would you evaluate the ability of the Capitol Police leadership to be consumers of intelligence?

So you mentioned that you thought it was well-known that the overall analysis, that sort of the important part, that the meat is going to be at the end.

Do you think that that was widely known? Do you think that given the reputation maybe of IICD previously, and maybe the lack of them having a voice at the table, that their leadership in Capitol Police were primed to read intelligence in a way that would be most fruitful in terms of operations or [inaudible] operations?

A Yeah, you know, it's a difficult question. It's a good question. But I think in all of our leaders, every assessment we've done prior to December 16th the overall analysis was at the back of the assessment. And that's -- that in my opinion was geared to make you read the assessment and get to that last piece where it tried to correlate everything.

I think every commander in Capitol Police knew that we had brought Jack and Julie on. It was highly publicized. I had, before January 6th, I had set up meetings with all of the different deputy chiefs to introduce Jack and Julie. Let Jack talk to them about his background. Let him talk to them -- ask the deputy chiefs what gaps there are with intelligence, what do they need in their specific bureaus.

So all of those discussions happened prior to January 6th, probably early December, where we brought Jack and Julie to all the operational commanders and stuff.

So I think everybody knew that overall analysis piece was the meat and potatoes of the assessment. I think, as you allude to, you know, IICD's reputation, it was kind of widely known in Capitol Police -- maybe not "known" is the right word -- but widely shared in Capitol Police, the reputation of IICD prior to.

But everybody knew we went out and got a 30-year vet from NYPD that was the assistant chief of their intelligence. So it definitely raised the profile of IICD once we brought Jack on.

Q And so in terms of which parts of the assessment the operation side is paying attention to, I saw -- sent over the Civil Disturbance Unit Operational Plan that came on January 5th, right? So after both the conference call on January 4th and the threat assessment on January 3rd.

And on its first page, it lifted the paragraph that I referred to on the second page of the assessment that said that January 6th was expected to be similar to the two previous protests on -- in November and December 20th.

So that's where page 1, CDU Operational Plan, says, quote, "The protest rallies are expected to be similar to the previous Million MAGA March rallies in November and December of 2020." But nowhere in the 18-page CDU plan does it lift any part of the later overall analysis, which said the opposite, right? And that's heart of it. It's going to be different. Congress is the target. That's more of the warning.

Were you aware at the time of what, you know, was being highlighted in this Civil Disturbance Unit Operational Plan and that it contained the, you know, the sort of earlier part of the threat assessment and not the latter part that was maybe the most important?

A No, I was not aware. The first time I saw this CDU plan was after January 6th -- a little bit -- well after January 6th. And that is some of those silos that we had

since broken down within our department where any time -- there is a whole operational planning enhancements that we put in place.

But any time there is a CDU event or department plan that is being put out, nobody is now cutting and pasting or trying to infer what should be in that plan. We attach the entire assessment to those plans now.

But that I think goes back to some of those silos where we had the -- in hindsight, we had a CDU operational plan that was not widely shared, that everybody didn't know that there was no coordination with Jack or Julie. I may be mistaken, but I believe Jack or Julie were not aware of the CDU plan as well.

Q So is it fair to say that might inform your thought process as to whether everybody in the department were sophisticated enough readers of intelligence to know that the overall analysis at the last page, that that's the real focal point, that, if anything, that's what should be copy and pasted and not what was on the second page given that this CDU plan was put together without that latter part, again, that was maybe the most important part of your threat assessment? Is that fair?

A That's fair. And I think there was an earlier version of the CDU plan that I saw post-January 6th that I believe was almost verbatim to this one here.

So I'm not -- I think it's fair to say -- well, you had mentioned that it shouldn't have been a cut and paste. It should have been right to that overall analysis and use that as the basis for any other operational plans.

Q All right. Let's talk about that conference call briefing that you mentioned Julie Farnam and Jack Donohue holding on January 4th that highlighted the warning from the January 3rd assessment.

I think you mentioned who was invited to attend. Do you know who actually attended the call?

A I do have the details of who was on the call. I don't have it right in front of me. But we do -- we did take attendance on that call.

Q And if you could just generally tell me like how high up? You know, was Chief Sund on that call? Who [inaudible] was on that call? That sort of thing.

A Yeah. So both assistant chiefs were on the call. The operational deputy chiefs were on the call. I believe all of the inspectors and captains were invited to that call.

We did have a few that were not on the call for whatever reason, and I don't have exactly who those were right in front of me.

But it was all of our operational commanders from the two assistant chiefs down to our operational captains.

Q And you were certainly on that call. Is that fair?

A Yes.

Q Ms. Farnam provided some contemporaneous notes to the committee regarding what was spoken at that briefing. I sent that over to you.

Do you recall -- I think you mentioned this, but did Ms. Farnam talk at the briefing, or do you recall it was only Mr. Donohue? Who presented it?

A So I kicked the briefing off, and then I know I turned it over to Jack. I believe when Jack was done he turned it over to Julie.

Q And do you -- oh, I'm sorry.

A No, I'm sorry. I don't have specifics of, you know, the verbiage and stuff like that. But I know Jack talked at length and then turned it over to Julie, I believe, right at the end.

Q And do you recall if anyone had any questions for them when they finished their presentation?

A I don't believe so. I believe I followed up on one or two things with Jack. And I believe -- it's tough to remember back that far now. But I believe Deputy Chief Waldow may have had one question. But there were limited questions.

Q Okay. Did that strike you as odd, or did that concern you in any way?

A At the time it didn't strike me as odd. We were under the impression that we had sent the assessment out the night before and then we re-sent it out that morning of the 4th. It went to all sworn supervisors. I can't speak to, you know, the lack of questions or why, though.

Q I know after where you figured out that there some changes, and you have listed them for us, and that at the time, you just didn't have visibility into whether there were operational changes.

Was that your expectation after giving this warning? Were you of the expectation that something was going to change, that there would be operational changes, or not?

Did you feel like this was a fresh sort of warning, an important enough warning that it would have dictated changes? Or did you think this was sort of in line with what maybe everyone had already been seeing and potentially in your mind, you know, on the operations side, that Chief Sund had already known about?

How much of a change did you figure this would make?

A Yeah, I'm not sure I can speak to what additional changes would have or should have occurred. Hindsight, there definitely should have been some. But at the time, I believe, we were under the impression that we had all -- as much as, if not all, of our staffing here. I know that probably only partially addresses your question, but --

Q No, I think it sounds like you answered the question, which is at the time, no, it did not strike you that you thought there was going to be a big change. If anything,

because you just said you thought, basically, you guys were as fully, you know, up to the max in terms of what you could do.

Is that a fair description of what you just said?

A Yes, that's fair.

Q I only have maybe like another 15 minutes with this line of questioning. I want to run through some individual intelligence that was received by IICD.

We sent over an email that was forwarded to Jack Donohue, the Director of IICD, by the NYPD official, December 28th, 2020, and noting that, quote, "I assume you have this intelligence," is what the email says.

And then in that it's from sort of a site has aggregated together some social media postings, which, for the record, you know, say certain things like that the protesters -- these are people out there in the ether who are saying this -- protesters should, quote, "start marching into the chambers," that they should, quote, "show up with guns and threaten them with death?"

One user said of Trump's tweet that it was going to be wild, that, quote, I [inaudible] that as arms.

Another one said that violent insurrection has, quote, "always been the plan," that, quote, "Trump can't exactly openly tell you to revolt. This is the closest he'll ever get."

Quote, "There is not enough cops in D.C. to stop what is coming." Quote, "This is war, and we're clearly in a post-legal phase of our society." Quote, "Be there on the 6th ready for 1776." Quote, "Fun facts, no revolution has ever been won without violence." And, lastly, quote, "Kill the opposition."

That's just some of the things that were being posted open source on social media.

Do you recall seeing intelligence like this?

A I recall in talking with Jack and Julie different social media posts that they were tracking, whether they were tracking it or they had been told about it.

The majority of what they were -- with social media and stuff like that, we knew there was a lot of calls for bringing weapons, coming armed, various threats to law enforcement, and stuff of that nature.

So, yes, as far as the uptick in social media and some of the concerning posts, there is a number of sites that they were tracking, I believe, Parler, Telegram, and stuff of that nature, about all of the uptick in social media and some of the threats to law enforcement and groups coming armed and stuff of that nature.

Q So is it fair to say nothing that I have read strikes you as new or different from what you knew people were saying before January 6th?

A I would say, in looking at this, I would say some of it we did have and some of it does strike me as new.

Q And when you say, "we," you know, the email was obviously sent to Jack Donohue, head of IICD. Do you mean yourself, that it's new to you?

A Myself, yes. I'll speak for myself, yes.

Q Because certainly you have no idea, obviously, if Mr. Donohue opened the email, read it, but at least some of this does appear to be new to you?

A Yes. Some of this, I would say, in looking at it now, does appear to be new.

Q Can you tell me, in your view, why didn't the January 3rd assessment list specific threats like these to flesh out what was forming the basis of that overall analysis, that warning there?

A I'm not sure on that. I don't have a good articulation for that. I know that Jack and Julie, when we set up those -- the briefings, the one in -- the operational

commander briefings, the one in December and the one in January, that they went over the assessment, that they went over the uptick in social media, that they spoke about some of the threats to law enforcement, bringing weapons and stuff of that nature.

As I mentioned earlier, that overall analysis piece, that was done January 3rd at night after -- you know, the first one, I believe, was maybe two or three sentences.

Q So -- and this might be obvious because some of this -- some of these specific threats are pieces you hadn't seen yourself, do you think that leadership, outside of yourself, of course, or operational side of the department, were aware of like the specifics like this? Or can you imagine that some of this didn't get its way over either up to leadership or to the operational side?

Mr. DiBiase. If you know.

Chief Gallagher. Yeah, that -- I don't know if the operational commanders were aware of some of this information or not. I know there was a multitude of discussions going on with everybody.

[redacted] Well, let me ask it this way. You said outside of the two calls, the December 30th and January 4th, it would be you, the person who would be the facilitator between the intelligence received in IICD and what got out to leadership or the operational side of your department. And I know there were silos, that you mentioned silos.

So knowing that it's either those conference calls or yourself and that some of these are things that are new to you, does that make sense that there wouldn't be a third way for these sorts of things to get either to leadership or to the operational side?

Mr. DiBiase. Well, let me just clarify something, [redacted] You're asking about specific written emails or product, and you're asking about phone calls that happened.

What I want to ask Chief Gallagher is, are there other ways information is

communicated amongst leadership, other than emails, other than conference calls?

Chief Gallagher. Correct, yes. There was a lot of discussions and in-person meetings and stuff of that nature. So that's why, you know, it's tough for me to say, no, they did not have some of this information.

And I don't have a breakout, a breakdown of exactly, you know, what Jack and Julie went over on that January 4th call where some of this was included in Jack's verbiage. I know they talked about the uptick in social media. I know they talked about some threats. I know they talked about the protesters being armed and stuff of that nature.

BY [redacted]

Q All right. So my question is just, in essence, if it's new to you as we sit here today and you were present for all the conference calls, and you would be the facilitator between intelligence over to the operational side of the leadership of Capitol Police, is there another way that these specific threats or these specific lines of intelligence would have gotten to them other than yourself or the conference call?

A Just if there was verbal discussions between other people.

Q In which you would not be involved, right?

A Correct.

Q So I also sent over an email to you that was sent to -- by you -- to Chief Pittman on January 5th, 2021, at 4:10 p.m., that the washingtontunnels.com had been receiving a dramatic uptick in new visits; that the site, TheDonald.win, had been active in promoting photos of the tunnel system; and that the U.S. Capitol Police had identified numerous open-source comments by groups of their intention of finding tunnel entrances and confronting or blocking Members of Congress, including setting up a perimeter to block entry or escape.

That same day, January 5th, a little later, 4:55, Ms. Pittman -- Chief Pittman, excuse me -- forwards the intelligence to Chief Sund and said that they should hold a call regarding the intelligence. And later correspondence with counsel, Capitol counsel, appears to indicate that that call never happened.

You mentioned that the tunnels -- you found out later that there was a sort of perimeter check on January 4th and are pushing farther out of bike racks.

But first, I guess, tell me if I'm wrong, it appears that this is the first time that you found out about this tunnel intelligence since you're forwarding it to Chief Pittman, warning about it, saying that is a concern for you. Is that fair?

Mr. DiBiase. [redacted], can I just correct one thing?

[redacted] Okay.

Mr. DiBiase. In this email, it's only me asking whether this call happened or not. I don't think there is a response from Chief Pittman, at least in the one that I am looking at.

[redacted] No, and I think my characterization is just that there was -- counsel, which is you, you appear to indicate that this never happened. You ask it in the negative, right? You say, this call never happened, right?

Mr. DiBiase. But I don't think I ever got a response, is my point. So I --

[redacted] Yeah. So I didn't characterize the response.

BY [redacted]

Q So, Chief Gallagher, if you could just explain, yeah, is that the first time that you heard of the tunnels?

A I believe earlier on that day there was a discussion with, it was either Jack or Julie, and that's how the tunnel came up, the tunnel information had come up. And that's what precipitated me sending out that information.

Q Yeah. So my question is just was that the first time you heard about it, that January 5th?

A I don't have in front of me all my information, but I believe so.

Q Certainly the -- you're forwarding it to Chief Pittman as new information or something that you figure is new to her, right?

A Yeah. What I can't remember is if we had discussed that earlier, either that day or whenever we were notified.

Q Okay. And then in terms of -- and, obviously, the traffic between Chief Pittman to Chief Sund saying that they should hold a call about that particular intelligence, the tunnels, in order to talk about it, to do something about it. This being January 5th at 5 p.m.

I would assume you have -- I don't know if you do -- visibility into whether that call happened and what -- and I guess you talked about later finding out about a particular response. But that was, you said, on January 4th when they did a perimeter check.

Tell me how that maybe can be reconciled.

A Yeah, I'm not exactly sure. I think I stated I don't know the exact date and time that they did their perimeter check. I wasn't in the vehicle with them. That was Chief Sund, Pittman, and Thomas. So I am not sure who was the fourth or the fifth. And I do not know if that call or in light of a call if any verbal discussions happened between Chief Pittman, Sund, and Thomas.

Q Okay. And in terms of the response, I think you said this, I just want to make clear, the only way you know that the bike racks were moved out in response to this tunnels was because Chief Pittman told you that that is what happened as a result of that intelligence. Is that fair?

A Chief Pittman had mentioned after January 6th, it was probably a week,

2 weeks, it was sometime after January 6th, that she had did a ride-around, if you will, of where the bike racks should be, and stuff like that, with Chief Sund and Chief Thomas.

Q Okay. I wanted to talk about another email. I have it here as sort of 21A. And it's some intelligence that is shared with Ms. Farnam, who forwards it to you, from Metropolitan Police Department. It's from a tip that came in to them.

The tip says -- this is a civilian who says he lives right outside of D.C. -- "I found a website planning terroristic behavior on January 6th. During the rally, agitators from out of state will arrive and will try to stir up trouble in D.C. There are detailed plans to storm Federal buildings, dress incognito, and commit crimes against public officials. I strongly encourage that the D.C. Police Department look at the links below."

And then it includes a link from TheDonald.win purporting to be a detailed plan on storming the Capitol in D.C. on January 6th.

Do you recall being forwarded that particular piece of intelligence?

A I recall now seeing this in the exhibit that you had emailed over.

Q And do you know if this had any effect -- well, first, I guess, and you may not know again, do you have a sense of why this -- something particular like this, storming the Capitol, was not included in the January 3rd assessment?

A That I do not know.

Q Okay. And do you have any visibility into whether this particular piece of intelligence made its way to leadership or the operational side of the department and whether it affected their plans in terms of preparing for January 6th?

A That I do not know, no. But I believe with this one that this website -- I'm trying to -- TheDonald.win, I'm sorry -- that Jack and Julie were monitoring a multitude of things on that website that were discussed as far as threats to Members. I believe they talked about burning down some of the leadership residences which enabled us to post

those residences 24/7.

And our TFOs, I believe, were active in what the FBI was doing to further run-outs on this information that was populated on that site as far as some of the guardians that they had.

Q Do you recall if you, yourself, shared this particular piece of intelligence with leadership or the operational side of the department?

A I do not recall, no.

Q I wanted to -- there is another email. I have it here as No. 3, exhibit 3. It was on December 28th, 2020, from a civilian who calls herself an internet expert of sorts, tracking online far-right extremism. She mentions that she's seen tweets for people organizing to storm the Capitol on January 6th.

Do you recall seeing intelligence like that?

A Yeah, I do. This, I believe, is the first time that I have seen that.

Q Okay. And I see that it's sent to the Public Information Office, or officer, inbox at U.S. Capitol Police.

Can you tell me how -- again, I know you know -- this is the first time you've seen it -- you don't know whether this piece made its way to either IICD or whenever it made its way. But who was meant to be monitoring this inbox? And what should that person do in terms of forwarding this?

A Sure. So the PIO email address is for our civilian communications director who does the communications and media for the department.

I don't know if -- I don't believe, because it's not a 24/7 office, that the inbox is monitored 24/7. But the expectation would be it would have been routed over to Jack or Julie and IICD.

Q Where is that public information officer in the hierarchy of -- what division is

he or she a part?

A Yeah. So the public information officer, she reports to the Chief of Police. Her office is up on the 7th floor of our headquarters in the Chief's suite.

Q Okay. The last sort of particular email I want to point to is -- I have it here as exhibit 26.

So December 31st of 2020, Ms. Farnam raises a concern, I believe to you and others, of course, that the permit request for One Nation Under God and Bryan Lewis were potentially proxies for Stop the Steal and that she was concerned that Stop the Steal was generally more violent.

So can you just talk a little bit about what you know -- what you know, and what was made of that warning?

A Yeah. So when Ms. Farnam had brought this concern up, it was notated in our -- that January 3rd assessment. I don't have the assessment in front of me, but I know when she speaks about these groups there is an analyst comment in there that talks about the potential for these groups to be proxies, if you will.

I'm not sure if that's her exact verbiage, but it is included in the January 3rd assessment. And we did -- I did discuss the ability to cancel permits with Chief Sund and Mr. DiBiase.

Our department has never done that before no matter what the groups are, what their causes are. I don't believe the Capitol Police has ever denied a Capitol permit.

So we talked through that process of Julie's concerns as well as the potential to deny any permits.

Q Was that your recommendation, or were you just talking about was that even a possibility? Was that what you were recommending to Chief Sund, that you thought it should have been denied?

[4:30 p.m.]

BY [redacted]:

Q Was that your recommendation or were you just talking whether or not that was even a possibility? Or was that what you were recommending to Chief Sund that you thought it should have been denied?

A I would say we put it on the table as far as here's the concerns, can we deny a permit based on -- on what Julie's concerns are.

Q And what was the result?

A So the result was, based on what was provided, no, that wouldn't be sufficient to deny the permit.

Q And was that concerns of, like, that this was a First Amendment activity, concern that just historically the Capitol had never done that before? What was the basis of that not being sufficient, if you recall?

Mr. DiBiase. I think [redacted] on that, we're starting to get into a little bit of attorney-client. So I'm going to have -- not have Chief Gallagher answer on that because, as he just mentioned, part of what he did was consult with me.

So I think we have to be very careful. I think he's happy to tell what the final result was, which was the permit was not canceled, but to go into too much detail about why it was not canceled, I believe starts to cover attorney-client privilege.

BY [redacted]:

Q Well, did -- okay. Outside of what your attorney or the Capitol Police's attorney advised to you, did you come away with an opinion as to whether the permit should have been denied or not? What did you think, I guess, in the end, after everything had been discussed, whether you thought -- and if your answer is just legally it

was a no-go, that's fine. But I guess I'm wondering, what was your perspective as to whether that's something that should be done?

A Yeah. I think in hindsight absolutely. If there was a way to do it, then we should have done it. And I think in the conversations that we were having about it was more it -- the groups were coming, no matter if they had a permit or no permit. So I think we were trying to put the option on the table to see what legally what can we do as a department.

Q Outside of just denying a permit, though, did that potential intelligence, that idea that the groups that are coming to the Capitol might actually be far more violent than expected and potentially not disorganized separate groups but maybe just even one group under Stop the Steal, you know, that sort of idea of a proxy, did that threat intelligence, was anything, as far as you know, changed? Or was there a response to that possibility in terms of the planning for January 6th?

A So I would say, you know, I had conversations with Chief Sund about the concerns with some of these groups. We talked through the ability, if you will, or inability to cancel a permit. And we included the concerns about the groups in the assessment. As far as where -- what happened operationally or if there were discussions, you know, with -- between Chief Sund and Chief Thomas and the other assistant chief, I wasn't privy to those discussions.

Q So is it fair to say, unlike the other two operational changes that you came to find out later, as you sit here today, you have not -- no one has told you that there was some sort of operational change based on that particular part of those concerns, that particular intelligence? Is that fair?

A Yes, that's fair.

Q Okay. I'm going to -- my last set of questions are actually just if you have

any visibility into the use of the D.C. National Guard and whether -- their use potentially by Capitol Police.

I know -- or Ms. Farnam has recounted to us a conversation that she says she had with you about the use of the National Guard, and that you had answered that there was -- they were coming to assist, and obviously MPD, but coming to assist with traffic stop and street closures, and whether that, you know -- she said she communicated to you her opinions as to whether she thought that was a proper use of those resources.

If you could, do you recall that conversation? And outside of that conversation, did you have other conversations about the role of the D.C. National Guard with either leadership or -- and their proper usage for January 6th?

A Sure. As far as Ms. Farnam, I can't remember a conversation with her about D.C. National Guard. That's not saying that it couldn't have come up in some, but I don't recall that at all.

I believe that I briefed at our PSB commanders meeting that Metropolitan Police have the D.C. National Guard to work some traffic boxes downtown, and maybe that's what Ms. Farnam was alluding to. But I don't ever recall any conversations with her about D.C. National Guard.

Q Did you have any other conversations with anyone about the role of D.C. National Guard in assisting the U.S. Capitol Police that day?

A I'm sorry. Go ahead.

Q Oh, no worries. Did you have any other conver -- did you have any conversations with anyone that you recall about the usage of the D.C. National Guard in supporting the Capitol Police that day?

A Yes. So the only other conversation that I had internally was with Chief Sund. And I believe that was on January 3rd when we were here for the -- we had a long

day for the swearing-in ceremonies for the new Member-elects. And I had received a text message from a lady named Carol Corbin, asking about D.C. Guard.

So I had -- Chief Sund was right outside his office with -- standing there with myself and Chief Pittman, and I had showed him the text. And he said along the lines of no -- he knows Carol Corbin from previous events that we've done when he was with Metropolitan Police. And he alluded to the fact, no, but he may start having some discussions about D.C. Guard.

Q I'm sorry. I missed that. He's responding no to what?

A To Carol Corbin -- I don't have her text right now. But she was asking about Capitol Police's -- is Capitol Police requesting D.C. National Guard. So I had showed Chief Sund that text message off my phone. He had asked who it was from. I said Carol Corbin. He knew Carol. And then he said, no, but I may discuss it or I may talk about it or something like that nature.

Q Okay. And did you --

[redacted] I'm sorry. [redacted], can I jump in here?

[redacted] Yes. Go ahead.

[redacted] All right.

BY [redacted]

Q Is Carol Corbin from the Department of Defense, Chief Gallagher?

A Yes, ma'am.

Q Okay. And was that text message directly to you offering -- was it an offer of the D.C. National Guard or was it asking whether the Capitol Police would be requesting the D.C. National Guard?

A Yeah. So that's a good point. I don't have the text in front of me, but I don't believe it was an offer at all of the D.C. National Guard. I believe it was, would

Capitol Police be asking for any DOD -- D.C. National Guard assets.

Q And apart from the conversation you just described with Chief Sund, was it a larger leadership discussion or was it just a receipt of the text and you'd consulted with Chief Sund?

A So I received the text. I spoke with Chief Sund. Chief Pittman was just off to the side. And then, you know, further after January 6th, I understood that Chief Sund was having further discussions with the Police Board the following day on the D.C. Guard.

Q That was going to be my next question. Were you aware of any of the we'll call them soft asks or just questions to Mr. Irving or Mr. Stenger by Chief Sund about the potential for the request for D.C. National Guard?

A I was not aware of any of those requests, calls, or discussions with the Police Board until days after January 6th.

Q The ask from Carol Corbin, was it just one on January 3rd or was there an additional one, that you remember?

A I believe it was the January 3rd one. Well, I think she might have sent it on January -- I don't have it in front of me, so I may be off on the dates. But I believe she sent something on January 2nd. And then January 3rd, when we were all here for the swearing-in ceremonies, is when I showed it to Chief Sund.

Q So just so I'm clear, though, I think from the DOD timeline, they say they have two requests or questions to the Capitol Police whether they need the D.C. National Guard assistance. So I'm just wondering whether you remember that to be two inquiries to Capitol Police or just one from DOD.

A I would have to go back and look. I don't know off the top of my head.

Q Okay. No problem.

And did you -- what was Carol Corbin's position in the -- and why did she have

your text message -- why was she able to text you that inquiry?

A So I don't -- I don't know her official title. I know she works with DOD's policy office. How Carol Corbin knows myself and Chief Sund very well is from some of the national specialist security events where they stand up a executives steering committee. Carol is usually on all those steering committees.

[redacted] That's helpful. Thanks, [redacted]

BY [redacted]

Q All right. My last question to you, you know, you mentioned you were at the command center on January 6th. In terms of the swearing in of the National Guard, did you have any visibility into how long that took, that process took? Or, you know -- yeah, can you talk to me about that process? Do you have visibility into that?

A Are you asking the visibility of the D.C. Guard on January 6th?

Mr. DiBiase. I think you said the swearing in, [redacted]?

BY [redacted]

Q Yes, I did. Right. So, you know, once ultimately, we -- you know, authority was given for the D.C. National Guard to come and assist with Capitol Police, I don't know if you were a part or were watching or were involved in, you know, getting them sworn in and whether you know how long that took.

A I was -- I wasn't aware of even the request being made on January 6th for the D.C. Guard. And I wasn't aware of the swearing-in process or any of that. I know, you know, after January 6th, I believe Deputy Chief Tim Bowen was coordinating some of those assets that were coming in and how they're getting sworn in and stuff of that nature. But I don't have any idea of how long it took or any of that.

[redacted] Okay. Thank you very much. I don't have any other questions about intelligence. So unless [redacted] has something, then I'll go back to

[redacted]

Thank you so much, Chief Gallagher.

Chief Gallagher. Thank you.

[redacted] I have one question, [redacted], before you -- sorry.

BY [redacted]:

Q Chief Sund testified at a hearing soon after, I think in February, about January 6th, Chief Gallagher, about how the Federal partners had failed Capitol Police in not providing the intelligence that something like an assault on the Capitol would occur. And I know my colleague just spent a lot of time on that January 3rd special assessment, which was pretty accurate, was prescient in terms of what did happen.

How do you -- what's your response to Chief Sund's -- Chief Sund's statement? Do you agree with that or did you have the intelligence internally?

A So it's kind of a difficult question, if you will. I think -- definitively I think there could have been more information and intelligence and sharing of information from some of our Federal partners. I don't -- I'm not aware of any type of bulletins or threat assessments or anything from DHS or FBI or any of the ones that routinely would provide information.

Post-January 6th, I'm aware of numerous -- in my role with Investigations Division, after January 6th, I'm aware of numerous, almost -- you know, I don't want to throw a number out but well over 50 different type of Guardian cases that the FBI had that they were working on and then they closed out.

Some of them pertains to information that the Capitol Police had that the FBI had run out, assigned it to either their domestic terrorism or their criminal squads, run it out, and then put a notation on it. Capitol Police was notified this assessment does not warrant further investigation and stuff of that nature.

So I think sharing of the investigative and intelligence information without a doubt could have been better on all sides, even the Capitol Police side. We did not share this January 3rd assessment with some of our external partners that we now do. So I think there's definitely room for improvement on all sides, Capitol Police and on our Federal and State partners.

The -- as to, you know, where Chief Sund had mentioned, you know, about the Federal partners, I know where he was coming from because of some conversations after January 6th. And it was more of the threat assessments and the overall picture.

Attempting to defend a little bit our IICD, you know, we're a consumer of intelligence. We take in information, but we don't have the ability to investigate, you know, travel across the country and plans all across the country and stuff. Like, we are very dependent upon our Federal partners for -- for items of that nature.

Q Do you think that if -- if the FBI and DHS had issued a joint intelligence bulletin, would that -- what impact would that have had on Capitol Police's posture?

A It's tough to say what that would have done now in hindsight. But I do believe it would have formulated a picture from all across the country of what they were seeing, especially in some of the stuff that you've seen post-January 6th of different information and stuff that agencies had.

[redacted] Great. Thanks, [redacted].

[redacted] to you.

Thanks, Chief.

Chief Gallagher. Thank you.

BY [redacted]

Q Thanks, Chief Gallagher.

So appreciate you entertaining my colleagues' questions. We've been going for

about a good almost 2 hours, 2.5 hours. I probably have another hour-ish, maybe hour and 15 minutes worth of questions. Did you want to take a break or do you want to press? Totally up to you.

A You know, we're here now. I'd rather just press through.

Q Okay. Excellent.

Well, we're going to shift the focus now from January 6th and what happened on January 6th and the events leading up to it, and we're going to shift to the conclusion part of my questioning which deals with the recommendations that were proposed by the Office of Inspector General.

And I'll start by asking: Are you familiar with the Office of Inspector General flash reports that were published post-January 6th?

A Yes.

Q Okay, great. So what I'd like to do, sir, is sort of go through some of the recommendations as it pertains to the divisions and units that are under you in your current position. So if I -- if I have them right, you now are the assistant chief counsel -- excuse me -- assistant chief of police for is it Uniformed Operations?

A Yes. The Acting Assistant Chief of Uniformed Operations.

Q Acting Assistant Chief of Uniformed Operations. Thank you.

And underneath you are Command and Control Bureau, Operation Services Bureau, and Uniformed Services bureau? Do I have that right?

A Yes, correct.

Q Okay, great. So we're going to talk about the recommendations with respect to those units that fall under your current area of responsibility. And what I'd like to do just by way of setting the stage is, as we talk through -- let me back up.

So what I'm really interested in is, from your perspective, as we talk about the

recommendations -- and we'll talk about individual recommendations, we'll talk about them in groups as they make sense. You know, have you adopted the recommendation? What steps, if any, have you taken to implement them? You know, if there are policy changes, you know, are there accountability measures that are put in place? Are there milestones that have been set?

Just sort of to get a sense of where just from your vantage point, understanding that you only are in charge of one division within Capitol Police, but those recommendations that fall under your area of responsibility, sort of where they stand, if that makes sense. That work for you, sir?

A Yes, sir.

Q All right. So let's start our discussion with the Containment Emergency Response Team, CERT, which I understand is essentially Capitol Police's version of SWAT. Is that correct?

A That is correct, yes.

Q All right. So some of the recommendations I'm going to lump into a bucket that we're going to call operational. And these are sort of what I think are operational recommendations by the OIG about how CERT might operate better.

The first is realigning CERT from its Operation Services Bureau division to the Protective Services Bureau. The second is adding additional opportunities for CERT to train with other Federal partners. And then the third is developing and implementing recurrent training between CERT and other operational units within Capitol Police, such as DPD, civil -- which is the Dignitary Protective Division, Civil Disturbance Unit, First Responders Unit, Crisis Negotiations, et cetera.

So, with that said, what are your thoughts? Share with us your thoughts about where you -- whether or not you've chosen to implement these recommendations and

sort of where you are in the process.

A Absolutely. Thank you.

So the first recommendation, realigning our CERT team from Operational Services Bureau over to our Protective Services Bureau, we fundamentally disagree on that with the inspector general. And I've had conversations, one-on-one meetings with Mr. Bolton and his team about where they were coming from, making that recommendation, what they were looking for, and also the gaps that that would create for U.S. Capitol Police.

So Mr. Bolton was coming from his background with the U.S. Secret Service. And when their protective teams, POTUS and VPOTUS, travel, they have a SWAT team, their CAT team that travels with them.

What I tried to bring up to Mr. Bolton was how us taking our CERT team and moving it over to Protective Services and making it more of a protective team would open up severe gaps on the campus to protect the campus from multiple active shooters, critical incidents. Our CERT team is not big enough.

So when the Secret Service use their SWAT team with their protection details, they still have a dedicated emergency response team at the White House for the grounds and at the Naval Observatory. We would lose that capability just due to how many protective teams we have, even if we just prioritized it with the Speaker and the PPT, our two successors. The amount of travel that they do would deplete all of our CERT team, and we would open up a gap here on the campus.

So we have not made that recommendation yet. And when I say we, I believe I'm speaking for Chief Manger, as well as some discussions with our executive team here on how we disagree with that.

What we're trying to do to implement some of this recommendation and kind of

meet the IG halfway is involve CERT a little bit more in our Dignitary Protection Division training. We currently have a MP7 assault weapon that is specifically utilized by our Dignitary Protection Division agents. I believe almost 60 to 70 percent of our entire DPD is trained on that weapon. It came out about after the Congressional Baseball Game shooting. And that -- and the implementation of that weapon system for DPD, the submachine gun for DPD, is incorporated into their protective model.

So how can we assist DPD by training CERT? We include CERT on large congressional retreats where we're taking, you know, the House Democrats or the House Republicans offsite to a codel, a retreat, funerals, stuff of that nature, where we have a large volume of Members going somewhere. We all the time deploy our CERT team.

So what we're trying to do now is incorporate CERT into our DPD training, give DPD a little bit more tactical training, building clearing training, some of the training that CERT brings to the table. In addition to those times where we are utilizing CERT, involve them in the advance. Let them come out with our Dignitary Protection Division advance agents. Let they see the site. Let them dictate their own operational plan in support of the protection plans.

Just moving CERT out of Operational Services and into Protective Services, it doesn't achieve value added, if you will. It enhances some of the protection details, but they already have submachine guns with them. But it opens up a big liability and vulnerability on the campus.

Q Thank you, sir.

And before I continue, I just want to acknowledge that Representative Murphy has rejoined us for our conversation here.

Sir, let's back up a little bit. So you said that you spoke with the OIG about the realignment. And they were coming from a different vantage point, their background,

or the inspector's background -- inspector general's background with the Secret Service. And you've explained operationally sort of why it didn't work. How was that received by OIG?

A I would say Mr. Bolton, he was receptive to hearing me out as to, you know, the vulnerabilities it would create. His take was we need to -- and I don't want to -- my impression from my meeting with him was we need to further expand our CERT numbers, continue expanding it until we can move CERT into Protective Services Bureau and still have a team here on the campus that can support the vulnerability that that would create.

Q And in terms of that meeting you halfway, is that something that you all are considering implementing or is that -- are there obstacles in the way of sort of thrusting up the CERT team?

A Yeah. There's -- I'll be honest with you, [redacted] there's certainly some obstacles in place with expanding anywhere in the department right now because of our current vacancies that we have in the sworn officers.

So for us to expand CERT, K-9 is another one that I met with Mr. Bolton on, Dignitary Protection and our threat assessment agents, anywhere in those specialty units that we want to serve some staffing, it all comes out of our Uniformed Services Bureau.

So our uniformed officers that are at those four divisions, right now they have -- as Chief Manger testified to, we're over 450 vacancies in our department for sworn officers. In addition to that, we have over 200 officers out on some type of COVID, whether they're positive or contact and trace.

So our ability right now, until we get our sworn staffing back under control and get on the other side of attrition where we start bringing in more officers and filling those vacancies, it's very tough for us. We have to really, really prioritize where we're going to

send some staffing to pull out a USB.

And right now, it wouldn't be here to CERT. It would -- if I had to prioritize, it would be to our threat assessment section where we have those 9,000 cases against Members of Congress. And it would be to our K-9 section because of the amount of sweeps and the impact that is having on the dogs.

Q Understood, sir.

You also mentioned that you were taking steps to include CERT in training with other operational components like DPD within the department. In terms of that process, has that been codified in anyway? In other words, has it been memorialized in a policy or an SOP or a training manual? I guess I'm curious to know sort of how you all are tracking it and sort of preserving it so that, you know, future generations, you know, know what to do in this regard.

A Absolutely. So there's -- it has not been codified yet in a SOP. Right now, what we do is we have our CERT training instructors meeting with our Dignitary Protection training instructors. So they're working together to try to come up with a plan that would be mutually beneficial for CERT and DPD operationally.

We have included CERT in training with our CDU units already. We've sent some of our tactical teams and our counter-snipers out to some of the CDU training that we've done post-January 6th.

And we're also in discussions, while we're on the topic of CERT and training, we're in the process of developing an incident response plan for spontaneous events on Capitol Grounds. And what we're doing with that is working closely with the U.S. Secret Service, their SOD, their Uniformed Division, Special Operations Division. We had our CERT commander, our deputy chief that runs our Operational Services Bureau, go down to meet with the Secret Service and their Emergency Response Team and their CAT teams to

go over the plan that they recently put in place for spontaneous events on the White House grounds. We look to incorporate, modify that plan for Capitol Grounds.

We invited Secret Service, their leads that develop their plan down there at the White House, came up here to the Capitol. They did a complete campus walk-through.

So those ongoing incident response plans are ongoing right now with Secret Service in developing that joint training and stuff of that nature.

Q I appreciate that, sir.

And I'm glad you mentioned the Secret Service. So is that the only external partner so far that CERT's been working with, and do you all have any plans to work with others in the future?

A So right now, CERT has done quite a few training schools, and they've been contracted-out schools. So Secret Service right now and -- is the only Federal partner that CERT has trained with. Deputy Chief Jason Bell is on the D.C. Council of Governments tactical subcommittee. So it's all of the NCR agencies that have any type of tactical team, SWAT team, if you will.

And they're working, again, to come up with multiple agency training scenarios where one month it would be up here on Capitol Grounds for an event. The next month it might be downtown with MPD, working with MPD. The next month it might be with Pentagon and stuff of that nature.

Q Thank you, sir.

So I want to move on to sort of a second smaller bucket of operational questions -- or recommendations, and this sort of falls into the category of training.

And so oversimplifying it a bit, generally speaking, one of the areas that the OIG pointed to was an inability to account for CERT training that was required, right? So I don't think the report said that the training wasn't conducted. I think, if I understand

correctly, is that there were records to codify and hold accountable sort of when that training was done, whether it was recurrent training, who had completed that training.

One, is that something that you're familiar with, that particular recommendation? And if so, what, if anything, have you all done in that regard?

A I am familiar with that one, and we have prioritized that and completed and I believe closed out that recommendation. So all of the training, the mandatory mission critical training that CERT does has been codified. It has been inputted into we call it APEX. It's basically the department's, how would you say --

Mr. DiBiase. Training database.

Chief Gallagher. Training database.

Mr. DiBiase. It shows what everyone on the department has done trainingwise.

Chief Gallagher. And Deputy Chief Bell has assigned representatives from CERT to be assigned to those internal controls, whether it's inputting the required attendance and certifications into APEX, and also the internal controls with the equipment checks -- the mandatory equipment checks that are monthly and codifying that into a report as well.

BY [redacted]

Q I appreciate that, sir. I thought of some -- colleague of mine reminded me of something going back to one of my earlier questions.

You mentioned that there were a number of contractor-led trainings that CERT was a part of. Has the department looked at any trainings that are being provided by other Federal entities as a way to also augment their training?

A Yeah. So Chief Bell, as I mentioned, he's on this tactical subcommittee for training. So he has been in discussions with not only the Secret Service. I know he has spoken with FPS, Pentagon police about some additional training. To date, CERT has not

participated in additional Federal training.

And I know, if I could just -- I know we had a -- Mr. Bolton identified an issue with some of the contractor -- a previous contractor that CERT used. So we have put a plan in place for not only CERT but any contractor that the department would hire to do training, whether it's on the civilian side or the sworn side, and would be vetted through our IICD basically doing an assessment on the vendor to attempt to identify any of that information that was prevalent with that one vendor that CERT used.

Q I appreciate that, sir.

Let's shift focus to the third bucket which I'm going to call policies. And in this bucket, there's sort of a number of different categories that the IG spoke to, and they hover around sort of a couple of main ideas: one, either updating policies that haven't been updated in a while; two, creating new policies to account for changes in the department; and, three, getting rid of policies that are no longer applicable.

So just like before, are you familiar with those groups of concerns, and sort of what has the department done to address those?

A I am. So we have a policy division. We call it OPL, Office of Policy. And one of the things that we are doing now, because we have all these flash reports, and the majority, as you know, the majority of the recommendations pertain to policies, whether they were outdated, whether they conflicted with another policy, or they just needed to be revised.

So now because we have so many policies throughout the department, we have a specific team that is working on these IG reports. And we have the professional writers from our policy division that are going to go bureau by bureau to update all the policies. So they'll spend some time, probably a month, month and a half working with Operational Services Bureau.

And all the policies, not only the ones that have been identified by the IG, but every policy within Operational Services Bureau, will undergo a review, validation assessment, and be republished or rescinded if not needed, and stuff of that nature.

And that will be our effort to go through the entire department's operational policies and have them all updated for every bureau in the very near future.

Q And, sir, you mentioned a couple of times a gentleman who I believe his last name is Bell?

A Yes.

Q Okay. And who is that, sir? What -- who is he and what is his position?

A So Deputy Chief Jason Bell, he is the commander of Operational Services Bureau. So his role right now is the commander of OSB, which all of our CDU falls under when we activate CDU. It's uniformed officers. But we give the command and control and the equipment, the less than lethal falls under OSB, our CERT, our K-9, our bomb squad, our hazardous material response teams, and our Special Operations Division, which is basically the marked cruiser with the officer that patrol the outer perimeter of the Capitol grounds.

Q Understood, sir.

And last set of questions with respect to CERT and then we'll move on to the First Responders Unit. Who within your division is responsible for making sure folks who are part of CERT are, in fact, meeting the qualification requirements and, you know, being held accountable for any equipment or weapons or things that are issued to them? Because those are also two areas that the IG pointed to. So is there a specific person that's now in charge of that? Sort of how have you closed that gap?

A Yeah. So what we've done to address some of the deficiencies that we've had in CERT is, a few months ago, we re -- we assigned a new lieutenant, which is a

commander of our CERT. So the lieutenant command CERT, he reports up to, you know, our captain inspector and ultimately the deputy chief.

So what we did was we had a lieutenant who previously was in CERT. So he was a technician in CERT and sworn operator. He went through all the training. He was also a bomb tech where we have CERT kind of working with HDS on some events. So we moved him back over to CERT to address some of those deficiencies. So he would be the ultimate one that is responsible for maintaining the qualifications, making sure everybody gets their mandated mission critical training. That training is all included -- or inputted into our database and stuff of that nature. All those internal controls will be his responsibility.

Q Understood, sir.

And would those responsibil- -- or are those responsibilities part of the new commander's performance plan so that you have a way to sort of measure whether or not its goals are being met and milestones are being met? Or sort of what accountability mechanisms, if any, do you have to make sure that the issue is being addressed?

A So there -- I'll have to check his performance, his PETS (ph) form. But I know Chief Bell has implemented some internal controls by his captains, that they're randomly going in and making sure that they're doing the oversight of the lieutenants, whether it's the CERT lieutenant, the K-9 lieutenant, to make sure all those internal controls are getting done in the method that they should be done per the standard operating procedure.

Q Thank you, sir.

A You're welcome.

Q So let's move on from CERT and turn our attention to First Responders Unit.

And you defined CERT sort of as the SWAT for Capitol Police. Can you briefly tell us what is the role of the First Responders Unit and what are their primary responsibilities?

A Sure. Our First Responder Unit is -- they're assigned to the Capitol division which is the Uniformed Services Bureau. And they are basically the exterior of the Capitol Grounds, Capitol square, if you will. They perform a multitude of fixed static posts. They also perform entry checks at the barricades coming into the U.S. Capitol building, and they also have control responsibilities outside on the Capitol square.

Q Yes, sir. And are the -- are the bike division officers part of the First Responders Unit?

A Yes. So I'm glad you brought up the bike officers. So we have totally revamped the bike, mountain bike squads. We call them BRTs, Bike Response Teams. This is something that we've done post-January 6th, completely new. We have now a hundred certified and trained bike riders through IPMBA, which is kind of the national certification for mountain bikes.

And they're also included in our CDU training now. So they have equipment that they would wear, have with them. They do formations to assist our CDU when we train. Our CDU has a multitude of different formations that they would use, and the bike teams now support them.

So it's a standard activation. When we do activate CDU next week, we've got a number of demonstrations that we're activating CDU, and our bike teams are a part of that. The majority of all those bike riders are from our First Responder Unit, and some of them are from the Capitol division as well.

Q Appreciate that, sir. And so a couple of questions about bikes. First of all, you mentioned CDU. Is that Civil Disturbance Unit?

A Yes. I'm sorry. Civil Disturbance Unit.

Q And does that also fall under your purview as the Acting Assistant Chief for Uniformed Operations?

A Yes, it does.

Q Okay. And briefly sort of what's the responsibility of the CDU?

A So our CDU is a collateral assignment. Anytime we have a demonstration that we have concerns about, we activate our Civil Disturbance Units. So it's part of the revamped operational planning process that we have in place now. But when we activate our Civil Disturbance Units, those are uniformed officers from the four divisions -- Library of Congress, House, Senate, and Capitol -- which FRU falls underneath the Capitol division.

Where we would activate them, say we activate two or three platoons, and they would be assigned to the demonstration. So they'd be included in the planning. They'd be told what equipment to bring, what time to come in, where they're going to post up, and what their mission is for that demonstration, if you will.

Q Understood. And so the BRT, the Bike Response Teams, would have as a collateral duty CDU. Do I have that right?

A So our -- not exactly. So when we -- next week, one of the demonstrations we activated CDU. So we have three platoons activated. Each platoon is 40 officers. And we have two Bike Response Teams squads activated, which is 20 officers. Each bike squad is 10 officers. So that's how we activate our CDU.

So the platoons that get activated, one of them will be a hard platoon where they have all their riot gear. The other two we call crowd management platoons. So they'd be deployed with their helmet, their PR-24, the respirator. But they would be a much more visible presence. So that would be the platoons that you would see, you know, on a bike rack and stuff like that. The hard platoon would be suited up, ready if any -- there

were any concerns or there was any escalation by the group.

The bike teams are in addition to those officers that are doing CDU, but they're part of the CDU team. They assist it, if you will.

Q So the BRT is sort of a subset of the CDU?

A Correct.

Q Got it. I had it backwards. Thank you.

And what kind of equipment does -- do CDU folks normally use in the course of their duties? Because there was a -- there are some recommendations around that. But before we talk about the specific recommendations, I just want to get an understanding of what equipment is used by folks with the CDU responsibility.

A Sure. So are you asking, like, on January 6th, now or --

Q So let's -- I guess let's start with pre-January 6th and then now. So what sort of -- what was -- what are -- what was sort of the standard issue equipment pre-January 6th and then what is the standard issue equipment?

A Okay. So the issues for -- that were prevalent on January 6th were that when we -- when the department activated CDU, the officers that had equipment couldn't get to it. It was on a bus. The bus was locked. We didn't have extra shields onsite. There's a whole host of issues with our equipment that was being provided to officers or not being provided.

What we've done since is we had a -- we collaborated with probably about 10 or 12 different agencies from across the country on what CDU gear that they outfit their officers with. We formed a working group with officers included. We included the FOP and a number of officers to test and evaluate different CDU gear that some agencies were using, and we have since purchased all new state-of-the-art CDU gear for every sworn officer.

That gear is starting to arrive now. We are in the process of sizing our officers and issuing out the gear probably within the next 2 to 3 weeks. The delay in getting that gear -- I don't want it to just look like we've waited a year to order the gear. The delay was we needed to get the supplemental funding in order to purchase the gear. So as soon as we got the supplemental funding, I believe the first thing that we did purchase was the CDU gear for the officers. And that's starting to come in later this month, early February, and get distributed out.

So every officer -- every sworn officer on the department will have brandnew, state-of-the-art CDU gear. It'll be a helmet. It'll be the uniform, fire-retardant uniform underneath the gear. It'll be the external protection, gloves.

Mr. DiBiase. Respirator.

Chief Gallagher. Absolutely. Respirator so that they can use their radio with the enunciator built into the respirator, and balaclava that they can wear underneath their helmet. And the lenses for the respirators and the eye goggles are laser resistant, which was something that was prevalent a little bit on January 6th for some of the officers.

So going forward, every officer will have brandnew, state-of-the-art CDU equipment.

BY [redacted]

Q Well, that's good. I really appreciate that, because that answers one of the -- or addresses one of the concerns, which is, I'm sure as you know, the IG pointed out that some of the equipment -- I guess "old" is not really the right word. It sort of was worn out because of how it had been stored over time. It had become brittle. It had become nonusable. It sounds like, by replacing that equipment, you've addressed that -- at least part of that issue.

Tell me, sort of with respect to maintenance and care, what -- what things is the department doing now differently to sort of prevent what happened on January 6th with shields shattering and that sort of thing?

A Absolutely. So one of the things that we've broken down with the CDU equipment and the shields is some of the silos that were there previously. So the sworn element, all our sworn officers and commanders, we pick up the gear from property and we store the gear, and that's basically it. When you need it, you go and get it and get ready. There was not a collaboration between our sworn operational commanders and our civilians with our facilities and logistics.

On the life cycling, on the preparation for, okay, the gear, the shields are coming up on their life expectancy. Let's make sure we have the operational component working with the facility's component at least a year ahead of time to get ready for a budget submission. Let's include the officers, test out some different shields. Let's look at what partnering agencies are now ordering. Let's look at what is new that is certified on the market now. All of our gear is upwards of 10 years old right now on CDU.

So all this new gear, we want to continually stay in front of it with the life cycling, the internal controls of where it's being stored. They're doing monthly checks now of all the shield locations that we have within -- on campus. And we have quite a few shields staged off campus that we bring forward for larger demonstrations.

Another thing we're doing to address a lot of the concerns that the officers had with not being able to be provided shields is we have shields staged and all over the campus now at strategic locations inside the office buildings and doors, inside the Capitol Building if we had to refortify a door using shields. We also now bring forward shields in mobile vans to be able to immediately get it to officers if they're deployed for CDU,

additional shields. And we do the same thing with the munitions to support the less than lethal teams in the field.

Q I appreciate that, sir.

And you mentioned just now that you have shields strategically and other equipment placed around the Capitol complex. I also understand that there are lockboxes where this equipment is also stored or at least was stored pre-January 6th. And one of the issues identified by the IG was the remote locking mechanisms for those weren't working and so people couldn't get in to get the equipment. How has the department addressed that issue?

A Yeah. We have removed that equipment from those locations. We've totally revamped where we're storing all of our shields. So now we have them forward deployed at various doors. We have some in barricades in the kiosk, if you will, at certain barricades. And then we have mobile capability.

What we had on the 6th when we, you know, went back and looked at our CDU, was we couldn't get to some of the equipment because the person that had the keys was off doing something else on the 6th and nobody else had another set of keys. We also had equipment on a bus that got kind of overtaken by the route that the protestors were bringing and stuff of that nature.

Now what we're doing is, when we forward deploy shields or additional equipment, we're having CDU commanders be -- when I say commanders, sergeants or lieutenants be assigned to those mobile locations. And we have multiple mobile locations. So there's not one instance where somebody could set a backpack down and now we have a suspicious package and we can't get to our gear. So we store it in multiple locations to be able to immediately surge it forward and provide it to the officers.

Q Copy that, sir.

Switching back to -- so switching away from the CDU part of the First Responders Unit, one of the other recommendations that was made by the IG dealt with the training or additional or advanced training for emergency medical technicians. And I guess, if you could first explain to me sort of what role do emergency medical technicians, or EMTs, play in the First Responders Unit? And what, if anything, has the department done to sort of augment that capability?

A Sure. So right now, what we have is all the sworn officers are trained on what we call TCCC, which is basically tactical containment care -- critical care. So they have TCCC bags that they're deployed with that they can wear on their duty belt which will give them some immediate capabilities to be able to address that issue.

One of the big things that we've done as a department for this is we've entered into an MOU with HHS for tactical medical teams. And we've utilized that multiple times where we bring forward additional tactical medical teams that are embedded with our hazmat technicians to be able to provide all of the critical care and even basic routine medical care, in addition to decon, for the officers.

So on September 18th, we basically had, like, almost a mini hospital, if you will, set up at the Botanic Gardens where we had strike teams from HHS to be able to be behind the lines of the officers and look for any officer, if he was hit with something, he can pull him or her off the line. We had the emergency medical technicians inside the Botanic Gardens where they can do, you know, check pulse, give fluids, IVs. And also one of the biggest capabilities is the enhanced emergency decontamination that we can do now.

Q And is that -- that MOU, is that something that's in perpetuity? In other words, you can access it at sometime in the future? It's not sort of a one-and-done thing.

A That's correct, yes, sir.

Q Okay. Excellent.

So I think I'm done with my questions on First Responder Unit and CDU, and I'd now like to move the discussion to the K-9 Unit. And, first, as I've done previously, just ask you to explain: What is the K-9 Unit and what role does it play in the operation?

A Sure. Our K-9 Unit is comprised of our regular bomb dogs, and then we also have what we call PBIED dogs, which is Person-Borne Improvised Explosive Device dogs. So those -- they're basically a Vapor Wake Team, if you're familiar with that term. I know TSA and some others have Vapor Wake Teams. Those teams are specific to -- the dogs and the technician -- the handler work in conjunction with plainclothes officer from our Tiger Team.

The plainclothes officer we call is a subject interdiction officer. So they go through enhanced training on subject behaviors and behavioral indicators for suicide bombers and stuff of that nature.

So the PBIED dogs and the Tiger Team work as one unit. They're routinely deployed in highly concentrated areas where you may see a lot of people coming from metros, crowds forming, march routes. We would deploy them before the march was able to get there where you have high concentration of people kind of dedicated in certain areas.

For the concerts that we routinely had pre-COVID where we're queueing up large groups of people, prescreening, we would have those PBIED and those subject interdiction officers working heavy in those areas.

The other side of the K-9, which is the largest side, is our regular bomb dogs, explosive ordnance dogs. And they do all of the sweeps, whether it's for a special event, whether it's for access control. And we surge them forward with what we call Atlas,

where we activate our Atlas teams, which is all of our K-9s. They go to certain areas and just randomly come and do a show of force with some other elements of the department and sweep everything in that area, high visibility.

But those are the two elements of our K-9. And K-9 is in our Operational Services Bureau, which they're run by a lieutenant and they have three sergeants and they report up to a captain inspector and then the deputy chief of Operational Services Bureau.

Q Thank you, sir. And would the recommendations here -- and we're going to -- we'll put the policy recommendations aside, because I think you've addressed those globally about how they're being addressed across the department. And so I don't know that we need to sort of go in it with each individual sort of subdivision.

So I'll just sort of focus on the operational recommendations, a couple which were, one, making sure that officers who are assigned to K-9 are meeting the requirements in accordance with the standard operating procedure; two, making sure that regular maintenance and training is being done with respect to trainers and K-9s; and then, three, increasing the number of trainers, K-9 trainers, in order to increase capabilities.

So, with that said, what are your thoughts about where the department is in addressing those concerns?

[5:29 p.m.]

Chief Gallagher. Yes, I think we're on a path to addressing those concerns. We have put a lot of work into our K-9 unit in the last few months. And as far as the policies, all of the polices in K-9 are undergoing a review, assessment, and re-editing.

As far as the amount of training, that's where it's difficult for us. K-9 right now should be receiving about 16 hours of training monthly. Because of the number, how much our sweeps have increased throughout the past few years, as well as some of the vacancies they have in K-9, it's tough for us, very tough, because they're working routine overtime just to meet our written requirements.

We have hired an additional K-9 trainer, a civilian trainer. He used to be former Capitol Police and in our K-9 unit. We do have a current vacancy that's out right now for a K-9 trainer as well to keep increasing the number of trainers that we have.

And then we just approved earlier this week an authorized increase of our K-9 teams. So we have -- right now we have 42. We have an active vacancy that's almost at the finish now. It's been open for about two and a half months.

This past weekend, a number of officers just went through the physical fitness test for the K-9 vacancy. They have interviews scheduled for later this month. And then we'll have an active list where we can start to -- begin to pull and increase the number of teams.

We have done a best practice review of our K-9 based off Pentagon's K-9, FPS, and U.S. Secret Service. And we know that our sweeps dwarf all the sweeps that these other agencies are doing.

So Chief Manger and myself, we just approved an incremental upgrade to our K-9 from the current number of 42 up to 62. That will probably occur over the next 2 years.

That coincides with the sworn hiring that we're -- the mass hiring that we're doing, and stuff like that.

So you'll see probably in the next month, month and a half a number of officers get assigned to K-9 and start going through their training with their dog, and then, incrementally, we'll continue to surge that number up.

[redacted] Thank you, sir. And to what do you attribute the increase in the sweeps that you all now have to do? You mentioned that it dwarfs, you know, Pentagon and Federal Protective Service and Secret Service. What do you attribute to this uptick in sweeps for Capitol Police?

Chief Gallagher. Yeah, I think it's just -- it's -- there's probably a number of things driving it up. But I believe it's the uptick in our mission, how much more mission has been put on us.

The last time K-9 was increased was 2008. So we have done that assessment. It's been a long time. And as you all can probably appreciate, the mission that the Capitol Police had in 2008 to 2022 is very different and expanded.

Some of the additional sweeps are related to their supporting our Dignitary Protection Division a lot. So any of the events that we're doing off campus here in D.C. and the NCR, it's mandatory to bring in a K-9 and a bomb tech to do the sweeps before the Members would arrive.

So we've really, really expanded the amount of sweeps we're doing to support Member protection, not only on Capitol Grounds, but heavy off Capitol Grounds as well.

Mr. DiBiase. After January 6th, too.

Chief Gallagher. Yes. Absolutely. As Tad mentioned, after January 6th with the pipe bombs that were placed and the bomb threats that continue to come in, they're doing mandatory sweeps of the RNC, the DNC, and the Senate equivalent, the DSCC and

the RSC. So there's a lot of additional requirements that have been placed on K-9.

BY [redacted]

Q I appreciate that, sir. So it sounds like there's clearly, as you said, increased mission, increased responsibility.

It raises in my mind a more general question, which is with respect to K-9 and CDU and BRT -- I'm using all these acronyms that I have now learned -- and CERT.

What methodology does the Capitol Police use to determine how many of these assets it needs, but particularly in light of your comment that your mission has grown over time, and your responsibility has increased, and you're in a position where you are now in sort of a mass hiring?

Can you talk to me a little bit about what methodology do you use to determine we need this many CERT officers, we need this many BRTs, we need this many K-9s, that sort of thing?

A Sure. So one of the things that we're trying to do with how we're evaluating the need for operations is not continuing to do things as we've always done them in the past. One of the biggest impediments, though, is the sworn staffing vacancies that we do have.

But for CERT, for K-9, it's taking that jointed approach to looking at what is the mission, how many officers do they have assigned, what are the mandated training requirements that they have, in addition to not losing sight of what is the overtime burn rate, that average overtime in that section per officer.

Because we need to be able to staff up at some point to be able to get these officers back into routine schedules, if you will, without relying so heavily on mandated overtime just to meet our mission requirements.

So that's kind of the approach. We're doing the best practice review as much as

we can with K-9, with CERT, with Dignitary Protection Division. We just had Secret Service come in and audit the entire training program for DPD.

So we're really trying to branch out and look at what are our partner agencies doing, what standards do we have in place, what do we want to get to for the mandated mission overtime per officer that coincides with getting them days off, and what is our mission requirements or policy to meet as far as training standards.

Q Copy that, sir.

One of the terms that I have heard used with respect to planning strategic operations is being intelligence driven. In other words, intelligence driving not just tactical response, but sort of strategic planning about how organizations like your security organizations allocate resources and staffing.

Is that something that the department engages in? And does it use, like, IICD, for example, to help them do that? Or how does that work?

A Yeah, absolutely. So that's one of the -- probably the biggest improvement that I'm the most proud of that the department has done since January 6th is a complete revamping of our operational planning.

Now, I had mentioned earlier in the meeting that we were doing some of the silos that were in place. And that was evident to me on January -- January 6th I had the PSB. Another deputy chief had OSB. Another deputy chief had USB. And I knew what the PSB plan was definitively and I put stuff in place for PSB. But I didn't really know what the USB commander was doing for USB and the OSB commander.

So everyone was kind of I don't want to say was doing their own thing, but everyone kind of focused within their bureau, within their chain of command, without that somebody really wrapping their hands around the entire department and looking for any identified gaps.

And that's what we're doing now. So when we go into any type of event -- this week, tomorrow, we have former Senator Reid lying in state in the Capitol. Next week, we have three large demonstrations that we're doing.

But when going into any of these events, the operational planning now is now being led by our Command and Coordination Bureau. And it forces every commander from across the department to sit at the table and be part of that planning.

We have revamped and made it mandatory for participation in those events. One of my goals in my current role is, whatever event we go into, a commander anywhere in the department can understand what everywhere in the department is doing.

So we have duplicity in our incident command. We have an area commander identified. We have an incident commander. So we're really taking to the incident command structure. We know if the incident commander is involved in something, there's a deputy incident commander. So that's the person that's going to pick up the planning.

We have redesigned -- on the 6th, we didn't have an operational plan, a written operational plan. So we have new incident action plans for every single event that we do.

We also follow up those incident action plans with mandatory after-action reviews. So every officer is able to -- a bulletin goes out. Every officer, every civilian in the department can submit. What we have done is made it mandatory that every official for your area of responsibility, you have to provide feedback.

We now allow -- we now align the intelligence into that planning process. So Julie, as the acting director, will do an initial assessment, which will get the ball rolling for those interagency collaboration meetings. Julie will provide her briefing: This is what

we have. We'll continue to update that assessment.

Our CCB team has been working with DHS to model our planning process and assignment of resources after the SEAR process, the Special Event Assessment Rating process. Obviously, ours has to be a little bit different because we're talking assignment of CDU or the bike teams and stuff. But we now are coming up with a process of here is what the event is, here is the resources that they need to draw up internally in the department.

We have mandatory either guided discussions or for larger events tabletop exercises internally in Capitol Police where we're exercising or utilizing emergency planners to test the planning that we have set up.

Larger events where we have some external agency support we do an external agency tabletop exercise where we get all the commanders and the executives together in the room or virtually, we will go through a bunch of different scenarios, almost resembling the National Special Security Event planning process in the internal-external coordination.

All of the intelligence assessments now when they're sent out go to every single officer. They get them on the phone. They also at the same time are going to every external agency. So from DOD, Federal agency, State, local, all partners are getting the same picture from the Capitol Police.

And then we also developed a Critical Incident Response Plan for the U.S. Capitol Police. So it's the first of its kind for us and it addresses some of the issues pre-January 6th where we now have a plan in place to bring in -- a coordinated plan to bring in additional resources in essence from external agencies, whether it's for a planned event like September 18th, we utilized it to bring in -- we brought about 200 CDU officers forward, or even a no-notice event.

So if something was to happen tonight, an active shooter, if we needed additional tactical teams, our command center, the chief or his designee, would be able to activate that Critical Incident Response Plan.

And we have worked with upwards of 28 to 30 different agencies for months on that Critical Incident Response Plan. We now have it formalized. And that is part of the plan also that Congress, when they appropriated the supplemental funds to be able to allow -- and I might have this term wrong -- allow Capitol Police to pay for these agencies to come forward.

That's built into that Critical Incident Response Plan where we have an MOU with those agencies. We discuss ahead of time use-of-force guidelines, methods to pay them, the swearing-in process, the certification process, all that stuff.

Q I appreciate that really detailed response, sir. And it's a good segue into what I want to talk about next. Because you mentioned the Command and Coordination Bureau and, specifically, incident management, sort of some of the changes that are happening there.

If we back up a second, sort of tell me, what's the general -- what function does Incident Management serve within CCB? What are they supposed to do, and how are they supposed to do it?

A So our CCB, Command and Coordination Bureau, it has our command center, it has our communications, and it also has our special events and our Continuity Working Group, which is more the classified stuff.

Our command center is kind of the, for lack of a better term, the quarterback, if you will, for the department. They're up there, they've got all the camera views, any time when we have a larger event. Next week we'll have reps from all different participating agencies, executive decisionmakers in the command center.

So the command center is typically where the area commander will be and the incident commander will be out in the field. There's also a deputy incident commander out in the field, the CDU command. And we drill it down pretty far in that incident commander structure. So that's kind of how that incident command focus fits into CCB.

Q So would it be fair to say, sir, that when an incident happens the CCB Incident Management Team, sort of their responsibility is to, for lack of a better term, manage that incident, as you mentioned, sort of as the quarterback, so the rest of the department can do what else it needs to do, but you sort of have a dedicated team to the incident itself?

A Yes. So we would, if an incident happens, we would have an incident commander in the field go to an incident command post and start setting up there.

CCB has a team that would go out to the incident command post and begin a log and a tracker and set up the bridge from the incident command post to our command center.

Our command center should be quarterbacking the entire operation for that event and making sure we're not assigning too many assets to one area and making sure we're keeping certain teams in certain areas.

And we're also bringing on -- we have entered into an agreement to purchase iTAK, which is -- are you familiar with iTAK?

Q Yes, sir.

A We'll be able to have force tracking and be able to see where all of our assets are from our command center. And up in our command center, we'll have the window version, WinTAK, where we can be able to see campus-wide where our tactical teams are, where our countersurveillance, where our CBU, and stuff of that nature.

So the command center should be kind of quarterbacking the entire operation and

managing all the department's assets. And the incident commander's specific duty, actual incident, making sure he's getting it swept, making sure he's setting up a perimeter, to making sure he's got the right assets coming there to deal with whatever that incident is.

Q Copy that. Was there an incident manager on January 6th?

A No. The department didn't have an operational plan in place for January 6th. And the only -- post-January 6th, the only thing that I was aware of was Deputy Chief Waldow was commanding our CDU teams. But we did not have any type of formal what we do now, formal incident command structure in place.

Q Copy that.

You mentioned two positions within Incident Management, the incident manager, or the IM, and the deputy incident manager, or the DIM.

Briefly, what are their responsibilities?

A Sure. So what we have is the incident commander, and that incident commander is kind of the overall field operations coordinator for the event.

What we started to do post-January 6th is assign a deputy incident commander. So, for instance, the incident commander gets involved in something, isn't able to get on the radio, isn't able to respond to the command post to give direction, we have a deputy incident commander already identified, so that we have the duplicity of somebody will be there to take command.

And then we also have the area commander, which is if it morphs into a larger incident where you're talking unified command and we have different agencies coming up with multiple events, that's where the area commander would start to come in to kind of command all of the moving parts of the department.

Q Copy that.

One of the recommendations -- and part of the reason why I asked those background questions is because I think it's helpful for what I want to ask next or talk about next, which is one of the areas of recommendation the OIG had was ensuring that people who are part of the incident management, so people who are on tap to be IMs or DIMs or otherwise part of the incident management structure, are, one, receiving their initial training, and then, two, they're receiving their recurrent training, and that is being tracked and people are able to account for it, which they found wasn't necessarily the case.

What are your thoughts about that, and how has the department sort of addressed that issue?

A Yeah, we're in full support of that. What we have done is we're moving towards -- and we used to do it years and years ago. When I was an officer, every year you would have to take the online courses in incident command, the basic ones, as an officer.

So where we're transitioning now to is mandated yearly training. So the officers will get a certain level, ICS 100, ICS 200. All of the command staff will go through ICS 100, 200, and then the expanded, enhanced ICS classes as well.

Our CCB team has taken the initiative. They went and met with FEMA about the online incident command, NIMS training and stuff of that nature. As soon as -- the process is in the review phase now -- or the policy is in the review phase now -- and we will track all of that training through that APEC (ph) system, which is the training database system.

Our Training Services Bureau and our CCB have been working jointly together to revamp this training and get it back on board for Capitol Police.

Q Copy that, sir. And I think we're at our last sort of area before I just have

some closing questions, and then I will open it up to other folks who may have additional questions.

So we talked about Command and Coordination Bureau with specific reference to incident management. Can you just sort of briefly describe for me what are the responsibilities for the Command and Control Bureau, generally speaking?

A Sure. So, generally, on a day like today, our command center is operating. We have liaisons up there from the House, Senate, and AOC. They're tracking anything that's going on, not only on Capitol Grounds, but they're also -- they have the dedicated lines to our Federal, State, and local partners.

They also have -- I guess I'll be brief on this -- the air management, if you will, any type of air threat. That's quarterbacked out of our command center. We also have reps out at the NRCC 24/7.

And then our communications, obviously, is 24/7. That's our dispatchers for U.S. Capitol Police.

And then the other arm of CCB is Special Events. So they're the ones that talk to all the organizers, any type of event that's going on, whether it's a demonstration, whether it's a congressional event. They're meeting with either the protocol office and the staff that are coordinating the event, coming up with a timeline, making sure everything is in line with our timelines and our policies and permits and applications. Any external agencies that want to come up on Capitol Grounds, that's routed to Special Events.

Then we have our Emergency Planning Section and then our Continuity Working Group. So our Continuity Group is all the classified stuff that we have in place.

Our Emergency Planning Section is working day in and day out with our new operational planner that we brought on from Secret Service. And they are busy enough

because we have so many events all the time up here that they're continually working one event to the next. They're the ones that do all the after-action review and push that out and take in all that information, correlate it into a document. They're the ones that draft up the operational -- the incident action plan that we need to have in place now.

Any event, all the other divisions, whether it's DPD, CDU, K-9, they all do what's called an ISP, which is an incident strategic plan for that unit. All those plans come to CCB. They take all those plans, and that's where they formulate the overall IAP for the department.

Q Understood, sir.

So one of the recommendations or sort of category of recommendations with respect to CCB deals with I think the communications piece and the flow of information from the top of the organization down through the line officer level. And I think you talked a little bit about this with [redacted] with specific reference to intelligence.

But, I guess, describe for me what the process was like for getting information from your level down to the line officer level and how, if at all, that has changed post-January 6th.

A Sure. So leading up to and on January 6th the only ability that we had to talk to to get information to line officers was at roll calls or if we had a sergeant physically go around post by post and drop off a bulletin. You know, we have numerous bulletins almost every day, be on the lookout for whatever it is, subject, car. We would have to physically take that around to every post from an official in the department.

What we have now is, incidentally, we have the ability to share all information with the officers. So every day the officers are getting an intelligence report, a daily intelligence report on their phones. All of our incident action plans, that overall

department operational plan, that's being sent to every sworn member of the department. All of the assessments that we do, any type of products that come out of IICD, all the officers are getting it on the phone.

The results of being able to share that information with these phones has been overwhelmingly positive. Now, we do have some that are saying, "Hey, stop, we're getting too much." But it's been night and day with sharing information. Officers are able to question things. They have a feedback where they can email directly to IICD if they have questions on an assessment or a product or anything of that nature. So it's significantly enhanced our ability to share information.

Notwithstanding just -- not relying solely on the phones, for large events, September 18th, and stuff of that nature, I have mandated that we have in-person briefings before the event. So before, like, the September 18th demonstrations we went out to every roll call, we brought in the officers an hour early, and we went through the plan from A to Z. We opened up the entire playbook for all the officers.

And it was dual purpose. One, you want them to have the information. But, two, you also want to start inspiring confidence in the officers that, hey, the department really has a good plan in place, allow them to ask questions about it, stuff of that nature. So we've also implemented that as well.

Q I appreciate that, sir.

Just two last questions before I see if any of my other colleagues have any questions. Thank you for your time. I know it's been a long day.

You obviously have a lot of change occurring under you with respect to responding to these numerous IG recommendations. What mechanisms are you using to make sure that the folks below you are on track? How are you holding folks accountable? Are you setting milestones?

What mechanisms do you have from your position to make sure -- understanding that you can't obviously do everything by yourself -- to make sure that the implementation of the recommendations as we have discussed today are being carried out?

A Absolutely. And it's a whole team effort to put all of these recommendations in place and stuff. And there is an exorbitant amount of change that has already occurred and continues to occur.

So we have mandatory command staff meetings now, which is something new, we didn't have that prior to January 6th, where we have all the operational commanders getting together. And there's no bureau by bureau. It's everybody sitting together going over recommendations. We're going over -- so not only like K-9 knows what they're doing as far as the recommendations, but somebody in DPD will also hear and understand what's going on with some of the improvements in other areas of the department.

We've also pulled an inspector, Kimberlie Bollinger, out of her assignment and given her priority assignment in small team, working on these IG recommendations, so that we can kind of prioritize them, because you can't pull the car over and stop it in order, you've got to continue do it, meet the day-to-day mission requirements.

So we pulled Inspector Bollinger and the small team out, and they're going bureau by bureau working through these recommendations and codifying all the recommendations. Not only just the recommendations, but also the training plan and the communication plan so everybody understands what's going on.

Q I appreciate, that, sir. And my last question before I open it up to others, we ask this of all of the folks that we spend time with in an interview setting.

Given your experience and given the events of January 6th, and particularly your

vantage point with the IG recommendations, what recommendations, sort of outside of what we've talked about, if any, do you have, globally speaking, that you think might be helpful in preventing something like this from happening again?

A That's a great question.

I think, in my perspective, every commander within Capitol Police, no matter what your rank, if you're a captain all the way up to the Chief of Police, should be able to look back and say, "You know what? I wish I didn't do this, this, or this pre-January 6th."

But it's also extremely important to me, I think, for everybody to say, "What am I doing now to make sure nothing like that ever happens?" And excelling in your current role, where making a difference if you're in CCB, if you're in OSB, if you're a CDU commander, or if you're an acting assistant chief or even the new chief, and trying to put the department in the best possible stance so that never happens again.

So I feel the external coordination that we are doing now is night and day from what it was pre-January 6th. And it's even for small events. It's just routine briefings. Everybody is talking. Everybody has different entities responding to each other. We now have representatives from other agencies sitting in our command center for all of our events that we're doing, where MPD, U.S. Park Police, DOD for larger events, and stuff of that nature.

There has been a lot of change. I think if we can get our staffing situated and get these additional officers hired and be able to give our officers time off, we can then really start to revamp our training that we're doing too, getting back to where we're doing in-service training and not just training new officers to come on.

And we're starting to move in that direction. We purchased these VirTra machines, which are 360-degree simulators. That should be arriving in a month, 2 months. They will be on campus to be able to give us the ability to expand their

training. It's not just -- right now, all we can basically do with our in-service training is qualify at the range and some of the online training.

So we're going to start moving to deescalation training, enhanced CDU training, and stuff of that nature. It's just really hard with the staffing shortages that we have and the mandated overtime and stuff of that nature.

So I think, you know, the additional funding to continue to hire more officers and get our vacancies filled and then participate in numerous calls, almost pertaining to the exact question you asked, with the National Security Council and with some of our Federal partners about what can we collectively all put together so we're never in that position again.

Q I appreciate that, sir.

[redacted] I will first ask, [redacted], any additional questions for Chief Gallagher?

BY [redacted]:

Q Yeah. Two questions. I am just very cognizant of time. Thank you for taking this much time out of your day.

One is you mentioned a lot about the staff shortages that are happening in the Capitol Police. And there's been many press reports about overall the morale. I'm just wondering if you could just generally speak briefly on that and how the officers are doing now 1 year out.

A Yeah, sure. So the moral is -- it's a tough question because it's in the eye of the beholder. So there's been a lot of positive changes, a lot of different things that we're doing as a department that has gotten to the officers that they appreciate.

The biggest thing, you know, I talk to our command staff to try to put yourself in the officer's position. If you're getting drafted over and over without notice, and if

you're working 6 days a week, 12 hours a day, the morale sucks because you can't see your family, you can't get time off, you can't do what's important to you outside of this place.

So the staffing, I think, if we can right the ship with our staffing. And I think we're on the direction. We're hiring 288 officers this year and we're going to do that for the next 3 years. We're implementing a lateral hiring program. We are looking at a Federal annuitant program for retirees and also looking at implementing a temporary contractor security measure.

So I think those four initiatives, the primary one, obviously, being to hire more sworn officers, that will significantly improve morale, because they'll start to be able to get some days off and some time with their family.

One of the things that I mentioned a little bit earlier was trying to inspire confidence from the officers too. So I think the added emphasis that I have been trying to put in place is get out and talk to the officers, get out and go to some roll calls.

Now, we recently just scaled back our roll calls because of the surge in COVID. But getting out and letting them see officials, letting them see high-ranking officials come to roll call, without an agenda, just open up the floor. I can't tell you how many texts and stuff I get after those. "Hey, it was great. I really appreciate."

So just allowing them to have a seat at the table and be able to ask questions and stuff like that goes an extremely long way.

Q And then my final question is, as you mentioned, there wasn't a department-wide plan going into January 6th.

Now, again, like one year, one year later in hindsight, and now that it sounds like you have operationalized department-wide plans for big events from what you discussed with [redacted], so how much of an impact would that have made if there were -- all

these different units had been on the same page, particularly about the intel as well?

A You know, hindsight, of course, I think it would have made a difference. Now, would it have stopped what was happening? I don't think so. I think we needed not only additional officers onsite, outside of Capitol Police, but I think we needed a fence. And even if we had a fence, I think that fence would have toppled. But it still would have gave us time, distance, and stuff like that.

But I think if we had these type of training exercises before an event, mandatory commanders meetings where everyone is sitting at the same table and going over -- this table right here -- and going over the entire plan and were forcing people to speak to your area. So USB, what are you doing? CCB? And we still have somebody that's trying to wrap their head -- well, that doesn't sound right. I'm doing this. It kind of conflicts with this. So I think it definitely would have made a difference.

[redacted] Thank you.

[redacted], I don't have anything else.

[redacted] Thank you, [redacted]

[redacted], any further questions from you, sir?

[redacted]. Yeah. Just one quick question. And I know this preceded your time. You were talking about training. And I was just wondering if you had any visibility into the hiring of Northern Red to do some training for the United States Capitol Police. I don't know if you figure -- or you have an idea you could share with the committee how that was approved, how that happened basically.

Chief Gallagher. Yeah. So I did speak to that. I wasn't aware of that until after January 6th. So I wasn't -- I didn't have oversight of CERT or the uniform side prior to.

But what we have mandated now to put in place so that never happens again is

we have an intelligence assessment of any type of contractor with the U.S. Capitol Police, whether it's even our CDU equipment, who we are buying it from, whether it's an operational training, or whether it's even a contractor on our civilian side, it all gets routed through IICD for a scrub of -- an assessment, if you will -- of the contractor, what's out there, so that we can make a -- and then it comes up to the command staff to make the decision on approving it.

That way it's not at a lieutenant or a captain level approval. We have an assessment done on the contractor, and then it escalates up the chain of command for final approval, because we are expending funds, and we want a higher level to look at what does that assessment say so that we are not in that position again.

[redacted] And is that your understanding of what -- of how that got approved, that, number one, it was at a sort of lieutenant or commander level that those trainings could move forward, and number two, that it wasn't necessary -- it wasn't mandated or expected that there would be intelligence looking into the group that is putting on the training? Are those your understanding of how that sort of happened?

Chief Gallagher. Yes. I can't say definitively who approved it or how it went. CERT is commanded by a lieutenant. So I'm sure it came up through that lieutenant. But I don't know at what point it stopped, because that was a few years ago.

But now we have the process in place. There was no look by intelligence at any training group, contractors, or anything previously, and now we've implemented that process.

[redacted] Anything else, [redacted]?

[redacted]. No, not from me. Thank you so much.

[redacted] Thank you.

Well, Chief Gallagher, I did not anticipate on keeping you three and a half hours,

but I appreciate your time.

Tad, I appreciate your time as well and your forthrightness with the committee. This has been very, very helpful. And as I said earlier at the beginning, once we get the transcript, we'll make it available for Tad's review.

Before we close, any final questions or comments or concerns from anyone on the line?

And, of course, thank you to your awesome court reporters for hanging with us for the last three and a half hours as well. Much appreciated.

[redacted] Thank you all.

[redacted] Thank you, gentlemen. Have a good evening.

Mr. DiBiase. Thank you all. You too. Be safe.

[Whereupon, at 6:10 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

_____

Witness Name

_____

Date

SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: YOGANANDA PITTMAN

Thursday, January 13, 2022

Washington, D.C.

The interview in the above matter was held via Webex, commencing at 1:01 p.m.

Present: Representative Aguilar.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Appearances:

For the SELECT COMMITTEE TO INVESTIGATE
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

[redacted], SENIOR INVESTIGATIVE COUNSEL
[redacted], INVESTIGATIVE COUNSEL
[redacted], INVESTIGATIVE COUNSEL
[redacted], PROFESSIONAL STAFF
[redacted] RESEARCHER
[redacted], CHIEF ADMINISTRATIVE OFFICER

For USCP:

LISA N. WALTERS
TAD DIBIASE

[redacted]. This is an interview of Yogananda Pittman, conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol, pursuant to House Resolution 503.

Chief Pittman, could you please state your full name and spell all of it for the record?

Chief Pittman. Yogananda Pittman. Y-o-g-a-n-a-n-d-a, last name Pittman, P-i-t-t-m-a-n.

[redacted]. Good afternoon. Thank you.

I'd like to ask everyone in the virtual room today -- well, I'll introduce my side, actually, for the record. Present here, myself, [redacted]. I'm an investigative counsel for the select committee. [redacted] is present and will be asking questions. He's also investigative counsel for the select committee. And I see present and potentially going to participate as well, [redacted], senior investigative counsel for the select committee, and [redacted], who is a researcher for the select committee.

I'll ask now -- I think there's only your counsel present for the United States Capitol Police. If she, Lisa Walters, would introduce herself for the record.

Ms. Walters. Hi. Can you hear me?

[redacted]. Yes.

Ms. Walters. Lisa Walters, senior counsel with the Office of the General Counsel for the United States Capitol Police. Tad DiBiase, the general counsel, will also be joining us shortly.

[redacted]. Thank you so much.

And to add on our side as well, I see present is also [redacted], professional staff member for the select committee.

I believe I've gotten everyone outside of administrative staff.

Chief Pittman, this will be a staff-led interview, and members, of course, may choose to also ask questions if they join the call.

Before we begin, I'd like to describe a few ground rules. There is an official reporter transcribing the record of this interview. Please wait until each question is completed before you begin your response. And we will try to wait until your response is complete before we ask our next question.

The stenographer cannot record nonverbal responses such as shaking your head, so it is important that you answer each question with an audible, verbal response. We ask that you provide complete answers based on your best recollection. If the question is not clear, please ask for clarification. If you do not know the answer, please simply say so. And I also want to remind you that it is unlawful to deliberately provide false information to Congress. You will have also an opportunity to review the transcript once it is complete.

EXAMINATION

BY [redacted]:

Q So I'll begin. Chief Pittman, if you can just tell us where you currently work.

A I currently work in the chief's office. My area of responsibility includes the Protective and Intelligence Operations side of the House.

Q And what's your current title?

A Assistant chief of police.

Q What was your position back on January 6th of 2021?

A On January 6th, 2021, I was the assistant chief of police for the Protective and Intelligence Operations.

Q When did you assume that title?

A I believe that I was promoted in late 2019, somewhere between October and November of '19.

Q And may you briefly describe your professional experience leading up to your appointment as assistant chief.

A Absolutely. I came on to Capitol Police 2001. Started as a PFC right after 9/11, the day of 9/11. From there, I worked numerous divisions throughout the department, to include the Capitol, House, and Senate division. Went through a steady stream of promotions starting in 2005 or 2006. In 2012, I was promoted to captain and assigned to the Capitol division. From there, I went to the Office of Improvement and Accountability I believe in 2015. After that office, I worked for the Command and Coordination Bureau within Capitol Police. And from that position, I attained the rank of assistant chief of police for Protective and Intelligence Operations, a role that I occupy now.

Q I want to talk to you about the intelligence and -- leading up to January 6th. As the assistant chief of the Protective and Intelligence Operations back on January 6th and before, can you describe the role you served in relation to the Intelligence and Interagency Coordination Division, which I will refer to going forward as IICD?

A Yes. IICD is a division within the Protective Services Bureau. And under my area of responsibility, prior to January 6th, Protective Services Bureau as well as the Security Services Bureau fall -- fell under my purview. And IICD is one of those divisions within the Protective Services Bureau.

Q So can you briefly describe what your job description as it relates to IICD? So what sorts of things got elevated to you? What sort of things were you involved in dealing with the IICD?

A Absolutely. So for IICD, when I first came over, I was in charge of the

division itself. There were conversations about making changes to IICD in terms of the organizational structure, but I would say in a nutshell they were responsible for many of the things that they are responsible for right now, and that is to develop intelligence products.

They have an open source section that does various assessments for any type of large scale events. There's daily demonstrations, as you know, on Capitol Hill. They do assessments of those events. They do assessments of events of DPD for specialized Members may be on travel and such. And so when those assessments are done, those products are completed. They essentially come up through the deputy chief that's responsible for Protective Services Bureau as well. After that person reviews that information, it is sent to me for signatures.

Q Who was in the role of the deputy chief of Protective Services Bureau on January 6th and before that?

A That would have been Deputy Chief Sean Gallagher.

Q And outside of signing certain products, how -- how was your role as the assistant chief different in the day-to-day treatment of IICD than Deputy Chief Gallagher's would be?

A Deputy Chief Gallagher is going to probably have a more hands-on role, so to speak. Even in the positioning of where he sits, his office is housed within those particular units that he's in charge of. So there's day-to-day communication. Sean and I are having conversations about the products, if there's any question. I review his work. If I have any questions for him, it may get sent back. But he has a more hands-on role with the director of IICD reporting directly to him.

Q Only a few months before January 6th the new director and assistant director were hired for IICD. How would you characterize the reputation of IICD within

the department and potentially more broadly before the hiring of those two new hires?

A I'm not sure how to answer how I would characterize the reputation of IICD. I can -- what I can say is that when I was assigned to the Protective Services Bureau, it was made clear to me by the former chief, as well as several stakeholders within the congressional community, to include the Sergeant at Arms, that change was recommended and change was necessary.

Q Why? What were you told that -- as to why change was necessary, and what sort of change?

A I would say that the reasons why is because intelligence is a crucial and key component to the organization. These stakeholders demanded more from the intelligence operations. They were seeking information. They wanted to expand the partnerships between the department as well as their respective units that do intelligence. They were not satisfied with the performance of the previous intelligence director.

Q So how did you conceive of IICD's role? And I'll give you some options that limit it to that, but did you -- at the time, did you perceive it as an intelligence gathering operation, an intelligence sharing operation, merely an intelligence consuming operation, neither, all three? What was its objective? What was its aim at least before any changes were instituted to the leadership there?

A I would say that it was supposed to be all three. I think that prior to those changes being implemented, there were significant improvements that needed to be made. So your intelligence unit should be gathering, consuming, and disseminating information to the workforce, to its partners. And to a large extent, they did. It just was -- it needed to be more effective.

There were training gaps, communication gaps. There were several gaps that

were identified, and the department leadership wanted to go in a different direction. IICD had largely, prior to January 6th or when Jack Donohue came on, had the same director probably for 10 to 15 years. So it was time for a change, and the direction was that change was going to start at the top.

Q Before the hiring -- and you've mentioned Jack Donohue as director of IICD and Julie Farnam as assistant director -- did IICD have a say on the operational side of the department, or have a seat at the table is more the language I think I would use? How would you characterize that?

A If there are major events or planning where you're looking for your IICD to give you the intelligence that they're hearing about a specific event, yes, that information is definitely considered.

Q And I'm sorry if my question was not clear. I was talking before January 6th, I think because you used present tense. I meant was -- how did that work before the hiring even of the two new heads of IICD in terms of whether IICD was listened to, how much of a role they had in operations, or the intelligence that they gathered in operations? How would you characterize that?

A I would say that they did have a role. There was communications between the IICD director at that time and the operational assistant chief of police.

Q Were there any issues of silos, of the IICD being siloed off from other sections of the department?

A I would say yes.

Q And before I'm going to ask you to go into that, I just want to acknowledge that Congressman Pete Aguilar has joined the conversation.

Good afternoon. You let me know, Congressman, of course, if you want to interject with any questions.

So, Chief Pittman, if you could, you said yes, so can you describe that for me? What was that issue in terms of silos?

A I think there were silos within the department on how information was particularly shared. One of -- or there are several OIG recommendations for how IICD is operating and functioning now, but some of those things that were identified were that we needed to have specific detailed standard operating procedures and policies on how we're going to share the information between IICD and the operational components of the department, who that information was going to be reported to. For example, there were gaps in how far the information was being shared up the chain. So I think those are a couple of examples of where we've identified gaps.

Q So if you could just describe, how was intelligence shared with the leadership before January 6th?

A There would be communications. There were command staff meetings with Chief Gallagher. If there is a special event assessment that was to be completed, you want to know if there's going to -- how many people are going to be involved, whether these groups involved civil disturbance of any sort, were there any Members going to be either targeted or participating in a particular event. There is information shared from and between our law enforcement partners within the region. Capitol Police belongs to a couple of working components. For example, the mutual council of governments. We do a law enforcement brief with law enforcement partners in the area. So those things were taking place prior to January 6th.

Q In terms of you mentioned Deputy Chief Gallagher would be at some of these meetings and that would be -- would he be the conduit by which intelligence would get shared with leadership?

A I would say yes.

Q I know that there were two calls, and we'll get into them, conference calls, though, with IICD's head, so Mr. Donohue and Ms. Farnam, prior to January 6th. But can you help me, were there -- was there a weekly -- before January 6th, a weekly or a monthly or a consistent call on which the heads of IICD were present with the leadership of Capitol Police, or did that -- was that not instituted before January 6th?

A Not in the manner in which it's instituted now. So there are -- it's a daily call now that the IICD director hosts every day at 12 noon, and we have operational commanders as well as leadership from the department, those that have the clearances to be on the call, as well as members of the Sergeant at Arms or Capitol Police force.

So they weren't happening that frequently. There were calls prior to January 6th, but it's definitely been a significant improvement post-January 6th compared to what we were doing before.

Q And Assistant Chief Gallagher has told us that it was two, one in December and then one on January 4th. Does that sound right to you, calls in which --

A On January 6th?

Q Any calls in which Ms. Farnam and Mr. Donohue were both present in terms of giving a threat landscape to leadership.

A I don't have the information in front of me, but I don't doubt that it would have been two calls in reference to January 6th to give a landscape picture to the department, to those commanders that were participating in that call.

Q Did you approve or oversee any changes in IICD in the period after Ms. Farnam and Mr. Donohue's hiring and before January 6th?

A Did I approve -- what -- I'm sorry, repeat that.

Q Sure. Were there any changes in IICD in which you had a hand in either approving or overseeing in the period between when Ms. Farnam and Mr. Donohue were

hired on January 6th? And I know that that is a very brief period, so if there were none, there were none. I was just wondering if any of the changes that you and other members of the leadership team were seeking from IICD, whether any of those were implemented before January 6th and if you had a role in that?

A I think the question is a little broad. There were numerous changes from bringing on Jack and Julie. And I would say absolutely I had a role in that. I directed that entire process. So prior to January 6th, U.S. Capitol Police did a nationwide search to bring on Jack and Julie, but that was a whole process in and of itself.

There were a number of meetings with pretty much everyone in the IC community. I went to several different Federal agencies to meet with directors, share with them some of my challenges, what I was looking for, what I wanted to do here at Capitol Police. And just seek out information, if you were looking for a new director, these were your challenges, what would you suggest to me?

And so after completing that process, of course, we conducted the interviews. And there was one selection that didn't quite pan out for Capitol Police. And through the course of that, instead of going with just selecting Jack, I asked the chief -- the former chief at that time could we bring on an assistant director as well, because we knew there were a number of significant challenges that that new director coming on was going to have to face to start to implement change.

And I don't know that I'm touching on your question, but I do feel it was a little broad, so hopefully that answers. If not, if you could give me some more specifics, I'll attempt to answer that as well.

Q Sure. So I'm actually looking for specifics. And if the only change is in bringing on Mr. Donohue and Ms. Farnam, that's fine. But, you know, you said that they were brought on to bring about changes in IICD. My question is, what changes were put

in place in IICD, if any, before January 6th?

A Well, I think that there was limited time for change, but I do think there were a number of things that were requested and expectations that were set. We had staffing challenges prior to them coming on. So there was an expectation that we would bring on additional staff. There were training challenges prior to them coming on. After a review of many of the analysts' records and performance evaluations, I did have concerns about the training or lack thereof. So I wanted them to develop a training program.

So all of those things that we were looking for to expand our collaboration in the intelligence community, I want to say that Jack had only probably been here maybe 60 days. I'd have to go back and look at the record, but there definitely had to be a time to assess what he had. I wanted a review of the intelligence products that they were using to make sure that we were using the best things on the market, a review of our policies to make sure that our policies and procedures were kind of best practices of others in the business.

But you're essentially, [redacted], talking about a very narrow window of time. So, yes, there were expectations set forth, but as far as the implementation of those things, it wasn't just a hiring of them. It was all the things that we sat down and discussed these [inaudible] 90-day plan. In 90 days we need to come back, oh, you've had time to assess? We've looked at A, B, C, and D, and then this is going to be the roadmap to going forward.

So while we identified those gaps prior to January 6th, January 6th happened. And then, of course, there's a change in plans, so to speak. And we went in a different direction as far as some, I guess, immediacy. It had to happen a lot faster. And we were under a lot of more reviews by outside entities to say these things need to happen.

But they weren't unbeknownst to Capitol Police prior to the insurrection.

Q And so, I guess, to put a finer point on it, precise as you said, my question deals with only a matter of about maybe 70 days. Were the problems leadership sought to solve by hiring new leaders within IICD still present by January 6th? And did those problems, in your opinion, result in being less prepared in the lead-up to January 6th?

A I think that there were challenges prior to January 6th. I don't necessarily know that that resulted in Capitol Police being less prepared on the 6th. I think as with any organization, you're always looking to improve. And there are challenges now, but once you acknowledge those challenges, then you have to take about some type of actionable change. And that doesn't necessarily happen overnight.

So I do think that they did a good job in gathering information. We were probably one of the only law enforcement agencies that produced the type of intelligence product prior to January 6th that -- that detailed -- I mean, we've gone over a lot of those details in our assessment. But, with that said, could there have been better communications? Absolutely. The way we distributed that information, absolutely those were challenges. And the conflicting information from the different reports.

So those are all improvements that we've made since, but we own them and acknowledge that those things could have and should have been done better.

Q And a lot of our conversation today will be about all the improvements that Capitol Police has made since January 6th. I'm starting off chronologically, so a lot of this is going to be backward looking. If you would, you know, humor me, bear with me a little bit since I know that there are, again, a lot of things moving forward that have been improved upon and changed.

But in terms of still looking back at the period before January 6th, you mentioned sharing. So I want to ask about that. What was the level of sharing, let's start with

outside groups, your partners, and the lead-up to January 6th? Was it at the level that you think was sufficient or was that still a problem, a challenge that IICD was working through and trying to improve when January 6th happened?

A I think that that was a problem that they were still trying to improve when January 6th happened. There was limited team -- regular team meetings. Expectations for the analysts were starting to be communicated, particularly by assistant director at that time, Farnam, reviewing of those individual analysts, what their training had been previously, how they were assembling those products that they were distributing to officers. A lot of the communication was via email, so --

And then I know you're going to ask about the changes going forward, so I'll leave that for what are we doing differently today.

Q All right. I would like to talk about the threat assessment you mentioned at the January 3rd bulletin produced by IICD for January 6th. I know you've had -- I'm sure you've had an opportunity to look at that final threat assessment for quite a bit, but if you have it in front of you, if you want to, you know -- if I refer to anything that you want to look at, you may of course.

Let me ask you generally and, again, it may be that this was sort of drafted and developed at a level below you, but what role, if any, did you play in the drafting, editing, or development of that document?

A I did not play a role in the drafting of the document. We do play a role in the editing of the document. And when I say we, if it comes up and I have a question about something I'm not quite comfortable, or if I see some analysis and I'm like, well, why would we say A, B, C, or D, then there would be a conversation, and it could be sent back for additional edits or analysis.

Q And I think you were describing how that might happen generally, right?

You're saying you don't think that that happened in this case, at least as it pertains to you in terms of editing or sending anything back. Is that right?

A In terms of edit -- no. No.

Q And so when -- yeah. I'm sorry. Go ahead.

A Let me put that in context. In terms of editing or sending anything back, no. But to say that there wasn't conversation between Chief Gallagher and I on what he saw, what he was suggesting to have my concurrence, that wouldn't be accurate. But specifically for me to say, oh, you should change this paragraph, no, I did not.

Q Okay. Tell me about those conversations. What was it that you recall Deputy Chief Gallagher talking to you about, you know, what he was seeing, what he wanted to say in the assessment, and what did you respond back?

A I would say that they mostly involved around the differences between MAGA 1, MAGA 2. And then this being a -- more of a situation where the rhetoric or feeling or sentiment that Congress was going to be the target, and folks received this as a last chance attempt to disrupt the counting of the votes.

I thought I had the assessment. I don't think I need it.

Q Okay. And so -- and I know this was a long time ago. Can you recall maybe how -- around what time it was -- you know, this final assessment was published on January 3rd. What -- around what time was it, what days, what period that we are talking about that Chief Gallagher comes to -- assistant -- Deputy Chief Gallagher comes to you and tells you about stresses, the fact that the third, January 6th, was going to be different than MAGA 1 or MAGA 2?

A [redacted] I don't remember the specific days or times. I just know that we had those conversations about the assessment. But to remember specifics, I don't.

Q Is it fair to say that it would have been near the time that the assessment

was published, so -- within that period?

A Oh, yes. Yes, that's absolutely fair to say. And if I'm not mistaken, it wasn't sent out until maybe later in the evening. So there were conversations taking place right up into the very end -- evening hours before that information was even pushed out.

Q Okay. And so then -- and the reason I ask is that I kind of want it know, then, before that period, let's say if the assessment comes out January 3rd, let's say we're doing this in the new year. In 2021 is when Deputy Chief Gallagher is coming to you and talking to you about these things.

Did you have a sense before that or was this the first time you had heard? Was it shocking or alerting to you -- alarming to you, excuse me, that, as you mentioned, this third event would be different and that potentially Congress would be the target this time?

A I don't know that I remember it being shocking or alarming. There was always an undertone of violence associated with MAGA 1 and MAGA 2. But I would say that the change is that Congress was going to be who the demonstrators were feeling this sense of animosity towards versus with MAGA 1 and MAGA 2 there were numerous groups that were engaging in civil disobedience against each other.

Q Were there any pieces of intelligence that you recall either being brought to your attention, either by Deputy Chief Gallagher in those conversations or in the period leading up to when the assessment is put out, that stand out to you as forming the basis for the assessment?

A I don't know if it was Chief Gallagher or Jack and Julie that may have brought that to all of our attention. And I don't remember, like, it was one specific thing. There was a lot of open source kind of analysis, if you will, but a lot of emails, a lot of

traffic that led them to conclude that Congress was going to be the target. So there was discussions about that. And I don't know that it was just from Sean and myself, but those conversations were taking place. I would say yes, and then from Jack and Julie as well.

Q And so I guess I'm trying to get a feel for how much of the traffic comes across your desk, how much of it you lay eyes on, and then how much of it gets to other leadership in Capitol Police all the way up to Chief Sund. Is it synthesized and analyzed within Deputy Chief Gallagher and below so that really it's just an assessment and the product that comes across your desk? Or did you have an opportunity to see specific traffic, specific posts that paint the picture that is forming the basis for the assessment?

A I would say no. We -- I am not an intelligence analyst, and that takes specific training and usually years of training. There's a whole process and procedure to that. That is not my role.

When they have analyzed this information from various platforms, from various entities and they have all of that together and they send a product up, that's when Chief Gallagher and myself are going to start asking questions based on the information we've received, based on the intelligence calls we're having with our partners. Sometimes we may receive calls directly from the Washington Field Office, from MPD, et cetera, saying certain things are exchanged at an executive level.

But, no, to answer your question, that analysis is taking place by those persons that are trained to do so.

Q So is it fair to say in the January 3rd final assessment had earlier versions in December? Is it fair to say that that product, as it is being shaped through December and then ultimately when the final one is developed on January 3rd, that is what you are relying on, in essence, for your intelligence picture into January 6th? There's no other

either written, there are no emails of specific intelligence that are sent to you at your level. It really is the assessment that you are using for January 6th. Is that fair?

A I think that's fair. I think that if there are additional conversations between the director and the analyst, the director may have a conversation with -- if it was something that was jarring or jumping out at them. But overall, they're using that information to develop that assessment.

So, no, we're not getting those individual emails. I'm not scanning open source to see what groups are saying on Gab or 4Chan or what have you. I'm depending on my analysts to look at that, come up with a product. They're verbalizing their concerns and so forth. And then there is some oversight over them, and then we push that product out to the masses.

Q And that is true of not just you, but then other parts of Capitol leadership, I would assume. They are also not reading -- being sent or reading through any sort of specific lines, specific posts. They are also relying on sort of that threat assessment to make operational decisions. Is that fair?

A I think that's fair.

Q Can you tell us the reason that the threat assessment for January 6th was final by January 3rd and not continually updated as more intelligence came in on the 4th, 5th, and the morning of the 6th?

A I think there were some silos and gaps that we have identified, as we've discussed. There was information that came in that did not make it to the director of IICD. But I also think that some of that information -- if there were conversations about that, it was largely based on information that we already were aware of. A, there was going to be violence. B, we expected people to be armed. There were going to be hundreds of folks in town. We're looking at all of the hotels, camp sites, et cetera. So

a lot of the information that was received was consistent with what the information was already provided in the assessment.

Q And so I just want to make it clear, because -- are you saying, then, the -- because my question was what was the reason, what was the rationale. Is the rationale that anything that came in after January 3rd was consistent with what had been produced in terms of the assessment and that is why no update was generated between then and January 6th?

A No, that's not what I'm saying. What I initially said was there were silos and gaps. So we know that there was information that came in, for example, to our task force officers that was not distributed up the chain, so the assistant director or a director didn't even have that information. But even after, you know, hindsight being 20/20, looking back at it, the information was consistent with the information that we already had. And then I named a couple of those variables, such as violence, individuals being armed, et cetera.

So I would say that there were gaps that we didn't have information. But looking back, that information was still consistent with what was in the assessment.

Q Okay. And so then I guess you can't tell me the reasoning why the threat assessment at the time, what the thinking at the time was for having the final one be on January 3rd and not updated?

A I think -- I don't know any other way to answer your question, [redacted], other than I do think that they didn't have the information in some instances. So there wouldn't have been a reason there. If I don't have a document to add to it, I don't have anything to update it with. And looking back, we identified within some of those documents that it was consistent with the information that we had.

Q Okay.

Mr. DiBiase. [redacted], this is Tad. Can I just follow up on that question? I think something that may help.

Chief Pittman. Okay.

Mr. DiBiase. What was our practice with putting out these types of assessments in the past in terms of when we issued them?

Chief Pittman. So I don't have off the top of my head, like, do we have a specific date it has to be out 2 days prior or 3 days prior. If we get something significant that comes in, we're absolutely going to push out a revised assessment. So I don't know if that helps or not.

[redacted]. I'm satisfied. I think I'll have a way of asking it as we move on.

BY [redacted]:

Q So you mentioned, you know, what Deputy Chief Gallagher highlighted to you, which is what the overall analysis is as part of the threat assessment on January 3rd. For the record, I'll read it, a concluded quote: "This sense of desperation and disappointment may lead to more of an incentive to become violent. Unlike previous post-election protests, the targets of the pro-Trump supporters are not necessarily the counter-protesters as they were previously, but rather Congress itself is the target on the 6th," end of the quote.

Do you think that warning, particularly that Congress itself was the target and not counter-protesters like the previous two MAGA marches, do you think that warning was properly heeded by leadership at Capitol Police?

A I think that warning was listened to. I think there were operational changes that were made, but it's hard to say properly heeded to when you have a January 6th. So if the tables were turned and we could go back, would there have been more done if you knew that that was going to happen? Of course you're going to do more.

But I think that at that particular time, the plus up of the CDU, civil disturbance units, the changes to the security posture, the changes that were made within Dignitary Protection, the deployment of with the exception of a few things here and there, essentially everything the department had, it wasn't enough. And there were some asks made after the fact. But, you know, knowing what we know now, it just wasn't enough.

Q I'd like you to run through those operational changes that were specifically made, in your mind, in response to this warning from the IICD. So -- and you ran through some of them. So if you could in detail, what changed, what was operationally changed because of this warning?

A So I don't have all of the lists right in here in front of me, but I can tell you that the times of the civil disturbance units were altered. The number of civil disturbance units, I believe we went from four platoons to seven. The number of officers assigned to patrol the grounds as well as the buildings, the number of special operations divisions officers that were deployed, whether it is patrol mobile response, the guys that drive around the grounds, our K-9 officers, having additional HDU, hazardous device units, that would deploy to investigate any type of bomb threats.

On the PSB side, plussing up all of our dignitary protection teams. I believe we went from four-man teams to six. We added additional supervisors, giving them additional weaponry, long guns. We had our countersurveillance units deployed from an operational period I believe up to 2 days before. Gosh, without having the total listing in front of me, that was assessed.

Chief Sund and Chief Thomas did an assessment of the grounds as far as the deployment of the bike rack on January 5th. They asked that that be redeployed, they thought, to give them a better tactical advantage over the demonstrators. There was a call on January 5th where all of those concerns were expressed from Chief Sund. He

was the host of the call, if I'm not mistaken. And there was probably every law enforcement agency within the National Capital Region participating on those calls, to include all of the Federal agencies, as well as the State and locals, and the D.C. National Guard.

So on those calls it was -- the call was designated for the inauguration planning, but before they went into that, they went into January 6th. And that's when Chief Sund also requested additional resources on that particular call from Metropolitan Police Department as well as the D.C. National Guard.

Q And so let's unpack that a little bit. Staying within Capitol Police and what its resources, it sounds a lot of what you mentioned is plussing of resources, right, of manpower in certain divisions and areas. So I want to actually compare that to --

First, I want to make clear on the record, is it your testimony then that those pluses were not -- went into effect after the threat assessment? That is to say that the levels they were at before the pluses would have been before and then the levels afterwards is in response to the warnings by IICD.

A Yes.

Q Okay. And then the other end of it that I want to ask about is, on the morning of January 6th, before obviously there was any breach, before even members, people who are listening on The Ellipse even marched over to the Capitol, was the United States Capitol Police at full deployment at that morning or not?

A Were we at full deployment?

Q Right.

A Yeah. I'm not sure what you mean by full deployment.

Q Sure. I mean -- and, you know, I need you to sort of help me in terms of what the language might be, but was every single member of the police force working

that day?

A So to answer your question, no. We planned for an operational period that was going from approximately 6 a.m. on January 6th through the morning of -- or through the day of January 7th. So, naturally, you can't have officers here working 24-hour periods. So you stagger. We use what we call a staggering approach.

And I believe when the question was asked before for peak hours when we expect the groups to arrive on the campus and to cover that operational period that we think Congress is going to be in to count those electoral votes. We had 1,200 of the -- maybe it was 1,600 or -- I'd have to go back through the numbers -- of those 1,500, 1,600 officers available to us during that peak period. You save a certain reserve of those officers to come in and supplement those officers that have been here 12, 15 hours.

And for us, us as a department, typically we would do not work officers past a 16-hour period. So we try to stagger the group so that we are able to have full coverage throughout the night pulling from the 6th into the 7th.

Q And so, can you tell me, if you know, if you can ballpark for me, before the resources were plussed, what percentage of the force was that plan put in place for January 6th? What percentage of the force would be working on the morning of January 6th, and then what percentage did it shift to once you made all the pluses and planning?

A I cannot put that into numbers. One of the most significant ones was the plus up of the CDU. If we went from four platoons to seven, a platoon for us is 40 persons. And some of that, I believe we ended with 276 CDU hard platoon officers. And what I mean by hard is they have specialized gear that was on the campus that day.

But to break it down in terms of how many we actually had that were strictly soft and hard to go to the plus up, I don't have it broken down in front of me or in my mind

that way.

Q And taking into account your answer about keeping some for reserves, right, for -- for the second sort of shift, I take it that from four to seven, seven is not the maximum number of CDU platoons, that there are others that were reserved for that potential second shift. Is that right?

A No. I would not say that that was necessarily accurate. Because in addition to CDU, Congress is in full session. And for Capitol Police, that means we're staffing all our garage posts, all our entry door posts throughout the campus. So CDU is just one component that would be dealing with, you know, the demonstrators. But we're also screening staff. We're making sure that the Members can go to and from.

So there's a routine operations that Capitol Police is conducting at the same time while they're dealing with any mass type of demonstration.

Q So I think my question is, is seven CDU platoons the maximum? Is that full deployment for CDU?

A I believe so, but I will have to double-check.

Q So I want to go back to the threat assessment, that sort of, you know, overall analysis. That warning came on effectively the last substantive page of the threat assessment, page 13 of 15, where the last two pages were largely footnote citations.

So my question to you is: In hindsight, do you think that had an effect either on the ability for leadership or maybe the full department even rank and file, whomever, could that have affected people not reaching that last paragraph, that being the most critical piece of the threat assessment?

A I think that in hindsight -- well, not even in hindsight. It's probably a matter of opinion. And you tell me if I'm wrong. It sounds like you're asking should that have been on the first page, or should it have been put in red, or should it have been

put -- that's just one entity of the assessment. You're also depending on those conversations that you're having with your staff.

So, yes, you have this on paper, but I need to be talking to my leadership team to say, this is the concern. When I'm giving it to my operational commander, I'm depending on my operational commander to have a meeting, so to speak, with his deputies, that that gets pushed down to the rank and file.

So whether or not it's placement within the paper, to me, is only one aspect of how you're communicating or what medium you're using to distribute any type of messaging. It has to be a holistic approach. It can't be just where you put it in the assessment. It has to be that communication.

And I think when PSB hosted -- or not PSB -- IICD hosted a call briefing to those operational commanders, and they're going over that assessment, they're not only distributing it via email so that someone has a paper they can hold in their hand and read, but I'm telling you, on a call, whether it's Webex or you're dialing in, what have you, I'm telling you that these are the concerns, and I'm providing you an opportunity to have any questions. I'm addressing those questions. So that personal touch or discussion is a component of that -- an important component of that as well.

Q So then, for example, on the second page of the assessment -- and I'll read it to you for the record, the quote. It says: "The protests/rallies are expected to be similar to the previous Million MAGA March rallies in November and December 2020, which drew tens of thousands of participants," end of quote.

What do you think about how -- you know, you've told me that a big thing that Deputy Chief Gallagher was highlighting was that January 6th was going to be substantively different than the first two Million MAGA Marches. And that is in the overall analysis, on the third to last page, that this was going to be different than those

previous two marches. But that assessment, that paragraph on the second page reads somewhat differently, right? It says it's expected to be similar to the previous marches.

So what do you --

A [redacted] I don't see what you're referencing.

Q No problem. Let met get it for you. My apologies. I know it's difficult because we're not in the same room.

But if you look at the second page of the assessment -- you have it in front of you?

A Yes.

Q And under expected protests overview, the second sentence.

A Okay. I'm with you.

Q Okay, cool. And then, you know, obviously the overall analysis you've seen before, that's on 13 of the 15, in which it says that this event is unlike the events on November 14, 2020, and December 12, 2020, which are of course the Million MAGA March rallies in November and December.

So, you know, I guess, can you explain to me whether that is problematic, could be confusing, particularly when one indication that there are similarities more -- it's earlier in the document versus the heart of it, the part that IICD wanted leadership to take away at the end?

A I think that it could. And I think that's where that in-person or command brief comes in. If I'm saying it similar in terms of the numbers that are coming but not similar in terms of those numbers directing the violence toward each other or opposing groups, counter-demonstrations, counter-demonstrators. But then I'm ending that conversation with, you all should know that this -- what we are expecting now is that they've had it out with each other, this is the last and final stop.

So I think that's why I said it's a holistic approach. But I don't deny that it should

be crystal clear so that there are no discrepancies. And those are the things that we worked hard to change and clean up, so to speak, so that there's no -- so if somebody had to come back a year from now and read it, you're going have the same perception as when we put that information out, and we're not going to -- we won't have to depend on, oh, but I had these conversations with them and I told them. Because we see now I'm having this conversation with you what that can result in.

[2:00 p.m.]

BY [redacted]:

Q And maybe you can help me also in terms of where maybe the breakdown of conversation happened with this -- my last example with this is, I sent over the CDU Operational Plan, published on January 5th, 2021. So it was put together, obviously, after the threat assessment was finalized, and after that the January 4th conference call that I will ask you a little bit about in which, you know, it is being verbally expressed despite, you know, where it is placed in the text. Your point being, of course, those conversations were had and Ms. Farnam and Mr. Donahue are speaking at that conference call about the concerns that they had.

So if you turn to the CDU Operational Plan on the first page, and it says, the expected protests overview. It is in essence lifted. It's lifted basically, word for word, from that second paragraph we read in the assessment.

A Can you tell me where?

Q I'll just read it, but it's exact same sentence. The protest's/rallies are expected to be similar to the previous Million MAGA March rallies in November and December 2020, which drew tens of thousands of participants.

So what, ultimately, gets put in the CDU plan is that first indication of similarity between the protests. And nowhere -- nothing else is lifted from the threat assessment. So not that final paragraph that actually says, as you've said slightly different, that the January 6th is going to be different in kind and degree than the two previous MAGA Million March rallies.

So my question is for you is where, if you know, where did that breakdown occur -- at least how it got translated to the leaders over at CDU where the important

part of the threat assessment is not what gets copied and pasted into their plan, but it's that earlier version that makes it seem as though January 6th is going to be just the third of the two previous MAGA marches?

A Thank you. Ask me the question again, Robin, just so I am clear.

Q Sure. It was long, so I understand. To make it more brief, why do you think -- what do you think it led to the incorrect or the less salient, the not the important part of the threat assessment being reproduced in the CDU Operational Plan, given that you mentioned that there were conversations that there is this conference call, what do you think was the breakdown in communication? If you do -- and of course, if you disagree with the premise, let me know -- as to why, what was the meat of what was supposed to be taken by the threat assessment doesn't make it into the CDU operational plan?

A I would have to say that there were silos. And I -- operation CDU Operational Plan did not fall under our area of responsibility. Were those -- that this does fall within their purview given the information, yes, they were. I would say I don't know. I don't have an explanation for why they didn't put it in or why that wasn't caught at some point. For that, I can't say, and look -- going back to the 5th and what was happening, there are definitely things that stand out, but the details of -- for lack of a better term, for someone else's operational plan and why they did or did not put that in there, it would be hard for me to speak on their behalf to say, we had these conversations, why did that information did not transfer to this document? I don't know.

Q And one way, I guess, I can ask is did you or did Deputy Chief Gallagher or did Ms. Farnam or Mr. Donahue, the way it was set up previously -- and this may go to what you were saying about silos -- did you guys have an opportunity to have a say, to

read, to edit this CDU Operational Plan; to look at it and say, oh, you know, that was the wrong thing to take from the threat assessment; I'm sorry, this should be the right thing?

Was that put in place, you know, before January 6th, or was that opportunity not there for you folks who know what the most sort of important parts of the intelligence are to affect what gets written in those plans?

A That communication was not there. So whereas we have IAP, we do now. We have a specific bureau that is funneling all of that information. I will say there is probably in the past, there was verbal communication between the executives that say this is what's important. But if that was someone's oversight for the CDU Operational Plan, like you're saying the meat of that assessment, what was most important, why that wasn't within the operational plan, and I don't know. Maybe Tad has it. I'm not sure who all received the operational plan.

So as I was stating before, this is just one form of communication. But if I am having a command staff brief, and I have my IICD director on there giving the meat of our assessment to them, regardless of what is in the operational plan, if I verbalize to them that this is what we think is going to happen, we still expect that information to be pushed out at the roll calls when they're getting together the masses that this is what we expect.

So I think to look at it individually, yes. And I agree with the assessment or the folks that have evaluated us and made recommendations that we should streamline things and make it so it's crystal clear, whether you are reading it today or a year from now how this information was gathered, how it was distributed, et cetera. But I do think it's still only one medium that that communication is taking place.

Q Okay. So you brought up distribution. Now, I want to talk -- this is I think my last question -- about the threat assessment itself. I want to talk about how it got

distributed. So the hardcopy got distributed in terms of leadership of Capitol Police, where?

A I know it was distributed to the command staff, but I would have to go back and pull that particular email or document to see exactly where it went. I believe it was command staff -- operational commanders, let me clarify. Operational commanders -- folks that would have been on the campus and having some role in the event on that day as well as to some stakeholders, which I believe included the Capitol Police Board, House and Senate Sergeant At Arms, as well as the Architect.

Q Okay. And what about to the rank and file? What is your understanding of how it got distributed, if at all, to them?

A It's my understanding, now, that they did not receive a copy of the assessment. The way Capitol Police had operated in the past is that information would be shared with those commanders. Those commanders would post a roll call where they're sharing that information to the rank and file. But it is our clear understanding after the fact that that did not happen on January 6th.

Q Let's talk about -- well, let me make sure -- well actually, no. Let's talk about a conference call, the conference call briefing on January 4th with Ms. Farnam and Mr. Donahue highlighting, you know, what they put together in that January 3rd assessment. Do you recall who spoke at the briefing?

A I believe both Jack and Julie spoke at the briefing. I believe that Chief Gallagher? I wouldn't want to be a hundred percent because I don't remember all the specifics. I know that normally when we host a call, Sean is kicking it off, whether he gave any detail -- the specifics of who gave what, I'm not sure. But that's generally speaking how we do those calls.

Q And you were present. Is that right?

A Yes.

Q Do you know who was invited to attend and who was actually present, if those two are different?

A I believe all operational commanders. So that would have been our inspectors and above. And then in some elements like, for example, our hazardous device section or unit is led by a captain. So there may be onesies, twosies for captains here and there because we don't have an inspector. But anybody that is operationally in charge of a unit would have been invited. I don't remember right off the top of my head who didn't participate on the call, but I do believe that most of them did.

Q Okay. And I know this isn't a video conference, so is the way that you would have known whether someone attended or not is if their sort of name comes up?

A We have an executive officer kind of in an administrative role that would have been hosting it. That person keeps or is able to -- almost like the call we're doing now, you can see the participants and maybe identify them either by name or number. And I'm sure that that's what happened in that instance. We would have known from the person that was hosting the call who called in and who didn't.

Q You are saying, basically, operational inspectors and above, maybe a couple of captains on the bottom end. Can you tell me from the top down who you know was present?

A No, not off the top of my head. I don't remember everybody that was on that call. I believe Chief Sund myself, Chief Thomas, Deputy Chief Waldow, Deputy Chief Bowen. Gosh, I'm trying to think of who else. I can't remember exactly how many deputies we had at that time that would have been on there. I feel like I'm missing somebody. Of course, Deputy Chief Gallagher, who was then deputy chief at the time. So maybe that's all of them. As far as the inspectors, it's quite a few of them. And I

don't remember who all was on. But I do think that, for the most part, they participated.

Q All right. And so all those names you listed, starting with Chief Sund, those were names of people you believe were on the call, correct?

A Yes. That is correct.

Q Okay. Perfect. After Ms. Farnam and/or Mr. Donahue finished their presentation, do you recall if anyone asked them any questions at the end of the presentation of them?

A No. Now, Ms. Harper may have remembered what I ate yesterday. The days run together. I certainly don't remember what questions they would have asked a year ago, you know.

Q No problem at all. And so whether they asked a question or not, you don't know? You don't recall either way?

A No.

Q Okay. And I actually kind of want to make a distinction about when, you know, the operational changes were made. Was it your understanding that it was after this phone call, which was January 4th or earlier, or was it the highlighting of the threat assessment? Was it the threat assessment itself or the highlighting of the threat assessment, if you know, that changed the security posture for Capitol Police?

A I believe that there were different changes at different times. So as information was incoming. Based on the information we're receiving, it was changing. So whether it was the 3rd, 4th, each day right up to the 5th -- I do remember on the 5th riding with Chief Sund and Chief Thomas around the perimeter of the campus, so to speak. And Chief Sund was not -- he was not satisfied with the placement of some of the bike racks, and it could have been snow fencing.

But there were certain physical barriers that were placed around the campus that he and Chief Thomas discussed having them adjusted. And that was the day before. I do remember that. But there were other changes as information was coming in that folks were making.

Q Can you tell me about that sort of movement of the bike racks? What information was it that led to that change?

A As we traversed the perimeter, Chief Sund was concerned with the amount of traffic. We were expecting that whatever way that bike rack was laid out at the time -- and I don't remember the particulars -- there weren't proper egress routes. There weren't proper -- it wouldn't be proper ways to tactically defend the campus. I do remember there was an exchange between Chief Sund and Chief Thomas on how far the bike racks should be placed out, closing of the plaza versus not closing the plaza. And I believe some of this discussion was guided by the Sergeant at Arms at the time.

And there were disagreements or a back-and-forth exchange. But I don't remember all of the particulars of what information and criteria they were using. But it definitely was discussed as we get towards the ground.

Q Oh, okay. So what I am asking in essence is, I believe I heard you say, or you brought up this example when I am asking about how intelligence drove a change in operations. So I was wondering what piece of intelligence, what new information was it that made Chief Sund feel as though the bike racks needed to be moved?

A So if you have intelligence that is saying that thousands of people are going to be traversing Constitution Avenue, and you see that you have the bike racks that could essentially set up traps for your officers, and/or for the pedestrians, if you have intelligence that says that -- and I'm just going to just kind of do some hypothetical.

Antifa is going to be traversing this route versus Black Lives Matter is going to be

coming down First Street, I want to make sure that I have a tactical positioning to keep these groups separate. If I needed to encircle them or keep them closed off from one or the other, I'm going to make changes to my security posture. If I have intelligence that says that individuals may be trying to enter the buildings through the tunnels, or they're trying to come underground, there may be a tactical decision to plus-up the number of officers and supervisors that were posted at the Cannon tunnel or Rayburn tunnel, et cetera, so that you have additional resources there to handle anything that may come your way.

Q I am going to guess in terms of the placement of the bike racks on January 5th, was there any new intelligence, or was there something new that came out that drove that operational change? I think you mentioned -- you mentioned in the hypotheticals, but I am trying to pin down what actually you heard, or you received in terms of intelligence that led to that change. You mentioned numbers. I think thousands of people and potentially the movement over from the Ellipse. Was that new information? Or was that information that you guys had had long before the shift in bike racks on January 5th?

A I would say some of the information was new, but some of it was from a tactical perspective, Chief Sund was not -- he didn't like the setup. And then there was the Sergeant at Arms that weighed in on tactically positioning. If you have these groups coming, and they may be aggressive or violent, where should that bike rack be placed out to; how much ground should we be defending; what are we willing to give up? So I do think that those are, from an intelligence perspective, you're using that information provided by intel.

If I know a certain number of people are going to be armed, I'm going to move things, strategically, even where the placement of my teams, whether it's my CDU

response teams, the placement of the bunches, and things of that nature. So those things were -- those conversations were had. All of the particulars of the operational tactical changes I wasn't necessarily a part of, but I do know that those conversations were taking place.

Q I want to go into some individual intelligence received by IICD. First, I want to ask if [redacted] has anything that she wanted to ask about at this point.

[redacted] I am sorry. Can you hear me?

[redacted] Yes.

[redacted] Okay.

BY [redacted]:

Q Just one quick question about the Sergeant of Arms -- Hi, Chief Pittman. How are you?

A Hi. How are you?

Q -- what his role was or any conversations during the time period of preparing for January 6th? I know you just mentioned him. So I am wondering what the communication was with the Sergeant at Arms.

A I'm sorry, [redacted] And how do I pronounce your last name?

Q It's [redacted] thanks for asking.

A [redacted]. It looks so much like mine. It's like, I feel like I should know. But I believe your question was to what extent was the Sergeant at Arms playing a role in the security posture?

Q Correct.

A The true honest answer is I don't know to what extent Chief Sund accepted their recommendations. I do know that they had concerns, particularly, with the plaza. Naturally, the Members are going to be coming back and forth. I do know that there

were conversation and kind of going back to [redacted]'s question between the Sergeant at Arms and Capitol Police about encouraging Members to stay underground so that they wouldn't be interacting with the protesters on game day.

But the specifics of those conversations and how much he may have adhered to their advice or if it was a collaborative effort, I wasn't privy to that.

Q So those conversations would have been from Chief Sund to Mr. Irving and Mr.?

A Stenger.

Q Stenger. Okay. Thank you.

BY [redacted]:

Q So Chief Pittman, I want to draw your attention to an email that was forwarded to John Donahue, the director of IICD by an NYPD official on December 28th of 2020. The email notes, quote, assume you have. And it is sort of a listing of social media posts. That site put together in the run-up to January 6th.

I'll just read some of them for you. I know I think you're trying to find it. So while you do that -- well, you tell me if you want me to wait until you find it.

A You can start reading it.

Q Yeah, because it's --

A Okay.

Q No problem. It's in paragraph form. But, in essence, a lot of the postings say this. It's protesters should, quote, start marching into the Chambers. Quote, show up with guns and threaten them with death. They indicate that Trump's tweet, The Wild Protests, the one user said, quote, I read that as armed. Another said that violent insurrection has, quote, always been the plan. Another one says, quote, Trump can't openly tell you to revolt. This is closest he'll ever get.

Another says, quote, there is not enough cops in D.C. to stop what is coming. Another says, quote, this is war, and we're clearly in a post-legal phase of our society. Another quote, be there on the 6th ready for 1776. Another, quote, fun fact, no revolution has ever been won without violence. And quote, kill the opposition.

I was wondering if these sort of postings, if you recall seeing stuff like this before January 6th?

A I don't. I don't recall.

Q Okay. And do you think -- and, again, this may be speculation, but do you think other members of Capitol Police or the operational side of the department saw specific intelligence like this, specific lines, the specific line of rhetoric?

A If they would have seen these emails or just the general chatter? Do I know if they saw that?

Q Yeah. In specifics. So having read things like this themselves, these sort of specific rhetoric being brought to their attention.

A I don't know that to be true.

Q Okay. And so take something like, you know, indications of marching into the Chamber, do you think that that sort of -- those sort of specifics -- well, do you know why they weren't included in the January 3rd assessment? Let me ask it that way.

A No. No.

Q Okay. And you tell me if this is wrong, but do you think that it would be helpful? Obviously, a threat assessment puts things together. There is general sort of conclusions and thoughts and a threat landscape that gets put out there. But do you think it would be helpful, that would have been helpful for leadership and maybe even the rank and file to be able to see what is forming the basis of the warning; to sees the actual language that is being used such as marching into the Chambers, the other things

that I indicated? Do you think that that would have been helpful?

A I think that's a tough question. You don't want to say that any information would not be helpful first and foremost. However, with that said, you do have conversations with your executive team, your executive staff to say, how am I going to mitigate any type of threat? What threat is most likely to happen on this campus?

So if I have a threat that suggests individuals want to march into a chamber, okay, how can I mitigate that? I have got CDU, Civil Disturbance Units. I've got hundreds of officers deployed. They have got less lethal munitions, or they've been trained to tactically defend the Capitol building. I have also put out calls to local law enforcement to say, I can probably get 500 more of these same level of trained officers to defend that type of threat.

So to say that that one specific, I think it's more looked at in terms of holistically, what am I going to do to mitigate if there's a suspicious package on the campus? Okay. I've got my hazardous response units deployed on the north side and south side. What am I going to do if there is an active shooter? So you train for these scenarios. I have got counter snipers strategically positioned around the campus.

So do I isolate one or a hundred emails? No, I'm looking for that analyst. They're sifting through thousands of pieces of information. And so I need them to come up with that holistic picture. And then I am going to deploy resources that can handle or mitigate multiple types of scenarios. And I'm going to have conversations with my operational staff that say, hey, if (A) happens, this is what we're doing to do. And those were gaps that were identified that those conversations should have definitely have been more robust. And whenever we get into changes that have been made, those are things that I think we have addressed going forward.

Q So let me ask about what, you know, those conversations, in particular, was

the scenario of storming into the Capitol, occupying the Capitol, was that hypothetical, or was that contingency discussed?

A No, not in the manner of thousands of people storming or breaching the building, flanking it on both sides at the same time. That particular scenario was not discussed.

Q And so you put a caveat in, not to that extent. So my question is, was the scenario of anybody storming the Capitol in any amount of numbers discussed?

A To me it's the same question, and the answer is no.

Q Okay. Let me ask you about -- there is an email sent to you on January 5th, 2021. I think you're familiar with it, at 4:10 p.m. That Washingtontunnels.com had been receiving dramatic upticks in new visits. This was sent to you by Deputy Chief Gallagher. That the site, the Donald.win had been active in promoting photos of the tunnel system. And that Capitol Police had identified numerous open source comments by groups of their intention of finding tunnel entrances and in confronting or blocking the Members of Congress, including setting up a perimeter to block entry or escape.

And in that thread, once deputy chief sort of alerts you to this uptick in views with the tunnels, that same day, January 5th, at 4:55 p.m. you forward that piece of intelligence to Chief Sund, saying that you should hold a call regarding that intelligence.

Were you aware of that particular intelligence, the uptick in visits to the tunnels prior to that email that you forwarded to Chief Sund on January 5th?

A Yes. There had been previous conversations about individuals having information about the tunnels. And, Robin, I don't have the email in front of me. I'm very familiar with it. Does it also include Chief Thomas on it, too? Because I don't think it was just Chief Sund.

Q For sure. Let me get you that. It is -- and I did send --

A You did.

Q Okay. No worries. I just wanted to make sure.

A I have a printout of materials in front of me. I do remember, and it's not the first time that I have been asked about this particular email. So I'm familiar with what you're talking about, but I wasn't certain that it didn't go to just Chief Sund.

Q No. You're right.

A Okay. I make that distinction because you want to really have that conversation with the operational side of the House as well. And I apologize, but I had forgotten your original question.

Q No worries. Just to answer your question, yes, the Deputy Chief Gallagher sends it just to you at 4:10. You forward it at 4:55 to Chief Sund as well as Chad Thomas and as well as counsel, Tad.

A Okay.

Q So I'm sorry, my original -- so my question to you, but my first question -- I think you answered it though -- was whether you had that information that intelligence prior to January 5th. And I think you said yes. Right?

A Yeah, I believe -- excuse me. There were conversations about individuals having -- being aware that these tunnels existed. I believe there was chatter, excuse me, about some of the demonstrators saying things like the Members were going to try to hide and not come out -- traverse the plaza to go vote. They were going to try to use these tunnels.

I also remember that, I believe, it was Assistant Director Farnam, when they did their homework and research on that, that information had been posted on the internet, I believe, for at least the last 5 years. So with all that being said, that's when the Capitol Police did make the determination to what we call plus-up the manpower at the tunnels.

And it was also taken into consideration that the buildings were closed on the campus at the time due to COVID. So it's nothing the public would have access to getting down to the tunnels anyway.

Q And so you said that the intelligence had previously been sort of discussed. Why then are you -- why is it being forwarded to you by Deputy Chief Gallagher? Is there something new that is being forwarded on January 5th that you say, quote, I know everyone is busy, but I think we may want to have a really brief call on this intel. PSB is seeing a significant uptick on groups wanting to block perimeter access to the Capitol tomorrow, starting as early as 600 hours. I know we are already spread thin, but even if we don't start CDU earlier, we may want to see what midnight teams we can pull together to address. I will come over to your office shortly.

Does this not indicate that at least at the level of Chief Sund he hadn't been made aware about this tunnel intel? Or at least you seem to indicate that this is new information that you want to discuss?

A I don't know that I indicated that it was new information. And I don't know that I agreed that he wasn't aware of conversations prior to. But I do think that to air on the side of caution, even though the buildings were closed, there may have been conversations and a concern that specific -- and Tad, you tell me if I can't talk about this. But there may have been Members that would bring individuals into the buildings through the tunnels that would cause some concern.

So that's when, again, you'll see the plus-up for the tunnels themselves, to put additional manpower or resources. And now I'm thinking back, there probably were additional grounds, patrol officers to traverse the grounds to address, to mitigate that as well. So I don't know that it was necessarily new.

Q So then I guess my question is this, if everything in this email, the

intelligence in this email is already known, why is Deputy Chief Gallagher sending it to you, if it's already something that he knows you know? And why are you forwarding it to Chief Sund, if it's something that you know Chief Sund already knows?

What is the purpose of on January 5th, near the close of business, sending this intel saying, we need to talk about this intelligence, if all of this is old hat and already been discussed?

A Let me give clarification. So I don't think that there were no conversations before. With that said, and this is -- I don't know the particulars from a year ago just specifically about that, but even if I put it into a hypothetical perspective to give it context, if we did not make operational changes to the tunnels because the buildings were closed to COVID-19, based on the information that we had before, if you see an uptick from the intelligence saying, there may be more people trying to come into these buildings and breach our security using the tunnels -- I know it's last minute. I know we're throwing everything at CDU or our operational posture outside. But maybe we should have a conversation about what can we do down in the tunnels, just in case there is a breach at a door, or we got Members bringing in certain groups that are causing a disturbance, or breaching our security protocols, and things of that nature. So I hope that kind of puts it into context.

Q What that sounds to me is that potentially you're saying that the uptick would have been new. That that is something that was different. There was an increase, and you wanted to highlight that increase and potentially do something about the increase.

A It could have been that that was new, [redacted]. I don't remember, specifically. And I don't know that the email captures the entirety of the conversation. But I do know, operationally, we did things differently, so there was a concern.

Q Okay. And then in terms of then -- back to the January 3rd assessment, this is something that, you know, you are bringing to the attention of the chief again, the day before, January 6th, late into the -- almost close of business. Deputy Chief Gallagher has raised it to you as well. This was not a particular piece of intelligence that was included in the January 3rd assessment. And you're highlighting it, obviously, 2 days later.

Do you think that -- how would this piece of information get out to the department if the assessment that was completed days before is the only thing that is put out by the IICD?

A That's where that holistic approach comes in. It's not just the one document or the one form that you're communicating or messaging. If I'm having a conversation -- if I get some information January 6th at 3:00 a.m., and it needs to be put out, it's highly unlikely that you're going to go back and change your assessment unless it just has to be changed. But there is other ways of communicating those concerns.

So, you know, for law enforcement, a lot of times that information is going to be shared at our roll calls by those operational commanders; those folks with boots on the ground. You're giving it to them. You are holding those. And sometimes we do. And I know this particular conversation is in reference to the 6th. But if you have some information that comes in last minute, you host an operational -- we have a protocol set up to call the command center. Everybody dials in. It's same thing. Those operational commanders are receiving that information so that when they're going back out into the field, they're sharing it with the folks that are more than likely that are going to have to engage these individuals.

Q Was the uptick in views to the tunnels, the tunnel system, was that shared, in your understanding, at roll call on January 6th?

A I don't know. That wasn't my area of responsibility. I didn't have a

conversation with that side of the House about what they shared at the roll call. And those individuals are no longer here.

Q And is it fair to say then at that late period, January 5th, when you mentioned January 5th, at 3:00 in the morning, let's say, the only way that it would get down to -- because there is no update on the threat assessment, because there is no sort of new product that gets put out, the way the person -- the only person who would be able to communicate it down, the only other person on the chain would be Chad Thomas?

A Not the only person. So Chad is at the top of the organizational chart. If he receives it, then he could host a conference call with his deputies. If it's last minute, there is information that needs to go out. We have radios. We send messages to communications. There are other means of communicating that not just he has to say it. He is giving it to his people.

And I don't know if that happened, but I'm just saying it doesn't have to come direct from him. But he does have a means to communicate messaging. And no different than you would as things are changing, operationally, during while you're commanding an incident. And communications is one of the areas that broke down that day. But there are ways to communicate messaging. In situations as the information is changing or the threat is changing, you need to make adjustments.

Q I want to call your attention to another email, January 1st of 2021. In it, Ms. Farnam forwards to Deputy Chief Gallagher, and others, some inspectors on the intelligence side. The intelligence that was sent by Shane Lamond from the D.C. Metropolitan Police Department. And it came in from a civilian. That tip says -- this civilian says he lives right outside of D.C. -- I found a website planning terroristic behavior on January 6th during the rally. Agitators from out of state will arrive and will try to stir

up trouble in D.C. There are detailed plans to storm Federal buildings, dress incognito, and commit crimes against public officials. I strongly encourage that the D.C. Police Department look at the links below."

And one of the links is a detailed plan on storming the Capitol in D.C. on January 6th. And the link is from the Donald.win site. Other links include direct threat to D.C. cops, calling for violence on January 6th, calling for shooting, calling for war in D.C. So on and so forth.

I just want to first ask that particular piece of intelligence, including the supposed detailed plan on storming the Capitol. Did you see it, that particular piece of intelligence, before January 6th, of course?

A I don't remember. I do remember a conversation about the Donald.win, but I don't remember the particulars. But I do -- that website is not foreign to me. It's not like, you know, this is the first time I've heard of it.

Q Okay. And I think I have already asked about whether in terms of storming the Capitol the conversations that were held with leadership on the operational side of the department. So on this one, you said, you don't recall if you saw that particular piece of intelligence, right?

A No, I don't recall.

Q I just want to also point to December 28th of 2020. It's an email from a so-called internet expert tracking far right extremism. She indicates that there are indications of storming the Capitol online for January 6th. Do you recall if you saw that? It was sent to the Public Information Officer Or Office inbox at Capitol Police. Do you recall if you saw that particular piece of intelligence?

A I would say that I did not see this.

Q And why is it that you feel confident saying you did not this versus the earlier

piece, you said you weren't sure if you had? What about this makes it clear to you that you know you did not see this?

A When I received your packet, like I said, the Donald.win is not foreign to me. I remember hearing that, maybe having a conversation about it. But this, when I received this in the documentation that you sent over, I know I didn't see this prior to.

Q Okay. In terms of storming the Capitol, just in terms of the intelligence, you do recall not specific pieces referring to it, but that there -- you knew that there were chatter about it online before January 6th? Or that particular scenario, storming the Capitol, you are not quite sure if you had been told that there was chatter about it?

A I don't remember the specific details about storming the Capitol. I remember having conversations about the Donald.win. If that encompassed storming the Capitol, I'm sure that it was probably said. I forget the second part of your question. But, yeah, that term or conversation is -- I am confident that that's not the first time I have heard it.

The PIO document would have gone to the Public Information Officer, and it says it's on the 28th. I don't remember this document at all. So I wasn't familiar with it. But the Donald.win, I am familiar. But the specifics, the conversations at that time, I don't remember.

Q The last email I want to point your attention to is one sent by Ms. Farnam, December 31st of 2020, in which she raises a concern that the permit requests for One Nation Under God and Bryan Lewis may just be proxies for Stop the Steal. And then she indicates her concern that Stop the Steal is the generally more violent group. And, you know, sort of indicating that this may -- it maybe more coordinated. Right? That putting in permits under different names. That really some of these, at least, are the same group. It's a larger group than what they're putting out there.

I want to ask you about what was made of this warning, but not in terms of denying the permit. It's my understanding Capitol Police has not denied a permit previously. So I am less interested in denying the permit. I'm more interested in that warning. What, if anything, operationally, was done about it? The concern that we previously think that these groups that are demonstrating at the Capitol are separate groups, but potentially some of them might actually be the same group, and they might be Stop the Steal, which is known to be violent.

A I know that there were conversations about this. I know that there was an inquiry with Tad, a general counsel either between Chief Gallagher and Tad. It could have been Chief Gallagher, myself, and Chief Sund. But I know that there was a conversation about this concern with general counsel.

Mr. DiBiase. And, of course, don't talk about what that was. But I think he is asking were there any operational changes.

Is that your question, [redacted]? Did we make any operational changes as a result of deciding not to deny this permit?

I think that's [redacted]'s question.

Ms. Pittman. Okay. Got you.

I don't know that they made any operational changes. I would have to go back and look through my notes. And you said that we've already answered the question. We wouldn't have denied the permit. But I don't remember the particulars on it. I do remember the conversations.

BY [redacted]:

Q Okay. And so then you did -- at least for the record, you did, you were aware about this warning that Ms. Farnam sort of elevated up the chain. I think it was first to Deputy Chief Gallagher, but it made its way to you. Yes?

A Yes. Yes.

Q And were you a part of the conversations? And I think I get that the conversations mostly centered on whether to deny the permit or not. But you were a part of those conversations. Is that fair?

A I think that's fair.

Q The last thing I wanted to ask you is about the National Guard. What did you think of the role of the D.C. National Guard was originally set to play on January 6th? I know for a different department, the Metropolitan Police Department which works to assist with traffic control points.

And did you agree, at least with the lack of a request by Capitol Police before January 6th, did you before heading into January 6th see or envision or would prefer the larger role for the D.C. National Guard, either outside the department in the streets of D.C. but also potentially to assist Capitol Police with civil disturbance?

A I want to be sure I'm clear because you mentioned that National Guard had a different role with -- I think you didn't say MPD, but it was with MPD to do traffic.

Q Yes.

A You're asking if -- or what did I think about National Guard either being requested here to do traffic or be a part of the Civil Disturbance Unit? I just wanted to --

Q Yes let me put it more simply. Let me put it more simply. Should there have been a larger role for the National Guard heading into January 6th?

A I know that the National Guard was requested. And I believe that the National Guard was needed on January 6th.

Q And when you say it was requested, I'm sorry, do you mean by Capitol Police; do you mean by Metropolitan Police Department? Who did you mean by you knew that it was requested?

A I knew that it was requested by Chief Sund to the Capitol Police Board.

Q And, of course, you mean that prior to January 6th, in the lead to?

A Yes, sir.

Q And what was your view about that request and what role they would play in your ideal world leading into January 6th?

A I agreed that we should make the request, and I also agreed that they should not be here in a traffic control -- and I don't even that that was ever even entertained like we were even thinking about bringing -- that was totally for Metropolitan. And maybe some from the Department of Defense may ask those questions, because usually they want to know what role you want to use them in. But Tad is, of course, our -- gives us guidance on what title we ask them for; if they're here in a law enforcement capacity. And I think there is some different requirements. But I don't know that Capitol Police ever made the suggestion that they should come here in a type of traffic control situation. That wasn't our concern. It was more CDU.

Q Right. No, of course. And I know that that role was for Metropolitan Police Department.

My last question is about offers of assistance, if you're aware. You've been asked previously about it, and I know you were -- sometimes you had mentioned that you weren't familiar with it. I wonder if now that some time has passed you have become familiar with whether Capitol Police -- you know, some people use the word quote rebuffed or denied, let's -- more neutral. Denied assistance from DHS, from FBI, or DOJ - DOJ/FBI officials, from Park Police, some resources that they extended during January 6th. Do you recall those offers of assistance and whether or not they were accepted, and why or why not?

A First, let me say, you said that previously I said that I didn't remember if Park

Police, Metropolitan, and the FBI offered assistance?

Q It was not being familiar. I can quote. And previously: Are you familiar with Loudoun County reaching out to Capitol Police to offer assistance? I am not familiar with Loudoun County was your answer. Are you familiar with DHS reaching out to Capitol Police to offer assistance? I am not familiar with DHS was your answer.

And so that's only those particular two. But I'm wondering if either you have insight into either of those two or Park Police, FBI, and DOJ offering resources?

A So my answers are still the same. I am not aware of Loudoun County or some of the other local police departments reaching out to Capitol Police. I'm not aware of the FBI or the others that you mentioned as well. What I can say is that on that call on January 5th, that was really geared towards the inauguration. There was conversations about January 6th. And individuals on that call said they would be available to Capitol Police. One specific I know was General Walker for the D.C. National Guard.

I believe that there were offline conversations between Chief Sund and different persons, whether it was Sergeant at Arms. But to whatever extent he may have had direct requests from specific local law enforcement, I'm not aware of that.

And then I can also say that there was a discussion amongst the leadership, and -- well amongst the leadership about making a request for local police departments. We talked about it a little bit. The COG, the Mutual Council of Governments, and how law enforcement makes that request. I do remember those conversation. And, of course, that went into play on January 6th. But those specific ones you named, no, I'm not aware of.

Q And in terms of the D.C. National Guard, you said that Chief Sund -- you are aware of requests he made to the Capitol Board to have the D.C. National Guard be of

assistance. Is it your understanding that those requests were denied?

A That is my understanding, yes.

Q And you aren't yourself a part of those conversations. Is that correct?

A I was not on the phone. Like I said, a conference call or anything like that. No, I was not.

Q And the source of this information would have been Chief Sund? To you?

A Yes.

Q Perfect. Thank you so very much. I am going to ask now that my colleague, [redacted], continue with the questioning. I appreciate your time, Chief Pittman.

A Thank you. All right.

[redacted] Good afternoon, Chief Pittman. How are you today?

Mr. DeBiase. Hey, [redacted], it's Tad. Could we just take a little short break for her, if that's okay? I mean, for all of us.

[redacted] Absolutely. Do you want to take a 5-minute break?

Mr. DiBiase. Yeah, that would be great.

Chief Pittman. Perfect. Thank you, Bryan.

[redacted] You're welcome.

[Recess.]

[3:05 p.m.]

[Brief audio malfunction.]

BY [redacted]:

Q And these -- this first bucket is not just limited to intelligence. Okay? But having the benefit of your experience and the hindsight of January 6th, all the OIG flash reports that have come out, all of the information that we've learned to date, from your perspective, what are some things that need to change within the Capitol Police in order to better prepare it to defend against something like this from happening again or prevent something like this from happening again?

And then the second bucket of questions, after we deal with the first is, what impediments, if any, do you think are in the way, whether they be political or social or fiscal, are in the way of the Capitol Police being able to achieve some of the changes that you think might be helpful?

So, with that table setting, let's start with the first bucket of questions, which is, what do you think -- and I'm asking you from a broad perspective. Again, I'm not limiting it specifically to intelligence, but given your current position, your former position, your time as the acting chief, what do you think are some of the changes that need to happen within the Capitol Police in order to better prepare it to prevent something like this from happening again?

A Thank you, [redacted], for the question. There are a number of areas that needed to be reviewed from top to bottom or changed. But I would say some of the highlights would be communications, training. I would say technology. And maybe I'd throw in infrastructure under that technology piece. Staffing is a big concern, and then the equipment for the department.

Q So let's take each of those in course. So what is it about communication that you think needs to be changed within the Capitol Police?

A It crosses a number of bureaus. I'll give you several examples. Just within intelligence, and I know you said not limited to that, but the way that we were communicating within IICD, in particular, the relationship between the director, assistant director, supervisors, and the analysts, how they were communicating with the task force officers that are embedded with the FBI on their respective units, whether it's behavioral health analysis, violent crimes, the cyber task force, but making sure that those silos don't exist.

The sharing of information between the intel side of the House to threats and how countersurveillance is doing its operations. When you have a large scale event moving over into more so the Operational Services Bureau or the Uniformed Services Bureau, the way you're communicating with your officers, the rank and file. In law enforcement, we have what's called the incident command system. And it's basically a hierarchy of who's in charge, who's giving orders, who's giving direction.

But one of the lessons learned from January 6th is when you have a crowd of thousands of individuals communicating via radio, give either direction to your officers or to the crowd becomes particularly challenging. You cannot do that with just a bullhorn. The radios became overwhelmed, so the traffic is getting jammed. And then officers in the field are compromised if they can't hear, if they have on a ballistic helmet. So making sure that they have the proper equipment so that they can communicate effectively.

So I think those -- I think that was the first piece that you asked me about in terms of communication.

I would say as far as the executive team or the leadership, making sure that the

leadership is communicating effectively first internally with each other and its staff, but also externally with the stakeholders. Are they getting the intelligence briefs? Are they being updated with the security posture? Are they being updated with the assessments so that everybody is pretty much on the same page.

Q Could we talk a little bit about the executive senior leadership team, since you brought that up. You know, it's clear to me in the time I've got to spend with your organization that the Capitol Police has a diverse portfolio of responsibilities. The people that you are charged to protect within the Capitol Grounds come from diverse backgrounds. And within the sort of line officer level, there seems to be a great deal of diversity in officers.

What are your thoughts about -- do you think that that diversity is represented in the senior leadership team? And if yes or no, why? And if not, what are some things we can do to address that?

A So, no, I do not think that diversity is represented enough within the senior leadership team. I think we've made stride -- strides to start to address that. We're really happy about the changes that we have made, but I think that we could always improve. And I think that we have to review our policies and procedures to make sure that from hire to retire you're looking at that and always keeping diversity in the forefront.

So once you're getting a diverse group of officers in the door or even on your civilian side, do we have specific programs in place that promote career development? Who are those individuals coming from diverse backgrounds? Are we having individuals review our policies and practices for promotions, for example, to make sure that they're fair and equitable to a diverse population so that I have just as much as an opportunity as other individuals to be on that scale, if I so choose? Are we recognizing -- do we have

any type of talent acquisition that we're recognizing talent? And what are we doing in terms of mentorship or internship to make sure that we're developing that talent so that one day they would be in those executive chairs?

So I think that there is accomplishments that have been made, but there's definitely more work to do.

Q I appreciate that. And I appreciate you going through that explanation. And it raises, in my mind, a question: What are some of the changes that you have made in that regard, in terms of the diversity in the senior leadership -- on to the senior leadership team issue?

A So I would just say, just in the last year, within this last year, we -- it hasn't been rolled out yet, and I see Tad giving me the eye.

Mr. DiBiase. No.

Chief Pittman. Okay. We have selected a diversity officer. That person will be reporting directly to the chief of police. And like I said previously for intelligence, we believe that the change starts at the top. So that person is in the process of completing background. So we believe in the next, you know, coming weeks or so we'll have somebody here that will specifically be looking at those policies, procedures, asking us as the executives, what are you all doing, what have you done? And then bringing us a plan, a roadmap, so to speak, where do we want to be 5 years from now, 3 years from now, and what things are we going to put in place to get there?

For example, on Tad's side of the House with general counsel, we've brought in some new folks to his side of the House with diverse backgrounds. Eventually, Capitol Police will be doing a promotional process. I know it's a priority of Chief Manger to make sure that there is more diversity within those upper ranks, your deputy chiefs and above. So all of those things will continue to develop.

On the recruitment side, I believe that the changes we've made is, maybe somewhere around March after January 6th, I assigned an inspector over the Office of Background and Investigations and Recruiting. We previously had a lieutenant. But as we all are aware now, we knew that from the recommendations from the OIG, as well as General Honore's report, there were hundreds of officers that Capitol Police have identified that were short. So we knew that we had to have a senior leader oversee that program from FY '22, I believe, to FY '26. We now have a roadmap to bring in hundreds of officers. And, with that, we are considering diversity at the forefront.

So we want to make sure we're tapping into historically Black colleges and universities, we're tapping into our Asian communities, we're tapping into officers from various geographic regions because members are all over the country. We've established regional field offices since January 6th. The first two are in Florida and California. So with the different regions, we know that there's different climates of threats. We want to have those relationships with local law enforcement so that we're addressing those members' concerns with boots on the ground.

So bringing in a holistic approach and having someone help create that roadmap for us from the time we bring them in on up to their career development I think is going to be key going forward. And we have done numerous things to start to address those concerns.

Q I appreciate that, Chief Pittman.

And that actually addresses the staffing question that I had. I'm sorry, I don't think we talked about that because I think you covered that well.

One of the other categories you mentioned that you saw a potential for improvement was technology. Tell me what your thoughts are about that.

A So when it comes to technology, one of the things that we did relatively

quickly after the 6th was we issued all of our officers cell phones. As [redacted] asked the question and as well as others, how are we distributing or disseminating that intelligence information? Should we still be having kind of old school conversations and just passing out information at roll calls? As we know that there are generational differences, a lot of times the senior management, like myself, are a lot older, but young people communicate a lot via technology, very -- you don't often see them without their cell phones. So that's a great platform to use to quickly disseminate intelligence information.

So now that they have those phones, we are able to give them a daily intelligence report. They receive daily products. And I believe the chief testified just the other day so much so that some officers feel like, whoa, you're giving me too much information. But we, as the chief stated, rather give too much than not enough. And we're able to quickly put out information as, you know, this threat environment around here is dynamic. It's constantly changing. So we're able to quickly push that information out.

I think more work has to be done in terms of the infrastructure and using technology to really survey this campus. And I know there has been a lot of discussion or displeasure expressed in regards to having an open campus. As we know, some of our peers or counterparts down at the White House, they have fencing. And I don't think that fencing is an only option to say that we can mitigate any challenges to the campus. But I do think there's a lot of other technology that other companies use, embassies use, other countries use that we should at least explore those possibilities. I think it's going to take a significant amount of financial resources.

If we did have some type of underground structures that could come up, if we change the landscaping to buy law enforcement agency time to slow down a crowd size the magnitude of January 6th. But I think now is the time to have those conversations

and say how much are we willing to invest in our safety to prevent a January 6th from happening again.

Q I appreciate that, Chief. And that does cover nicely the infrastructure question which I had next.

So having spent some time talking about the things that need to be -- that need to be addressed and the changes that you've already made in that regard, looking prospectively towards the future, understanding, as you said, there's still work to be done in many areas, what, if any, impediments or obstacles are in the way of Capitol Police achieving that?

You know, one of the responsibilities of the committee is not just to identify what went wrong and how it went wrong, but also to identify and make recommendations for what we can do to prevent it from happening again, you know. And that's a pretty broad ledge, right?

And so, you know, from your perspective, based on your experience, what things do you think are in the way that we should be thinking about ways to either get under or over or through in order to help the Capitol Police get to where it needs to be or wants to be in the future?

A I think that one of the ways -- and, of course, there are many -- that the Congress could help Capitol Police is maybe some of that cultural change. And by cultural change I mean, some of it has to be a mind-set that we're not just going to be a reactive force, but we're going to proactively address future challenges that relate to security.

So I'm not just responding or I think by and large Capitol Police was taking an incremental approach to addressing security needs. And we -- we get that you have to be stewards of the budget, good financial stewards. However, sometimes there are

limitations that I think that that has put us in that we've had to make hard choices. I've got to -- the budget is only so big, and I can only address so many things within that.

So maybe constant analysis and review on what are we looking to address in the future, not just what's in front of us but what we think is on the horizon, what's coming, whether it be some type of cyber type of threats, what are we doing to address, again, the infrastructure?

By and large, I've been here over 20 years now. I came on right at 9/11. And I believe that was probably under Chief Terry Gainer that we first started to change some of the infrastructure around the campus. So prior to that, those barricades and barriers in the streets and things, none of that existed. It was much more open. And I remember the opposition that he faced when he made those suggestions back then. Folks did not want those things in place. And now we've adjusted. But by and large, it's been the same.

So maybe a cultural mind-set that says security has to be constantly evolving and you don't want to be behind the eight ball, you want to be in front of it. So what are we doing as a community to address our needs before these types of events have a possibility of happening?

Q Understood, ma'am.

And it raises a question in my mind. You know, the United States Capitol Police is unique in that you have over 400 individual clients, right? And each of those clients have support and staff. And so there's a lot of, at least from the outside looking in, a lot of sort of external -- what I'll call external input into Capitol Police operations.

From a perspective of who has the final say in what the security posture should be, whether that is strategic, to your point, being proactive and strategic thinking about stuff in the future or tactical, do you feel as if there's a right balance between the Capitol

Police as sort of the people with the expertise to carry that out and the clients, or is there some sort of imbalance that maybe we need to think about addressing?

A I think that it's somewhat balanced. I think that there's a great relationship between the chief of police as well as the Capitol Police Board. I do think that it is a challenge, particularly at times for the chief to make security decisions, when you can be -- when you have a lot of folks that you have to answer to. So I do think the chief needs to have a certain level of autonomy to make security decisions. Because, for me, at the end of the day, the chief is going to be held accountable for whatever successes or failures take place relating to security on the campus.

So, in my mind, if I am going to be held accountable for having CDU and posturing them, or bike rack, or fencing, I want to own that. And I don't mind taking on the responsibility, and I know others don't as well, but give me that flexibility to do my job.

Q Thank you, Chief. I appreciate your time. I think those are all the questions that I have for you. So, again, thank you for your time.

I'll turn it back over to Robin to see if he has any additional questions.

A Thank you.

BY [redacted]:

Q Yes. Chief Pittman, I just kind of wanted to run through your day on January 6th. So if you could just start with where you were from the morning until you started to get word or you started to see the crowds from the Ellipse move over, march over to the Capitol.

A The morning of January 6th I responded, and I don't know what time. I'm sure it was in the wee hours of the morning. Responded, and I believe there were a few briefs or meetings, but primarily the command staff was in the command center. And there were incidents happening. And I don't have my timeline in front of me, but very

early on, Capitol Police was taking calls of a man with a gun in this part of D.C. Metropolitan was making arrests.

So as we are taking in information, we're pushing out that information to our officers. I had countersurveillance teams out and deployed. We also had some Members, if I'm not mistaken, down at the Ellipse, so we had dignitary protection deployed outside as well as inside of the campus.

But as the morning continued, I believe that it started with the bomb threats. I don't remember the exact time of the first one. I believe it was around between 10 and 10:30, 10:38, something like that. We started making decisions to handle each of those threats. So it started with the bomb threats. I think there were several arrests of individuals with guns. And then we had the suspicious person in vehicle where there were explosives found. So all of this is occurring before the crowds started to come on the grounds.

Q Do you recall whether Vice President-elect Harris was in the DNC at the time that one such device was found outside of the headquarters there?

A I don't recall that from that day, but I've since, of course, seen that in various reports. But I don't recall that from that particular day.

Q So as you're sitting there in the command center through this morning, hearing these reports, as you said, of the explosive devices, purported explosive devices and certain arrests, who's there at the command center with you?

A Chief Sund, Chief Thomas, I believe Chief Gallagher, Tad, probably Jack Donohue -- not probably -- Jack was there. I can't remember if Julie was there. Maybe they both were in the command center. It was a full house around the dais, so pretty much all of the operational commanders, with the exception of Deputy Chief Waldow was out in the field. And I can't think of anybody else right now. I'm pretty sure I'm

forgetting somebody. But for the most part, the command staff was in the command center. The executive team was in the command center. And we did have an operational -- a couple of field commanders out in the field.

Q And so as these, you know, calls are being fielded, what are -- what is your role that day as you understood it? What was it that you were sort of going to be heading?

A So my primary role is always going to be for the Dignitary Protection Division and being responsible for the congressional leadership. So within Protective Service Bureau, if there is a hierarchy, so to speak, DPD and making sure that the leadership is safe is going to be priority number one. Making sure that you have sufficient resources in place to ensure their safety, if you needed to relocate to another position, what have you. That's the primary responsibility.

All of those other, whether it's countersurveillance, threat units, intelligence units, they are feeding the beast, so to speak. They're feeding that operational center to ensure that you can make sure that priority number one is taken care of.

Q So as we're still here before any of the crowds have shifted over and there were, as you said, some bomb scares elsewhere and some arrests, is there anything that requires you to either shift resources or as it pertains to your area of responsibility, or is everything sort of -- again, before the crowds are moved over, nothing is either out of ordinary in terms of your sort of area?

A No. There are requirements that -- tactically speaking, there were some changes made that I probably wouldn't go into detail on this call in an open forum. But, yes, tactically speaking, there were changes made as the crowds became more violent or there's more people. We need to move differently so that we make sure that we have a backup plan if things go left.

Q So can you just go through, without getting into details, to who was moved where? Just what were your concerns I guess? Again, this is before, and if there's any marching from the Ellipse before the President's speech, what were -- in terms of, you know, your area of responsibility protecting the Members of Congress, what were your concerns that you were seeing out there that made -- that precipitated these tactical changes?

A You're always concerned if you need to have movement of the leadership as well as the congressional body. You need to have routes in place or resources in place to make that happen. And so you make tactical decisions based on the information you're receiving. So if there is a need to get folks out that, you can do that and do that in a safe and efficient manner.

Q But I guess my question is about what was happening on January 6th. Was there anything, at this point in the story, that led you to think that you needed to either change those plans or go through with those plans in moving congressional leadership?

It's my understanding at this point the certification is still scheduled to move forward. The Vice President makes his way to the Capitol around noon. Is it fair to say that nothing major is changing at least until or before the crowds move over from the Ellipse?

A Yes. Yes. That is correct. Yes.

Q Okay. So maybe lead me to the first moment that something does change in terms of the security picture in your area of responsibility, of course, on January 6th, whenever that happens, whenever it is that you first start to realize that there is something afoot.

A I don't know if it's when maybe we're at the third device -- and all of these things are kind of happening simultaneously, so it is hard to pick apart, oh, this was the

trigger, and when this happened, we did B. It wasn't necessarily one thing, but things are happening pretty quickly and at the same time.

But at some point, there was an evacuation of the Cannon -- or part of the Cannon. And I'd have to go back through my notes, Robin, to see when we started to say, you know, we need to reposition. I would say it had to probably be a little later as the crowds are getting larger and more aggressive. And what exact time that happened, I don't know. I used to have the timelines remembered from the hearings, but I don't have it off the top of my head.

Q I'm less interested in times and more just what you're observing.

A Okay. We're observing aggressive behavior. The officers at this point are being attacked.

Q Well -- Capitol Police officers at the Capitol Grounds?

A Yes.

Q Okay. Well, let me back up a little bit then. Were you guys -- were you listening at all to the President's speech at the Ellipse?

A We had it on. It was on in the command center.

Q And, again, you tell me if you recall this, if it stood out to you when the President mentions, you know, we're going to go march now, right, he made it appear as though he himself was also going to go from the Ellipse to the Capitol. Did that stick out in your mind? Did that worry you? Did that concern you? What did you think about that?

A To put it in context, we have phone lines blowing up, radios blowing up, hundreds of officers starting to engage, and that was well before the President's speech ended. I do remember that from the timeline. So if the protesters started marching here at 12:30ish or 12:38, 12:40, for some reason that sticks out in my mind, I don't think

the President's speech concluded until 1 o'clock or 1:10. So we were having problems on the campus well before his speech ended. So we would have been mitigating threats before he says whatever he said. So we're putting out fires well before that speech ends.

Q Okay. And so you're alluding -- how did you figure out that some of the group at the Ellipse were peeling off and already starting their march to the Capitol before the President's speech had even ended? Who -- how'd you get that intelligence? How did you figure that out?

A We have folks in the field. We have a robust camera system within the communication or command center. We have every law enforcement agency in the region represented. So on days like that, you're getting intel from MPD. MPD has an operations center or a JOC set up. Park Police, Secret Service, all of those commanders are housed within the Capitol Police Command Center. So you're getting information. That way you're getting information from our folks that we have out in the field, we're getting information from their folks, and we're monitoring the campus via the camera system.

Q And so had you -- was that a surprise to you at all the sort of marching from the Ellipse to the Capitol or was that -- was everyone basically anticipating that that was going to happen?

A Yes.

Q You guys foresaw that -- previously -- that that was going to happen. That's what you're saying yes to?

A Yes, I am saying that we foresaw that there was going to be demonstrations on our grounds.

Q Okay. And so before -- as you see these crowds peeling off, before they

interact with any Capitol Police officers, is there any warning that you receive intelligence as you could see plainly before your eyes with the cameras or from your partners there, anything that tipped you off about the tone or the mood, let's say before they get aggressive with the officers at the racks, at the bike racks?

A We were getting information about the tone, some of the things that people are marching and saying. But we're also aware of the arrests that are being made, and that is a serious concern to us, those individuals that are armed. So we want to address those things.

But as far as a crowd itself being violent before they reached the grounds, there was no intelligence that were saying we've got a group of 30 that are armed and they're doing A, B, C, and D. So it's, like I said, a lot of moving parts on the day of, between that, the pipe bombs being placed around the city, around -- adjacent to the campus, as well as that vehicle that had the explosives and ammunition in it as well.

Q And so before there's any interaction between the protesters and police, it sounds as though there were two things, the sort of arrests from that day, which I take it dealt a lot with folks being armed. Is that right?

A Yes. Arrests, reports of folks being armed, reports of MPD arresting individuals with weapons. Then the first suspicious package I believe was in front of the court. That was the very first one. And then the pipe bombs that we had to address as the day progressed.

Q And the second piece of that you mentioned is you were hearing reports about rhetoric, violent rhetoric. Do you recall some of what you remember hearing? Do you recall or did anyone advise you of threats to the Vice President or maybe animus towards law enforcement officers being traitors or so on and so forth? Anything like that that you -- was being told to you?

A I don't recall the specifics from that day, like in the manner in which you asked the question, no.

Q In terms of the rhetoric, you don't recall what sort of -- but you do recall being told about some of the rhetoric. Is that right?

A Yes. Yes, I do. Yeah.

Q Okay. And then you -- so now at this point you mentioned that there was aggression between, once they reached Capitol Police, between Capitol Police and the rioters. So just walk me through what you're seeing and what you're doing -- you yourself of course -- throughout the -- throughout the attack.

A So I want to say initially they started to engage the officers. We're watching it on the west side of the campus, probably on the Pennsylvania Avenue walkway. You'll see the exchanges between those -- and those officers kind of back up. We also are watching the engagements or interaction between those on the east side, because it's happening almost at the same time.

So my role doesn't change as far as what my primary area of responsibility. At that time, the leadership is safe. The building hasn't been breached. The legislative process continues. So -- but we are paying attention. There's definitely communications between the countersurveillance units and the DPD agents, inside, outside, making sure that we are tracking the movement of leadership and such.

Q So walk me through when maybe something does change in terms of potentially when backup from MPD is called. When is it that the aggression escalates and a change in resources is required or requested?

A I would say that the aggression escalates between -- 1 o'clock and 2 o'clock would be probably the peak times of the aggression. MPD is called probably around 12:58, 1 o'clock, give or take, you know, a few minutes here or there. They arrive.

They -- very quickly they start to engage. At that time, they are still -- the Capitol still hasn't been breached. But DPD is starting to posture as they're moving closer to the buildings. And I don't remember the exact time of the breach, but then that's when we start to say, okay, we've got to make moves to get the leadership out.

Q And so is that when -- is that sort of your area of responsibility?

A That is exactly my area of responsibility. Yes.

Q Okay. And so what do you start coordinating and doing?

A I wouldn't feel comfortable having that conversation on this call about how we evacuate the leadership or how we maneuver to put things in position to move them. I -- I'd rather have that in a more closed forum.

Q I guess I'm less interested, again, in where people ended up or who led them where. I'm interested in what you did. So what are -- what are you literally physically doing? Who are you calling? Who are you talking to? What are you -- I'm making -- what are you making? What are you constructing? What are you coordinating? That's what I'm interested in you talking about, if you could.

A Yes. And I think for me it's probably one and the same. So I am giving direction to Chief Gallagher and I believe it's Inspector Snyder. They're reporting back to me. We need to move person A to a specific location. We need to reposition vehicles and stage so that they get out safely. So I'm coordinating those movements. And then I need to have accountability so that we can report back to the Sergeant at Arms that these individuals have moved to location X and they are safe.

Q Who are you speaking with mostly on the ground over at the Capitol?

A The Sergeant at Arms representatives, as well as intermittently Chief Sund and the Deputy Sergeant at Arms for both the House -- well, I'll say for the Senate. I'm not sure of the individual's title on the House side. But I have a House side Sergeant at

Arms represented as well. That communication is constant.

Q Are you aware of who maybe Chief Waldow is -- Chief Waldow is at the grounds of Capitol, right?

A Yes.

Q And I think he's sort of also serving as a person on the ground, kind of feeding information back to the command center. Is that correct?

A He's -- I don't know if he's feeding information back to the command center. He is on the grounds at the Capitol because he is the CDU commander. So those guys out there that are fighting and having -- being attacked by the protesters, he is in charge of those individuals.

Q Within the command center, I guess, and I think you mentioned maybe Deputy Chief Gallagher, but is there any one else who you're sort of corresponding with and speaking to?

A It would be Inspector Snyder. There were probably -- and I can't remember who the DPD supervisor that was in the command center that day, but there was a DPD supervisor. There was also a supervisor that's in charge of this countersurveillance unit that came into the command center. Inspector Mitchell was in charge of the threat assessments section, so she was there.

So I'm communicating with them from Protective Services Bureau, as well as the Sergeant at Arms representatives that are in the command center.

Q If you could just then go on now. You know, we've had the breach you mentioned and you're coordinating moving Members and leadership to safe places. If you could just go on as to what happens next in the day for you.

A So what happens next in a day for me is I start coordinating with those same Deputy Sergeant at Arms and a House side representative on the movement of the actual

body, the entire Congress, you know, the House and the Senate. So we have specific locations that are designated that we trained, that if there is some type of compromise of those Houses, we need to move individuals to their safe location.

And, of course, that was challenging that day because a lot of individuals were barricaded in their offices, locked in, or routes may have been blocked. So I'm coordinating with the Sergeant at Arms as well as the boots on the ground. We had CERT teams within the building that were going in and extracting Members, as well as their staff, to get them to those safe locations.

Q You mentioned to us previously that the command center was overwhelmed, some people were not making decisions, and so you started making operational decisions outside of your area of responsibility, which included locking down the Capitol.

A Yes.

Q Can you go into that, please?

A Yes. So I believe the time at this point is maybe a little before 2, right around 2 p.m. I ordered a -- the first lockdown was of the Capitol Building itself. Based on my operational experience and years that I spent in Uniformed Services Bureau, the Capitol division is trained in that respective area that procedurally they can lock the building down. And what that means for us is nobody in and nobody out. And that's regardless if it's police officers that are outside of those doors and what have you. It could be Members. It doesn't matter. When you order a lockdown, nobody in and nobody out.

In addition to that, I started the coordination for getting the law enforcement -- additional law enforcement assets here on the campus and then getting them deployed. So I do remember that General Counsel Tad was doing the

administrative part of sending over the paperwork that needs to be signed so that we can start to call in PG County, Arlington. We had folks come -- law enforcement agencies come from as far away as the New Jersey State Police.

So coordinating that is pretty -- a pretty large responsibility because, not only do you have to make sure that they are protected under the law, they have to be sworn in. There are some basic principles that you need to go over regarding use of force and how you're going to deploy. There are specialized units. But you need to have accountability. If you are bringing in, I believe -- looking back, we probably brought in about somewhere between 1,200 and 1,400 outside police officers. We have to know where those officers are and what they're doing.

So we started -- so I started to take Protective Services Bureau resources, as well as the chief's staff, to set up operations adjacent to headquarters building, specifically lot 16, so that we could have a check-in procedure for those units so they could stage vehicles. We know from previous large scale events, for example, the Navy yard, one of the things that can happen is if you have hundreds of resources coming in and you don't stage them appropriately, now you lock up the whole campus. Nobody can move because you got cars here, fire trucks there, ambulance. It has to be done in an orderly fashion.

So I started staging those resources and coordinating with FBI as well as Metropolitan. I had several conversations with Chief Contee throughout that time period, during that -- during the peak of what I would say were the breaches during that day. So coordinating those outside resources.

And then I also pivoted to coordinating, how do we go to our plan B? We have rehearsed or practiced and trained to have alternative locations and sites set up so that if Congress decides continuity of government -- if they decide that they want to convene

somewhere else, I started putting in -- or giving direction to put assets and resources in place so that when that decision was made, we've already enacted those plans.

Chief Pittman. Is that okay? That's not too far?

Mr. DiBiase. Uh-uh.

BY [redacted]:

Q In terms of lot 16, did you go there personally or coordinating by phone with someone over at lot 16?

A No, I did not go there personally. I directed my staff to go there. Specifically it was Inspector Jeanita Mitchell and Lieutenant Maria Willis.

Q And you talked about that sort of being the place to stage vehicles but also as the location maybe for swearing in of certain officers. Is that where the D.C. National Guard ultimately were sworn in before responding, if you know?

A I cannot say that all of the D.C. National Guard was sworn in at that location. There may have been a large contingent of D.C. National Guard, because D.C. National Guard came much later. And I don't have the timeline of which groups came when.

But to start the process going, I put the Protective Services Bureau out there. I can tell you they didn't even have appropriate attire. We dress in plain clothes or the folks that work for us. But they grabbed whatever they could find, police jackets, went out and set up the tables so that they can track each and every officer that's here. They're giving the appropriate swearing in and use of force messaging, and then deploying them, sending them where we need them to go.

Because like we know now, there were breaches on both sides of the buildings and these folks are inside of the Capitol. So you have to deploy them with your officers. They don't know the layout of the land. We're telling them to respond to north barricade. They don't know the north from the south. So how do you communicate

with them? You have to have an officer with a radio and so forth. So all of that takes quite of bit of coordination before you can start deploying those units. So that's what I started doing in addition to the Protective Services Bureau responsibilities.

Q Were you a part of any conversation or had the opportunity to overhear a conversation between Chief Sund when he was making a request for the D.C. National Guard? There's been a lot of it in the press, a 2:30 phone call to DOD officials. I'm just wondering if you had any visibility into that call.

A I did not. I saw Chief Sund on the phone, but I -- no.

Q Okay. If you could just wrap up by -- you know, I think you've laid out what you were doing during much of the breach, during much of the sort of the peak moments of the attack. How did the rest of your night basically end?

A Chaotic. Bringing in those additional resources. By that time, as the evening progressed, there was constant communication between myself and the deputies. At some point, I knew that they were to their safe locations. You're getting less reports of folks being barricaded. Then the Congress has to make a decision on whether they're going to reconvene that night or are they going to reconvene here or in another location. So still putting in resources, assets in place, if they determine they want to reconvene elsewhere.

But in addition to that, we need to now conduct sweeps and continuously get these folks out of the building with the help of Metropolitan and all the other law enforcement agencies. We were able to bring in, I can't tell you how many K-9 teams from around the region. The FBI helped us out tremendously.

But the Capitol Building, as you know, is a huge building. And we need to search every square inch where we know these individuals have gone, that they didn't leave any devices -- we had dealt with the bombs all day -- behind, so that if and when the Congress

does reconvene, they can do so in a safe manner. So we continue to push individuals out.

There were, I think, 40 -- 40 or so arrests toward the end of that evening. I can't remember exactly what time. I do remember sitting with the MPD commander, it was Jeff Carroll, and -- Assistant Chief Carroll and Assistant Chief Morgan Kane in the commander center. But I can just remember seeing the last of the CDU units pushing those folks out, down the avenues. And once we concluded the sweeps, the Congress did convene. And I don't know -- I think that could have been 3 in the morning. It is -- that was a long day. So I don't remember the exact time, but they did reconvene and they reconvened here.

Q And were you still at the command center at the point that they reconvened to continue the session?

A We were still here, yes.

[redacted]. Okay. I'm going to now ask if [redacted] -- I said it wrong. [redacted]. I say it always wrong -- if she has any questions.

Chief Pittman. I think you're muted.

[redacted]. She's muted.

[redacted]. Okay. I just have one question about the kind of towards the end of the clearing of the Capitol. Did you have any interaction with or remember who in particular you interacted with from DOJ or the Bureau or DHS for any matters, anyone stand out at you?

Mr. DiBiase. [redacted], it's a hill hard to hear. I don't know, something maybe with your mike. We're having -- a little hard hearing you. We cranked it up too.

[redacted] Let me see. Can you hear me now?

Mr. DiBiase. That's definitely better, like, leaning in maybe.

BY [redacted]:

Q I just want to ask if you have any sense of who took over kind of leading the coordination to clear the Capitol. Was it your sense that Federal agencies were taking that role or was Capitol Police in charge?

A No. It was definitely Capitol Police. I assigned, and I don't think he was deputy chief at the time, but it was Jason Bell.

Mr. DiBiase. He was not.

Chief Pittman. He was not. Okay.

So it was Inspector Jason Bell that coordinated with the individuals that we had from the Federal asset. So I believe Steve D'Antonio(ph), and I know I'm probably royally messing up his last name. Steve came up, was in the command center. We probably had some ATF representative. And I don't remember -- I work with Steve all the time, so that's why I know he was there. But there were some other Federal agencies that came up and offered their assistance. But Jason Bell was the lead coordinator, along with our Capitol Police assets, our dogs going over and participating in those sweeps.

Q So it's your understanding that Jason Bell was coordinating with those DOJ, FBI, ATF reps on the ground?

A He was.

Q Okay. That's great. I'd been wondering who that person was, so I appreciate you identifying him.

[redacted]. I don't have anything else, [redacted].

Thank you again for your time. I know this is probably the -- multiple times you've testified about this issue.

Chief Pittman. Thank you.

[redacted] Great.

My last question is if there's anything that we didn't ask you that you wanted to share with the committee.

Chief Pittman. Nothing that I can think of.

[redacted] With that, we very much thank you for your time and your frankness in speaking with us.

Have a good afternoon, everyone.

Chief Pittman. All right. You too.

[Whereupon, at 4:04 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

_____

Witness Name

_____

Date

SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: PAUL IRVING

Friday, March 4, 2022

Washington, D.C.

The interview in the above matter was held via Webex, commencing at 3:02 p.m.

Present: Representatives Aguilar and Cheney.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Appearances:

For the SELECT COMMITTEE TO INVESTIGATE
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

[redacted], STAFF ASSOCIATE
[redacted] INVESTIGATIVE COUNSEL
[redacted] SENIOR INVESTIGATIVE COUNSEL
[redacted] STAFF ASSOCIATE
[redacted] INDEPENDENT CONTRACTOR
[redacted] RESEARCHER
[redacted], CHIEF CLERK
[redacted] PROFESSIONAL STAFF MEMBER
[redacted] INVESTIGATIVE COUNSEL

For PAUL IRVING:

AARON ZEBLEY
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[redacted] This is a transcribed interview of Paul Irving conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol, pursuant to House Resolution 503.

Mr. Irving, could you please state your full name and spell your last name for the record.

Mr. Irving. My name is Paul Irving. And the last name is spelled I-r-v-i-n-g.

[redacted] Thank you, sir. In the room today are myself, [redacted], who is senior investigative counsel, and [redacted] who is on professional staff of the select committee. I would also note that, on the Webex, we have The Honorable Liz Cheney also joining us as well.

Let me take a moment to see if there is anyone else from the committee.

Ms. Cheney. Hi, Paul. Nice to see you. Thank you very much for being here today.

Mr. Irving. Hi, Congresswoman. Good to see you as well.

[redacted] And we also have [redacted] and [redacted] from the select committee as well. And I would also note that, for Mr. Irving, we have -- I will let your counsel introduce themselves for the record. Gentlemen?

Mr. Zebley. Good afternoon, Aaron Zebley.

[redacted] And, Rob, would you like introduce yourself, sir? Great. Rob, I'm sorry; I didn't hear. We had another technical glitch when you were speaking. Could you put your name on the record again for me, sir?

Mr. Lehman. It's Rob Lehman, L-e-h-m-a-n, with WilmerHale.

[redacted] Thank you very much.

This will be a staff-led interview, and members, of course, may choose to ask

questions also.

My name is [redacted], and I am an investigative counsel with the select committee. Before we begin, I would just like to describe a few basic grounds rules. I will lead today's interview, but my colleagues may also have questions.

Mr. Irving, you are permitted to have your counsel present at this time. They are already here, and they put their names on the record. This is an official court reporter transcribing -- there is, excuse me, an official court reporter transcribing the record for this deposition. Please wait until each question is completed before you begin your response, and we will try and wait until your response is complete before we ask our next question. The stenographer cannot record nonverbal responses, such as shaking of heads or hands, so it's important that you answer each question with an audible, verbal response.

We ask that you provide complete answers based on your best recollection. If the question is not clear, please ask for clarification. If you do not know the answer, please simply say so. I also want to remind you it's unlawful to deliberately provide false information to Congress. And at the end, you and your attorney will have an opportunity to review the transcript.

Any questions from anyone on the ground rules before we get started? Okay.

Well, Mr. Irving, I appreciate your time, sir. I know that we have you scheduled for 2 hours, and so I'm just going to drive straight to the heart of what we would like to talk about today. I'll give you sort of an idea of framework of the topic areas that I would like to discuss with you today.

First, I sort of want to have a discussion about the role of the Capitol Police Board when you were there, and what role it plays in requesting the National Guard, from a general perspective, right? Just sort of generally speaking, how does that process work?

What does that process look like?

Then move into sort of how that process played out with respect to January 6th and the days leading up to January 6th. I'd then like to talk to you about any discussions that you may have had with other members of the Capitol Police Board or with the United States Capitol Police regarding potential use of the D.C. National Guard up to and prior to -- up to and prior to January 6th, as well as on January 6th; any communications that you may have had with the Speaker of the House or anyone on the Speaker's staff to include, for example, Jamie Fleet, about the potential use of D.C. National Guard; and then just go through sort of whether or not you -- I know you had an official House, excuse me, official congressional-issued device when you were here. You were using that to communicate with folks. Just sort of talk through if you had any other devices and if you can recall whether or not you used those devices and who you may have talked to with respect to the issues we've already talked about.

So that's sort of the outline for where we're going to go today. Any questions about that from you or Aaron or Rob?

Mr. Irving. No?

EXAMINATION

BY [redacted]:

Q If you could, for the record, just give us your sort of brief professional background that leads you up to your formal position here with Congress.

A I was in law enforcement for 40 years off and on until I resigned in January of 2021. I started my career in 1980 clerking for the FBI. In 1983, I joined the Secret Service as a special agent, retired after 25 years, was in private consulting, and then came up to the Hill and was sworn in in January of 2012 as the House Sergeant at Arms.

Q Thank you, sir. And can you just give me sort of a brief thumbnail

description of your duties and responsibilities as the House Sergeant at Arms?

A The House Sergeant at Arms is noted as the chief security and protocol officer of the House, so responsible for enforcing protocol measures on the House side of the Capitol and also implementing security measures on the House side of the Capitol.

Q And how does that position coordinate with, collaborate with, or work in conjunction with the Senate Sergeant at Arms and the United States Capitol Police from the perspective of overall security for the Capitol complex?

A For overall security of the Capitol complex, we would always try to have a coordinated approach. So coordination with the Senate was important. And the main point of contact was the Senate Sergeant at Arms. And the Architect of the Capitol was an important member of the board as well because many of the security measures involved physical security around the campus, and that was in the Architect's domain. And then we coordinated very closely with the chief of the Capitol Police.

Q Thank you, sir. You mentioned the Capitol Police Board, can you describe for us sort of what is the Capitol Police Board, who are its members, and sort of what are its primary functions?

A The Capitol Police Board is composed of the Sergeant at Arms of the House, the Sergeant at Arms of the Senate, the Architect of the Capitol, and the chief of the Capitol Police. And the purpose of the board is to have a coordinated effort in terms of implementing security for the Capitol Grounds.

Q And how often -- well, let me ask it this way, would the board meet regularly to discuss these issues? Did it meet in response to upcoming events? So how was that coordination carried out?

A The board would typically meet once per month, formally. And, in between that, we would have numerous conversations, mostly about issues related to

security not involving the board. I would have a conversation with the chief regarding House security measures or the Senate Sergeant at Arms would have discussions regarding Senate security matters. But, unless it was something that involved the entire campus, it was rarely a board issue.

Q Thank you, sir. And did the Capitol Police Board have any decisionmaking authority? And, if so, how was that exercised, and when was it exercised, generally speaking?

A The decisionmaking authority was exercised during Capitol Police Board meetings. And, if there was a decision needed outside of the meetings, the chief or any member could call for the board to convene or have a memo sent to all board members.

Q Thank you, sir. And, if everyone on the board -- so the Senate Sergeant at Arms, the House Sergeant at Arms, Architect of the Capitol, and the chief of the U.S. Capitol Police -- all have the ability to vote? Or did only some people have the ability to vote and not others?

A We all voted. The chief is noted as an ex officio member, and I don't have the -- all of the historical background on that, but he obviously would not vote on matters involving his personnel. But all four of us would certainly vote.

Q Thank you, sir.

So, moving to the use of the D.C. National Guard, in general, what role would the Capitol Police Board play in -- in the request or use of the D.C. National Guard to supplement security at the Capitol complex and/or for the U.S. Capitol Police?

A Any request for an outside entity assistance that involved the entire Capitol complex, as I referenced earlier, would be a Capitol Police Board -- typically it was, in my experience, a Capitol Police Board function.

Q And so, if something -- if there was any discussion about the need or the use

of the D.C. National Guard, is that something that would have been subject to the Capitol Board's approval before it could be exercised? Is that how that worked?

A Yes, it would be a Capitol Police Board decision.

Q And in the course of that decisionmaking process, sir, did -- was there any other coordination either vertically or horizontally with other organizations or offices in Congress that needed to be had before the Capitol Police Board could make a final decision on whether it's used? Did we need permission from the Speaker's House? Did we need to coordinate with other entities in the House and the Senate? I'm just trying to get a sense of what other players might have been involved in that kind of decisionmaking?

A Decisions were -- security decisions were left to the discretion of the board, but certainly if a security measure was going to involve a business process change to the institution, given time, we would certainly brief our appropriators and authorizers and the joint bipartisan leadership.

Q Okay. Let's make a distinction, at least for me in my mind, between sort of strategic decisionmaking and tactical decisionmaking. From a strategic standpoint, it sounds like what you just referenced, would that fall into sort of an overall strategy where it might have a long-term impact versus tactical, which might be something that's more day-to-day or operational that you can respond to something that's occurring? I guess I'm trying to get a sense of if you all also -- if you all made that distinction in your own minds, and if you did, you know, did you also sort of coordinate on tactical decisions, with respect to security?

A I don't know if I understand your question entirely. I would say that, from a tactical perspective, we would make decisions without the input from congressional leadership. If we were looking to implement something maybe in your words, on a

strategic level, a longer term security measure that would typically affect access to the Capitol, for example, and we had time, we would certainly brief the joint bipartisan leadership. Does that answer your question?

Q Yes, sir, it does. And I apologize if my question was unnecessarily convoluted or confusing.

So, with that as the background, let's talk about the days leading up to January 6th, in particular. And just sort of walk me through from when you first became aware of or were approached about the potential use or need for the D.C. National Guard in response to January 6th.

A Okay. First, I want to reference back to my testimony -- Senate testimony. So I hope you have that in your record because I am going to paraphrase that.

Q Yes, sir, I do. I do have a copy of that. Thank you so very much.

A So your question, again, is the beginning of the discussion relative to the National Guard. Is that your question?

Q Yeah, I basically just want you to sort of walk me through sort of, in a storytelling format, when you first became of the National Guard is a potential player in January 6th and so how that story unfolded.

A To the best of my recollection, it was a phone call from the chief on January 4th, and we would have numerous phone calls throughout the day on a host of security issues. But it was not uncommon for me to receive a phone call from the chief.

He called to inform me that he had been offered National Guardsmen for the 6th. And I asked him for some further detail. He indicated that the offer was for approximately 125 unarmed National Guard. They -- the National Guard had made the offer as well to the D.C. Police Department. And I believe the chief said they were going to provide National Guard to D.C., the D.C. police, which was not uncommon for large

events.

I recommended -- I asked the chief what his thought was. He said he just wanted to talk to me and get my thoughts. And I said: Well, let's talk to Mike Stenger. He's also got a lot of experience here.

So we either conferenced in or called back Mike Stenger and had a conference call. And we asked the chief to elaborate a little bit further, which he did. He said he had received the offer. And we asked what -- how he would utilize the troops. We all talked about the intelligence leading up to the day, how the troops would fit into the security plan. And the chief said that they would be utilized in similar fashion to the assistance provided to the D.C. police, namely, staffing intersections, traffic control to free up officers, but then could be used for crowd control.

We noted, the chief noted, we all noted that, unlike D.C. Metropolitan Police Department, the Capitol Police doesn't staff many intersections. So I remember the chief indicating that it would not really relieve many officers. He spoke to having a full contingent that day, all hands on deck.

And my recollection of the conversation was that, as we discussed the intelligence in light of the operational plan, the consensus was that we didn't need them. And, before the phone call ended, the chief was thinking out loud asking how we should leave it, how he should respond. And Mike Stenger said: Why don't you just tell them to be on standby?

And that was kind of the end of the conversation.

Q Okay. Sir, can we dissect that point of the story first before we move further? I appreciate that.

So you started off saying that Chief Sund came to you all with an offer from the D.C. National Guard for like how -- and that they had made a similar offer to Metropolitan

Police Department. Is that something that typically happens, where D.C. will say, "Hey, we're here to help if you want advice," you know, us reaching out to them for help?

A I don't -- I can't answer that. I don't know that. I don't know how many times the chief of police would receive a call for assistance. We typically received assistance from the Guard and other outside entities for major events. So that was not uncommon. But I can't answer your question in terms of how routine it was for the chief to receive such calls.

Q I appreciate that, sir. You also mentioned that, in your discussion, when you -- you and Chief Sund had sort of preliminary discussions and said: Hey, let's get Mike on the phone; he's got a lot of experience here. We get Mike on the phone, and we have a conversation.

You referenced being -- you referenced some intelligence. What intelligence were you aware of or did you have or you were provided to help inform your decisionmaking at that time?

A We had had an intelligence assessment for the 6th, and we also received daily intelligence briefings from Capitol Police. So that was primarily our -- the intelligence that I'm referencing. Occasionally, we would get intelligence from outside entities as well, but we didn't have any other intelligence at this point.

Q And the intelligence assessment that you referenced, was that from the Capitol Police?

A Yes.

Q And do you recall, sir, when you first received that? Had you had that prior to your conversation with Chief Sund about this topic, or did it come up sort of during that conversation, to the best of your recollection?

A To the best of my recollection, I had received it, I believe, the evening before

via email and certainly reviewed it. I made a practice to review intelligence assessments certainly by the following morning. And I had reviewed it by the time the phone call had taken place.

Q Okay. And, going back one step, just for a moment, the offer for help, you say, came from the D.C. National Guard. Do you recall if Chief Sund said it came directly from the National Guard versus somewhere else in DOD? I am just curious if you know where the incoming came from.

A I do not recall if he told us where; only that an offer -- he had been made an offer similar to what the D.C. offer, with fewer troops but --

Q And you said that, at the end or conclusion of that call, it was decided that -- we would put them on standby because we didn't really have the same use or number of traffic control points that, say, as the District of Columbia does. So, to the extent that the offer was for that, that it might not be as useful to us? Do I have that basically right?

A It was a combination of operationally the chief didn't feel that they would add much to his plan, and the intelligence really didn't speak for anything that we felt would justify the need for them.

Q Understood, sir.

And, if I can just focus on that intelligence assessment for a minute. So my understanding is that part of that assessment, there was a paragraph that talked about the Capitol itself and Congress itself being the target of the attack. Do you recall seeing that when you had the opportunity to review the intelligence assessment?

A I do. And would you like me to elaborate?

Q Yes, sir, please.

A And that was the reason for the chief articulating his enhanced security plan

during the phone call that we had: namely, all hands on deck, 1,200 plus officers, additional CDU units, enhanced CERT, Containment Emergency Response -- he went through expanded perimeter. He went through a lot of the additional enhancements in case we were experiencing -- in case we would have experienced some enhanced issues.

Q Understood, sir. So the chief offered that up, it sounds like, in response to that part of the intelligence assessment. So it laid out the extra steps that he and his department were going to be taking to address those issues?

A Yes.

Q And do you recall -- again, I know it's a long time, and so a basic best guess is good, but do you remember how long that joint conversation was between you, the chief, and Mr. Stenger?

A I would -- to the best of my recollection, at this point, maybe between 5 and 10 minutes.

Q Okay. And then that's where we stopped the story. So let me ask you, so we leave it -- we left it where Stenger recommended to Chief Sund: Hey, tell the troops to be on standby.

And then that call ended. So what happened next in the story, if anything?

A Nothing, to my recollection, until we moved to a series of briefings we had the following day with our Appropriations Committee and authorizing committee and a joint call with the major chiefs of the national capital region.

Q Okay. So and remind me what date was that? You said it was the next day. Was that the 5th?

A The 5th.

Q And was that a regularly scheduled meeting, or was that meeting in response to preparations for the 6th? What was the purpose of that?

A The purpose -- it was a noon meeting, and the purpose of the meeting actually was something we used to do routinely before a major event, but in this case, the inauguration. It was a pre-inauguration briefing. We typically used to get together, but with COVID, it was determined to be, you know, a teleconference, similar to what we're doing now, with all the major chiefs of the national capital region. And, even though it was an inauguration-related meeting, the 6th was discussed as well since it was only a day away.

Q Copy that, sir. So you said the chiefs -- the local chiefs of police, so that would include like the D.C., Maryland, and Virginia?

A I can't recollect everyone who was on the phone.

Q Sure.

A But it was the D.C. the chief of police of the District of Columbia, the Metropolitan Police Department, I believe the chief of the Park Police, the agent in charge of the Secret Service field office, the assistant director in charge of the FBI field office. I believe General Walker of the National Guard was on as well. So -- and there were some other entities. I believe D.C. Metro transit chief. So it was all of the major law enforcement components of the national capital region.

Q Okay, sir. And you said that meeting was primarily about inauguration, but the 6th was also discussed because it was the next day. Can you walk us through sort of what the conversation about the 6th was about?

A I cannot recall since it's been a while. I would just say that the 6th did come up. Everyone expressed, to my recollection, satisfaction with the plan. The chief briefed to his plan similar to the conversation we had the day before. He said that he was satisfied with his plan. No one else provided any additional intelligence, and everyone felt that they were ready for the 6th.

Q Okay. So, subsequent to that meeting on the 5th with the joint chiefs of police, were there any other meetings or conversations with anyone that you were involved in involving preparations or a response for January 6th, prior to the 6th itself?

A So let me make sure I understand your question. You're asking were there any other meetings on the 5th?

Q Yes, sir.

A Okay. There was a briefing on the 5th with the chair of our authorizing committee, the Committee on House Administration, Zoe Lofgren. And there was also a briefing later in the afternoon on the 5th with the chair of our -- the Leg Branch Appropriations Committee, Mr. Ryan. So there were two briefings that I attended -- also, video conference, again similar -- the chief, I believe, was at his office and all of us in our respective offices. And the chief briefed his plan to the -- to our committees of jurisdiction.

Q Yes, sir. And those meetings were scheduled, or was that sort of part of the planning and coordination and information process of getting ready for the 6th, letting people know sort of what was going on?

A It was not out of the ordinary for us to brief our committees of jurisdiction before major events. I cannot recall when these meetings were set, but it was -- they were not impromptu. They had been scheduled.

Q Understood, sir. And, to the best of your recollection, while Chief Sund was briefing both Ms. Lofgren and Mr. Ryan's groups, did he convey the offer of the D.C. National Guard, that the D.C. National Guard had made an offer? And, if so, do you recall sort of what that discussion was about, if any?

A My recollection is that he briefed to his security plan, primarily, the Capitol Police security plan, and did indicate that the National Guard was also available if we

needed them and standing by. And there was not much more detail than that, to the best of my recollection.

Q Copy that, sir. So there was a chief of police meeting on the 5th. There was the Ms. Lofgren meeting and then Mr. Ryan meeting. Any other meetings on the 5th that you can recall about January 6th?

A There were no other briefings that I attended with the chief. I believe there were some other briefings to the committees of jurisdiction as well from the Capitol Police and, again, not out of the ordinary that they were briefed, but I was not privy to those.

Q Copy that, sir. And let me back you up in time back to the 4th and ask the same question. So, after the meeting with you, the chief, and Mr. Stenger, where you all decided the National Guard would be put on standby, were there any other meetings or discussions with anyone about preparations for January 6th? All that occurred on January 4th. I know that's a lot of Januarys, but were there any discussions that you had with folks on the 4th about the 6th?

A Let me make sure I understand your question. So did I have any conversations with anyone else on the 4th regarding preparations for the 6th?

Q Yes, sir.

A Not to my knowledge. Only those conversations with Chief Sund and Michael Stenger.

Q Okay. I appreciate that. Now, going back forward in time to January 5th, again making a distinction sort of meetings in one bucket, and conversations and discussions in another bucket, on the 5th, we talked about three different meetings. Were you involved in any other discussions or conversations, to your recollection, with anyone on the 5th about preparations for the 6th?

A I had conversations, to the best of my recollection, with my immediate staff because I had staff in my Sergeant at Arms' Office that worked liaison with the Capitol Police. We talked about the assessments. We had another assessment, I believe, on the 5th that indicated that the chance of civil disobedience was remote, nothing that raised any of our concerns. So but no -- other than those meetings I just referenced, and maybe some meetings with my immediate staff, none that I can recall.

Q I appreciate that, sir. Again, I know it's a long time ago, do you recall if in any of those discussions that the topic of the National Guard offer came up, or if you sort of briefed folks about what Chief Sund had shared with you about that?

A I do not recall speaking to anyone about that. It was, again, a rather routine call I would take call from the chief, periodically. We would speak for a few minutes on a host of security topics. It was just another one of those phone calls. So, no, I don't recall discussing it with anyone.

Q Understood, sir.

Mr. Zebley. [redacted], excuse me, one second, I apologize for interrupting. Do you mind if I chime in? I have two questions that might go into the issues that I think you're interested in.

[redacted] Yes.

Mr. Zebley. My apologies.

Paul, in the January 5th meeting with the chiefs of police, did General Walker mention the availability of 125 National Guards troops? Do you recall?

Mr. Irving. I don't recall if he reiterated -- I don't recall if he reiterated the offer, but he did say that, for those that were looking to National Guard assistance, to give him time because it was a rather involved process to get approvals through the various levels at the Department of Defense.

Mr. Zebley. Thank you. Thanks, [redacted].

BY [redacted]

Q I appreciate that Aaron. And that clarification was helpful.

So, Mr. Irving, let's now move forward in time to the 6th itself, and let's -- and we're still in this topic area of discussion of use of National Guard. But I sort of want to start the story with, how did your day begin on the 6th and then sort of walk us up through any discussion that you may have been involved in or meetings regarding use of the D.C. National Guard.

A On the 6th, my day was started off busy with preparations for the House floor for the electoral college vote. I might have had some discussions with the Capitol Police. I think I had a discussion with one of the assistant chiefs in the morning, giving me an update on preparations outside, that all was going well with their security plan. We were monitoring things further down the Ellipse, which is where the rally, the main rally was going to take place. But most of my work at that point was in the House Chamber getting ready for the electoral college vote.

Q Okay. And, during that day, sort of when, if at all, is the first time that someone approaches you with their discussion about the potential need for the National Guard on the 6th itself?

A My recollection -- and, again, I'll point you to my prior testimony on this, which was a little closer in time --

Q Yes, sir.

A -- was a call by the chief when we broke for the first break from the electoral college vote. We went into Chamber into session a little after 1 p.m., and we broke a little bit before 1:30. And it was a call by the chief informing me that conditions were deteriorating outside and he might be making a request for the National Guard.

Q Okay. Was that just a conversation between you and the chief, or was Mr. Stenger or the Architect of the Capitol also part of that conversation?

A No, I was in -- I had just returned to my office or was returning to my office from the House floor, and that's when I received that call from the chief.

Q Okay. And so what was the -- what was sort of the -- your understanding at the end of that call? So he says: Hey, I think I might need help. We might need the National Guard.

So, when you left that call, what was your understanding about what next steps might look like?

A That he would continue to brief me. But the fact that he mentioned a potential need for the Guard, I remember going back up to the House -- when I say the "House floor," the House Chamber, the Speaker's lobby to let the -- I believe it was the Speaker's chief of staff know that the chief was giving her a heads-up that the chief might be making a request for the National Guard, and I would be monitoring the situation and keep the Speaker's Office advised.

Q Copy that, sir. And you advising the Speaker's office, was that something you would normally do, or just something you did because of the uniqueness of that situation? I am just trying to get a sense of which one it might have been.

A Any change in security posture, given the time, I would give them a heads-up.

Q Copy that, sir. And what response, if any, did the chief -- I think you said it was the chief of staff?

A I believe it was the chief of staff.

Q Yes, sir. And do you recall what, if anything, the chief of staff said in response to the information you shared with them?

A I believe she said she would let the Speaker know. And I said okay.

Q Okay. And so you said that phone call was somewhere like 1:50-ish in the afternoon or something like that? Does that sound right?

A Well, that call was shortly before 1:30.

Q Oh, I'm sorry. Before 1:30.

A And then -- but then between -- maybe I spoke to her in the 1:35 to 1:40 timeframe. And then there was some further discussion with the chief, back-and-forth phone calls, trying to get an update. And, sometime thereafter, I went to Mike Stenger's office and also told the Speaker's chief of staff that I was heading that way to get further updates.

Q Copy that, sir. Before you went over to Mr. Stenger's office, do you recall sort of how many telephone calls or conversations you had with the chief going back and forth for status updates, best recollection?

A A few -- I know that the records are there. You can see the records. Because the only calls I received from the chief were on my House cell phone, House-issued cell phone. And you had asked earlier; I did not use any personal phones or any other phones other than my House-issued cell phone. There were a few, and you can look at the record. The chief sometimes would call -- there would be just -- there would be just open time. There would be no discussion because he was busy. Sort of an open line. But then I remember going to Mike Stenger's office and then getting, you know, further updates. And then another call relative to the Guard once I was in his office.

Q Copy that, sir. And, after the chief called you the first time to sort of say, "Hey, we might need the National Guard," but prior to when you got to Mr. Stenger's office, did you have a sense about how the situation was sort of devolving outside? So

what was your sense of what was going on, I guess is another way of asking it, after you hung up with the chief the first time about what was going on around the Capitol?

A If you're referring to maybe the 2 o'clock timeframe, that 1:45 to 2 o'clock timeframe?

Q Yes, sir.

A Conditions were rough. The Capitol Police were -- my understanding was they were busy with the crowd outside. But even at that point, I had no indication that it was any other an aggressive crowd. But I didn't have any other additional information other than that.

Q Copy that, sir. And you said you eventually made your way to Mr. Stenger's office. Was that around the 2 o'clock-ish timeframe?

A Yes.

Q And did you and Mr. Stenger have any discussions prior to your following update from the chief? Or sort of what happened once you got to Mr. Stenger's office?

A My recollection, he was there with his -- with some of -- with his staff. I think some leadership staff was there. And we were basically waiting for an update. We could see from his window that we had a large crowd outside but couldn't see much below us to determine the status at the various doors or points of entry. But we were just waiting for a status. And the chief then called -- my recollection was he called after 2 o'clock. He called and asked for mutual assistance from the various police departments, which we certainly said was fine with us. We had -- we didn't feel that he needed our approval for that. And then it was shortly after that that he then called again and asked for National Guard -- permission for National Guard assistance. And, of course, we said absolutely. And that was -- so that was the next discussion regarding the National Guard.

Q Copy that, sir. And you mentioned that it was you, Mr. Stenger, and some leadership staff folks in Mr. Stenger's office. For that initial phone call from the chief, had the Architect of the Capitol, was he a part of that conversation at the time, or did he get looped in at any point while you were with Mr. Stenger, to the best of your knowledge?

A No, the Architect was not involved. Again, this was not a Capitol Police Board issue. This was an implementation of, you know, security and involving security around the Capitol. So, no, he, to my recollection and knowledge, he was not involved in any of the discussions or there.

Q Understood, sir. And you mentioned that that was one phone call. Then there was a subsequent phone call where the request for National Guard support came from the chief, to which you of course said yes. Do you recall how long it was after that first phone call that you got that second phone call?

A I would say it was several minutes. Maybe within 5 minutes.

Q Okay. So pretty close in time.

A Uh-huh.

Q And, based on what I understood in the beginning of our conversation when you were walking me through, which I appreciate the backup about how the Capitol Police Board works, it was you and Mr. Stenger in the room. Was there a need to reach out to the Architect in the Capitol and say, hey, we got a vote on National Guard with just the two of you by yourselves, enough to say pull the trigger and go do what you need to do?

A Had we had time, I would say we would have certainly had him in the discussion. But the chief said time was of the essence. He said conditions were real bad outside, and we just said go ahead and do it. And it was not uncommon for -- well,

not uncommon to have numerous discussions on security issues with the chief throughout a given day. But certainly Capitol Police Board decisions would involve the entire board.

Q Copy that, sir. And, after that second phone call, where you all give the green light to move forward implementing the National Guard, to your knowledge or recollection, were there any other discussions after that involving the use of National Guard, or was that sort of the end of that particular part of the scope?

A It was maybe a half an hour later that we got word that the Capitol had been breached, and we went into emergency planning mode. So, at that point, it was just getting Members safe, and we shifted. There was National Guard discussion later on in the afternoon once we were in our secure location and we were in the phase of getting the Capitol secure again and getting resources to secure the Capitol. So then there was further -- there was then continued discussions later that afternoon about the Guard.

Q Copy that, sir. And I am going to talk about that in a second, but let's put that to the side and focus on prior to when you went into emergency mode. You had mentioned earlier that there was some folks, some other folks in the room. And, also during our conversation, you had mentioned the fact that, when you got the initial request from Capitol Police, you gave the leadership, the Speaker's Office a heads-up. Did you give a similar heads-up once you all gave the approval for Sund to move forward implementing the National Guard? I guess I am just trying to get a sense of what information intelligence sharing there might have been with congressional leadership prior to when you went into sort of lockdown emergency mode?

A There was very little discussion, if any, because the period of time was so short from the time that he made the request to the time that the Capitol was breached. And I was then consumed with the emergency phase. And my discussions with

leadership were not until later that afternoon as we were working toward getting the Capitol secure again.

Q Copy that, sir. So let's move to that part of the discussion. How long -- when did lockdown mode resolve itself to the point that you could then shift your focus back to the subsequent discussions about the Capitol Police? Were you in lockdown mode for like -- was it like several hours? I'm just trying to get a sense of timing.

A I don't know if I understand your question. We -- once the Capitol was breached, we worked to get the Members secure and then were engaged in trying to secure the Capitol again, and that was throughout the afternoon. That was, you know, 4 o'clock or 5 o'clock, or so. So a lot of discussions with the chief regarding the getting the Capitol back in coordination with local law enforcement. And he had had numerous discussions with us and local law enforcement and the National Guard. I don't know if I understand your question.

Q I apologize if it was confusing. I guess what I was trying to first understand was -- you sound like there was a definite shift in focus once you all moved into lockdown. So I was just curious sort of how long you were sort of in that posture. It sounds like it was several hours, you know, as the day progressed, which I understand. And then, based on your answer, I was just curious to know, as part of that response process, getting Members safe, getting people secure, you mentioned that there was some discussion about Sund's coordination with local law enforcement and the National Guard. Anything about those conversations stand out in your mind with the National Guard sort of already in place and working? Or was it -- were we still waiting for them to sort of become involved? I am just trying to get a sense of sort of where you thought they were in your overall security posture?

A Well, we were trying to secure the Capitol throughout the afternoon, and the chief was trying to get the National Guard to respond to the Hill, and other local law enforcement. And my recollection was we had a local law enforcement response fairly quickly. The National Guard took longer due to some approvals required. But I just remember that the discussion involved the National Guard as other law enforcement as part of the plan to secure -- retake the Capitol or secure the Capitol.

Q Copy that, sir. And, in your mind, from your perspective, when you are going backwards in time -- I apologize for the time jumping -- but when you and Mr. Stenger gave Chief Sund the go-ahead to use the National Guard, in your mind, was that the end of the discussion and there were no other approvals needed, or was there some other steps that either you or he needed to take to make that happen?

A No, there were no other approvals needed. No.

Q Okay. Do you recall -- and, again, I know this is a long time ago, so I am just asking for your best guess -- you mentioned earlier that there were other folks in a room, staffers from the leadership. Do you recall if any of them were communicating with others about the National Guard and their potential use prior to when you went into emergency mode?

A I can't -- I don't know. I would have no knowledge of that.

Q Okay. All right. So, once the Capitol is secured later in the afternoon -- and I am pretty sure I know the answer to this question, but I want to ask anyway -- any other discussions about the National Guard and other events and what they were doing in relation to helping to keep the Capitol secure, you know, once we get sort of to the end of the day, and you're moving out of your emergency posture mode? If that makes sense? If my question makes sense?

A No. You're asking were there any other discussions regarding the National

Guard later on that afternoon or that evening?

Q Yes, sir.

A No, other than we were a little disappointed with the delay, but the -- but, no.

Q Okay. I am going to pause here and ask if there's anyone else on the team who had any questions before I shift to sort of my next topic area?

[redacted] I just want to go back.

[redacted]. Okay.

BY [redacted]

Q Hi, Mr. Irving. My name is [redacted]. I just wanted to go back in time a little bit before January 6th to what your understanding was of the intelligence landscape or threat assessments going in. I know you mentioned some products that were issued by the Capitol Police. Just, generally speaking, is the Capitol Police Board -- who is the Capitol Police Board relying on for its threat assessments?

A Primarily the Capitol Police and their intelligence unit, primarily.

Q Do you have any other sources of information coming to you as the Sergeant at Arms or just in your personal kind of assessment of threats going into Jan 6th?

A Yeah, it was routine for us to also monitor Homeland Security threat assessments. We would occasionally get threat assessments from the FBI and other partners, depending on what was coming in. But we had no other intelligence assessment other than the Capitol Police work product for the 6th.

Q And there's two different work products. There is the January 3rd special assessment, which I believe my colleague referenced, and that is the one that references that the Capitol itself was a target. And I believe you said you read that, correct?

A Yes.

Q And that was part of what -- I want to make sure I'm clear here -- is what triggered Chief Sund's call to you on January 4th. Is that how you understood it?

A No, what triggered the call was the offer for the Guard.

Q On that January 4th call about the offer, was there a discussion about that January 3rd special assessment?

A We spoke about the intelligence during the call. So I can't recollect exactly, but I'm sure we did because intelligence was the issue.

Q Right. So I'm just wondering, how does it weigh in that you have this intelligence product from the Capitol Police that says the Capitol itself is going to be a target and that there is an increased likelihood of violence? And then you -- and you're weighing the consideration of an offer from the D.C. National Guard?

A The verbiage that you're referencing was part of a multipage -- I think it was a 14- or 15-page report. And most of the report spoke to rather peaceful groups. Also, I believe, referenced the marches we had by the same group in November and December, which were primarily peaceful. We had a few skirmishes. The fact that we had verbiage indicating the Capitol was the target. My recollection was we always felt the Capitol was the target. So, when coupled with the other assessments, even the following day, that disobedience would be remote, improbable, when taken in totality, we were comfortable that the enhanced plan met the -- met the intelligence.

Q I understand what you're saying. However, I'm just wondering -- and you're right, that it is on the last page. And I am bringing it up now to certainly send to you again to kind of refresh your recollection on it. You're correct it's on page 13. And I want to read part of that assessment. It says: Due to the tense political environment following the 2020 election, the threat of disruptive actions or violence cannot be ruled out. Supporters of the current President see January 6th, 2021, as the last opportunity

to overturn the results of the Presidential election. This sense of desperation and disappointment may lead to more of an incentive to become violent. Unlike previous post-election protests, the targets of the pro-Trump protesters are not necessarily the counterprotesters that they were previously, but rather Congress itself is the target of the 6th. As outlined above, there has been a worrisome call for protesters to come to these events armed, and there is a possibility that protesters may be inclined to become violent. Further, unlike the events of November 14th, 2020, and December 12, 2020, there are several more protests scheduled on January 6th, 2021, and the majority of them will be on Capitol Grounds.

I mean, just the last sentence here. I'll skip to the -- it's combined with "stop the steal's" propensity to attract White supremacist militia members and others who actively promote violence mainly to a significantly dangerous situation for law enforcement and the general public alike.

Now, my question is, was that -- you mentioned you read it, but was the weight of that considered of what this assessment was conveying?

[4:02 p.m.]

Mr. Irving. I believe it was, which is why the chief enhanced his security plan with additional manpower, perimeter, and additional resources. So --

BY [redacted]

Q And the additional manpower, as you understood it, was an all-hands-on-deck posture from Capitol Police?

A Yes.

Q And is that what you believed occurred on January 6th?

A I have no knowledge to anything to the contrary. I took the chief's plan. I believed what he told me, which was an all hands on deck on the 6th.

Q And what about the perimeter changed as a result of this?

A Well, we just -- we ensured we had an enhanced perimeter, which the chief said would be staffed accordingly as well.

Q Does that mean the bike perimeter was extended, the bike racks?

A Yeah. The bike rack was, to the best of my recollection -- again, I can't remember all the discussions now, but we did have a discussion about the bike rack, and it was extended fully around the perimeter. Many times we would have bike rack around a portion of the perimeter where we feel we're going to have the most -- the largest number of people. In this case, it was -- it was around the entire perimeter.

Q And that's different from the fence that we see -- in fact, just yesterday -- I wonder if it's still up -- the fence that went up around the Capitol, correct?

A Yes. That is correct.

Q And was there ever a consideration to put up a fence around the Capitol as a result of reading and analyzing this particular part of the assessment?

A No. I will tell you that in all of our collective experience, no. We felt very comfortable with the plan that we had in place based on -- based on the intelligence and what we now know was implemented, which obviously we know now was not enough, but at the time we felt comfortable.

Q Were you aware of the increased activity on a website concerning the tunnels under the Capitol?

A There was a notification of that at some point. I can't recollect now at this stage when. There was some notification of that, and my recollection, again, at the time was -- our interpretation was that not uncommon for protesters to look to entry points at the Capitol to ensure that members -- that they were visible to members.

Q It wasn't uncommon for protesters to want to use the tunnel system to enter the Capitol. Is that what you're saying?

A I wouldn't say the tunnel system. I would say that not uncommon for crowds and protesters to look to entry points to the Capitol. I cannot recollect what my analysis was at the time relative to this particular verbiage of the report you're referencing.

Q So apart from the assessment, was there anything else that you were considering? Did you see any of the kind of what we now know are the open source warnings about different threads or different social media posts about a desire to storm the Capitol?

A No. We had none of that intelligence or information.

Q So the clearest kind of view of what you had was based upon this January 3rd special assessment. Is that fair?

A Yes.

Mr. Zebley. Do you mind -- do you mind if I just chime in here? I apologize.

Paul has testified on these exact points before. I just wanted to make sure you guys had that in mind too. Because in his prior testimony, he pointed to January 3rd, including page 2 of the report you're reading from, where it says that it was expected to be similar to the two prior marches, and he looked at the daily intelligence reports between the 3rd and the 6th. I just wanted to make sure you had that as well where the assessment of violence was -- or, actually, of civil disturbance was remote to improbable. He also pointed to that.

And then in his prior testimony, he also pointed to, in terms of the security plan, the all hands on deck, the 125 National Guardsmen on standby, MPD standing off to the north. Those were other features of the security plan that he's previously testified to.

I just want to make sure you have that in mind as well. Apologies for the interruption.

[redacted]

Q No, no problem. And I'm aware of that. I just want to draw attention to what Mr. Irving kind of pinpointed is that this paragraph was kind of -- would you agree -- was buried on page 13 of this product that the Capitol Police put out? It wasn't part of the bottom line upfront, correct, that the Capitol itself was a target?

A Are you asking me or Mr. Zebley? I'm sorry.

Q Mr. Irving, yes.

A Okay. Can you repeat -- I would just say that we took the entire report into context with our entire security plan and felt comfortable that our security plan met the threat.

Q And then there was also a January 5th daily intelligence report that came out, which, as you said, noted that the possibility of violence was remote to improbable, correct?

A Correct. And even with the meeting with the major chiefs on the 5th, we had intelligence agencies there and they were very satisfied. No one brought anything up to the contrary.

Q Did you see the daily intelligence report -- and I understand -- the question's slightly unfair. It's asking you to weigh in on the products put out by Capitol Police. But did you see that the January 5th product citing violence as remote to improbable as inconsistent with what I just read to you from page 13 of the special assessment?

A No.

Q And why is that?

A Because, as I indicated, it was not uncommon for the Capitol to be a target for protests, and we felt that we were comfortable with -- that the Capitol Police intelligence was receiving all the information, all the intelligence from all of our partners, and was disseminating it properly.

Q I just wanted to ask also about the January 5th meeting with, I think you mentioned bipartisan leadership. You mentioned Ms. Lofgren, as well as the meeting with Congressman Ryan. Did you have any contact with -- prior to January 6th, on that -- in that 5th time period with any staff from Senator McConnell?

A No, I don't recall. It would have been uncommon for me to have any conversation with Senate staff. That would be Michael Stenger. But, no, I don't remember any contact with anyone from the Senate staff.

Q I know you talked about the contact with Ms. Pelosi's chief of staff. Was that Terri McCullough, on January 6th?

A That was -- yes. And I believe Jamie Fleet was also present during a portion of those discussions.

Q The discussions on the 6th, is that what you're referring to?

A Yes. He was also in the discussion with Ms. Lofgren on the 5th, by the way. I don't know -- that was in my testimony, I think, or let me make it -- my recollection is that he was also in the meeting on the 5th. I think I had also mentioned that.

Q Was there any staff from the Speaker's office there on the 5th at any of those briefings?

A That's what I meant. I think my recollection is --

Q [Inaudible] Jamie Fleet, I'm sorry.

A -- Jamie Fleet was in the Zoe Lofgren meeting.

Q Okay. But was there any -- as you're aware, Mr. Fleet kind of has a dual hat there for Ms. Lofgren as well as Ms. Pelosi. Was there anyone who was a staffer from Ms. Pelosi's office --

A No.

Q -- that you're aware?

How about Representative McCarthy's office?

A No. There was a separate briefing, I believe, with Mr. Davis, Rodney Davis' -- with Mr. Davis and his staff, I believe, also on the 5th, but that was either a deputy chief or assistant chief.

Q Did you have a conversation with Jen Daulby about her concerns? That would be the staff director for Representative Davis.

A What day would you be referencing?

Q January 5th.

A Not that I can recall. No.

Q And then before I turn it back over, just on that offer of -- from -- that Chief Sund called you about on the 4th, do you have any insight into how the number 125 National Guardsmen was ascertained?

A No. I don't know how that number was ascertained or the 340 for the D.C. Metropolitan Police. I don't know.

Q Okay. And it was just conveyed to you by Chief Sund that we have this offer for 125. Was there any level of detail about what they would do or where they would go, as conveyed by Chief Sund?

A It was to -- the only level of granularity was that it would be -- they would perform the same functions as they were performing for the D.C. Police, which was traffic control at intersections to free up officers who could then be utilized for crowd control.

[redacted] Thanks. Sorry --

[redacted] That's okay. [redacted]

So, Mr. Irving, we've been going for about an hour. We got about 45 minutes to go. Did you want to take a break or you okay to press forward?

Mr. Irving. I'm actually okay.

[redacted] Okay, great.

Mr. Irving. Are you all right? Do you want to take a break or --

[redacted] No, no, no. I'm fine. I just, you know -- I can keep going and going. I didn't want to -- I wanted to make sure I offered you the opportunity for a break if you needed one. And I also am mindful of everyone's time, so I'm going to try and keep us to our 5 o'clock ending time.

[redacted]:

Q So, one, I appreciate you answering my colleague's questions. That was very helpful. As you know -- shifting gears a little bit. As you know from your -- because you talked about this in your Senate testimony, so what I'm about to ask you, you sort of already spoken about, but I was going to tug at it a little bit.

There was media reporting at the time that there was some concern by you and

perhaps Mr. Stenger or others on the board about the optics of the National Guard against the Capitol Dome and in the background and how that might not be a good thing and how that -- and how that may have impacted your decision making.

Did optics come up at all? Sort of what's your response to that?

A My response is I have no recollection of using the word "optics." And as I've said, the intelligence and the operational plan was front and center in the decision.

Q Copy that, sir.

At any point -- let me ask you this. So was there any other request made by Chief Sund to the Capitol Police Board for the use of the National Guard other than the one that you all granted on the 6th?

Did he -- so there's a previous conversation where he says, hey, we've got this offer, we talked about the offer. Then on the 6th, he says, hey, we need to pull the trigger, and you say, go, pull the trigger. Were there any other conversations with Chief Sund and you or anyone else on the Capitol Police Board where he was requesting permission to use the National Guard?

A No.

Q Okay.

[redacted]. Let me just ask -- sorry. Was the conversation on January 4th about the offer of the assistance, did you take that as a request for the National Guard from Chief Sund?

Mr. Irving. No, I did not take it as a request.

BY [redacted]

Q So the only request, in quotes, was the one on the 6th. Is that fair?

A Yes. From my perspective, yes.

Q Okay. And to your recollection, did Chief Sund go to anyone else on the

Board outside of you and make any request for the National Guard that you aren't aware of at the time?

A I don't know. Not uncommon for him to have most discussions with the chair of the Capitol Police Board, and the chairman of the Board then was Mike Stenger. I don't know if he had any discussions with Mike Stenger that I was not privy to, but not to my knowledge.

Q Copy that, sir.

And I know we -- you mentioned this, but I just sort of want to put a period on the end of this particular sentence before we move on.

But with regard to the use of other telephone devices. So I share with Mr. Zebley and Mr. Lehman, we had several numbers associated with you, mobile numbers. You said earlier that you only used one phone sort of in communicating about the events on January 6th. Is my understanding of what you said earlier correct?

A Yes. I only utilized my House-issued cell phone, which was that [redacted] number. The other numbers were personal -- actually, two of them were old. The [redacted] numbers were old that I had not used in years. And then the [redacted] number is still my personal cell, and I never use that for business or during the day.

Q Copy that, sir.

One of the -- shifting gears on you. So one of the questions that I have asked -- we have had the opportunity to speak with several people, including folks from the United States Capitol Police, and one of the questions I have asked and am very curious on your perspective on this is, did it ever occur to you that the Capitol itself would ever be breached? In other words, is that something that you all thought about, or was the notion that the Capitol actually being breached by people not something that anyone thought would actually occur?

A It's a difficult question, because Capitol Police Board, from time to time, would talk about security measures and enhancing security. But to answer your question directly about breaching, I was comfortable the Capitol Police had a good perimeter set. Even though it was the people's House, it was more open and accessible than, let's say, the White House. I felt that the Capitol Police did a really good job and had a good security plan in place day to day.

Q Appreciate that. And that's -- your answer is sort of is why I was asking the question, which is, was there -- from your vantage point as a member of the Capitol Police Board and the House Sergeant at Arms, was there ever any -- prior to the 6th -- any sort of planning, table top exercises, or anything regarding sort of what we're going to do if people actually breach the Capitol? Is that something that had been part of previous discussions, based on your recollection?

A We -- in my almost 9 years there, you had many, many table top exercises, discussions, and always considered various scenarios. I can't recollect a specific scenario relative to a breach, but I would say we planned for many contingencies. And I was, again, very confident in the plan, especially as briefed by the chief. And in my experience over many inaugurals and State of the Unions and major events at the Capitol, Capitol Police did a really good job. And I was comfortable that day. So that's best answer I can give you.

Q I appreciate that, sir.

And understanding that the question I'm about to ask you asks you to do a little bit of Monday morning quarterbacking. Post the 6th -- so understanding that up to that point you felt very confident about what the Capitol Police had done. Post the 6th, what were your feelings about how we did in response to the 6th? And then I sort of want to follow up that with, you know, what are some things that we could've done

better, from your perspective, if anything?

A You know, [redacted] on that one, I'm going to disappoint you, because I don't -- I have to wait for the investigation to unfold. I was not privy to all of the security issues that took place on the 6th, and so I really would prefer not to venture an opinion and just wait for the committee to do its investigation and make an assessment.

Q I appreciate that, sir. So thank you for that.

[redacted] I'll pause here and again ask, does anybody have any questions on this topic area before I sort of ask my final set of questions?

BY [redacted]:

Q I just want to go back. Sorry.

So I have a question about kind of the committees of jurisdiction over the Capitol Police Board, particularly the House -- or the House Oversight Committee -- sorry, I'm blanking out -- CHA as they call it here on the Hill. Do you call it that, Mr. Irving?

A Yeah, CHA, the Committee on House Administration. Yes, I'm familiar with the term.

Q So what's your relationship in terms of -- they're obviously the committee of oversight, but in terms of the relationship you have with the staff as well as the Members, and how much do they weigh in to decisions made by the Capitol Police Board?

A We had frequent interaction with the committee, with the staff from the Committee on House Administration, because, as you noted, they were our committee of jurisdiction. And any time we sought to implement a security measure, we would let them know because chances are their phones would ring if a Member was inconvenienced, let's say, if we had to close a door or close off a street, something from a security perspective. So there was frequent interaction. I always felt very comfortable that they gave the Board -- they respected our experience and let us do our business.

We would just brief them from time to time, depending on the security postures we would take.

Q Was there ever any security measure that you asked for that the committee denied?

A No. Not to my knowledge. Not that I can think of.

Q Any ask from Capitol Police, would that go through the Capitol Police Board or did they have their own avenue to ask CHA?

A My recollection is that the Capitol Police Board -- I'm sorry, the Capitol Police also briefed CHA. And I can't remember all the instances, but they would also brief the committee -- I think they would brief CHA on the House side and maybe Senate rules on the Senate side on things they were doing. But I -- I don't know if they would go to CHA and ask. I think most of that was just done -- the committees relied on the chief to exercise his judgment and supported him.

You know, certainly, if there was a major -- as I alluded to earlier, a major business process change that would affect access or what have you, we would want to ensure that our committees understood what we were doing and voice their concern and counseled us. But you'd have to ask the chief his interaction with CHA. I do know he briefed them from time to time.

Q Right. So just wanted to make sure that there was no instance or authority that required the chief to go through the Capitol Police Board to make any requests of CHA.

A No, not to my knowledge. He would go to see them all the time.

Q Did you become aware or re-aware of any requests from the Capitol Police that was denied by CHA?

A No. No, I can't think of any.

Q Was there ever any -- a request for funding for additional training or additional equipment that you became aware of that was denied?

A Not that I'm aware of. I know the appropriators were -- you know, briefing appropriators is always tough, for those of you that are on the Hill, and they would, you know, certainly question our security measures, but, no, I don't recall any instance of denying a request.

Q And I just want to kind of unpack this concept of the request by Chief Sund for National Guard, again, before January 6th. So it's our understanding that Chief Sund believes he did make a request, however, it was not viewed to be a formal request by yourself. Can you -- can you try to reconcile that for us?

A I really can't. I did not see it as a request. It was merely one of many phone calls to discuss security preparations for the 6th. So I cannot reconcile, no.

Q Well, it was one of many phone calls, but as long as I'm clear, there was only one call on January 4th where he mentions the National Guard. Is that correct?

A I believe so.

Q Was there any response back from you or Mr. Stenger that he should connect with General Walker about having the National Guard on standby?

A Okay. Can you repeat that question again? I'm sorry.

Q Sorry. Was there any response from you or Mr. Stenger about having General -- talking to General Walker informally to have Capitol Police -- or sorry -- National Guard on standby on the 6th?

A No. When the chief briefed to his plan, the three briefings the following day when he expressed confidence in his plan, the same confidence he expressed with us, was never an issue.

Q What was never an issue?

A Well, the National Guard. I mean, the chief had many an opportunity to raise it, if he had -- if he was going to claim that he'd put a request in and it was being denied, I mean, he had many an opportunity to raise that with -- on the following day, and it never came up. So I never -- it never occurred to me that we had a difference.

[redacted] I just want to pause for a second and acknowledge that Congressman Aguilar has joined the call.

[redacted] Yes. Good afternoon, Congressman.

BY [redacted]

Q So at no time on January 5th during the briefings to the committees, to the staffers, did Chief Sund, did he ever mention the National Guard or did he ever mention the offer of assistance by the National Guard?

A He mentioned the National Guard as part of his plan, that he had National Guard on standby and was very satisfied with that.

Q And you were satisfied with that as well?

A Yes.

Q Was there ever any discussion where you felt that he was advocating for the National Guard? In other words, in any of these conversations, was there a sense of him weighing in on it? There's a difference between, hey, the National Guard's been offered, what do you guys think, or, hey, maybe we should take them up on this offer. Where did this conversation fall?

A I'm trying to explain it in other words, and I just -- I think I've answered the question. The first phone call was to tell us he received an offer, and within minutes he seemed satisfied, and we moved on and that was it. He was satisfied the following day in all the briefings and it never came up again.

Q And I'm asking because of the insistence by Mr. Sund who's testified publicly,

as you know, that he requested the National Guard. So sometimes the tone of these conversations matter in terms of perception, right?

So I think what you're saying is you saw it as no advocacy on his part that it was a request?

A Right. He had so many avenues. He could've written an email, asked the executive assistant to the Capitol Police Board to have us vote on it, things that we normally did in the course of business to expedite Capitol Police Board decisions, and we made decisions in minutes. It was very simple. So, no, there was just no -- he had many avenues, many opportunities, and he just didn't. And I thought he was comfortable, and that was confirmed the following day.

And Steve Sund's a career 30-year veteran, aggressive, not shy. He's a -- he would've said something, I thought, had he felt otherwise.

Q And we talked a little bit about the reasons why, as you say, you came to a consensus that you didn't need the National Guard, and a lot of that was based upon the intelligence products. Was there ever any discussion of the appearance of how it would've -- of having the National Guard on the Capitol campus for the joint session?

A I don't recommend that. I mean, I don't recollect that. I don't recollect any --

Q I'll want to explain the question, because we've learned -- because the word "optics" can at times be loaded in many different contexts. So sometimes there can be a conversation of the appearance of the military and could be perceived as interfering with the electoral process.

Was there any kind of that discussion at any time with Chief Sund that could have left him the impression that you were concerned about optics?

A I can't remember. I don't think so. I'd refer you, you know, back to my

testimony, which was closer in time to the event. But I just -- I can't recollect anything that would lead him to that conclusion.

Q And I'm done. I just have a couple more questions. From -- obviously, the Senate side conducted an investigation, you testified for the hearings there and as did Mr. Sund. And I just want to ask about one thing he said. He stated that you were, quote: Mr. Irving was concerned with the slash optics of having National Guard present and did not believe the intelligence warranted assistance from the National Guard and, therefore, did not support the request.

Again, we talked about how he perceived it as a request and the optics. My question is: Did Chief Sund believe the intelligence warranted assistance from the National Guard in any conversation that you had with him?

A Not to my recollection. The three of us were of the same opinion, and he didn't allude to the fact that he -- it was his opinion that, from an operational perspective, they would not add much to his plan at all, if anything. So that was also part of the -- but no. We were all in sync on the intelligence, to my recollection.

Q And he conveyed that to you, that the National Guard's presence would not add to the security posture?

A That was my recollection of the conversation on the 4th.

Q And you agreed with that?

A Yes. But I deferred to him because, from an operational perspective, the Capitol Police were directly under his command, and I took -- I took his word for it.

Q Did Mr. Stenger offer a dissenting view or he was in concurrence with that?

A My recollection is that he was in concurrence. We deferred those sort of -- those operational issues to the chief.

Q And we talked a little bit about the staffers of the congressional leadership

prior to January 6th, but prior to January 6th, did you have any conversations with the Speaker herself?

A No. Yeah, no. No.

Q On January 6th, sorry, I might've missed it, did you speak with the Speaker?

A Not to my recollection, no. No.

Q Did you have contact with Jamie Fleet that day?

A On the 6th, yes.

Q Do you remember when and how you communicated with him?

A We communicated by phone, and he may have also been in Mr. Stenger's office around the 2 o'clock hour when we were huddled.

Q And when you were in that -- in the House Chamber, was there any other -- did you ever see Mr. Fleet that day, or were all the communications via email or phone?

A I really can't remember. I'm going to speculate that I saw him because he was frequently on the floor, but I can't give you a specific -- probably is the best I can do on that. I just can't remember.

Q And when did you leave your position?

A January the 11th is when my -- I believe is when my resignation was effective.

[redacted]

Q Okay. So one follow-up question based on what [redacted] talked to you about and then one small topic area, and then I think we're done.

So just -- so to narrow the questions regarding the Speaker and Mr. Fleet. Did the Speaker or Mr. Fleet ever weigh in on any decision making regarding the implementation of the National Guard for January 6th?

A Can you repeat the question? I think the answer's no, but I just want to make sure I hear the question correctly.

Q Sure. Did the Speaker herself or Jamie Fleet weigh in directly on the decision making to employ the National Guard on January 6th?

A No.

Q Okay. Okay. You mentioned that your resignation was on the 11th, sir?

A I believe so, yes, effective the 11th, even though, I believe I was -- I think I submitted my resignation on the 7th or the 8th. I can't remember.

Q Okay. And was that just for personal reasons? Had you already planned on retiring? I'm just trying to get a sense of if you want to share with us why you decided to resign at that time.

A The timing was rela- -- my understanding was that the -- it was the Speaker's intention that I resign, and I resigned, again, it was either the 7th or the 8th.

Q And why do you say you believe it was -- that that was the Speaker's intention?

A Conversations with the Speaker's staff.

Q Were those post-January 6th?

A Yes, on the 7th.

Q And do you recall who those conversations were with?

A I believe primarily Jamie Fleet, and I might've also had a conversation with Terri McCullough, but I believe primarily with Jamie Fleet.

Q Okay. And any conversations with the Speaker directly about it?

A No.

BY [redacted]

Q What was the basis of the reasons for why you should resign as conveyed to

you by Jamie Fleet?

A I can't recollect the conversation exactly, but we had a major security breach at the Capitol and I was one of those in charge of security, and I accepted responsibility for that.

Q Did you resist in any way to not resign?

A No.

Q And was that a discussion with anyone else present?

A Not that I can recall.

Q Was it conveyed to you that that was -- that was -- by Mr. Fleet that that was the desire of the Speaker, as you testified to? Or was it a suggestion, is my question?

A You know, I really can't remember the exact context of the conversation, other than it was clear that my resignation would be in order, and that's what I did.

Q Do you know if that was a phone conversation or an in-person conversation?

A I believe it was a phone. I believe I was in my office and I believe it was a phone conversation.

Q Was it your understanding that the other members of the Capitol Police Board would also be asked to resign?

A I did hear that the chief was going to resign, and I also heard, also, that Mr. Stenger was going to resign. So my understanding was the three of us were going to resign.

Q Was that conveyed to you by Mr. Fleet or did you learn about that afterwards?

A I can't remember the sequence of events, I really can't. I know that it was the day after. It was a lot of phone calls. I think I had a couple hours sleep. I can't remember the exact sequence.

Q Understood. I just -- I'm just wondering, based upon what you've told us and what you've testified previously to, it sounds like, as you said, that you felt that the decision making prior to January 6th was correct, right? You viewed the intelligence, there was an operational plan that you were aware of that Chief Sund put forth, and you felt comfortable going into the 6th. Is that fair?

A That is fair.

Q So apart from your responsibility of securing the Capitol, was it conveyed to you that something went wrong by yourself or the Capitol Police Board?

A Well, we were breached and so, in my mind, something went wrong.

Q What did go wrong?

A The security -- the security was not -- did not match the threat.

Q So looking back, what should've the security been?

A I will leave that to the investigation.

Q Understood. But given your experience and your, you know, deep knowledge about how the Capitol works, and your law enforcement perspective as well, can you offer anything as to what could've been done better?

A You're asking for, again, my opinion, and I don't have all of the facts in terms of how security broke down and what issues transpired on the 6th that led to what we now know happened, so I would wait till we get those facts.

Q So I just want to -- when you asked for resignation, is it merely because you were the House Sergeant of Arms or was there a discussion about a decision that you made that led to the breach resulted in your resignation?

A I believe it was my position as a senior law enforcement security official, and I was responsible and accepted responsibility.

Q And it sounds like you didn't give any pushback to that decision making; you

understood the reasons for it?

A Absolutely, yes.

Mr. Zebley. I just wanted to point out this is in his statement for the record. He addresses this issue head on.

[redacted] I know. I'm familiar with the statement. Sorry. We cannot -- just so you know, Mr. Zebley, we cannot necessarily incorporate those statements. We can incorporate the public statement, but the Senate has not provided us those statements or -- officially. So I understand that's why I have to ask some of these questions. They have to sign off on it. They haven't provided it.

Does anybody have any other --

[redacted] I have one final question.

Mr. Irving, I want to thank you for your time and just ask you: Is there anything else from your perspective that you think the committee should know or would be helpful as it moves forward in its investigation that we haven't already discussed today?

Mr. Zebley. Before he answers that, I apologize, do you mind if we take 5 minutes so we can talk to Paul and then we'll come right back on the line? Just given the comment that was just made, that you don't have on the record materials we've sent to you, there are some things, I think, we might want to make sure are on the record. But if we could just take 5 minutes, we could mute you guys and I'll call him. I didn't appreciate all the materials that we sent to you are not in your records, so there might be some things we want to put on the record.

[redacted] That's fair. Thanks.

Mr. Zebley. Okay. We'll mute you and we'll go on a different line. Thanks, guys.

[Discussion off the record.]

[redacted]. All right. Mr. Zebley, I understand that you all wanted to offer something -- let me back up.

I had asked a question, was there anything else that would be useful for us to know, and you all wanted to take a moment to discuss and come back to us. So the floor is yours.

Mr. Zebley. I appreciate it.

I just had two quick follow-up questions for Mr. Irving to offer a couple of additional points, and then Mr. Irving will speak to materials that he would like to just make sure are included in the record.

So my first question is: During your -- the briefing by Chief Sund with Representative Lofgren on January 5th, did Representative Lofgren ask Chief Sund whether he was satisfied that he had enough resources for what was anticipated for the next day's events, January 6th events?

Mr. Irving. Yes, she did. She asked him if he felt comfortable with his resources, if there's anything else he needed, and he said he was very comfortable with his resources, not only his staffing, but also having the National Guard on standby. So he said he was very comfortable.

Mr. Zebley. And then jumping to January 6th, you talked earlier about the go-ahead decision -- or the go ahead that was given to Chief Sund, and there was a moment where we were discussing whether or not the Architect of the Capitol was involved in that or whether you contacted him.

I wanted to ask: What is your understanding of your authority to say go ahead with the National Guard without the full Capitol Police Board in the event of an emergency?

Mr. Irving. Only in the event of an emergency would I feel that I and/or any

other Board member could authorize or give a go-ahead. But absence that, I would not have the authority. We need the full board to make a decision like that.

Mr. Zebley. And then just to -- back over to you, Mr. Irving, about the records you want to include in the record as materials.

Mr. Irving. Yeah. If we could, my request to the committee would be to submit my -- the testimony that I submitted. It was my February 23rd Senate testimony, and all of the associated materials, if the committee would accept those, and my counsel certainly can send you that material. So that would be my request.

[redacted] Thank you, Mr. Irving. We appreciate that. And I believe that we already have some, if not most, of those materials, but it is helpful, and I appreciate you putting the request on the record. So thank you very much.

[redacted]

Q So I have two very discrete questions that are different from one another, and then I think we'll be wrapped up.

So the first one deals with contact with other folks from Congress. So[redacted] [redacted]asked you if you had spoken with Senator McConnell and some other folks. Do you recall, prior to the 6th, around the 5th or the 4th, receiving a request from Congresswoman Boebert's office to meet with her?

A Yes, I do.

Q Tell me about what you recall about how you became aware of that request and what was that all about.

A I cannot recollect all the details of how the request came in, but she -- I think I spoke to someone from her staff and she was interested in pursuing the restriction on firearms to the House floor. And that's about as much I can remember. And I never met with her because I left shortly thereafter.

Q Do you recall if that was the limit of what she was interested in? In other words, was there any discussion -- did she want to talk to you about anything that was going on with the 6th or the preparation with the 6th, or was it just limited to that topic area that you just described?

A To the best of my recollection, it was just that topic. It was not uncommon during new Member orientation to brief Members about rules, regulations, and then a Member wanting a followup, and I believe that's what the issue was articulated to me as.

Q Copy that, sir.

And you said you didn't meet with her. Did you meet with anyone from her staff about that issue or any other issue?

A No. It was set for sometime in the future, and then it just never happened.

Q Okay. So that's discrete question number one.

Separate and distinct discrete question number two. So we talked about your official House cell phone that you used during the time. Based on the records that we have, there appears to be a gap in phone records from sometime on the 5th to sometime on the 6th. And I guess my question to you is: Do you have any understanding about why that gap would be? Was your phone -- did your phone stop working? Were you having issues with it? We're just trying to understand if it's an issue with where we got the information from or if there's some other reason why there would be that sort of gap.

A I cannot speak to a gap. I didn't know there was a gap. There would be no reason, from my perspective, because I used it continually.

Q Copy that.

Mr. Zebley. I'm sorry to interrupt again. I'll follow up with you afterwards and see what we can do to help, because we've seen the records and there is no gap. And the records we obtained came from the Hill.

[redacted] Okay. Well, then, why don't -- Aaron, why don't you and I have -- we'll discuss that afterwards sometime early next week.

[redacted] You done?

[redacted] Yes.

[redacted] Okay. I appreciate you following up with that, Aaron.

BY [redacted]

Q I just want to make sure I understand. When you turn your phone in, Mr. Irving, do you turn it in -- who's the authority that then takes it over, the House Sergeant of Arms or the House Committee? Who has it?

A My recollection is that the day that I left, I turned in -- I don't know if it was the day that I left. I can't remember exactly when, but I turned my House phone in to the Sergeant at Arms' office because I considered it their property, House property, House Sergeant at Arms issued property, and that's who I turned it in to. So that's who would have it.

Q And as you said, was that the only phone that you were using from January 5th and January 6th?

A That[redacted], yeah. The cell number, and then maybe my [redacted] hard line to my desk, but those would be the only numbers I conducted any business on. Personal cell was in my bag somewhere. I mean, I just never used it during the day.

Q Understood. And just one final kind of question on kind of the overall part of the process for the National Guard. I just wanted to be clear about what, if any, role Speaker Pelosi has in terms of requesting the National Guard.

And to be crystal clear, does the Speaker's office have any involvement, or was there any consideration of the Speaker's office to request the National Guard prior to January 6th or on January 6th?

A No. I always felt that I had full authority to implement security decisions as I deemed appropriate. So no.

Q And the theory, which you may or may not be aware of, that Speaker Pelosi had the authority to call the National Guard that day, based upon your knowledge of the Capitol Police Board's authorities and the requests that were made, is there any accuracy to that claim?

A I cannot speak to that and, again, my memory is faded, but I -- looking at the Capitol Police Board rules and regulations, I believe we -- we would brief the joint bipartisan leadership. But I can't -- I can't answer your question. I don't know. I just know that I was given broad authority to implement security decisions, and --

Q But as my colleague went through, the Speaker's office isn't part of that process in terms of requesting the National Guard, correct?

A Correct. It would just be on the notification side. I think I've spoken to that, but --

Q Right. So apart from briefing the Speaker's office, they don't weigh in on the request. Is that fair?

A That's fair.

Q And I just want to read a statement from the President that was issued on January 6th of this year that states, quote: The reason for January 6th was that millions of people in our country know the election was rigged and stolen, and Nancy Pelosi refused to put the requested 10,000 troops in the Capitol 3 days earlier, as strongly recommended by me. She didn't like, quote, the look.

Do you have any knowledge about a request for 10,000 troops for the Capitol by President Trump?

A No.

Q And would Nancy Pelosi have the authority to put 10,000 troops at the Capitol?

A I don't know. I don't know the answer to that. I know it would not be the protocol we would follow. She would defer to her security team.

Q But she doesn't fall into the protocol, is that fair to say, to request National Guard for the Capitol Police?

A I'm sorry. I didn't understand your question.

Q She doesn't fall into the protocol --

A Right. Right. It just would not be -- right. That wouldn't be the normal course of business. Security would be in our purview.

Mr. Zebley. I'm sorry to interrupt. I think there's -- I understand -- I think I understand the question, but I feel like you guys are missing each other a little bit. I just want to be crystal clear that Mr. Irving is testifying he doesn't know what the Speaker's authorities are. He can speak to what the Capitol Police Board does and how it proceeds and how he proceeds, but I just don't want there to be any disconnect there that that's what he's describing.

Mr. Irving. Thank you. That clarifies it.

[redacted]. I understand that. I just want to be crystal clear that the Capitol Police's Board's authority do not involve the Speaker's office on the flip side of what you're saying. So what Mr. Zebley is saying is you don't know what the Speaker's office authorities are, however, as far as the Capitol Police Board's authorities to request the National Guard, you did not -- it did not include the Speaker's office?

Mr. Irving. Correct.

Mr. Zebley. Right. What Mr. Irving has testified to is that he would notify. I mean, just --

[redacted] Yes.

Mr. Zebley. Yes. Got it.

[redacted]. I know -- I want to make sure we're clear on this as well.

Prior to January 6th, you did not have contact or conversations with Speaker Pelosi or Senator McConnell, correct?

Mr. Irving. That is correct.

[redacted] And on January 6th, you had contact with Speaker Pelosi. Did you ever have any contact on January 6th with Senator McConnell?

Mr. Irving. No. The contact on the 6th was later on in the day as we're trying to get the Chamber ready for the session. But no -- no conversation with Senator McConnell.

[redacted] I don't believe we have anything else --

[redacted] I have one more. Sorry.

[redacted] Oh, sorry.

[redacted] Just to tie a bow on the authorities' questions, and I know I asked this before, but I just want to make sure I'm clear. When you gave the go order on January 6th to deploy the National Guard, it was your understanding that you didn't need any other approval or authority to make that happen. Do I have that correct?

Mr. Irving. Correct. We were in a state of emergency and I felt, being with Mr. Stenger certainly, we had the authority.

[redacted] Thank you, sir.

[redacted] Mr. Aguilar or Ms. Cheney, do you have any questions for Mr. Irving?

Mr. Aguilar. No questions.

[redacted] Ms. Cheney?

[redacted] She left.

[redacted] Okay.

[redacted]

Q And just one more question concerning Representative McCarthy. Did you have any contact with him, prior to January 6th, in the --

A No. Not that I can recall, no.

Q Did you have contact with any -- with his staff or Luke Murray?

A Are you asking --

Q Prior to January 6th, yeah.

A Oh, prior to the 6th? Luke -- yeah, I would have contact with Luke Murray, yes. Luke was his national security advisor, to the best of my recollection, and we would speak about issues, but none relating to the 6th. So if you're asking about the timeframe from the 4th to the 6th, the answer would be no.

[redacted] Okay.

[redacted] Anything else?

[redacted] That's it.

Mr. Irving, I do appreciate it. Sorry it was kind of rapid fire there at the end, but --

[redacted] Yeah. We do want to thank you for your time, Mr. Irving.

Rob and Aaron, thank you for participating as well. Any final questions or concerns on your end before we close the record?

All right. I appreciate it. And, Aaron, I'll look forward to you and I connecting next week.

Mr. Zebley. Very well.

[redacted] Thank you, folks. Have a great weekend. Thank you for your

time.

[Whereupon, at 5:09 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

_____

Witness Name

_____

Date

SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: STEVEN ANDREW SUND

Wednesday, April 20, 2022

Washington, D.C.

The interview in the above matter was held via Webex, commencing at 10:07 a.m.

Present: Representatives Lofgren and Cheney.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Appearances:

For the SELECT COMMITTEE TO INVESTIGATE
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

[redacted] INVESTIGATIVE COUNSEL
[redacted] SENIOR INVESTIGATIVE COUNSEL
[redacted] PROFESSIONAL STAFF MEMBER
[redacted] CHIEF INVESTIGATIVE COUNSEL
[redacted] INDEPENDENT CONTRACTOR
[redacted] CHIEF CLERK
[redacted], PROFESSIONAL STAFF MEMBER
[redacted] INVESTIGATIVE COUNSEL
[redacted], SENIOR FINANCIAL INVESTIGATOR

For the UNITED STATES CAPITOL POLICE:

LISA N. WALTERS
Office of General Counsel

For STEVEN ANDREW SUND:

LISA BANKS

[redacted] We'll go on the record at 10:07 a.m.

This is an interview of Steven Sund conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol pursuant to House Resolution 503.

Chief Sund, could you please state your full name and spell all of it for the record?

Mr. Sund. Yes, sir. My first name is Steven, S-t-e-v-e-n. Middle name is Andrew. Last name is Sund, S-u-n-d.

[redacted] Thank you so much.

I'd like to ask everyone in the room that they introduce themselves for the record. I will begin with my colleagues.

[redacted] Good morning, Chief Sund. [redacted] I'm a senior investigative counsel here on the committee.

[redacted] I am [redacted] senior -- [redacted] investigative counsel.

[redacted] Good morning. I'm [redacted] investigative counsel with the committee.

[redacted] Hi, Chief Sund. I'm [redacted] I'm the chief investigative counsel for the select committee. Thanks very much for being here.

[redacted] And also for the committee, online we have [redacted] who is an investigator with the committee. We also have Vice Chairwoman Cheney, who's also on the call as well. Good morning, ma'am.

Ms. Cheney. Good morning. Thank you. And good morning, Chief Sund.

Mr. Sund. Good morning, ma'am.

[redacted] And also Lisa Walters from the United States Capitol Police, Office of the General Counsel.

And I would note, with you, Mr. Sund, I believe we have Ms. Lisa Banks, your

counsel. Is that correct?

Mr. Sund. Yes.

Ms. Banks. Yes. This is Lisa Banks representing Chief Sund.

[redacted] Thank you so much.

This will be a staff-led interview, and members, of course, may choose to ask questions during this process.

Again, my name is [redacted] Myself and my colleague, [redacted] will be the primary investigative counsels conducting this inquiry.

Before we begin, I'd like to describe a few ground rules. There is an official court reporter transcribing the record for this deposition. Please wait until each question is completed before you begin your response. We will try to wait until your response is complete before we ask our next question.

The stenographer cannot record nonverbal responses, such as shaking your head, so it is important that you answer each question with an audible, verbal response.

We ask that you provide complete answers based on your best recollection. If the question is not clear, please ask for clarification. If you do not know the answer, please simply say so.

I also want to remind you that it's unlawful to deliberately provide false information to Congress, and that you and your counsel have an opportunity to review the transcript of this transcribed interview.

Before we begin in earnest, Chief Sund or Ms. Banks, any questions before we begin?

Mr. Sund. No, sir.

[redacted] All right. So, Chief, what I'd like to do is give you an outline of -- sort of a breakdown of what the interview's going to look like, a roadmap, so you

kind of know where we're going throughout the process.

So I'm going to start with some background information about you professionally, about your role as the chief of police for the United States Capitol Police, talk about the organization itself, what are its main functions, roles, and responsibilities, and how it interplays or interacts with other elements of what I'll call the Capitol complex enterprise, meaning the House Sergeant at Arms, the Senate Sergeant at Arms, Architect of the Capitol, Capitol Police Board.

We'll then talk about the events leading up to January 6th and sort of what the Capitol Police's role was during that time. During that portion, we're going to segue over to my colleague, who's going to spend some time talking about the intelligence portion of that discussion. And then we'll come back, and we'll talk about the 6th itself.

And then we'll have some questions about the summer of 2020 and how that may or may not have informed any preparations for January 6th, and then conclude, sir, with any recommendations that you may have for the committee about what we can do -- and when I say we, I mean the global corporate Federal Government we -- what we can do to prevent something like this from happening again.

So that's the roadmap that we've got going forward.

If at any time, sir, you need a break or you want to take a break for a comfort break or grab some water, we can go off the record and make that happen. So just let me know.

Any questions before we begin?

Mr. Sund. No, sir.

[redacted] All right.

EXAMINATION

BY [redacted]

Q So, Chief, let's start with: When did you serve as the chief of police for United States Capitol Police?

A Started June -- I'm just -- let's see. June 2019.

Q June 2019. And, sir, can you describe for us your professional experience that sort of led up to that position as the chief of police for the United States Capitol Police?

A With the Metropolitan Police Department for a little over 25 years and rose up through the ranks to the rank of commander, which is equivalent to what's the rank of a deputy chief, having run their special operation division for approximately 5 years from 2000 -- beginning of 2011 till the end of 2015. And in that role, I handled a lot of the major events, demonstrations in Washington, D.C.

I left there, was out in the private sector for a short time, and was advised of an opening at the Capitol Police for a operations chief. Was asked to apply for that position. Went ahead and I thought about it for a little bit, talked to the wife about getting back into policing, because I did miss it, and joined Capitol Police as their assistant chief of operations -- at the time, they had one assistant chief over all operations -- in January of 2017, shortly before the inauguration. And I was in that role up until I transitioned to the chief's position. Again, I believe it was June of 2019.

Q Thank you, sir.

And could you just describe for us briefly a little bit about your educational background?

A Yes, sir. I have a bachelor's and a master's from Johns Hopkins University, and a master's from the Naval Postgraduate School.

Q Thank you, sir.

I want to talk a little bit about the role of the chief of police for United States

Capitol Police and ask you to describe for us sort of what are the primary responsibilities, roles, and the duties of the chief of the Capitol Police?

A Chief of the Capitol Police is kind of a strategic leader for the agency to kind of set the strategic plans for the department, set some of the goals that we want to have, long-term goals for the department, and look out for, you know, what are we doing for personnel, what are we doing for budget, things like that, with the department, and developing it into, you know, what we envision it to be 5 years from now.

I think any chief wants to always leave a agency in a better position in which they found it, and I think the role the -- of a chief, and especially a good chief, is to kind of set a roadmap to reach those goals. So that's kind of how I looked at my role as the chief.

Q Thank you, sir.

Would it be fair to say that the chief is -- is the leader of the senior leadership team within the Capitol Police?

A Yes, sir. Within the Capitol Police, yes, the chief is the -- you know, even though we have lots of chiefs, the chief is the chief of the department, yes.

Q Thank you, sir.

And you've described sort of the role from a strategic standpoint, which makes a lot of sense to me. As a chief of police, did you have any operational role in terms of the direction of movement or operations, either from a planning perspective and/or in the actual execution of an event?

A When you talk about planning a operational role, so when we were planning some of the MAGA rallies, like the MAGA I rally, I reviewed -- you know, I've got experience -- I've handled a couple of demonstrations, but I reviewed some of the fencing layout for the MAGA I and made some recommendations for some changing -- changes in those areas.

So I'm trying to think of any other operational. But, you know, I kind of try to do my best to look over and see, you know, the operation plan and make sure it's being executed, or see, you know, that we have a decent one put together.

Q Copy that, sir.

So it sounds like you have experience both to sort of put the ops plan together, and then it may come to you for sort of a final review or input before it's executed. Is that a fair assessment?

A Yeah. Yes. Yeah, sometimes, yes, yeah.

Q And do you recall, sir, if that happened specifically with respect to January 6th? I know you mentioned the MAGA -- one of the MAGA marches. Do you recall if that also happened with respect to January 6th?

A When you say that, having an operational role?

Q Yeah. I'm sorry. Let me clarify. So you described for us how your team puts together an op plan, and then you review that op plan. I guess I'm wondering, did the team put together an op plan for you for January 6th that you had the opportunity to review and provide input?

A So the team put together a -- an operations plan. So you have really two events on January 6th. You have the outside demonstrations that are taking place outside the Capitol, and inside the Capitol, you have the Joint Session of Congress. So you really have two different plans taking place.

The ops plan had been developed for the assistant chief of operations, for uniformed operations. He actually was on leave, I want to say, the last week of December. So one of the deputy chiefs -- I guess he had advised one of the deputy chiefs to forward it over to me for review. I had reviewed it. We had talked about -- a little bit about some of the CDU deployment.

But when Chief Thomas returned, we had some further discussions about our personnel -- number of personnel that we had on it. We expanded to the maximum amount of CDU personnel that we could have deployed on the 6th. I activated the most amount of resources available at my disposal to put on the event.

And then they wrote a second -- that's when we had a second CDU plan that came out. I think we're in -- January 5th was the date of the second CDU plan. And I did some review of fencing with the two assistant chiefs -- fencing, the metal barricades that would -- metal crowd-control barriers, where we had them placed, and made some recommendations on where those barriers should be placed to provide better coverage for some parts of the Capitol.

Q I appreciate that, sir. And I definitely want to spend some time diving into that a little deeper later on in our conversation, but that's a very good overview, so I appreciate that.

Switching now from the primary duties and functions of the chief of police for the United States Capitol Police, likewise, from sort of a 30,000-foot view, what are the primary roles and responsibilities of the Capitol Police organization itself?

A So the Capitol Police organization, it's -- it's the only law enforcement agency for the legislative branch. Their job is to provide protection, security for the congressional office buildings, anyone coming into and out of the buildings for providing screening, providing protection for the Members of Congress, the visitors on the Hill, the employees on the Hill, as well as investigating criminal activity that may occur either on Capitol Grounds or affecting any members or a Member of Congress. And we also have a dignitary protection division that provides protection to the designated leadership positions.

And so at a high level, we provide for the security of the congressional complex.

Q Thank you, sir.

And would it be fair to say that would include the people and the -- for lack of a better term, the infrastructure that's all part of the Capitol complex?

A Yes.

Q Thank you, sir.

How does the Capitol Police interplay or interact with, or what is its relation to other parts of what I call the Capitol -- the Capitol complex enterprise? So, specifically, the House Sergeant at Arms, the Senate Sergeant at Arms, the Architect for the Capitol, and the Capitol Police Board. And I know that's a lot, so let's just start with, first, what's the relationship between the Sergeant at Arms both for the House and Senate to the Capitol Police?

A Okay. I was trying to think of -- going back and patching it to the Capitol Police Board, but -- so the House and Senate Sergeant at Arms -- so you have a House Sergeant at Arms that's in charge of everything. He's called the chief law enforcement officer for the House of Representatives. And you have the Senate Sergeant at Arms, who is considered the chief law enforcement officer for the Senate.

They're really in charge of the two -- two halves of the Capitol complex -- the staff -- you know, if you were to take it and kind of slice it right down the middle, right down the dome, and say, you know, those on the north side, you're the Senate, and those on the south side, you're the House, they're in charge of kind of all the security apparatus of those two parts of the Capitol complex when it comes to law enforcement type of activity.

So our interaction is, as the chief, I would regularly interact with the two Sergeant at Arms. We would talk on a regular basis if we had anything that was law enforcement focused. It was always the discussions with the two Sergeant at Arms.

So that's kind of how the role played. We -- you know, it was interesting to work between the two halves, but, you know, that's how you had to work it.

Q Understood, sir.

And earlier in our discussion, you described that part of your responsibilities as the chief was to provide strategic direction for the department. Did either the House or the Senate Sergeant at Arms have any role in that as well? Did they also provide strategic input?

So I'm trying to understand sort of their -- you mentioned that they are the chief law enforcement officer for their respective halves. So in terms of how the Capitol Police organization ran as an organization, did they provide strategic input, operational input, that sort of thing?

A Yes to -- yes to both of those. So let's go back to the strategic input. Yes, they would regularly provide strategic input. But just to give you an example, in October 2020 -- I believe it was published, and it is still available online -- was the strategic plan for the department.

We put together the strategic plan and then had to shop it around for the input as we were putting it together, getting the input from the members of the Capitol Police Board, which included the two Sergeant at Arms, and my oversight. I knew that intelligence played a big role in that, so you'll see intelligence weaved throughout that, but they played a big role in that.

Operational, yeah, we'd have very similar discussions, whether it was January 6th, you know, a Supreme Court nomination, a different demonstration come up, healthcare, immigration. There was often discussions with the two Sergeant at Arms about what security protocols would be implemented around the campus. A lot of it often had to do with how we'd be securing the east plaza where the Members would often park.

Q Understood, sir. Appreciate that.

And if there's ever a disagreement about how the Capitol Police Department's going to conduct its business, sort of how is that resolved? Does the chief have the sort of final say as to what the department is going to do, or does that rest with either the House or Senate Sergeant at Arms, or is it sort of a collective discussion?

A It's -- it's a very sensitive collective discussion, because, you know, they -- they're the next rung up the chain for me. You know, so if your boss is telling you this is what he -- you know, he wants done, whether it's securing the east front or not securing the east front, that's where we -- you know, we'd usually run into the conflict. And, you know, I'm usually going to listen to what the -- what my boss is telling me.

It's -- you know, you'd also run into the problem where there's conflict between the two of them, and they'd have to work that out between the two of them.

Q Understood, sir. I appreciate that.

So now let's shift the discussion to the Architect of the Capitol. And, again, for the benefit of people like me who are not familiar with sort of the organization as a whole, meaning the Capitol complex enterprise, what interplay or interaction, if any, does the Capitol Police have with the Architect of the Capitol?

A So, you know, if -- in talking to somebody like you had described that doesn't really have a -- an understanding of how this works, so the Capitol Police Board, being an oversight board over the Capitol Police Department, you have three -- you have really four people within the Capitol Police Board, but you have the Architect of the Capitol, the Senate Sergeant at Arms, and the House Sergeant at Arms that are considered to be what is considered voting members. And then you have the chief that's considered a nonvoting member of the board. So they kind of oversee, you know, the department from a Capitol -- from a board perspective.

The interactions I always had with the Architect, if I ever had a question that had anything to do with Member protection, security of the campus during an event, or security of the campus just in general, my first discussion was always with the two Sergeant at Arms. The only time the discussion really included the Architect was when it included a physical security aspect that -- excuse me -- if we're doing something that required the installation of any kind of physical security structure, alarm systems, cameras, stuff like that that would affect the facade, the architecture of the Capitol, that's where the Architect of the Capitol played a role and was -- would be asked for their input. Those come to mind.

Q I didn't mean to cut you off. I'm sorry. I appreciate that, sir.

So that answers a good segue to the Capitol Police Board. So you mentioned in your answer that -- to my previous question, that the Capitol Police Board is an oversight board that is composed of four members, three of which are voting -- the House, Senate -- House Sergeant at Arms, Senate Sergeant at Arms, the Architect of the Capitol, and the chief of police, right? And the chief of police of the Capitol Police is the nonvoting member.

Do I have that correct?

A Yes, sir.

Q Thank you, sir.

And, I guess, first describe for me, where is the Capitol Police Board in the hierarchy? So you mentioned earlier that your immediate boss is the -- the Sergeant at Arms, and they both sit on the Capitol Police Board. So does the Capitol Police Board sort of sit above all of you collectively, or sort of where is it in the organizational tree, so to speak?

A So if you would look at the Capitol Police Department as, you know, any

other police department, it's a very complex agency. You've got your bureaus. You've got your different ranks: lieutenant, captain, inspector, deputy chiefs. It all creates a hierarchical structure. I sit at the pyramid of the Capitol Police structure. Above that is where you'd see the Capitol Police Board.

Q Understood, sir.

And what kind of oversight function does the Capitol Police Board provide? Is it strategic? Is it operational? Sort of what is the operational role -- excuse me -- the oversight role that the board serves?

A Say it's a little of both. A little strategic, a little operational. They, you know, play a key role in looking at, you know, what kind of programs we may be implementing for security on the Hill, for security for events coming up, long term -- long-term plans.

If we're talking about our hiring, they'll review our -- you know, our hiring, attrition, things like that. If we're looking to implement a new program, like when I became chief, I wanted to get more less lethal capabilities into the hands of my officers. We weren't using the electronic control device, and we often are faced with various mental health consumers that are coming up to the Hill to voice their grievances. And I wanted my officers to have more opportunity to deal with them rather than move to higher levels of less lethal or lethal force.

So I implemented a program to say let's, you know, pilot the electronic control devices, which sometimes people hear referred to as tasers. That had to be shopped through, get the approval, run everything through, and coordinate kind of how we do that with the Capitol Police Board.

So that gives you an idea of just how -- one of the programs I worked with them.

Q Appreciate that, sir.

And putting January 6th aside as a specific date for my next question and just asking more generally from a process standpoint, if, for example, the Capitol Police want to partner with or use the National Guard, is that a decision that typically would go through the House Sergeant at Arms, the Capitol Police Board? How would that process work, generally speaking?

A Generally speaking, that is a -- oh, first of all, it's -- you know, it's a very delicate process. It's a process where the National Guard is only rarely used to support major events up on the Hill. And the process that would take would be a process where it would be first taken to the two Sergeant at Arms to get their input, to get their concurrence, before moving forward with what would be called a emergency declaration that would require the three voting members to approve an emergency declaration for me to call in Federal resources.

Q Copy that, sir. I appreciate that. That will be helpful when we get to the more specific discussion about January 6th.

So I think I have a good understanding of how the Capitol Police interacts within the Capitol complex enterprise.

How does the Capitol Police -- well, let me ask the question this way: Does the Capitol Police regularly interact with interagency partners, either at the Federal, State, local, or Tribal level, and just sort of generally speaking, who do you normally interact with and under what circumstances?

A Yes. Usually, you know, Washington, D.C., it's small. You know, and considering some other jurisdictions, a small jurisdiction. You have a number of law enforcement agencies within close proximity to everybody down here, so there's usually a fairly decent working relationship.

It usually consists of some of the coordination with regular -- MPD would usually

do regular conference calls with some of the partner agencies in coordinating either sharing of information or planning for an upcoming event. We have -- I have a special events branch within the Capitol Police. They'll often talk to special events units with the Park Police and Metropolitan, because a lot of times we have the same people that are applying for our permits with us or marches or runs taking place -- will take place through those various jurisdictions because of the close proximity. So they'll talk among themselves with special events branch.

So that's kind of how some of the coordination works.

Q Copy that, sir.

And as compared to when the Capitol Police interact with the National Guard, is it a similar process in terms of officially involving them or is there a different avenue or a mechanism for involving other law enforcement agencies?

A The National Guard, I don't -- I don't recall the National Guard participating like in the regular conference calls that MPD would put together. It would be a rarity for that. I'm trying to think of when they -- when they did. Usually the -- any coordination with the National Guard would be specific to an event or a specific request.

I'm trying to think of some of the things. Like, maybe if we were doing air evacuation, some of the assistance with some of the assets to do drills and exercise for air evacuation. We'd just go directly with the National Guard once -- you know, once that's all approved by the Capitol Police Board -- you know, by the two Sergeant at Arms, with the Capitol Police Board, to conduct the exercise, and we'd go direct with the National Guard.

I don't know. Does that answer your question?

Q Yes, sir. And I apologize. Like, the question is probably a little confusing.

I guess what I'm trying to understand is, if the Capitol Police make a decision that,

hey, because of event X, we're going to need to work with Park Police or Secret Service or MPD, is that a decision that can be executed at your level as the chief or is that something that has to, you know, be discussed amongst the Capitol Police Board?

A No. So when you're talking about that -- things like that regularly happen, where you're working with your partner agencies -- like I said, our special events branch may be working -- say, if you've got a march that's heading from the White House or the -- or the Washington Monument grounds, you're going to have Park Police involved for where their -- the permitted areas and when they're going to leave.

You're going to have the streets coming up, which is MPD's jurisdiction, many of us. So my special events branch and my deputy chief with the Operational Services Bureau under the assistant chief for operations, they would have authority to go ahead and start, you know, doing that, that coordination for -- for that event.

Q Copy that, sir. I appreciate that. And I apologize if my earlier question was confusing.

So what I want to do now -- now that as background, which has been very helpful to understand sort of what the roles are of the chief, what the roles are of the organization itself, I want to move to what the Capitol Police were doing in the lead-up to January 6th. So we're going to talk about sort of the lead-up to January 6th, and then we'll talk about the 6th itself.

But with respect to the lead-up, I want to break it sort of into two parts, right? So you and I, I would like us to talk about sort of what you all were doing to prepare operationally, some of the things you mentioned before, like the fencing and that sort of things, all the things you put into place there, and then I'm going to segue over to Robin, who is going to spend some time talking to more focus on the intelligence piece. Okay?

A Okay.

Q Okay. So with that as background, with respect to the lead-up to January 6th, when, from an operational perspective, did the department start planning for that event, to the best of your recollection?

A For the event for the 6th, I believe it was right around Jan -- I'm sorry -- December 14th. I think there was an email that came out -- I don't recall who -- who it was from. It was maybe Gallagher or Assistant Chief Pittman -- that indicated that -- yeah, I don't recall. It could have even been Chief Thomas -- that indicated that the group that had done the two previous MAGA rallies may be getting ready to do a third MAGA rally that would be focused on the Capitol for -- that would coincide with January 6th.

I believe my response was something along the lines like, thank you, let's discuss. I'm looking at probably significant deployment of something for that -- along those lines. So -- and then we sat back and waited for the intelligence assessments to start coming out regarding that.

Q Copy that, sir.

Then putting the intelligence assessment aside for a minute, after that initial notification to you, what were the next steps that you and your team took in terms of preparing operationally for the event?

A I'm trying to recall. I may have had a brief discussion with Thomas about CDU, about let's start putting together a CDU plan. You know, usually that would be the course of action that fairly early on, and then wait for the intel to start coming in.

Q Copy that, sir.

And when you say CDU, is that the civil disturbance unit?

A Yes, sir. I'm sorry. I don't mean to --

Q No, that's okay. That's really just for the record.

A Yes.

Q I want to make sure we're clear.

A Yes. Civil disturbance unit. It's our crowd management, civil disorder control capabilities.

Q Okay. And so it sounds like you waited until you reviewed the intelligence assessment before you moved on. So after you got an opportunity to review that, what is sort of the next operational steps that you and your team take in order to prepare for the 6th?

A So there's a number of things that go on. So I just want to make sure that we're capturing this in the previous question as well. Like I said, the Capitol Police Department's a very big, complex police department, probably about the 25th largest police department in the country. So I have a number of different units that are simultaneously probably starting to lean forward on this.

So you have a Joint Session of Congress coming up. That's going to start developing a lot of coordination and planning with the two Sergeant at Arms, different folks that have to do with the stuff going on inside the Capitol. So Capitol division will start coordinating some. That would occur just under my chiefs of operations.

So they very likely were leaning forward. I know like, you know, Ted Daniels and -- just trying to think of the other person for the House and the Senate that began to do, you know, like protocol. So there's a lot of operational planning that begins for the event taking place inside the Capitol.

Outside the Capitol, again, my special events at that point was probably looking and talking with the other special events offices trying to find out what permits are out there. That's part of, you know, intel until we start looking at what permits are taking place.

So I don't want to sound like we just sat back and waited. There's things that are obviously taking place well within the complex agency we have. So everyone has a responsibility when we have something like this coming on. So at the various levels, there's actions being taken.

Q I appreciate that, sir. And that actually is a good segue into my next question.

You mentioned in your answer the complexity of the department, which I can appreciate in a number of different, you know, for lack of a better term, because I tend to oversimplify things, a lot of different moving parts.

We've had the opportunity to speak with Chief Gallagher and Chief Pittman about that. And one of the things that they told us was, in hindsight, they did not feel like there was a lot of internal coordination amongst all these moving parts, that sort of -- people were sort of moving in different silos of excellence, you know, doing the best they can, but there wasn't any sort of cross-discussion or sort of unified plan going into the 6th. And I was just wondering what your reaction was to that.

A Yeah, I find that interesting and concerning. I'd always talk regularly with both my two assistant chiefs. So prior to me becoming chief, I had one assistant chief over all the operations of the department, whether it's overseeing our physical security, our dignitary protection, our intelligence, our uniform, our different divisions. It was a huge undertaking.

I really wanted to elevate the level of intelligence. I wanted to elevate our focus on intelligence. So that's why I did get the opportunity, again, after going to the Capitol Police Board and getting approval and approval from oversight, adding in a second assistant chief.

So what I did was I put their offices right next to each other, one, to help facilitate

that communication. So I'd regularly go and meet with them, talking about what my plans are for developing intelligence and incorporating intelligence into operations.

So I find it a little disheartening that they feel there wasn't a lot of discussions. We'd regularly talk about some of the planning as we were moving forward for the 6th, you know, and -- yeah. So I -- and I think I just answered it, so --

Q I appreciate that, sir.

And in fairness to you, I didn't mean my question to suggest that people weren't talking at all. But, for example, my understanding from my conversations with them, just to give an example, that CDU may not necessarily know what CERT was going to do. CERT may not necessarily know what first responders were going to do. Like, there wasn't a crosscutting sort of discussion about how folks were going to go into the 6th.

And I guess that's what I was trying to get from you, if you felt like that's a fair assessment of what was going on at the time, or what your thoughts were.

A The way we had kind of coordinated things, for an agency my size, you know, we have to be an intelligence-led agency. Our planning has to be based on intelligence.

So, you know, first, you know -- and Chief Pittman and Chief Gallagher, again -- assistant chief, deputy chief -- I don't mean to confuse it -- are overseeing the intelligence, will play a key role in what she's talking about with the others planning the coordination of, you know, what CERT's going to do, things like that.

So it is important that the two assistant chiefs talk. But, you know, the operational aspects of it are all under one assistant chief to help kind of make sure that we're getting that coordination.

You know, I'm -- I hadn't heard that, but, I mean, you know, I'd hope that by facilitating it and setting it up in the way I had and, you know, having -- when we first made the two assistant chiefs, you know, pulling them together, talking to them about

the importance of communications, that that wouldn't have been an issue. So I'm just concerned about hearing it, but that's not something I had heard.

Q Understood, sir. And just for the record, when I say CERT, I mean the -- I think it's Containment Emergency Response Team. Do I have that right?

A That is -- that is correct.

Q Okay. And that is, again, to oversimplify it, Capitol Police version of SWAT, Special Weapons and Tactics. Is that correct?

A Yes, sir.

Q Okay. So earlier in our discussion, you talked about things like getting bike racks in place and making sure you had enough folks to deploy. Again, from an operational preparedness position, talk to me a little bit about sort of what you did to begin planning putting those things in place so they could be executed on or about the 6th.

A So the two assistant chiefs would work on beginning to develop those plans. So Chief Pittman, in her intelligence -- so she -- Assistant Chief Pittman oversaw what was called intelligence and protective operations, if I remember correctly. That included what we say is the physical security aspect, the alarms, the cameras, barriers, things like that, because we have to monitor all those for the department.

She is also in charge of, if we go and get bike rack, if we're going to use any type of barrier, if we're going to use bike rack, or if the intelligence, you know, her part of the department's providing, if we need to go to a bigger fence, if we need to ask for more additional resources.

And the way that relates is Chief Thomas then begins to develop the staffing for the CDUs, how many CDUs we're going to have, who's going to be out there. So the two of them would talk and determine, okay, where do we need fencing, and come up with

the plan for the fencing. So, you know, you're having that communication. So that's how that works.

So we had developed, okay, we need staffing inside the Capitol to handle the joint session, we need staffing outside, we need the incident commander outside, which would fall under one of Chief Thomas' personnel. And then we'd turn to -- Chief Thomas would turn to Pittman and request fencing support wherever they had determined they wanted the fencing.

Q Copy that, sir.

And in the operational planning stage, was there any consideration given to the possibility of needing to arrest folks and how that would be processed?

In the course of our investigation, we've learned from others that there was the belief that there was a plan in place, buses, sort of dealing with folks that might have been arrested as a result of what may happen on the 6th. Was that part of the operational planning at all?

A A -- I'm trying -- the mass arrest plan or mass contingency plan is usually part of any operational plan, so there should have been contingencies for offsite processing if we were to have to make large arrests, yes.

Q And that would involve something like, for example, a bus offsite that would be utilized to handle the processing of those folks?

A Should, yes.

Q Copy that, sir.

So I think from an operational perspective, that's all the questions I have for right now.

I'm going to segue over to my colleague, [redacted] who's going to talk to you specifically about the intelligence piece. And then we'll sort of come back and walk

through the rest of the story, okay?

A All right. Thank you, sir.

BY [redacted]

Q Good morning, Chief. Have you had an opportunity to review some of the documents that we sent over?

A Yes. Yes, I have.

Q Okay. Perfect. Do you have them also available to you in case I want to refer to any?

A I'd have to see about pulling them up. I don't --

Q Okay. Don't worry about it. I can do a good job of help -- of describing them for you, and then, if there's something you want to --

A Yeah, I'm not sure if you can put them up on the screen or anything like that, but if you can describe them. But, yeah, let's see how this goes.

Q We'll do that. And if at any point you want to look at something in particular, we'll put them up on the screen for you, okay?

A Yes, sir.

Q All right. So I want to start just a little bit about intelligence, how it got to you as chief of police, and then how that informed some of your operational decisions for January 6th.

Basic question first: As chief, where did you get your formal intelligence from?

A I got my intelligence assessments, intelligence products that came from our IICD, which is our intelligence and interagency coordination division.

Q Okay. And we'll call it IICD -- thank you for spelling it out for us -- as we move forward.

How about, how did you get -- you said intelligence assessments. Does that

mean written? Is it oral? In what sort of ways would you get told that intelligence?

A It's usually -- it's usually written. I have attended a number of oral briefings down in the IICD, but usually it'd be in a written form.

Q The way intelligence reached you, was it exclusively through the IICD or did you have other channels outside of that division, any Federal agencies or law enforcement agencies that shared intelligence with you?

A For the most part, it was always through IICD. That was my main conduit.

Q Did you have an understanding as to whether your IICD division received or shared intelligence with those sort of Federal agencies, FBI, DHS, I&A, or other law enforcement agencies, like Metropolitan Police Department? Were you aware if whether they had those sort of open lines of communications with other intelligence-gathering operations?

A Certainly hope so. That's their -- that's their role. They have personnel embedded with Secret Service, the DHS National Operations Center, the NOC, FBI, various task forces over at FBI. And I would expect them to be regularly talking with our partners, with Park Police, Secret Service, MPD intel. So, yeah, I would expect them to have a very healthy relationship with those agencies.

Q Sometimes you were on calls, you and your executive team, with some of these other Federal agencies. You mentioned in your previous written testimony to the House -- by the Homeland Security and Governmental Affairs Committee over in the Senate -- excuse me -- and you said this:

On Tuesday, January 5th, I hosted a virtual meeting with my executive team, all three principals of the Capitol Police Board, and a dozen of the top law enforcement and military officials from D.C., including the FBI, the U.S. Secret Service, and the National Guard. This meeting focused on both the January 6th event and the upcoming

Presidential inauguration on January 20th. During the meeting, no entity, including the FBI, provided any intelligence indicating there would be a coordinated violent attack on the United States Capitol by thousands of well-equipped, armed insurrectionists.

So I sort of want to talk through -- again, outside the IICD, when you're having these calls with these agencies, was it expected that intelligence would be shared with you one way or another or was that not really something that you would get through those calls and, instead, you relied, as I said, almost exclusively through IICD for your intelligence?

A So that call was a call, you know, again, to talk about, you know, hey, what's the latest everyone's seeing? And I would expect, if somebody is seeing something significant and if we're expecting, you know, a significant incident up on the Hill, to have it, yes.

Assistant Chief Pittman participated in that meeting as well. We -- at the beginning of it, there was a -- kind of a overview of what our expectations were. And I believe other agencies provided very similar overviews as they went through the introductions and kind of what their plans were and what their preparations were, and also making sure that everybody kind of had everyone else's contact number, because we had a couple of new people in their seats.

That was one of the main reasons I wanted to make sure that we were having this, just to do some introductions with some of the people. But it was also an opportunity to share any of the latest information.

Q So only a few months before January 6th, a new director and an assistant director were hired for the IICD. Julie Farnam and Jack Donohue, respectively. How would you characterize the reputation of the IICD before their hiring?

A Now, when you say the -- was it reputation? You cut out for a second.

How would I characterize the reputation?

Q Yeah. So what was your understanding of whether it functioned well as a division, whether it was providing the intelligence, and the way it was providing it in the ways that were helpful to you, and how it was viewed within the intelligence community as to, again, whether its products were seen as quality products? What did you think of how it was functioning? Let's start with before the hiring of the two new heads.

A So it had handled many, many events, to include events over the summer, events with the MAGA I, MAGA II effectively. I'm trying to -- MAGA II, I think the former director was just finishing when we had that. So they had handled those effectively.

You know, my goal in -- you know, we knew -- Norm Grahe was the previous director. We knew Norm Grahe was getting ready to leave. I wanted to go and find, you know, someone that was going to be able to take the intelligence, you know, up to -- you know, just to even the next level. You know, I wanted to, you know, think about what -- you know, what can we do to, you know, even increase intelligence capabilities.

So that was -- you know, when we were looking for the new people, those were some of the things I was interested in. But it had proved effective, but looking to kind of increase capability with the new staff.

Q Okay. If I get that right, not necessarily because you thought they were functioning at a lower level; you just had sort of aims or goals to make them better with the hiring of the two new leads. Is that right?

A Yep. Well, and, again, initially, all we were hiring was a director. We went out looking for the director to replace Norm Grahe, and, you know, my goal was, in talking with the two assistant chiefs, but mainly Chief Pittman, because, you know, he'd be working with Chief Pittman, was, you know, bring somebody in that can really, you

know, take our intelligence to a -- you know, to a new level.

Because I knew, as an agency, with the threats we were getting, everything that was going on, intelligence was key to what we do. It's key to how we plan, how we -- our operations. So I want to make sure we got a good director. And they -- you know, she and Gallagher -- and we also brought in an outside assessor to sit on a panel and review them.

So they initially was just hiring one, but Chief Pittman and Chief Gallagher came after the process and said, Hey, we also identified a number two that we think would be really good for the intelligence analysis -- analysts, and that was Julie Farnam. So I was able to identify through working with Richard Braddock a FTE position and brought her on as the -- I think assistant director would be the title.

Q And you mentioned, you know, you wanted to take it to a new level. Can you be specific? What wasn't it doing previously that you were hoping it would start to do or start to do better?

A Oh, it -- not that it wasn't -- I wanted to look at ways we could incorporate new technology, what could we do to -- like cell phones, I had been wanting to, you know, find a way to push cell phones into the officers' hands. And this was a process -- I know now they've deployed them, but this was a process we had started when I got into chief.

I think technology can be beneficial. You can use it as -- to collect intelligence. You can use it to disseminate intelligence. So I wanted to look at, what can we do with new technology? So I just wanted somebody that was coming in considering, you know, what can be done with new technology, what can be done with new products to assist our open source?

If we're looking at threats, you know, open-source threats against our Capitol campus and the congressional community skyrocketing, what technology is out there to

help us start sifting through these threats, you know, to help us find the needle in the needle stack that could actually be a big threat to us.

So I just wanted somebody -- you know, I just wanted to find somebody that was technologically driven that could be incorporating new tools. That may be the best way, just new tools.

Q How did you conceive of the IICD's role -- as an intelligence-gathering operation, an intelligence-sharing operation, merely an intelligence-consuming operation, all three, if that's what you wanted? And it could be all or none of them. What was its objective in your mind?

A I would look at it as a intelligence processing. We are consumers of intelligence. We get our intelligence from, you know, the intelligence community, and process it into something that we can use. Really, the only intelligence-gathering capability that we have is our open source, open source section, OSS, it would be referred to, where they can go out and they can look and see what's being posted on social media and pull that together, determine if there is anything within that social media that is concerning to the campus and then include it in the intelligence products.

Q How did intelligence from the IICD get to you -- I know you said written and briefings. Was there an open line of communication between yourself and the director of the IICD? Did you rely on your assistant chief over that intelligence umbrella to sort of be the conduit between the IICD and yourself? Basically, who from the division spoke directly to you, or through which liaison did you get sort of information from them?

A Most of my information was -- I get most of the written information. Verbal information was always either Deputy Chief Gallagher or Assistant Chief Pittman, who was usually -- would have been with Deputy Chief Gallagher at the time. Even though I had a very good relationship, I'm a firm believer of knowing and kind of, you

know, your staff, what's going on. I do a lot of management by walking around.

So I'd regularly walk through Protective Services Bureau, the bureau that houses IICD. It's one floor right directly below me in headquarters, and I'd regularly walk through. Julie Farnam and Jack Donohue -- John Donohue, the director, their offices were right next to each other, and I'd regularly stop by and check in, how -- you know, how are they settling in, how's everything going?

So there was a good line of communication there. So if there's a -- an issue, I would have thought they could have brought it up. But I think Gallagher and Pittman really wanted to, you know, kind of control the information. They like to know what's going up to their boss, so I'd usually hear -- anything verbally usually would be from the two of them, with the exception of, if I was invited to a intelligence briefing, I would usually go down to IICD, and the intelligence briefing would be provided in the SCIF if it was classified or if we have a -- usually down in the SCIF in the IICD.

Q Did anyone at IICD have a voice or input on the operational end of the department? And, if not, whose role was it to marry intelligence with the security posture planning for an event?

A Can you clarify that just a little bit better? I just want to make sure I'm fully understanding it.

Q Sure. I'm wondering if IICD got together with the operational side and had sort of input, you know, was able to talk about the intelligence that they were seeing and have input in that decisionmaking about how operations would be informed from that intelligence, or is there a role to give someone -- maybe it's yourself, maybe it's lower than you -- that intelligence, so that that person can sort of make decisions based on the intelligence operationally?

A Got it. So the operations -- so intelligence would regularly brief the

operational commanders within the department, division commanders that run the Capitol, Library, House, Senate divisions, the deputy chief, and officials from OSB that were on our CDU, CERT, our SWAT team. So they would regularly brief them and get an -- you know, so they'd make sure that they had the intelligence that they needed to do the planning.

Those briefings would usually be attended -- planned -- you know, should be attended by the two assistant chiefs. So if there was a concern or coordination that needed to be done as far as if there was a discrepancy or anything like that that had to do with the planning or if there was a concern, I would anticipate it would work somewhere between the two assistant chiefs and their subordinates.

Q I'd like to talk about the first two MAGA marches on November 14th and December 12th.

What was the intelligence that you were looking at seeing in the lead-up to those first two events?

A That we were expecting -- I'm just trying to summarize it. We were expecting large crowds coming in. We expected members of the Proud Boys to be there. We expected possibly some White supremacists. We expected counterprotesters to be there -- antifa, you'll sometimes hear folks refer to -- and other groups protesting against the MAGA marchers.

I would get an idea of where they were going to march, that they're going to be coming up, they're going to marching. They'd have -- they'd oftentimes have some of the people apply for permits on Capitol Grounds. I'd get an assessment of --

Ms. Banks. What did you have?

Mr. Sund. Oh, yeah, I'd get assessments of the groups that are applying for permits as I apply -- as I approved the permits. And we'd coordinate with Supreme

Court Police -- they have a police department -- for how the march would come up and march past the Capitol.

So we had an anticipation that we had some large groups, that there could be some violent skirmishes along the routes, and that we may have some White supremacists, some militia group type of folks. So possibly, yeah, some folks could be armed.

BY [redacted]

Q What were the preparations securitywise as related to the Capitol? I know these demonstrations were out in the city, but as it related to the Capitol, what did you do given that intelligence that was given to you about those first two events?

A So the intelligence developed a perimeter plan, which is the barrier -- the metal barriers. The assistant chief for operations -- so when I say we, would develop, you know, the perimeter plan, would develop the CDU plan. They would activate CDU platoons. And I'm trying to recall off the top of my head. I think it was maybe four CDU platoons that were deployed during that time, and come up with a plan for where they would go, you know, how we'd handle -- where we'd deploy the CDU along the route, what we'd do to keep counterprotesters separated from each other, things like that.

Q And just to be clear for the record, because we're going to be using a lot of the talk, internal emails called it bike rack. When you say metal barriers, you're talking about bike racks?

A Yeah. They're often referred to as bike racks, yes.

Q Okay. Perfect. And you talked about activating four platoons, CDU platoons. What's the total number of CDU platoons at your -- available to you?

A So a lot of that has to do with -- when you say available to me, it can change

based on other events we have going on at the Capitol. So if nothing else is going on and I'm able to activate, I want to say -- I believe it's seven.

Q Okay. Perfect. Thank you.

So that's at least a maximum number. I understand perhaps there may be fewer available to you depending on what's going on, but the total extreme, maximum universe of CDU platoons available to you at the time would have been seven?

A It would have been seven. And you're also able to pull together people outside of the CDU platoons that can assist if needed as well.

Q Not talking about what actually happened in the first two MAGA marches, but did you become aware of skirmishes between protesters and counterprotesters after those events? And, if so, how did it affect your outlook on the possibility of violence leading up to January 6th?

A Yes. We did have -- we did have skirmishes. We -- you know, OSB, I think, prepared -- prepared an afteraction for it that talked about needing people in their hard gear earlier, deployed to their locations earlier. We adjusted -- took it and we adjusted some of the bike rack to help separate some of the groups because of some of the skirmishes that we had for the MAGA II. So we knew we were going to have some of the similar instances during MAGA VI. That's what I expected.

Q Did --

A I'm sorry. Not MAGA VI, but the January 6th event.

Q Right. Did Capitol Police, if you know, either have any injuries from those two events or themselves effectuate arrests?

A I believe we had -- there was, I believe, one arrest on the first one, and we did have a couple of people complaining of injuries.

Q Okay. And what about the second, if you know?

A Second -- the second one, no arrests, and I don't recall any injuries.

Q When did you become aware that January 6th, the day of the electoral votes are certified, you know, a day of little importance every other election cycle, that it would this time draw more public attention, particularly from demonstrators protesting the election results?

And I don't need an exact day, but around when do you think it dawned on you -- if it ever did, of course -- that this was going to be different?

A I think when -- when we first knew that the group had put in for the permit or were planning to have the event on the Ellipse -- and, again, I believe that was maybe around December 14th -- we anticipated that we were going to be having demonstrations around the Capitol for January 6th.

[11:07 a.m.]

BY [redacted]

Q Did you take any note of the December 19th tweet by President Trump saying, quote, "Be there, will be wild!"? Do you recall?

A I'd heard about the tweet. Again, at the time I thought it's social media grandstanding.

Q Okay. Did the fact that the President of the United States is promoting an event at least affect your thinking as to how many people might actually end up showing up?

A I suspected there was probably going to be a large amount of people. It was probably going to be a significant event.

Q How in tune were you with open sourcing that was reporting on the tension that was building after the election -- claims of election fraud and the election being stolen, tension between the President and the Vice President and the latter's role in the election certification, and whether he had the power to halt the certification, delay the certification?

Were you aware of that tension that was sort of building around the country through open sourcing as we're leading into the January 6th event?

A Again, for my intelligence, I look to my intelligence products and I look to what my intelligence division is evaluating what's going on on social media to determine how it may impact us on the Hill, and I'm looking for that in their intelligence products.

Q Does that mean -- how aware were you of open sourcing yourself? So just the newspaper, reading the media reports, if you have social media of your own. How aware --

A At the time --

Q Sorry. Just let me -- the court reporter gets really angry if we talk over one another. So let me just finish the question, which is just, how aware were you outside of what the IICD formally prepared for you?

A Not very aware. I wasn't on social media, wasn't monitoring what was going on with social media. I'm just not on social media.

Q Okay. I want to talk about the threat assessment that IICD put out. It's the final one for January 6th. It's exhibit 4. And it was completed on January 3rd, 2021.

Before we get to that, was that the first piece of sort of finalized intelligence you got from IICD about January 6th, or had you been receiving anything previous to that?

A Okay. So when you say "finalize it," so you're interested -- we didn't lose you -- okay, there we go.

So just to make sure I understand your question, what previous intelligence did we get prior to this?

Q Yes.

A Okay. So there was -- this was the fourth of three intelligence assessments for it. I want to say the first -- I'm just drawing on -- that maybe December 16th, December 23rd was the second, December 30th may have been the third, and this would've been the fourth. So I would've reviewed those as well.

And I'm trying to think if there's anything else that I recall, anything else. But there was three previous assessments.

Q Yeah. And the assessments were -- they were basically updates of one another, right? So it's the same sort of document being updated each time a new one comes out?

A Well, yeah, it's an assessment, yeah, whether it's updated. But, yeah, it's an assessment that provides -- if there's more clarity or more intelligence, it would just be included in the next assessment, yes.

Q And before we get to this January 3rd and the top line that you took away from it, it has an overall analysis, which is new, which wasn't in the previous three iterations of the bulletin.

So putting that aside, just the first three, can you tell me what your feeling of what the assessment was from the first three versions of this document?

A The first three versions of the document was that we were looking at an event very similar to the two previous MAGA events, that we would be seeing groups coming up. Rather than protesting the Supreme Court, they would be protesting Congress and the electoral vote, that they'd be coming up toward the Hill. So we expected a number of groups putting in for permits and demonstrating up on the Hill.

But from everything I was reading, it was going to be of a similar nature as the previous two MAGA rallies.

Q So let's talk now about this, the completed version that comes out January 3rd of 2021. If you recall, when did you first read that document, and what were some of your topline takeaways from it?

A Let's see. I don't recall exactly when I first read it. I know, going through my takeaways again, looking through it, I was really surprised by the number of traffic closures with MPD.

It read very similar to what we had seen before. It read very similar to the two previous ones, the two previous -- I'm sorry -- the three previous assessments, kind of building on it.

The two previous MAGA rallies, that we expected that they would be coming, and

we expected a long day of protests on the Hill. But we expected very similar altercations like we had before.

We expected Proud Boys. We anticipated that you may have some people come down armed. MPD had seen that in the two previous rallies for it. And we anticipated that we could have physical altercations, limited skirmishes around the Capitol Grounds.

Nowhere did I walk away from reading that assessment that we were going to have a coordinated attack by hundreds and thousands of people.

Q And you did use the word "similar" often. So is it fair to say that even with this third -- this January 3rd final assessment, you believed it was in line with the intelligence you were receiving before? Nothing in it was sort of a departure, a shock, or something new to you that you hadn't already heard. Is that fair?

A Yeah, that's fair. I mean, when you read through it, and especially when you get toward the last paragraph, the intelligence -- or the analyst assessment -- it's very similar to kind of what we expected.

We expected people to be coming here. We expected demonstrations. We expected Proud Boys, members of the militia, some militia groups, some White supremacists to be here.

A large crowd, but it would be focused on the Capitol. That's what we -- we had anticipated every -- it was no different than I think what we had anticipated in the previous two rallies.

Q And so the overall analysis at the end of the document, it read this way, quote, "This sense of desperation and disappointment may lead to more of an incentive to become violent. Unlike previous post-election protests, the targets of the pro-Trump supporters are not necessarily the counterprotesters, as they were previously, but rather Congress itself is the target on the 6th," end quote.

Can you help reconcile that for me? You've talked, again, a lot about how for you the takeaway was it's similar to the previous two events. But this overall analysis says, unlike previous events, the targets are not going to be one another, the counterprotesters versus the protesters, it's Congress -- which of course the Capitol Police is sworn to protect -- it's Congress that's the target.

Can you reconcile for me how that isn't a new, additional warning distinct from the previous two MAGA marches?

A Well, what's interesting is the two previous MAGA marches actually weren't -- their focus wasn't on the counterprotesters, the focus was on the Supreme Court. So their focus being on the Capitol and Congress makes sense.

Any group that comes and marches to the Capitol or has events up here on the Capitol that is -- whether it's immigration, healthcare reform, Supreme Court nominations -- their reason for coming up here and protesting is to influence and sway Congress. Their target for the protest is Congress. So that in itself doesn't send up a bunch of red flags for me.

Q We've spoken to who I think both she and Jack Donohue agree was the author of that paragraph. That's Ms. Julie Farnam. And she talked to us about how at least her intention with that paragraph was to say that it was different, that while the violence that was seen on MAGA I and MAGA II were between protesters and counterprotesters, that it was her concern that the violence would now be targeted at the Capitol, at Congress, at Congress Members, as opposed to skirmishes between protesters and counterprotesters.

Is it fair to say then that it is not how you read it and that was not your thinking leading into January 6th?

A So there's a couple concerns. One -- yeah, that is not how I read it. I

don't think a lot of other people read it that way.

One, there's a lot of qualifiers peppered throughout that paragraph which raises the level of concern for the paragraph.

But also what I'd be looking for and is kind of missing, if you look at some of the previous ones, what you have is an analyst saying our assessment with a level of certainty is this.

That's what I'd be looking for. We assess with a high level of certainty that the stuff's going to hit the fan on January 6th, we're going to see this, this, and this, or we're likely to see these type of fights.

You don't see that in this. You see: It could be, might be. It just -- it seems very similar to the stuff we had seen before.

And then when you take this into consideration with the product that was put out the very same day most people got this -- I mean, I think this was distributed Sunday night -- Monday, IICD then puts out a Daily Intelligence Report, a DIR, that indicates all the groups that are coming to protest as low -- of low concern. It's put out the 4th, the 5th, and the 6th.

So you got to take all that into consideration when you're evaluating this intelligence product.

Q Right. I want to ask you a little bit about those Daily Intelligence Reports.

But sticking right now to this threat assessment, do you have a sense of how widely the threat assessment was shared? First, let's start internally, within Capitol Police.

A I would've expected it to be shared with all the operational planners within Capitol Police. It's usually distributed fairly wide. I don't know what the exact distribution is, but usually goes to most officials on the Department.

Q Are you aware of whether it actually was? I know you said it was your expectation.

A Yes. I do believe it was. I believe there's an email that has it being distributed down to the rank -- I believe it's the rank of sergeant. That includes all our CDU and things like that.

And in addition, I also asked, you've probably seen one of my emails where I directed that all roll calls be addressed in what the expectations were for January 6th as well, so to make sure that this information was getting out there.

Q What about externally? How was it shared, if you know, externally outside the Capitol Police?

A No, I don't know that.

Q And so I think for the record I'm just going to read the entire paragraph. You mentioned that there were some qualifiers within it. I understand you brought up, and I think it's a good point, that the Daily Intelligence Report is somewhat different or casts somewhat a different picture.

But within this paragraph itself, if you could help me, point me to where it is -- there are the qualifiers. So I'll just read it for the record.

"Due to the tense political environment following the 2020 election, the threat of disruptive actions or violence cannot be ruled out. Supporters of the current President see January 6, 2021, as the last opportunity to overturn the results of the presidential election. This sense of desperation and disappointment may lead to more of an incentive to become violent.

"Unlike previous post-election protests, the targets of the pro-Trump supporters are not necessarily the counter-protesters as they were previously, but rather Congress itself is the target on the 6th.

"As outlined above, there has been a worrisome call for protesters to come to these events armed and there is the possibility that protesters may be inclined to become violent.

"Further, unlike the events on November 14, 2020, and December 12, 2020, there are several more protests scheduled on January 6, 2021, and the majority of them will be on Capitol grounds.

"The two protests expected to be the largest of the day -- the Women for America First protest at the Ellipse and the Stop the Steal protest in Areas 8 and 9 -- may draw thousands of participants and both have been promoted by President Trump himself.

"The Stop the Steal protest in particular does not have a permit, but several high profile speakers, including Members of Congress, are expected to speak at the event. This, combined with Stop the Steal's propensity to attract white supremacists, militia members, and others who actively promote violence, may lead to a significantly dangerous situation for law enforcement and the public" -- "the general public," excuse me -- "alike."

So if you could just point me to where you feel there's some hedging.

A Okay. Yeah, I mean, you got -- there's a lot there to get through. So, let's see. The combined -- the very last sentence -- the combined --

Ms. Banks. Start at the top.

Mr. Sund. Yeah, okay.

So let's get through the first sentence. The very next sentence, "This sense of desperation and disappointment may lead to more of an incentive to become violent."

We understood you may have some groups there that may become -- have some altercations with law enforcement. That was one of the things we were preparing for.

Let's see. Counterprotests, we already talked about that. But Congress itself.

As outlined above, there had been a worrisome call.

I tend to wonder if an intel analyst would actually use the term "worrisome." But anyway, worrisome call.

We knew that they may have some people that come armed. I had actually coordinated with the assistant chief to come up with a plan to deal with armed protesters, and we can deal with -- talk about that if you want later.

But "may be inclined" -- and there you go again -- "may be inclined" to become more violent.

These are the areas I'm looking for, if there's a high level of concern, that it's saying that. As an analyst, we have a high level of concern, we assess with a high level of -- high level of -- I'm drawing a blank -- that we're sure, a high level of being assured, that this is likely to happen. That's not what we're seeing there.

Let's see. The two protests expected to be the largest of the day, the Women for America First, the Stop the Steal protests, may draw thousands of participants. They have been promoted by Donald Trump.

I'll talk a little bit about that real quick in just a second.

Does not have a permit. And we had several groups that were there that had permits, including Members of Congress, who were expected to speak. Now, they were expected to speak at some of the groups that had permits.

"This, combined with Stop the Steal's propensity to attract white supremacists, militia members, and others who actively promote violence" -- again, there's a "may" -- "may lead to a significantly dangerous situation."

Oh, I just lost it.

So you've got a number of qualifiers through there that begin to raise your concern. But also, and you just reminded me of it, there appears to be these people

that are thinking that, hell, this indicated that Armageddon was coming.

Well, the very next day after this was distributed the assistant chief -- both the deputy chief from IICD -- or the deputy chief for PSB and the assistant chief over intelligence, both -- let's see, the assistant chief -- I think it was the assistant chief -- forwarded a number of those permits with their recommendation that I approve them. That right there gives me the impression, okay, there's not a high level of concern over this.

Q But in the history of Capitol Police, had they ever denied a permit that had been put in?

A In the history of Capitol Police, if we had a high level of concern for violence, I sure as hell would expect somebody to at least make a notation on there to say, "Hey, we got a high level of concern for violence on this, and let's start getting the lawyers together and find out what we're going to do."

Q But was it your understanding -- and it's mine -- that it never has come to pass, there has never been a denial of a permit?

A I don't know. My time there is somewhat limited. But I don't know what their history is.

Q Did you have a role in sort of putting together the Civil Disturbance Unit operational plan?

A Not -- the operational plan, no. It's just you're going to try and activate the maximum amount of CDU possible. The only role I had was adjusting some of the fencing, making recommendations for adjusting some of the fencing.

Q About this threat assessment, we talked about it being shared internally. Do you know if it reached the rank and file officers?

A So when you say rank and file officers, I just want to make sure, the

assessment -- my direction, again, I know you've got an email chain out there I think that has it going down to the rank of sergeant -- I can't testify or state whether it went to every single sergeant. But my direction was for that everyone to be briefed in roll call for the expectations of the day.

So I don't know to what level it went. But there was an email that went -- looked like it went out to all the lieutenants, I believe most of the sergeants, if not all. I just can't confirm that.

Q Because at the time the frontline officers didn't have phones with access to their emails, they would have to go into a computer on campus to check their emails. Isn't that right?

A That is correct. And I kind of look at -- that's kind of the role of some of the officials that are doing roll call, things like that, to make sure the officers are briefed on what's going on during the day. That would be my expectations after almost 30 years in law enforcement.

Q So, to be fair, your expectation wouldn't be that rank and file or first responding officers would necessarily read this paragraph on their own. They would be told it orally from their superiors.

How they took away, what their impression of what the takeaway was, it would be conveyed to them by their supervisors at roll call orally? Is that correct?

A Just for clarification, can you repeat the question again, just so I understand it.

Q Sure. I just wanted to -- the expectation wasn't that they would necessarily read it themselves. The expectation would be that it would be orally conveyed to them by their superiors, the sort of crux of what this 15-page intelligence assessment is saying.

A Yeah, I mean, it could occur in both ways. I'm sure you've got some places,

some of the units, where they're actually -- the officers will be able to have the time to sit down and read it and go through and take care of it.

Then you're going to have other divisions where it's most likely going to be best if it's briefed down just because of the time they have to get out on post.

So it may be a variety of ways they're consuming the information.

Q So we talked a little bit about the January 5th -- or 4th, 5th, and 6th Daily Intelligence Report. The one for the 5th is in exhibit 6, and it rates the, quote, "level of probability of acts of civil disobedience/arrests" as improbable for a few pro-Trump groups, which it says translates to about a 20 to 45 percent chance.

That was the sort of highest level of risk, with others coming in a rung lower at highly improbable, or the lowest, which was remote.

You talked a little bit about preferring in the intelligence bulletin there be sort of quantified numbers as to certainty of violence.

How did you interpret this improbable level of risk? It says 20 to 45 percent chance.

A That there's not a high level of -- not a strong probability of arrests or civil disobedience associated with them.

Q Is it the label of improbable that's communicating that to you, or do you agree that at the highest level -- it says 45 -- that 45 is not a particularly high percentage of violence -- risk of violence?

A Let me make sure I understand your word. I mean, the word "improbable" is probably what I focus on.

Q Okay. So that seems to be fair to me.

So it had defined improbable as 20 to 45 percent, but you weren't necessarily looking at those numbers. You were more looking at the topline labeling of it as

improbable.

Is that fair?

A Yeah, I'd say that's probably fair, yes.

Q And it sounds to me that you did not feel that to be contradictory to what you read in the January 3rd assessment, that the January 3rd assessment was in line that the level of risk would be improbable?

A Yeah. Can you repeat that one more time? I'm sorry.

Q Yeah. I'm wondering if that labeling of improbable stood in contrast to the January 3rd assessment in your view or whether it was in line.

After reading the January 3rd assessment, did you come away thinking that violence would be improbable?

A When you look at the entire assessment, from the very beginning, the bottom line up front, how it reads, the number of groups that were expected to stay in their assigned areas, things like that, it doesn't read that we're seeing a significant issue coming down the pike, that we knew, we knew we were expecting you're going to have some pockets of some people that are going to be problematic, but not a wide range of violence, no.

Q Did you have any visibility into how the Daily Intelligence Report was put together? So who did it? How was it verified? Were there multiple people analyzing that level of risk or was it merely one analyst? And how senior, if it was one person, how senior that person was within the division?

Did you know any of that when you were reading that intelligence report?

A No, sir, I did not. All I know is that it came out. If you've seen one and you compare it with the assessments, very similar look, feel, you expect to be one and the same.

Yeah, there you go. You look at it, it looks like official document. At the time, no idea who reviewed it.

I'd say I don't know if we were able to do a break here sometime soon.

Q Yes. Why don't I -- I just have one final question or a couple questions about this, and then we'll take a break, a 5-minute break. Is that okay?

A That would be great. Thank you.

Q Of course. And let me know if you need us to go down. I was talking at you sort of the number percentages and the improbable and not probable. Let me know. It's actually kind of a long document because this one is both the January 5th and January 7th Daily Intelligence Report.

So did you have a follow-up conversation with anyone at IICD to get -- or with your assistant chiefs -- to get clarification as to the two products, to the extent that you saw any divergence -- if you saw none, you saw none -- and/or how to properly read the labeling in this Daily Intelligence Report, and how much verification had gone into the numbers that were produced within it?

A No.

Certainly that's a lot of questions in one question.

Q Yes. My apologies.

A No, I don't recall having a follow-up to say, how do these two kind of blend together?

This is a Daily Intelligence Report that has been put out for a number of years. I think it's been put out the entire time I've been with the Capitol Police, which would be a little over 4 years prior to my departure.

And it was something that I looked upon regularly, because it would tell you not only things about what was happening at the Capitol, it would tell you things about what

was happening around the city. So I had an idea of what issues we would be facing.

I felt that I'd been very comfortable with the information it provided. I hadn't seen anything that had been wrong about it up until this point.

Q And Julie Farnam and Jack Donohue told the select committee that on January 4th, the day after this threat assessment was completed, they held a conference call with leadership highlighting the warning from the January 3rd assessment.

Ms. Farnam provided your contemporaneous notes -- or her, excuse me, her contemporaneous notes to the committee regarding what was spoken about at this briefing.

They're -- if we could put them up -- exhibit 12 and 12a. Maybe if we could start with 12.

As we're putting it up, do you recall if you participated on this conference call, Chief Sund?

A No, sir. I was not invited.

Q Okay. Were you told about it afterwards? When did you learn that there was a January 4th conference call?

A I found out afterwards, I mean, several weeks after. I don't recall exactly how I found out. I think I was asking -- I'm trying to think.

I think somebody came across and talked about something on a calendar. I said, what are you talking about, an intelligence briefing? And they said, yeah, there was an intelligence briefing.

Maybe somebody had mentioned to me there was an intelligence briefing. Let me pull it up. And they had the intelligence briefing. And it had a number of people being invited, but I wasn't invited.

I believe this was also addressed later. And that was, I mean, that was several

weeks that I found out about this after January 6th.

And I think it was addressed in a Washington Post article where it was asked about me not being invited to a meeting. And the Department's response was I usually wouldn't attend a meeting like that, this was more operational.

I would think if they're having this high level of concern, you sure as heck would want to have the chief there.

Q That sort of line that was put out there, it sounded as though, was that -- did you participate in that response, that it was not something a chief would attend, or are you taking issue with that being the characterization and that you would've liked to attend?

A I attended intelligence briefings down in the SCIF regularly. Yeah, I don't know why, if they're briefing new intelligence that they feel is concerning, they wouldn't have invited me. I'd gone in the past and it wasn't unusual for me to attend.

Q Do you know who did attend? Did your assistant chiefs attend, if you're aware?

A I don't know. I don't know off the top of my head. I believe some of the inspectors. I'm just trying to remember who. Inspector Lloyd, I believe, attended. Deputy Chief Waldow, I believe, attended. There were a number of people that attended.

Q All right. And I just want to read through some things.

Quote, it says here, "Supporters see this as last opportunity, disappointment/desperation, incentive to become violent, nothing left to lose, target not counterprotesters, target is Congress, protests heavily publicized, Stop the Steal, White supremacists, Proud Boys, militias, multiple social media posts, armed, potentially be a very dangerous situation."

And then I believe on 12a there's a note, "This is war," I think.

If we can just pull it up really fast.

One second, Chief Sund.

"Protesters see this as war."

So if we could just go back to 12 now that I've read that into the record.

In essence, my question to you is, seeing all that, does that sound the same as what you read in the January 3rd assessment and therefore -- I know this is a little bit of a hypothetical -- potentially attending the briefing wouldn't have changed your outlook?

Or reading this and the way it's written down and summed up, does this feel different or urgent to you in a way that the January 3rd assessment clearly did not?

A So a couple of key things about this.

One, I have no idea when this was prepared. I see it's written on the calendar date, so things like that. I don't know if this is something that may have been put together after the fact, just a little CYA. I don't know.

Again, I wasn't there, so I can't attest to what was and was not said. I would just highly recommend that the committee ensure that they interview anybody that did participate in that.

Q Yes. And so, obviously, assuming that these people have given sworn testimony, that these are contemporaneous, that these are notes, talking points, for what was said on the call, I just want to know from you, is this, what you've read, is it different to you? Does it sound different?

Or do you feel it's much in line with what had been given to you about the previous two MAGA marches and that there's nothing either startling or shocking or different in what you see here than what you read previously?

A You're asking me to make comments on somebody's notes. And, again, I

have no idea, again, what was said, what was not said. This is somebody's notes.

I work off the distributed and published intelligence. I don't know. I can't say I feel comfortable answering that question.

[redacted] Okay. I think this is a good place for a break. I appreciate it. We'll reconvene at 11:45?

Mr. Sund. All right. Thank you.

[redacted] Thank you.

[Recess.]

[redacted] So we can go back on the record.

BY [redacted]

Q So, Chief Sund, I want to go through some individual pieces of intelligence or information that made its way into some pockets of Capitol Police and talk to you about how much of it you were aware of.

But before we switch over to that topic, I have just one last question on the Daily Intelligence Report.

Had you known -- and the committee has since found out -- that the report is written by a task officer, a junior agent officer within the intelligence division, and wasn't reviewed by the director, the associate director, or anyone above that person, that it was, in essence, the calculation of a single person, a single person is in charge of putting up those daily intelligence reports, as you mentioned, daily, would that have affected your thinking and perhaps gotten you to rely more so on the January 3rd assessment than you did on the Daily Intelligence Report that we were talking about?

A I think it would raise my concern about how things were being handled in IICD. I mean, it raises a concern that you've got somebody that is a single -- what they're saying is a single analyst and they're pushing up intelligence that the Department

and the chief is relying on, and it's not being reviewed. It'd just raise my concern about what's going on to review the products and even bring in a question: Who's reviewing the intelligence assessment?

Q And I think you might've said this, but would it be fair, do you think, that that, the Daily Intelligence Report, affected your view of how you read or how you looked at or how you interpreted the January 3rd assessment?

A It played a role in my overall anticipation for the day's events.

I mean, let's be clear. We knew the events were focused on the Capitol. We expected everybody would be coming up to the Capitol to demonstrate. I expected a large event. I expected some of that crowd to become -- to possibly be violent. And I had planned accordingly, activated all available resources I had to me, based on that information alone.

If for some reason, as you had indicated on the notes, that Ms. Farnam or Chief Pittman or Chief Gallagher believed this is war, I would've expected, one, to be invited to that briefing.

Two, if I wasn't at that briefing and they were briefing out that this is war, that I probably would've been seeing an assistant chief in my office saying: We got an issue, we got to talk, we got something that's a lot different than what we had seen before.

So based on the information that I was getting and based on my read of that final paragraph, we expected a large demonstration to be coming up toward the Capitol and had planned accordingly.

Q And tell me if this is fair. It sounds though then, because the January 3rd assessment to you read in line with what had happened previously at MAGA I and MAGA II, nothing -- did anything operationally change as a result of the intelligence you received either through the Daily Intelligence Report or the January 3rd assessment?

A Most of the operational planning, besides the movement of some of the fencing, was done in advance of the January 3rd assessment coming out. Even my request to the National Guard occurred prior to the January 3rd assessment coming out.

And I think if you go back and you look at the January 3rd assessment, I think you'll even find a date error at the top. I think it's dated 2020, which now raises even more concern about some of the review.

But anyway -- can you repeat the question? I'm sorry.

Q Well, so then it sounds like to me that some of the changes, which -- or some of the operational planning, which we will dig into in detail, requests for additional bike racks, the number of CDU platoons, and I think what you call all hands on deck, those sorts of operational planning, that all happened prior to the January 3rd assessment, and therefore you would agree with me that, as a result of the January 3rd assessment, nothing changed operationally.

A Yeah, besides some of the fencing.

So a lot of the operational plans were already being put in place, the all hands on deck, the CDU staffing, things like that. I don't know the exact date some of the changes were made, but we had significant operational plans in effect.

Q Okay. Let me just quickly go through some individual intelligence received by the IICD.

If we can turn to exhibit 1. And I'll characterize it for you. Some of these are long Word documents.

You'll see an email forwarded to Jack Donohue, the director of IICD, by an NYPD official as early as December 28th, 2020.

That person notes, quote, "Assume you have," and the attachment includes reference to social media postings, such as that protesters should, quote, "start marching

into the chambers," quote, "show up with guns and threaten them with death."

Regarding Trump's tweet to attend the wild protest on January 6th one user said, quote, "I read that as armed."

Another said that violent insurrection has, quote, "always been the plan."

Another wrote, quote, "Trump can't exactly openly tell you to revolt. This is the closest he'll ever get."

Another comment, "There is not enough cops there in D.C to stop what is coming."

Another comment, "This is war, and we're clearly in a post-legal phase of our society."

Another quote, "Be there on the 6th, ready for 1776."

Another quote, "Fun fact: No revolution has ever been won without violence."

And finally a quote, "Kill the opposition."

First, my question to you is, did this particular piece of intelligence reach you?

A I do not recall seeing that, no.

Q Okay. What about commentary like it? Was it in your thinking, either through open sources, if you were talking to your assistant chiefs verbally, just what was your situational awareness in terms of these sorts of comments percolating on social media?

A I wasn't hearing these social comments percolating on social media.

Q Okay. So before January 6th, a lot of these would've been new or different to you. You had not come across them.

A No.

Q Do you think, reading them now, in hindsight, would it have affected your thinking if individual pieces of intelligence like this had been brought to your attention?

A So there's -- you know, again, it's -- I cannot tell you how many times hindsight -- anyway. January 6th was a tough day.

So in individual intelligence, this is why I have an intelligence unit. And I'm glad he's getting the stuff from NYPD. They may be getting a lot of different pieces in.

What matters to me as the chief is what they're putting into the intelligence assessment that allows me to plan accordingly, based on the intelligence that's coming in.

I look through here. It sounds like you've got a number of concerning items. I tend to wonder what else they had.

We need to know and it needs to be put in intelligence assessments. Because you've got to understand, these intelligence assessments just aren't guiding me and informing me, they're informing the Capitol Police Board. You've got members -- and I believe Gallagher, one of the last briefings he did was for a member of our oversight on Tuesday, Tuesday afternoon, regarding this. It'd be interesting to know to what level. It didn't sound like that was a high level of concern.

But I would be looking at these little pieces. This is the job of an analyst to pull together and say: Hey, we're seeing a lot of red flags, this is starting to raise our level of concern, with a high level of certainty that we are looking at some bad stuff getting ready to happen.

And that's what would've driven my ability. I had already deployed, knowing this was going to be a big event, I had already deployed all the resources available to me. I had gone and requested the National Guard just because I knew, we've got a large perimeter, and I've got limited sources to defend this perimeter, I could really use some support to put more people on the fence line so people don't try and jump over the fence line. I had even gone and requested that and got denied.

This type of intelligence, if they had analyzed it and included it in an assessment,

could have very well helped me not only get National Guard, additional resources -- because that's what we needed, we were tapped out -- additional resources, as well as possibly going and getting mutual aid from other law enforcement, but also getting eight-foot anti-scale fencing put up.

Those are things that the Capitol Police Board, to approve those, is going to be looking to these assessments to paint a much clearer picture than -- as you keep referring to that last paragraph of the January 3rd assessment. There needs to be a clearer picture painted of what we'll possibly be facing.

Q And because you brought it up, let me ask you. It's my understanding that the intelligence you're receiving for January 6th is that it's very much in line with the two previous MAGA marches.

You mentioned that you made certain calls, like all hands on deck, and requested the National Guard before the January 3rd assessment came out, but, again, it's in line with what you previously thought.

If you thought that the intelligence picture looking into January 6th was similar to MAGA I and MAGA II, for which, let's say, the National Guard wasn't called in, what was it that you were seeing that made you think that you should request the National Guard if your understanding was that January 6th would be much in line with the previous two events?

A Okay. And thanks for giving me the opportunity to provide a little clarity.

So when I say in line with the two previous events, very similar in nature and action, seems like that we knew this was going to be a bigger event. We knew a large group would be marching, expected to be marching down to the Capitol from the Ellipse.

So we expected it to be a large event. MAGA I was pretty large. MAGA II wasn't that large. We expected this to be a large event.

So when you have a large event like that, and the perimeter going around the Capitol is a fairly sizeable perimeter, that's why I wanted the National Guard, to help support and help just put bodies behind the bike rack and the fence line that I had out there.

So we knew it was going to be larger. We knew we had a propensity for skirmishes, some violence with the group, and I wanted to be prepared. I did everything I could to deploy every available resource to me and even went so much as to go and request additional resources, which I was rebuffed on.

So, yeah, thanks for the clarification. But, yeah, that's -- it was similar in what we expected for action from the group, but I expected it would be larger.

Q Okay. So if it's fair to say then that, in terms of tone, the rhetoric, the violence, the tone of that violence, that you saw much in line with the previous two, it was basically a function of how much larger in terms of people you saw the January 6th event, which is why some of your operational decisionmaking was different for January 6th than for the previous two marches. Is that fair?

A So, again, you go back and you look at the third -- the four intelligence assessments for January 6th, they all painted a very similar picture. But I knew it was going to be larger and instead of being focused at the Supreme Court it was going to be focused at the Capitol.

So that drove -- again, I deployed a lot of additional resources and we put a lot of additional operations in play for this that we hadn't put in for other events. I can't think of when the last time the Department did an all hands on deck. I don't even know if that was a term they used.

But we implemented a lot of operational planning and operational operations for this that we hadn't done before because we expected this to be a pretty large event and,

again, folks at the Capitol.

Q Okay. So before we get into that security posture, I just want to finish up with this intelligence, so I'll move faster through them.

Turning to exhibit 5. You sent to Yogananda Pittman on January -- excuse me -- Sean Gallagher sent to Yogananda Pittman on January 5th, 2021, at 4:10 p.m., that WashingtonTunnels.com had been receiving a dramatic uptick in new visits, that the site TheDonald.Win had been active in promoting photos of the tunnel system, and that USCP had identified numerous open-source comments by groups of their intention of finding tunnel entrances and confronting or blocking Members of Congress, including setting up a perimeter to block entry or escape. So this is January 5th.

That same day, at 4:55 p.m., Ms. Pittman forwards you the intelligence and says, "Chief, I know everyone is busy, but I think we may want to have a really brief call on this intel. PSB" -- which is Protective Services Bureau -- "is seeing a significant uptick on groups wanting to block perimeter access to the Capitol tomorrow, starting as early as 0600 hours. I know we are already spread thin, but even if we don't start CDU earlier, we may want to see what midnight teams we can pull together to address. I will come over to your office shortly."

As part of that exhibit, later correspondence with USCP counsel appears to indicate that the call between yourself and Ms. Pittman regarding this intelligence didn't happen, but I want to ask you, of course.

Do you recall whether -- do you recall receiving the email? And then do you recall having a follow-up conversation with Chief Pittman?

A I recall -- again, right off the top of my head -- the email, don't recall.

But the follow-up conversation, I do recall having a conversation. I believe it actually was both with Pittman and Gallagher. They had come over and talked about a

website that had -- it was a website that had all the tunnel outlay of the Capitol.

It's a historic architecture. I'm trying to remember what they said. But it had been reported that they had seen a lot more traffic, people going to and accessing the tunnel.

We also talked about people possibly trying to blockade some of the entrances to the Capitol to try and prevent Members from trying to get in. That's an action we've seen before.

We had talked about, again, we had additional resources that were being assigned to the building entrances, the tunnels.

It was tough for us to move a CDU platoon earlier because we expected the confirmation, the certification of the vote to go way into the morning time. So we were having midnight officers monitor it as we were coming up to it.

But I do recall having a conversation about it, talking about what we had already in place, and everybody seemed fine with utilizing the resources we had.

Q And so that conversation would've been the night of January 5th. Is that right?

A I don't know. I would've suspected, I mean, if you're talking about the email, because it definitely had something to do with a website that had some of the historic tunnel documents being accessed.

Q I just want to make sure, January 5th, at 4:10 p.m., as far as you're aware, that would be the first time that you had been told about this intelligence regarding the tunnel system?

A That I recall. I'm just trying to think off the top of my head. That I recall. Yes.

Q Okay. And is it fair to say then, did it affect your security posture in any

way? Did you get any additional resources or move resources around based on it?

A Again, we had -- I had all the available resources I could deploy already deployed. So, no, it did not change the response. I don't know -- but it did not change the response at that point, no.

Q Exhibit 2, Sean Gallagher and Lawrence Cook are forwarded a link to a site. This is on January 5th, 2021. The site is requesting users to submit the addresses, work offices, and routes of enemies and Democratic Congressmen. They're routes to and from work for the January 6th event itself. Again, an allusion to meeting them, blocking them, that sort of thing.

Do you recall if this particular intelligence reached you?

A No, I don't recall that particular intelligence.

To go back and kind of talk about the previous one just for a quick sec.

Q Sure.

A One thing that we had put in place was ensuring that we had a number of marked Capitol Police cars. And I think we -- I know we actually briefed out on it when Chief Pittman, I think, joined -- when Chief Pittman was with me when we briefed Chairperson Lofgren on Tuesday about having capabilities, so if somebody felt they couldn't safely get into the Capitol to contact the Command Center and we'd send a unit out to get them, to be able to pick them up.

So it was a process. We had something in play that kind of addresses both your intelligence, to be able to grab somebody, a Member of Congress that felt they couldn't safely get into the Capitol, and bring them into the Capitol in an alternate route.

So we did have a plan for that. But, no, I do not recall getting this second intelligence, no.

Q Anything like it? But was that a part of your situational awareness, if not

this particular piece of intelligence, but about the routes of Congressmen and -women and how to get into the Capitol and their addresses? Was any of that part of your situational awareness heading into January 6th?

A Not that I recall, no.

Q Turning to exhibit 8a.

On January 1st, 2021, Ms. Farnam forwards to Sean Gallagher and some inspectors intelligence sent by Shane Lamond from the D.C. Police Department. It's a civilian tip.

The civilian says, "Hey, my name is [blank] and I live right outside of D.C. I found a website planning terroristic behavior on January 6th during the rally. Agitators from out of State will arrive and will try to stir up trouble in D.C. There are detailed plans to storm Federal buildings, dress incognito, and commit crimes against public officials. I strongly encourage that the D.C. Police Department look at the links below, a detailed plan on storming the Capitol in D.C. on January 6th." And then it follows with a link.

"A direct threat to D.C. cops," follows with a link.

"Calling for violence on January 6th," follows with a link.

And, "Calling for war in D.C.," and then there's a link.

Do you know or do you recall if this intelligence reached you?

A No. I'm just trying -- this is awfully small. So is the date on that January 1st?

Q The email itself, yes.

A Okay. Yeah, that intel, no, I don't recall that reaching me. And I don't know why something of that nature wouldn't have been included in a supplemental intelligence bulletin.

Q So does it sound like these sorts of things would've raised your awareness,

would've been important for you to know heading into January 6th, these sort of tips that had been coming in from civilians?

A I think that that would be important to know, especially when you're starting to see some concerning rhetoric. I'd be interested to see what the analyst's interpretation of it.

But, yeah, it sounds like there's some stuff that would've been good to know, especially when I've got significant time to trying to line up more resources, like better fencing and going -- this would probably play a role in the decision of the Capitol Police to -- I mean, the board, or at least the two sergeant at arms, in approving the National Guard.

Q Quickly to exhibit 3.

On December 28th, 2020, a person, a so-called internet expert tracking far right extremism, she sends in a tip to the Public Information Office email account for Capitol Police that there are indications, again, of storming the Capitol online. That's as early as December 28th.

Just want to ask you again for the record, did this particular piece of intelligence reach you?

A Not that I recall.

Q And nothing like it, is that right?

A Yeah, not that I recall. Again, with the stuff that you're seeing -- whenever we have an event up on the Hill, you're seeing a lot of stuff on social media. I would really be looking for my open source, my intelligence to be grabbing all this and synthesizing it into a document we can use for planning, based on their interpretation of the credibility.

Q Turning to exhibit 14.

On January 5th, at 9:19 a.m., chief security officer for the Architect of the Capitol, Valerie Hasberry, she receives an email from a representative of the company Dataminr with a screenshot of an alert message regarding chatter on the 8kun blog, including, quote, "Go to Washington Jan 6 and help storm the Capitol," and, quote, "We will storm the government buildings, kill cops, kill security guards, kill federal employees and agents."

She forwarded the email to the Command Center and received word from the incident command officer there, received word back that, quote, "There is no talk about any credible threats or storming the Capitol."

Were you, again, aware of this particular piece of intelligence? I would assume not. If you could just answer for the record.

But what I really want to know is, were you aware that people within Capitol Police were making assessments on the credibility of threats to storm the Capitol? Was that something brought to your attention, that there was chatter about it, but they were deemed not credible, or was the chatter -- did the chatter even itself not rise to your level?

A Again, I would -- no. So let me just make sure we answer this.

No, I did not see this before. Again, any chatter like that -- and I don't know who in the Command Center would've responded or anything like that -- but I would look to an intel analyst to evaluate what we're seeing on social media.

There's a reason why I have an open-source section. There's a reason why the Capitol Police pay a salary to have somebody at the National Operations Center, because they have a significant social media monitoring capability up there, so we can get this back and we can distill it into useable intelligence to drive our operations.

That's where I'd be looking for my synthesis to come from and for my intelligence

for directing our planning to come from.

[12:15 p.m.]

BY [redacted]

Q Exhibit 7, on December 29th, 2020, the Protective Intelligence Operations Center at Secret Service forwarded to the threat assessment box at Capitol Police that Telegram user GFB said in a neo-Nazi chat group that Trump supporters in D.C. on January 6th should, quote, "march into the Capitol building and make them quake in their shoes by our mere presence."

Have you seen that particular piece of intelligence?

A Before it's come up, in my review, no. No, I had not.

Q Turning to exhibit 10, on December 31st, 2020, Ms. Farnam raised concern that the permit requests for One Nation Under God and Bryan Lewis were just proxies for Stop the Steal. And she was concerned that Stop the Steal was generally a more violent organization, they were sort of using cover of other different names to make it appear that they were less coordinated -- the demonstrations were less coordinated than they actually were.

I wanted to ask you: In your review of exhibit 10, do you recall being brought into the loop on that discussion that Ms. Farnam raised with Assistant Chief Gallagher -- or Deputy Chief Gallagher? Excuse me.

A No, I don't. I don't recall that being raised. I do believe that this was addressed in the Senate HSGAC testimony, if I remember correctly, where, with Chief Pittman when she was testifying, where she felt that this had been run down and not -- and I'm trying to remember her words, but it had been run out and was no longer a concern. And that was part of the reason why I believe she said she went ahead and recommended the approval of the permits for that day.

But, no, that -- don't recall that, no.

Q Okay. You told the HSGAC Senate Committee in written testimony, which is reproduced in -- I think in exhibit 22 -- I provided that for you -- that, quote, "without the intelligence to properly prepare, the U.S. Capitol Police was significantly outnumbered and left to defend the Capitol against an extremely violent mob."

And you, I think, also previously said that it wasn't a failure of intelligence; that, you know, no one could have foreseen the -- and I think your words are, you know, a violent insurrection targeting the Capitol.

Seeing these sorts of things that were out there and were also, you know, in boxes at Capitol Police, in IICD and other departments, do you still think that? What's your view on whether the intelligence was out there and whether it might have made a difference?

A My view at -- you know, at this time, is that the number one issue I faced was that this was a colossal intelligence failure. I do believe that intelligence existed that would have greatly helped the department, you know, our oversight -- when I say that, I mean the Capitol Police Board leadership -- in making critical decisions that could have made significant differences that day. I do believe that there was probably intelligence that existed that could have helped us, yes.

[redacted] Okay. We're going to drill down into all hands on deck, bike racks, and your National Guard request, but, at this point, [redacted] has some big-picture questions to ask of you.

BY [redacted]

Q Yeah, Chief Sund, thanks again. I'm the chief investigative counsel, and I just wanted to follow up on a couple things that [redacted] asked you.

Is it fair to say generally that the best test of whether intelligence is reliable is how

it matches what actually happens?

A That seems like a fairly -- can you -- so the best test to determine if intelligence is good is if somebody predicts something and it happens?

Q Yeah.

A I don't know. I think that may be oversimplifying the role of intelligence. I mean, you know you've got pretty -- you know, 100 percent intelligence if they're always, you know, picking the lottery numbers before they're picked. But, you know, the role of intelligence is, you know -- it kind of goes back to something -- you know, how many ships does a lighthouse save? You really know -- don't know if your intelligence is going to be correct.

So if they had said, Hey, we're going to have a number of people that are going to -- we -- are going to storm the Capitol, we think they're going to jump over the fence, I go ahead and, you know, take it to the board, get -- you know, get the National Guard, get an emergency declaration. We put National Guard on there, and, lo and behold, no one jumps over the fence, well, is it because the intelligence was right or they weren't going to jump over the fence all along?

I don't know. I mean, I just can't say that. You know, I think intelligence -- you know, you use it to plan, but it may not always -- you know, it -- just because you use it doesn't mean that, you know, it's always going to be necessary.

Q Yeah. No, I understand. And is the real skill with respect to intelligence in law enforcement shifting what is credible and reliable from what is, rather, hyperbole or exaggeration? There's a constant sort of assessment as to whether something presents a real threat or whether it's, rather, someone who doesn't have the ability or intention to carry it through?

A Yeah. I think, you know, that kind of goes to, you know, are we looking at

something that the likelihood of something happening? So I think I'm following what you're saying, and, yes, I'd say that's kind of the role of intel, you know, to tell you that if you're looking at something likely happening, I guess.

Q So let's look at the two prior events prior to January 6th, the MAGA marches. Looking back now, was the intel that you had in advance of those events essentially consistent with what happened? Was it, in other words, in your view, reliable?

A Yeah. And it -- what I would consider to be -- that's a good way of putting it. It had proven to be reliable. We expected some counterprotesters. We encountered the counterprotesters. We expected some skirmishes between some of the marchers and the counterprotesters, and that's what we got.

Q Okay. So going into preparations for the 6th, were you confident that your intel unit, with respect to those two prior events, had essentially done a good job in giving you the information you needed to adequately prepare to meet the threats presented at those two prior events?

A So just make sure I understand, are you talking about in relation to January 6th?

Q Before January 6th, were you confident that your intel group had prepared your organization for those two prior events, the two MAGA marches?

A Yeah, I feel that they had given us enough information that prepared us, yes.

Q Okay. And it sounds like you had personally selected the leaders of that IACP, the folks that -- Julie and Sean, Gallagher and Farnam -- that you felt like the apparatus was there organizationally with respect to intelligence that you were --

A You said something --

Q -- confident in that?

A You said something very particular back there. You said I had personally

selected them. Can you go back and clarify that?

Q It sounds like you had made decisions -- you organizationally -- that put in place people that you had chosen to lead that intelligence unit, and that you were comfortable that they were the right folks to lead that unit. Is that right?

A So let's make sure we go back. So we had a group in place up until the director retired, correct? That's a separate issue, right? We're not talking about him. We're talking about the new person? Because I had nothing to do with that -- with the new director coming in, correct? I mean, the old director, Norm Grahe.

Q Sir, I'm just asking --

A I just want to make sure --

Q You were the chief of police of the Capitol Police. You personally decided you wanted Julie Farnam and Sean Gallagher to be the two people in charge of that unit. Is that right?

A Okay. So no. You've got the name wrong. So it's Julie Gallagher and John Donohue. So what we did was we developed an assessment process. The assessment process consisted of Assistant Chief Pittman, Deputy Chief Gallagher for the panel, and an assessor from United States Secret Service. So we had an outside female assessor from the United States Secret Service. They went through. They did the evaluation, the determination, and came up with the selection. So they made the recommendation to me for the selection, and I -- I guess I was the final hiring authority.

Q Okay.

A So I didn't have any role in the selection of them, no.

Q But it was your decision. You're the chief of police, and you hired those two, Farnam and Donohue, to run that?

A After -- yeah. After a panel made the recommendation and -- well, the

panel made the recommendation of Donohue, and then Gallagher and Pittman made the recommendation to hire Farnam, yes.

Q Okay. And, again, the two prior events before January 6th, they, in your view, had been successful, right? They had given you intelligence about the MAGA marches that proved upon -- when the events actually happened, to be reliable, right?

A Yeah. Now, when you say they, are you talking about IICD or --

Q Yes.

A -- Donohue and Farnam?

Q IICD, which was run, my understanding, by Farnam and Donohue.

A So I don't know what -- again, they were just being brought in when we were having the first MAGA rally, so I just -- so I don't know what their level of involvement was in the roles for the MAGA I, MAGA II, MAGA III. MAGA III, they were fully involved.

But I don't know -- I don't know what role they played as far as, you know, with the new -- the new transition from the old leadership to the new leadership.

Q Okay. Bottom line, sir, did you feel like you had adequate resources in place in your intelligence division to prepare your organization for January 6th?

A Coming into January 6th?

Q Yes.

A Okay. Just want to make sure we're not looking at it now -- coming into January 6th, yes, I -- I felt like, from the chief, I had elevated my concerns for the -- for intelligence significantly making an assistant chief over intelligence, bringing in what, you know, I -- what was described as a top-notch person from MP -- NYPD, and then Farnam. So I felt like we were looking at a pretty exciting future for intelligence, yes.

Q Okay. And that was all in place, sounds like, based on some decisions you made, personnel and otherwise, prior to the gear-up for January 6th, right?

A Yes, sir.

Q Okay. Now, there are different kinds of mass demonstration events that require different responses, right? There are some that are, hey, there are a lot of people coming that don't like each other and they're going to potentially have conflict with each other, type one. Then there is type two, which is, and there are threats to buildings or -- or official government organizations. We had some of that in the summer of 2020, for example, where there was protest activity not at the Capitol, but down by the White House, that was really motivated at government, not so much the skirmishes between people.

All that's a long prelude to a question of: Which of these -- leading into the 6th, which of those two did you think you were prepared for? Was the real risk: Hey, people are going to fight because it's antifa versus the Trump supporters, or is it, hey, the real target, the real danger is the physical security of Congress and its Members, or was it a little bit of both?

A I think the -- the -- you know, my concern coming into it was that there was a concern for them fighting with some of my officers. I think more of the -- like you said, the latter, that, right now, we know all the demonstrations are taking place on our grounds, and their interest is in swaying -- influencing Congress. So I kind of figured I'd -- that most likely was going to be -- you know, the altercations were going to be between some of our officers and the demonstrators.

Q I see. Okay. So, again, this is impossible to predict, but you, going into the 6th, were most concerned about protesters presenting a threat to your officers or whoever's behind your officers, your protectees, not so much them out in the crowd fighting with each other?

A Yeah. I expected it more of -- and that's why I wanted the additional

resource of the National Guard, to help bolster up the perimeter, because I expected issues, you know, around our perimeter for this -- for this event.

Q Okay. And we're going to get into, I think, the bike racks and the operational planning. But let me just finish by asking you -- you indicated, I think, colossal intelligence failure. In your view now in hindsight, Chief Sund, was the failure in access of information or what was done with the information?

In other words, just explain more what you mean when you say colossal intelligence failure. I want to make sure we understand what you mean by that.

A I think the synthesis and presentment of intelligence in IICD products and briefings for our use in operational planning and decisionmaking by us, by the Capitol Police Board, the Sergeant at Arms, you know, leadership, I think that's where we -- we had a big issue.

Now, I do think -- yeah, but that's where I think the biggest issue was.

Q I see. So -- and that makes sense to me.

So you're not saying intelligence failure meaning we just didn't see stuff. It was more we didn't somehow use, distribute, synthesize, operationalize the stuff that we did get, right? We learned, but we didn't somehow get it vetted enough that it didn't translate into sufficient planning?

A It's a fair translation.

Q Yeah. Okay. Well, I think we're going to get into the operational planning here shortly, but just wanted to make sure. It sounds like it's not a failure of getting the intel; it's more of a failure of what was done with the intel generally?

A That's my --

Q Okay.

A That's my impression.

Q Okay. No, I appreciate that.

[redacted] Let me give it back to [redacted]

BY [redacted]

Q All right. So, Chief Sund, let's talk about all hands on deck. We sent over exhibit 13. It's an email attaching the security planning for January 6th, which includes Chiefs Thomas and Pittman. Under campus posture, it notes 1/6. I'll wait.

Was I right about 13?

Okay. Under campus posture, it notes, 1/6 - All hard platoons will be on site by 1000, all hands on deck.

And then underneath, it says three at 1800 (sic), two at 1000, two at 1200. That appears to be about the CDU platoons in particular. Is that right? Is that what you mean by all hands on deck there, particularly to CDU?

A No. All hands on deck was directed to the entire department. It was directed to my two assistant chiefs for the -- my two assistant chiefs and our chief administrative officer for -- because those are my three main, what I call the ET -- for an all hands on deck for the entire department.

Q Okay. And so let's talk about that. First, I want to put to the side, because one of the things you said that did change operationally is that, whereas the first two MAGA marches you deployed four CDU platoons, for January 6th, you deployed seven. Is that what we're looking at when we see three, two, and two staggered at 8:00 a.m., 10:00 a.m., and noon?

A Yes. That is correct. I'm sorry. Yes.

Q Okay. And I think you said this previous. It's your understanding seven is the maximum CDU platoons. You used all the CDU platoons for January 6th. Is that correct?

A Yeah. I'm not -- yeah. Off the top of my head, yes, that is -- that is correct. And of that, I think there's a limited number that are actually what we call the hard platoon -- hard platoons.

Q Okay. Let's talk about all hands on deck generally. Do you recall when you made that decision, when you made that order?

A No, I don't.

Q Okay. Can you give me a general -- I guess, I'm trying to figure out was it January 3rd? Was it a couple of days before January 6th? Was it back in 2020, in December, late December?

A I'm thinking it was late December. I just -- yeah, I just don't recall off the top of my head. I believe it was sometime late December maybe, because we knew we were going to have the joint session. That requires a lot of staffing, and I knew I need to staff outside. So we needed to cancel what we called the ready reserve, which is a COVID mitigation strategy. So we needed people to all be at work, so -- I just don't recall the date.

Q Okay. And I think you talked about -- was it a written order or was this a verbal order you gave to your assistant chiefs?

A It was a verbal order that I gave to my assistant chiefs. My chief of staff probably would have been in the meeting, just, you know, while we were having our planning meeting.

Q Okay. So Capitol Police counsel currently sat down with us and crunched the numbers as to which officers were on campus that day and which were not. And it's their belief that what, in essence, happened was that no scheduled leave -- there was no new scheduled leave approved since the order of all hands on deck but that previous scheduled leave was not canceled.

Is that your understanding of what happened?

A Yes.

Q Okay. So in your vision of all hands on deck, it included the fact that whoever has already asked for leave for January 6th would not be present on campus for January 6th. Is that right?

A Yes. That is -- that is correct. There's a number of reasons why I didn't take the steps to cancel leave. Again, if I had intel that said they're coming and this is war, that would have been a different ball game. That, again, would have driven some critical decisions.

But, you know, based on my experience in law enforcement, canceling officers' leaves -- let me ask you this real quick. Any -- any of the investigating bodies law enforcement?

Q You mean any of the questioners here?

A Yes.

Q Military, but --

A Okay. Well, you may understand, okay? So what I find is, if I do go and I cancel date -- cancel people's leave, you also got to consider a couple things. One, you're at the end of a holiday. It's also at the end of the leave calendar. So a lot of these officers are using what's called use or lose.

So if I cancel their leave, they're probably going to go ahead and lose it, and they have to go through a process for restoration. But I often find two things happen. One, I get limited compliance. People just going to end up going sick. And, two, the union goes wild.

So that's -- I didn't take the -- based on the intelligence I had at the time, I didn't feel necessary to make that -- decisions to cancel officers' days off.

Q Did you have visibility into D.C. Police, which were similarly an all hands on deck posture, and whether their all hands on deck meant no leave whatsoever?

A No, I did not.

Q Okay. And you still to this -- I guess, as you sit there today -- I guess you didn't know going into January 6th. But as you sit there today, have you come to find out what Metropolitan Police did when it said all hands on deck, whether that meant also canceling leave?

A I -- I believe I -- I can't say for sure, sir. I believe --

Q Okay.

A -- it may have, but I can't say for certain.

Q All right. Outside of not approving any more scheduled leave past whatever date it was, December 28th or, you know, some late day in December of 2020, what else does that mean in terms of numbers? Because, you know, not approving any more leave would mean that the number would be steady, right? It wouldn't go down. But did the number go up in any appreciable way? What else does all hands on deck mean to you --

A So all hands on -- yeah. So all hands on deck meaning a couple of things. One, none of the ready reserve, like I said, which was a process that we'd used to keep our mitigation -- our COVID infection rate very low, would be canceled. All sworn would be at work in the office. No one should be on day off for that day, and everyone should be at their assigned work location.

Q So what about a midnight officer who would have been working a full shift, you know, January 5th, and would get off, let's say, the morning of the 6th or what not? Is that person expected to remain on campus or would that person go home?

A So what that would mean is, if a midnight officer -- so you picked a schedule,

midnights here, are often tough, because -- so if you have an officer that works 11 p.m. on January 5th to 7 a.m. on January 6th, they've fulfilled the January 6th tour. So they're not -- they're not on day off, okay? I just want to make sure I'm answering your question.

So if you -- instead, if they were supposed to be on day off during that time, they would be having to work. So they'd still have to come into work. So what it means is no one should be on day off on January 6th so we can fulfill the staffing role needs.

I hope that answered. So a midnight officer -- it's not that I'm telling them they've got to stick around, they'll be assigned to wherever they have to assign, but it doesn't mean that all hands on deck means no one goes home at any time, because you're going to burn your people out. It just means everyone has to be available to work and, you know, gives us opportunity to fulfill these supplemental CDUs while also doing the Joint Session of Congress.

Q So whatever shift would be their normal shift, as long as they work it at some point in the January 6th sort of 24 hours, that would fulfill their working requirement?

A So you may be oversimplifying. So --

Q Okay.

A -- if we say, Hey, all hands on deck -- and SOD is all hands on deck. Well, I'm usually a midnight officer. Well, if my supervisor comes up and says, Hey, I need you to work day work, well, I've been coming to work midnights, and, you know, hey, whoa, the chief now has said that if I work midnights -- no. Whatever -- if they're assigned to work an assignment for -- to support the January 6th or whatever their assigned date is, you know, for -- to support -- I don't know if they're going to get -- I just don't want to get myself in a trick bag of saying, oh, yeah, if they fulfilled their assigned -- regularly assigned

shift when they were assigned to a different shift to support the January 6th response.

So it's hard -- it's hard to answer that. Everyone should have been working. Everyone should have gotten an assignment associated with this, because, again, this requires significant staffing, and we're looking to find a way to staff as much on the exterior as possible.

Q So estimates from Capitol Police today put the number at, looking at time sheets, 923 officers -- and the specific numbers are obviously give or take. It's not -- it's a -- you know, has a margin of error there, but 923 officers on campus at 7 a.m. This is out of, we're told, an 1,840 sworn officers total. So that would put the rate at 50 percent at 7 a.m.

And at 2 p.m., we have a number of 1,214, which would put the rate at 66 percent. And we have a number of 1,457 of at some point in the day, the 24-hour period, 11:59 to 11:59. That 1,457, which would be about 79 percent of the total sworn officers in -- at that -- at Capitol Police.

Does that sound accurate to you or do those numbers seem lower than what you either were expecting or planning for?

A It's -- going off the numbers you're giving me, it's hard to say, because the 79 percent, I may be missing midnight officers who, you know, fulfilled their posts in the buildings and weren't assigned to the -- you know, the CDU or something like that, and they needed to be back that night working for the 7th to fulfill their same post again. So I just -- I don't know if that counts for the 21 percent. I don't know if that has an impact.

I will -- I will say this. If -- you know, if there is a -- anyway, so I'll just answer with that.

Q Well, so the 1,457 are within the full 24-hour scope, so that person could not have done any of --

A Got it.

Q Right? They would have done any assignment on the 6th. And that is the largest number, obviously, at 79 percent, 1,457.

So, I guess, hearing those numbers, is that what you imagined? Is that about what you imagined all hands on deck to mean, seeing as how there are -- you know, there's leave scheduled --

A Again, I don't --

Q Once again --

A Again, I don't know -- you know, we're dealing with, you know, a pandemic, so I don't know how many people we had out, because this was at the time, you know, pretty heavy, you know, pandemic. So, again, I don't know how many were out because of legitimate reasons. For me, I would have liked at the maximum amount of number possible, and I don't know, you know, what -- what that accounts for, but I would have liked, you know -- anyway, I -- again, it's hard to say without, you know, backing out people that had legitimate, you know, medical reasons, things like that. But I would have hoped it would have been higher.

Q How about anecdotally? Obviously -- and we'll go through your day, of course, on January 6th. You were able to see in real time from the command center, you know, your officers out there, you know, defending the Capitol, valiantly, of course.

Did it look to you to be -- and, you know, there are some people's impressions individually, but anecdotally, they didn't look to be all hands on deck or a full complement of Capitol Police officers present.

What was -- what is your response to that critique? Did you share that view or --

A So let me make sure I'm capturing your question right. As I arrived that day or as I sat in the command center watching, you know, the crowd approach the officers

on the barricades, was I seeing what I was hoping I was seeing?

Q I guess at the height of the fight throughout the day, did it appear to you that Capitol Police were -- the numbers were, as deployed, as high as you could have them?

A As I watched the officers on the barrier, I had -- I had a number of concerns. One, you know, them not being in full gear out there, and not more on the line.

Like I said before, the Capitol Police is a very large organization, a paramilitary organization for those in the military, with divisions and rank structures. So people in critical positions with critical responsibilities fulfill those responsibilities.

You know, I'm concerned that, you know, some of the people didn't fulfill those responsibilities as best they could have that day, and our officers -- more officers could have and should have been out on posts when those protesters arrived.

Q You also said that you don't think that all hands on deck was a designation that had ever been said or implemented by Capitol Police before the -- what it meant practically, counsel told us, you know, that no more approved leave from that date forward for January 6th, that that and the cancellation of ready reserve staggering from COVID. But those two things, they say, happened three to five times a year during big events on the Capitol.

Is that your understanding or is that not true?

A Yeah. So -- so when I say -- it's the term AHOD. I don't know if they had used -- and, again, it's the first time I recall the term AHOD. Yeah, canceling days off, things like that, bringing everybody in for July 4th, yeah, that's been done many, many times.

I was just referring to the term that was used, the all hands on deck. They may use the term as well, but from my time in chief -- again, I was dealing with, you know,

COVID. We didn't have the July 4th. We didn't have some of the usual events that we would be doing those events for, but -- so I was just referring to the term itself, not the fact that the department brought in. So let me just clarify that.

Q Thank you. That helps. Okay.

So, then, we're going to use your labeling of it, all hands on deck. I know it's that the term itself might have been new, but so that how many times that year in 2020 had you -- had the department been all hands on deck as we mean it practically, the canceling of days off, no more scheduled leave, ready reserve? Do you recall how many times in the year and for which events you were in that posture?

A Again, I don't -- I don't recall off the top of my head. I just -- I don't recall, because I know we would have staffed up for some of the days we expected some of the protests over the summer of 2020. But, no, I don't -- I don't recall.

Q Okay. But is July 4th maybe like -- are there sort of --

A Oh, again, I've got to go back and look and check, because July 4th, I think, that year may have been canceled. So you've got to -- you know, because of COVID, again -- you know, a lot of the things that we usually would have done could've been canceled, so -- but, you know, it would've been a regular occurrence for big events, State of the Union, things like that, to have everybody working, yes.

Q Okay. The plan says, quote, "the west front inaugural platform construction area remains closed to the public and is secured with a series of bike rack and snow fencing. Additional bike rack has been deployed to the Pennsylvania Avenue northwest walkway, as well as the Maryland Avenue southwest walkway, to further reinforce the existing posted closure."

Is your understanding that demonstrators did, in fact, you know, make their way to and on top of the inaugural platform being built and that constructed tools were used

against officers in the fight in that area?

A Yes, sir.

Q Okay. And so was the closing of the inaugural platform -- was the idea that the bike racks would serve as the visual implementation of that closure?

A Yes, sir.

Q Okay. Mayor Bowser of District of Columbia told the select committee she was struck when, right before a press briefing on Monday, January 4th, she asked a Capitol Police representative there for the briefing, Where does your perimeter start, and he gets up out of the room -- I'm quoting her at this point -- "calls somebody, and the next thing I know, he can't participate in the conference."

She said, quote, "that should have been like a trigger to me, like, these people, they don't want to answer questions about their preparation," end quote.

Do you have any insight into what happened at that particular briefing, and what's your response generally to her critique that she felt as though Capitol Police were being -- didn't appear to know -- didn't appear to have stable plans ahead of January 6th?

A I don't -- yeah. I don't recall the press conference. I'm just trying to think off the top of my head if it -- I mean, I just don't recall who it may have been. I don't know. Our -- our boundaries -- and the question was where does your perimeter begin?

Q That was what she asked the representative, and the representative walked out.

A Yeah. I'm just -- I'm trying to recall that, but our -- I mean, when they say boundaries, our boundaries are set. I mean, it's pretty -- pretty well-known, but you're talking about the perimeter like for the fencing?

Q I believe, yes, the perimeter for the bike rack.

A Yeah. I'm -- I'm not sure about that, yeah.

Q Okay. Director Chris Rodriguez from the city's HSEMA, emergency management agency, said, quote, "We had issues understanding, getting the full picture of U.S. Capitol Police's operational posture and what their planning was," end quote.

So I guess my question to you is: How much do you feel you communicated to the city, let's say, with your partner, Metropolitan Police Department, with the Mayor and her team, as to how you guys were preparing for January 6th? How do you respond to their critique that it wasn't entirely clear what your plan --

A Yeah. I'd be -- I'm sorry. I would be interested in who he was talking to about that. I would like to see that we have a transparent process. And, you know, it should be readily apparent. I mean, we're all -- all law enforcement, and we all have a piece of the puzzle that it would share. You know, we shared our posture in the January 5th meeting that I pulled together with all our law enforcement partners and military partners. On January 5th, I would have hoped, you know, my subordinates would have done the same.

Q Let's talk about bike racks, because that was -- you know, there's a back and forth with yourself and some people at Architect of the Capitol to try to put more bike rack in place, and that's one of the things you did operationally to assist.

So exhibit 15, it has it on December 29, 2020, Deputy Chief Waldow sends you the draft perimeter plan.

If we could put that up on the screen, exhibit 15.

And while I have that up, I'm going to talk about a different exhibit, because I just want to have the attachment, I think, actual plan up. It would be at the end.

One moment, Chief Sund. I may have --

A No problem.

Mr. Sund. I was just going to say, if you get a chance, to think about a good time

we might be able to break for a few minutes just to go grab a quick bite to eat, just a quick snack.

[redacted] Actually, I think before we get into the bike racks would be best.

[redacted] Yeah.

[redacted] Yeah. How long of a break, do you think?

Mr. Sund. Thirty minutes?

[redacted] Okay. Sounds good.

[redacted] Can I speak?

[redacted] Yeah.

[redacted] So, Chief Sund, understanding that, are you comfortable or do you have the flexibility to go past 2 o'clock? I know we're scheduled from 10:00 to 2:00.

My only concern with the half an hour is that that will likely put us over 2 o'clock, because after [redacted] is done, I probably have another 45 minutes worth of questions to ask you. So I just want to sort of check on your availability to go beyond 2 p.m., sir.

Mr. Sund. Okay. Let's see -- you want to see if we can do it and take a break for 15, 20? 15?

[redacted] We're going to go past 2:00 probably.

[redacted] Yeah. We're going to prefer to go past 2 o'clock, Chief Sund, if that's okay with you. I don't know if you've got other scheduling things, if we have to reconvene at another time. I think I want to give you the time to have lunch, but if you want to prefer coming -- finishing at 2:00 and coming back another time, we can do it that way, or just powering through until --

Mr. Sund. Let's take 15 minutes, see what we can do to wrap it up. I'll make a -- I'll make a call to the better half at home and let her know.

[redacted] Okay.

Mr. Sund. And maybe a little --

[redacted] Regardless of 15 or 30 minutes, we are going to exceed our predicted stop at 2 o'clock.

Mr. Sund. Okay.

[redacted] So, with that, do you want the 30 minutes, or 15? Again, up to you either way.

Mr. Sund. Say 20. Let's split it.

[redacted] Okay.

[redacted] All right. So we'll reconvene at 1:15?

Mr. Sund. 15? Okay. 1:15.

[redacted] Copy.

Mr. Sund. All right. Thank you.

[redacted] So, court reporters, we'll go off the record at 12:54 p.m. for a recess.

[Recess.]

[redacted] So back on the record at 1:19 p.m.

BY [redacted]

Q If we could put up exhibit 15, the attachment therein. It's then the first page of the attachment.

It's the email on December 29, 2020. Deputy Chief Waldow sends you the draft perimeter plan.

And while this is up, so you can see, if we can just scroll up a little bit down, maybe we can try to capture the whole map. I just want to show what's highlighted.

You write in a thread in exhibit 17 -- we don't need to put that up -- as early as December 29th that we want to, quote, "make sure we have all of the necessary bike rack

in place for January 6th on the east and west front. Looks like some of the bike rack on the east front near the north barricade need to be put back in place. We also want to make sure we have bike rack to secure the west front."

So is this your sort of -- I'm going to walk you through -- I know a little bit later, there's a request for additional bike racks. I want to figure out: Is this reflective of the original sort of request for bike rack back in late December that we see on the screen?

A Yes, sir, I believe it is.

Q Okay. And is this the bike rack as it appeared at the perimeter as it was on -- for MAGA I and MAGA II?

A I do not believe so.

Q Say it again.

A Off the top of my head, I do not believe so. I'm trying -- I'm trying to recall without looking at it. I don't believe that's -- this was the same layout.

Q Okay. Was there -- this version, this draft perimeter plan, was it just a different layout or did it have additional bike racks as a starting point back in December than the MAGA I and MAGA II marches, if you recall?

A So to make sure, so this is the original for the January 6th. MAGA I and MAGA II -- just trying to recall them -- they were focused -- MAGA I, for sure, was focused more on the Supreme Court, and that's where we had to adjust some of the fence line.

Again, I'm just trying to remember timewise. My recommendation was about having fence line on both sides of First Street to keep any counterprotesters and the marchers separated. So I just -- I don't know how this looked to the original at least MAGA I march, again, or MAGA II. But this was, I think, set up more in anticipation of demonstrations around the Capitol.

Q And only because of the record, because of, you know, actual fencing was

put up for the inauguration and events later, if we could stick to the word "bike rack" for --

A Yes, sir.

Q Okay.

A Yes. Bike rack, not -- not fencing.

Q Right. So I'm going to get through the -- you know, there comes a period where you asked for -- or you're seeking more bike rack. But I want to ask you a general question first. Some witnesses have told us that bike racks work in containing crowds that are obedient but are not a good security measure for people with no intention of obeying the demarcation.

What do you say to that?

A Well, you go to like -- you go to the extremes. I mean, you know, bike racks have worked. I've seen them work for what you consider to be, you know, noncompliant groups. You know, it gives an officer something to work from.

But if you're expecting a group to come up where or you're expecting, you know, significant civil disobedience, you know, hundreds, many thousands of people, you know, if I had that intelligence, I would have -- like you said, I would have gone for the 8-foot antiscale fencing.

But bike racks, it's been used before for -- for groups. It worked effectively for MAGA I and MAGA II.

Q So it sounds to me there's a spectrum in your mind, and bike racks work along that spectrum to deter, you know, maybe people who are considering noncompliance, so not just completely law abiding, may deter to a certain point. And then once you reach a certain point of sort of civil disobedience, they obviously won't necessarily contain someone intent on getting past it. Is that -- is that your -- was that

your thinking?

A When you say was that my thinking, I mean, I -- I don't -- yeah. I mean, that was evident on the 6th. You know, people that were just going to go up and over the bike rack.

Q I guess -- right. And you may have done this, but maybe I'll put it simpler. Why were the bike racks important to your security posturing for January 6th?

A Because it delineates an area. It gives you the ability to -- as an officer, to keep people out of a restricted area. It causes somebody to have to take a physical climbing over, and it gives the officer an advantage to physically prevent them from coming over -- over the bike rack.

If you have just an open -- open area, you know, you're going to be out there, you know, trying to keep -- repel people. The bike racks give you a physical area in which to -- you know, if you have to take physical actions to keep people from coming in, it gives you an area of -- a little bit of some advantage.

Q If we could put up exhibit 18a.

And while that is going up, I will -- let's see. Yeah. Perfect. I will read to you exhibit 16. It features Deputy Chief Waldow asking for, quote, "additional bike rack for Independence Avenue running east from the south barricade. I advised I reviewed the map after the meeting with HSAA and the COP and it was not included."

First, that -- the request for additional bike rack, is that what's reflected here in 18a, with the blue is what we had previously, and it looks like the pink, would that be the additional bike rack that Deputy Chief Waldo's talking about there?

A That's what it looks like, yes.

Q Okay. Who was it that decided that you guys would need this additional bike rack, and when was that decision made?

A I don't remember the exact date. I had a concern that the west front was open. We had nobody that had permits in that area, and I wanted to provide us some additional standoff distance, so went ahead and recommended that we put fence line all the way, you know, down -- was it First Street, and then up Independence Avenue, and tie into the south barrier just to close off the west front -- close off the west front more. And that's -- and, yeah, so I made that decision, or that -- yes.

Q All right. So that came down from you. And I know you said you're not quite sure when. Do you have even an approximation for us? Was this -- what was it that, I guess, that caused you to think that you needed additional bike rack? Maybe that would help as to when it happened.

A I'm trying to think. I know we had the inaugural platform up there. It was probably early January, maybe -- it may be right after -- maybe January 4th. Just putting up -- because, you know, I saw the inaugural platform there. You know, I didn't want any issues on the west front. I knew we had it. It was closed. No one was using it, and I was just concerned that the -- you know, the previous bike rack didn't clearly delineate that, you know, as a closed area and, you know, be able to have officers go in there and, you know, keep people out.

Q So the chief of security for the Architect of the Capitol, Valerie Hasberry, said this particular request for additional bike rack never made it to the Architect of the Capitol. She was only aware of the request for additional bike rack at the Senate egg area, but not this extra layer in the pink, and that, in fact, it's her belief that -- that there -- that was not made, there was no actual bike rack -- this additional bike rack that we see here in the pink.

Is that your recollection of what happened?

A No. I have -- I have no knowledge of that. I was under the impression the

bike rack was -- was put in all the way up to the south barricade.

Q Okay. So exhibit 18 has an email from yourself to Mr. Stenger and Mr. Irving asking to discuss the bike rack situation, on January 5th, 2021, at 2:55 p.m.

So do you recall, you know, at sort of that late time on January 5th, what it was you wanted to discuss about the bike racks?

A It was putting a bike rack out, because anytime we put bike rack out to enclose a portion of either the House or Senate side of the Capitol, I've got to make sure they're aware, just to talk about, you know, that right now, there's limited bike rack. I'd rather put bike rack out that completely closes off the west front as well as put some additional bike rack up on the east front, just to provide a more standoff distance, you know, a little more barriers up there. And that's why I sent that to them. We had -- you know, anyway.

Q So does that mean that at January 5th by 2:55 p.m., that sort of pink area, we had not -- you had not yet made that request or gotten it decided -- officialized that bike rack would go there and that that's what this conversation was about?

A I believe that may be the case, yes.

Q Okay.

BY [redacted]

Q And, Chief Sund, just to be clear, when you put up bike racks, is there signage in addition to the bike rack on or around that indicates sort of no admittance beyond this point? How's that message conveyed beyond the actual metal bike rack itself?

A I -- I don't know if there's signs that are put up. When we put up -- I don't know. That might be a good -- I don't know. When we put up -- or when the Architect of the Capitol puts up, like, the snow fence to cordon off the lower -- the lower west

front, I do believe there are signs there that talk about the area closed.

So I'm not sure if when the Architect of the Capitol puts up the bike rack, if the sign -- if signs are put up on that. That would either -- you know, that may be a good question for AOC or one of the -- Chief Waldow or Chief Thomas.

Q Yeah. And how about your staffing? Is it -- is there a standard, one officer per bike rack, or are there officers stationed along the bike racks, or how did this affect --

A There's --

Q -- the appointment of personnel?

A No, there's not a standard. It's just -- and that's one of the reasons I went and asked for the National Guard. I knew, you know, we had a significant perimeter, and, you know, I'd really like, you know, more -- more people behind the bike rack, you know, to prevent anybody from trying to jump over it. So that's why I went and asked for it. So we don't have a standard, but I felt we could have used some more support.

Q Okay.

BY [redacted]

Q So at some point, though, it appears that you guys wanted bike rack removed. So if you look at exhibit 19.

Ms. Hasberry characterized it on January 5th at 9:10 p.m., quote, "as a late request to remove approximately 500 bike racks along First Street NE/SE, and along the south curb of Constitution Avenue between the north barricade and First Street NE. My team was told the reason for the change was due to Capitol Police's concern that demonstrators would be trapped on the eggs. This explanation did not track with past setups, including those used in November and December. In addition, the change didn't make sense from a security perspective," end quote.

That's what she writes on January 5th. There is some back and forth with Chief Thomas that I'll go over with you, but, first, I want to get your -- your thoughts -- your recollection on it. Who decided at that point that, actually, bike rack needed to be removed, and why?

A I'm trying to see exact where the bike rack portion is that they're talking about, and -- okay. So -- okay. Hold it right there if you could.

So it was on Constitution Avenue?

Q It said along First Street NE/SE, and along the south curb of Constitution Avenue between the north barricade and First Street NE. So approximately 500 bike racks that they were told to remove.

A Yeah. I know we had some discussions. I had some discussions with Chief Thomas, because I think originally they had bike rack the entire -- to the House and Senate eggs. If you look at them, you'll see what looks like an egg shape. That's where a lot of protest groups will have their protests, in the grassy areas.

They had put bike rack all the way around those, which, from my experience, that is not something you want to do with demonstrations. You don't want to completely bike rack them in because that could be dangerous. And I had said, Hey, we need to make sure that we have an evacuation area in case we have to evacuate any of the protesters.

So I talked about removing some of the bike rack. I don't recall the -- the specific area. I thought it was on Independence Avenue where you see the opening there. Yeah. I'm -- I'm not sure, but 500 piece of bike rack is a lot of bike rack.

Q And it's -- that sounds like that is what, you know, Ms. Hasberry is talking about exactly. She says that the concern that was communicated to her by Capitol Police is that the demonstrators would be trapped on the eggs.

So you do recall that. So was that your decision ultimately -- well, the bike rack is removed. So was that your decision to request that the bike racks be removed around the Senate egg area, and was the reason because of the -- as you said, you didn't want the demonstrators to be trapped in that area?

A So just to be clear, my recollection is that I wanted to make sure we had one avenue for evacuation, which, to my recollection, it was Independence Avenue, that we could have -- if we had to, we could have pushed them off Independence Avenue and not the First Street and Constitution Avenue removal. I just -- you know, that's my recollection.

Q And you also seem to take a little bit issue with the 500. Do you independently recall that it was 500 bike racks that Capitol Police was asking to be removed, or what's your recollection on that?

A No, sir. I'm not taking -- yeah, I'm not taking issue with the 500. I'm just saying that's -- that's a lot of pieces of bike rack. That's all I was saying.

Q Oh, okay. And so do you have an independent recollection of it being 500 bike racks?

A I don't recall that number -- ever hearing that number.

Q Okay. She indicated that it was different than the setups used in November and December. I think you've alluded to this a little bit. You're not quite sure what the setup was. So do you feel comfortable saying whether you agree or disagree with Ms. Hasberry that that setup was different than MAGA I and MAGA II?

A Yeah. Without being able to look at it, I don't know right now.

Q Okay. In that exchange she has with Chief Thomas, Ms. Hasberry says the change didn't make sense from a security perspective. In that same thread, internally within AOC, Brett Blanton of the Architect of the Capitol writes that, quote, "This seems

absolutely illogical. It removes a zone of defense," end quote.

Do you agree or disagree with that assessment?

A From his point of view as, you know, looking at it as a zone of defense, he may be concerned it reduces a -- you know, a perimeter line, but I'm looking at it from a safety and life safety situation. You cannot -- and I think, of course, have ruled on it, you cannot fence in or barricade in protesters. It just -- it leads to bad things happening.

So he may be looking at it from a pure security point of view. I have to look at it from a security and a safety point of view. That's -- we needed a -- you can't have people in there without a logical escape route.

Q When Ms. Hasberry brings this up with Chief Thomas, you know, her concerns about it being a -- you know, removing a zone of defense and not making sense securitywise, Chief Thomas writes, quote, "With the shift in our posture to secure the Capitol Square, there will be no tie-in for the bike rack along First Street and no officers to stand fixed posts there; they will all be on Capitol Square. That being said, we will actively monitor all the portions of the grounds and have CDU response squads to quickly address problems, including potential vandalism to Library grounds," end quote.

Tell me what you recall. It appears that he's indicating that there is enough -- and you've alluded a little bit to this -- there's enough manpower to stand by the bike rack that is being removed, that that's one of the reasons that it should be removed.

Do you recall that being a motivation?

A Not that I recall, no.

Q Okay. Can you explain to us generally why bike racks do need manpower for it to be at all effective then or not at all for it to be effective as a means of security, of demarcating the line?

A It just helps enforce the perimeter that it's representing. If you have a bike rack out there, you'd like an officer at least, you know, some reasonable amount of distance to be able to help secure it.

Q And you said you don't recall specifically the concern about there not being enough manpower as it relates to the removal of these 500 bike racks around the Senate egg area. But, generally, was it your belief that you did not have enough officers for the amount of bike rack that you wanted?

A You say have enough officers. I would have liked to have more personnel along those bike racks. I don't know if there's a -- I would have liked to have more personnel. That's one of the reasons I went and asked for the National Guard.

Q And can you talk to me about -- you know, given the fact -- we talked a little bit what all hands on deck means, but given the fact that that was your order, why weren't there enough officers to man the bike racks that you felt was needed for the January 6th event?

A So just to make sure I'm understanding what you're saying, how come -- how come I didn't feel more comfortable with it, or --

Q No. I -- maybe you could talk to me about a Capitol Police resource issue. If you've deployed all resources, or you're asking to deploy all resources within Capitol Police, all sworn officers, right, who -- canceling days off, so on and so forth, all hands on deck posture, why was there still not sufficient manpower for the bike racks? What about the resources that were either available to you that kept you from having sufficient manpower for the bike racks you wanted?

A You know, we deployed out there -- make sure that I just completely understand your -- so we activated the full department. All the resources I had available to me were directed. I directed all those resources to be activated for January 6th.

We have the internal event going on at the Capitol for the joint session, which requires some staffing. And then we also have the external event, which also requires the bike rack.

You know, just from -- I would have liked to have had more personnel along the bike rack. I don't know if that is -- you know, comes out to a scientific number of, you know, what we're supposed to have. But I knew we had a lot of bike rack out there. I knew this was going to be a big event, and I would have liked more personnel to have helped support the bike rack.

Q Ms. Hasberry goes on to write in that thread, quote, "I believe there may be other factors driving the change," end quote. And she told the select committee that concerns over treating the January 6th demonstrators similarly to the Black Lives protesters over the summer, she believes, appeared to have impacted decisionmaking.

Was your response to that, the summer, affect your security plan for January 6th in any way?

A For the bike rack?

Q Yes.

A No. No.

Q Not specifically for the bike rack, but --

A No. That didn't -- no. No, sir. That did not play a role for me in the planning, the security planning for the -- for the 6th. You know, in fact, we activated and deployed more resources for the -- for the 6th than we have for any events, to my recollection.

Q And I was going to ask: If you could just, at a high level, tell me how your preparations were different. You mentioned, you know, that -- pulling that thread a little bit more, between the summer protests and the January 6th protests.

A Fencing, for the most part, if we fenced off an area, it may have been the east plaza, which is just the -- the east plaza is kind of the hardscape on the east side of the Capitol, and we fenced off some of the -- the Pennsylvania Avenue and Maryland Avenue walkways onto the west front.

Sometimes I think the west front may be -- may have even been open. We had limited -- we had limited demonstrations up here. We did have one demonstration come up and vandalize a statue -- it's a Peace statue.

And after that, we did -- I'm trying to recall if it was before or after, but we did -- oh, yeah. When we saw them -- some of the protesters toppling and damaging statues around the country, I went ahead and implemented putting bike rack around many of our statues and asking the command center, you know, to provide regular what we call virtual patrols, where they're monitoring it with cameras or just having the cameras on them permanently so we can watch, just to make sure we don't have anybody going up and vandalizing some of these statues, some of which have gone through recent renovation at extensive expense.

[1:42 p.m.]

BY [redacted]

Q Okay. So Ms. Hasberry received -- again, felt enough to write a response that, quote, "The racks were moved after a meeting between Paul Irving and Chief Sund. They walked the site on Monday and the concern by the HSAA was that the House side was not as protected as the Senate."

Can you walk us through what happened there, that walk, what you saw, and explain to us how, if one side is more vulnerable than the other, how removing the bike rack, instead of increasing them, would be the proper response?

A Again, you're -- it's the House sergeant at arms that you're referencing. I talked to both Irving and Stenger -- and, again, I'm just trying to recall it -- about deploying some of the bike rack and deploying it on the West Front and some on the East Front.

I remember Stenger was kind of listening to what Irving was saying, and Irving had talked about putting more bike rack down around the West Front and some tying into the south barricade. And Stenger said, yeah, that's good. And then Irving went, Yeah, yeah, we want that too.

So we had developed the bike rack. And I think there's -- there should be somewhere a diagram where I think they agreed to the bike rack that was deployed.

Q So if I'm understanding you correctly, your understanding was that because of the unequal sort of protection between the House and Senate side, the removal of the bike rack from the Senate egg area, your thinking was that it would be moved, not removed entirely, but moved over to that sort of pink line that we first saw up and down Independence Avenue. Was that the thinking?

A Yeah. I don't know if it would've been moved. I don't know how they're -- how the contractor is handling the bike rack.

But the House side of the West Front was much more vulnerable and open than the Senate side. And I wanted to make sure that we were able to put some bike rack in there just to delineate that, that standoff area and that perimeter. Yeah, that's -- and Irving was in favor of that.

Q Okay. Well, so I think to sum it up, the Architect of the Capitol, they didn't receive the request for the additional bike rack on the Independence Avenue side. All they received was the removal of the bike rack over at the Senate egg side that was done and that was of concern to the Architect of the Capitol.

And they wrote up in the email on January 5th -- this is all internal legal doc stuff -- and she's told us since -- she summed up the disconnect this way, quote, "The HSAA POC is aware of our concerns, but noted that this is Capitol Police's Operational Plan. As background, lack of coordination on this change is indicative of the hurdles AOC had been trying to overcome on security issues. There are several historical factors on why AOC has not been included in these decisions that I can discuss with you later. I will continue working to improve the coordination and input," end quote.

From your view, is that a fair critique? Were there hurdles and lack of coordination with AOC that she says have long been a problem? Was that something that you appreciate or agree with or disagree?

A Yeah, I'm not aware of any of the hurdles that she references. I know Valerie, knew Valerie well, and talked to her. Yeah, I don't think -- I can't think of the issues that she may be talking about. But, yeah, I just don't understand what those issues may be.

Q In hindsight, if the bike racks at the Senate egg area are removed and there

are no additional bike racks put on the Independence Avenue area, was that, in hindsight, does that prove to be a weakness in the perimeter setup heading into January 6th?

A Not really, because it's an open area. Ultimately it's an area that -- and we have it permitted, people can come into, come out. They just got to go around the fence to be able to come in there.

If we did have a reason to have to clear that area out, then we have fencing already existing in there. And there was fencing -- let's see, I'm trying to recall. I believe there was -- we also had fencing on the East -- on the hardscape on the East Front -- I don't think that's in your image -- that closed off the East Plaza.

I just want to -- I'm trying to describe it, but I don't know how much you guys know about it. The East Plaza is a hardscape. So you really have two rows of fence. You have the fence that kind of goes along the street near First Street and Constitution Avenue.

But then you have another fence farther back that goes along the hardscape that closes off the East Front. So that's really providing the main perimeter to the Capitol itself.

So that in itself, the removal of it, I don't think would've impacted, because people could've got -- people had permits and people had access into that area already.

Q On January 6th at 1:28 p.m. -- this is reflected in exhibit 20 -- Ms. Hasberry is asking about whether her, quote, "team is ready to move the 400 bike racks to the East Front."

It's our understanding that in the middle of the fight on January 6th, Capitol Police requested that there be 400 additional bike racks moved to the East Front.

Can you talk us through that decision?

A That's the first I've heard of that.

Q Okay. Did you read that email where she's asking her team and saying that -- to put up these 400 additional bike racks after 1:28 p.m. on the 6th?

A I remember briefly looking at it, but -- just give me a minute.

Q Well, let me ask you this. It appears then that you did not make that request to move 400 bike racks to the East Front on January 6th itself.

A On January 6th, at 1:28, no.

Q And you're not aware --

A I would not have -- no, not aware.

Q And you're not aware of who from Capitol Police would have made that request?

A [Inaudible.]

Q That's a no, right? I didn't hear you. I'm sorry.

A Yes, that's a no. That is a no.

Q Okay. The AOC timeline goes on to state -- that's part of exhibit 21, but it's a very long document. I'll read it to you.

It says at 1:49 hours -- or 1349 hours, excuse me -- "a report of a suspicious package at the DNC resulted in a lockdown of the area, preventing the deployment of bike racks to the East Front of the Capitol as requested by Bob Ford. Due to the deteriorated security conditions, efforts to get the additional bike racks to the East Front were unsuccessful until the campus was secured," end quote. And that actually helps.

Let me ask you, what does Bob Ford do?

A So Bob Ford at the time was the director of our Security Services Bureau. So a lot of our bureaus will have sworn personnel over it. Security Services handles all our physical and technological security measures, cameras, barriers, things like that, and he also handles the fencing.

Q Does the invocation of his name help you at all recall if you were a part of that decisionmaking or had overheard that people under you were making that request?

A No. No. And at 1:28, I probably was in the middle of a series of phone calls. But, no, that does not. That does not.

Q What do you think about that request now, looking back on it? Ms. Hasberry told the select committee that, in essence, at that moment that was too little, too late.

Understanding that that was not a decision that you made or directed, to you, is that a fair criticism? Is that something you agree with? Or would there be utility in getting additional bike racks at that late an hour on January 6th?

A My recommendation would be not to deploy workmen or bike rack into the crowd that we were dealing with. So I would not think that was a good decision.

Q Was there any discussion or consideration of putting up fencing? And I mean actual fencing, not bike racks, the type of fencing that goes -- or that went up during the inauguration afterward and some other events that we've seen in the District of Columbia this year and last year, 2021. Was there any discussion of putting up fencing for January 6th?

A No, no, there was not. Again, the intel did not support a request like that.

Q Okay. Before I turn it over to --

BY [redacted]

Q But on that last point, Chief Sund, let me just candidly say, a lot of people are going to read all of these documents, and in our report, all of the specific intelligence in advance about the target is Congress and there are armed people that are coming to disrupt the joint session.

And the logical question will be, well, why not consideration of more secure

fencing or hardened perimeter as opposed to bike racks?

You just said the intel didn't support that, but we've gone through a series of advance warnings where the intel frankly predicted that, violence to actually disrupt the joint session.

So I'm just wondering, what's your response to this criticism that there really should've been a harder perimeter?

A Well, when you show me some of the intel that was floating around, that's the type of intel that would've given me the ammunition I needed to go and make these requests, not a final paragraph after -- you're dealing with a bottom line upfront that doesn't talk about any concerns, the whole document doesn't have any concerns, and then you have a final paragraph that you may.

You need to realize there's a lot of concern about when you start putting fencing up around the Capitol. A lot of people are worried about that.

But for me, you got to understand, I went and requested the National Guard in advance, just to help support my bike rack. I don't think I would've gotten anywhere requesting -- if I can't get National Guard just for bike rack, I'm not going to get anywhere for fencing.

Q Yeah. So we're going to get into the discussion of the National Guard. But just to be clear, it sounds like what you're saying -- don't let me put words in your mouth, I want to make sure you agree with this -- is that while there was intelligence and while there were warnings, that didn't get elevated sufficiently or make it to you or other decisionmakers that could have used it to justify requests for more of a hardened perimeter? Is that generally accurate?

A Yes, I think it's generally accurate that the intelligence wasn't sufficiently incorporated into the products that inform our Department, our oversight, including the

Capitol Police Board, to make these tough decisions and go and fight for these things, yes. So, yes.

Q Okay. So that's an internal Capitol Police communication failure, right? When you say colossal intelligence failure, the failure is to have that intelligence within your organization make it to you and the Capitol Police Board?

A Yes.

Q Okay.

[redacted] Let me do this really fast, while [redacted] gets it up.

[redacted] No, I think he has it up.

[redacted] do you have it up?

[redacted] It went away.

BY [redacted]

Q Well, in the interim my colleague is going to show you a report, an internal intelligence report for Capitol Police, before we -- as soon as it comes up on the screen, we'll switch over that.

My last question before I turn it over is, so Chief Pittman in her statement, her statement shortly after the event, that you had testified earlier that basically none of the operational things that you had put into place came as a result of the January 3rd assessment, which of course you've now testified is pretty much how you read it, in line with the assessments that you had done previously and what happened during MAGA I and MAGA II.

Tell me if you disagree with Chief Pittman, because she seems to say differently.

She wrote, "The Department's uniformed operations, led by Assistant Chief Chad Thomas, also adjusted its planning for January 6th in response to the January 3rd special assessment. For example, the Department changed its Civil Disturbance Unit plan for

January 6th in the following ways?"

And she goes on to list what you've mentioned: increasing the platoons from four to seven, changing the scheduled reporting times to these different times on January 6th, deploying USCP SWAT teams to act as counterassault ground teams, and enlarging the physical security perimeter -- the bike racks we just finished talking about -- to encircle the entire Capitol Square with bike racks manned by officers to keep out unauthorized persons.

She said that that came as a result of the January 3rd assessment. Is that accurate?

A I'm trying to recall the exact time some of those things were put in place. It very well could be, yes.

Q Okay. Because earlier you said that as far as your decisionmaking, which I think is important, you said that you didn't come away from the January 3rd assessment having any either new or dramatic or shocking sort of information that would lead to operational changes.

So how can we reconcile that, if you didn't do that, how could it be true then that these changes were as a result of what was written in the January 3rd assessment?

A Yeah. Again, I'm not sure of the exact time some of the things were put in place.

We had everybody on the Department working. We had put additional people outside some of the buildings. There was a lot of things that are put in place when we have an event at the Capitol that are regular order of business that would occur, such as putting additional people in the tunnels to challenge and validate, to make sure the right people have the right passes to get into the Capitol.

So I just don't know of the timing for some of those.

Q But more so than the timing, I'm asking about the motivation behind it. I'm wondering if you could -- is it that you just don't recall what your motivations were behind those operational changes? Were they the January 3rd assessment, in your mind, or were they not?

A Again, a lot of the stuff, like my request for the National Guard, came before that. Yeah, I just don't recall.

BY [redacted]

Q Chief Sund, I just have a couple questions about kind of this big picture idea of the products weren't there in terms of revealing what the threat was. And I want to talk through one in particular.

You mentioned that there were four IICD special assessments. And one of them, another product that comes out of these investigative research and analysis reports, is up there on the screen. And this one's seven pages that highlights the tunnels itself.

This is pretty early on, December 21st. If you go to the middle of the page there it says, "These are tunnels connected to the Capitol Building. Legislators use them to avoid the press, among other things." And it has the website for TheDonald.Win.

And included in this, it's a pretty long document, are 37, like, screenshots of pretty prescient aspects of what occurred on the 6th, including get into the Capitol Building, stand outside Congress, be in the room next to them, they have time to run if they -- they won't have time to run if they play dumb. I can read you a number of them.

But the big picture is, when you say you didn't have the products to kind of have the full picture here, did you have this report?

A Yeah, I have no recollection of having this report. This, from what I understand, after the 6th, and after my initial testimony, and seeing the final report, that's where I first learned about this report, is an internal report, even though the

Department said at one time they had shared it.

I do not recall having ever seen this, and more importantly, do not recall ever seeing this included in any of the subsequent assessments, making it aware to the rest of the Department even as a footnote that it's in there, or this being briefed out in any manner with any of the -- during any of the briefings with -- that would've been briefed out to the House sergeant at arms or the Senate sergeant at arms.

Q So the January 5th email that my colleague showed you about the tunnels, was that the first time you became aware that the tunnels were not just talked about as a target on one media post, but in several blogs, with pictures of -- with pretty much detail about how these tunnels can be used underneath the Capitol Building?

A Yeah. I mean, to the best of my recollection, yes. I don't recall seeing anything before the 5th. Like I said, Gallagher and Pittman did approach me and talk to me about a company that had the website, that they said there was an uptick in access to it. But beyond that, I don't recall, and I definitely don't recall seeing this document.

Q But if you had seen something like this prior to, from December 21st on, would that have changed some of the decisions you made operationally?

A I think having this included into the intelligence assessments and briefed to the House and Senate sergeant at arms would've made a big difference to our planning, but also to my request for outside support. It may have even -- yeah.

Q So I guess when you mentioned the report, the HSGAC report, and it goes through a level of detail about what was possessed by IICD, and you said that was the first time you learned about this, was there anything else that, after having read that report -- I'm assuming you had looked at it -- that surprised you about what IICD had you were not aware of? Because perhaps that's the disconnect that I'm having.

A Yeah. So IICD -- so 21TD159 was one of the ones that I got from -- I saw

from the Senate report. I'm trying to recall some of the others.

There's definitely after the fact learning that -- it appears IICD had a number of different -- and I'm trying to -- intelligence concerns or products or notifications from different agencies, from our partner agencies, the FBI, DHS, or whoever it may be, that didn't seem to be in our intelligence assessments outright, as a footnote, anything like that. And that raised a lot of concerns, because that would've definitely helped to inform significant decisionmaking.

Q But would you still, having looked at that and what the IICD had, do you still believe it's a colossal failure of intelligence when they had a number of data points about the threats and the potential for violence on January 6th?

A Yes. I'd say that colossal intelligence failure. Because the value of intelligence for us as an agency is in planning. It's making sure that the intelligence is synthesized and put into the intelligence reports that are being shared and people are being reliant on within my agency, those in those critical positions that I talked about in the paramilitary organization to help plan and help inform critical decisions.

Q And I won't belittle it, but it sounds like when you talked about the January 3rd special assessment versus the Daily Intelligence Report, that it was your reliance on the Daily Intelligence Report guided you more so than the January 3rd special assessment. Is that fair to say?

A No, I wouldn't say that. I take them all into consideration, kind of together.

Q But the fact that the likelihood of violence was improbable in the January 4th Daily Intelligence Report, that stuck with you, versus --

A Well, it just kind of reaffirmed that what we're likely to see, as outlined in the rest of the January 3rd report, is it being very similar, the crowd actions, very similar to what we had seen in MAGA I and MAGA II.

We knew we were going to have a large event, again, focused at the Capitol, with the propensity of some skirmishes, with some possible violent altercations, and we planned accordingly.

BY [redacted]

Q Appreciate it, Chief.

So what I'd like to do is pull on the operational thread a little bit more and segue in a moment to your request of the National Guard.

But before we get there, during your conversation with my colleague, one of the things you said -- that I think you said -- that resonated with me, and I want to make sure I understood you, is you said that you had made a number of requests for resources related to your preparation of January 6th that were denied.

Putting aside the National Guard, what are you talking about when you say that? Number one, did I understand you to say that correctly, I guess is the first question. And assuming that I did, when you say that you made a request for a number of resources that were ultimately denied, what did you request? Who did you request it from? Sort of can you give me some detail to flesh that out?

A Yeah. I don't recall making that statement. I'm sorry. I don't. The specific request for January 6th that I went and was denied was the National Guard. I don't recall saying that there was other resources.

Q Okay. Maybe I just misunderstood what I heard. So I'm glad I asked a clarifying question.

So just to make sure I'm clear, the only request you made for additional resources was a request for the National Guard. Is that accurate?

A The only request I made for additional resources specific to January 6th was the use of the National Guard to help support my perimeter.

Q Copy that, sir.

BY [redacted]

Q [redacted] before you get into that.

Did you consider other things, Chief Sund, like mutual aid, for example?

Capitol Police has all kinds of agreements with other law enforcement agencies to have reinforcements as needed. Did you consider the possibility of having MPD or Park Police or other law enforcement agencies providing bike rack support or other assets before you got to the National Guard?

A National Guard is usually our first go-to. I knew MPD was going to be busy and have their hands full and would be hesitant to give us static support. I need people that weren't going to be called away, that could be there.

So that's why National Guard was our first request, that we go to National Guard. We knew everybody else that was close by would be busy with the events taking place in the city, Park Police, Metropolitan, anybody that has some manpower.

But it would still require approval from the Capitol Police Board to bring them in and have them standing in perimeter out there, as opposed to you call them in an emergency.

So my first choice was National Guard.

Q And that's because --

A They've helped --

Q I'm sorry, go ahead.

A I was going to say, they've helped us before for some events, and that would've been the first logical request.

Q Okay. I guess that's my question, is are they always the first request ahead of mutual aid, or were they the first request here because mutual aid was unlikely to be

successful because of all those other agencies having their own issues around the city on January 6th?

A It's usually the first process. We've used them for other events, inauguration, things like that, where they come and they assist us. Yeah, it just would've been our first go-to.

Q Okay. It's just directly contrary to what we have heard repeatedly from National Guard officials, Department of Defense officials. Their view is that National Guard is only a last resort when there are other domestic law enforcement assets that should be deployed first, whether that's a particular agency or mutual aid.

A Okay. So they're looking at it from what's called the Defense Support for Civil Authorities. It's a process so if you have an emergency or something like that, it's where you have utilized all your resources before going to the National Guard.

Again, like I said, MPD had their hands full. Park Police, my first request, again, it was denied. I have no doubt a request for mutual aid would've been treated the same way it was for the National Guard.

Q And just to be clear, the Capitol Police Board, I understand they have to make these decisions about requesting the Guard or requesting mutual aid. You're on the Capitol Police Board, right? You're the nonvoting member, but you're one of four members of the Board, right?

A Yes, sir.

Q And your role on the Board is to provide them the information, the law enforcement information, that informs their decisions, correct? You're essentially the conduit through which they get information about intelligence in the situation that informs those decisions?

A Capitol Police is, yes.

Q I mean, you personally, as a member of the Board, one of your primary functions on the Board is to give them that law enforcement information to which they don't otherwise have access, right?

A Yeah. The briefings for the Board members, I want to say the briefings for at least the House and Senate sergeant at arms, is usually conducted by Deputy Chief Gallagher. If you look, he probably conducted a number of those.

Q Right. No, I understand. But my point is that Capitol Police, as an agency, is responsible for ensuring that the sergeant at arms for both sides and the Architect of the Capitol have sufficient information on which to base Capitol Police Board decisions, right? That's the organization and how it works?

A Yes. That seems reasonable, yes.

Q Okay.

[redacted] I'm sorry to interrupt you, [redacted] Go ahead.

[redacted] That's quite all right. Just give me one moment to resolve a very quick child issue.

Okay. Thank you, Chief.

Thank you, [redacted]

BY [redacted]

Q So before we talk about those requests specific to January 6th, sir, in your tenure as the chief of the Capitol Police was there ever any other occasion where you requested the assistance of the National Guard for anything, or was the first time you made such a request for January 6th?

A I believe we were in the process and working through a request for their assistance for the upcoming inauguration of President Joe Biden.

Q Okay. So it would've been -- it sounds like it would've been the January 6th

electoral vote college count and the inauguration, but nothing prior to January 6th. Is that fair?

A Not in my -- not that I recall in my 14 months as chief, no.

Q Okay. So I want to sort of step by step go through the request for the National Guard and start with, how did this come about? Did you or someone from your staff initiate contact with the National Guard to request assistance? Did the National Guard reach out to you initially and say, Hey, do you need assistance? How did that play out?

A Yeah, there was no communications between the National Guard and at least myself prior -- okay. So, let's see. Yeah, so prior to me requesting the National Guard, just to make sure we got all the timeline lined up, there was no communications between the National Guard and myself.

I have to, because of 2 U.S. Code 1974, get approval to bring in and out a Federal agency to help support -- I think it's 1974 -- to help support Capitol Police.

I was thinking about -- I've done a lot of events. I was thinking about the number of personnel. The first two MAGA marches occurred when Congress wasn't in session. This time Congress is in session.

I just wanted -- to feel more comfortable, I wanted more personnel on my perimeter. That's why I wanted them specifically. It would've been for unarmed National Guard -- that's what we've used before -- to help support my perimeter.

So it was -- Sunday, the 3rd, was the first day of the -- I think it was the 117th Congress. That kind of threw me off at first in my initial testimony before the Senate, because I would've thought it was Monday. But it was Sunday, the 3rd.

And how it went is, at 9:24, because I remember, I went over specifically in person to ask. And I first went over, went to Paul Irving's office at 9:24 in the morning -- there's

video of me walking in -- and asked him specifically, I would like to request National Guard for January 6th.

Q Okay. So let me make sure I'm understanding.

So when you say make a request for National Guard assistance, are you talking make a request of the Capitol Police Board or are you talking about making a request of the National Guard itself? It's like a "chicken and the egg" kind of thing, like, which comes first?

A Yeah. So I have to get Board's approval. So I have to get Board's approval. So for me to get Board's approval, it's going to first take me getting both the House and Senate sergeant at arms to say, okay, this is a law enforcement matter, yeah, we're good. Because I need their support on the perimeter.

So I needed to get them on board. If they would've been on board then, they would've said, "Yeah, okay, that's good," we would've pulled together the third member of the Board, and we would've gone through the process of doing an emergency declaration.

He would've had to have go on and Mr. Irving and Mr. Stenger would've had to get their respective leadership's approval because -- according to the code that is required in advance to use it, and then we would've put in for an emergency declaration. It's somewhat of a convoluted process.

Q Okay. No, I can appreciate that.

So correct me if I'm wrong, but it sounds like before you had any contact with the National Guard itself about their potential support of you for January 6th, you first went and made the request of the Capitol Police Board, or at least some members of the Capitol Police Board. Is that accurate?

A I made the request of the House and Senate sergeant at arms, and then the

rest of your statement would be accurate, yes.

Q Okay. And on what date, if you can recall -- I think you said it earlier, but I may have missed it -- did you -- I think you said you went over in person to make this request.

A Yes, sir. It was January 3rd, 2021, at 9:24 in the morning.

Q Okay. And do you recall to whom on the Board you specifically spoke? Was it Mr. Irving and Mr. Stenger and the Architect of the Capitol or some combination thereof?

A 9:24, I went into Mr. Irving's office and talked to Mr. Irving.

Q And tell me what you told Mr. Irving.

A We had some just -- walked into his office, had some, Hey, Chief, how you doing, stuff like this. I said, Mr. Irving, I'd like to request the National Guard for January 6th.

Q Did you tell Mr. Irving why you wanted to do that? Going back to my colleague [redacted] question about the Capitol Police were providing the reasoning or the intel, what reasoning, if any, did you provide to Mr. Irving about why you needed the National Guard?

A So he immediately responded, Don't like the optics. I said I'd like them to help support the perimeter. And he goes, the intelligence -- the response was, the intelligence doesn't support that. And he said, have you talked to Mr. Stenger?

Mr. Stenger is the chairman of the Capitol Police Board. And I said, no, I had not talked to him. He goes, go and talk to him, see what he has to say.

Q Copy that.

So help me understand. If part of the responsibility of the chief of police on the Board is to provide the intelligence to the Capitol Police Board, when Mr. Irving said to

you the intelligence doesn't support that, what did you think he was talking about?

Had you provided -- did he somehow have access to intelligence that you had given him previously? Did he get it through his own means?

What was your understanding of what he meant when he said the intelligence doesn't support that, given that, if I understand your role, you would be the one to provide him with that intelligence?

A No. Like I was saying before, the intelligence information flows directly from Protective Services Bureau over to the two members of the Capitol Police Board.

Q So PSB, who generates the intelligence, sends this information via -- or direct to the two sergeant at arms?

A Yeah. Their staff, their offices, yes.

Q Okay. And so when he said to you the intelligence doesn't support that, is that the assumption that you made, that PSB had -- must've sent him the intel? Or did you -- had you previously, or someone from your staff, outside of PSB, specifically provided him with that information?

A The assumption was that he was working off the same intel I was working off.

Q Okay. And so what was your response, if any, to -- given what you understood the landscape to be, based on your extensive conversation with my colleague, what response, if any, did you have to Mr. Irving's comment that the intelligence doesn't support that?

A I don't recall. That may be the point where I said, I'd like them, you know, I wanted them to help support my perimeter. But at that point he started throwing on his jacket and started to get ready to go over to another meeting, I guess, and we walked out shortly thereafter.

But he referred me over to the chairman of the Capitol Police Board, so I figured that was my next stop to see what we could do.

Q Okay. So in this initial meeting, regarding the discussion with Capitol Police Board, you went to Mr. Irving, you made the request. He said, according to you, something about the optics don't look right --

A Yeah.

Q -- and the intel doesn't support it, made a suggestion that you talk to the chairman of the Capitol Police Board, and then he essentially left.

So how long was that entire exchange?

A Not long at all. 9:32, just a couple minutes later, we're on video walking out together.

Q Copy that.

And so what was your next step after that?

A Our next step after that was going to go directly to Stenger's office. I walked over to Stenger's office at 9:35. Video showing me walk into S-150, which is Mr. Stenger's office, and the office was empty. No secretary. Jennifer Hemingway's office was empty. His office was empty.

So I left out, went back, drove back over to my headquarters, waited for a little bit. I don't know if I called him or what. But went back. And at 11:53 walked back into Mr. Stenger's office.

Q And was Mr. Stenger there when you went back to his office?

A Yes, he was. He was up, walking toward, I guess, his closet to grab a jacket when I came walking in.

Q And what, if any, conversation did you have with Mr. Stenger at that time?

A Not sure if you can hear. We got a siren in the background. I just don't

want to --

Q I can hear you. I can't hear the siren now, but I appreciate that.

A Okay. I went walking in and I said -- almost right off the bat, as soon as I came walking in, I said, I'd like to request the National Guard for January 6th. And he immediately started -- he turned to me -- do you want me to continue?

Q Yes, sir, please, yeah.

A So I said, I'd like to request National Guard for January 6th. He goes -- he responded, he said, do you know anybody at the Guard? And I said, yes, sir, I do, I know General Walker. And he goes, why don't you go ahead and give General Walker a call and find out, if we need his assistance on January 6th, how many people can he give us and how quickly can he give us those people?

Q Okay.

A And I said okay. And he said, so go ahead. I said, so I can go ahead and reach out to him? He said yes. I said, all right, I'll call tonight.

And he put on his jacket. He was getting ready to walk over to the old Supreme Court chamber for the swearing-in ceremony, and out the door we went. We literally walked out the door, like, 2 minutes later.

Q Okay. So then what was your next step after you had your conversation with Mr. Stenger?

A My next step regarding the National Guard?

Q Yes, sir.

A So that evening, at 6:14 p.m., I was driving home and I went ahead and called William Walker -- I've known him for some time -- called him, he answered, and told him, Hey I went to the Capitol Police Board and I went to the two sergeant at arms to request the National Guard, they did not approve it.

But I was asked to call and unofficially reach out to you -- because this isn't an official request, I don't have the Capitol Police Board approval -- to reach out to you and ask, if we need your assistance on January 6th, how quickly can you give us assistance and how much personnel can you give us?

So 6:14 p.m. on Sunday he advises that he has 125 soldiers that are helping with the District of Columbia with COVID response. If we need them, he could fairly quickly get them mustered over at the D.C. Armory, get them outfitted, and all I'd need to do is send somebody over to swear them in, and he could get them over to the Capitol fairly quickly.

I said, Hey, thanks.

Q Sorry, I didn't mean to cut you off. Please continue.

A I said, thank you very much. Just keep in mind, I don't have approval for this, so I can't take -- don't take any action on it yet. This isn't an official request. And he said thanks.

And then Tuesday, when we were getting ready to have the meeting with our partners, I think it's the 12 o'clock video meeting with all our outside agencies and the military that had coordinated, I advised Mr. Stenger of the results of the call. He said, okay, good, I think that works. And that was it.

Q Okay. And I appreciate that.

So I want to make sure I got the days lined up.

So it sounds like your call to General Walker was on a Sunday? Is that correct?

A That is correct, sir.

Q And on what day was your meeting with Mr. Stenger?

A Tuesday.

Q And then your meeting with Mr. Irving was the same day or --

A The same day. Mr. Irving -- I'm trying to think of exactly when I ran into him. I ran into him the same day, gave him the same information. Mr. Irving and I both had briefings with two Members of our oversight regarding January 6th, Chairperson Lofgren and Congressman Tim Ryan.

Q Copy that.

So I guess one question I have immediately is, why wait till Sunday to call General Walker? Why the gap between Tuesday and Sunday, given the importance of the National Guard presence to you, why the 4- or 5-day delay before you reached out to General Walker, if you can recall why?

A So my delay in reaching out to General Walker was hours. I was denied Sunday morning.

Yeah, you got the days wrong. So Sunday, January 3rd, I talked to the two sergeant at arms and they deny my request. That evening, 6 p.m. that evening, I talked to -- what's that, six and a half hours later, that's when I call William Walker.

Q Okay, wait. Okay. So maybe I am confused. So let's try again. And that's why I wanted to go through the days.

So I thought I understood you to say that your initial request for National Guard support was to Mr. Irving and that was on a Tuesday. Is that correct?

A That was Sunday, January 3rd.

Q It was on Sunday, January 3rd. Okay.

So on Sunday, January 3rd, is when you physically went to his office, and he was there, and you had that conversation with him that you described earlier.

A Yes. Sunday -- believe it or not, Sunday was the first day of the 117th Congress, so all the Members of Congress were in that day to be sworn in.

Q Okay. I apologize.

A That may be throwing you off.

Q Yeah, okay. And I apologize for my confusion.

So on that Sunday you first go to Irving, then you go to Stenger, who makes a recommendation that you call Walker, and then that same Sunday you call Walker?

A Yes, sir.

Q Copy.

And so you then mentioned that the next thing you did with respect to the information that you had got from Walker, you communicated that to Mr. Stenger?

A Yeah. I believe Stenger was first, I believe. I don't recall which one was first. But they were both on Tuesday.

Q Okay. So Sunday, then Monday, then Tuesday you briefed them.

You referenced some sort of partner meeting or something that was about to go on, that it sounded like Mr. Stenger was going to. Can you flesh that out a little bit for me?

A Yeah. So I believe it was noon on Tuesday, the 5th, I had scheduled a Webex or a Teams virtual meeting with 12 of the top law enforcement and military, approximately a dozen officials within the District of Columbia.

That's that one meeting you guys talked about to kind of go over January 6th, talk about January 20th, the inauguration, and just the way to handle those two events.

And Stenger came over to the conference room for the meeting. So that's when I informed Stenger.

Now, I may have informed Irving that morning right before we did the Lofgren call. I just don't remember the exact time. But they're both on Tuesday, the 5th.

Q And in your mind, did that end, did that put a button on the issue of National Guard support once you communicated to Mr. Stenger the information that General

Walker had provided you? Or was there any further discussion related to that initial request that occurred subsequent to when you briefed Mr. Stenger?

A Can you repeat the question again?

Q Yeah. I'm sorry if that was confusing.

I guess what I really want to know, to oversimplify it, is did you talk to anyone else about your request after you talked to Stenger on Tuesday?

A After I talked to Stenger, no. When I came back, just to you go back -- I don't mean to confuse the timeline even more -- when I go back to Sunday, the 3rd, I come back to headquarters.

I'm walking through headquarters, and Gallagher says, Hey, he is contacted by -- I forgot who it is. It's a representative from DOD that handles all the National Guard requests, and was asking, Is Capitol Police going to be requesting National Guard?

This was probably, I'm trying to think, maybe 11 o'clock in the morning, noon -- I'm sorry, it would've been after I met with Stenger, so right around that time. I came back and I advised him, Hey, I had just been over to talk to Stenger and Irving, and it's a no-go for the National Guard. So just let her know -- I don't remember her name -- that as of right now, we will not be requesting.

That's the only other discussion I had about the National Guard.

Fast-forward to Tuesday. I tell the two of them. They're like, Hey, that sounds good. I made my request clear. They made their denial of my request clear. I wasn't going to push it anymore.

BY [redacted]:

Q Can we stop right there on that issue, Chief Sund?

It sounds like you had decided before that Sunday morning conversation with Irving that you needed reinforcements on that perimeter, that you didn't have sufficient

personnel, and that you wanted National Guardsmen and -women to be out there helping to protect the perimeter, right? Operationally, that was your assessment that Sunday morning?

A Yeah. My assessment is, it would've increased my comfortable level. Knowing the size of our perimeter, the number of officers I have to put on that perimeter, yeah, I would've liked to have National Guard.

Q Yeah, I understand. So that informs your decision to ask for it, that you go to sergeant at arms, both of them, and make that request, right? That your motivation is to get help, to get the National Guard deployed.

And when you first talk to Irving he expresses, I think you said, two separate reservations about that. One, the intel doesn't support it, and, two, I don't like the optics of that.

Did you push back against either of those and tell him more about the intelligence or discuss with him the optics and why that was less important than the security of the perimeter?

A No.

Q Why not?

A You know, one, he made it clear about the optics, concern for the optics, and that's maybe -- anyway, an issue up at the Capitol anyway, but -- and the concern for the intel, that the intel didn't support it.

Going and requesting the National Guard is a big deal for Capitol Police to do. It's something that hasn't regularly been done. I went on my own because it was a comfort level for me, that, hey, I would've liked them. I had no idea the issues we'd be facing Wednesday. If I had, that would've changed things a whole lot.

But the intel that I was reading, it would've been a big stretch to say, Hey, based

on that intel we definitely need to bring in the National Guard.

So when he said that, I was like, well, okay. I wasn't going to argue with him. But he referred me over to the chairman of the Board. I thought, okay, let's at least take it to the chairman, see where we go with it. So that's where we went.

Q So you didn't disagree with him about the intel? I mean, you, again, you'd made a decision, as the chief of the Capitol Police, that you needed the National Guard. And when the sergeant at arms says the intel doesn't support that, is that consistent with your understanding of the intel? It wouldn't seem to be if you felt like the National Guard was needed.

A Again, I wanted the National Guard to help support the perimeter, mainly to increase the comfort level I have. But, yeah, that's --

Q Well, my question is, did you agree with him that the intel didn't support the request?

A Yeah, I guess so, yes.

Q All right. So you made a request that you knew the intel, in your view, didn't support -- or you believed the intel didn't support?

A The intel on itself going and saying, Hey, I'm requesting a historic change for the Capitol Police, to put National Guard out there along the perimeter, which is a big deal, based on an assessment that's saying, Hey, this is going to be pretty similar to the previous MAGAs, that's a hard -- that's going to be a tough one -- a tough one to sell, so --

Q Yeah. Well, it sounds to me, Chief Sund, like you didn't really push very hard for this. You made the request. He said, nah, the intel doesn't support it, I don't like the optics, and you said, okay.

And you moved on and didn't push back, didn't provide a contrary perspective. This was not a discussion. It was attempted ask to which he immediately said no. Is

that right?

A It was clear, my request, and it was clear he was not going to approve it, so --

Q And, again, you didn't give him any more facts to change his perspective. He was relying on law enforcement assessments and some sense of optics, and you didn't push back on either of those. Sounds like he didn't even disagree with the intel assessment, at least as far as you knew, right?

A I didn't say anything else, sir, no.

Q Yeah. Okay. Thank you.

[redacted] Can I just ask one question? I'm sorry.

BY [redacted]

Q Chief Sund, one question. I just want to make sure we're operating with the same words here.

So when you made the request for the National Guard, was that because of the intelligence, meaning, as we're saying intelligence as the threat picture, or did you make it because of what you expected the crowds to be?

A I made it because of the size of my perimeter. I knew I had a substantial perimeter and I had a limited number of officers to post along the perimeter. So that's why I was asking for the National Guard.

Q So it sounds like that request wasn't borne out of the intelligence assessments that we have discussed previously. Is that correct?

A Well, in the sense of knowing there's large crowds, that we were expecting large crowds that were coming to the Capitol, that would've been supported by one and the same with the intelligence.

Q But apart from the crowd, nothing about the increased rhetoric, about the tunnels, storming, that type of information?

A No. Not that I recall, no.

Q So just to Tim's point, Chief, when Mr. Irving says optics, did you respond, "But we're going to have a lot of crowds"?

A No, I didn't, ma'am.

[redacted] Thanks to you both.

BY [redacted]

Q So, Chief, I want to focus on the response from the Capitol Police Board. And correct me if I get this wrong, because I've already proven that sometimes I confuse the facts. So I want to make sure I understand.

So you go to Mr. Irving at first, who says he's concerned about the optics, he's not sure if the intel supports it, go talk to Stenger.

Then you go talk to Mr. Stenger, who says, Hey, don't you have a contact at the National Guard? Give them a call and let's see what they might be able to do.

You carry out that request, you come back, and you say, Mr. Stenger, here's what I was told.

Do I have that captured accurately?

A Yes.

Q Okay. You characterize very clearly and consistently that discussion, those discussions, as a denial, and I am not hearing them saying no to you.

So I'm trying to understand, did they explicitly say to you, no, you can't have the National Guard, or did you just interpret it as a no because it wasn't an immediate yes?

Because what it sounds like to me is they said, we're not really sure, go get some more information, and then you brought back that information. So I'm trying to understand why, from your perspective, that was a denial.

A Because they didn't ask me to move forward on a -- preparing an emergency

declaration for the Board to sign that would've allowed me to officially move forward on the National Guard request.

Q So it sounds like because they didn't say yes immediately, you took that to be a no?

A No. It's a very -- it's a set process. I have to go to my general counsel and start preparing a Board order, and they wouldn't even say, Hey, let's go ahead and start the Board order. There's a process for it.

It wouldn't have been, hey, talk to our general counsel, and let's get this moving. That wasn't turned into an option, so it was a no.

Q Okay. And I appreciate the process. I guess what I'm asking -- again, to oversimplify it -- did either Mr. Irving or Mr. Stenger expressly tell you, "No, Chief Sund, you cannot have the National Guard"? Did those words, or words to that effect, ever come from Mr. Irving or Mr. Stenger?

A Those words did not come from either of them, no.

Q Okay. So it sounds like because they didn't say, "Go forth verily and start the process," you took that to be a denial. Would that be a fair assessment?

A No, absolutely not. It was 100 percent a denial. If you knew --

Q Well, why do you say that? Why do you say --

A Because it was -- I'm sorry. Go ahead.

Q I don't mean to cut you off. I was just trying to get -- I just wanted to understand, based on what we've just discussed, why do you call that a denial?

A Because it was clear that they were not going to allow me to move forward with requesting an emergency declaration, nor were they going to move this forward requesting leadership approval for me to request the National Guard.

Q Copy.

So from your perspective then, why do you think Mr. Stenger asked you to contact the National Guard to see what resources might be available if, in your mind, it was already a hard no to the use of the National Guard? Why, in your mind, would he ask for that?

A Because if for some reason it looks like we needed them on the 6th, how quickly could we get them?

Q So it was like a contingency thing?

A Yes.

Q Okay. Part of the reason why I wanted to drill down to that level is to get your response to the following.

We've had the opportunity to talk to Mr. Irving about this interaction, and this is what he told the committee.

He told the committee that you, the chief, had received an offer from the National Guard for their potential involvement.

That you brought this to Mr. Irving and had a discussion, along with Mr. Stenger, who I believe was not in the room but was part of the discussion via phone, or had been briefed later, and that collectively all of you decided, to use your term, based on the intelligence, that the National Guard would not be needed.

Mr. Irving goes on further to say that he asked -- he expressed to you concerns based on the intelligence about what might happen and how Capitol Police would respond to that, and that you told Mr. Irving that you had, sir, you had all hands on deck, you had bike racks, you had CDU, you had all of these things in place, and that contributed to your assessment, that was collectively agreed by others, that the National Guard would not be needed.

What is your reaction and response to that?

[2:42 p.m.]

Mr. Sund. So a couple of things. My phone records will support it. I think if you talk to General Walker as well. He will support the fact that I first talked to Irving and Stenger Sunday morning and didn't call General Walker till Sunday evening. I didn't even hear the No. 125 until after I had talked to Stenger and Irving that morning.

So that's impossible that I told him I had an offer of 125. And then for the rest of the discussion never occurred.

BY [redacted]

Q So I appreciate that. And if I meant to imply that general -- that you had brought an offer specifically of 125, I apologize. I don't think Mr. Irving said that. He just said that you had an offer from the National Guard, but if I'm understanding your position, you're essentially saying that Mr. Irving is wrong in his recollection of those discussions. Is that accurate?

A Yes.

Q So all of this happens prior to the 6th, right? This is on -- the initial discussion with Mr. Irving and Mr. Stenger happened on Sunday morning, then you have a discussion with General Walker on Sunday evening, and then on Tuesday, you brief Mr. Stenger about what you had learned from Mr. General Walker.

Just so I'm clear, the Tuesday that we're talking about, is that January 6th itself or is that some other date?

A That would be January 5th.

Q January 5th. So the day before?

A Yes.

Q Okay. And I think you said that after that, there weren't any other

discussions that you had, although you may have had a discussion somewhere in the timeline with -- which would then have been Assistant Chief Gallagher about him -- someone reaching out to him about whether or not the Capitol Police were going to be requesting National Guard support.

Do I have that right?

A Yes, with the one exception that it then it wasn't Assistant Chief Gallagher, it was Deputy Chief Gallagher.

Q Apologize. Thank you for the correction, Deputy Chief Gallagher. Okay.

So after the 5th, are there any other discussions with anyone outside of what we just captured that talk about requesting the National Guard for assistance on the 5th?

A No, sir.

Q So then that's a good way to segue into the 6th.

[redacted] I have a couple more questions.

[redacted] After you answer [redacted] questions.

BY [redacted]

Q Tell us about the briefings with Representative Lofgren and Representative Ryan. What generally did you convey to them as to the Capitol Police's state of readiness for the next day's events?

A So let's say I handled the briefing. It was a video conference call, and they were both -- both almost identical. Irving had reached out to me or emailed me saying, Hey, let's handle the second one the same way we did the first one. I think Pittman and Chad Thomas and -- were at the table with him. I'm trying to think. Tad DiBiase may have been in there with me, my general counsel. Irving, I think, dialed in. Went over, provided a briefing of what we're expecting, you know, the large crowds coming down, some members of antifa -- not antifa, some militia members, White supremacists that we

were fencing off the south perimeter.

I'm trying to just recall. Walked over with our deployment, kind of talked about, you know, we'd have officers out there, we'd have CDU ready. We were talking with our partner agencies. If members got stuck outside, we'd have the ability to go and get them and bring them in to the Capitol through alternate routes, talked about some of the groups that had permits on Capitol grounds, and I don't recall what else -- general briefing like that.

Q Was your general message to them that Capitol Police was sufficiently prepared, had what it needed and was ready to meet the security needs of the joint session?

A That we -- we felt we were prepared based on the information we had, yes.

Q The reports we've gotten from those briefings were that you conveyed to them that everything was under control; that certainly it was potentially a lot of people there, but they got the clear impression that your message was, we have what we need, we are prepared.

Is that a fair -- if they got that impression, is that consistent with your intention in those briefings?

A Yes. I believe so, yes. That would be a good interpretation.

Q All right. And is that a fair assessment, Chief Sund, of your personal opinion going into the morning of the 6th that you felt like Capitol Police was ready, that you had what you needed to meet the contingencies that were going to come the next day?

A Yeah. I would've -- you know, I would've felt more comfortable having additional resources on the perimeter, but, again, I didn't expect anything -- you know, 2020 can be rough with what we faced, but, you know, I would've, you know -- anyway,

yeah. I would have been more comfortable with more support, but that's where we are.

Q Yeah. I mean, I guess I'm just getting hung up on that -- that you keep saying I'd have been more comfortable. I mean, I'd be more comfortable driving a Mercedes than a Honda, but the Honda gets me around.

I guess my question is, did you feel like with your Honda, you had sufficient resources to meet the contingency and the threat, as you understood it, going into January 6th?

A Yes, sir.

Q I'm sorry. You said yes?

A Yes, sir.

Q Okay. And you conveyed that to the congressional leaders that you briefed and Capitol Police Board, everybody, you felt like you were ready?

A Yes, sir.

Q So the National Guard request, when it was denied, did not lead you to the conclusion that you're not ready, we're going to be overrun? That would have been nice, but was not something that, in your view, was essential for you to be ready?

A Yes, sir.

Q Okay. And that's consistent with you not really pushing for? It doesn't sound to me, like, really, you're pushing for it when you raised the National Guard with Sergeant At Arms Irving or Stenger? It would have been nice, but not essential for you to be ready.

Is that a fair characterization of your personal position on that?

A Yes.

Q Okay.

Ms. Cheney. Hey, [redacted] I've got a quick question. This is Liz Cheney. Thanks.

Chief Sund, just to be clear, did you anticipate that the President of the United States was going to mobilize an angry mob to attack the Capitol?

Mr. Sund. No, ma'am.

Ms. Cheney. I'm sorry. I didn't hear that.

Mr. Sund. No, ma'am, I did not anticipate that.

Ms. Cheney. Thank you. I think most people did not anticipate that. I appreciate it. Thanks.

[redacted] Thank you, ma'am.

BY [redacted]

Q Chief, just to pull on the thread a little bit based on the questions that my colleague, [redacted] asked you before we segue over to the 6th itself. Starting with this joint session meeting that was just discussed, did the topic of the National Guard ever come up during that conversation, either your request of the Capitol Police Board, or what you were told by General Walker in terms of potential availability? Was any of that discussed, or did any of that come up during that discussion?

A Can you clarify which discussion you're referring to, which meeting you thought it may have been --

Q I'm talking about the briefing, sir, that you just discussed with [redacted]

[redacted] Of Lofgren and the others.

[redacted] Of Lofgren and the others, yes, sir.

Mr. Sund. No, sir.

BY [redacted]

Q Okay. So there was, from your understanding and recollection, the issue of the availability of the National Guard, them being a phone call away, nothing like that came up during that discussion?

A Okay. During the discussion, which is interesting actually now that you bring it up, Paul Irving did say, Hey, also I had Chief Sund -- during the briefing, I had Chief Sund reach out to the National Guard, and they're on standby if needed, and that was what Paul Irving said.

Q Okay. So the comment referencing availability of the National Guard didn't come from you, it came from Mr. Irving?

A That's correct, sir.

Q Okay. And outside of the briefing, did you have any other discussions with members and/or their staff about Capitol Police readiness for January 6th?

A Outside -- when you say -- so outside those briefings, did I have staff, I don't know. Members, I did a briefing for Senator Blunt. I did a briefing for Representative Waters. I don't know -- I think just Chairperson Lofgren and Member Ryan, I think those were the only -- only ones I recall.

Q Okay. So let me make sure I've got all the names. So I have Lofgren -- I have Blunt, Waters, Lofgren, and who was the last one, Ryan?

A Yes, Tim Ryan.

Q Okay. And the briefings with these individual Members was outside of the briefing that you described earlier, or were these people also part of that briefing you described earlier?

A Outside -- outside the briefing, sir.

Q Okay. So let's start with the Blunt discussion. Do you recall who was part of that discussion?

A So let's see. I had gotten the request that came in through Stenger to brief Blunt. Again, I think it was December 30th, or the 1st. I'm trying to recall, because Blunt and Representative Waters were both in close proximity to each other. I was at

home at the time. It was a phone call. It was me, Senator Blunt, Fitzhugh Elder, and Rachelle Schroeder, I believe, were on the call at the time, and it was a briefing very similar to what I gave Lofgren minus any discussion about the National Guard. It was just an overview about our expectations for the day, our deployment of the Department, fully activation of the Department, what we had staff set up, things like that.

Q And did this -- appreciate that, sir.

And did the conversation with what I think I understand to be both with Representative Blunt and Representative Waters, did that occur before or after the briefing that we were just discussing earlier?

A Before. That would have happened the end of December -- December 30th, I believe it was. December 30th right around the 29th, 31st, right in that area. So it would have happened -- both those briefings for Senator Blunt and Representative Waters would have happened before the briefing for Chairperson Lofgren and Tim Ryan.

Q Okay. I appreciate that, sir. And then the ones for Lofgren and Ryan, just tell me briefly what those were about, and if you can recall when they were?

A The ones for Lofgren and Ryan were both Tuesday the 5th. One was, I believe, at 10:00 a.m. in the morning, and that was Chairperson Lofgren. And the second one was Tim Ryan, and that was 4 or 4:30 p.m. in the afternoon.

Q Appreciate that. And you specifically mentioned that with respect to Blunt and Waters, there was no discussion of the National Guard. When you briefed Representatives Lofgren and/or Ryan, do you recall if the National Guard was discussed?

A The one with Lofgren was where Paul Irving had brought up about, he had me reach out to the National Guard and that they're on standby if we need them. I'm trying to recall if he said the same thing -- I think he said that we've been in touch with

the National Guard [inaudible] but the same discussion was there, and I concur that that did occur.

Q Copy that, sir. I appreciate that. Okay. I think now we're ready to segue into January 6th itself unless anyone's got any other questions before we --

[redacted] Take 2 minutes. Take a break.

Mr. Sund. Yes. If we can take a few minutes, actually.

[redacted] So let's go back on the record at 3:05. Sound good?

Mr. Sund. Okay. Sounds good. Thank you.

[Discussion off the record.]

[redacted] We're back on the record at 3:06 p.m.

So Chief, before we cut to the 6th, my colleague has just a couple of questions regarding a couple of more planning questions before we segue over to that day, so I'm going to turn it over to [redacted]

BY [redacted]

Q Yeah, Chief, I just wanted to ask about whether -- when you said there was an operational plan, was that a department -wide plan, meaning for all the CDU, all comprehensively in one document laid out?

A The way the plans up at the Capitol work -- anyway, do you want me to take you through the plans that we do -- I want to make sure I answer your question. So let me say this: So we usually do for an event like what we have up on the Hill for the joint session, there would really be two -- two plans.

So you have the regular order of business. You have the officers that are assigned to the congressional office buildings, the Library of Congress, the House and Senate Office Buildings that are standing on posts, letting people in. They're on what's called a post requirement list. They're on a daily log, a daily assignment for that. So

that would be outside the operational plans. We have never done a plan that incorporates every, you know, 1,900 people on the Department or all the civilians into one comprehensive plan.

So what you'd have is, you have a plan that would address the CDU response on the outside, which was the operational plan that you see for the 5th. There should have been a plan for the joint session of Congress inside the Capitol to reflect all the planning and all the coordination that goes on inside the Capitol. That's the plan that I think you've heard a lot about that didn't occur that wasn't prepared.

Q Why not?

A It should have been prepared.

Q Okay.

A Go ahead. I'm sorry.

Q Whose responsibility would it have been to prepare it?

A So there's policies and procedures we have for preparing, those type of events, are NIMS, National Incentive Management System policy talks about putting together operations plan for special events. That's considered a special event. It has been done before. It was unusual that it wasn't done. We also have units, entire units, the Command and Coordination Bureau, that my policy are the ones that are supposed to coordinate, develop a special events plan. That's a special event.

So there should have been one. That should've occurred, and I'm surprised that it didn't.

Q But going back to my question, as you know, the Senate report dealt with this issue and when asked by -- asked the same question to Chief -- Acting Chief Pittman, she said as to why there was no department-wide plan specifically for the joint session, she said it would have been the responsibility of then-Chief Sund.

What's your reaction to that?

A Yeah. I saw that, the responsibility of me to direct a plan to be put together. No, that's not the case. These plans are put together. Chief Thomas should've had that plan put together with his units underneath him. You may want to interview some of the people from the special events branch.

Q But don't you oversee all these different branches? Aren't you Chief Thomas' boss?

A Yes, ma'am, I am.

Q So then, when I ask you who's responsible, aren't you ultimately responsible?

A Like I was saying before, ultimately as the chief, yes, I am. I'm responsible for -- for my department and what goes on, but I also put a lot of responsibility into the people that I have working below me, the assistant chief, both assistant chiefs, their subordinates. Like I said, this is a large organization. There's a reason why the org chart isn't one person, then everybody's flat.

You've got an organization where people have responsibility, critical responsibilities. The responsibility to develop an operations plan for a joint session of Congress where you're going to be having the Vice President come with -- goes into a lot of planning is surprise that it didn't occur.

It usually does occur, and I just -- you may want to interview some people from the special events branch to find out why that didn't occur.

Q We have, sir, but isn't it your responsibility to say, Hey, Chief Thomas, why isn't there an operational plan?

A Well, again, you know, we're dealing with the stuff going on the outside preparing. I took that as he was developing a plan. It was an ordinary course of

business. I would've expected it to be done and I was surprised that it wasn't.

Q But you never saw -- Chief Sund, though, respectfully, you never saw a plan, correct?

A No, ma'am, I did not see a plan for the joint session, no.

Q If it was a concern to you, wouldn't you have asked your subordinate to create a plan?

A A plan -- again, a plan should have been put together.

Q Is it not -- you did not ask for one?

A I didn't go through the process to direct him to do it, because it's in our policies and procedures to do it. He knows that, you know -- my standing order for events in the Capitol is for a plan to be put together.

Q But, sir, isn't it your responsibility when you don't see a plan to make sure there is a plan in place, particularly when you are expecting crowds of such volume that you requested the National Guard, yet there's no department-wide plan?

A Again, when you say a department-wide plan, it wouldn't have been a department-wide plan. We had the CDU plan, which would have been addressing the crowds, the issues that we had on the outside which you saw. The other one was a plan for how, you know, Members of Congress will traverse the Capitol, where's the waiting rooms for VIPs when they come up there, who's going to be in the Chambers, what are the two Chambers?

Those are the things that are in the other plan. I would've expected Chief Thomas to have that plan put together. Yeah, I should've asked for it, I should've reviewed it, but I was dealing with -- I should've done that, but it should've been put together. That shouldn't have been something I have to direct.

[redacted] do you want to ask?

[redacted] No, it's sufficient. Thank you.

[redacted] Thank you, [redacted]

BY [redacted]

Q All right. Chief, as a segue question into the 6th, I want to piggyback off of a question that Vice Chairperson Cheney asked you, and I think she asked you, you know, were you expecting an insurrection mob to attack the Capitol, and your answer was no.

Putting January 6th aside --

A Yeah. I think just to clarify, I think her question was, did we expect the President to direct an angry mob -- direct an angry mob toward the Capitol, something like that. I just want to make sure --

Q That's correct. No, that is absolutely correct, sir. Thank you for that clarification.

Did you expect the President to incite or whip up an angry mob of insurrectionists to attack the Capitol?

So putting that aside but using it as context, a question that I've asked every single person that I've spoken to in the U.S. Capitol Police to include Deputy Chief Pittman, and Deputy Chief Gallagher, Deputy Chief Waldow, a number of line officers and they all had the same response, and here's the question, and then I'm going to sort of get your reaction.

My question was, given that your job as the Capitol Police is to protect the Capitol, did it ever occur to you at any point that one day, people might actually breach the Capitol, right?

Putting aside whether or not the President whipped them up or not, did it ever occur to you that people might actually try and break into the Capitol, and each and every one of those people said no. It never occurred to them that that could actually happen.

Given your 20 years or so, if I've got the duration right with the Metropolitan Police Department, and then your time on the Capitol Police with the United States Capitol Police itself, is that a view that you share that it was so -- that no one ever expected that that could possibly happen?

A So just to -- just to clarify, when you talk about expectation that someone could break into the Capitol --

Q Uh-huh.

A -- yeah. That's -- that's been a concern. Yeah, that's been a concern. That's why we have people assigned to certain posts on the outside. We've had people actually scale parts of the building and break some of our windows in the past. So I don't know why they would say that -- that concern for somebody accessing the Capitol has never been a concern. That's -- I don't know why they would say that.

Q I apologize. That's my inartful phrasing of the question. I didn't mean to suggest an individual, or several individuals. I meant lots of people all at one time, regardless of who sent them, regardless of why they were sent, all right. I asked them, did it ever occur to you that one day, kind of like back in the 1800s, a bunch of really mad people might come and attack the Capitol, and every one's response was no.

And I'm trying to understand, one, if that is a view that you share, and if yes or no, why?

A I think when you relay it to, you know, what we saw on the 6th, yeah, no, that's not something I had anticipated. We weren't dealing with a foreign invading force; we were dealing with a group of what I suspect were mainly, you know, United States citizens, and no, I would not -- I did not anticipate thousands of them trying to break into the Capitol, no.

Q But I guess part of the reason why I ask, and I'm trying to

understand -- because I am clearly not a law enforcement person, but when I speak to other law enforcement agencies that have a similar force protection mission to the Capitol Police, like, for example, the Secret Service and I say, Do you have a plan, for if a bunch of people attack the White House and try and get in?

And their response is, yes. We don't expect it to happen, but we have a plan in place in case it does.

So regardless of how remote the possibility, they have a plan, because they know it is a possibility, and it sounds like, from the Capitol Police perspective, that everyone, including you, didn't even think it was a possibility that people might try and break into the Capitol in a mob-like fashion, and if that's true, I'm just trying to understand why you felt that way?

A Yeah. Let me just for clarification purposes. Yeah. Having a response capability and concern for a group whether it's a Mumbai style, a group of active shooters, or something like that, that is something that we plan for, we have concerns for, and that's something I've anticipated. A group, a number of people. What I was referring to is literally having your building surrounded by thousands of people trying to gain access. That's -- yeah, that's something that I -- I haven't really conceived before. I think Secret Service would be overwhelmed as well, but yeah. Up until -- up until January 6th, that's not something I really conceived.

[redacted] Can I just follow up on that?

BY [redacted]

Q Were you aware in, Chief Sund, in the planning lead-up to January 6th that a number of State capitols around the country had breaches, had trespassers, had armed people that entered their capitol buildings for specifically protest-type activity?

A I don't know -- I didn't recall anything for protest activity. I do recall -- I

don't exactly remember when it's been, if it was before or after, but I believe Michigan had some people, a group, a protest group get in.

Q Did that affect your planning at all? Did you incorporate lessons learned from Michigan or Georgia or Wisconsin? Their capitols have actually been occupied by armed protesters in the past. Did that affect your planning whatsoever in preparation for January 6th?

A You know, we had anticipated that, you know, the process we had in place would be able to address that, our lockdown capabilities and things like that would have been able to lock down the building and keep them out. So I think it was something that, you know, I was aware of, but I don't know how much it played a role in driving my planning.

Q Yeah. And there were certainly lots of mass demonstration events involving some of the same groups and some of the same people that your intel suggested were coming to the Capitol. Were you in touch with law enforcement officials in those other places, or study any of their after actions about how some of these same people in mass demonstration events had operated?

A No, I had not. I personally had not, no.

Q Okay. Do you know if anybody in the Capitol Police had talked to folks in Charlottesville, or people in Portland or in Berkeley, California, or places where, again, some of these same people that intel suggested were coming to the Capitol were going to come and present danger?

A Not that I know of, no.

[redacted] Okay. Thank you.

[redacted] Thank you, sir.

BY [redacted]

Q Chief Sund, let's cut to January 6th, and let's sort of just -- probably easiest way to talk about it is in a narrative form. So why don't you just sort of start with what your morning looked like, how did January 6th start for you, and we'll just sort of walk through the day. And as you tell your story, if -- I'll ask questions along the way if that's okay?

A I mean, it can be -- you know, it was a bit of a tough day, a little emotional, so I'm trying not to drag myself through it too much --

Q I understand.

A -- but -- so I -- I mean, I woke up in the morning. I mean, needless to say, we got in. I usually call a number of my partner agencies to check in in the morning. I checked in with MPD, checked in with Park Police, I checked in with command center. I arrived 7, 7-ish in the morning. Everything seemed to be well. Got up into the command center.

Q Okay. And that was all in the morning, sir?

A Yeah. That would have been in the morning that I was handling this. I'm trying to think of any other discussions I had -- oh, yeah. Up in the command center, we had guys in the command center. We had a guy that had a wagon, if I remember correctly, that was -- looked like -- looked like he had an open flame, like, he was heating water, like in a kettle.

So I asked, Hey, can you have the command center zoom in on that. They said, Yeah. It's an open flame. Have somebody go over and deal with that. Sent him on his way. Then we got a suspicious package call. It was his wagon. He left it over by the Supreme Court. So we had to deal with that. I just don't know the time frames that it happened.

Then we had the suspicious package at the RNC, 300 First Street that we were

dealing with. And I was up in the command center, and 12:53 p.m., we had the group hit the West front and the fighting began.

Q Copy that. So let's pause there for a second, sir. Beginning when you woke up in the morning and you get to work and you sort of make your -- what sounds like your normal rounds in connection with folks, did it feel like a normal day to you? Was there something different about the day at that time prior to when, you know, people started attacking, but what was your sense, I guess, of what the day was like, what the potential threat was like in the morning when you first got to the office?

A You know, on my way in, I called Inspector Glover with MPD just to get a read. He said he was actually parked over by the Ellipse. Asked him, Hey, how are things going over there? He said, there's big crowds, lots of people in line, but right now he wasn't seeing any concern with the folks that we had. So that was my initial take.

I got back. We had the command center -- I was in the command center for -- for a while. We scanned the cameras. We had a group of Proud Boys reportedly marching toward the Capitol. They came up, they marched up around parts of the Capitol, then marched back toward the Mall. So that wasn't an issue.

A lot of the similar stuff that we've seen in some of the other rallies. Large groups in, walk around, people carrying their flags, things like that, milling around, and large group down by the Ellipse.

Q Copy that, sir. And when, if at all, did you sense a shift in the day? Like, when did you sort of sense that this might be something other than what we initially anticipated?

A So when we -- when we think that, Hey -- when things are starting to go bad?

Q Yes. Yes, sir.

A So we had -- we had the pipe bomb come out, and I don't have the exact time, but it was a little bit before the attack on the West front. When the watch commander in the command center showed me a picture of the device, that raised some concerns. It looked like a viable -- a viable pipe bomb, although it had a kitchen timer, egg timers, manual egg timers. That raised some concerns. That's just odd, you know. Usually we'll get suspicious package and some backpackings like that.

So I was getting a little concerned at that point. But, you know, I don't think we had a wholesale change. Hey, this is now bad until we had the group hit the West front, you know. They hit it, and as soon as they came to the West front, the fighting was on. I've never seen anything like it.

Q Copy that, sir. And describe for me what you were doing when you first learned that that was occurring or had occurred?

A Sitting at the dais, it's a U-shape, raised, kind of area in the command center. I had -- Chief Thomas I think, was right to my right. Chief Pittman was to my left. I don't know who else was extra, but we saw the group come up. And they said, Hey, we got a large group. I remember watching and them saying there's a large group walking across First Street toward the West front.

When we looked up, and I saw them approaching the officers that were standing, you know, right there on the barrier, I looked over to Chief Thomas and I said, Chad, where's our -- where's CDU? Get CDU down there now. Where's CDU? And they approached, and as soon as they approached, the fight was on. It wasn't like a group I've seen before that comes up and stops and begins to yell, begins to scream, things like that.

They came up and the fight was immediately on. And I could tell my officers right away were overwhelmed.

Q Copy that, sir. And what steps, if any, did you take after that?

A At that point, I called MPD, Jeff Carroll. I talked to Jeff Carroll a little bit earlier in the day. Having been with MPD, I know how they -- sometimes they'll move their CDU around. They're CDU platoons, but I called him and said, Hey, you know, if you got some extra CDU and you want to keep them around by the Capitol, feel free to put them over on Constitution Avenue or something.

I called Jeff just in case for some reason we need them. I called Jeff and said, Hey, Jeff, we need those -- can you send in those resources? That's why you saw the MPD officers in the yellow and black bicycle uniforms come in pretty quick, because they had been over on Constitution Avenue or Louisiana Avenue right on the North side of the Capitol.

That was about at 12:55. At 12:57 or 58, I called Irving and it was a very short call. He picked up. I said, we are getting overrun on the West front by thousands. We need the National Guard now. It was clear. We need the National Guard now. He said, I'll run it up the chain. Click.

I'll run it up the chain and I'll call you right back.

[redacted] Sorry, Chief. I didn't mean to interrupt you.

BY [redacted]

Q Just to be clear, you're able to see from the Capitol Police command post a number of different locations around the Capitol via your network of cameras, correct?

A Yeah. We do have a network of cameras, yes.

Q Yeah. So that allows you and other command staff to essentially see all over the place internally and externally what's going on at particular vantage points, locations in the Capitol complex?

A Yes.

Q And you're monitoring those -- those screens or those feeds when you're getting this information and making those decisions?

A So we have 1,800 cameras. There's a lot of cameras, but the screens in front of the command center -- I don't know if you've been up to the command center -- you have maybe a dozen -- dozen screens up there. So some of them are set on internal spots, so you would've had probably five or six external locations.

So, yeah, you'd have a vantage point to look anywhere around the campus that you want.

Q Okay. And can folks in the command center, you or others say, Hey, can you zoom in over here or can you turn on this camera over there if you knew that there was activity at a particular location and that location was covered by a camera, could you switch to that and get access to that?

A Yes, sir.

[redacted] Okay. I didn't mean to interrupt you, Bryan. I just wanted to make sure it was clear how you were seeing this from the command center.

[redacted] Copy that, sir. Appreciate it.

BY [redacted]

Q So Chief Sund, you mentioned that Mr. Irving said, Let me run it up. I'll call you back. Then he hung up. How soon, if at all, did he get back to you on your request for the National Guard?

A When you say, "get back to me," you talking about get back to me with a final thumbs up?

Q Right. So if I understood how you described the event, you said, Hey, we're being overrun by thousands on the West front, we need the National Guard now. And his response was, Let me run it up the chain or words to that effect. I'll call you back or

I'll get back to you. And I guess I'm trying to figure out when, if at all, he got back to you and what did he say?

A Okay. So it was very, very specific. He said, Let me run it up the chain, I'll get back to you, and the call ended. After that followed a series of calls back and forth. Numerous calls where I was calling other partner agencies to get assistance for the officers. Calling them, coordinating assistance. I mean, back-to-back calls, approximately -- about 38 calls until I finally got the approval. I did not receive a call for approval. I immediately called Stenger, too, and this is all in my supplemental testimony, the tick-tock of all the calls.

I immediately call Stenger and told him, We need the National Guard. He goes, Have you talked to Paul? I said, Yeah. Paul's waiting -- he's running it up the chain. He's going to call me back. He said, Okay. Let me know what you hear from him.

Back and forth, there was a number of repeated calls. It wasn't until 2:10, 2:09 that I finally got the thumbs up that we can go ahead and call in the National Guard --

Q Copy that.

A -- 71 minutes later.

Q So appreciate that, because that was going to be my next question.

So 71 minutes later from your initial call to Mr. Irving is when you got the official thumbs up to say, Yes, you can call the National Guard, and that was around 2:09 p.m.?

A Yes.

Q Okay. And somewhere in between, then, you also spoke to Mr. Stenger who said to you -- you told him what Paul Irving had said and he said, Okay. Let me know what Paul says. And then after that you get -- you get the approval?

A That is correct, sir. And there was a number of repeated calls. It wasn't just one call. It was numerous calls back and forth. He would call me for an update

and I'd say, Hey, this is what we're dealing with. This is really bad. Where are we? Every time I asked, Where are we on the request to the National Guard? And he said, Still waiting.

Stenger was waiting -- Stenger was waiting for Irving and Irving was waiting for someone else to give him approval.

Q Okay. So I just want to make sure I'm clear. So you mentioned earlier that there were a series of 30 calls, right, that you're making a lot of different calls?

A Approximately, yeah.

Q So am I right that part of that subset of those calls were additional calls between you and Stenger and/or you and Mr. Irving about, Hey, where are we on the Capitol Police issue?

A Yes. Where are we on the National Guard issue. Now, keep in mind, I'm calling, you know, a number of other agencies to get my men and women help, okay, because they need help as quick as possible. And I'm trying to get them help, but I know the National Guard has a lot of people in the city, okay? I know they're doing traffic closures for MPD, things like that. They probably have the biggest cadre of personnel that I can get in fairly quickly. That's why I keep pushing this issue with Stenger and Irving, repeatedly. I keep calling. So -- go ahead. I'm sorry.

Q I appreciate that. I didn't mean to cut you off, sir.

So when you say Irving was waiting on Stenger and Stenger was waiting on Irving, when Paul says to you, I need to run it up the chain, in your mind, what does that mean? Like, who does he have to check with in order to grant approval?

A He's -- he's checking with his boss. He's checking with House leadership.

Q Okay. So it sounds like the Capitol Police Board would need the permission, or the input of sort of the House oversight function before they can make a

determination whether or not to call in the National Guard. Is that accurate?

A I think Irving was waiting for that before giving me permission to make the connection. Is it a requirement for him to do that? It's not a requirement. Under emergency situation, he's able to make a determination for his side of the Capitol, but he wasn't doing that, and neither was Stenger.

Q Okay. And I'm going to put you over to my colleague to sort of run you through the rest of the day, but part of the reason why I asked is, I want your reaction. So, again, we talked to Mr. Irving, and Mr. Irving told us that you, in fact, did call him or communicated with him, Hey, we need the National Guard and we need it now. And his response was, Go do it, or words to that effect, that you have the authorization to do it and that, from his perspective, there was no one else that he needed to check with. I asked him specifically, was there anyone else that you needed to get approval from, and he told me no, because it was an emergent situation, it was an immediate situation that he didn't need to check with anyone, and that he gave you his approval to call the National Guard immediately upon your request.

What's your reaction to that?

A That's incorrect. 100 percent incorrect. My repeated calls to him were made in the company of most likely, most time the two assistant chiefs, but my general counsel, Tad DiBiase. There's a reason why I called him right at -- when I called at 12:58 repeatedly. Finally at 2:09, I think it was when I talked to him, I hung up the phone. I yelled across the command center, mark the time, 2:10, I finally got approval from the Capitol Police Board for the use of the National Guard.

That is categorically false what he's telling you.

Q Appreciate that, sir. Thank you.

[redacted] With that, I'm going to segue you over to [redacted]

BY [redacted]

Q So at this point, you now have that approval. What do you do in terms of trying to reach out to the National Guard --

A Sorry, sir. Go ahead, finish. I'm sorry.

Q Go ahead.

A 2:10 p.m., as soon as I hang up that phone, I call General Walker and advise him I've gotten verbal approval for the National Guard, please send them as fast as you can.

Q Let me ask you about -- go ahead. I'm sorry.

A And we'll start the board order, because I still have to put it to him in writing.

Q Can I ask you what your understanding at that point -- you know, you had spoken with General Walker on the Sunday about him having a potential standby, you know, contingent, right, of 125 were there in the city for COVID. What was your understanding of the requirements on his side? Did you think -- yeah, what did you think of the requirements on his side were to get the Guard deployed?

A It sounded like he had to make a notification to -- in the city. The way it works the Secretary of the Army is in charge of the National Guard, unlike governors of States. He said he'd just have to make the notification and we should be good to go.

Q What was your thinking in terms of having sort of tipped him off about this sort of standby force on the Sunday before? Was your thinking that that helped in any way or that the speed with which he was able to get troops for you would have been the same whether or not you guys had had that sort of conversation about keeping some of the COVID troops on standby?

A So, you know, I don't want to say they're on standby. They're still serving

their mission, but he's leaning forward on it. And what I would think is that would give him the opportunity that, Hey, quick phone call. I've already identified the 125. Let's go ahead and get it going. Rather than, Hey, cold call, let's see who do I have, okay. I would've thought it would've sped things up.

Q And so was that your expectation that at the very least you were hoping that the 125, that that number was what you were going to get in relatively short order. Is that fair?

A That's -- yes. I think that's fair to say.

Q Do you recall if you talked about numbers with General Walker at that first sort of talk, whether you mentioned that you knew that 125 wouldn't be enough, or did you have any sort of position as to --

A At 2:10?

Q Yes.

A There definitely wasn't a discussion of the number needed. I got the distinct impression, as soon as he picked up, he was well aware of what was going on at the Hill, whether he was watching on the news or something. And he immediately picked up, Chief Sund, what do you need? I said, We're getting our rear ends handed to us. I'm -- I've gotten approval from the Capitol Police Board. I need the National Guard here now.

Q Okay. After you said that, was there anything more from him or did you guys hang up at that point?

A We hung up. He said, I'm on it. We hung up, and I -- I don't recall -- there was a number of other calls where we had to coordinate some of the submissions of the written requests, but that wasn't -- that wasn't what he was waiting on.

You know, again, it was several hours. Matter fact, I want to say the first

National Guard was not sworn in -- I think it was 5:44 p.m. that the first National Guard were sworn in as special police officers to support the Capitol Police.

Q So, obviously, you have insight into the sort of infamous 2:30 phone call where your requests are being presented to some Army officials in that call. I want to go through that with you, but I want to first make sure that between 2:10 and 2:30, is there anything -- are you just waiting until, you know, you hear back from General Walker that he has -- go ahead.

A No. No. I'm still making other calls to other agencies for support -- ATF, FBI, you name it, Secret Service. So I'm still making a number of calls. I don't know --

Q And I guess, I mean, in terms of the National Guard, you're not -- are you speaking to General Walker in that time in between or not?

A Yeah. I just -- there was a call -- so I don't know if there was other calls, but General Walker called me shortly before 2:34 -- oh, texted me with a number and said, Hey, we need you on a conference call. I was already talking to Chris Rodriguez, Dr. Rodriguez. He was texting me, Hey, you need -- can you get on this conference call? He gave me a number. I kept calling, and it's like, I'm the only one here. I even texted him back -- it's in my text -- Chris, I'm on the phone. I'm the only one here. I hear the music. And so five times back-to-back I'm trying to call to get in.

So finally Chris calls and puts me in. So I don't know if I spoke to Walker in that time period, that 20 minutes or so, but I finally got dialed in to a call with the Pentagon at 2:34.

Q And before the 2:34 call, is there anyone else, congressional leaders, people within Department of Defense or the Army who are calling you, or within the city, so Mayor Bowser, is there anyone else who's trying to reach you in order to figure out what sort of support you need in terms of the National Guard?

A No, not that I recall in that time period. Again, I think I've submitted all my call logs because there's a lot of back-to-back calls during that time, but no, not that I recall coming in. I think Chris Rodriguez was the first person from the city that called me about the National Guard and getting on the DOD call with the Pentagon, but no. I don't recall any others.

Q Okay. So when Dr. Rodriguez patches you through to this conference call, do you get a heads-up as to who's on the line as to who it is, what the purpose -- objective of the call, who are you trying to reach?

A So at first I had no idea what it was. It was the Pentagon needs you on a call for -- the Pentagon needs you on a call. Then it was, Hey, we understand you need the National Guard. And I don't know -- again, I don't know who it was. I came to know the person I was talking to was Lieutenant General Piatt that was on the call. There was a number of other people in the back of the call.

I'd have to -- but, in essence, it was, We understand you need the National Guard. I said, Yes. It's an urgent, urgent, because I remember saying it twice, and I said it a couple times. I need them up here now. We need their assisting in re-establishing the perimeter. I need the National Guard ASAP.

The person that was on the line said, which was General Piatt said -- and I will never forget this -- yeah, I don't know. I'm concerned about the optics of the National Guard standing a line with the Capitol in the background.

You know, here I am getting -- my officers are getting beaten, and they're worried about the optics of the National Guard. And then he said, I would rather relieve your officers on other posts, other traffic posts so they can come and they can get in the fight, and relieve you on the traffic post. I said, I don't have that as an option. I don't have officers sitting on a bunch of traffic posts like MPD. I don't have that option. I need

National Guard assistance here now.

And he goes, Yeah, I don't -- he repeated, again. I don't like the optics of the National Guard standing in line with the Capitol in the background. Again, he said that. I said, I don't have that option to pull people off. And he said, My recommendation at this point, I'm going to go and talk to -- I don't know who he said, the Secretary of Defense, the Secretary of the Army, My recommendation is to deny the request.

I will not forget that. Contee, Chief Contee, who I've known many years, chimes in and goes, Whoa, whoa, whoa. Let me get this right, you're denying the chief of police requests for the National Guard? Steve, and he turns to me, Steve, are you requesting the National Guard? And I said, Yes. This is an urgent, urgent request. Second time I said it. I need the National Guard to help reestablish our perimeter. And Lieutenant General Piatt came back and he said, It's not that I'm just denying it; I just don't like the optics of the National Guard standing a line with the Capitol in the background.

Again, he talked about relieving people. I said, I don't have that as an option, you know. And he said, Well, I'm getting ready to brief -- I'm getting ready to brief whoever it was, and he didn't really say what he was going to do. I'll let you know. And so it's kind of an open line. He leaves, and it's an open line for a while. And then we ended up having the -- the shooting.

Q So let me run through that a little slower.

When you were informed that the Pentagon needs to speak to you, and that was your understanding of what the call was, who was it do you recall that told you that you were going to be basically patched in to people at the Pentagon?

A I think it was Dr. Chris Rodriguez.

Q Okay. And did you have an understanding of, or an expectation of either the Secretary of the Army, McCarthy being there, or Secretary of Defense, Miller being

there or you really had no clue who in the Pentagon you were talking to?

A I had no clue. I kind of figured it was going to be about, Hey, where do you need them to go? What kind of equipment do they need? Or something like that. It was going to be about my request. I had no idea it was going to be about me trying to get them to approve the request.

Q And when you say you now -- is it that you now know it was General Piatt the one you were mostly interacting with, or is that something you came to find out afterward?

A I came to find out afterwards.

Q Okay. So the time you were interacting with him, he had not identified himself or, at least, not in any way that you heard as to who he was?

A Not that I recall. I think he may have said general or something. He may have said a name. I just -- there was a lot going on, but I knew -- I knew he was a pretty important person.

Q And I think it sounds, though, you understood him to be in that moment speaking a representative from the Department of Defense, that's who you were trying to convince?

A I figured he was the representative from the Pentagon that was between me and support for my officers.

Q Did anybody, at any point, clue you in as to whether they were going to -- they had run off, either Secretary McCarthy had gone off to get approval from Secretary Miller, or if anyone was, you know, currently, you know, reaching out to higher levels to try to get approval? Did that come up at all?

A No. I'm trying to think after -- after the call, again, when I got off the call, I got off the call right after the shooting we had in the Capitol, and we got more requests

for the supporting documentation for it. So it looked like the request was moving forward.

Q Okay. But I just -- I'm just thinking to the conversation itself, no one, it sounds like, at any point said, Hey, Secretary McCarthy is going to go get approval from Secretary Miller, nothing like that that the higher-ups were --

A No, not -- no, not that I recall, no.

Q Okay. So Chief Contee describes, you know, your appeal as pleading. He says, quote: I want to say he even used the word like I am pleading, and Colonel Matthews, who is the counsel for General Walker who was also on the line said that your voice was cracking, He was almost crying. I want to get your version of -- how would you characterize your tone and when you were asking for National Guard assistance on the phone call?

[3:50 p.m.]

Mr. Sund. It couldn't have been any clearer, the urgency at which I was requesting the National Guard to assist the women and men of the Department. It was an extremely serious matter.

So I would categorize it as it was loud and clear for me that I needed assistance.

BY [redacted]:

Q Would you have -- do you consider it an emotional appeal?

A I don't know if I'd say -- it was a direct appeal. I was borderline getting pretty pissed off.

Q What was your understanding of whether they had the authority to deny or reject your requests?

A I've got no idea. But if a -- I have no idea. But if a general says his troops are not coming, his troops aren't coming.

I mean, for me, I take it as someone over there is making a decision whether to send me assistance, and I'm talking to the guy that's probably one of the people helping him make that decision.

Q Dr. Rodriguez told the select committee he heard Army officials say, quote, "We don't like the optics of having military personnel at the Capitol against peaceful protesters." And you've already testified to the first sort of part of that. I just want to see if -- do you recall hearing anyone on the line describe them as peaceful protesters?

A No, sir. Did not hear that at all.

Q Chief Contee told us that he heard an Army official say, quote, "that it wouldn't be in their best military advice or guidance to suggest to the Secretary that we have uniformed presence at the Capitol."

Does that sound in line with what you heard as well?

A Absolutely. That sounds exactly what Lieutenant General Piatt said.

Q And I think you sort of went through a moment where Chief Contee kind of interrupts you and says, Let me make sure I understand this correctly. He asks you, Are you asking for support from the National Guard for the U.S. Capitol?

You say, Yes.

And then he asks the Army generals, Are you guys honoring his request?

And he said that they didn't say no, but they also didn't say yes, and that he sort of did that a couple of times back and forth.

Is that accurate the way that he sort of described that?

A Yes.

Q Okay. And, in your mind, was the fact that they weren't saying yes right out, that they were, as you mentioned, suggesting alternatives or were talking about what their best military advice was, you took that -- you took a "not a yes" as a "no," or at least a "not right now"? Is that fair?

A You know, it wasn't what I expected of, yeah, the cavalry's coming. It was a bunch of, round-the-house, oh, hey, let's do this, let's do that. So I didn't get off that call thinking that they had made a decision at that point.

Q And when you got off the call, was it your impression that -- did you consider -- did you think that the National Guard -- your National Guard request would be denied? Was that a possibility in your mind? What was your thinking, as soon as you ended it, the prospects of getting the National Guard to come?

A When I got off the call?

Q Yes.

A I don't know if I thought about that, because I was getting off into a shooting

incident. And I was working on trying to get other support for my officers. Law enforcement was arriving on the scene.

So I don't know if I sat there and said -- I was perplexed and I was dumbfounded at the response. And I was like, I'll be damned that this is occurring.

But, honestly, I don't recall sitting there going, yeah, these people are going to -- National Guard is not coming. I didn't think that till we were sitting here and waiting hours and hours and hours.

Then I was like, this is just getting ridiculous later on, but not right when I got off the call. My mind was dealing with other things.

Q Just one last question on the call.

Did you overhear anyone threaten to tell the media that DOD was denying the request for National Guard?

A I don't recall any -- so this is just dealing with a little bit of time between then and now. I know that -- and, again, I don't know if this came after I got off the call -- that allegedly somebody from Bowser's office or even Bowser herself said she'll go to the media. And I think they even put a tweet out. Again, I saw that.

So I don't want to get it mixed up that I heard it or it's after the fact that I have it. But I don't recall that specifically.

Q You noticed the tweet. It was brought to your attention after January 6th. So it wasn't in real time that you --

A No. It was definitely after the 6th. And having known Mayor Bowser, it doesn't surprise me. You know, she's --

Q There was a point --

A -- very forward.

Q Yes. There was a point at United States Capitol Police headquarters where

Jeffery Carroll arrives, along with the ground commander for the D.C. National Guard, Lieutenant Colonel Craig Hunter.

Do you recall when they arrived to headquarters and your interactions with that D.C. guardsman?

A I don't recall when they initially arrived, no.

Q Okay. I guess not so much the timing, but do you have a sort of recollection of them being there at the headquarters with you?

A I have a recollection of him being there when I come back after briefing the Vice President. And this is after things began to calm down. And I finally went over to brief him after 5 o'clock or something like that. And that's when I came back, and Jeff was in the Command Center. Sorry, Assistant Chief Carroll.

Q Okay. So was there any conversation that you had with D.C. National Guard's people, either them working -- starting preparations to get together and create a plan for their eventual deployment to the Capitol? Did you either overhear any of that going on, did you see that, any of that going on? Did anyone tell you that that was sort of going on in the periphery while you were waiting for approval?

A Not that I recall. Not that I recall. That would have been maybe coordinated with Chief Thomas. But, no, I don't recall them saying, Hey, we're developing a plan.

We knew that we wanted their assistance on the perimeter helping to support our officers so we could reestablish the perimeter.

Q So between the 2:30 phone call and the, as you put it, eventual 5:30, 5:40 deployment of the National Guard, are you corresponding with anyone, either General Walker over the phone or any servicemember, sort of inquiring what the delay, where it's coming from, or what we were waiting for, that sort of thing?

A There were some discussions with Walker, and I think I turned to my general counsel, Tad DiBiase. He was, I think, dealing with general counsel from the Department of Defense, because they were starting the emergency Board order and information going that way.

I was still communicating back and forth with the two sergeant at arms and advising them that, Hey, we've got a big delay. I talked to Stenger, and Stenger had offered to reach out to McConnell -- I think it was McConnell -- and have McConnell contact the DOD and find out what the delay is.

I said, that would be a great idea, I'll call you back.

I don't know if I used those words. I think I said, that would be great.

When I followed up with him in about 20 minutes, I said, Hey, what did you hear?

He goes, Hey, I got it. Thanks for reminding me. I've got to do that.

And I don't -- I think, by the time we finally heard from that, we were starting to -- the tide was starting to turn. And I don't -- I never got an answer of whether or not Mitch McConnell was stepping in to assist.

Q And do you recall around what time was it that you reached out to -- was that Mr. Stenger or Mr. Irving?

A No. That was Mr. Stenger.

Q Mr. Stenger.

A Yeah. McConnell --

Q Asking for him to reach out to either Senator McConnell or to the Department of Defense to figure out what was going on with the delay.

A Yeah. Let's see. So it would have been probably right around 3 -- almost 2 hours later, so -- it was 2 hours later. We had not received approval for the National Guard. Mr. Stenger offered to have -- I'm just reading from my testimony.

Senator McConnell called the Secretary of the Army to expedite the request. So, in my call log it looks like to me around 3:20. Yeah, approximately that time. I'm just trying to do it. And I would have called him maybe 20 minutes later, so 3:40ish, I don't know, to find out. There was, again, no follow-up call. I'm just trying to recollect quickly for you.

Q And so, outside of that, even when you were not given a reason, so in the 2 -- 3 hours, excuse me -- did anyone at any point give you any sort of reason for what the delay might be?

A No.

Q Okay.

A Other than -- I'm trying to think if I talked to Walker, and I'm just trying to remember. Other than him or saying they're still waiting for authorization for him to deploy.

So I'm just trying to recall if it was Walker. But I think -- yeah, because -- let's see. Yeah. So I think when I call him, because there are some discussions where I'm calling about the requesting -- the formal request where he tells me he's still waiting for the authorization to deploy.

Q And so is it fair that you understood that to mean that people above him or that is where the holdup, for whatever reason, that that sort of authorization had still not come down from people senior to General Walker?

A That's correct, sir.

Q And it sounds as though you never -- from the moment you reached out to General Walker that day, there was no hesitation, at least on his part, as to wanting to deploy the National Guard in response to what was going on at the Capitol?

A Oh, he seemed extremely eager and wanted to come provide support.

Q At one -- at some point, the Secretary of the Army, McCarthy, arrives at the Metropolitan Police Department headquarters, which I know you were at, of course, Capitol Police headquarters, between the hours of 4:10 and 4:30, in which he says he, alongside Chief Contee, comes up with a plan for deploying the National Guard to the Capitol and what they would do when they get there, to whom they would report and where they would rally.

Do you have any visibility, were you aware at the time that that was happening over at MPD headquarters?

A No, sir.

Q Okay. And Deputy Chief Carroll said that during the attack, quote -- and I believe this is in reference to the National Guard -- quote, "Chief Contee asked what Capitol Police's plan was, and it was clear to him that they didn't have a plan, so they, as in MPD, came up with one," end quote.

But what's your response to that?

A I don't know who they talked to about a plan. All along, it was to support our perimeter. If we had somebody on my staff that they had reached out to try and coordinate this we were ready to deploy them.

I had a person up there deploying resources. We had set up a staging location for people to check in, to begin to assign them and deploy them from that location. We would have put them right into that deployment strategy and begin to put them out where we can -- where we were starting to reestablish the perimeter.

So I don't know -- yeah. That's the first I'm hearing of that.

Q And you used the phrase that the objective, the sort of operation -- the concept of the operations would be that they would fall in support of law enforcement and what they were doing.

Is that your vision of what the plan would be for the National Guard, to be in a supporting role to what your guys and the Metropolitan Police Department were doing to secure the Capitol?

A Absolutely. I've used the National Guard on a number of events. They are always in a supportive role. I would have expected unarmed National Guard. And of course we're going to put them with police officers.

We had established the objectives of securing the Capitol, clearing the Capitol, and reestablishing the perimeter. Those were my three main objectives.

So as we were having resources come in, they were getting deployed to fulfill those directives. So I don't know why the National Guard is feeling that we didn't have a plan established. I wasn't getting that feedback.

Q So I'd like to go back then just chronologically, now that we've sort of run through the National Guard and what you were waiting for, and ultimately they get deployed, as you've said, at 5:40, around there.

What are you doing outside of trying to get the National Guard? What other things are you -- can you run through the rest of your day, in essence, until the evening, with us?

A So I continued to talk with some of our partner agencies. I talked with -- I'm trying to think of -- the FBI, Bowdich, Dave Bowdich, the number two at the FBI.

Again, it was probably sometime early afternoon. He had offered to send over SWAT team members. He said he's getting calls from Members of Congress saying, Hey, send help. I'd already reached out and talked to FBI already.

I said, Hey, that's great, Dave.

I'm calling, he goes, I'm just going to go ahead and send them over to the Capitol.

I said, a resource like that, we've got to be able to track. Send it over, let me put you with Sean Gallagher so he can coordinate where you are going to go, so I can have a Capitol Police officer with you so we know who is coming into our building. I don't need people running around with black outfits that we have no visibility on.

So I put Sean Gallagher in touch with him. I talked to Ashan Benedict with ATF for assistance. Metro Transit. Mike Gonzalo (ph). I'm trying to think who else. Getting assistance in there. Numerous calls to the Capitol Police. The two sergeant at arms. I'm trying to think what else.

But my main goal was trying to get as many resources as quickly as possible for the women and men.

When we saw that -- I received a call. it was one of those odd calls, and it turned out to be the White House calling, and they patched me over to the Vice President.

He wanted me to come over and brief him, and I told him I can't, we're a little busy. This was maybe 2 o'clockish, 2, 3 o'clock.

And he said, I just want to check how you guys are doing. Two, I just, as quick as we can, want to get back into recertifying these votes.

I said, I understand that, sir. I share the same concern. I'm trying to get resources in.

He said, When do you think you could come over?

I said, It's going to be a while.

So he said, I'll call you back. And I think called back once or twice, 3, 4, probably 4, 4:30ish. Again, I said, I'm still busy, sir, I can't, I can't get over there. But, trust me, I don't even need to come over and see you. Trust me, we're doing everything we can to get you guys back into the vote.

Between that time, we started getting a lot more officers in. They started --

Q Let me ask you just a follow-up. I'm sorry. Let me stop you.

These conversations with the Vice President, were you able to update him as to -- and 2 or 3 is a little bit early -- but were you able to give him an idea as to when you felt you might be able to secure the Capitol and clear it so that they can get back to their business, or at that early hour you were not able to give estimates?

A At that early hour, it was way too early. I told him we're doing our best, but we're -- you know, it's really bad out there.

It wasn't until -- it literally wasn't until I talked to him at probably 5:10, just trying to -- that he called back again. And, at this point, I had talked to Chief Thomas and Chief Pittman and said we've gotten another update, an assessment.

I had a deputy chief in the back that was deploying my resources, because, as we got resources in, I didn't want to lose any. We had hundreds -- actually, probably thousands coming to assist us, and I wanted to make sure we deployed them effectively, efficiently.

I had been in other major, active shooter incidents, and I didn't want to lose the resources. I want to make sure we were handling them effectively.

So I had -- and Deputy Chief Pickett in the back working with Chad Thomas. We had people in the staging area and a plan set up to deploy our resources as they came in.

So finally I talked to them. It looked like we were reestablishing the perimeter. We had started clearing the floors of the Capitol. The basement was cleared, the top floor.

We were trying to do it as chronological or as best as possible. So between 4 and 5ish we were starting to turn the tide. Finally got to a point where it looked like we were pushing them all out of the building. We had enough resources there to reestablished the perimeter.

And I said, Hey, I want to go over, do a quick assessment. I'm going to talk to the sergeant at arms. And I got the Vice President keeps calling about wanting to get an update.

So they said, Yeah, everything -- both Pittman and Thomas said everything they've got, it's under control, things are starting to -- tide is starting to turn.

So this, I felt, was an okay time. I wanted to go over and do assessment; two, to go over and give the brief; and then talk to the two sergeant at arms.

So that was 5 -- I'd say about 5:35, I went over and met with the Vice President.

Q So before you met with the Vice President in person, had you also received calls from congressional leaders, such as Speaker Pelosi or Leader McConnell, regarding when the Capitol would be secure to return to business?

A The only Member that I had called before that was Representative Waters. She called me extremely upset that, I told you this was going to happen, I told you this was going to happen. What are you doing about it?

And I explained that we had resources coming in, things like that, trying to assist, stuff like that. But she was the only one that called.

Q What was your understanding of what she meant? What particularly did she feel that she had told you previous that she felt was a warning?

A She was concerned about the people issuing permits to these type of people that were going to be on the Capitol Grounds. So she was worried about permits being issued to these people and that these people can be very dangerous.

Q Did you receive a call from the President of the United States that day?

A No, sir. No, sir.

Q How about anyone from the White House, representing the White House, such as Chief of Staff Mark Meadows?

A No, sir. Only call I got was White House switchboard. I believe -- yeah, White House switchboard that put me in touch with the Vice President.

Q Okay. And did you understand when you were speaking to the Vice President that he had been taken to a secure location, did you have that understanding when you --

A I knew where he was. I knew where he was.

Q Okay. Had he, in any of the conversations, remarked to you that he was going to stay put at the Capitol, or the opposite, that he was going to leave physically the Capitol, or anything like that? Did he talk about that?

A I think on one of the -- the second call, I think he said, I'm -- you know, I don't plan to leave. I plan to stay here and hopefully we can get back in and get this thing done.

Q Okay. And before you go head over at 5:35 in person to give the briefing, my understanding, Inspector Kim Schneider at some point gave a briefing to the Members where she sort of didn't have -- you know, she thought it would take quite a bit, a number of time -- quite a number of hours to get back into the Capitol Building.

Did that happen before you got there in person? Or talk us through what happened there.

A So that had to have happened after I met with the Vice President. So I get over there. We talk. The Vice President again expressed the same thing, which I explained to him, like I told you over the phone, we're taking care of this.

And he said, When do you think you can get us back into session?

So I call Irving, Stenger, Chad Thomas, to kind of go over, Hey, what are we seeing about when we think the Chambers can be reoccupied?

There was a series of phone calls back and forth. I felt really bad because the

Vice President was kind of walking back and forth. And I was like, Hey, sir, I'll try to get you an answer, but hold on.

So I was finally -- it took several minutes, several phone calls to get an answer that the Chambers would be ready at, I believe, 7 p.m. The Architect of the Capitol needed 30 minutes to clean it, and I don't know if that was before. But I think 7 p.m. we said the Chambers can be reoccupied, it looks like they can be reoccupied at 7 p.m.

He said, Are you sure? Because I want to call Speaker Pelosi and brief her.

So at that point, I said, Hold on, Mr. President, let me double-check -- I mean, Mr. Vice President -- let me double-check just to make sure, because I don't want any wrong information.

Double-checked with all -- with Chad Thomas. Checked with the AOC and checked with Tom Lloyd. They reaffirmed that 7 o'clock would work.

And I told the Vice President, at which point -- I also called Irving and said, Hey, just to give you a heads-up, the Vice President is going to put me on a conference call with Speaker Pelosi. Because that's how Mr. Irving was. He always wanted to know any communications you had with leadership.

So the Vice President dialed the Speaker, put his phone on speaker and set it on a ledge right next to where we were standing. The Speaker, in her distinctive voice, answered. He said, I'm here with the chief of police, Steve Sund. He says he can get us into Chambers by approximately 7 o'clock. I would like -- meaning the Vice President -- his desire is to get in as soon as possible.

He said, Chief, can you give the Speaker kind of an update?

So I briefed the Speaker briefly on what we had faced outside, the resources we were bringing in, how the outside law enforcement was coming and assisting us, and that we had talked to the Capitol division commander, the Architect of the Capitol. And even

though there is a fair amount of damage over here, we can get them into the -- into both the House and Senate Chamber, at 7 p.m.

I think she said, Are you sure of that time?

And I said, Yes, ma'am, I am sure.

The Vice President said, Thank you.

And the call kind of ended at about that point.

Finished up with the Vice President. I wanted to go over and meet up with the -- Stenger -- and just do a quick assessment of the Capitol, find out what are we dealing with, what does it look like, and just see what we're dealing with.

So I went walking out. Walked toward the Senate subway, where I met with Mr. Stenger. And we started walking toward the Capitol, I think.

At which time somebody in the entourage turned -- I believe it was Ms. Hemingway -- and said, Speaker Pelosi is on the phone for you. And this was maybe 6:10, so this would have been the second time I spoke with Speaker Pelosi.

I got on the phone, and she immediately started accusing me of giving the Vice President wrong information, that I had given him wrong information, when she's being told they can't get in the Chambers till the next morning.

I advised, Ma'am, I'm not sure who is telling you that, but this is the latest information. I've confirmed it. I've double-checked with the AOC.

And right then, Kim Schneider, who at the time was an inspector, spoke up from the background. And she said, Chief Sund, this is Inspector Schneider. That was me. I briefed Speaker Pelosi that the Chambers wouldn't be ready. She goes, I thought that was the latest information.

I said, No, Inspector, I talked to Chief Thomas -- Tom -- and he's confirmed we're set to go in at 7 p.m. I think she turned on the phone and said, Ma'am, it seems like the

chief has the latest information. I trust his information. And the call ended.

I returned the call -- the phone -- to Jennifer Hemingway. We continued walking and went over to where the Senate had been sequestered. And Irving had told me he's going over to do a briefing of the Senate. And Stenger -- let me make sure -- Stenger had told me he's going over to do a briefing of the Senate and asked if I would attend with him.

I said yes. Walked over, went to where they were sequestered. We walked into a back room. And in the back room, I went into an office where Kelly Fado -- I think he used to be the secretary of the Senate. McAdams. McAdams. And I'm trying to think. Somebody else was in the room.

Kelly Fado asked, How is it going out there? I gave her a quick rundown. Kikam. Karem. Robert Karem was in there. Robert Karem said, Hey, leadership -- who was offsite -- is looking for a brief. Let's get them on the phone so you can give them a brief.

He dialed his phone. I don't know who picked up. But he put it on speaker phone, and then put it in the table in the middle of the room.

I provided a briefing of what we had faced, what resources we had brought in to assist, and where we are in getting everyone back into the Chambers, when it would be available.

I heard Speaker Pelosi talking to maybe McConnell. There were some discussions in the background about what time they wanted to go in. The decision was made that both parties would go into session at 8 p.m., at which time the call ended.

The Senate ended up adjourning at -- not adjourning -- readjourning in the Senate Chamber at 8 p.m. and the House at 9 p.m.

After that, I went over, used the -- briefly used the restroom. And I came out,

and Stenger looked at me and he goes, Hey, if you need to go back, I can do the briefing on my own. I said, Yeah, I really need to get back to headquarters.

And, at that point, I left, walked out, and walked through the subway back and out and headed back to headquarters.

Q Did you remain at headquarters until the joint sessions concluded at 4 in the morning?

A I remained at headquarters almost till 7 p.m. that Thursday night.

Q Okay.

A The joint session, I think, ended right around 4 a.m. We had to handle a lot of notifications. We had -- I'm just trying -- we had to do a statement. We had to handle a bunch of different notifications.

So I kept working with my chief of staff all the way up. I had a briefing. Then we had Members asking for briefings. I had a briefing with Tim Ryan, I think at about 11 p.m. Then there was an additional -- another briefing with Tim Ryan the next morning at 9:30, and then a briefing with Senator Blunt at, I want to say, 2 p.m.

Q Okay. So before I turn it over to ask you about [inaudible] I have a few wrap-up questions and maybe some other lingering questions we have up there.

I wanted to ask you about the end of your tenure with Capitol Police. How did that come about?

A Can you be a little more clear on your question?

Q Sure. Can you walk me through how you came to -- well, did you -- did you come to learn that your resignation was being asked for or wanted? And when did --

A So I was sitting there briefing Senator Blunt at 2 -- right after -- shortly after 2. I see I had a call coming in from Jamie Fleet. He is on the House side. I don't know what his exact title is. Maybe staff director. I don't know. He works for Chairperson

Lofgren and also does a lot of work with Speaker Pelosi.

I saw him trying to call me. But I'm in the middle of briefing a Senator, so I let that go to voicemail, figuring I'll call him back, I'll be done with this in just a few minutes.

At which point I think my chief of staff stepped out, came back in and did one of these -- points toward her phone, like, hey, you need to look at your phone. I looked at her phone. She goes, I need to see you outside, it's important.

So needless to say, I stepped outside, and she said, Hey -- Tad DiBiase and myself stepped outside, and she said, I just got word from Jamie Fleet. The Speaker is going to go on national TV and call for your resignation in just a few minutes.

Q Okay. And that was the first you had heard of that?

A Yes, sir. Yes.

Q Did you -- what was your response? What did you do in reaction to that?

A I prepared to -- I absorbed it a little bit. I thought about it, got ready to return back to brief -- finish my briefing with Senator Blunt, when my chief of staff and my general counsel said, Hey let's go in and watch this press conference.

So turned around, went in to watch the press conference. I don't know if the press conference had started or it had just started. I thought I sure as hell better call my wife pretty soon.

So I called my wife, gave her a heads-up, and then watched the press conference. And it looked like it was -- looks like it was going to end. It looked like it was getting ready to wrap up. And thought, okay, well maybe we're going to wait -- who knows -- at which point there were some questions. I think somebody asked about Schumer firing Stenger. Are you going to do anything?

And that's when she said, Well, first we need to do an after-action, which I thought okay, that's where I base my personal decisions on. And then she went back

and said, But I'm calling for the resignation of Chief Sund.

Q Can I get your opinion as to whether you think, given what happened on the day, that was fair or what was your -- what's your opinion looking back on it as to whether that was a fair move or --

A I think it would have been good for her to have probably a little bit more of the information of what occurred prior to making the decision. But I understand my role as a chief, and it's the same thing, I think, I said in the Senate. You know, I represent this agency, and what I saw my men and women go through really, I think, it is a terrible thing. As a chief the buck stops with me. So I'm not surprised by it.

Q It sounds, though, from your recounting of the events, you did not communicate informally any sort of resistance necessarily or disagreement with the call for resignation before it happened. You remained silent in between the time that you were notified that that was going to be her wishes for you and when it was actually announced.

Is that fair?

A Yeah. So I think, when you work through the timing, I think by the time I got the call, she was getting ready -- she maybe was already doing the press conference. So it wasn't like I was going to call her and they were going to call from the podium.

I didn't think there was -- I turned and I asked -- let's see. So my chief administrative officer had walked in at this point, Mr. Richard Braddock, and Tad DiBiase. I think I turned to the two of them and said, You've just seen the Speaker of the House go on national TV and call for my resignation. What do you think are my chance of surviving? And it was pretty slim.

So I figured, you know what? I called the -- Jamie Fleet, finally talked to him for a little bit, and said, You'll have my resignation by the end of the day.

Q Can you tell me about that conversation with Jamie Fleet? Did you push back? I mean, her intention had been made known at that point, but did you push back with him on that phone conversation?

A No. I didn't feel there was any reason to push back. There was -- I didn't feel there was any -- any wiggle room on that decision.

Q Okay. I'm sure my colleagues have questions about that and other things to wrap up. I actually just have one really small question, if I can. It's a little bit off topic. It's a little bit miscellaneous.

But are you aware of the reporting around the trainings that were held -- the U.S. Capitol Police officers held training with a group called Northern Red in 2018 and in 2019.

A Yeah. The name sounds very familiar. Northern Red. I think it would have been some of our CERT team. They were having trouble finding range space, or something like that, and they had set up an opportunity that went through a procurement process.

So much like you bring in an outside vendor, they went out -- I believe it was Northern Red -- they went and did CERT training, the SWAT team training out with them. Yeah, that does sound familiar.

Q And you were aware some of the reporting about them having White supremacist iconography pretty openly on their sites and that sort of thing?

A Yeah. I've only heard that recently, since my departure from Capitol Police. But, no, hadn't heard that at the time. But it went through the regular procurement process for it, so --

Q Well, no, the only thing I want to ask you about that is a little bit about that procurement process. And you're an assistant chief of operations starting in 2017, so that first year of 2018. But in 2019 you do become chief in June. And so I'm

wondering if you have any insight at all into how that training was approved.

That process that you talked about, did it go up to the chief level? Where within the -- how high within the organization does approval for a group providing a training go?

A No. I don't know. I know they need to go through procurement for the GSA schedule, doing all that, that fun stuff. I don't know off the top of my head.

Q Do you have any independent recollection of yourself approving training in 2018 or 2019 for Northern Red?

A They could have been one of -- I don't know. They could have been in the approved training. I very well may have.

Q Okay. And is it your understanding that, through that process, the chief does ultimately sign off?

A Again, I'm just -- I don't -- I don't recall who is the final signatory on people being able to go to outside training, because it was outside training, if I remember correctly, Virginia, West Virginia, something like that.

So I don't know. But there would be a paper trail through the chief administrative officer for that.

[redacted] Okay. Thank you.

[redacted] So I have one final question, but before I go, [redacted], do you have anything else?

[redacted] It's along the lines of a final question.

[redacted] Okay.

[redacted] So you go next, and then I can follow up then.

[redacted] Okay. So did you want to ask the recommendation question or --

[redacted] Before we get to the recommendations --

[redacted] Yeah.

[redacted] Yeah.

BY [redacted]

Q Chief Sund, you just mentioned an after-action, which I think is somewhat standard practice in law enforcement and military, that after any significant engagement there is an effort to kind of look back and evaluate what went right and what went wrong.

I understand that you weren't any longer the chief after January 6th and didn't engage in that.

But I'm wondering if you could do a little bit of that with us now, if you had, in retrospect -- I know you've had a lot of time to think about this. You've been asked a lot of questions about it.

What do you think Capitol Police did right and wrong with respect to the preparation for and management of the January 6th attack on the Capitol?

A I would look at -- there is probably a group of things that goes all the way from how do emergency responses get coordinated or get muddied down with the oversight from the Capitol Police Board when you have a true emergency. That's evident. I know they've recently gone through and made some changes to U.S. 2, 1974, to change that.

So I would look at, from Capitol Police, a couple of things.

One, the after-action. One, look at -- you know, we're intelligence driven. What happened with the synthesizing of intelligence that is apparent was residing with -- within the walls of our Department to get it into the products so people can make their decisions and it can inform those most reliant on good intelligence. So that's key.

I think when I have key people in critical positions, like Chief Thomas, it gets busy. It gets real busy in that spot. And it would have been -- you know, it would have been really good -- it's hard for me to keep visibility on everything. I do my best, and I felt I

developed a good relationship, was trying to move the Department forward.

But, like, Chief Thomas, would have been nice if he said, hey, if he had some concerns about it, should I do a report, should I do an operations plan, to inquire about it, but it's self-evident. It's required by our policy under NIMS.

So I think making sure the right people that are in the right place know they're there for a reason. They've risen to the second-highest-level rank of the 25th-largest police department in the country, and with that, commensurate, is a lot of responsibility. And it would really be nice if people would take care of some of that so, as a chief, when I'm trying to deal with a bunch of other stuff, I'm not having to go up and do your j-o-b for you. So I think doing some leadership training.

And, yeah, hindsight being what it is, I'm the chief. I should have gone behind it. I should have made sure he did that plan. I should have. Just making sure that that's taken care of.

A big issue that I would do is someone needs to do a manpower analysis of the Department. We have got a lot of added posts. The House side you have added posts as they're rebuilding, refurbishing, like the Cannon Office Building. Whereas before we may have had three entrances, well, now we have five. Well, each of those instances takes three people for each shift. So you do the math. It starts adding up real quick.

How the added posts begin to impact the rest of the Department, increases in DPD team sizes. All those impact the resources available.

Yeah, they can give us $50 million in overtime to be able to send -- overtime to work our officers -- or 24,000 hours -- we're allotted 24,000 hours in overtime to send our officers to training. Well, I've got almost 2,000 officers. You do the math. That's 12 hours of training for every sworn person?

A law enforcement agency should have anywhere from 80 to 120 hours a year of

professional development training if you want a good agency. So you've got to do a manpower analysis and make sure that you're taking care of the shortages.

We've been over 200 officers short. I've briefed down on it, Chief Verderosa briefed down on it at every one of our appropriations hearings.

Until you can get the Department up to a proper staffing and get rid of any of the ancillary posts that aren't really providing a good bang for the buck, you're going to continue to overwork the officers and not be able to send them to training.

I mean, look at it. I tried to get equipment for my officers, and now they're only getting -- able to get it. You've got $105-$106 million supplemental, and then a $105 million additional budget.

Now they're able to get the equipment, but it's still -- the Department is even shorter than ever. Now they can't send the officers to training because people are just getting way overworked. Morale is going down.

So you've got to take care of that manpower issue first.

But I do think the relationship with the Capitol Police Board and the idea that the chief is the chief, they are the ones that make the decision on security on the Hill, that needs to be rectified. Because when you have a chief and then you have the chief law enforcement with the Senate, chief law enforcement with the House, it just gets really muddied, because they all got bosses.

Q Yeah. So let's break that down a little bit. I want to separate the substantive things that went wrong from the people that were responsible for them.

It sounds like you identified intelligence processing, a lack of an ops plan, and kind of a manpower shortage as the substantive issues that you'd identify as failures. I think with intel you said it was a colossal intel failure, and you've agreed that there should have been an ops plan.

Were there other -- set aside whose responsibility it is -- were there other things along those lines that you think should have happened that didn't happen within the agency?

A Yes. So, if you look at the CDU plan, there is a field force commander. So you have the incident commander, which was Deputy Chief Waldow. Again, just you have the incident commander, you have the field force commander.

The field force commander is in charge of your CDU platoons -- when to put on the hard gear, when to take off the hard gear, what equipment to have, when to deploy to be on site.

There were severe deficiencies in how the CDU was pre-deployed, the fact that they weren't in their hard gear, that they weren't out there on post. That needs to be corrected through training.

The evacuation of the Chambers, way too late. Way too late. That should have happened much earlier. Again, you've got incident commanders that are out there fighting.

You look at Inspector Glover. He's the incident commander for MPD. He's coordinating resources. You're going to do a lot better as an incident commander coordinating the resources and getting in the fight. But you've lost your incident commanders. The deputy incident commander should have picked up. Somebody should have picked up where he left off.

The fact that officers are saying they're not getting directions and no one's communicating with them, ultimately that comes up to the Command Center. The Command Center should have immediately started working as what they call an area command, in charge of all the stuff going on inside, outside, and making sure proper communications and intelligence is being pushed out.

Again, that's -- it should have happened, and it didn't. It seemed people were overwhelmed, people were unexperienced. It seemed like there is a number of those failures and there was inability of some of the people, or incapability of some people, to, I mean, handle the responsibilities of the positions they're in, so --

Q Yeah. I can represent to you, Chief Sund, that we spoke to a number of men and women, sort of line officers, who indicated that there was no direction in real time, that they essentially were moving from place to place based on anecdotal impressions as to where the need was, that there was not a unified command where someone was saying, all right, we need 15 people here, 25 people there.

It was very much kind of seat of the pants reactive in real time all the way down to the men and women themselves who were in a really, really difficult situation.

It sounds like you agree that there ought to have been a little more control --

A I absolutely agree.

Q Yeah.

A The Command Center should have immediately kicked in. The chief of operation for uniform should have established some type of communication.

We had a plan for deploying the outside resources come in, because as I'm sitting there making these calls, that's what I'm thinking of.

So the resources that we have with -- our own internal resources, I wish the supervisors that were in charge of that would have handled that, because, yeah, that hurts.

Having been out there and been a cop and hearing that, I care a lot about these men and women, and it's just -- it's not -- it doesn't make me happy to hear that.

Q Yeah. No, absolutely. They fought valiantly and did their best in a really hard situation. But it sounds like they weren't given the training, equipment, the

direction really that they could have used to more effectively defend themselves in the Capitol.

Is that an accurate assessment?

A Yeah, I would say that, I'd say it's accurate. A lot of times when you have training set up, officers are having to be pulled from training to cover the posts because they're so short. You can't send them to training as a group. If you're going to really train a CDU, you should train as a group, send them as a group.

I'd been working to try and get some new CDU equipment, but basic -- a respirator, an air -- APR, a helmet, and a baton for every person on the Department, since 2017.

I was surprised coming in. Think about it. Capitol Police, they're one of the only agencies in the country that have been hit with biological, not once, but twice -- anthrax in 2001, ricin in 2013 -- and they didn't issue every officer a gas mask? It's terrible.

So I'd talk to -- I tried to push that initiative forward. Again, budgeting is the issue. And Richard Braddock was finally able to identify money to get helmets in 2020, which finally just started coming in.

So they need to just go back and outfit everybody with the basic gear. Again, not everybody needs the full CDU gear, but everybody should have just basic protective equipment.

Q Yeah. Not just have it, but are trained in how to use it and what the circumstances are in which it should be deployed.

A Yes.

Q Yeah.

[redacted] And this sort of leads us into recommendations. And, [redacted] I

don't want to steal your thunder so --

[redacted] I just want to ask --

[redacted] Go ahead, [redacted]

[redacted] Go ahead, [redacted]

BY [redacted]:

Q Chief Sund, are you familiar with the GAO report that came out in March that interviewed about 300 officers in the Capitol Police Department about several aspects of training included, but also the use of force training?

A That was March of this year?

Q Yeah.

A No, ma'am, I'm not.

Q Just the top lines were essentially that they -- I can give you the numbers. They surveyed 315 officers, and the survey found that 80 officers identified concerns related to the use of force, and 57 of those officers indicated they felt the leadership culture in the Department generally discouraged them from using force or they were hesitant to use force because of a fear of disciplinary actions.

Had you heard that during your tenure?

A No.

Q There was also an aspect that there was a fear to use force because -- or to be -- have harder force shown on January 6th because of the optics that it showed. One officer said the Department is always worried about optics and never really wants us to go hands-on with the public in terms of the physical security needs that they had.

Had that ever been brought to your attention?

A No. No. For January 6th, there should have been no issue. I know, as we were dealing with some of the other demonstrations that we may have, whether it's

adapt, there is a group of wheelchair people or other demonstrations.

Sometimes I would hear from my oversight committees about their concern for seeing our officers in hard gear, and, "Hey, can you just have maybe the gear nearby? We just don't like seeing them there in their hard gear."

We get some of those kind of pushbacks, but not to the point where we would say, Hey, you can't be in hard gear. They needed to be in hard gear for this one, and they should have been.

Q And about the use of force, that had not been brought to your attention? It looks like there had been some changes obviously since you left, that the Capitol Police addressed some of the misconceptions that related to the use of force.

A I've never heard that. Our officers, for the most part, aren't like in an urban city. You look at crime up around the Capitol. It's like a crime-free zone in the middle of an urban city.

So we do have some, but a limited -- what I would consider to be a limited use of force. But I've never had an issue where an officer said, I didn't use force because I was afraid to use it. No, I haven't heard that.

And if that's in relation to what went on on the 6th, you've got to look at it from this aspect. You had 17 law enforcement agencies send almost 1,800 law enforcement officers to my request for assistance, and all of them seemed to express the same level when it comes to use of force, like lethal force, because we all get trained in that same level of force. So just keep that in mind.

[redacted] With respect to the intel piece, again, Chief Sund -- I don't mean to keep coming back to that -- but do you have any -- some of the criticism has been that law enforcement failed to fully appreciate the risk because there was a perception that a lot of these groups were pro-law enforcement or didn't present as much danger perhaps as

some other groups, particularly groups of color. Black Lives Matter or other protesters were perceived as more of a threat than the kind of pro-Trump, pro-law enforcement people that were expected to attend this rally.

Did you ever hear discussion like that, or do you have a personal view as to whether the race or the ideology of these protesters presented less of a threat?

Mr. Sund. No. No. Always have patrolled and handled myself in an unbiased fashion. You treat everybody the same. But it should be based on intelligence. I mean, when you're talking about some of the intelligence that they had that should have been incorporated into the products that we were getting, that would have informed a much different response for the agency, regardless of who they are.

I mean, you're seeing people talk about getting into the buildings, watching our -- attacking Members, finding their locations coming in? That's concerning. And it doesn't matter, race, gender of the individual. We just need to be prepared.

[redacted] Yeah. No. I appreciate that. And as we went through before, there was a lot of intel that these people were not pro-law enforcement. There was intelligence that they intended to be violent, intended to disrupt the joint session, and believed that the election had been stolen, and needed to stop that.

BY [redacted]

Q One thing, Chief Sund, I know that you've been referring to your timeline and documents throughout this interview and your statement. Could we just include that as part of this record? And I'll ask your attorney to send it to us.

I know you provided it to the Senate. However, the Senate has not provided those documents to us.

A Okay. Yeah. I'll make sure you get the supplemental testimony for it, yes.

Q And whatever call logs or timelines that you were referencing, even if that

was not submitted to the Senate, if we can have that for our official record, that would be great.

A Okay. Yes. It's all one and the same.

Q Great.

And then my final question is, I'm not sure if this is your Twitter account, but there is a Twitter account that is from Chief Steven Sund that states, "Incredible misinformation fed to a divided nation. I was there. I know the truth. I'm going to be telling my story soon. I have the receipts."

Is that your account?

A Yes, it is, ma'am.

Q And is there anything that you feel that you need to tell us on the record here as far as what that truth is that you're referring to?

I'm sorry. You faded out.

A No, ma'am.

Q So do you feel that this has been an opportunity for you to tell your -- the full satchel, direct knowledge of the day that you had and the days preceding January 6th?

A I think, yeah. I think there is a lot of -- I'm still -- again, I'm still kind of thinking about how to tell my story, how to formulate my story. So, yeah, I mean this has, I think, been an opportunity to address a number of issues.

Q And when you say there have been many lies told about January 6th and the incredible misinformation fed to a divided nation, what are those lies and misinformation that you're talking about?

A I'm referring to, like, the Speaker coming out on national television saying I never talked to her since the attack, when I did talk to her three times, much like you had talked about Irving's conflicting statements with me requesting National Guard, the

intelligence, you know. Those are things I think -- yeah.

[redacted] Is there anything else, Chief Sund? And I'm going to let [redacted] get to prospective recommendations last. Is there anything else that you want to make sure that we -- that the select committee knows, anything that we haven't asked you that you think is relevant about your experience in the lead-up to or the management of the events?

Mr. Sund. I think security on the Hill. Security should never be politicized. You should never have to worry about one side is worried about security and the other side is worried about security. Security should just be keeping people safe based on the information you have.

And that, ultimately, if you get to a point where you can do that up at the Capitol, I think it would be a much safer place.

[4:50 p.m.]

BY [redacted]

Q Do you think it was politicized here?

A I don't want to say politicized. Just, in general, you're dealing with, you know, the two Sergeant At Arms that are -- gosh, I'm tired here -- just, they're responsive to their leadership. So I just think they're going to be hesitant to do anything that may be in opposite to what they may want.

Q I see. So the problem, as you see it, is that you've got sergeant at arms who answer to political leaders, and that might impact security planning or operations that should be core law enforcement function, divorced from any political process?

A Yeah. That's maybe a good way of saying it.

Q Yeah. And that leads to the recommendations. It sounds like the current situation where you've got a Capitol Police Board that is answerable to political leaders/leader who has some inefficiency in it. Can you talk a little more about what would be better?

A I think like we had talked about, I think a single person that is, you know, truly a single person that handles security campuswide, that makes, you know, makes the final decisions. I think that would be a better way of handling it.

I don't think an oversight board is a bad thing, but I think ultimately there needs to be, you know, a single person that makes the final decisions, can call in assistance, can do whatever they need to do, regardless of, you know, any concerns.

BY [redacted]

Q And, sir, one question I had related to prospective recommendations, and then I'll ask if you have any others, other than the one you just identified.

But one that was identified to us by someone else we spoke to suggested that the Capitol Police should be reshaped into what they call a force protection division, sort of like the Federal Protective Service, where core arrest power would be removed and really the core function of the force would be force protection of people and property.

I'm curious as to your thoughts about that recommendation, given your experience in law enforcement over the last 20-plus years.

A I've heard that -- I've heard that described a couple different ways. One, as a force protection, or maybe looking at it from a, like, a Secret Service standpoint where you have the uniform division and you have the agents, the plainclothes agents.

When you say a force protection, I think of the Pentagon force protection. We're not far from that. You know, we've got -- Pentagon has their plainclothes, their dignitary protection, their uniformed officers out there. The one thing I would -- I think we're very much like that. You know, I think we serve a national security role a lot more than a regular police department role.

The one thing I'd be hesitant to do would be to adopt a type of structure like the Secret Service, because it creates a lot of division between the uniform and the plainclothes, you know. There's always a little bit of friction between the two, and that's the last thing I think you want to have in an agency. You want everyone to get along, because it's tough being a cop right now.

Q Copy that, sir.

So it sounds like you don't necessarily disagree with the idea that if we were to sort of excise out the law enforcement arrest function part of what you do now and focus more on a national security aspect of it, that that wouldn't necessarily be a bad thing?

A You -- I think you need to have the law enforcement arrest capability. I really do. I mean, Secret Service has it, Pentagon has it. Because if you're going to sit

there and rely on the city police, MPD, come up and handle your arrests and things like that, you never know what kind of delay you might be facing.

So I think by having that arrest capability, you have the ability to control your investigations, bring in people, if you're going to interview them. I'd be hesitant to say you want to release your ability to handle arrests, but, you know.

Q Copy that, sir.

And finally, again, and I mentioned this at the very beginning of our interview, which I know started a long time ago, at 10 a.m., but -- and you've given us some thought and some -- what I think are good recommendations with respect to potential future interactions with the Capitol Police Board.

But from the global government we standpoint, any thoughts about what we the government in its totality might be able to do differently to help prevent something like January 6th from happening again, if you have any thoughts in that regard?

A That's -- that's a big question. So the totality -- I don't know. You know, this needs to -- this needs to start with an agency fixing its problems, and then, you know, go from there. That's -- that's a big question. I don't know.

Q Copy that, sir. And that's fair enough.

[redacted] So, with that, unless there are any other final questions from anyone, I want to, one, thank you for your time, Chief Sund. Thank you for your flexibility. I am very cognizant that we have kept you 3 hours over our intended time, and I really do appreciate your flexibility and your cooperation with us in that regard.

I think what you had to say was important, and I think our ability to hear it and ask questions was important. So thank you for accommodating us. Thank you for your service in your role as the chief of police for the Capitol Police as well.

And unless anyone has any other questions or comments, then I will call this

transcribed interview adjourned at 4:56 p.m.

[redacted] I think it's in recess.

[redacted] I'm sorry, sorry. In recess, excuse me -- in recess at 4:56 p.m., unless there are any other comments from anyone before we do so.

[redacted] I just want to echo the thanks.

[redacted] Chief Sund, thank you.

[redacted] Thank you so much.

[redacted] Have we reached the point --

Mr. Sund. Thank you very much.

[redacted] Thank you, Chief. Thank you, Lisa. Thanks for your cooperation as well. We do appreciate it.

Ms. Banks. Thank you.

[Whereupon, at 4:56 p.m., the interview was recessed, subject to the call of the chair.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

_____

Witness Name

_____

Date

APPENDIX 2

DC NATIONAL GUARD PREPARATION FOR AND RESPONSE TO JANUARY 6TH

INTRODUCTION

H. Res. 503 Section 4(a) directs the Select Committee to examine the "facts, circumstances, and causes relating to the domestic terrorist attack on the Capitol," including the "activities of intelligence agencies, law enforcement agencies, and the Armed Forces, including with respect to intelligence collection, analysis, and dissemination and information sharing among the branches and other instrumentalities of government." This appendix focuses on the activities of the DC National Guard in the days leading up to and on January 6, 2021.

In contrast to the National Guard units in 50 States and three territories, where deployment authority lies with the governor of those respective jurisdictions, the DC Guard falls directly under the command of the United States President. In the discussion section below, this appendix provides a narrative of the preparations for and eventual deployment of the DC Guard on January 6th, and the interaction between then-President Trump and the DC Guard in the relevant time period. It is based on the Select Committee's interviews of 24 witnesses and review of over 37,000 pages of documents.

DISCUSSION

A "GUT-WRENCHING" SUMMER

The approval process for the deployment of the DC National Guard is unique, unlike any of the 50 States or three territories across the country where ultimate authority rests in the hands of the governor.[1] In the nation's capital, where no governorship exists, the Guard is ultimately under the command of the President of the United States when acting in its militia capacity to support civil authorities.[2] By executive order, however, President Richard Nixon delegated the President's day-to-day control of the DC Guard to the Secretary of Defense and specified that its Commanding General should report to the Secretary of Defense or the Secretary's designee.[3] By memorandum, the Secretary of Defense, in turn, delegated day-to-day control of the DC Guard to the Secretary of the Army.[4] The commander of the DC Guard reported directly to the Secretary of the Army on January 6, 2021.[5]

During the 2020 summer protests in response to the murder of George Floyd,[6] the approval process for Guard deployment ran smoothly. "Very, very proactive," then-Commanding General of the DC Guard William

Walker said.[7] Secretary of the Army Ryan McCarthy "really wanted us out there."[8] Secretary McCarthy, with all his authorities, was physically beside Major General Walker throughout that summer. "[H]e was with me for all of it," Major General Walker said.[9] "He came to the [A]rmory every day. He brought his staff with him."[10] As has been widely reported, a number of President Trump's senior advisors, including Attorney General Bill Barr, resisted President Trump's requests to deploy the Guard or other troops in various states and cities where violence had occurred or was underway.[11]

In the summer of 2020, nothing was being written down; it "was just all verbal back and forth."[12] That approach sped up response times. But as the DC Guard footprint grew and controversies began plaguing the operation, Secretary McCarthy came away with the lesson that deliberative and by written order beat fast and by oral command.[13]

"What we learned in the process was we were not capturing a lot of the information in writing in the orders process, which is fundamental, foundational because of the stress of the situation and the speed of the situation," Secretary McCarthy said.[14]

While a concept of operations ("con-op") was developed at the lower level during the summer 2020 operations, it did not require approval or input at the secretary level.[15] That approach came to be seen as a mistake that should not be replicated the next time there was a civil disturbance crisis in the nation's capital. General Walter Piatt, director of the Army staff, explained: "That's where Secretary McCarthy put that restriction to say, I want a concept of the operation before we just send a force to do something."[16]

One of the most visible and highly criticized of the summer 2020 operations was the use of low-flying helicopters that appeared to be bearing down on protesters with the aim of dispersing them. On June 1st, as Guard presence tripled overnight, the use of helicopters meant for aerial surveillance[17] "somehow got translated to a very competent Army officer that 'I am to fly low and loud to deter looters,' " General Piatt said.[18] "[W]hat the investigation revealed was that we did not have good procedures in place to provide military support to a very serious civil disturbance ongoing. The—because—the pilot of that aircraft believed that was his mission."[19]

The "embarrass[ment]"[20] of the low-flying helicopter affected Secretary McCarthy. General Charles Flynn, then- deputy chief of staff for operations, plans, and training, told the Select Committee, "I know the Secretary was concerned."[21] He further explained: "I'm sure that affected his thinking."[22]

Secretary McCarthy became convinced that a concept of operations needed to be "explicit, tailored"[23] and—most importantly—that it needed to "come from [the] top down."[24] Secretary McCarthy told his staff,

"[W]hen we get a request next time, we have to be absolutely certain that we understand the mission clearly," [25] and that "no other civil authority could re-mission off that support without the approval of either the Secretary of the Army or, in certain circumstances, the Secretary of Defense." [26]

In mid-June 2020, then-Secretary of Defense Mark Esper, Secretary McCarthy, Chairman of the Joint Chiefs of Staff General Mark Milley, and Major General Walker huddled to talk about what went wrong in the preceding weeks. Senior defense officials then decided they would take a "more active" role in directing the force.[27] "[A]s a result, we all took a more active interest in what was happening down to the tactical level to make sure that we were, again, abiding by kind of the core principles of civil-military relations," former Secretary Esper said.[28]

Major General Walker said he was not told about that shift in perspective: "[I]f the Army thought different of how we respond to civil unrest, civil disturbance, I would hope . . . they would communicate that with the guy—with the person who is going to execute that change." [29]

In the words of General Milley, the summer of 2020 had been "a pretty gut-wrenching experience." [30] The Department of Defense was still recovering when it was faced with the decision of the manner and degree to which the DC Guard should provide assistance to law enforcement authorities planning, just seven months later, for the events anticipated in connection with Congressional certification of the electoral votes on January 6, 2021.

A "Tailored" Request for Guard Resources. On December 19, 2020, President Trump tweeted, "Big protest in DC on January 6th. Be there! Will be wild!" From that day forward, a rookie DC intelligence analyst saw a tenfold uptick in violent rhetoric targeting Congress and law enforcement.[31] Right-wing groups were sharing histories of violence and some not traditionally aligned had begun coordinating their efforts.[32] The analyst's report reached more senior DC leadership, including, eleven days later, Mayor Bowser.[33] In the course of the Committee's investigation, it received and reviewed a significant number of documents indicating that certain intelligence and law enforcement agencies understood that violence was possible or even likely on January 6th. The Committee received many of those materials from the U.S. Secret Service, but also from other agencies as well.

On Thursday, December 31, 2020, the day after the briefing, Mayor Bowser sent a letter to Major General Walker requesting Guard assistance for January 5 and 6, 2021.[34] A second letter specified the District's request as limited to two forms of assistance: crowd management at Metro stations and blocking vehicles at traffic posts. It did not request help with potential civil disturbance.[35]

General Piatt viewed the "limited request" [36] as a "pretty good, tailored mission," that was "not vague." [37] General James McConville, chief of staff of the Army, called the request appropriately "restricted" [38] with "a very low military signature." [39]

According to testimony by Defense Department witnesses, after a summer of perceived overreach, military leadership was grateful for the delineated parameters set by the city itself.

The substance of the request—limited to traffic and crowd control "so they could have more police officers to do police functions" [40]—was not seen as narrow by District officials. "I would say it's a specific request," Chief of DC Police (Metropolitan Police Department ("MPD")) Robert Contee said.[41] "[L]eave the unlawful stuff, leave that to the police to deal with." [42] Mayor Bowser said: "I don't know any law enforcement person who would suggest that urban disturbances aren't best handled by the police." [43]

"Civil disturbance was not something we requested at that time. Mostly also because the vast majority of the, if not all, of the permitted protests were taking place on Federal lands," said Director of the DC Homeland Security and Emergency Management Agency Christopher Rodriguez.[44] The District had no jurisdiction. "Mayor Bowser cannot make a request on behalf of the White House or on behalf of the Capitol for U.S. Capitol—for . . . DC National Guardsmen to deploy to those two entities. She can't," Chief Contee said.[45] At this time, it was well known that President Trump had planned a speech and rally on "Federal lands"—on the Ellipse south of the White House. It was not widely known that President Trump intended to "spontaneously" instruct the tens of thousands of supporters at that Ellipse rally to march down Pennsylvania Avenue to the Capitol.[46]

Five Days of "Tremendous Resistance". At first, Secretary McCarthy was not sold on involving the Guard at all. Major General Walker called Secretary McCarthy "instantly when I got the letters" from the District on Thursday, December 31st, and "initially I felt I must have caught him at a bad time." [47] Secretary McCarthy recalls it being a short conversation. "I said, 'okay, got it. Thank you.' You want to immediately flip it so that Secretary of Defense knows that we alerted his office," he said.[48]

According to Major General Walker's account of this call, the Secretary initially stated "'We're not doing it,' " [49] and then left the door open for further discussion. Major General Walker explained: "'I said, 'Well, sir, I think you should look at it.' And then he told me, 'Well, we'll talk about it, but we don't really want to do this, because the look it would give, the military out there interfering.' . . . He says, 'Well, we'll discuss it on Monday.' " [50]

On Sunday, January 3rd, Secretary McCarthy called Chief Contee, who had formally assumed the role of acting head of MPD just the day before.[51]

"I thought initially that . . . he is just calling me basically as a rubber stamp to say, . . . 'You asked for it, you got it.' . . . It didn't go that way," Chief Contee said.[52] "[H]e had concerns about deploying National Guard for this event. He talked about the optics of the event, having boots on the ground. . . . And I pushed back on that."[53]

In his interview with the Select Committee, Secretary McCarthy described evaluating the request on the evening of January 3rd. "I sat at home. I chewed on it," he said.[54] "You know, I'm not particularly inclined to support it, because my concern was really we didn't have a command-and-control architecture in place. We didn't really have all of the mechanisms to be successful, you know. . . . So it was a very tough decision for me."[55]

Over five days, from December 31st to January 4th, District officials faced what Major General Walker called "tremendous resistance."[56]

Both Chief Contee and Director Rodriguez recalled that five-day period on January 6th, when Chief Steven Sund, of the U.S. Capitol Police, was pleading for reinforcements.[57] Acting Defense Secretary Christopher Miller, "heard through the grapevine that [Secretary McCarthy] was inclined—I don't want to say inclined to disapprove, but, you know, looking at it carefully or whatever. So—but that's fine. He can do whatever he wants. I knew that I was going to honor [the mayor's] request . . . ."[58]

How close those Guard assets could go to the Capitol became a sticking point. Colonel Craig Hunter, the highest-ranking commander on the ground on January 6th, said the Army "really want[ed] to go through the concept of operations to see, okay, exactly—basically Metro stop by Metro stop, intersection by intersection, to see where will Guardsmen be exactly, you know, how close are you to the Capitol . . . ."[59] He said an initial request by MPD to post Guard troops at the South Capitol Metro station—like all other Metro stations—was denied.[60] In conference calls that "went back and forth,"[61] Major General Walker was told, "There was a concern about being too close, military uniforms too close to the Capitol."[62]

Major General Walker had a different perspective. He saw his people as "citizen soldiers," "your neighbors that are going to come to your aid and rescue when you need us,"[63]—not traditional boots on the ground. "[T]hat's where, to me, the vest came in. This was the National Guard, not the Army," he said.[64]

Military authorities determined that a geographical boundary would have to be established as a condition of approving the Guard's deployment to assist MPD. No servicemember could go east of Ninth Street. It wasn't made explicit to District officials, but they all knew what lay east. "[T]he

Capitol is east," Chief Contee said.[65] "[I]f you move them anywhere east of Ninth Street, they will be close to the Capitol. That was certainly the way I understood it."[66]

Director Rodriguez worried "that it constrained our ability to react quickly if the situation got out of hand."[67] Without the limitation, the District fully intended to post its resources farther east: "[W]e couldn't get as close to the Capitol as could have been helpful," Mayor Bowser said.[68] "[W]e would have had a broader traffic box."[69]

Fears of Politicizing the Military in an Antidemocratic Manner. Both Acting Secretary Miller and Secretary McCarthy were sensitive to the sight of troops near the site of the Congressional certification of electoral votes, because of President Trump's previous expression of interest in using Federal troops in civilian situations. Again, Attorney General Barr and other members of the Trump Administration had resisted President Trump's desire to deploy such troops. Secretary Esper said it "tended to be the case . . . that the President was inclined to use the military," contrary to longstanding principles of reserving the armed forces as a last resort.[70]

According to his testimony, Acting Secretary Miller's express first priority—after being installed with just two months left in the Trump administration—was "to make every effort to return the Department of Defense to a nonpoliticized entity," because previously, "the Department was being showcased too much."[71] In testimony to the U.S. House Committee on Oversight and Reform on May 12, 2021, he cited "fears that the President would invoke the Insurrection Act to politicize the military in an antidemocratic manner" as shaping his thinking.[72] "No such thing was going to occur on my watch," he wrote,[73] later adding that "if I would have put troops on Capitol Hill" before the attack and without a request from civil authorities, "that would have been seen as extremely provocative, if not supporting this crazy narrative that the military was going to try to overturn the election."[74]

Secretary McCarthy felt similar pressure. He had been taken aback when—as he was walking down the Pentagon's hallways—"one of the most seasoned reporters" asked him whether the Army was planning to seize ballot boxes.[75] It was "an incredibly tense period," according to Secretary McCarthy.[76] As our investigation has demonstrated, President Trump had considered proposals from Lt. General (ret.) Michael Flynn, Sidney Powell, and others that troops be utilized to seize ballot boxes in certain parts of the country.

On December 18, 2020—the same day as the contentious White House meeting with Flynn and others,—Secretary McCarthy issued a statement, "mirror[ing] what General Milley said about a month before,"[77] reiterating that "There is no role for the U.S. military in determining the outcome of an

American election."[78] Given the heat of the rhetoric, he thought, "[I]f we don't say anything, it's going to scare people."[79] Secretary McCarthy told the Select Committee he thought he would be fired after publicly stating that the military would not assist in a coup.[80] General McConville, who signed the statement alongside Secretary McCarthy's signature,[81] linked their words directly to the Ninth Street limitation: "[T]here was no plan to put any military anywhere near the Capitol because of what we had said, the military has no role in determining the outcome of elections."[82]

On January 1st, Executive Officer to Secretary McCarthy Colonel John Lubas wrote in an internal email that the Secretary "wants to clearly communicate that this request is NOT from the White House."[83] The email noted that the Secretary wanted to "aggressively message" that the request had come from District officials, not the President.[84]

"We wanted everybody to know that, because it would create confusion and even more tension of having soldiers on the street without a request and that they be near the Capitol with certification of an election, a contested election," Secretary McCarthy said.[85]

On January 3, 2021, 10 former Secretaries of Defense, including the recently fired, former Secretary Esper, published a joint op-ed warning that "[i]nvolving the military in election disputes would cross into dangerous territory."[86] Secretary McCarthy had himself worked for five of the 10 secretaries.[87] "I know all these [men]," he said.[88] "[T]hey were—everyone was telling us, be very conscious of your actions and how you—you know, what you're going to do that day. So we wanted to know where every soldier was by street corner."[89]

Was Secretary McCarthy concerned that President Trump might use the military to cling to power? "There was a lot of talk in the lead-up about martial law . . . and the employment of forces, and you know, that was something that we were all, you know, conscious of."[90] Our investigation suggests that those civilian and military officials who had considerable experience working directly with President Trump had genuine concerns about whether he would attempt to use the military to change the election results. Again, at this time, there is no evidence the Department of Defense understood exactly what President Trump and his associates planned for January 6th.

"Very Strict on the Use of the Military" on January 6th. By Monday, January 4th, with Secretary McCarthy now backing the operation, Acting Secretary Miller was briefed. He told the Select Committee that he "made the decision right there to honor the request."[91] That approval came with strings attached. The role of the DC Guard would be spelled out and tightly circumscribed in a memorandum that, as characterized by General Milley, was "very strict on the use of the military."[92] It decreed that without the Acting Secretary's

"subsequent, personal authorization," the Guard would not be issued batons, helmets, or body armor; could not interact physically with protestors, except in self-defense; and that the Quick Reaction Force (QRF)—40 servicemembers staged in case of an emergency at Joint Base Andrews in Prince George's County, Maryland—could be deployed only as a last resort.[93]

Above the tactical level, changes in the mission of the Guard had to be approved by the Secretary of the Army and, in some cases—in order to "interact physically with protestors" or be issued batons—required running further up the chain to the Secretary of Defense.[94]

To District officials, that seemed new—and unnecessary. "[The Secretary told us,] if you send them to any other kind of mission, that has to get approval from me. And I just think that those were unnecessary restrictions . . ." Chief Contee said.[95]

What the QRF would be called upon to do, even in the case of an emergency, is a matter of debate. The letter and memorandum do not expressly note whether the QRF could be used to support the original mission of the Guard—traffic and crowd control—or a new mission helping contain sudden and out-of-hand civil disturbance.[96] The DC Guard official put in charge of the QRF for January 5th and 6th, Lieutenant Colonel David Reinke, said he had not been given much guidance as to their role.[97]

The Army and the DC Guard appear to have had different understandings. "[T]he intent of the quick reaction force was really to send these troops over to help if they had a problem at one of the traffic command posts," General McConville said.[98] "There never was an intent for a quick reaction force to go to the Capitol . . . ." [99] According to Army officials, without a con-op and a formal change in mission, the QRF could do traffic control and no more.

That was not how others imagined an emergency unit would or should operate. According to Major General Walker, "a quick reaction force, something's happening; do I have time to find you and call you and ask you?" [100] He called the preapproval language "highly unusual," [101] particularly as their name "already implied that it's a last resort," [102] their intended purpose was if "[u]nexpectedly, you have a spontaneous unrest," [103] and if "I need to write a concept of operations for a quick reaction force? They're no longer quick. It's just a reaction force." [104]

Capitol Police Board "Prepared" without Guard Help. It wasn't clear to everyone involved in planning for the events anticipated on January 6th that all agencies, including the Capitol Police, were deploying all their resources ahead of that day. "We had had issues understanding, getting the full picture of U.S. Capitol Police's operational posture and what their planning was," Director Rodriguez said.[105]

Mayor Bowser was struck when—right before the press briefing that Monday, January 4th—the mayor asked the Capitol Police representative, "[W]here does your perimeter start? [And h]e gets up out of the room, calls somebody. And the next thing I know he can't participate in the conference."[106] She elaborated: "[T]hat should have been like a trigger to me. Like these people, they don't want to answer questions about their preparation."[107]

On the morning of January 3rd, Capitol Police Chief Steven Sund approached two of the members of the Capitol Police Board and purportedly requested—but concededly did not push for—Guard resources for the Capitol.[108] According to Chief Sund, in a minutes long meeting in the office of House Sergeant at Arms Paul Irving, Irving told Chief Sund he did not like the optics of asking for the Guard in advance and that the intelligence did not support it.[109] Chief Sund said he did not push back on either point.[110] In fact, he agreed that his reading of the intelligence—despite a forewarning put out by his own intelligence unit that "Congress was itself the target" on January 6th[111]—did not call for Guard support,[112] only that having more personnel on his perimeter would make him "more comfortable."[113] Irving suggested he talk to the Senate Sergeant at Arms, and then-chairman of the Capitol Police Board, Michael Stenger.[114] According to Irving, Stenger, in a meeting in his office, asked Chief Sund to reach out to the Guard and find out, if an emergency called for it, "how many people can [the commanding general] give us and how quickly can he give us those people?"[115] Chief Sund said he took their responses to mean "no," despite conceding that he was never told "you cannot have the National Guard" or anything to that effect.[116] "It was 100 percent a denial," he maintained.[117]

Irving recalled the matter coming up on a three-way phone conference during which "the consensus was that we didn't need" the Guard.[118] He did not consider it a request.[119] On the call, Chief Sund noted that the District planned to use the servicemembers to staff intersections, but the Capitol grounds had few of those, and it would not relieve many officers if they were used in a similar fashion.[120] "It was a combination of operationally the chief didn't feel that they would add much to his plan, and the intelligence really didn't speak for anything that we felt would justify the need for them," Irving said.[121] Irving doesn't recall taking the "optics" into consideration.[122] According to Irving, the conversation ended the same way Chief Sund said it had: "Why don't you just tell them to be on standby?" Stenger suggested.[123] It was never brought up again.[124]

The discussion about the use of the Guard remained within the Capitol Police Board and did not reach congressional leadership, including the Speaker of the House. That was normal. "[F]rom a tactical perspective, we would make decisions without the input from congressional leadership,"

Irving said.[125] "I always felt that I had full authority to implement security decisions as I deemed appropriate."[126] In fact, when the three men briefed congressional leaders on January 5th, Chief Sund conveyed the same optimistic outlook as he had with Major General Walker: "[We told them] we felt we were prepared based on the information we had, yes," he said.[127]

To keep these exchanges in perspective, we note again that we are aware of no evidence that these individuals were privy to President Trump's plans to instruct tens of thousands of his supporters to walk down Pennsylvania Avenue to the Capitol to help "take back" their country. Nor were they aware of how President Trump would suggest to his followers that Vice President Pence had the authority to change the outcome of the election, or how President Trump would behave in the hours that followed. Certain members of Congress, including those who met at the White House on December 21, 2020, may have had considerably more insight into President Trump's planning, but the Committee has no information suggesting that any of those members alerted the Capitol Police or other authorities of President Trump's plans.

Soldiers Prepare for the Worst in Secret. Guard reinforcements could draw from a pool of three groups already activated for the day: (1) the 40 members making up the QRF, staged in Maryland;[128] (2) the 90 members at the traffic control points, 24 at the Metro stations, and four as part of the command staff distributed throughout the city—but no farther east than Ninth Street—for a total of 118 representing the first shift;[129] and (3) the second shift of another 118 members,[130] preparing at the Armory in Southeast Washington, D.C, for a 3:00 p.m. shift takeover.[131] The Armory also housed a command-and-control squad that handled logistics at about 52 members strong, in addition to a Civil Support Team of about 20 members.[132] That gave Colonel Hunter a maximum limit of 348 activated servicemembers, eight more than the allotted 340—nearly all of whom reported directly to him on January 6th.[133]

The QRF was most prepared for responding to sudden and escalating civil unrest. At Joint Base Andrews, they were provisioned with full riot-control kits,[134] including a helmet with a face shield already attached, protective vest, shin guards, knee guards, shield, and baton.[135] The head of the QRF—himself provided little guidance on the contours of his mission—had his squad train for civil disturbance on January 5th and the morning of the 6th as they waited.[136] Not only had they trained, but they trained *together*, as a unit—a benefit military officials all agreed is ideal. Army leadership, all the way up to Secretary McCarthy,[137] had no idea that Lt. Col. Reinke had taken these initiatives. Secretary McCarthy agreed that had he known of their civil disturbance preparation, "it could have" affected the speed with which approval was ultimately given for their deployment.[138]

As to the second group of available resources—the servicemembers stationed at traffic control points since the early morning of January 6th—Army leadership held misconceptions about what equipment was available to them. Secretary McCarthy had agreed that some gear—expressly not batons—could remain stowed away in vehicle trunks.[139] Colonel Hunter had his troops put the gear into a white box truck instead and designated a rally point for the truck that would be central to all traffic control points.[140] On the night of January 5th, in anticipation of January 6th, Colonel Hunter had his troops move the civil disturbance gear—including the prohibited batons—into the individual vehicles themselves.[141] Captain Tarp, the head of the second shift, agreed that they were told to load the equipment into their vehicles "on the down low. Done so it wasn't visible, so it wouldn't look like we were escalating [our] role."[142]

The commanding general of the DC Guard was aware that the troops had all they needed in their trunks and—in the case of an emergency—would not need to return to the Armory to get it: "They already had it," Major General Walker said.[143]

But Army leadership did not know that. Although General Piatt said "We never asked, like, what was actually—I have no knowledge of what they [actually] had in" the vehicles,[144] the guidance from Secretary McCarthy's letter led him to believe that "weapons, ammunition, batons, shields, kneepads, other protection that we may be asked to do for civil disturbance, that was not [there]—because they were specifically told they would not participate in that mission . . . ."[145] Secretary McCarthy said, "The only thing I authorized General Walker to do was their ballistic helmets and body armor in the vehicle, not their shields or their riot batons."[146] He figured his orders had been followed.[147] When asked why he was not aware of the moves the Guard had made, Secretary McCarthy said, "I mean, I made a mistake. I think a local unit commander was anticipating more than what potentially we were prepared for."[148]

DC Guard leadership understood that loading this equipment flouted direct orders. "I wasn't going to have my soldiers unprepared," Major General Walker said.[149] The prohibition on batons, in particular, had been sent 54 minutes after the Guard had already begun their traffic control shifts on the morning of January 5th.[150]

The third group of available resources—the servicemembers awaiting at the Armory to take over as the second shift at the traffic control points—had equipment accessible to them at headquarters. Captain Tarp did note that it took time to ensure that the Armory equipment was in working order: repairing straps that were broken, wiping off dirt on the shields because "they were the same from the George Floyd protests," and affixing the helmet to the shields, which took upwards of 20 to 30 minutes.[151] In the

three different locations where the Guard was stationed as the Capitol was being breached, all servicemembers had access to full civil disturbance gear right there with them.

Outside of the QRF, which had recently returned from two days of training together, there is debate as to how ready the rest of the Guard was to engage in civil disturbance response on January 6th. The notion that the military is not primed or naturally skilled to deal with civil disturbance appears to stand in tension with National Guard traditions, training, and doctrine. "They were not missioned, tasked, organized, equipped to do civil disturbance operations," General Flynn said.[152] Although General Piatt conceded that "[a]ll soldiers are trained in civil disturbance," he maintained that on "that day we were not postured to do civil disturbance operations."[153]

Major General Walker—who pointed out that the DC Guard shield, on Guard troop uniforms, features the Capitol building itself: "Protect the Capitol. That's why Thomas Jefferson created it"[154]—called civil disturbance "foundational" to what they do.[155]

DC Ground Commander Takes Initiative. On January 5th, as he led his forces in traffic control, Colonel Hunter did not observe activity that raised concerns.[156] But by the next morning—as thousands of out-of-towners invited by President Trump descended on the nation's capital—that all changed. "I could see like the Proud Boys," he said.[157] "I could see different people with Kevlars on, with bulletproof vests on. You know, they're all kitted up and they're wearing different patches and colors. And I said, 'Well, this crowd is definitely different . . . .' "[158] This, of course, was an indication of the potential for violence in the hours that followed.

Colonel Hunter, sitting at the intersection of 15th Street and Pennsylvania Avenue, saw crowds flowing past him and his soldiers toward the Capitol—walking as one, chanting as one. "Hey, is it that way to the Capitol? Where's the Capitol?" some asked.[159] Colonel Hunter got in his car and began writing an update report.[160]

He was interrupted by a soldier who had been watching CNN on his phone: "Hey, sir, I think there's been shots fired at the Capitol."[161] It was then that Colonel Hunter began to put a plan in place for the redeployment of the Guard. "So at that point in my mind I said, 'Okay, then they will be requesting the DC National Guard now, so we have to move."[162] The time was 2:12 p.m.[163]

The first thing he did was designate a rally point for DC Guard reinforcements.[164] Over the radio, he relayed the rally point to all 118 members currently spread across the city doing traffic control, and one by one, in order by their points, they called in to acknowledge where they would go once approval came down.[165] At 2:17 p.m., he called Lt. Col. Reinke, the head

of the 40-strong QRF, and ordered his subordinate to "have all of your guys put their gear on and get on the bus."[166] "In my mind, this is about to happen really fast," he said.[167] "As soon as I make one call, I will get clearance to go and support. The United States Capitol was breached. I mean, this is unheard of."[168] Accordingly, he advised Lt. Col. Reinke that, "[W]e will be getting a call soon."[169]

He next tried to find the incident command post. He ran into the Assistant MPD Chief Jeffery Carroll, piled into a car and, sirens flipped on, sped off to U.S. Capitol Police headquarters.[170]

Once there, they got into the elevator, and "before the doors even closed," Assistant Chief Carroll asked him, "How many do you have coming right now?"[171] Colonel Hunter said, "I'm working on it. I need to make some calls, but we are—we're coming . . . . And I said, as soon as I start making these calls, I'm going to have so many National Guardsmen just flooding this way. I just need to have the location, have the plan set, be ready to receive them."[172]

No later than 2:50 p.m., Colonel Hunter had confirmed with Lt. Col. Reinke that the QRF was on the bus and ready.[173] The highest-ranking Guard official on the ground had sorted out all of the details and linked up with the law enforcement agencies that would lead them in support. At least 135 National Guard servicemembers—the 40 QRF members already in gear and on the bus and the 90 at traffic control posts awaiting word, with gear in their trunks to be donned at the rally point, along with four command staff plus Colonel Hunter himself—were ready to go. At 3:10 p.m., Colonel Hunter felt it was time to tell his superiors all that he had done and hopefully get fast approval.[174]

3 Hours and 19 Minutes At the Capitol, MPD Chief Contee was on the West Front, himself inhaling chemical agents—"you can smell it before you see it, felt it in my throat"[175]—as officers tried to resist rioters beating back the perimeter, having reached the stage built for the Inauguration set for two weeks later. "[T]he gas stuff and the spray, the mist that's in the air, I mean, it's real," he said.[176] "I'm trying to talk to the Mayor to give her a situational update, and the city administrator—I've got them both on the line. I'm coughing, trying to explain what's going on."[177] Chief Contee cut through the crowds of people around the Capitol to meet the mayor at MPD headquarters.[178]

Chief Sund said he reached out to House Sergeant at Arms Irving at 12:57 or 12:58 p.m., and told him, "We are getting overrun on the West Front by thousands. We need the National Guard now."[179] Irving recalled the call coming before a break in the electoral certification session just short of 1:30 p.m. and that the Chief said "that conditions were deteriorating outside and he *might* be making a request for the National Guard."[180]

Although Irving was firm in his stance that only the Capitol Police Board had the authority to request National Guard assistance, he nonetheless sought out the chief of staff to the Speaker to inform her of the impending request.[181] He did not need her to sign off, but "[a]ny change in security posture, given the time, I would give them a heads-up."[182]

The Speaker's chief of staff "immediately scribbled down a note" and went over to inform the Speaker—who was in the chair presiding over the floor debate on the Arizona objections—about the request for the National Guard.[183] "Absolutely. Go," Speaker Nancy Pelosi said.[184] Later, as they were evacuating the floor to an undisclosed location, the Speaker asked her, "Is the National Guard coming?"[185] The Speaker's chief of staff said, "Yes, we asked them."[186]

Irving said the formal request for Guard assistance came in a call after 2 p.m. from Chief Sund "and, of course, we said absolutely."[187] Chief Sund said he had made the request in that earlier 12:57 or 12:58 call and had been waiting for 71 minutes.[188] "I hung up the phone. I yelled across the command center, ['M]ark the time, 2:10, I finally got approval from the Capitol Police Board for the use of the National Guard,'" Chief Sund said.[189]

At around 2:30 p.m., Director Rodriguez patched Chief Contee—and a largely silent Mayor Bowser listening in[190]—into the conference call with Chief Sund and Major General Walker, who brought in General Piatt.[191] Major General Walker ordered his aide-de-camp on his second day on the job, Lt. Timothy Nick, to take handwritten notes of the call and the rest of the day.[192]

On the line at the Pentagon—gathered around the speaker of the Secretary of the Army's desk phone—were General Piatt, General McConville, and Secretary McCarthy.[193] According to Secretary McCarthy, it was during the call that he learned the Capitol had been breached,[194] watching it unfold in real time on television.[195] He didn't recall hearing Chief Sund's voice on the call, but said "we were trying to get . . . what we call the operational sight picture. What is going on? How big is the crowd? How violent is the crowd? . . . They started laying out really the—just how bad it was."[196] Secretary McCarthy resolved to run to the office of Acting Secretary of Defense Miller, leaving behind instructions to General Piatt to "find out the requirements," as he was "going to get the authority."[197] "[W]e go zipping down there," General McConville said.[198] As they were leaving, General Flynn showed up.[199]

General Flynn said, "when I came by the phone," he "heard voices screaming on the end."[200] He called the tones of their voices as "chaotic"[201] and that "[y]ou couldn't tell who was talking sometimes."[202] Chief Sund was pleading for help. "I want to say he even used the word, like, 'I

am pleading,'" Chief Contee said.[203] Col. Matthews, listening in beside Major General Walker, said of Chief Sund: "His voice was cracking. He was almost crying."[204]

According to Chief Contee, the reaction to his pleas was "tepid."[205] "It was a very sluggish response," Chief Contee said.[206] "I remember just, you know, with all that was going on, not hearing a 'yes,' you know, just . . . what I would in my mind qualify as, like, excuses and not decisive action . . . I was hearing, like, all the reasons, you know, why we shouldn't be doing this."[207] Director Rodriguez called it a "kind of bureaucratic" response in the midst of "a rapidly evolving situation where literally the Capitol was being overrun."[208] He added: "I don't want to use the word disinterested, but more just, 'let's just hold on. Let's just wait. Let's just kind of calm down for a second while literally Rome is burning.' "[209]

For his part, General Flynn depicted General Piatt—the main interlocutor—as "the calming voice in an otherwise chaotic situation."[210] General McConville agreed: "I talked to some of my staff, and they said that General Piatt did an incredible job. He was like the—you know, in a very calm [voice], just saying, 'let's just settle . . . .' "[211]

But Major General Walker said he "just couldn't believe nobody was saying: 'Hey, go.' "[212] He asked the generals on the other line, "'Aren't you watching the news? Can't you see what's going on? We need to get there.' And [I was] cognizant of the fact that I'm talking to senior . . . people, but I could see what was happening . . . ."[213] Chief Sund was "perplexed" and "dumbfounded."[214] "It wasn't what I expected of, yeah, the cavalry's coming. It was a bunch of, round-the-house, oh, hey, let's do this, let's do that," he said.[215] "I was borderline getting pretty pissed off."[216]

Many participants on the call say General Piatt's stated concern was the optics of sending troops to the site of a democratic process.

"[T]he infamous talk about optics. That came up again. There was talk about boots on the ground again. You know, that's not good optics, having boots on the ground," Chief Contee said.[217] He recalled how Secretary McCarthy had vocalized the same hesitance during the five-day deliberation preceding January 6th.[218]

Director Rodriguez believed General Piatt replied to the request by saying, "[W]e don't like the optics of having military personnel at the Capitol against peaceful protesters."[219]

He recalls Chief Contee replying bluntly, "[W]ell, they're not peaceful anymore."[220]

Major General Walker heard one of the Army generals say it "wouldn't be their best military advice or guidance to suggest to the Secretary that we

have uniformed presence at the Capitol." [221] He added: "They were concerned about how it would look, the optics." [222] Chief Sund heard the general use the word twice.[223] "General Piatt said—and I will never forget this—'Yeah, I don't know. I'm concerned about the optics of the National Guard standing a line with the Capitol in the background,'" Chief Sund said.[224] "[M]y officers are getting beaten, and they're worried about the optics of the National Guard." [225]

Although General Piatt denies explicitly using the word "optics"—"I don't recall ever saying that word on that phone call, because at the time it just wasn't important" [226]—he agreed that he said use of the Guard was "not my best military judgment or my best military advice." [227] He said he "made a couple of suggestions that were not well-received," [228] including "if there was any other facility where we could go and relieve police . . . I think they took that as I was saying no, because they immediately came back and said, you're denying our request." [229]

General McConville—who wasn't present at the time—said he talked to people in the room about the use of the word "optics," and "some people said, 'No, it wasn't said.' And then some people said it was said." [230] Nonetheless, the sentiment behind it should not be a particularly controversial one, according to General McConville. "People like to use optics—I'm going to stay away because that's a political term in my eyes. But what type of signature do you want on the streets in Washington, DC? Do you want a police signature? Do you want a military signature? Do you want a Federal signature?" he said.[231] "[T]hat creates a reaction from the American people, and we need to think our way through that . . ." [232]

On the call, talk of needing a plan—the so-called con-op that had been a lesson learned from the summer—emerged. "[A]fter the optics, . . . then it was, you know, they wanted, like, specific information. There was something they were talking about, like, mission and . . . what exactly they're going to be doing when they get there," Chief Contee said.[233] Before running off, Secretary McCarthy had instructed General McConville to put together a plan: "My charter, my direction from him is to get a plan. We're gonna support; I just wanted to get something to support with." [234] But he acknowledged the impression nonetheless remained that he was "denying or pushing back." [235]

That impression was made explicit: "They said three times to me clearly, 'You're denying my request,'" General Piatt said.[236]

Chief Contee interrupted "Chief Sund mid-sentence" and said, "Wait a minute. Hold up. Let me make sure that I understand this correctly . . . [A]re you asking for support from the National Guard at the U.S. Capitol?" [237]

Chief Sund said, "Yes." [238]

Chief Contee then addressed the Army generals: "'Are you guys honoring his request?' I asked them that. And they didn't say 'no,' but they also didn't say 'yes.'"[239] Chief Sund recalled it the same way.[240]

General Piatt said he was "clear in my response, 'I don't have any authority to deny or approve. The Secretary is getting approval.'"[241]

"[T]he third time when they said, 'You're denying our request,' they also said, 'And we're going to go to the media,'" General Piatt said.[242] "[W]e were desperate. Everyone was desperate. So I'm not angry at that, but I just knew it wasn't helpful, so we told that to Secretary McCarthy."[243]

As for the threat to go public, Major General Walker said, "I remember that very clearly."[244] According to him, after the generals would not say yes or no, "Chief Contee says: 'I'm going to call the mayor and ask her to have a press conference saying that the Army is not going to allow the DC Guard to come and support.'"[245] General Piatt reportedly replied, "Please don't do that. I don't have the authority to authorize the National Guard to go. So please don't do that. Please don't hold the press conference."[246] Chief Contee doesn't recall saying that.[247] Mayor Bowser doesn't know if she was still on the line when the remark was made, but "it was certainly going to be something that I would do."[248]

In the end, "the call sort of ended very abruptly, ..."[249] The DC head of homeland security and emergency management left the call thinking "that help was not coming, and—at least [not] from the National Guard."[250] That was Chief Sund's belief, too. "[I]f a general says his troops are not coming, his troops aren't coming," he said.[251]

Before the call ended, General Flynn set up a video-conferencing bridge. General Piatt explained to the Select Committee that this was meant "to get the principals and the team together to start making a plan."[252] But Major General Walker—under whom "it was actually written . . . would maintain control of National Guard forces"[253]—said he was not privy to any planning while on the call.

"We were just told to hold," he said.[254]

How long did Major General Walker hold?

"Three hours and 19 minutes," he said.[255]

Major General Walker told the Select Committee regarding what occurred during this time. "[W]e all thought, it's in a minute, we're going to be told to go, in a minute. Then 5 minutes, then 10 minutes, then 15 minutes. We kept thinking, any minute now, somebody is going to say 'go,'" he said.[256] "And then an hour went by, then more time went by . . . . But we never thought it would take that long."[257] Col. Matthews confirmed that there were periods on the call when no one was talking.[258] At times, there was talk of securing buildings other than the Capitol.[259] He called the open channel essentially "a general officer chat line."[260]

What did Major General Walker think was happening in those 3 hours and 19 minutes?

"Delay." [261]

An Absent Commander-in-Chief. Vice President Mike Pence called several times to check in on the delayed response of the Guard. President Trump did not.

Vice President Pence called Acting Secretary Miller at least two times.[262] "He was very animated, and he issued very explicit, very direct, unambiguous orders. There was no question about that," General Milley said.[263] "And he said, 'Get the National Guard down here. Get them down here now, and clear the Capitol.' You know, and this is the Vice President of the United States. And there was other forceful language.'" [264]

Acting Secretary Miller clarified that "he did not order me," as "he's not in the chain of command," but he considered the talk with the Vice President "[h]yper professional" and "[v]ery focused," in which the secretary "highlighted that District of Columbia National Guard . . . was activated, and we were throwing every asset we could marshal to support law enforcement." [265]

In contrast, according to General Milley, Chief of Staff Meadows called and said, "'We have to kill the narrative that the Vice President is making all the decisions. We need to establish the narrative, you know, that the President is still in charge and that things are steady or stable,' or words to that effect. I immediately interpreted that as politics, politics, politics." [266]

President Trump himself did not call. As reports of Departments of Defense denials and delay were echoing in the media, no high-level Defense official—including Secretaries Miller[267] and McCarthy[268]—received a call from him that day.[269] At the time, General Milley thought that was "absolutely . . . highly unusual." [270]

"[Y]ou're the Commander in Chief. You've got an assault going on on the Capitol of the United States of America, and there's nothing? No call? Nothing? Zero?" he said.[271] "I grew up in an organization where commanders are responsible and take charge and they see situations unfolding and they issue orders and take charge." [272]

On January 3rd, at the end of a national security meeting concerning a foreign threat, the President asked "in passing" about January 6th preparations.[273] Acting Secretary Miller informed him they would be fulfilling Mayor Bowser's request for DC Guard support.[274] From then on, if not earlier, the secretary "felt like I had all the authorities I needed and did not need to discuss anything with the President regarding authorities." [275] The conversation lasted all of 30 seconds to a minute.[276] Secretary Miller testified that he never received any order at any time from President Trump to

deploy the National Guard on January 6th. "There was no direct—there was no order from the President," he said.[277]

On January 5th, as demonstrators rallied in support of the President, Acting Secretary Miller received a call from the commander-in-chief.[278] The President asked him if he was watching the events on television.[279] The secretary told him he had caught some of the coverage.[280]

Unprompted, President Trump then said, "You're going to need 10,000 people" the following day, as in troops.[281] An email sent by Chief of Staff Meadows on January 5th explicitly noted that the DC Guard would be on hand to "protect pro Trump people."[282] The President and his staff appeared to be aware of the likelihood of violence on the day the election certification of his loss was slated to transpire. This communication from President Trump contemplated that the Guard could support and secure the safety of Trump supporters, not protect the Capitol. At that time, Secretary Miller apparently had no information on what President Trump planned for January 6th.

Acting Secretary Miller thought the 10,000 number was astronomical—"we expected 35,000 protesters . . . [and] even if there were more protesters than expected, [we thought] that local law enforcement could handle it"[283]—but, again, this was "no order from the President," just "President Trump banter that you all are familiar with."[284]

Parallel Plans in the Midst of Crisis. While the Army and the District engaged in the "heated"[285] 2:30 p.m. phone call, Secretary McCarthy was hurrying down the Pentagon hallways to Acting Secretary Miller's office. General Milley had been summoned there before Secretary McCarthy arrived with General McConville in tow,[286] "running down the hall, and he was actually winded when he showed up . . ."[287]

The next half hour was spent in "a quick, rapid fire meeting, [with] lots of quick questions."[288] Secretary McCarthy—out of breath—said he started by saying, "We've got to go. We've got to get something—we've got to put every capability we can up there."[289] The response he received was, "They were all kind of, like, 'Slow down. What's going on?' They wanted to get a sense of the situation."[290] Secretary McCarthy said it took about 15 to 20 minutes to "relay this," "laying out what I thought we needed to do."[291]

By 3:04 p.m., Acting Secretary Miller said he approved deployment of the DC Guard to assist law enforcement at the Capitol at that time.[292] Acting Secretary Miller did not understand why Major General Walker—if he felt the exigency demanded it—did not deploy troops as soon as his 3 p.m. order allowed it. "Why didn't he launch them? I'd love to know," he said.[293]

Secretary McCarthy agreed "***that's where we may have talked past each other in his office,***" because Secretary McCarthy thought he "had the

authority as the Secretary of the Army" to conduct a mission analysis and send troops at ***his*** discretion, not that of Major General Walker.[294]

Major General Walker himself understood he had to wait for approval from Secretary McCarthy to deploy his forces. ***But as he waited on that video call for hours, he did strongly consider sending them anyway.*** He turned to his lawyer and said, "Hey, you know what? You know, we're going to go, and I'm just going to shoulder the responsibility."[295] According to Major General Walker, his lawyer responded, "What if you get sued?"[296] Colonel Mathews, that lawyer, "told him not to do that. Just hold on."[297] The Guard officials located with Major General Walker at the Armory all say he seriously contemplated aloud the possibility of breaking with the chain of command.

"Should we just deploy now and resign tomorrow?" was how Lieutenant Nick recalled Major General Walker bluntly putting it.[298]

"I would have done just that," Major General Walker said, "but not for those two letters"[299] from his superiors curtailing Guard redeployment.[300]

The man who signed one of the letters, however—himself a former member of the DC Guard[301]—now says Major General Walker should have moved forward regardless of whether he had proper authorization.

"I've launched QRF without approval more than once," Acting Secretary Miller said.[302] "If you're the person on the ground in the Army, and you realize that there's something that is unpredictable or unexpected and you have the ability to influence it, the culture, the training, the education, the expectation of you, the American people, is that you will execute and do what you can, even if it costs you your job."[303]

After authorization at 3:04 p.m., Secretary McCarthy said he gave Major General Walker a call. He told him to "[m]obilize the entire Guard, bring everybody in. . . . And I said, you know, move the QRF to the armory and get as many people as you can to the armory and configure them in a minimum of riot gear and batons. And then we're going to do a mission analysis of what we need to do with the police . . . ."[304] Major General Walker "categorically denies" that any such call took place.[305] In fact, Major General Walker said the two men did not talk at all until much later that night.[306] "Here's the bottom line. The Secretary was unavailable to me, and he never called me," Major General Walker said.[307]

Beginning around 3:00 p.m., 25 minutes of Secretary McCarthy's time was spent reassuring members of Congress that the Guard was indeed coming,[308] although he had not yet conveyed the order. That was time unspent on facilitating their actual coming. In addition to the alleged threat on the 2:30 p.m. call, a media tweet had gone out at 2:55 p.m. declaring that the Department of Defense had denied requests for Guard support.[309]

By 3:45 p.m., Secretary McCarthy was done with his calls and—after picking up some things from his office—headed down to the MPD headquarters to draft a con-op beside law enforcement.[310] Acting Secretary Miller arrived at 4:10 p.m.[311]

While he was waiting, Colonel Hunter decided he would keep the first shift handling traffic control out at their posts in case they were needed for re-mission by the MPD, relying instead only on the QRF and the second shift at the Armory to respond to the Capitol.[312] Those servicemembers ended up manning their traffic control posts up to 20 hours straight.[313] Army leadership never found out that the servicemembers at the traffic control posts didn't end up responding to the Capitol that night, incorrectly crediting some of the Guard's delay that day to their travel time.[314]

By 3:50 p.m., the QRF had arrived at the Armory, bringing their own equipment, given no new information upon making the extra pit stop there instead of the Capitol.[315] They were ready to go, steeped in "a lot of nerves."[316] The second shift of servicemembers originally missioned for traffic control had been told as early as 2:30 p.m. to expect a switch in mission to handling civil disturbance.[317] They rushed to gear up and prepare, but it was a lot of "hurry up and wait."[318] Not long afterward, "we're all ready. Now we're all donned. So go sit on the bleachers and wait . . . We were in a tight holding pattern until the time to deploy."[319]

At around the same time, at 3:49 p.m., Speaker Pelosi is heard in video footage from that day urging Acting Secretary Miller to hurry.

"Just pretend for a moment this was the Pentagon or the White House or some other entity that was under siege," she told him over the phone while she—and the rest of the Congressional leadership—were huddled in a secure location.[320] "Just get them there!"[321]

When Secretary McCarthy arrived at MPD headquarters, he joined Chief Contee, his Army Operations Director Brigadier General Chris LaNeve, and Assistant Chief Carroll by phone.[322]

In the next 20 minutes, Secretary McCarthy developed a con-op.

As Secretary McCarthy had decided after the summer, crafting a strategy was his job—"I was doing it with the Mayor, the police chief, and the deputy director of the FBI, my counterparts, and then ultimately wanted to understand what our role would be, the conditions"—and afterward, "we turned to [Major General Walker] to work the tactical details for that."[323]

But Major General Walker said, "If I need you to tell me how to execute a civil disturbance mission," he "[s]hould relieve me. Should fire me."[324]

It wasn't until later, post-January 6th, that Major General Walker said he found out that Secretary McCarthy, his boss, had been putting together a con-op—without him. "Then later they said they had to put together a plan

for me to execute . . . which I found kind of disturbing," Major General Walker said.[325] "You're coming up with a plan without me being involved in the plan?" [326]

General McConville agreed that "usually[,] the Secretary of Army is not developing concepts for the employment, but because of the situation that wasn't done," so the secretary had to fill in the gap.[327] That, of course—given the preparations Colonel Hunter had laid out hours earlier—was not true. But Secretary McCarthy did not know that.[328]

He said Major General Walker never told him about how Colonel Hunter had prepared and that it was his responsibility to tell him.[329] "I don't talk to troop lead commanders, no," he said.[330]

Ultimately, no plan from Army leaders—strategic or tactical—made it to the troops.

"[I]f they came up with a plan, they never shared it with us," Major General Walker said.[331] "***They claim they were putting a plan together. That's what took so long.*** I never saw a plan from the Department of Defense or the Department of the Army." [332]

Colonel Hunter agreed that "[n]o one ever told me, because I already had the plan there, and no one ever informed me that there was a different plan or a different [con-op]." [333] He said to the extent a "hasty plan" was put into action on January 6th, it was his: "I created the concept of operation." [334] He added: "The [plan] that was actually used as far as which lot they would come into, who would meet them at the lot, and then who would lead them over to the Capitol. That was between myself and MPD and Capitol Police." [335]

After hours of wait, Major General Walker said, "The plan was executed just like we said it would be [from the start], get to the Capitol, take direction from the ranking police officers there . . . to help restore order." [336] Colonel Hunter passed the details of his hasty plan onto Lt. Col. Reinke—the highest ranking officer at the rally point—letting him know, "Hey, when you pull into this lot, they will meet you there. This is who is—you know, you're going with these personnel," exactly what Secretary McCarthy had just spent 20 minutes putting together.[337]

Although Lt. Col. Reinke said his QRF servicemembers were given rules of engagement before arriving at the rally point, he was not told more than report to Capitol Police and supplement and assist them.[338]

Captain Tarp, outranked by Lt. Col. Reinke but in charge of the second shift, was merely told by Brigadier General Ryan: "'You need to act like there's a fire now. You're going to [the] Capitol.' Those were his directions." [339]

After an hour and a half spent in calls, travel, and making plans, Secretary McCarthy was prepared to green light the deployment of the Guard at 4:35 p.m. But miscommunication led to another half-hour delay.

Secretary McCarthy relayed the "go" order to Major General Walker—with his subordinate Brigadier General LaNeve serving as the intermediary—in a conversation Major General Walker said never happened.

According to Secretary McCarthy, Brigadier General LaNeve "wasn't a junior aide."[340] In his role, "he can speak, once given the authority, delegated authority to speak as the Sec Army . . ."[341] He said that the first-star officer "was standing next to me,"[342] and General Piatt said that it was generally "not uncommon" for him to ask his staff to "transmit [the] communication from the Secretary to General Walker."[343]

For his part, Brigadier General LaNeve denies that he himself conveyed the "go" order.[344] He said he spoke with Major General Walker first at 4:25 p.m. to tell him that his forces should, "Get on the bus, do not leave."[345] On a second call at 4:35 p.m., Brigadier General LaNeve said he overheard Secretary McCarthy himself convey the "go" order to Major General Walker: He said something "to the effect of 'You're approved to provide support.' "[346] Secretary McCarthy, on his part, said he never spoke a word.[347]

Brigadier General LaNeve said the secretary then again handed him the phone to convey the details of "where to go and what officer to meet up with."[348] Those two details would be the full extent of the "con-op" allegedly communicated to Major General Walker.[349] He even recalled Major General Walker saying, "Roger," to acknowledge the plan.[350] But, Brigadier General LaNeve said, there was "mass confusion in that room," and he agreed that "[t]here were huge communications problems."[351]

Major General Walker said there was no such call, nor any like it.[352] He said he remained on the video conference line the whole time "with everybody else," he said.[353] He said he would not have taken an order from Brigadier General LaNeve anyhow. "[W]hy would I ever take directions from General LaNeve? Anybody? Brigadier General LaNeve, one-star," Major General Walker said.[354] "I mean, he's not a peer, it wouldn't be somebody that would convey that type of message to me. . . So my thinking wouldn't have been that he would have been speaking on behalf of the Secretary."[355]

Although his staff confirms they didn't see him field a call from Secretary McCarthy or Brigadier General LaNeve,[356] including never seeing him leave their conference room,[357] Major General Walker's own note taker appears to have jotted down at 4:37 p.m. the following: "advised to sent [sic] 150 to establish D st / 1st outer perimeter, General LaNeve," beside what appears to be his phone number.[358] That address is the rally point

Secretary McCarthy had asked General LaNeve to convey, the same one Colonel Hunter and law enforcement had already chosen earlier. Major General Walker said, "the only way [Lt. Nick] could have got it was listening to the VTC, which I was on." [359] He further said, "I never saw General LaNeve on the [video teleconference] . . . I didn't hear General LaNeve's voice." [360] Lt. Nick said he had it penned at much later—at 5:09 p.m.—"as the time they received the orders" to deploy.[361]

Major General Walker certainly did not *act* as if he had been given authority until, fortuitously, General McConville—who had heard about the 4:35 p.m. call—walked by the teleconference screen and was "surprised" to see the commanding general sitting idly at 5:09 p.m.[362]

Major General Walker agreed the first time he heard he had the authority was from the lips of the general: "General McConville came back into the call and said, Hey, you're a go." [363]

Lt. Col. Reinke's QRF and Captain Tarp's second shift got on the bus at 5:10 p.m.[364] They left at 5:15 p.m.[365] Lt. Col. Reinke said they didn't arrive at the Capitol Police parking lot until 5:55 p.m.,[366] although official timing from the Army and Department of Defense put their arrival time at 5:40 p.m. and from the DC Guard at 5:20 p.m.[367] At the earliest, the troops arrived in the vicinity of the Capitol grounds at 5:29 p.m., when Lt. Col. Reinke texted Colonel Hunter: "Apparently we pulled into the wrong lot, trying to reroute to LOT 16 now." [368] He said they sat around for 20 minutes once they arrived, and then were sworn in, before relieving an entire line of officers.[369] Captain Tarp said they remained idle for 45 minutes waiting for Capitol Police to come "bus by bus to swear-in the officers. It was a long wait. Frustrating—we're sitting a mile from where we['re] going." [370]

Captain Tarp said, "By the time we got there, we were just holding back the people who remained past the curfew." [371] The height of the riot had passed.

Colonel Hunter estimated that—had his preparations been approved—the DC Guard could have arrived as early as an hour and a half earlier than they did.

"Within one hour, I'd say I could've had 135. So the [about 40] coming from Joint Base Andrews, if they would've headed directly to me at the Capitol, and then the 90 I had on the street and the 4 that were—including myself," he said.[372] "[S]o I arrived at the Capitol at 3:10. So, if I would've recalled everyone by 3:30, 3:40, we could've been—had gear on and walking towards the Capitol." [373]

He further stated: "I would give them another hour. So by 4:40 I should've had at least 250 coming from the Armory . . . That includes the second shift as well as full-timers." [374]

Presented with the plans Colonel Hunter had set in motion and the easy accessibility of their equipment, neither of which he had known about at the time, Secretary McCarthy conceded "you could have shaved minutes," [375] and the speed of deployment "could have" been pushed up, but "[i]t depends." [376]

When the Guard finally arrived at the Capitol, "pretty much all the other fighting, per se, had stopped on the Capitol complex," according to Robert Glover, head of the MPD Special Operations Division.[377] Then-Inspector Glover received the Guard troops when they arrived.[378] "[T]he bus just kind of showed up. It was my decision at that point, looking at their numbers and their capabilities at that moment in time and what was the most pressing activity—and that was to make the arrests," he said.[379] He had them create a secure "prisoner cordon" where they could stand guard as arrested individuals waited transport to jail.[380] "They were the freshest personnel that we had at that moment in time. And, again, they didn't have any significant numbers to really do much else at that moment in time either," he said.[381] "[T]heir orders were basically, support us in whatever we told them to do . . ." [382]

Secretary McCarthy said that it was possible that DOD and DC National Guard leaders had simply not been coordinating their planning.[383] He acknowledged that "a lot of things were probably missed. It was tremendously confusing," [384] and "that makes for a messy response." [385]

No one within the Department of Defense, Army, or Guard leveled accusations of an intentional delay. "I didn't see anybody trying to throw sand in the gearbox and slow things down," General Milley said.[386]

Major General Walker said the Army's reluctance to approve National Guard assistance to the Mayor during the planning for the anticipated January 6th events continued through January 6th itself.[387] "I don't know where the decision paralysis came from, but it was clearly there. The decision paralysis, decision avoidance," he said.[388]

CONCLUSION

Former President Trump's eagerness to engage the U.S. military to play a visible role in addressing domestic unrest during the late spring and summer of 2020 does appear to have prompted senior military leadership to take precautions, in preparing for the joint session, against the possibility that the DC Guard might be ordered to deploy for an improper purpose. Those precautions seem to have been prudential as much as legal in nature.

What that entailed in the unprecedented circumstances of the January 6th attack on the Capitol is, however, harder to accept: a 3 hour and 19

minute lag-time in making a relatively small, but riot-trained and highly capable military unit available to conduct one of its statutory support missions.

While the delay seems unnecessary and unacceptable, it was the byproduct of military processes, institutional caution, and a revised deployment approval process. We have no evidence that the delay was intentional. Likewise, it appears that none of the individuals involved understood what President Trump planned for January 6th, and how he would behave during the violence. Imperfect inter-government and intra-military communications as the January 6th rally morphed, with President Trump's active encouragement, into a full-blown riot at the Capitol also help explain the time it took to deploy Guard troops to the Capitol after their assistance there was requested and approved. Post-hoc evaluation of real-time communications during an unprecedented and evolving crisis and limited tactical intelligence, nevertheless, carries the risk of a precision that was unrealistic at the time. It is also clear from testimony provided to the Select Committee that DoD and DC National Guard leaders have differing perspectives that are not reconcilable regarding the timing of deployment authorization.

Where the DC Guard's deployment on January 6th is concerned, then, the "lessons learned" at this juncture include: careful evaluation on the basis of limited information may take time; statutorily constrained intergovernmental requests for assistance and multi-level approval processes are complex and may be time-consuming; any visible military presence in the domestic setting is circumscribed by law and triggers considerable, constitutionally-driven sensitivities; and crisis communications are often imperfect, especially in unforeseen and rapidly evolving situations.

ENDNOTES

1. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 8.
2. DC Code § 49-409, ("The President of the United States shall be the Commander-in-Chief of the militia of the District of Columbia."), available at https://code.dccouncil.gov/us/dc/council/code/sections/49-409 (The DC National Guard is the "organized militia" of the District of Columbia. DC Code § 49-406, available at https://code.dccouncil.gov/us/dc/council/code/sections/49-406). Subject to that top-level command distinction, the DC National Guard is, when acting in its civil support or militia capacity, comparable to the National Guard of the various States, which act as those States' militias. 32 U.S.C. §101(4) ("Army National Guard" statutorily defined as "that part of the organized militia of the several States . . . and the District of Columbia . . ."). The Department of Justice's Office of Legal Counsel has interpreted the DC Code provisions authorizing the DC National Guard's use as a militia in support of DC law enforcement activities as within the exemptions from the Posse Comitatus Act's prohibitions on use of the military for domestic law enforcement (18 U.S.C. § 1385 ("Whoever, except in cases and under conditions expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air

Force as a posse comitatus or otherwise to execute the laws shall be fined . . . or imprisoned . . . .")). *See* Memorandum Opinion, "Use of the National Guard to Support Drug Interdiction Efforts in the District of Columbia," 13 Op. O.L.C. 91, 92, 93, 97 (Apr. 4, 1989), available at https://www.justice.gov/olc/opinions-volume (Posse Comitatus Act, 18 U.S.C. § 1385, does not prohibit use of DC National Guard as a militia in support of DC Metropolitan Police Department). The President also has authority to mobilize the National Guard, which is a reserve component of the U.S. armed forces, to active duty (10 U.S.C. §12301 et seq.), and may "federalize" any National Guard unit to assist in addressing insurrection (10 U.S.C. §§251-253), invasion, or rebellion and to give effect to Federal law (10 U.S.C. §12406). The President did not exercise those authorities on January 6, 2021. The DC National Guard operated that day as the DC militia, in its civil support and law enforcement assistance capacity under the separate authorities noted above. *See also,* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 8.

3. Executive Order 11485, 34 F.R. 15411, § 1, (Oct. 1, 1969), available at https://www.federalregister.gov/documents/search?conditions%5Bterm%5D=34+f.r.15411# ("The Commanding General of the [DC] National Guard shall report to the Secretary of Defense or to an official of the Department of Defense designated by the Secretary . . ."). The Secretary of Defense exercises command authority over the "military operations, including training, parades and other duty" of the DC National Guard while in its non-federalized militia status, through the Commanding General of the DC National Guard. *Id.* Executive Order 11485 reserves appointment of the Commanding General of the DC National Guard to the President (*i.e.*, does not delegate that authority to the Secretary of Defense or the Secretary's designee). *Id.*, at §§ 1, 3. That Executive Order also specifies that, "[s]ubject to the direction of the President as Commander-in-Chief, the Secretary [of Defense] may order out the [DC] National Guard . . . to aid the civil authorities . . . of the District of Columbia." *Id.*, at § 1. Under a longstanding Congressional authorization, the Mayor of the District of Columbia may request that the Commander-in-Chief (now, by the President's delegation, the Secretary of Defense), direct the National Guard to assist in suppressing "violence to persons or property" or "force or violence to break and resist the laws," including when "tumult, riot or mob is threatened." DC Code §49-103 ("Suppression of riots"), available at https://code.dccouncil.gov/us/dc/council/code/sections/49-103. *See also*, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 104.

4. Memorandum, Secretary of Defense to Secretary of the Army and Secretary of the Air Force, "Supervision and Control of the National Guard of the District of Columbia," (Oct. 10, 1969), ¶ 3. That memorandum is available as an attachment to the Secretary of Defense Lloyd Austin's December 30, 2021 memorandum modifying that 1969 delegation: "Effective immediately, the Secretary of Defense is the approval authority for DC Government requests for the DCNG to provide law enforcement support" to the District of Columbia if the support is to be provided within 48 hours of the request or if acceding to the request would require the DC National Guard to engage directly in civilian law enforcement activities, including "crowd control, traffic control, search, seizure, arrest, or temporary detention." Memorandum, Secretary of Defense for Secretary of the Army, "Authority to Approve District of Columbia Government Requests for District of Columbia National Guard Support Assistance," (Dec. 30, 2021), available at https://www.airandspaceforces.com/austin-streamlines-authority-to-deploy-dc-national-guard. *See also,* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 104.

5. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 10.

6. George Floyd was murdered on Monday, May 25, 2020. *See* Catherine Thorbecke, "Derek Chauvin Had His Knee on George Floyd's Neck for Nearly 9 Minutes, Complaint Says," ABC News, (May 29, 2020)), available at https://abcnews.go.com/US/derek-chauvin-knee-george-floyds-neck-minutes-complaint/story?id=70961042. Over the ensuing days, weeks, and months, Americans demonstrated in cities across the country. See Major Cities Chiefs

Association Intelligence Commanders Group, Report on the 2020 Protests & Civil Unrest (Oct. 2020) at p. 8, Fig. 6, https://majorcitieschiefs.com/wp-content/uploads/2021/01/MCCA-Report-on-the-2020-Protest-and-Civil-Unrest.pdf.

7. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 5.
8. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 8.
9. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 66.
10. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 66.
11. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2021), pp. 67-68 ("[Trump] was very upset at the news that had come out that he had been taken down to the bunker in the preceding days, you know, when some of the rioting right by the White House was at its worst. He was very upset by this, and, as I recall, he bellowed at everyone sitting in front of him in a semicircle and he waved his finger around the semicircle saying we were losers, we were losers, we were all fucking losers," Barr said. "[H]e then raised—you know, he talked about whether he should invoke the Insurrection Act . . . And, you know, my position was that the Insurrection Act should only be invoked when you really need to invoke it as a last resort, when you don't really have other assets that can deal with civil unrest.").
12. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 86.
13. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 20.
14. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 20.
15. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), pp. 47-48.
16. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 47.
17. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 38.
18. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 18.
19. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), pp. 17-18. "Brigadier General Robert Kenneth Ryan was the joint task force commander [who] authorized the—the helicopters to fly over the crowd to observe and report, and the Secretary of the Army approved that," Major General Walker said. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 55. "Now, the pilots came a little too close to the civilians on the ground." *Id.*, at 57.
20. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 27.
21. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2022), p. 14.
22. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2022), p. 14.
23. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 19.

24. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 18.
25. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 19.
26. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 19.
27. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Esper, (Apr. 1, 2022), pp. 47-48.
28. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Esper, (Apr. 1, 2022), pp. 47-48.
29. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Apr. 1, 2022), p. 25.
30. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), pp. 242–43.
31. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donell Harvin, (Jan. 24, 2022), p. 14; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Donell Harvin, (Nov. 12, 2021).
32. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donell Harvin, (Jan. 24, 2022), pp. 22-23.
33. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 24; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donell Harvin, (Jan. 24, 2022), p. 24.
34. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00001680 (December 31, 2020, Letter from Mayor Bowser to Major General Walker re: DCNG).
35. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00001679 (December 31, 2020, Letter from Dr. Christopher Rodriguez to Major General Walker re: DCNG).
36. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 20.
37. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 26.
38. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 14.
39. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 38.
40. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 75.
41. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 47.
42. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 44.
43. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 50.
44. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 47.

45. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 49.
46. *See* Chapter 7.
47. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 79, 85.
48. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 56.
49. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 78-79, 80.
50. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 78-79, 80.
51. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 6.
52. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 53-54.
53. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 54.
54. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 75.
55. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 75-76.
56. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Apr. 21, 2022), p. 10.
57. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 63; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), pp. 32-33.
58. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), p. 84.
59. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 11.
60. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 11-12.
61. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 98.
62. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 97.
63. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 103.
64. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 99.
65. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 57.
66. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 57.
67. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 49.

68. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 27.
69. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 27.
70. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Esper, (Apr. 14, 2022), pp. 22-23.
71. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 12-13, 15.
72. U.S. House Committee on Oversight and Reform, *Hearing on Unexplained Delays and Unanswered Questions*, 117th Cong., 1st sess., (May 12, 2021), Statement of Christopher C. Miller, p. 4.
73. U.S. House Committee on Oversight and Reform, *Hearing on Unexplained Delays and Unanswered Questions*, 117th Cong., 1st sess., (May 12, 2021), Statement of Christopher C. Miller, p. 4.
74. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 133.
75. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 73.
76. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 73.
77. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 51.
78. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00005855–DoD 00005886 (December 18, 2021, email from General James C. McConville to Curtis Kellogg re: HOT MEDIA FOX NEWS & POLITICO MEDIA QUERY: Response to MG (R) Flynn's remarks.).
79. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 51.
80. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 54-55 ("Q: Were you ever told you would be fired if you ever made such a statement again? A: It was implied. It was implied that I was, you know, not to do that again, ...").
81. Lara Seligman (@laraseligman), Twitter, Dec. 18, 2021 11:27 a.m. ET, available at https://twitter.com/laraseligman/status/1339985580785086466.
82. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 68.
83. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00003488.
84. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00003488.
85. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 73.
86. Ashton Carter, Dick Cheney, William Cohen, Mark Esper, Robert Gates, Chuck Hagel, James Mattis, Leon Panetta, William Perry, and Donald Rumsfeld, "All 10 living former defense secretaries: Involving the military in election disputes would cross into dangerous territory," *Washington Post*, (Jan. 3, 2021), available at https://www.washingtonpost.com/opinions/10-former-defense-secretaries-military-peaceful-transfer-of-power/2021/01/03/2a23d52e-4c4d-11eb-a9f4-0e668b9772ba_story.html.
87. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 71.

88. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 71.
89. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 71.
90. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 148.
91. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 84.
92. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 247.
93. *See* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00000006 (January 4, 2021, Memorandum from the Secretary of Defense Christopher Miller to the Secretary of the Army Ryan McCarthy).
94. *See* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00000006 (January 4, 2021, Memorandum from the Secretary of Defense Christopher Miller to the Secretary of the Army Ryan McCarthy); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 56.
95. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 56.
96. *See* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00000006 (January 4, 2021, Memorandum from the Secretary of Defense Christopher Miller to the Secretary of the Army Ryan McCarthy); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD #2/000633, (January 5, 2021, Colonel John Lubas email to Major General William Walker with the subject, "Final Signed Memo to DCNG," at 7:54 a.m. ET).
97. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Lt. Col. David Reinke, (Jan. 6, 2022).
98. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 68.
99. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 68.
100. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 89.
101. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 92.
102. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 93.
103. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 90.
104. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 93–94.
105. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 42.
106. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 50.
107. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 50.

108. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 133 ("Q: It doesn't sound to me, like, really, you're pushing for it when you raised the National Guard with Sergeant At Arms Irving or Stenger? It would have been nice, but not essential for you to be ready. Is that a fair characterization of your personal position on that? A: Yes.").

109. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 116-17.

110. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 124.

111. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001766, CTRL0000001766.0001 (Document from January 3, 2021, titled: "Special Event Assessment: Joint Session of Congress—Electoral College Vote Certification"); see also, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Julie Farnam, (Dec. 15, 2021), pp. 51-52.

112. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 125.

113. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 114.

114. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 116.

115. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 119.

116. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 128.

117. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 128.

118. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 9-10.

119. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 35.

120. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 10.

121. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 12.

122. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 35.

123. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 10.

124. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 41.

125. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 7-8, 45.

126. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 52-53.

127. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 131-32.

128. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 19, 26.

129. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 19, 26.

130. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 19, 26.

131. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).

132. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 26.

133. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 26.

134. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Robert Ryan, (Dec. 9, 2022).

135. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Dec. 9, 2022).

136. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Dec. 9, 2022).

137. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 116.

138. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 117.

139. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2022), p. 31.

140. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 23.

141. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 25, 27-28.

142. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).

143. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 130.

144. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 26.

145. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 45.

146. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 107.

147. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 107.

148. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 109.

149. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Apr. 21, 2022), p. 29.

150. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00003050 (January 5, 2021, email from John Lubas to William Walker and Earl Matthews re: Final Signed Memo to DCNG).

151. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).

152. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2022), p. 33.

153. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 49.

154. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 65.

155. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 22.

156. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 26.

157. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 31.

158. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 31.

159. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 31-32.

160. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 31-32.

161. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 32.

162. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 32.

163. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 34.

164. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 32.

165. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 35.

166. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 34.

167. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 34.

168. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 37.

169. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 34.

170. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 41.

171. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 41.

172. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 41-42.

173. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 38-39. Text messages show that Lieutenant Colonel Reinke texted Colonel Hunter, “Loading buses now. Meeting police escort. Do you have destination. Contact info?” at 2:43 PM. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Davie Reinke Production), CTRL0000930918 (January 6, 2021, text messages).

174. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 44-45. (He called his direct supervisor, Brigadier General Robert Ryan: "The first conversation with him, I first informed him, hey, sir, this is where I am, this is who I've talked to, and they both asked for assistance. And I asked for release of the QRF now. And I asked for, basically send all the additional forces, you know, that you have now. And his response to me was, we are working on it. So he said he was going to coordinate with General Dean and Major General Walker, but they were working on it.").

175. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Robert J. Contee III, (Dec. 16, 2021).

176. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 78.

177. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 78.

178. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), pp. 75-76.

179. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 148.

180. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 18.

181. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 7-8, 19.

182. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 19, 53 ("[Q: T]he Speaker's office isn't part of that process in terms of requesting the National Guard, correct? A[:] Correct. It would just be on the notification side.").

183. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).

184. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).

185. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).

186. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).

187. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 21.

188. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 148-50.

189. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 152.

190. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 57 ("I wasn't speaking, but I was there.").

191. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 64.

192. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Timothy Nick, (Dec. 8, 2021).

193. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 99.

194. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 98-99.

195. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2022), p. 54.

196. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 99.

197. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 99; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2022), p. 56 ("And he immediately says, 'I'm going to get approval. Get me a plan,' is what he tells me").

198. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 84.

199. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 99. The Army at first denied that General Flynn was present for the call at all. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 98 ("I think there was just confusion—I know some people are trying, you know, to make it something else, but I think there was just confusion. There were a whole bunch of meetings going on because, you know, I didn't think he was there, because when I was there, he wasn't there."). General McConville said: "And there was no intent to deceive anybody, or there's no conspiracy because of who Charlie Flynn's brother is," General Michael Flynn. *Id.*, at 99. General Flynn said he did not speak on the call. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 41 ("A [:] I did not speak on that call. Q [:] Did you identify yourself as being on the call? A [:] I did not. Now, if I said anything, if I—my recollection, if I said anything, I may have tugged on General Piatt's sleeve and asked and said, "What's going on here?" like, "What's the situation?" you know." But others, like Colonel Matthews listening in from the National Guard end of the call, said both Generals Piatt and Flynn were the main interlocuters. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021). On Lt. Nick's notes, at 2:35 p.m., General Flynn's title is written down. *See* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), CTRL0000930917 (January 6, 2021, handwritten notes taken by Lt. Timothy Nick). Lt Nick said, "I was just trying to jot down who was on the call." *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Timothy Nick, (Dec. 8, 2021). General Flynn ultimately said he was there for a short time. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), pp. 40, 42 ("It was—I was literally there—the total time that I'm talking about was about 4 to 5 minutes. I was really around that phone call, rough order of magnitude, for maybe a minute of that;" "it became clear to me that I was in the wrong place. And so I made the decision to leave because General Piatt had a handle on the situation.").

200. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 37.

201. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 37.

202. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 39.

203. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), pp. 79-80.

204. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).

205. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 83.

206. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 81.

207. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 85.

208. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 70.

209. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 70.

210. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 40.

211. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), pp. 81-82.

212. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 113.

213. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 115.

214. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 162.

215. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 161.

216. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 160.

217. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 80.

218. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 80.

219. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 65.

220. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 65.

221. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 116.

222. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 116.

223. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 156-57.

224. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 156.

225. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 156.

226. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 61.

227. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 59.

228. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 57.

229. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 58.

230. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 99.

231. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 105.

232. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 105.

233. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), pp. 81-82.

234. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 59.

235. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 61.

236. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 59.

237. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 82.

238. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 82.

239. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 82.

240. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 157.

241. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 59.

242. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 63.

243. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 63.

244. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 116.

245. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 116.

246. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 116-17.

247. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 85.

248. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 59.

249. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 65.

250. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 65.

251. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 160.

252. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 60.

253. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 39.

254. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 118.

255. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 118.

256. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 141.

257. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 141-42.

258. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).

259. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).

260. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).

261. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 141.

262. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 83.

263. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 83.

264. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 288.

265. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 125.

266. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 296.

267. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 124.

268. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 143.

269. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 82 ("So at no time did I and I am not aware of anyone in the Pentagon having a conversation with President Trump on the day of the 6th.").

270. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 285.

271. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 268.

272. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 285.

273. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 95-96.

274. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 96.

275. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 96.

276. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 97-98.

277. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 100-01.

278. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 98.

279. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 98.

280. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 98.

281. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 102.

282. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM000789 (January 5, 2021, emails between Mark Meadows and John Aycoth, "Re: DC mayor activates National Guard ahead of pro-Trump demonstrations, The Hill").

283. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 99-100.

284. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 99-101. (Q: "[D]id you take that as a request for you or an order to you to deploy 10,000 troops? A[:] No, absolutely not. I interpreted it as a bit of presidential banter or President Trump banter that you all are familiar with, and in no way, shape, or form did I interpret that as an order or direction."); ("Q[:] So I want to be clear here that—since then, in February 2021, Mark Meadows said on Fox News that, quote: Even in January, that was a given as many as 10,000 National Guard troops were told to be on the ready by the Secretary of Defense. Is there any accuracy to that statement? A[:] I'm not—not from my perspective. I was never given any direction or order or knew of any plans of that nature."); (Q: "To be crystal clear, there was no direct order from President Trump to put 10,000 troops to be on the ready for January 6th, correct? A[:] No. Yeah. That's correct. There was no direct—there was no order from the President.").

285. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 13.

286. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), pp. 78-79.

287. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), pp. 252-53.

288. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 253.

289. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 102.

290. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 102.

291. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 102.

292. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 113 ("So, at 3 o'clock, I gave the order to mobilize the entire District of Columbia National Guard, however, big they are . . . . everybody show up at the [Armory and], . . . move them to the Capitol immediately to support local law enforcement.").

293. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 122.

294. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 124 (emphasis added).

295. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 120.

296. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 120.

297. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).

298. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Timothy Nick, (Dec. 8, 2021).

299. The two letters referenced include Secretary Miller's January 4 memorandum setting restrictions on the Guard and a follow-up letter from Secretary McCarthy on January 5 expounding on those limitations. *See* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00000006 (January 4, 2021, memorandum), DoD Production DoD 00003493 (January 5, 2021 follow-up letter).

300. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 45.

301. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 104.

302. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 122.

303. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 123.

304. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 104.

305. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 47; Earl Matthews, "The Harder Right: An Analysis of a Recent DoD Inspector General Investigation and Other Matters," (Dec. 1, 2021), available at https://www.justsecurity.org/wp-content/uploads/2021/12/january-6-clearinghouse-Colonel-Earl-G.-Matthews-An-Analysis-of-a-Recent-DoD-Inspector-General-Investigation-and-Other-Matters-December-1-2021.pdf.

306. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 55.

307. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 52.

308. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 125.

309. Aaron C. Davis (@byaaroncdavis), Twitter, Jan. 6, 2021 2:55 p.m. ET, available at https://twitter.com/byaaroncdavis/status/1346908166030766080.

310. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4 2022), p. 109, 127, 129.

311. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4 2022), p. 130.

312. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 49. ("I mentioned that to Chief Carroll. I said, hey, Chief, you know, I may just pull everyone back. And he told me, he said, well, right now I may need your Guardsmen who are on the traffic control points, because all of my officers are here at the Capitol, so I don't have officers out there in the city right now, so I may need to re-mission those guys for other things. Can you just send me the personnel from the Armory here? You know, so it was almost like we were talking about splitting.

We'll use that 90 to support MPD on anything they needed in the city, but I can still get, you know, another 200, 250 from the Armory to come to the Capitol now."). But Assistant Chief Carroll didn't recall such a conversation. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Jeffrey Carroll, (Nov. 18, 2022) ("I don't think it happened. It doesn't sound like something that would've happened.") Sergeant Major Brooks said it was him who made the recommendation to hold the first shift at their posts. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Michael F. Brooks, (Dec. 13, 2021).

313. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).

314. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ken Ryan, (Dec. 9, 2021) ("Those that were on the TCPs on the 6th did not go to the Capitol on the night of the 6th."); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 81; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of James Charles McConville, (Nov. 4, 2021), pp.88-89 ("Well, what I would think was happening during that hour and a half is they're . . . leaving their check points, the traffic control points, the 30 traffic control points so that all of those vehicles, they're hopping in their cars and they're driving back in traffic through the [A]rmory and getting set."); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 50 ("They were out on traffic control points. They were doing another job. The QRF was across the river. We brought them over to the Armory. But they had to reconfigure, reorganize now to go into a civil disturbance operation.").

315. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).

316. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).

317. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).

318. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).

319. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).

320. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Business Meeting on the January 6th Investigation*, 117th Cong., 2d sess., (Oct. 13, 2022), available at https://www.govinfo.gov/committee/house-january6th.

321. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Business Meeting on the January 6th Investigation*, 117th Cong., 2d sess., (Oct. 13, 2022), available at https://www.govinfo.gov/committee/house-january6th.

322. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 109; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 86.

323. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 129.

324. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), pp. 121-22.

325. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 108.

326. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 108.

327. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of James Charles McConville, (Nov. 4, 2021), pp. 91-92.

328. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 107.

329. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 123.

330. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 141.

331. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 121.

332. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 122 (emphasis added).

333. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 67.

334. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 65, 70.

335. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 65.

336. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 121.

337. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 66.

338. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).

339. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022); Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).

340. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 134.

341. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 131.

342. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 131.

343. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 15.

344. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).

345. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).

346. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).

347. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 133.

348. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).

349. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 91 ("General LaNeve provided the link up location and the lead.").

350. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).

351. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).

352. Earl Matthews, "The Harder Right: An Analysis of a Recent DoD Inspector General Investigation and Other Matters," (Dec. 1, 2021), available at https://www.justsecurity.org/wp-content/uploads/2021/12/january-6-clearinghouse-Colonel-Earl-G.-Matthews-An-Analysis-of-a-Recent-DoD-Inspector-General-Investigation-and-Other-Matters-December-1-2021.pdf ("MG Walker denies that LaNeve called him at 4:25PM, or that he spoke to LaNeve at anytime between the phone call from Chief Sund at 1:49PM and the eventual DCNG deployment to the Capitol at 5:08PM.").

353. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 139.

354. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 60.

355. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 65-66.

356. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021) ("One reason I know that there is no 4:30 call—is that I was sitting next to Gen. Walker").

357. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Michael F. Brooks, (Dec. 13, 2021).

358. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), CTRL0000930917 (January 6, 2021, handwritten notes taken by Lt. Timothy Nick).

359. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 60.

360. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), pp. 60-61.

361. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Timothy Nick, (Dec. 8, 2021).

362. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of James Charles McConville, (Nov. 4, 2021), pp. 90-92.

363. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 140.

364. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).

365. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).

366. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).

367. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00001196 (January 8, 2021, Memorandum for Record from Office of the Secretary of Defense re: Timeline for December 31, 2020–January 6, 2021), DoD 00001090 (January 7, 2021, Memorandum for Record from the Secretary of the Army re: Timeline For 31 December–7 January 2021), 00000490 (January 7, 2021, Memorandum for Record from Joint Force Headquarters re: Timeline for Request for Assistance during Civil Unrest on 6 January 2021 and DC National Guard Authorization to Respond).

368. Text message from David Reinke to Colonel Hunter on January 6, 2021.

369. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).

370. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).

371. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).

372. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 50-51.

373. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 51.

374. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 53.

375. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 120.

376. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 111-12.

377. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 72.

378. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 72.

379. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 72.

380. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), pp. 67-68.

381. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 72.

382. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 73.

383. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 144.

384. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 111.

385. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 130.

386. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 83.

387. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p.71.

388. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 72.



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Pelosi did not block the National Guard from the Capitol on Jan. 6

BY ARIJETA LAJKA
Published 6:07 PM EDT, July 23, 2021

CLAIM: House Speaker Nancy Pelosi blocked the National Guard from coming to the Capitol during the Jan. 6 insurrection.

AP'S ASSESSMENT: False. As Speaker of the House, Pelosi does not direct the National Guard. Further, as the Capitol came under attack, she and the Senate Majority leader called for military assistance, including the National Guard.

THE FACTS: On Tuesday, a false claim about the deadly Jan. 6 riot at the Capitol resurfaced suggesting that Pelosi blocked the National Guard from coming to lawmakers' defense during the insurrection at the Capitol.

"@SpeakerPelosi, why did you block the National Guard from protecting the Capitol?" Indiana Rep. Jim Banks tweeted.

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Minority Leader Kevin McCarthy posed a similar question on Fox News saying, "Was there a decision by the Speaker not to have the National Guard at the Capitol that day?"

The answer is no.

"On January 6th, the Speaker, a target of an assassination attempt that day, was no more in charge of Capitol security than Mitch McConnell was. This is a clear attempt to whitewash what happened on January 6th and divert blame," Drew Hammill, a spokesperson for Pelosi told The Associated Press in an email.

The decision on whether to call National Guard troops to the Capitol is made by what is known as the Capitol Police Board, which is made up of the House Sergeant at Arms, the Senate Sergeant at Arms and the Architect of the Capitol. The board decided not to call the guard ahead of the insurrection but did eventually request assistance after the rioting had already begun, and the troops arrived several hours later.

The House Sergeant at Arms reports to Pelosi and the Senate Sergeant at Arms reported to McConnell, a Republican who was then Senate Majority Leader. There is no evidence that either directed the security officials not to call the guard beforehand, and Hammill said after the insurrection that Pelosi was never informed of such a request.

The officials on the board, along with the former Capitol Police chief, Steven Sund, have disputed each others' accounts of who requested the guard when. Both Sergeants of Arms and the police chief resigned immediately after the attack.

Once Trump's supporters were assaulting police and breaking into the building, Pelosi and Senate Democratic Leader Chuck Schumer appealed to military leaders, asking the Army to deploy the National Guard.

"The Speaker believes security officials should make security decisions. The Speaker immediately signaled her support for the deployment of the National Guard when she was presented with that recommendation on the afternoon of January 6th. Public testimony confirms the fact that the Speaker was not made aware of any request for such a deployment prior to then," Hammill said in a statement this week.

Republicans have falsely laid the blame on Pelosi without mentioning that GOP Leader McConnell had similar authority over the security officials that day. But there is no evidence that either was involved in any effort to block the National Guard before or during the insurrection.

Associated Press writer Mary Clare Jalonick in Washington contributed to this story.

This is part of The Associated Press' ongoing effort to address widely shared misinformation, including work with Facebook and other platforms to add context to misleading content and reduce its circulation online.

The Washington Post
Democracy Dies in Darkness

The false GOP claim that Pelosi turned down National Guard before Jan. 6 attack



Analysis by Salvador Rizzo
Staff writer

July 28, 2021 at 3:00 a.m. EDT

"There's questions into the leadership within, the structure of the speaker's office, where they denied the ability to bring the National Guard here. … We start with a committee chair who will tell you, 'Everything's on the table except the speaker's office.' How can you ever get to the bottom of the questions? How can you ever get to the solutions to make sure the Capitol is never put in this position again?"

— House Minority Leader Kevin McCarthy (R-Calif.), at a news conference, July 27, 2021

"It is a fact that … in December of 2020, Nancy Pelosi was made aware of potential security threats to the Capitol and she failed to act. It is a fact that the U.S. Capitol Police raised concerns and rather than providing them with the support and resources they needed and they deserved, she prioritized her partisan political optics over their safety."

— House Republican Conference Chair Elise Stefanik (R-N.Y.), at the news conference, July 27, 2021

Republicans accused House Speaker Nancy Pelosi (D-Calif.) of failing to protect the U.S. Capitol from the attack on Jan. 6, claiming she ignored warnings about potential threats and denied a request to bring in reinforcements from the National Guard.

Many fact-checkers have rated these claims false. In March, we gave Four Pinocchios to Rep. Jim Jordan (R-Ohio), a close ally of former president Donald Trump, for leveling the same accusation at Pelosi without proof.

Five months later, it's not just Jordan anymore. In a news conference held moments before the House select committee investigating the Jan. 6 attack held its first hearing, McCarthy and Stefanik, two top Republican leaders, said Pelosi failed to act on warning signs leading up to the riot.

"The American people deserve to know the truth that Nancy Pelosi bears responsibility as speaker of the House for the tragedy that occurred on January 6th," Stefanik said.

We asked representatives for McCarthy and Stefanik what proof they had. Just like Jordan five months earlier, they had none.

The Facts

Before leaving office, Trump held a rally outside the White House on Jan. 6 and repeatedly urged attendees to march on Congress as lawmakers were certifying President-elect Joe Biden's victory in the 2020 election. For months, Trump had been making false claims that rampant electoral fraud had cost him a winning margin of victory in key states.

"I said something's wrong here, something is really wrong," Trump said at the close of his Jan. 6 speech. "And we fight. We fight like hell. And if you don't fight like hell, you're not going to have a country anymore."

A mob stormed the Capitol, delaying the vote certification for hours. Many of the rioters have said they were incited by Trump. He denies any responsibility.

The riot led to five deaths, assaults on about 140 police officers and the evacuation of Congress. Authorities have estimated about 10,000 people descended on the Capitol campus and that about 800 broke into the building. To date, about 550 have been charged with crimes.

The Democratic-controlled House passed a resolution in March to create a bipartisan commission styled after the 9/11 Commission to investigate the Jan. 6 attack, but the proposal did not get enough Republican support to advance in the Senate. The House then established a select committee to investigate the events of Jan. 6, led by Rep. Bennie Thompson (D-Miss.), the chairman of the House Homeland Security Committee.

The accusations that Pelosi was aware of intelligence reports of a potential threat to the Capitol on Jan. 6, or that she turned down a request for reinforcements from the National Guard, have never been backed by proof.

There are three key players here: Steven A. Sund, the U.S. Capitol Police chief; Paul D. Irving, the House sergeant-at-arms, and Michael C. Stenger, the Senate sergeant-at-arms. All three resigned under pressure after the Jan. 6 insurrection. Sund said he ran the National Guard request by Irving and Stenger on Jan. 4 and neither supported the idea.

In a Feb. 1 letter to Pelosi, Sund wrote he "approached the two Sergeants at Arms to request the assistance of the National Guard, as I had no authority to do so without an Emergency Declaration by the Capitol Police Board (CPB)." He said he spoke first to Irving, who "stated that he was concerned about the 'optics' and didn't feel that the intelligence supported it." Irving suggested Sund check in with Stenger, at the time chair of the CPB, and get his thoughts. "Instead of approving the use of the National Guard, however, Mr. Stenger suggested I ask them how quickly we could get support if needed and to 'lean forward' in case we had to request assistance on January 6," Sund wrote.

Sund said he then contacted Gen. William Walker, commanding officer of the D.C. National Guard. Walker "advised that he could repurpose 125 National Guard and have them to me fairly quickly, once approved. I asked General Walker to be prepared in the event that we requested them."

Note that there is no indication that Pelosi was at all involved. Irving supposedly had made a vague reference to "optics," but there is no indication what that means. Moreover, Stenger, the Senate sergeant-at-arms, was also reluctant to support an immediate dispatching of National Guard troops. So there is little reason to suggest Irving, acting under Pelosi's direction, alone was responsible. It appeared to have been a joint decision.

At a Senate hearing Jan. 23, Irving said the proposed National Guard troops were to be unarmed and only to "work traffic control near the Capitol." He included an explanation of the term optics: "My use of the word optics has been mischaracterized in the media. Let me be clear. Optics as portrayed in the media played no role whatsoever in my decisions about security. And any suggestion to the contrary is false. Safety was always paramount when making security plans for January 6th."

In his questioning, Sen. Josh Hawley (R-Mo.) tried to drill down deeper in the conversations among Sund, Irving and Stenger. He asked Irving: "Were you concerned that having the Guard present would look like it was to militarize? Were you concerned about the criticism of the Guard being deployed in Washington ... earlier this summer?"

In this question, Hawley was getting at the heart of the question about "optics" — the belief among some Republicans that Pelosi somehow had communicated to Irving that she did not want images of National Guard troops at the Capitol, given what had happened during the criminal justice protests after the George Floyd killing.

Irving, in his response to Hawley, threw cold water on such speculation.

"Senator, I was not concerned about appearance whatsoever. It was all about safety and security," Irving said. "Any reference would have been related to appropriate use of force, display of force. And ultimately, the question on the table, when we look at any security asset, is: Does the intelligence warrant it? Is the security plan [a] match with the intelligence? And again, the collective answer was yes."

Later in the hearing, Sen. Ted Cruz (R-Tex.) asked whether Irving or Stenger had communicated the Jan. 4 decision on National Guard troops to congressional leadership.

"On Jan. 4, no, I had no follow-up conversations," Irving said. "And it was not until the 6th that I alerted leadership that we might be making a request. And that was the end of the discussion."

"For myself, it was Jan. 6 that I mentioned it to Leader [Mitch] McConnell's staff," Stenger said.

Drew Hammill, a spokesman for Pelosi, previously told us there had been no discussions between Irving and either Pelosi or her staff about National Guard deployment before Jan. 6. "We are not involved in the day-to-day operations of that office at all," he said. "We expect security professionals to make security decisions."

In a statement on Tuesday that linked to fact checks of similar claims over the past few months, Pelosi's office said "every single lie uttered by the Republicans this morning has been debunked time and again."

A Senate report into the Jan. 6 attack found: "The entities responsible for securing and protecting the Capitol Complex and everyone onsite that day were not prepared for a large-scale attack, despite being aware of the potential for violence targeting the Capitol. ...

"The failures leading up to and on January 6 were not limited to legislative branch entities. As has been made clear in the Committees' two public hearings on the subject, failures extended to a number of executive branch agencies. A key contributing factor to the tragic events of January 6 was the failure of the Intelligence Community to properly analyze, assess, and disseminate information to law enforcement regarding the potential for violence and the known threats to the Capitol and the Members present that day."

In response to our questions, Stefanik issued a statement that falsely claimed "the sergeant-at-arms is a political appointee of Speaker Nancy Pelosi and can be fired by Pelosi at any time." Irving, a former Secret Service supervisor, had been appointed in 2012 by then-House Speaker John A. Boehner (R-Ohio).

Stefanik added that throughout December, "multiple intelligence reports" had been "shared with the Capitol Police, raising concerns about January 6th."

"The speaker's office was aware of these concerns as reported by The Washington Post and chose not to act," she said. In support of that claim, a Stefanik spokesman linked to a report in The Post that does not say Pelosi failed to act on intelligence reports about potential threats.

A spokesman for McCarthy said, "Evidence shows that then-Sergeant at Arms Paul Irving reported to Speaker Pelosi and he denied approval to bring in the National Guard (when asked by Chief Sund) prior to January 6."

The spokesman, Mark Bednar, added: "The allegation is not that Nancy Pelosi said no National Guard. The concern is that the speaker, as the highest-ranking individual on the Capitol complex, had security responsibility for the Capitol, the security apparatus reported to her — and they said no, prior to the 6th."

That's different from what McCarthy said at the news conference, claiming Pelosi (in his words, "the structure of the speaker's office") somehow stumped the request for the National Guard.

McCarthy also made another claim at this news conference suggesting Democrats were asleep at the wheel when it came to securing the Capitol.

He suggested that Rep. Zoe Lofgren (D-Calif.), a Pelosi ally on the select committee investigating Jan. 6 and the chair of the House Administration Committee, which supervises the Capitol Police, had not held hearings into security matters since a report was issued by the Capitol Police's inspector general.

"You had a chair of House administration with responsibility that did not come to the Capitol for more than six months," McCarthy said. "First time showing back up? On January 3rd to vote for the speaker. No hearings about the IG report, no movement of Rodney Davis's bill."

McCarthy's office did not say which inspector general report he was referring to, but the House Administration Committee has held five hearings on the Jan. 6 attack since the Capitol Police inspector general issued its first report and recommendations in February.

One of the hearings, titled "Reforming the Capitol Police and Improving Accountability for the Capitol Police Board," was held weeks after Republicans on the committee, including the ranking Republican, Rep. Rodney Davis (Ill.), called for such reforms to the Capitol Police's oversight structure. (The House Administration Committee did not take a six-month hiatus. It held virtual hearings during the height of the coronavirus pandemic in 2020.)

The Pinocchio Test

Repeating a false claim does not make it truer. No evidence has emerged to suggest that Pelosi ignored intelligence reports about potential threats or turned down a request for reinforcements from the National Guard as officials prepared for Jan. 6.

Under pointed questioning in the Senate on Jan. 23, security officials did not say Pelosi blocked requests for backup. Irving, the former House sergeant-at-arms, testified: "It was not until the 6th that I alerted leadership that we might be making a request. And that was the end of the discussion."

McCarthy, Stefanik and all the others leveling this baseless charge earn Four Pinocchios.

Four Pinocchios

(About our rating scale)

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The New York Times | https://www.nytimes.com/2021/07/27/us/insurrection-pelosi-claims-fact-check.html

Republicans are blaming Nancy Pelosi for the Jan. 6 attack. Their claims don't add up.

Their claims amounted to an audacious attempt to rewrite the worst attack on the Capitol in two centuries.



By Nicholas Fandos

Published July 27, 2021 Updated Aug. 3, 2021

For months, Republican leaders have downplayed the Jan. 6 assault on the Capitol by a pro-Trump mob. But on Tuesday, ahead of the first hearing of a special committee to investigate the riot, they took their approach to new and misleading extremes, falsely blaming Speaker Nancy Pelosi for the violence.

"The American people deserve to know the truth that Nancy Pelosi bears responsibility as speaker of the House for the tragedy that occurred on Jan. 6," said Representative Elise Stefanik, Republican of New York and the party's No. 3 leader.

It amounted to an audacious attempt to rewrite the history of the worst attack on the Capitol in two centuries and pre-empt the damning testimony of four police officers who were brutalized by the mob of Donald J. Trump's supporters. Here's how Republicans twisted the facts.

Pelosi is not responsible for securing the Capitol.

Looking past the motivations of the mob or Mr. Trump, Republicans said it had been up to Ms. Pelosi and her leadership team to protect the Capitol from the attack, particularly given that intelligence gathered in the weeks before it occurred pointed to the potential for violence against Congress.

"On Jan. 6, these brave officers were put into a vulnerable, impossible position because the leadership at the top has failed," said Representative Kevin McCarthy of California, the minority leader.

Ms. Pelosi has considerable influence as the speaker, but she is not responsible for the security of Congress. That is the job of the Capitol Police, an agency Ms. Pelosi only indirectly influences. Most decisions about securing the Capitol are made by the Capitol Police Board, a body that consists of the House and Senate sergeants-at-arms and the Architect of the Capitol.

Ms. Pelosi shares control of the Capitol with the Senate majority leader, who at the time was Mitch McConnell, Republican of Kentucky. Republicans have made no attempt to blame Mr. McConnell for the security breach or for failing to prepare for attack.

That charge also contradicts a bipartisan report produced by a pair of Senate committees that found evidence of systematic failures across American intelligence, military and law enforcement agencies, which misjudged the threat leading up to Jan. 6 and were not properly trained to respond to it.

It also flatly contradicted congressional testimony, news reports and public accounts of that day, when Ms. Pelosi herself was one of the prime targets of the rioters, some of whom stalked the halls of the Capitol chanting ominously, "Nancy…Where are you Nancy?"

Pelosi does not control National Guard requests for the Capitol.

Mr. McCarthy and others said that Ms. Pelosi had refused pleas by the Capitol Police to provide backup, like the National Guard, ahead of Jan. 6.

But the speaker of the House does not control the National Guard. And while Congress could have requested support in advance, that decision lies with the Capitol Police Board, not the speaker.

Members of the Capitol Police board have provided conflicting accounts of a debate that occurred on Jan. 4 over whether to request the help in advance. Steven A. Sund, then the chief of Capitol Police, has said he asked the board for the pre-emptive assistance but was rebuffed.

Among the reasons cited, Mr. Sund said, was a concern by the House sergeant-at-arms, Paul D. Irving, about the "optics" of bringing in reinforcements. Ms. Stefanik falsely attributed that concern to Ms. Pelosi, whose aides have said she only learned of the request days later.

A Times investigation detailed why it took nearly two hours to approve the deployment on Jan 6. After rioters breached the Capitol, Chief Sund called Mr. Irving at 1:09 p.m. with an urgent request for the National Guard. Mr. Irving approached Ms. Pelosi's staff with the request at 1:40 p.m., and her chief of staff relayed it to her at 1:43 p.m., when she approved it. But it would be hours more before Pentagon officials signed off on the deployment and informed the District of Columbia National Guard commander that he had permission to deploy the troops.

Pelosi was not briefed about warning signs before the attack.

Republicans repeatedly said that Ms. Pelosi had been warned as early as mid-December that demonstrations were being planned for Jan. 6 around Congress's joint session to count the electoral votes.

That appeared to be a reference to early intelligence reports and warnings that began to circulate inside the Capitol Police on Dec. 14, which were evidently never shared widely enough to be acted upon.

But Ms. Pelosi's aides say she was not briefed at the time about the threat, and the Senate's joint report found that the warning signs were mixed at best until just days before the attack.

Senators — Republicans and Democrats alike — instead said the blame was with the Capitol Police and intelligence agencies for failing to properly assess and warn about the threats.

Nicholas Fandos is congressional correspondent, based in Washington. He has covered Capitol Hill since 2017, chronicling two Supreme Court confirmation fights, two historic impeachments of Donald J. Trump, and countless bills in between. More about Nicholas Fandos

Facts First

Fact checking Rep. Jordan's claim that Speaker Pelosi was responsible for US Capitol security on January 6

By Tara Subramaniam and Holmes Lybrand, CNN
Published 8:19 PM EDT, Wed July 21, 2021



Video Ad Feedback

Sources: House GOP sees Pelosi move as 'political gift'

04:36 - Source: CNN

(CNN) — Republican Rep. Jim Jordan of Ohio suggested Wednesday that House Speaker Nancy Pelosi had been responsible for the security presence at the US Capitol on January 6, after Pelosi rejected his appointment to serve on the select committee investigating the insurrection.

CNN RELATED ×

"Why wasn't there a proper security presence at the Capitol that day," Jordan asked at a news conference after House Minority Leader Kevin McCarthy pulled all five members he had tapped for the committee in response to Pelosi rejecting two of them. The Ohio Republican added, "Only one person can answer that question. Only one. The Speaker of the United States House of Representatives."

Facts First: *The Speaker of the House is not in charge of Capitol security. That's the responsibility of the Capitol Police Board, which oversees the US Capitol Police and approves requests for National Guard assistance.*

Jane L. Campbell, president and CEO of the US Capitol Historical Society, told CNN that "the Speaker of the House does not oversee security of the US Capitol, nor does this official oversee the Capitol Police Board."

Pelosi also cannot unduly influence who is appointed to the Board, which consists of the House and Senate Sergeants at Arms, the Architect of the Capitol and the Chief of the Capitol Police. The Sergeants at Arms are elected and must be confirmed by their respective chambers and the Architect must be confirmed by both chambers of Congress.

And according to testimony from the former Capitol Police chief, Pelosi was not involved in the decisions made ahead of January 6 regarding the National Guard. In his testimony before the Senate in February, former US Capitol Police Chief Steven Sund said that he approached both Sergeants at Arms on the House and Senate side on January 4 to request the National Guard through an Emergency Declaration from the Capitol Police Board.

His request, according to Sund, was not approved. Instead, the Senate Sergeant at Arms Michael C. Stenger "suggested I ask (the National Guard) how quickly we could get support if needed and to 'lean forward' in case we had to request assistance on January 6," according to Sund's testimony.

Following the events of January 6, the US Capitol Police announced it was working "with Congressional oversight and the Capitol Police Board to obtain the authority to immediately request National Guard assistance if needed without having to wait for board approval."

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Senate Committee on Rules and Administration
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Oversight of the Capitol Police Board
July 26, 2023
Questions for the Record
Ms. Karen H. Gibson

Chairwoman Klobuchar

At the hearing we discussed the efforts that you have led to improve how the Capitol Police Board functions, including by streamlining the approval of requests from the Department and implementing the recommendation from the nonpartisan Government Accountability Office to increase accountability and transparency in the Board's procedures.

- How have these reforms improved the Board's ability to support the Capitol Police?

One of the key differences between this Board and previous boards is that we always include every voting member in the dialogue for security decisions. Before March of 2021, Board decisions were often verbal or based on one-to-one conversations, and little was documented in writing.

We have significantly increased our interactions with oversight, including the creation of twice-a-year special fora with Congressional Leadership and the leadership of our oversight committees. We have also committed to additional discussion and engagements with oversight on our ongoing projects.

We have significantly reduced the delay in reviewing operational requests from the Chief of Police. We no longer wait for the next formal meeting if a Board Member has questions or concerns regarding a time-sensitive request. We can quickly convene the Board electronically, discuss amongst the three voting Board members, and bring in the Chief or members of his team to address any questions we might have.

We have implemented an electronic decision-making system, eliminating the need for obtaining physical signatures on the same document. Previously, even non-controversial decisions could take days for signature – we are now able to do so within hours. On particularly time-sensitive measures, the Board is able to act within minutes.

Once a decision is made, we memorialize it with written documentation on security decisions, as recommended by the Government Accountability Office (GAO).

Our changes allow the Chief to execute police operational decisions without need for the Board's prior collaboration and concurrence. This makes the Chief accountable for security, and eliminates decision delay and paralysis while awaiting the Board's approval.

Our efforts have allowed the Board to focus on its broader strategic oversight of the United States Capitol Police (USCP).

Senator Fischer

1. What are your top priorities for the Department, and how do you plan to accomplish them before your tenure as Chair of the Board ends later this year?

Each year, the Board collectively sets its priorities, and we regularly review progress toward completion. If a priority is not met, we carry it over, across years, and increase our work in overseeing and identifying where the United States Capitol Police might need additional assistance in resolving any issues.

This allows for priorities to carry over across terms as Chair, and ensures that the Board works collectively toward strategic priorities for the department.

This year, the Board is focused on six key elements:

- Providing oversight of USCP;
- Transparency, accountability, and responsiveness;
- Security of the Capitol Building and Members of Congress;
- Board governance;
- Cyber incident response action plans; and
- Ensuring USCP has the resources and infrastructure needed to support its sworn and civilian workforce and their missions.

Within those key themes, we have set metrics, including socializing, updating, and executing the reorganization of the department; re-energizing the Inspector General Working Group process to provide closer review of the department's efforts to close Inspector General (IG) recommendations; executing the funding provided for physical security programs; and updating the Board's *Manual of Procedures (Manual)*.

I look forward to working with my Board colleagues as we develop the joint priorities for 2024, when the House Sergeant at Arms will assume the Chair role.

Personally, some of my key priorities for the Board this year are below.

- Fully re-open the Capitol Complex. I am proud to report this is complete.
- Complete the USCP reorganization. This is moving toward implementation.
- Develop programs for enhanced residential security for Members of Congress. This is ongoing.
- Hire a new Inspector General, revitalize the IG Working Group, and begin the public release of IG reports. Much of this work is complete, and the IG Working Group will be of significant assistance as we continue releasing reports to the public.

2. The Capitol Police Board is authorized by statute to promulgate a variety of security-related regulations. However, recent oversight conversations have revealed that there are instances where regulations were never promulgated.
   - Has the Board ever conducted an audit of its authorities to promulgate such regulations, and if so, what regulations has the Board identified that need to be produced?

The Board reviews its regulations and authorities each time it reissues the *Manual*. We reissued the *Manual* in December 2021, and are completing the final touches on our 2023 update this month.

The *Manual* specifically identifies areas where the Board has regulatory power, but has not yet chosen to exercise this regulatory power. As the Board identifies areas that would benefit from the clarification of a formal regulation, we will promulgate one.

Board Members and staff occasionally discuss areas where the Board has regulatory power. During my tenure on the Board, we have discussed items such as the release of security-sensitive information and traffic regulations.

- Additionally, has the Board identified any existing regulations that need to be updated?

The Board makes occasional updates to the Traffic Regulations for the U.S. Capitol Grounds, the USCP Memorial Fund, and regulations related to the operations of the Capitol Police. These updates are made as soon as a need is identified, and are subject to the review and approval of the Chairs and Ranking Members of the Senate Committee on Rules and Administration, and the Committee on House Administration.

Senator Ossoff

U.S. Capitol Police Office of Inspector General Reports

1. As of July 20, 2023, just two of approximately 650 reports completed since the inception of the U.S. Capitol Police (USCP) Office of the Inspector General (OIG) had been made public.[1] Last week, two additional reports were published on the USCP OIG's website.[2] According to Inspector General Ron Russo, the USCP Board decides whether to release an OIG report on a case-by-case basis.[3]

    a. How many OIG reports has the Board affirmatively decided not to release?

The Board has not yet made such a decision.

    b. Please explain the rationale for the Board's decision not to release each such report, on an individual basis.

Not applicable, as the Board has not yet made such a decision.

    c. Please describe the topic and conclusions of each report that the board has decided not to release.

[1] *Oversight of the U.S. Capitol Police Office of Inspector General, Hearing Before the Subcomm. on Oversight of the H. Comm. on Admin.*, 118th Cong. (Jul. 19, 2023) (statement of Ron Russo, Inspector General, USCP).

[2] OIG Reports, U.S. Capitol Police, https://www.uscp.gov/oig-reports (last visited Jul. 25, 2023).

[3] *Supra* n.1.

Not applicable, as the Board has not yet made such a decision.

d. How many OIG reports has the board not yet decided whether to release?

Six IG reports are currently under review, and recommendations from the Board's staff-level working group will be presented to the Board in the coming weeks.

The working group has identified approximately 160 IG reports that have been created since the inception of the IG.

e. Please describe the status of the Board's decision-making regarding whether to release each such report, as well as the cause of any delay.

The Board's decision-making for whether to release each report is based on a careful review of the reports by security experts across all Board entities, as well as the individual voting Board Members.

As Mr. McFarland explained during the hearing, the IG first reviews a report and proposes any redactions to the report, and then sends it to USCP for operational review. Following USCP's review, the report is sent to the Board's working group, currently chaired by the House Sergeant at Arms.

The staff of each Board Member work collaboratively to review the report and identify any potential redactions, and seek concurrence among the staff.

The report and any proposed redactions then go to Board Members for review and discussion, then voting by the voting members. The Board has final approval over public release of these reports, and any redaction applied.

Delays are primarily related to the time involved in completing a careful security review of the reports and compiling the final copy of the report for publication. The review of IG reports is one of many daily responsibilities for the security staff and subject matter experts from the House Sergeant at Arms, Architect of the Capitol, and Senate Sergeant at Arms, who are critical in the review process.

f. Please describe the topic and conclusions of each report that the board has not yet decided whether to release.

We estimate that there are approximately 160 reports back to the creation of the IG by Public Law 109-55 (2005).

We are prioritizing these reports as indicated above and are working as expeditiously as possible, with the intent of processing more recent reports first.

g. Please provide a date certain by which the Board will have made its decision regarding whether to release each outstanding report.

There are approximately 160 reports to review. To expedite our review and approval, we spent the beginning of 2023 finalizing a repeatable policy framework. We evaluated that framework against the initial four reports that have already been released, and continue to make refinements to that framework as we repeat the process.

As Mr. McFarland explained during the hearing, the process involves a series of careful security reviews by staff from the Inspector General, USCP, Architect of the Capitol, House Sergeant at Arms, and Senate Sergeant at Arms prior to submission to the Board.

We have directed our staff to work through the backlog to expedite release; however, we will not shortchange the essential security review. As I have stated before, I support transparency, but not at the expense of safeguarding security vulnerabilities and preventing the disclosure of Personally Identifiable Information.

The staff involved in the review process have security duties beyond the review of reports for public release, which can insert unexpected delays in the process. That said, I anticipate the Board will complete its review on an additional six reports by the end of August, once they are transmitted by the staff.

2. What further action, if any, does the Board require from Congress to ensure that reports are promptly reviewed, redacted as necessary for security, and publicly released?

Having a dedicated staff for the Board beyond the single Executive Assistant would assist in streamlining the process; however, a security review by each component agency would still be required.

Leadership and Accountability for U.S. Capitol Security

3. In three prior Rules Committee hearings in February, June, and December 2021,[4] I asked representatives of the USCP who bears ultimate responsibility for the security of the United States Capitol complex. Individual leadership is critical to ensuring accountability and efficient decision-making, and—ultimately—to protecting the Capitol, its visitors, and the many government employees serving therein. To date, no representative of the USCP has been able to identify such a leader.

    a. Which individual is ultimately responsible for the security of the United States Capitol complex?

Each Member of the Board bears significant responsibility for the security of the Capitol; however, the Chief of Police has the lead for operational and tactical security at the Capitol. If something were to happen right now, the Chief would be in charge of the immediate response.

[4] *Oversight of the U.S. Capitol Police Following the January 6th Attack on the Capitol, Part II, Hearing Before the S. Rules Comm.*, 117th Cong. (Dec. 17, 2021); *Oversight of the U.S. Capitol Police Following the January 6th Attack on the Capitol, Hearing Before the S. Rules Comm.*, 117th Cong. (Jun. 16, 2021); *Examining the January 6th Attack on the U.S. Capitol, Hearing Before the Joint S. Rules Comm. and S. Comm. on Homeland Security and Gov. Affairs*, 117th Cong. (Feb. 23, 2021).

The Board's role is to provide the strategic guidance and oversight to USCP that enables the department to fulfill its security mission. The Board leads through policy and oversight; during a security event or response, the Board supports the Chief.

The House and Senate Sergeants at Arms are responsible for the security of and within their respective bodies in an issue-spotting, coordination, and liaison role to ensure the protection of Members and staff. They closely coordinate law enforcement, security, and intelligence matters with each other, the Architect of the Capitol, USCP, and outside partners.

b. Which individual is ultimately responsible for the cybersecurity of the United States Congress?

As the Senate Sergeant at Arms, I am ultimately responsible for cybersecurity in the United States Senate. I rely heavily on my Chief Information Officer, Chief Information Security Officer, and their dedicated teams of cybersecurity professionals.

I understand that the House Chief Administrative Officer is responsible for cybersecurity in the House of Representatives and that the Chief and Architect of the Capitol are responsible for cybersecurity for their organizations, in a similar manner to which I am responsible for cybersecurity of the Senate.

Intragovernmental Cybersecurity Information Sharing

4. As your testimony highlights, in the James M. Inhofe National Defense Authorization Act for FY 2023 (2023 NDAA), Congress acted to address shortcomings in how information about cybersecurity threats was shared between the executive and legislative branch.[5] The 2023 NDAA required the president, within 30 days, to designate an individual who would serve as a single point of contact to the legislative branch on matters related to cybersecurity threats. This individual was to, within 90 days, enter agreements governing the sharing of cybersecurity information with the Sergeant at Arms and Doorkeeper of the Senate and with the Chief Administrative Officer of the House of Representatives.

   Your testimony notes that, "[w]hile we have made strides with some partners, I am disappointed that we have not seen the level of engagement called for in the [2023 NDAA] and hope that the required appointment and interaction will be forthcoming."

   a. What is the current status of cybersecurity information sharing between the executive and legislative branch? Please describe in detail the "strides" your office has made "with some partners" since enactment of the 2023 NDAA.

The Legislative Branch is actively pursuing information sharing with the Executive Branch, to include members of the Intelligence Community (IC), the Cybersecurity and Infrastructure Security Agency (CISA), and the Federal Bureau of Investigation (FBI). I am grateful for the close coordination with the House Chief Administrative Officer as we work to implement the requirements of the NDAA.

[5] *James M. Inhofe National Defense Authorization Act for Fiscal Year 2023*, Pub. L. No. 117-263, 136 Stat. 2395, 3665-68 (2022), https://www.congress.gov/117/plaws/publ263/PLAW-117publ263.pdf.

Information sharing has improved. We are receiving more threat information directly from the IC, CISA, and FBI, but this information sharing remains episodic and is not institutionalized within Executive Branch agencies to share with the Legislative Branch's operational entities. Methods for the Executive Branch to share intelligence are not routine, and are dependent on personal relationships or slow release approval processes. We still need a mechanism for consistently obtaining real-time, actionable cyber threat intelligence information to protect our networks.

Continuing to improve intelligence sharing of threat information, including cyber threat information, is one of my highest priorities as Senate Sergeant at Arms.

b. Please confirm that, to your knowledge, no individual has been identified to serve as a single point of contact for the legislative branch regarding cybersecurity threats, as called for by the 2023 NDAA.

The Executive Branch point of contact has not been appointed. This is disappointing, as it is both legally required and critical for Senate cybersecurity. The statutory deadline for appointment in the NDAA is well past.

c. Have you, as Sergeant at Arms and Doorkeeper of the Senate, entered any agreement with the executive branch governing the sharing of cybersecurity information, as called for by the Act?

No, not yet. We are awaiting the appointment of the Executive Branch single point of contact to execute the agreements called for by the Act. While awaiting that point of contact, we have pursued other avenues to strengthen our relationships with individual intelligence components, including identifying organizations where we might be able to execute individual agreements, and we are working toward agreements with specific Executive entities, which can be discussed separately.

There is one existing agreement, which can be discussed separately.

Senator Cruz

I. Directions

Please provide a wholly contained answer to each question. A question's answer should not cross-reference answers provided in other questions. Because a previous nominee declined to provide any response to discrete subparts of previous questions, they are listed here separately, even when one continues or expands upon the topic in the immediately previous question or relies on facts or context previously provided.

If a question asks for a yes or no answer, please provide a yes or no answer first and then provide subsequent explanation. If the answer to a yes or no question is sometimes yes and sometimes no, please state such first and then describe the circumstances giving rise to each answer.

If a question asks for a choice between two options, please begin by stating which option applies, or

both, or neither, followed by any subsequent explanation.

If you disagree with the premise of a question, please answer the question as-written and then articulate both the premise about which you disagree and the basis for that disagreement.

If you lack a basis for knowing the answer to a question, please first describe what efforts you have taken to ascertain an answer to the question and then provide your tentative answer as a consequence of its reasonable investigation. If even a tentative answer is impossible at this time, please state why such an answer is impossible and what efforts you, if confirmed, or the administration or the Department, intend to take to provide an answer in the future. Please further give an estimate as to when the Committee will receive that answer.

To the extent that an answer depends on an ambiguity in the question asked, please state the ambiguity you perceive in the question, and provide multiple answers which articulate each possible reasonable interpretation of the question in light of the ambiguity.

II. Questions

1. Is the Capitol Police Board concerned about the lack of recommendations being issued by the new Inspector General and the fact that many recommendations issued by the previous Inspector General are being closed "in the spirit of" the original recommendation, rather than in full compliance with the original recommendation?

No, I am not. The use of compensatory controls by Inspectors General across the federal government is neither unusual nor inappropriate when properly applied.

2. U.S. Capitol Police (USCP) OIG Report 2021-I-0003-E noted that USCP's Command and Coordination Bureau had over 60 policies that were either vague or outdated. The previous Inspector General recommended that USCP, "Review all Command and Coordination Bureau policies and procedures to ensure they are up to date and include sufficient detail." USCP then updated only two of those policies and the new Inspector General closed the recommendation. What were the compensating controls that the Inspector General relied on when he closed the recommendation while the majority of the policies had not been updated?

My understanding from Mr. Russo is that the policy review and publishing process is a lengthy undertaking in a law enforcement organization.

Related to this report, Mr. Russo noted at the time of closure that USCP published one directive and two standard operating procedures, with seventeen additional policy documents within the review process. The remaining approximately forty policy documents required a simple administrative update noting the name change of the Mission Assurance Bureau to the Command and Coordination Bureau. USCP focused on other higher priority policies and notified staff to continue to follow those policies that needed no other changes but the administrative name change.

3. USCP Inspector General Report OIG-2022-06 noted that 20 of USCP's 28 dispatchers were sworn officers and recommended that USCP, "Staff all Dispatcher positions with civilian

employees" to help alleviate staffing shortages and align USCP with best practices across the law enforcement community. The new Inspector General closed the recommendation after USCP stated that they would implement a hybrid approach of using civilian and sworn employees as dispatchers. How did this approach differ from the circumstances in place when the original recommendation was issued, and what compensating controls did the Inspector General rely on when he closed this recommendation?

The IG chooses whether to close recommendations, and it is not the Board's place to insert itself in those decisions. This ensures the IG's independence in carrying out his duties.

It is my understanding, in this case, that no compensating controls were used in the closure decision. This question is best addressed to Mr. Russo to explain his justification for closing the recommendation of the prior IG.

4. USCP Inspector General Report 2022-I-0003 recommended that USCP "recruit a permanent training director with Federal level experience and the appropriate knowledge and skills to oversee the Training Services Bureau." On March 16, 2023, the new Inspector General closed this recommendation, however USCP's Training Services Bureau is still led by a sworn Captain who is serving as the Acting Director. What were the compensating controls that the Inspector General relied on when he closed this recommendation?

From information provided to the Board by the IG, as of the date of closure, USCP's Office of Human Resources was scheduling interviews for the Training Services Bureau.

This question is best addressed to the IG to explain his justification for closing this recommendation.

5. Why was the previous Assistant Inspector General for Investigations removed from his position shortly after the Inspector General assumed his position?

Questions related to personnel decisions within the Office of Inspector General are best addressed to the IG.

6. When the Inspector General appointed a new Assistant Inspector General for Investigations, what was the selection process? Please describe the process in detail. Was the position advertised on USAJobs? Were interviews with multiple candidates conducted?

Questions related to personnel decisions within the Office of Inspector General are best addressed to the IG.

7. What Inspector General experience does the new Assistant Inspector General for Investigations have? Please be as specific and detailed as possible.

Questions related to personnel decisions within the Office of Inspector General are best addressed to the IG.

Committee on House Administration, Majority

Individuals have made serious allegations of retaliation by former members of the USCP who claim they were retaliated against by USCP leadership, including acting Chief Pittman. Specifically, allegations are that USCP employees made complaints to the USCP IG related to Pittman and then the IG at that time shared the whistleblowers names with USCP executive leadership.

a. Are you aware of these allegations?

I do not recall any specific allegations being brought to the Board and would need additional information on the allegations to which you are referring.

b. Were you a member of the Capitol Police Board when Ms. Pittman was Acting Chief of Police?

Yes. She was Acting Chief of Police when I joined the Board on March 22, 2021. Chief Manger replaced her when he was sworn in on July 23, 2021.

c. When did you become aware of these allegations?

I do not recall any specific allegations being brought to the Board and would need additional information on the allegations to which you are referring.

d. Is it ever appropriate for the USCP Inspector General to share the names of individuals who make complaints to the IG with the USCP executive leadership?

Whistleblower identities should be protected as provided in 2 U.S.C. § 1909(c)(3)(B) and (c)(3)(C). Whistleblowers must be protected and cannot be retaliated against.

e. Has there been any investigation by the Board into these allegations? If yes, please describe this investigation and provide specifics details of the results of this investigation. If not, why not?

I do not recall any specific allegations brought to the Board and would need additional information on the allegations to which you are referring.

f. The former USCP IG, Michael Bolton, stated to this Committee that because individuals did not specifically ask for whistleblower protections, they were not provided specific protections.
    1. Do you agree with the former IG that for an individual to be protected they have to specifically ask for whistleblower protections?

Whistleblower identities should be protected as provided in 2 U.S.C. § 1909(c)(3)(B) and (c)(3)(C). Whistleblowers must be protected and cannot be retaliated against.

g. These whistleblowers were specifically speaking out about then Acting Chief of Police Pittman.

1. Were you made aware of these allegations while Ms. Pittman was with the department?

I do recall any specific allegations brought to the Board and would need additional information on the allegations to which you are referring.

h. To the best of your knowledge did the form USCP Inspector General, Bolton, provide information to the Senior Leadership of USCP?

I do not recall any specific allegations brought to the Board and would need additional information on the allegations to which you are referring.

i. To the best of your knowledge were any individuals retaliated against?

I do not recall any specific instances of retaliation being brought to the attention of the Board, and would need additional information on the allegations to which you are referring.

j. Did you approve then Acting-Chief Pittman promoting certain individuals after being named Acting Chief after January 6th, 2021?

The Chief of Police makes promotions within the Department and does not require the Board's approval or consultation to do so, other than as required by statute for certain senior positions, such as General Counsel and Chief Administrative Officer.

k. Did you or any other member on the board removing Schaffer from the head of OPR and placing Denita Newell in this position?

The Chief of Police makes personnel decisions within the Department, and does not require the Board's approval or consultation, other than as required by statute for certain senior positions, such as General Counsel and Chief Administrative Officer.

l. Has there been any internal review of this internal personnel decision?

I am not aware of whether or not USCP has done such a review.

m. Do you think it is appropriate for the USCP to enter into non-disclosure agreements and decline to waive it with respect to respects from this committee?

I take no position on this topic at this time.

n. When did you first learn that Ms. Pittman was interviewing for jobs outside the United States Capitol Police?

I do not recall the specific date that I learned that she was interviewing for jobs outside of the United States Capitol Police. The Chief informed the voting members of the Board that Ms. Pittman was departing shortly before her departure announcement to the Department.

o. When did you first learn that Ms. Pittman had accepted a new job?

I do not recall the specific date that I learned that she had accepted a new job. The Chief informed the voting members of the Board that Ms. Pittman was departing shortly before her departure announcement to the Department.

Committee on House Administration, Minority

1. When the Capitol Police Board was formed more than 150 years ago, Congress was a much different place. There were only 68 Senators and 226 Members of the House. You could count the number of Capitol Police officers on one hand, and it was common to see cattle grazing here on Capitol Hill. Since that time, the world has changed significantly, but with a few small exceptions, the structure of the Capitol Police Board has not.

a. Do you believe the structure of the Capitol Police Board needs reform?

No.

i. If yes, what should that reform look like?

N/A.

ii. If not, why not?

The current structure of the Board allows for security decisions to be made in an agile, objective, non-partisan, and bicameral manner. The Board is a non-partisan entity that operates under the oversight of bicameral, bipartisan committees and the bipartisan Congressional Leadership.

The key strength of the Board is that its members have non-partisan roles, and they make independent judgements geared toward protecting Members and staff, and focusing on improving security at all times. The Board Members rely on their non-partisan, professional security experts.

The Board is here so that Members of Congress elected by the people can legislate, govern, and serve their constituents, and the people can make their views known in a place that is safe, secure, and open.

This is not a situation where adding additional Board Members would make decision-making easier. Each Board Member provides specific expertise that helps the Board respond to the security needs of the Congress.

The two Sergeants at Arms provide security expertise and an understanding of their respective House and Senate equities, and ensure deconfliction with the services they provide to their respective Chambers.

The Architect of the Capitol provides expert knowledge in the implementation of physical security measures in ways that allow us to both provide public access and protect the historic nature of the Campus and Grounds. The Architect also provides a critical non-law enforcement perspective and opinion on security decisions and prospective plans.

The Chief provides operational and tactical updates and expertise. While the Chief is not a voting member of the Board, we value his input and rely on his expertise in helping us understand the potential effect of Board decisions.

Where the Board needs to consult with outside experts, it does so. The unique circumstances of protecting the legislature and its membership requires tailoring the Board to a structure that works well in this environment, which is one of a kind.

2. The Capitol Police Board only employs one full time staffer, an Executive Assistant. The Members of the Board rely on staff from their respective organizations to handle Capitol Police Board matters.

    a. Do you believe the Capitol Police Board would benefit from a more robust full-time staff?

Yes. As I discussed with the Committee in my Statement for the Record in 2021, the Capitol Police Board would benefit from a more robust full-time staff.

Unlike Congressional committees with oversight functions, the Capitol Police Board has a single staff member, an Executive Assistant assigned by the Capitol Police. Staff and counsel for each member augment the Board's work on behalf of their respective principals. This ad-hoc staffing model can slow decision-making, given the operational tempo of the respective Board member agencies, and the other daily responsibilities of their respective security experts.

    b. If yes, what would the makeup of a full time Capitol Police Board staff look like?

As I discussed with the Committee in my Statement for the Record in 2021, a knowledgeable staff of reasonable size would support the Board in providing strategic direction and needed oversight of USCP, based on credible threat intelligence and emerging challenges. At the same time, these professional staff would ensure USCP responsibly uses resources to mitigate risk and achieve well-defined physical security and policing objectives, including when planning for known and unforeseen events. The establishment of dedicated, professional staff would also extend the Board's capacity to effectively communicate with the Congressional community and external stakeholders, solicit stakeholder feedback, and provide consistent outreach.

    c. Along those same lines, would your own organization benefit from having a distinct Capitol Police Board staff?

Dedicated staff and subject matter experts are always of great assistance.

Within the Senate Sergeant at Arms, I have created a small group of staff whose principal responsibilities relate to my participation in various intercameral Boards. While not dedicated solely for this Board, this has improved speed and agility in oversight functions.

3. **Please provide your assessment on how the Department should balance its law enforcement and protective services missions. Should the Department prioritize building criminal cases with admissible evidence for potential prosecution or should it prioritize protecting the Capitol campus, Members, staff, and visitors?**

USCP's top priority should always be protecting the Capitol, Members, staff, and visitors.

That said, assisting with the building of criminal cases promotes that mission by identifying potential threats and dissuading others from committing similar crimes. Those efforts ensure there are penalties for threats and criminal activities, and shows the public that USCP will safeguard and protect our Members. A criminal investigation unit will always be important to the USCP.

USCP's involvement in criminal cases is important, especially in terms of threats to Members of Congress. The recent appointment of Special Assistant United States Attorneys in Florida, California, and Washington, D.C. has been helpful in working with the Department of Justice to assist with threat prosecutions across the nation. The hope is that these prosecutors dedicated to Congressional threats increase the number of threat cases brought by the Department of Justice.

4. You are the longest-serving Member of the Capitol Police Board, having been appointed Senate Sergeant at Arms in March 2021. **How, if at all, have the operations and activities and Board changed since you joined?**

The Board has changed considerably since I first joined. Before my tenure, the Board's decisions were frequently ad hoc, were not documented, and often required hand carrying papers between offices, which significantly slowed down the process. Congressional stakeholders made it clear that they did not feel that the Board was responsive to their needs. In addition, individual members of the Board were not always consulted on each decision.

That has all changed. The Board is responsive and accountable. We are able to convene rapidly, and all voting members are always included in discussions, decisions, and updates.

To get at those reforms, the Board revised the *Manual* in 2021; in consultation with our stakeholders in Leadership, Committee Chairs, Ranking Members, and the GAO, the Board took the actions detailed below.

- Instituted twice yearly stakeholder forums for direct communications with stakeholders.
- Ensured the Board *Manual* and meeting minutes are made available to stakeholders.
- Established procedures to use annual and semi-annual reports from the Chief of Police to track progress on implementing Inspector General recommendations and the USCP strategic plan, and to monitor risk assessments, management processes, and internal controls.
- Formalized a Board-level review process and working group on Inspector General reports and recommendations.
- Committed to revising the *Manual* every 1½ years.

In the 2023 revision of the *Manual*, the Board is focusing on closing additional GAO recommendations and implementing other good business practices we have learned in the past 1½ years. This includes the changes listed below.

- Standardizing and improving our documentation of physical security decisions.
- Developing a process for when the Board invokes the Special Police Officers authority provided in 2 U.S.C. § 1974.

    - We have made clear that the Chief has the tactical ability to act and the Board will support, as needed.
    - The Board will only invoke its authority if the Chief does not or cannot act.
- Increasing and formalizing the process for intra-Board information and intelligence sharing. Many of those processes and procedures existed, but the Board agreed that it was important to formalize them.

5. Prior to your appointment as Senate Sergeant at Arms, you served on General Honore's task force, which was engaged by the House soon after the January 6th attack to provide an assessment of campus security.

    a. How does the state of Capitol security today compare to the state of Capitol security when you were a member of the Honore task force?

The state of Capitol security today is significantly better.

There is no tall anti-scale fencing, no razor wire, and no National Guard patrolling our grounds and buildings. The Congressional buildings are open to the public to come visit their elected representatives and see their Capitol. The Chief can request emergency assistance without the Board's approval, when needed. The Capitol Police Board is a more responsive and transparent oversight entity.

My portion of the Task Force's work primarily related to intelligence-driven decision-making. In that area, USCP has made significant progress toward our observations and recommendations.

As I noted in my written statement, I have seen significant improvements in USCP's ability to forecast, plan for, synchronize, coordinate, and execute responses to major events and security incidents. I have witnessed the development of a highly competent and well-integrated professional intelligence capacity that informs USCP's daily activities. The department has also vastly improved its communication, both internally and externally. Communication of threat and intelligence information across the department has improved dramatically.

    b. Are there particular areas in which you think progress has not been made and that should be prioritized?

One of the major findings of many oversight reports has been the need for increased staffing within the USCP Dignitary Protective Division (DPD). To be clear, progress has been made, but more is needed. The Board worked with USCP and our stakeholders to develop new hiring paths for DPD agents, to include lateral transfers, entry-level agent positions, and rehired annuitants. The first position announcements were published in early August.

Training is an area where there should always be more progress. The report called for increased training in the Uniformed Services Bureau and the development of a comprehensive leadership training program. Increased staffing should allow more opportunities for officers to participate in training events, as well as take well-deserved leave.

I believe that linking and modernizing our camera systems, sensor networks, and other equipment would greatly increase USCP's situational awareness around the campus. In addition, expanding the use of proximity card technology would assist in maintaining physical security.

Senate Committee on Rules and Administration
and Committee on House Administration
Oversight of the Capitol Police Board
July 26, 2023
Questions for the Record
Mr. William P. McFarland

Committee on House Administration, Minority

1. When the Capitol Police Board was formed more than 150 years ago, Congress was a much different place. There were only 68 Senators and 226 Members of the House. You could count the number of Capitol Police officers on one hand, and it was common to see cattle grazing here on Capitol Hill. Since that time, the world has changed significantly, but with a few small exceptions, the structure of the Capitol Police Board has not.

    a. **Do you believe the structure of the Capitol Police Board needs reform?**
    The Capitol Police Board has taken strides towards reform in recent years. I am committed to continuing to find ways to reform the board in the areas of transparency, accountability and governance. As I testified, any reform of the Capitol Police Board should focus on strategic, not operational objectives.

        i. **If yes, what should that reform look like?**

        There are various decisions that should be considered to transfer to the Capitol Police, such as the authority to select uniforms and emblems. That authority best resides with an operational decision maker. I look forward to working with the Committee on further proposals. The board will continue to find opportunities to leverage innovation, increase transparency and accountability and use best practices to fulfil its statutory duties.

        ii. **If not, why not?**

        N/A

2. The Capitol Police Board only employs one full time staffer, an Executive Assistant. The Members of the Board rely on staff from their respective organizations to handle Capitol Police Board matters.

    a. **Do you believe the Capitol Police Board would benefit from a more robust full-time staff?**

    I am open to the idea of a Capitol Police Board staff. However, I am concerned that increasing the Capitol Police Board staff could muddle accountability for accomplishing projects. The Board's Membership is set statutorily, and having a staff answer to four different entities could create an unclear chain of command and differing goals.

    b. **If yes, what would the makeup of a full time Capitol Police Board staff look like?**

I am open to the possibility, but the Board should move cautiously and reach a consensus amongst all stakeholders where each organization can still be held accountable.

c. Along those same lines, would your own organization benefit from having a distinct Capitol Police Board staff?

There are significant benefits to having individuals with substantive responsibilities within my organization to also assume duties with the Capitol Police Board. The individuals uniquely know the needs of the Members and can advocate for better systems and initiatives to meet those needs. A distinct Capitol Police Board staff within my organization would likely not have the same benefits. Therefore, having integrated staff helps foster collaboration and communication amongst the entities that comprise the Capitol Police Board.

3. **Please provide your assessment on how the Department should balance its law enforcement and protective services missions. Should the Department prioritize building criminal cases with admissible evidence for potential prosecution or should it prioritize protecting the Capitol campus, Members, staff, and visitors?**

The protective mission is the most important mission of the Capitol Police. An injury to a Member, their family, staff, or visitors cannot be undone. At times, prioritizing building criminal cases for prosecution can have a significant deterrent effect on those who would wish to do harm. Thus, the goals are not necessarily in disharmony, but rather can build upon each other. That being said, building criminal cases with admissible evidence for crimes that do not primarily concern protecting the Capitol campus, Members, staff, and visitors should be a lower priority for Capitol Police, as the protection benefits are attenuated.

4. **You testified that one of your areas of focus is scheduling and manpower, and that creativity in scheduling could help free up sworn personnel and mitigate the officer shortage**.

a. Please provide an example of what you mean by "creativity in scheduling."

I am in favor of reviewing the entire scheduling process for the Capitol Police. Some Officers have been drafted or had 12 hour shifts, 6 days a week for over two years.
Creativity in scheduling involves using all available options to try to develop a more efficient scheduling system to support the Capitol Police, and most importantly, the Officers.
Providing consistent and standardized training to officials on the best methods for developing schedules; using software and other tools to the maximum extent possible to gain efficiency; holistically considering manpower needs, such as different divisions of the Capitol Police providing manpower assistance to each other; and critically examining shifts and the needed posts to see if manpower needs have changed, are part of the "creativity in scheduling" I have envisioned.

b. When, if at all, do you expect the Department's reliance on contract security officers as a supplement to sworn officers to subside?

It is not clear, if at all, when the Department's reliance on Contract Security Officers will subside. The USCP is still facing significant manpower shortages. It is possible at some point in the future that the reliance will not be so great. The success of the Contract Security Officer program has shown that not all posts need to be manned by sworn law enforcement officers. I, personally, started my career as a security aide and know they can provide significant value.

5. **You testified about the need to more quickly complete security projects on campus. The Committee Minority agrees that many campus security projects take too long to finish.**

   a. **What is the main driver of the slow pace of security project completion? Are delays the result of internal Legislative Branch issues or have you had problems with vendors?**

   The slow pace is multifaceted. While gaining internal Legislative Branch consensus on projects amongst the various Committees of jurisdiction can take time, the projects I am most focused on have had, and continue to have, bipartisan and bicameral support. Construction projects and vendors can be difficult to manage, but the mission is so important, I am committed to prompt execution by working with innovative and transparent approaches.

   Effective and agile communication between the different Capitol Police Board Members and stakeholders is a vital method for an approach. I rely on the AOC and USCP to execute on their portion of the mission which includes execution of physical security projects. I continue to have regular dialog with both organizations and support any efforts to streamline our approach to work with the goal of execution. Since returning to the Hill in January, I recognized more communication must occur at the staff level. Communication between organizations is key to success on these projects.

   In my role as a leader, I recognize that I must rely on my staff and hold my team accountable for accomplishing work. I have placed considerable emphasis on holding my staff accountable for communicating, solving problems, and developing constructive solutions. I also expressed that my partners on the Board, including the Architect, should do the same. I have the utmost respect for the Acting Architect and we have a strong working relationship.

   Additionally, in the vein of communication I have worked to bring representation from both sides of House Leadership, authorizers and appropriators into group discussions so all parties can receive the same information on these projects. As we move forward, we will continue to these efforts. I think this is a straightforward way to increase accountability with my work and my partners in the AOC and USCP.

   b. **Security projects necessarily involve coordination between your office, the Architect of the Capitol and the Capitol Police. Do meetings of the Capitol Police Board provide an adequate forum for the facilitation of that collaboration?**

   Within the construct of security projects, the Capitol Police Board serves to standardize and coordinate Capitol Complex-wide security initiatives (i.e., campus barricades and bollards). From that perspective, the Board and its working groups are an appropriate and adequate forum to facilitate efforts. To be successful, my team will need to work through details and implementation efforts at a more tactical level than the Board. My team must also engage with our Committees of jurisdiction and stakeholders to ensure we are meeting the security needs of the House.

6. **You serve as Chairman of the Capitol Police Board Inspector General Working Group (IGWG). Part of that job is leading the review of Inspector General (IG) reports prior to their public release.**

    a. **On average, how long does the IG report review process take, from the time the IG sends you a report for review to the time it is published?**

    Any calculated reported average would be inaccurate, considering how few reports have been released. However, significant strides have been made to more quickly publish reports, including reports being published in the same month that they were transmitted to the Board.

    b. **How many IG reports are currently in the process of being reviewed for publication?**

    Six reports are currently in process of review for publication.

    c. **What are the other functions does the IGWG, aside from the review of IG reports prior to publication?**

    The IGWG helps enhance the information provided by the Department and the IG to the Capitol Police Board, such as pending closure dates, narratives of where a recommendation is in the closure process by the Capitol Police. The IGWG, consistent with direction received from the Appropriations Committee, has helped the USCP develop a cost-benefit analysis on IG recommendations. The IGWG is also working to develop recommendations for IG findings that require prioritization, guidance, or further review of Department actions.

Senate Committee on Rules and Administration
and Committee on House Administration
Oversight of the Capitol Police Board
July 26, 2023
Questions for the Record
Ms. Chere Rexroat

Committee on House Administration, Minority

1. When the Capitol Police Board was formed more than 150 years ago, Congress was a much different place. There were only 68 Senators and 226 Members of the House. You could count the number of Capitol Police officers on one hand, and it was common to see cattle grazing here on Capitol Hill. Since that time, the world has changed significantly, but with a few small exceptions, the structure of the Capitol Police Board has not.

    a. **Do you believe the structure of the Capitol Police Board needs reform?**

        i. **If yes, what should that reform look like?**

        During my short tenure, not at this time.

        ii. **If not, why not?**

        The Board should continue to focus on transparency efforts and supporting structures, additional permanent Board staff, prior to considering a reform.

2. The Capitol Police Board only employs one full time staffer, an Executive Assistant. The Members of the Board rely on staff from their respective organizations to handle Capitol Police Board matters.

    a. **Do you believe the Capitol Police Board would benefit from a more robust full-time staff?**

    Yes.

    b. **If yes, what would the makeup of a full time Capitol Police Board staff look like?**

    Permanent administrative and agency representative staff are required; recommend adding five additional positions including a staff director and a general counsel.

    c. **Along those same lines, would your own organization benefit from having a distinct Capitol Police Board staff?**

    Yes. Currently, myself, my Chief Security Officer (CSO) and General Counsel (GC) spend a significant amount of time supporting Board-related responsibilities. For example, over the past three years, the CSO has served as the de facto Police Board Deputy for the AOC.

3. **Please provide your assessment on how the Department should balance its law enforcement and protective services missions. Should the Department prioritize building criminal cases with**

admissible evidence for potential prosecution or should it prioritize protecting the Capitol campus, Members, staff, and visitors?

While the USCP should continue prioritizing the protection of the campus, Members, staff and visitors, they must also partner with other law enforcement agencies to build cases for the possible prosecution of individuals who pose threats to Members. The continued rise in the number of threats against Members requires increased support from the USCP to ensure successful prosecution. Successful prosecutions address individuals who pose a threat to Members which offers a level of deterrence against new threats.

4. A significant portion of the funds appropriated in the security supplemental last Congress was provided to the Architect of the Capitol for physical security upgrades.

    a. What is your assessment of the AOC's progress in the implementation of the security supplemental?

    The AOC has obligated the $300M provided in the security supplemental and the projects are in various stages of execution. Although the initial execution was delayed due to the need to complete planning and design, the projects are now on track for completion.

    b. What has been your most significant challenge with respect to the implementation of the security supplemental?

    The AOC did not scope or develop the list of projects included in the security supplemental. The lack of involvement in the requirements development for the budget request made completing the planning and design process the most challenging aspect of implementing the security supplemental.

        i. What can these committees or the Board do to help you address these challenges?

        The AOC appreciates the continued support of the committees. Further support is needed to expedite the scoping, prioritization and changes for established projects. Thus, ensuring the AOC can execute these projects faster and within budget.

5. For more than two years, Members have been told that the AOC, Sergeants at Arms and Capitol Police are working on constructing additional screening vestibules on the House side of the Capitol and at entrances to the House Office Buildings.

    c. How many screening vestibules are planned?

    Currently, the AOC has funding for three vestibules. Two vestibules will support the Capitol Building and one vestibule will provide the initial capability for the House Office Buildings.

    d. What is the status of the construction of screening vestibules and why is the project taking so long to get started?

The vestibules for the Capitol Building are currently in design and the preliminary acquisition process. The delay was associated with the need to reassess the conceptual plan after the events of January 6, 2021.

e. When do you expect House screening vestibules to be complete?

The construction of the screening vestibules supporting the Capitol Building will begin shortly after completion of the design.

At the request of the House Sergeant at Arms, the vestibule for the House Office Buildings is currently on hold to allow the focus on the Capitol Building and to reassess the requirements.

6. The Architect of the Capitol, as an agency, is in a period of transition.

f. How is morale at the agency, given all the upheaval?

Morale at the agency varies based on the level of employee asked. Our wage grade staff, primarily on campus during the entire pandemic, have indicated an appreciation for the return of leaders and support staff to campus. Central staff (afforded the most flexibility during the pandemic) and staff closest to the Executive leaders are still in a state of flux during this time of change.

g. Have you had the opportunity to talk to a cross section of AOC employees to get feedback on agency operations?

Yes, in various forums, such as award ceremonies, site visits, and smaller employee group engagements (i.e., union meetings). For our wage grade, front line and lower GS level employees, there has been minimal operational impact to their daily duties; except of course the increased number of visitors, staff, and member activities returning to campus. A forward-looking agency campaign is in development to help message our way ahead until the new Architect is on-boarded.

7. Even though the Architect is a full voting Member of the Capitol Police Board, they've sometimes been seen as having only a supporting role. For example, the AOC Inspector General issued a report after January 6th that said, "The Architect's role on the board has been disregarded for matters of campus security for large public events." **In your relatively brief time on the Board, have you felt that your opinions and those of your Chief Security Officer have been heard and taken seriously?**

Since the events of January 6, 2021, and the installation of new leadership on the Board, the Architect has been included in decision-making and discussions.

PHONE: 202-224-9806

UNITED STATES CAPITOL POLICE
OFFICE OF THE CHIEF
119 D STREET, NE
WASHINGTON, DC 20510-7218

August 18, 2023

COP 231125

The Honorable Amy Klobuchar
Chairwoman
Committee on Rules and Administration
United States Senate
305 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Brian Steil
Chairman
Committee on House Administration
United States House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515

The Honorable Deb Fischer
Ranking Member
Committee on Rules and Administration
United States Senate
305 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Joseph D. Morelle
Ranking Member
Committee on House Administration
United States House of Representatives
1216 Longworth House Office Building
Washington, D.C. 20515

Dear Chairwoman Klobuchar, Chairman Steil, Ranking Member Fischer and Ranking Member Morelle:

Enclosed are the United States Capitol Police's response to the questions for the record from the Senate Committee on Rules and Administration and the Committee on House Administration's joint hearing: "Oversight of the Capitol Police Board."

Please feel free to contact me if you should require any additional information or have additional questions.

Very Respectfully,

J. Thomas Manger
Chief of Police

cc: Capitol Police Board

Senate Committee on Rules and Administration
and Committee on House Administration Joint Hearing
Oversight of the Capitol Police Board
July 26, 2023
Questions for the Record
Mr. J. Thomas Manger

Chairwoman Klobuchar

In your testimony you noted the importance of the Department's partnerships with state and local law enforcement, as well as the legislation that I led with Senator Blunt that was signed into law in 2021 to allow you to request emergency assistance from those departments unilaterally.

- What measures have you taken to improve the Department's coordination with other law enforcement agencies, and are there ways in which this coordination could be improved moving forward?

For the US Capitol Ground perspective inclusive of event planning and operational deployment:

In order to assist the Department in ensuring that Members, staff, and visitors to the U.S. Capitol Grounds are afforded enhanced protection during periods of major events and critical incidents that occur whether planned or unplanned, the Department has developed plans and improved the event planning process to incorporate Memorandum of Understanding (MOUs) and Request for Assistance (RFAs) with law enforcement agencies within the NCR, and when necessary, beyond the NCR.

The USCP continues to move forward with its re-developed operational and event planning process with a focus on information gathering, intelligence, asset determination, and internal and external partner coordination. For large scale and significant event planning, the USCP continues to engage with external partners with collaboration and coordination during the planning process and operational period. Tabletop exercises or guided discussions are completed both with internal and external partners. To date USCP has conducted over 30 coordination and planning meetings with partners and have submitted 30 formal RFAs to external partners for their operational support during an event. We have submitted 6 DHS SEAR requests for significant events as well to assist in the planning. To support the RFA, the USCP may, through a MOU, enter into an agreement for the reimbursement of services provided by any Federal, State, or local agency. To date, the Department has entered into 18 MOUs with partner agencies.

The USCP has established a Critical Incident Response Plan (CIRP) that outlines the procedures for requesting assistance from law enforcement/uniformed services (partner agencies) during critical incidents on or that may affect the U.S. Capitol

Grounds. In such cases, members of law enforcement from partner agencies are temporarily sworn into the USCP as "special officers" with authority limited to U.S. Capitol Grounds. The CIRP continues to be tested quarterly to ensure successful notifications to partners should assistance be required during critical incidents.

The USCP also actively participates in the Metropolitan Washington Council of Governments (MWCOG) Department of Homeland Security and Public Safety (DHSPS) Committees. Various Department representatives meet regularly with other regional law enforcement partners to coordinate and discuss topics specific to the subcommittees or working group's area of expertise. The efforts within the 17 different committees we sit on, provide for information sharing, coordinated policy development, training, across law enforcement agencies in the MWCOG.

In addition to the coordination of law enforcement support and assistance on Capitol Grounds, employees within the Protective Services Bureau regularly coordinate with other federal, state and local law enforcement agencies to assist in supporting the USCP's protective mission. For example, through the use of mutual aid agreements, the Department coordinates with state and local agencies to supplement residential protective details for members of congressional leadership and residential security details for other Members of Congress as deemed necessary. This typically entails the 24/7 posting of a law enforcement officer in a marked or unmarked vehicle at the personal residence of a Member of Congress in the Member's home district.

As with the residential security arrangements referenced above, the USCP engages with local law enforcement to provide the 24/7 posting of a law enforcement officer in a marked or unmarked vehicle at the personal residences of the Speaker of the House (SOH) and President Pro Tem (PPT) in their home districts pursuant to established MOUs with state and local police departments for the home states of the SOH and PPT. However, due to the current staffing shortages affecting state and local law enforcement agencies nationwide, the USCP is providing coverage of the SOH's home state residence at this time.

The Department also coordinates with state and local law enforcement for the provision of enhanced protection for security events, such as Congressional Delegations (CODELS) and Congressional Field Hearings, as well as other events outside of the National Capitol Region (NCR) where Members of Congress will be in attendance. Further, the Department coordinates with federal, state, and local law enforcement agencies to provide enhanced security for Members of Congress traveling through airports within the NCR, as well as providing security escorts for Members at airports in their home districts and other locations outside of the NCR.

You testified about the steps the Department has taken to improve training for officers and how your proposed reorganization plan would centralize training programs under a new Assistant Chief of Police.

- Can you expand on how these measures will improve the Department's ability to carry out its mission?

The realignment of training under a new Assistant Chief will assist the Department in making improvements to the overall training process for the Department, and will also respond to the USCP Inspector General (IG) recommendation by the IG which stated: "Changes to the organizational structure would improve the efficiency and effectiveness of the Department's training process. The Department's decentralized training structure is the origin of many training deficiencies that hinder objectives stated in the USCP Department Strategic Plan 2021- 2025." IG Report No.: 2022-1-0003 Review of the United States Capitol Police Training Services Bureau, at p 4.

The USCP Training Services Bureau TSB) currently falls under the control of the Office of the Chief Administrative Officer (OCAO). Realigning all training programs, to include Entry Level Training, In-Service Training, Firearms Training and Training Research and Development, under a new Assistant Chief of Police is critical to the Department's efforts to successfully train sworn employees for their law enforcement duties in this ever-changing environment. Aligning both the Entry Level and In-Service law enforcement training with the new Assistant Chief for Standards and Training Operations will provide a more direct connection between the day-to-day realities of events within the sworn operations of the Department and the training that sworn employees receive. This direct alignment between the sworn workforce and sworn operations is a key aspect of the Department's efforts to establish a robust training unit that can fully centralize and coordinate enterprise-wide training that is relevant to the USCP mission.

In addition, sworn supervisors within the TSB currently report through civilian managers within the Office of the CAO while also being required to respond to the operational demands of sworn officials who are responsible for facilitating the training of sworn officers under their command. The realignment of the TSB under a sworn command structure provides a more natural chain-of-command, which will also enable a single Assistant Chief to work directly with other sworn officials to facilitate the training of all sworn personnel. This realignment will also ensure that a senior law enforcement officer is responsible for selecting and managing sufficient training personnel with relevant and appropriate law enforcement knowledge and expertise to continue bringing state-of-the-art specialty classroom, weapons and equipment training to sworn employees as it becomes available, while also allowing for the management of day-to-day sworn attendance requirements to meet the overall mission of the Department.

Senator Fischer

Chief Manger, a recent Inspector General report found the Department has many operating policies and directives that are outdated. What is the Department's timeline for updating these policies and how will the Department take proactive measures to ensure that they are reviewed in a timely manner going forward?

The Department is already taking steps to address the recommendations of the Inspector General and to improve accountability with respect to the Department's

operating policies and Directives. To that end, the Department has implemented a tracking tool for Office of Policy Management and Logistic (OPOL)-led Directive and SOP Reviews. This enables the OPOL to assist Bureau Commanders and Office Directors with meeting the Department's review requirements and increasing the rate at which Directives and standard Operating Procedures (SOPs) are completed and become effective. The OPOL distributes monthly reports to the relevant bureaus and offices along with a list of Directives/SOPs in need of review. The bureaus and offices are required to respond to OPOL. If there are no changes, the Directives/SOPs are republished with a new review date. If there are changes, the Directives/SOPs are managed through the standard revision process outlined in USCP policies.

The Department is also in the process of updating and modernizing internal OPOL systems and technology to assist in improving the flow of the Directive/SOP review process and ensure quicker turnarounds for approvals. This initiative has been introduced by the Chief Administrative Officer and system requirements are being reviewed and vetted by the OPOL and Office of Information Systems. Once it is determined that such technology will meet the needs of the OPOL workflow process, funding will be considered through the appropriate Department process for new technology investments, and the technology will be acquired and activated as soon as possible.

Senator Ossoff

1. How has U.S. Capitol Police communication with the Metropolitan Police Department, National Guard, and other Department of Defense or law enforcement components been strengthened, improved, or streamlined to facilitate the more rapid mobilization of law enforcement and security response in the event of a future incident at the U.S. Capitol?

During periods of major events and critical incidents that occur whether planned or unplanned, the Department has developed plans and improved the event planning process to incorporate Memorandum of Understanding (MOUs) and Request for Assistance (RFAs) with law enforcement agencies within the NCR, and when necessary, beyond the NCR.

The USCP has established a Critical Incident Response Plan (CIRP) that outlines the procedures for requesting assistance from law enforcement/Department of Defense (partner agencies) during critical incidents on or that may affect the U.S. Capitol Grounds.

Operational considerations that may activate a request for assistance include, but are not limited to:

- **Multiple and/or concurrent critical incidents diminishing the USCP's available resources**
- **Critical incidents requiring the USCP to quickly scale up to maintain incident objectives**
- **Specific and/or on-going threats or intelligence that require an enhanced posture**

- **Sustained officer shortages**

Activation of the CIRP requires the declaration of an emergency by the Chief of Police, the Capitol Police Board, or a concurrent resolution of Congress; in accordance with Title 2 USC 1974. In such cases, members of law enforcement from partner agencies are temporarily sworn into the USCP as "special officers" with authority limited to U.S. Capitol Grounds. The CIRP continues to be tested quarterly to ensure successful notifications to partners should assistance be required during critical incidents. The Department has also drafted two new Directives, Appointment of Special Officers, which outlines the steps needed to swear in outside law enforcement officers as special officers of the Capitol Police, and Establishment of Staging Areas, related to receiving and processing outside support for an incident.

Enhancing communications with partner agencies during the planning process for events, the USCP continues to move forward with its re-developed operational and event planning process with a focus on information gathering, intelligence, asset determination, and internal and external partner coordination. For large scale and significant event planning, the USCP continues to engage with external partners with collaboration and coordination during the planning process and operational period. Tabletop exercises or guided discussions are completed both with internal and external partners. To date, USCP has conducted over 30 coordination and planning meetings with partners and have submitted 30 formal RFAs to external partners for their operational support during an event. We have submitted 6 DHS SEAR requests for significant events as well to assist in the planning. To support the RFA, the USCP may, through a MOU, enter into an agreement for the reimbursement of services provided by any Federal, State, or local agency. To date, the Department has entered into 18 MOUs with partner agencies.

The USCP is actively engaged with the Department of Defense in the development of defining specific mission sets and requirements to support a response when requested. These mission sets will be incorporated into formal RFAs when required to streamline the process to received mutual aid from the Department of Defense.

Steps have been taken to facilitate interoperable radio communications for any partner agency that may respond to the assist the USCP. Currently, regional radio channels can be patched into the USCP radio network to allow for seamless peer to peer radio communications with responding partner agencies. The Metropolitan Police Department and DC Fire and EMS have purchased and begun to employ new radios that will permit direct access to USCP channels and provides the ability to communicate inside and outside our buildings without difficulty.

The USCP also actively participates in the Metropolitan Washington Council of Governments (MWCOG) Department of Homeland Security and Public Safety (DHSPS) Committees. Various Department representatives meet regularly with other regional law enforcement partners to coordinate and discuss topics specific

to the subcommittees or working group's area of expertise. The efforts within the 17 different committees provide for information sharing, coordinated policy development, training, across law enforcement agencies in the MWCOG.

2. Please characterize in detail U.S. Capitol Police intelligence sharing and analysis relationships and capabilities and any changes to the structure of these activities since January 6, 2021. You may provide this information in classified form, as appropriate.

Since January 6, 2021, IICD has implemented a range of initiatives to continue improving intelligence analysis and sharing. Foremost, IICD has focused on growing its staff to better accommodate the range of efforts that intelligence supports within the agency. IICD consistently produces intelligence assessments to support: congressional leadership travel; congressional events on campus, in the District, and nationally; enhanced operations; threats investigations; law enforcement coordination for Members' travel; overseas Member travel; and overall strategic planning through analysis of threat trends. IICD is producing a historically high number of intelligence assessments across a broader range of subject matters that directly impact congressional security.

To aid in this analysis, IICD has also focused on acquiring technology tools to better aid in threat identification and analysis. Those tools help us better understand threats that gestate in non-mainstream online forums and platforms. We've paired this with continued training requirements, implementing policies to ensure analysts are provided fundamental skills in intelligence analysis tradecraft, open source research, and the opportunity to grow their knowledge about specific threat topics from counter-terrorism to cyber threats.

Since January 6, we've also integrated the majority of USCP's Task Force Officers (TFO) into IICD to facilitate the flow of intelligence from our federal law enforcement and IC partners. Similarly, IICD has since placed an analyst within DHS's Office of Intelligence & Analysis to facilitate sharing of intelligence as well as analytical best practices. We created a new TFO position in the FBI's National Counter-Intelligence Task Force to better integrate USCP and our Legislative Branch security partners into federal CI efforts and be better informed about CI threat trends. Additionally, IICD has created a Cyber and CI investigative team to better coordinate efforts in these areas with our federal counterparts.

Our relationships with law enforcement and intelligence partners continue to grow as we share intelligence with a range of local, state, and federal partners in the NCR. We, along with our Legislative Branch security partners, have continued to engage with our IC counterparts to improve intelligence sharing, hosting a number exchanges and briefings with Office of the Director of National Intelligence and Intelligent Community representatives addressing a range of security issues. On the law enforcement side, IICD has established a strong relationship with the National Fusion Center Association, providing the Division a channel through which to tap into threat trends and concerns across the country.

Lastly, as recommended, USCP has expanded the number of personnel eligible to apply for security clearance to further enhance intelligence sharing throughout the

department. All of these efforts have helped IICD continue to professionalize its operations and improve its ability to produce timely, relevant, and operations-oriented intelligence for USCP and the Congressional community as a whole.

Committee on House Administration, Majority

Have you discussed the interaction between your Chief of Staff and the USCP IG with respect to the hiring of the new USCP CAO since the hearing?

a. What have you learned?

In the future, the USCP IG will not participate in any step of the hiring process outside of the hiring of personnel for the Office of the Inspector General.

b. Has any remedial action been taken?

Other than this being discussed with the USCP IG, no. If so, what? **Not applicable.**

Will you commit to getting this Committee an answer to the actual question by the end of the week?

The joint committees requested a response to these QFRs by August 18th.

- Chief Manger—has the USCP provided CCTV footage from January 5th to the FBI?

As part of an investigation led by the U.S. Attorney's Office (USAO), the Department provided requested January 5th footage to the USAO. As far as we are aware, the FBI has not separately requested January 5th footage.

a. If not, why not?

Not applicable.

- Chief Manger—does USCP control the CCTV cameras on the Library of Congress?

No.

- Do you know if anyone has given footage from the cameras from the Library of Congress to the FBI?

Yes the Library of Congress provided footage from their camera system to the FBI in support of the investigation.

- Chief Manger—according to your answer to this Committee's questions for the record you only provided the FBI with the footage starting at 12pm. Has the USCP provided footage to the FBI from the morning of January 6th?

Some of the footage the Department provided to the FBI was from before 12:00 p.m., but the vast majority of the footage is from noon to 8:00 p.m. The only

footage before noon was footage that was provided unintentionally in the mass of footage being provided.

- When will you implement specific whistleblower protection policies?

  As with all of the Legislative Branch, the Department does not have any whistleblower protection policies per se. However, the Department has long had policies in place that prohibit retaliation against any employee who engages in protected activity (such as reporting an incident to the IG). If an employee were found to have retaliated against another employee who engaged in such protected activity, the retaliating employee could be subject to discipline, up to and including termination. A copy of our current policy is *attached.*

- Please provide these Committees copies of this policy when it is implemented.

  The Department will provide any changes to its current policies on whistleblower protections.

- With Respect to Ms. Pittman:

- When did you first learn that Ms. Pittman was seeking new jobs outside USCP?

  In the Summer of 2022, I learned that Chief Pittman was seeking other employment.

- When did you first learn she was traveling to California for interviews?

  I was not aware that Chief Pittman was traveling to California for interviews.

- When did you first learn Ms. Pittman had been offered a job at UC Berkeley?

  In late September of 2022.

- Who did you discuss this offer with?

  Chief Pittman and my General Counsel

- When you approved Ms. Pittman's Leave Without Pay, isn't it correct that you knew she would not be returning to work?

  I did not "approve" her Leave Without Pay (LWOP) but directed her to be placed on LWOP, therefore the fact that she would not be returning was irrelevant to my decision. Under the Department's LWOP regulations there are two ways an employee can be placed on LWOP. The first is that the Chief of Police can "direct" an employee be put into a LWOP status, for example, for disciplinary reasons or as part of a settlement or separation agreement. The second way is that an employee can request LWOP that must be "approved" by the Chief of Police. This situation can occur, for example, when an employee's spouse is assigned overseas for military service and the spouse will accompany the service member but does not want to give up their USCP position. Only in the second

case, "approved LWOP", must an employee be intending to return to work. Over the years the Department has used both forms of LWOP including when employees have entered into separation agreements to achieve a certain retirement status. Those employees have included civilians, bargaining unit members and officials on the Department. In each of those cases, there was no expectation that the employee would be returning to the Department. To be clear, I directed that ACOP Pittman be put on LWOP, understanding she was not expected to return, in accordance with the regulation, a copy of which is *attached.*

- Who else at the USCP was involved in the decision to place Ms. Pittman on Leave Without Pay?

  The decision was my own made in consultation with my General Counsel.

- Did anyone recommend to you that Ms. Pittman be placed on leave without pay?

  The decision was my own made in consultation with my General Counsel. Let me explain.

  When I joined the Department in July of 2021, there were a number of constituencies that wanted me to terminate Chief Pittman, including the union, Members of Congress and the rank and file. It was even discussed in the press. (See e.g., https://wtop.com/dc/2021/07/new-chief-selected-for-capitol-police-after-1-6-insurrection-2/ "Pittman, a longtime Capitol police officer, wasn't expected to get the job permanently. And her [acting] appointment did little to soothe the tumult inside the department or to quell concerns about failures of preparation and intelligence-sharing ahead of the insurrection. She faced steep criticism from her own officers after they said she showed little to no leadership on the day of the insurrection. The union voted overwhelmingly to show no confidence in her.") Despite this pressure, I wanted to reach my own conclusion as to Chief Pittman's capacity to do the job. During my time with Chief Pittman, I was satisfied with her work and believe she did a credible job as the Acting Chief of Police after January 6th, a very difficult time for the Department. Unfortunately, much of the "outside noise" around Chief Pittman and her tenure as head of our intelligence section and time as Assistant Chief did not die down even after I became the Chief. Even when I moved her to a non-law enforcement role as our Acting Chief Administrative Officer, the criticisms failed to subside.

  In the fall of 2022, I became aware that Chief Pittman was seeking other employment. I encouraged her in her search because, while I was satisfied with her performance as an Assistant Chief, I realized her continued presence on the Department was becoming an unneeded distraction. When she told me she had a job offer from the University of California at Berkeley but needed a few more months to reach her retirement age, I recognized this as an opportunity for the Department to reach an amicable separation agreement that would benefit the Department. I directed my General Counsel to work with Chief Pittman's outside counsel to enter into a separation agreement. A non-negotiable part of that agreement that I insisted on was that Chief Pittman would be on LWOP for any time period during which she was working for UC-Berkeley.

  The agreement that was ultimately reached allowed Chief Pittman four and a half months of LWOP and contained several provisions favorable to the Department. Those provisions included:

- **non-disparagement clause;**
- **pre-publication review of any piece written related to Chief Pittman's time on the Department;**
- **confidentiality agreement;**
- **all media questions concerning her time on the Department were to be directed back to Department;**
- **Chief Pittman agreed to make herself available as a Department witness as needed; and**
- **a waiver of any and all possible legal claims against the Department.**

- Did Ms. Pittman make any payments toward her retirement benefits while on leave without pay?

  No.

Committee on House Administration, Minority

1. When the Capitol Police Board was formed more than 150 years ago, Congress was a much different place. There were only 68 Senators and 226 Members of the House. You could count the number of Capitol Police officers on one hand, and it was common to see cattle grazing here on Capitol Hill. Since that time, the world has changed significantly, but with a few small exceptions, the structure of the Capitol Police Board has not.

   a. Do you believe the structure of the Capitol Police Board needs reform?

      The Department believes the current structure of the Board is the correct one and that the relationship between the Department and the current Board is as strong as it's ever been. The Board is following its policies in a more transparent manner and dealing with the Department in a formal, professional and responsible manner. However, the Department does believe it would benefit by having the Board perform more of a high-level oversight function with less involvement in some operational aspects of the Department.

      i. If yes, what should that reform look like?

         The Department reviewed a bill proposed last year by the Rules Committee Minority that would change some of the powers of the Board along the lines of the above. While the Department does not necessarily agree with all of the changes outlined in the bill, which is *attached*, it believes general reforms along the lines outlined by the bill would benefit both the Department and the Board by clarifying the role each entity should have.

      ii. If not, why not?

         Not applicable.

2. The Capitol Police Board only employs one full time staffer, an Executive Assistant. The Members of the Board rely on staff from their respective organizations to handle Capitol Police Board matters.

a. Do you believe the Capitol Police Board would benefit from a more robust full-time staff?

Yes

b. If yes, what would the makeup of a full time Capitol Police Board staff look like?

The Department would leave the makeup of the Capitol Police Board staff to the voting members of the Board but believes the Board's work would benefit from additional staff that reports to the Board.

c. Along those same lines, would your own organization benefit from having a distinct Capitol Police Board staff?

Yes.

3. Please provide your assessment on how the Department should balance its law enforcement and protective services missions. Should the Department prioritize building criminal cases with admissible evidence for potential prosecution or should it prioritize protecting the Capitol campus, Members, staff, and visitors?

Protecting Members of Congress, their families, and the Congressional Community to include staff and visitors will always be the Department's priority but requires a holistic approach to law enforcement. The Department's protective model relies on creating inner, middle and outer security perimeters to protect the campus and the buildings. The majority of our officers are dedicated to the inner perimeter focused on security screening. Our middle perimeter is where you will see officers working at vehicular checkpoints, K9 officers, and officers patrolling parks and grounds on foot/bike patrols. Our outer perimeter would be our Special Operations Division (SOD), which consist of the officers patrolling the streets in cars or motorcycles, and plainclothes counter surveillance officers. SOD is one of the smaller divisions on the department but they serve the important function of providing directed patrols of members residences throughout the NCR, providing motorcade escorts, and patrolling grounds in our EJZ which helps deter crime from entering our Grounds and are frequently traveled areas of staff and members to and from their residence. It is important to note USCP is ranked 3rd in the District of Columbia for gun recoveries, our goal is to keep violent criminals off of Capitol Grounds.

The Department's Protective Operations work extensively to protect Members and their families outside of DC in their home districts. This is accomplished through working with staff and local law enforcement to coordinate security for public events attended by Members. Our Threat Assessment Section investigate and assesses risk posed by individuals making threats and concerning communications to Members and their staff. Our Dignitary Protection Division provides protection for leadership, Congressional Events, and for members when there is a threat based need for enhanced protection. The Department's mission is unlike any other police agency, which is why it has created a balanced symbiotic protection model to protect the Congressional community.

4. Artificial Intelligence (AI) has been at the forefront of the national conversation recently, and for good reason. We are going to soon see the impact of AI on virtually every aspect of our lives.

a. How, if at all, are you thinking about AI in the context of the Capitol security—both in terms of potential opportunities and threats?

The USCP views AI as two broad buckets: Narrow AI and General AI. Narrow AI entails applications that are focused on facilitating specific, narrowly defined tasks (e.g. image recognition). General AI is more akin to applications that can generate original content (e.g.ChatGPT).

The USCP is using and studying the application of Narrow AI as an extension of our ongoing threat framework. In many cases, AI is an augment to existing threats analysis and our management approach. We expect vendors to incorporate AI as part of the tools we use in such areas as cyber monitoring, alerting capabilities, and pattern recognition capabilities to provide efficiencies in performing the USCP's protective mission. These initiatives fall within the scope of Narrow AI.

USCP is also aware that adversaries can use General AI to threaten the Congressional Community. Examples of this include AI-enabled swatting attacks that could be used against Members and the campus or the use of General AI to acquire instructions to assemble explosive or incendiary devices. In these cases, AI is being used to facilitate an existing threat for which the USCP has remediation options in place. General AI also presents the threat of facilitating the flow of misinformation and disinformation, which is more complicated for USCP alone to address. For these types of threats, USCP is committed to working with our legislative entities such as the Chief Administrative Officer of the House, other government and law enforcement agencies, academic entities, and industry partners to understand the challenges the technology poses and understanding the remediation options available.

Lastly, USCP is working with Legislative Branch partners to ensure information sharing related to cyber threats – which include AI-based threats to network and physical security. This includes ongoing efforts by OIS, SSB, and IICD to remain informed of the latest cyber and AI threat vectors and USCP's continued staffing of the FBI's Cyber Task Force

b. How are law enforcement agencies and protective agencies in general using or planning to use AI?

With respect to the implementation of Narrow AI, USCP is in line with practices of other law enforcement agencies, which use such capability to enhance their ability to complete specific policing and protective tasks. The USCP continues to study wider application of AI to the USCP mission. We are engaging with stakeholders, other Public Safety organizations, Intelligence partners, and vendors to understand various usage of this technology as it comes to policing.

Current USCP pilots are focused on using computers and systems to derive meaningful information from digital images, videos and other visual inputs. Based on those inputs, the AI technology can assist the USCP in protecting the campus. One such use case is for the CCTV system to monitor exit only barricades and identify and alarm when an incoming vehicle uses, or attempts to use, an outbound barricade while in the open

position. Another initiative involves the use of a software application to augment the human examination of live x-ray scans at building entrances to identify potential weapons or other threats.

Also, in the Department's work with open source intelligence, USCP uses vendors whose tools are trained to detect threat-specific language on publicly available forums. These tools supplement the work of USCP analysts in flagging concerning messages or users who may present a security threat to Members and assists analysts in identifying threat trends.

5. You have previously expressed concern about the mass release of unvetted security camera footage from the Capitol, particularly because when viewed in the aggregate, footage can result in the layout, vulnerabilities, and security weaknesses of the Capitol being collected and provided to malign actors—both foreign and domestic.

   a. What is the Department's role in the installation of the new security cameras funded by the security supplemental?

      The Department, through the Security Services Bureau, identified the need for additional camera coverage in the Senate and House Office Buildings, particularly in publically accessible areas on the upper floors. Through its security contractor, the Department provided the initial requirements and estimated cost to be included in the supplemental request. In order to more efficiently execute this large-scale project, the Department agreed to have the AOC issue this as one project. Normally security projects include two separate efforts, the installation of physical infrastructure and the installation of devices (cameras). The Department's ongoing role includes providing and validating requirements for the security cameras to ensure a seamless integration with its current system. The Department is also in the process of verifying security camera locations for optimal fields of view and the best positions for monitoring capabilities. The Department participates at various stages of the project design and installation phases to monitor continual progress toward completion. At the conclusion of the project, the Department will be responsible for the operation and maintenance of the cameras to include incorporating the cameras into our existing cyclical replacement program to ensure future sustainability.

   b. In thinking about where to install cameras, have you considered the fact that the mass release of security footage from the Capitol could provide insights into where cameras had previously been placed and where there might be security blind spots?

      Yes, the Department has considered forthcoming camera locations given the public release of camera footage and has conducted a damage assessment from the existing footage release. That said, the structure of the Capitol and the current capabilities of the cameras may limit where we can install cameras going forward. It should be noted however, that operational security requirements will be the primary driver of determining camera placements and the resulting field of view.

2. As mentioned briefly during the hearing, a federal judge in the case *Missouri v. Biden* issued a wide-ranging preliminary injunction restricting the Executive Branch's communications with social media companies.

a. Do you work directly with social media platforms to address threats?

The Department does not typically engage social media companies when making determinations as to whether content is police information, a DOI, a threat, or has other intelligence value. The Department also does not typically ask them to remove such content. So the prohibition on contact with social media companies should not impact our day to day workflows.

If not, do you intend to, given the restrictions that your Executive Branch partners might now face?

There could be some scenarios in which contact with social media companies is necessary. Doxing is an example. In such cases, the Department may contact companies to remove PII from their platform. Best practices would have the user/victim make the request themselves, but it is conceivable that the Department may also make that outreach. If PII is divorced from an explicit threat, the ability to do this would hinge on the interpretation of "protected free speech." There seems to be some carve out for this in the opinion but it's not completely clear.

b. How frequently does the Department collaborate with Executive Branch entities like the FBI in assessing and mitigating threats?

The USCP engages with Executive Branch agencies on a daily basis. This is primarily done through USCP's Task Force Officers, who are assigned to various FBI offices to assist in investigating terrorism, cyber threats, and counter-intelligence. These are full time positions such that the USCP has a constant presence in these office for the purposes of intelligence sharing and investigative coordination. Other federal agencies also staff these task forces, allowing USCP to connect seamlessly to a broad range of government partners at the federal, state, and local levels.

c. How frequently does this collaboration include contact with social media companies?

See above answer.

d. How, if at all, has the *Missouri v. Biden* case impacted the Department's ability to address threats?

See above answer. In addition, mis/disinformation is a potential risk area. Much of that information would not read as an explicit threat or criminal activity. While the Department has not yet had to be forward leaning with this issue to date and has not engaged with social media companies in regards, with Big AI applications making misinformation campaigns that much easier and effective, it stands to reason the Department may have to engage with companies on the matter. Again, the carve outs in the opinion may allow this to some degree, explicitly mentioning foreign influence, election integrity, and cyber-attacks, but it does make such engagement riskier than it was.

Finally, our experience tells us that engagements with social media companies and non-profits on how to minimize threats posed by online platforms needs to be informed by what law enforcement sees on a day to day basis. The bigger picture here is that taking the government and LE out of that conversation will have a negative effect on that collective effort.

CAPITOL POLICE BOARD
S-151 The Capitol
WASHINGTON, DC 20510
PHONE (202) 224-2341

KAREN H. GIBSON, Chair
WILLIAM P. McFARLAND, Member
CHERE REXROAT, Member
J. THOMAS MANGER, Ex-Officio Member

August 16, 2023

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Wray:

The Capitol Police Board (Board) respectfully requests a classified briefing on the investigative steps taken by the Federal Bureau of Investigation relating to the pipe bombs placed near the Republican National Committee Headquarters and the Democratic National Committee Headquarters the evening of January 5, 2021.

The Board asks that the classified briefing include investigative steps taken thus far as well as the current status of the investigation. Your office may contact Lene Van Mercer at 202-224-7025 or lene.vanmercer@uscp.gov to coordinate schedules for this briefing.

Sincerely,

Karen H. Gibson — Digitally signed by Karen H. Gibson Date: 2023.08.16 05:55:49 -07'00'
Karen H. Gibson
Chair

William P. McFarland — Digitally signed by William P. McFarland Date: 2023.08.16 09:21:57 -04'00'
William P. McFarland
Member

Rexroat, Chere — Digitally signed by Rexroat, Chere Date: 2023.08.16 09:50:58 -04'00'
Chere Rexroat
Member

Chief J. Thomas Manger
Ex-Officio Member

2053.011

Directive

Anti-Discrimination and Anti-Harassment Policy

Directive #:	2053.011	Effective Date:	05/28/2012
Initiating Unit:	Office of Professional Responsibility	Review Date:	05/31/2013

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Authority and Coverage

The Chief of Police serves as the chief executive officer of the United States Capitol Police (USCP) and is responsible for the day-to-day operation and administration of the USCP.

This policy may be revised at the discretion of the Chief of Police, consistent with applicable law, rule, and regulation.

Definition(s)

Discrimination. The denial of rights and/or privileges based on race, age, color, sex, national origin, genetic information, disability, religion, and/or employment in the uniformed services, in all aspects of employment.

Genetic Information. The Genetic Information Nondiscrimination Act, as applied by the Congressional Accountability Act, protects employees from employment discrimination and denial of health insurance based on the employee's genetic information, including knowledge of the employee's family medical history.

Harassment. Verbal, written, or physical conduct or activity directed to a specific person or group based on race, age, color, sex, national origin, disability, religion, sexual orientation, or employment in the uniformed services (e.g., military) that creates an intimidating, hostile, or offensive work environment or that is sufficiently severe or pervasive to interfere unreasonably with an employee's work performance or work environment. Harassment includes insults, jokes, slurs, inappropriate e-mails, or other verbal, written, or physical conduct or activity related to race, age, color, sex, national origin, disability, religion, or employment in the uniformed services that creates an intimidating, hostile, or offensive work environment.

Sexual Harassment. Unwelcomed sexual advances, requests for sexual favors, and other unwelcome verbal, written, or physical conduct of a sexual nature when:

1. The employee's submission to or rejection of the conduct results in a tangible employment action (such as denial of a promotion or demotion); or

2. The conduct is sufficiently severe or pervasive so as to interfere unreasonably with an employee's work performance or work environment.

Sexual harassment may include such actions as sexually-oriented kidding, teasing, jokes, or suggestive or lewd remarks; or e-mails; subtle or blatant pressure for sexual activity; physical contact such as pinching or brushing against another's body in a purposefully and sexually suggestive way; demands for sexual favors; unwanted hugging and kissing; or openly displaying or viewing sexually derogatory or pornographic posters, cartoons, drawings, or web sites which is viewed by others.

General Policy

Discrimination and harassment on the basis of race, age, color, sex (including sexual harassment), genetic information, national origin, disability, religion, and/or service in the uniformed services are prohibited and will not be tolerated. All employees are required to avoid any behavior that could be interpreted as discrimination or harassment.

The Department encourages employees to immediately report any act of discrimination or harassment. Complaints of discrimination or harassment will be investigated immediately and appropriate corrective action will be taken. The Department will keep complaints of discrimination and harassment, and the terms of their resolution, confidential to the extent possible.

The Department strictly prohibits intimidation or retaliation against any employee who, in good faith, reports incidents of discrimination or harassment, participates or aids in an investigation of a complaint, or participates or assists in any way in a discrimination or harassment charge, investigation, or proceeding.

Employees who engage in unlawful discrimination or harassment or unlawful acts of intimidation or retaliation will be subject to appropriate disciplinary action up to and including termination. Appropriate corrective action will also be taken against employees who knowingly file false complaints of discrimination, harassment, intimidation, or retaliation.

Responsibilities/Procedures

Employee

If you believe that you have been the victim of discrimination or harassment, or have witnessed discrimination or harassment, you have the following options:

1. ***Immediately*** report complaints of discrimination or harassment, including sexual harassment, to your supervisor or any other supervisor with whom you feel comfortable discussing the issue.

2. If you do not believe that an informal resolution can be reached, you may file a formal written complaint by completing a CP-536, Complaint Report, and submitting it directly to the Office of Professional Responsibility (OPR).

Supervisor

1. Promptly communicate all complaints of discrimination or harassment to the OPR Commander. Complaints of discrimination or harassment will be investigated by appropriately trained personnel assigned to OPR. If the OPR Commander or a member of the Executive Management Team is the subject of the complaint, you should notify the Chief of Police, who will determine who will investigate the complaint. If the Chief of Police is the subject of the complaint, you should notify the Capitol Police Board to determine who will investigate the complaint.

2. Take immediate and appropriate corrective action to alleviate the conditions that prompted the complaint. If you provide corrective action and the complaining employee believes the matter is resolved, you will provide OPR with a memorandum explaining the resolution, signed by both you and the employee(s).

3. To the extent possible, preserve the confidentiality of all complaints of discrimination and harassment.

4. Monitor the workplace for signs of discrimination or harassment, and ensure that necessary steps are taken to enable employees to work in an environment free of any form of discrimination or harassment.

Office of Professional Responsibility Commander

When a complaint has been received, OPR will follow the Complaint Process Policy as established by the COP.

Additional Information

References

1. USCP Directive "Complaint Process"

2. USCP Directive "Roles, Authority, and Responsibilities of the Office of Inspector General (OIG)"

Cancellation

This Directive cancels Operational Directive PRF 1.4, "Anti-Discrimination and Anti-Harassment Policy," issued March 1, 2002, and supersedes and replaces any related Department publication consistent with applicable law, rule, or regulation.

Appendices

None.



Phillip D. Morse, Sr.
Chief of Police

UNITED STATES CAPITOL POLICE

UNPUNCHING PRINCIPLES

SINCERE COURTEOUS

Directive

Grievance Procedures

Directive #:	2053.002	Effective Date:	05/28/2012
Initiating Unit:	Office of Human Resources	Review Date:	05/31/2013

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Authority and Coverage

The Chief of Police serves as the chief executive officer of the United States Capitol Police (USCP) and is responsible for the day-to-day operation and administration of the USCP.

This policy may be revised at the discretion of the Chief of Police, consistent with applicable law, rule, and regulation.

Definition(s)

CP-520, Grievance Form. A form used by Department employees to a file a formal grievance. This form may be typed or handwritten.

Grievance. A dispute between an employee and the Department—or a supervisor in the chain of command—with respect to the interpretation, application, claim, breach, or violation of Department Directives, rules, regulations, policies, or with respect to any equipment furnished by the Department or conditions related to the work environment. This procedure is not applicable to areas outside the scope of authority of the Department.

Grievance Coordinator. The individual designated by the Chief of Police to manage the labor relations function for the Department will act in the capacity of Grievance Coordinator. He/she will maintain control of all grievance records and is responsible for the preparation of the annual report. Information gathered from this report will help identify areas requiring attention, in an effort to minimize grievances. He/she will approve/disapprove requests for an extension of time to resolve a grievance and will not be included in the chain of command for any grievance.

Grievance Records. All notes and/or records pertaining to a grievance are to be handled as sensitive documents (see the USCP Directive on safeguarding information) and the entire file is to be forwarded to the Grievance Coordinator. Nothing connected with the filing of a grievance should be noted on an employee's CP-550 or any other employee personnel file.

Personal Relief. A specific remedy that directly benefits the employee. Personal relief may include correction of management oversight or error, or insertion of corrective or explanatory material in an employee personnel file. Failure to request proper personal relief may serve to delay resolution of a grievance and could be a basis for rejecting a grievance. Personal relief may not include a request for disciplinary action, reassignment, transfer, demotion, or termination affecting another employee.

General Policy

This policy provides a method that allows non-bargaining unit civilian and sworn employees as well as officials to resolve their grievances with management fairly and expeditiously. Bargaining unit

members will be guided by their respective collective bargaining agreements to resolve their grievances with management.

Good management practices recognize that a carefully designed grievance process can help reduce personnel dissatisfaction, improve morale, identify problems in the organization, and increase the positive perception employees have of the organization.

In the interest of equity and for the continued efficiency of Department operations, each grievance will be processed as expeditiously as possible and its merits decided at the lowest possible organizational level. Therefore, supervisors within the chain of command will make a diligent effort to resolve grievances fairly and expeditiously before referring the employee to the next level for resolution.

No acts of reprisal or retaliation will be allowed against any employee of the Department as a result of using the grievance process, nor will the facts and circumstances relating to a grievance be recorded in any employee's personnel file.

The following matters are excluded from coverage of this grievance procedure:

1. Actions taken against an employee for prohibited ethics political activities.
2. Retirement and life and health insurance matters.
3. Any suspension or removal for national security reasons.
4. Any examination, certification, or appointment.
5. The classification of any position that does not result in a reduction in grade or pay.
6. The separation of an employee during his or her probationary period.
7. Non-selection for promotion from a group of properly ranked and certified candidates or any other appropriate source.
8. Decisions regarding awards and/or the adoption or non-adoption of a suggestion.
9. Policies, decisions, or directives of congressional authorities and entities, not including the Department.
10. Decisions and directives of the Capitol Police Board.
11. Proposed disciplinary action.

Election of Options

Matters that fall within the coverage of a statute, rule, regulation, or Directive may, at the discretion of the employee, be raised under applicable appeals procedures or under the Department's grievance procedures, but not both.

Grievance Process

1. An employee's grievance must be filed within 15 calendar days from the date of the act or occurrence that gave rise to the grievance—or when the employee reasonably should have known of the occurrence. All other steps of the grievance process are limited to seven calendar days. It is the responsibility of the grievant to forward the grievance to the next step throughout the grievance process.
2. A grievance not submitted by the employee within the time limits prescribed for each step of the procedures will be considered satisfactorily settled on the basis of the last decision received by the employee and will not be subject to further appeal. A grievance not responded to by the appropriate management representative within the time limits specified at any step will be advanced automatically to the next step, unless withdrawn by the employee.
3. In unusual circumstances when a response cannot be accomplished within the specified time frame, a written request for additional time will be submitted by the requesting employee/supervisor directly to the Grievance Coordinator.
4. When computing "calendar days" for purposes of this policy, the day of occurrence of the event will not be included. The last day of the period will be included, except when the time frame ends on a Saturday, Sunday, or legal holiday, in which case

the period runs until the end of the next business day.

5. Grievances and grievance decisions must be served at each step of the procedures established by this policy by being hand-delivered to the appropriate employee or to the employee's office or duty station. It is incumbent on the submitting employee to advise the official in the chain of command of his/her approved scheduled leave that may impact on that deadline in order to agree to an alternate method of response.

Step 1: Informal

1. An aggrieved employee will meet with an official at the lowest level capable of resolving the grievance and discuss the grievance. If the official lacks the authority to resolve the grievance, the official will refer the employee to the appropriate management official.

2. The official will make a decision and communicate the decision to the employee in-person within seven calendar days from the initial presentation of the grievance.

Step 2: Formal

1. If the matter is not resolved at Step 1, the employee may initiate a formal written grievance. The narrative should contain complete and specific information in sufficient detail to clearly identify the issue and specify the personal relief requested. All information considered helpful in reaching a resolution of the grievance should be included. Names of individuals who can offer additional information or verify events should also be provided, as well as the date(s) of the informal grievance and the name of the official to whom the informal grievance was addressed.

2. The written grievance will be submitted to the employee's Division Commander or designee within seven calendar days of the decision in Step 1.

3. The Division Commander or designee will meet with the grievant within seven calendar days of the filing of the written grievance. The Division Commander or designee will issue a written decision on the matter within seven calendar days of the meeting.

Step 3: Bureau Commander Review

1. If the grievance is not resolved to the satisfaction of the grievant at Step 2, it will be submitted by the grievant to the Bureau Commander, in writing, within seven calendar days after receipt of the Division Commander's written decision.

2. The Bureau Commander or designee will meet with the employee within seven calendar days of the filing of the written grievance. The Bureau Commander or designee will issue a written decision on the matter within seven calendar days of the meeting.

Step 4: Chief of Police Review

1. If the grievant is not satisfied with the Step 3 decision, the grievant will advance the grievance to the Chief of Police or designee by hand delivery within seven calendar days following receipt of the decision or the day the written decision was due.

2. The Chief of Police will resolve the grievance within seven calendar days. The grievant will be notified within seven calendar days following submission of the Chief's decision.

3. The Chief of Police is the final authority for a formal grievance. (Bargaining unit members are governed by their respective collective bargaining agreements.)

Responsibilities/Procedures

None.

Additional Information

Employees are encouraged to utilize the internal administrative grievance system provided by the Department before making a claim to the Office of Compliance.

Cancellation

This Directive cancels General Order 2250, "Department Grievance Procedures," issued March 5, 1999, and supersedes and replaces any related Department publication consistent with applicable law, rule, or regulation.

Appendices

None.

Phillip D. Morse, Sr.
Chief of Police

PHONE: 228-9465

UNITED STATES CAPITOL POLICE BOARD
H124 The Capitol
WASHINGTON, DC 20515-6634

WILSON LIVINGOOD, Chairman
GREGORY S. CASEY, Member
ALAN M. HANTMAN, Member

CAPITOL POLICE BOARD REGULATIONS PRESCRIBING A UNIFIED LEAVE SYSTEM FOR MEMBERS AND CIVILIAN EMPLOYEES OF THE UNITED STATES CAPITOL POLICE

Pursuant to the directive under Pub. L. 105-55, 111 Stat. 1177 (October 7, 1997), the Capitol Police Board hereby prescribes the following regulations:

Section I. General Provisions.

A. The Chief of Police or his/her designee shall be responsible for the proper administration of the unified leave system and for maintaining an account of leave for each member and civilian employee.

B. The leave time provided under this unified leave system is leave time during which a member or civilian employee would otherwise work and receive pay and is exclusive of holidays and non-workdays established by appropriate Congressional authority.

C. A member or civilian employee employed on a part-time basis is entitled to the benefits provided by these regulations on a pro rata basis.

D. The Chief of Police or his/her designee is authorized to issue internal operating procedures and/or directives, consistent with these regulations, as may be necessary to maintain or enhance the efficiency of service and the needs of the department.

Section II. Definitions.

A. *Accrued leave* means the leave earned by a member or civilian employee during the current leave year that is unused at any given time in that year.

B. *Accumulated leave* means the unused leave remaining to the credit of a member or civilian employee at the beginning of the leave year.

C. *Family member* for the purposes of these regulations is defined as parent, spouse or child. See, for example, section 825.800 of the Office of Compliance Regulations: Family and Medical Leave.

D. *Leave year* means the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

E. *Medical certificate* means a written statement signed by a practicing physician or other health care practitioner certifying to the incapacitation, examination, or treatment of the patient, and to the period during which the patient was receiving professional treatment.

Section III. Annual Leave.

A. Accrual.

1. A member or civilian employee is entitled to annual leave with pay which accrues as follows--

(a) 4 hours for each full biweekly pay period for a member or civilian employee with less than 3 years of service;
(b) 6 hours for each full biweekly pay period, except that the accrual for the last full biweekly pay period in the leave year is 10 hours, for a member or civilian employee with 3 but less than 15 years of service; and
(c) 8 hours for each full biweekly pay period for a member or civilian employee with 15 or more years of service.

2. In determining years of service, a member or civilian employee is entitled to credit for all service of a type that would be creditable under section 8332 of title 5 of the United States Code, regardless of whether or not the employee is covered by subchapter III of chapter 83. However, a member or civilian employee who is a retired member of a uniformed military service who is entitled, under statute, to retired, retirement, or retainer pay on account of his or her service as such a member is entitled to credit for active military service only if --

(a) his or her retirement was based on disability--
(i) resulting from injury or disease received in the line of duty as a direct result of armed conflict; or
(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38 of the United States Code; and

(b) that service was performed in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized.

The determination of years of service shall be made on the basis of a written certification provided by the federal agency or Congressional entity from which service credit is being claimed.

3. A change in the rate of accrual of annual leave by a member or civilian employee takes effect at the beginning of the pay period after the pay period in which the employee completed the prescribed periods of service.

4. Members and civilian employees shall not accrue annual leave during a pay period in which he/she has a period of leave without pay.

B. Accumulation.

1. Except as provided below, annual leave which is not used by a member or civilian employee accumulates for use in succeeding years until it totals not more than 240 hours at the beginning of the first full biweekly pay period occurring in a leave year.

2. When, due to unusual emergencies it is impossible to grant requested leave to members and civilian employees, the Chief of Police or his/her designee shall have the authority to temporarily waive the above restriction on accrued annual leave.

1. Annual leave may be used by a member or civilian employee upon approval of:
   a. a written request for absence; or
   b. a request in an emergency situation due to unforeseen circumstances.

2. Use of annual leave is conditioned upon approval of the Chief of Police or his/her designee.

3. The Chief of Police or his/her designee shall restrict or cancel the granting of leave in accordance with the needs of the department.

4. The Chief of Police or his/her designee may grant advancement of annual leave in an amount not to exceed the amount the member or civilian employee would accrue for the remainder of the leave year in which the request is made.

Section IV. Compensatory Time Off.

A. Members who have been determined to be non-exempt under the Fair Labor Standards Act (FLSA), as applied by the Congressional Accountability Act (CAA), are eligible to elect to receive hours of compensatory time off in lieu of overtime compensation for additional duty.

B. Members and civilian employees who have been determined to be exempt under the (FLSA), as applied by the (CAA), may be granted compensatory time off for special circumstances as determined by the Chief of Police or his/her designee.

C. Civilian employees who have been determined to be non-exempt under the FLSA, as

applied by the CAA, may not receive compensatory time off in lieu of overtime compensation, but may receive compensatory time off for additional duty that is not eligible for FLSA overtime payment.

D. Use of Compensatory time off shall be subject to the same conditions provided for the use of annual leave in Section III.

Section V. Sick Leave.

A. Accrual.

1. A member or civilian employee accrues sick leave with pay on the basis of 4 hours for each full biweekly pay period.

2. Sick leave which is not used by a member or civilian employee accumulates for use in succeeding years.

3. Members and civilian employees shall not accrue sick leave during a pay period in which he/she has any period of leave without pay.

B. Grant of Sick Leave.

1. Subject to paragraphs 2 through 4 of this subsection, the Chief of Police or his/her designee may grant sick leave to a member or civilian employee when the member or civilian employee--

(a) Receives medical, dental, or optical examination or treatment;
(b) Is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth;
(c) Provides care for a family member who is incapacitated as the result of physical or mental illness, injury, pregnancy, or childbirth or who receives medical, dental, or optical examination or treatment;
(d) Makes arrangements necessitated by the death of a family member or attends the funeral of a family member;
(e) Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease; or
(f) Must be absent from duty for purposes relating to the adoption of a child or the placement of a child in foster care, including appointments with adoption/placement agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.

2. The amount of sick leave granted to an employee during any leave year for the purposes of paragraph (1)(c) and (d) of this subsection may not exceed a total of 104 hours.

3. To be granted sick leave for the purposes described in paragraph (1)(c) and (d) of this subsection during any leave year in an amount exceeding a total of 40 hours, the member or employee concerned shall retain in his or her sick leave account a balance of at least 80 hours. No sick leave may be advanced under this section for the purposes of meeting the requirement to retain a minimum sick leave balance or for using additional sick leave for the purposes described in paragraphs (1) (c) and (d) of this section when such use would otherwise cause the member's or civilian employee's sick leave balance to fall below the minimum required.

4. When sick leave is granted to a member or civilian employee for the purposes described in paragraph (3) of this subsection, the amount of sick leave retained in the member's or civilian employee's sick leave account shall, in each instance, be at least equal to the minimum prescribed by paragraph (3) of this subsection after deducting the amount to be used for the purposes described in paragraphs (1) (c) and (d) of this subsection.

C. Application for Sick Leave.

1. Members and civilian employees shall request approval from the Chief of Police or his/her designee for sick leave in advance for the purposes of receiving medical, dental, or optical examination or treatment of a non-emergency nature and, to the extent possible, for the purposes described in paragraph 1(c), (d), and (f) of subsection B above.

2. Members and civilian employees shall request approval from the Chief of Police or his/her designee for sick leave as soon as possible, but not later than one hour before they are scheduled to report for duty, for the purposes described in paragraph 1(b) and (e) of subsection B above.

3. In accordance with applicable laws or when otherwise determined necessary by the Chief of Police or his/her designee, medical certification or other appropriate documentation may be required in connection with use of sick leave.

D. Advancement of Sick Leave.

1. Members and civilian employees may request advancement of sick leave not to exceed a total of 240 hours in a twelve month period for a serious health condition as defined in section 825.800 of the Office of Compliance Regulations: Family and Medical Leave.

2. Requests for advancement of sick leave must be approved by the Chief of Police or his/her designee.

3. Sick leave will not be a advanced unless all other leave has been exhausted.

F. Credit for Unused Sick Leave from Prior Federal Civilian Service.

1. Any accumulated sick leave earned while employed in any federal government office, when certified in writing by such office, will be credited to the leave record of a member or civilian employee.

G. Sick Leave used in the Computation of Annuity.

1. Sick leave which is eligible to be used in the computation of annuity for a member or civilian employee shall, upon retirement, be charged against his or her sick leave account and may not thereafter be used, transferred, or recredited.

H. Use of Sick Leave during Annual Leave.

1. The Chief of Police or his/her designee may grant sick leave to a member or civilian employee who becomes ill during a period of annual leave.

2. Members and civilian employees should notify the Chief of Police or his/her designee as prescribed in subsection (C) of this section.

Section VI. Minimum Leave Request.

A. Leave may be used in increments of not less than 15 minutes.

Section VII. Administrative Leave.

A. Administrative leave is leave with pay for a purpose approved the Chief of Police or his/ her designee that is not charged against a member's or civilian employee's leave balance.

B. The Chief of Police or his/her designee may authorize administrative leave for such circumstances as:

1. Leave for Jury Duty.

a. A member or civilian employee who is summoned for jury duty and must be absent from work will continue to receive full pay and will not be charged annual leave.

b. Upon receipt of such summons, the member or civilian employee must notify the Chief of Police or his/her designee immediately and must provide a copy of the summons or other written documentation requiring jury duty.

2. Leave for Military Duty.

a. A member or civilian employee who is an Armed Forces reservist or a member of a National Guard unit and is called to active duty will be given paid leave for that purpose not to exceed 15 days in a fiscal year. In cases where the

service is for law enforcement or a national emergency declared by the President, the limitation may be extended to a maximum of 22 days within a calendar year.

b. A member or civilian employee must notify the Chief of Police or his/her designee as soon as possible of a need for leave under this section.

c. To apply for leave under this subsection, members and civilian employees must submit appropriate documentation, including a copy of any military orders, to the department.

d. Members and civilian employees who require absences for military duty will be accorded all benefits provided by applicable law.

C. The Chief of Police or his/her designee is authorized to grant administrative leave for other purposes that would promote the efficiency of service or the needs of the Department as determined by the Chief of Police.

Section VIII. Family and Medical Leave.

A. Under the provisions of the Family and Medical Leave Act (FMLA) as incorporated by the CAA, a member or civilian employee who has worked as an employee of a congressional employing office for at least 12 months and for at least 1250 hours during the previous 12 months is entitled to up to a total of 12 weeks of unpaid leave during any 12-month period for the following family and medical reasons:

1. to care for a child after birth;

2. to adopt a child or to receive a child in foster care;

3. to care for a spouse, son, daughter, or parent who has a serious health condition or

4. for the employee's serious health condition that makes the employee unable to perform his/her job.

B. The FMLA defines the term "serious health condition" and such definition is hereby incorporated by reference.

C. When requesting leave, members and civilian employees must explain the reason for the leave to allow the Chief of Police or his/her designee to determine whether the leave qualifies as FMLA leave.

D. To be entitled to FMLA leave, a member or civilian employee must intend to return to work following the leave.

E. Each member or civilian employee's 12-month period begins on the day the employee first takes FMLA leave.

F. A member or civilian employee who is on Type 1 or 2 FMLA leave may, at his/her option, use accrued annual leave and/or, when applicable, compensatory time off.

G. A member or civilian employee who is on Type 3 or 4 FMLA leave may, at his/her option, use accrued annual leave, compensatory time off and/or sick leave.

H. Such annual and sick leave, but not compensatory time off, will offset the 12 weeks of FMLA leave entitlement.

I. While a member or civilian employee is on FMLA leave, whether paid or unpaid, the government contribution for the member's or civilian employee's federal retirement, health and life insurance will continue.

J. A member or civilian employee must provide at least 30 days advance notice if FMLA leave is foreseeable.

K. If 30 days advance notice is not practicable, a member or civilian employee must give as much advance notice as possible.

L. When Type 3 or 4 FMLA leave is foreseeable based on planned medical treatment, the member or civilian employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly with the Department's operations. However, members and civilian employees should not delay seeking immediate medical attention when necessary.

M. For all instances of FMLA leave, a member or civilian employee must submit a written request for leave, even if the request is filed after the leave has commenced.

N. Written requests for FMLA leave must be submitted to the Chief of Police or his/her designee and shall include the dates of such leave and the reason(s) for the leave.

O. A member's or civilian employee's failure to provide notice may result in denial of FMLA leave

P. Medical certification is required to support a request for leave because of a serious health condition of the member or civilian employee or his/her spouse, son, daughter, or parent.

Q. In appropriate cases, the Chief of Police or his/her designee may require a second or third medical opinion, and may require certification that the employee is able or unable to return to work.

R. All medical certifications and related records will be kept confidential.

S. In accordance with applicable law, most members and civilian employees returning from FMLA leave will be restored to his/her same or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of a member's or civilian

employee's leave.

T. A member or civilian employee on FMLA leave shall not accrue annual or sick leave during a pay period in which he/she has a period of leave without pay.

Section IX. Leave Without Pay.

A. Leave without pay is an authorized uncompensated absence which has been approved or directed by the Chief of Police or his/her designee and shall apply uniformly consistent with the provisions of ~~Pub. L. 105-18.~~ 2 U.S.C. §1923

B. A member or civilian employee may request leave without pay in the same manner as requesting annual leave or sick leave.

C. As a basic condition of approval of leave without pay, there must be a reasonable assurance that the member or civilian employee will return to duty at the end of the approved period.

D. Leave without pay shall in no case exceed one year from the date such leave commences.

Section X. Use of Accrued Leave before Separation from Service with the Department.

A. Members and civilian employees should provide the Chief of Police or his/her designee at least two weeks notice of his/her intent to separate from the Department.

B. In the case of members subject to mandatory retirement, the Chief of Police or his/her designee shall notify the affected member 90 days prior to his/her mandatory separation date.

C. Upon separation from service with the Department, any unused annual leave will be paid to the member or civilian employee in a lump-sum payment as prescribed in section XVI, below.

Section XI. Leave Sharing Program.

A. The voluntary leave sharing program is limited to members and civilian employees of the Department. It provides for the donation of accrued annual leave from one member and/or civilian employee to the sick leave account of another member and/or civilian employee when needed because of a medical or family emergency or other personal hardship.

B. Definitions.

1. *Available paid leave* means accrued, advanced and/or accumulated annual or sick leave and recredited or restored annual or sick leave.

2. *Family Emergency or Personal Hardship* means an unforeseen situation involving a member or civilian employee that is likely to require the member's or civilian employee's absence

from duty for 10 or more workdays and is likely to result in a substantial loss of income to the member or civilian employee because of the unavailability of accrued leave.

3. *Leave donor* means a member or civilian employee whose voluntary written request for transfer of annual leave to the sick leave account of a leave recipient is approved by the Chief of Police or his/her designee.

4. *Leave recipient* means a current member or civilian employee for whom the Chief of Police or his/her designee has approved an application to receive leave in his/her sick leave account from the annual leave accounts of one or more leave donors.

5. *Medical emergency* means a medical condition of a member or civilian employee or a family member of such member or civilian employee that is likely to require a member or civilian employee's absence from duty for 10 or more workdays and is likely to result in a substantial loss of income to the member or civilian employee because of the unavailability of accrued leave.

C. Application to Become a Leave Recipient.

1. A member or civilian employee may make written application to the Chief of Police or his/her designee to become a leave recipient. If a member or civilian employee is not capable of making application on his or her own behalf, a personal representative of the potential leave recipient may make written application on his or her behalf.

2. Each application shall be accompanied by the following information concerning each potential leave recipient:

a. The name, and rank or position title of the potential leave recipient;
b. The reasons transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency, family emergency or personal hardship and, if it is a recurring one, the approximate frequency of the medical emergency, family emergency or personal hardship affecting the potential leave recipient;

3. The Chief of Police or his/her designee may request additional information or certification from one or more physicians, or other appropriate individuals, with respect to the medical emergency, family emergency or personal hardship.

D. Approval of Application to Become a Leave Recipient.

1. Before approving an application to become a leave recipient, the Chief of Police or his/her designee shall determine that the absence from duty without available paid leave because of the medical emergency, family emergency or personal hardship is or is expected to be at least 10 workdays.

2. In making a determination as to whether a medical emergency, family emergency or personal hardship is likely to result in a substantial loss of income, the Chief of Police or his/her designee shall not consider factors other than whether the absence from duty without available paid leave is or is expected to be at least 10 workdays.

E. Application to Become a Leave Donor.

1. To become a leave donor, a member or civilian employee must submit a written request to the Chief of Police or his/her designee that specifies the number of hours of his/her accrued annual leave to be transferred to the sick leave account of an approved leave recipient.

2. Before approving a member or civilian employee's request to become a leave donor, the Chief of Police or his/her designee shall ensure that the donor--

a. will have a minimum combined annual and/or compensatory time off balance of at least 60 hours after reduction of the requested hours to be donated.
b. indicates the full name on the request of the leave recipient and the number of hours to be donated.
c. is not donating leave to a leave recipient who is an immediate supervisor or other official in the donor's chain of command.

F. Transfer of Donated Leave.

1. All accrued and accumulated leave of a leave recipient must be used prior to transfer of the donated leave to the leave recipient.

2. The transfer of leave will cease when the medical emergency, family emergency or personal hardship ceases. Leave that was transferred, and not used, shall be returned to the leave donor(s). In the case of multiple donations from different leave donors, leave will be returned on a pro rata basis.

3. In the case of a member or civilian employee who has incurred a performance of duty injury or illness that qualifies as a medical emergency, donated leave received will be returned to the leave donor(s) if the leave recipient elects to repurchase the leave used under the regulations of the U.S. Department Labor, provided however, that such donated leave is not otherwise subject to the accumulation restriction contained in section III (B)(1), above.

4. The minimum donation is four hours. However, the Chief of Police or his/her designee may waive this requirement in certain circumstances.

G. Prohibition Against Coercion or Reprisal.

1. A member or civilian employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other member or

civilian employee for the purpose of interfering with any right such member or civilian employee may have with respect to donating, receiving, or using leave under this section.

2. For the purposes of paragraph 1, the term "intimidate, threaten, or coerce" includes promising to confer or conferring any benefit (such as an assignment, promotion or compensation) or effecting or threatening to effect any reprisal (such as deprivation of an assignment, promotion, or compensation).

Section XII. Reimbursement for Unearned Leave.

A. When a member or civilian employee who is indebted for unearned leave is separated from service with the Department, the Chief of Police or his/her designee should:

1. Require the member or civilian employee to refund the amount of leave pay for which he or she is indebted; or
2. Deduct that amount from any pay due him or her.

B. For the purposes of this section, a member or civilian employee who enters active military service with a right to restoration is deemed not to have separated from service with the Department.

C. This section does not apply when a member or civilian employee;

1. Dies;
2. Is eligible for disability retirement; or
3. Resigns or is separated because of a disability which prevents him/her from returning to duty or continuing in the service and which is the basis of the separation as determined by the Chief of Police or his/her designee on medical evidence deemed acceptable.

Section XIII. Limitation on Redesignation of Paid Leave Used.

A. Paid leave charged to a particular category of leave may not be redesignated unless it is authorized by the Chief of Police or his/her designee to correct an administrative error.

Section XIV. Transfer of Existing Leave within a Member or Civilian Employee's Account.

A. A Member or civilian employee may request to transfer his or her existing annual leave and/or compensatory time to offset a negative sick leave balance.

B. A member or civilian employee may request to transfer existing compensatory time to offset a negative annual leave balance.

C. Existing sick leave cannot be transferred to offset a negative annual leave balance.

Section XV. Repurchase of Sick Leave used a Result of a Performance of Duty Injury or Illness.

A. The Chief of Police or his/her designee may recredit sick leave to the leave account of a member or civilian employee who elects to buy back sick leave used as a result of a job-related disability for which a claim has been accepted by the U.S. Department of Labor.

B. Sick leave will be recredited only in accordance with regulations promulgated by the U.S. Department of Labor.

Section XVI. Lump Sum Payment for Accumulated and Accrued Annual Leave on Separation from the Department.

A. Upon approval of the Capitol Police Board, a member or civilian employee who is separated from service or who dies while employed may be paid a lump sum payment.

B. The lump sum payment shall--

1. be equal to the pay the member or civilian employee would have received had such member or civilian employee remained in the service until the expiration of the period of annual leave;
2. be based on the rate of basic pay in effect on the last day of service of the separating member or civilian employee.
3. not be calculated on the basis of extending the period of leave described in paragraph 1 of this section by any holiday occurring after separation from service;
4. be considered pay for taxation purposes only; and
5. be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

C. Nothing in this section shall authorize a lump-sum payment for members and civilian employees who separated prior to the effective date of Pub. L. 105-55.

Section XVII. Lump-Sum Payment for Accumulated and Accrued Leave on Entering Active Duty.

A. A member or civilian employee who enters active duty in the armed forces may:

1. receive a lump-sum payment for accrued annual leave in accordance with section XVI above, in addition to any pay or allowance payable from the armed forces; or

2. elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

Section XVIII. Effective Date.

The regulations prescribed herein shall be effective upon approval by both the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

By unanimous concurrence of the Capitol Police Board the regulations prescribing a unified leave system for members and civilian employees of the United States Capitol Police are hereby adopted this 21ST day of MAY, 1998:

Gregory S. Casey
Member

Wilson Livingood
Chairman
U.S. Capitol Police Board

Alan Hantman
Member

117TH CONGRESS
1ST SESSION

S. _____

To reassign the duties and authorities of the Capitol Police Board and establish a Capitol Security Board, to modernize the duties and authorities of the United States Capitol Police, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To reassign the duties and authorities of the Capitol Police Board and establish a Capitol Security Board, to modernize the duties and authorities of the United States Capitol Police, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Capitol Police Modernization Act of 2021".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CAPITOL SECURITY BOARD

Sec. 101. Definitions.
Sec. 102. Capitol Security Board.
Sec. 103. Amendments of existing duties and authorities of Capitol Police Board.
Sec. 104. Authority to call up National Guard of the District of Columbia.
Sec. 105. Transition provisions.
Sec. 106. Effective date.

TITLE II—OTHER IMPROVEMENTS

Sec. 201. Warrant authority.
Sec. 202. Overseas travel in connection with travel of Senators.
Sec. 203. Protection by United States Capitol Police and United States Supreme Court Police of certain facilities and assets from unmanned aircraft.
Sec. 204. Flexibility and compressed work schedules.
Sec. 205. Penalties for communication of security information by government officers and employees.

TITLE I—CAPITOL SECURITY BOARD

SEC. 101. DEFINITIONS.

In this title—

(1) the term "Board" means the Capitol Security Board established under section 102(a); and

(2) the term "Capitol complex" means the United States Capitol Grounds described in section 5102 of title 40, United States Code, and the Capitol Buildings described in section 5101 of title 40, United States Code.

SEC. 102. CAPITOL SECURITY BOARD.

(a) ESTABLISHMENT.—There is established in the legislative branch the Capitol Security Board.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The members of the Board shall be—

(A) the Architect of the Capitol;

(B) the Chief of the Capitol Police;

(C) the Sergeant at Arms of the House of Representatives; and

(D) the Sergeant at Arms and Doorkeeper of the Senate.

(2) CHAIRPERSON.—The position of chairperson of the Board shall rotate annually between the members listed in paragraph (1), in the order listed in paragraph (1).

(c) MEETINGS.—The Board shall meet not less frequently than monthly.

(d) SECURITY MEASURES AND PLANS.—

(1) IN GENERAL.—The Board shall make recommendations for security measures and plans for the Capitol complex.

(2) REVIEW.—The implementation of security measures and plans recommended by the Board shall be subject to the review and approval of—

(A) the Majority Leader of the Senate;

(B) the Minority Leader of the Senate;

(C) the Speaker of the House of Representatives;

(D) the Minority Leader of the House of Representatives;

(E) the Committee on Rules and Administration of the Senate; and

(F) the Committee on House Administration of the House of Representatives.

(e) MANUAL OF PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Board shall update the Manual of Procedures of the Capitol Police Board to reflect this Act and the amendments made by this Act.

SEC. 103. AMENDMENTS OF EXISTING DUTIES AND AUTHORITIES OF CAPITOL POLICE BOARD.

(a) TRANSFERS OF DUTIES AND AUTHORITIES TO CAPITOL SECURITY BOARD.—

(1) OFFICER APPOINTMENTS.—Section 1821 of the Revised Statutes (2 U.S.C. 1901) is amended in the third sentence by striking "Capitol Police Board" and inserting "Capitol Security Board".

(2) LEGAL REPRESENTATION AUTHORITY.—Section 1002 of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908) is amended—

(A) in subsection (a)(1), by striking "United States Capitol Police Board" and inserting "Capitol Security Board"; and

(B) in subsection (b)(1), by striking ''Capitol Police Board'' and inserting ''Capitol Security Board''.

(3) INSPECTOR GENERAL FOR THE UNITED STATES CAPITOL POLICE.—Section 1004 of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 1909) is amended—

(A) by striking ''Capitol Police Board'' each place it appears, except in subsection (b)(5) and inserting ''Capitol Security Board''; and

(B) in subsection (b)—

(i) in paragraph (3), by striking ''voting members'' and inserting ''members''; and

(ii) by striking paragraph (5).

(4) POLICING OF CAPITOL BUILDINGS AND GROUNDS.—Section 9(a) of the Act entitled ''An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes'', approved July 31, 1946 (2 U.S.C. 1961(a)) is amended—

(A) by striking ''the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of

the House of Representatives, and the Architect of the Capitol," and inserting "the Capitol Security Board"; and

(B) by striking "the Capitol Police Board" and inserting "the Capitol Security Board".

(5) LAW ENFORCEMENT AUTHORITY OF THE CAPITOL POLICE.—Section 9B(a) of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (2 U.S.C. 1967(a)) is amended in the matter preceding paragraph (1) by striking "Capitol Police Board" and inserting "Capitol Security Board".

(6) REGULATION OF TRAFFIC.—Section 14 of the Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes, approved July 31, 1946 (2 U.S.C. 1969) is amended—

(A) by striking "Capitol Police Board" each place it appears except subsection (a) and inserting "Capitol Security Board"; and

(B) in subsection (a), by striking "The Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives,

and the Architect of the Capitol, shall'' and inserting ''The Capitol Security Board shall''.

(7) DESIGNATION OF PLAY AREAS ON CAPITOL GROUNDS FOR CHILDREN ATTENDING DAY CARE CENTER.—Section 3(a) of the Act entitled ''An Act to authorize appropriations for the American Folklife Center for fiscal years 1985 and 1986, and for other purposes'', approved August 21, 1984 (2 U.S.C. 2061(a)) is amended by striking ''the Capitol Police Board'' and inserting ''the Capitol Security Board''.

(8) JURISDICTION UNAFFECTED.—Section 501(a) of the Capitol Visitor Center Act of 2008 (2 U.S.C. 2271(a)) is amended by striking ''Capitol Police Board'' and inserting ''Capitol Security Board''.

(9) UNLAWFUL ACTIVITIES.—Section 5104(e)(1)(A) of title 40, United States Code, is amended in the matter preceding clause (i) by striking ''Capitol Police Board'' and inserting ''Capitol Security Board''.

(10) SUSPENSION OF PROHIBITIONS.—Section 5106 of title 40, United States Code, is amended by striking ''Capitol Police Board'' each place it appears and inserting ''Capitol Security Board''.

(b) TRANSFERS OF DUTIES AND AUTHORITIES TO UNITED STATES CAPITOL POLICE.—

(1) CHIEF ADMINISTRATIVE OFFICER.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended—

(A) in subsection (a)(2), by striking "after consultation with the Capitol Police Board,"; and

(B) in subsection (b)(1)(A), by striking "Capitol Police Board" and inserting "Chief of the Capitol Police".

(2) TERMINATION AUTHORITY.—Section 1018(e)(1) of division H of the Consolidated Appropriations Resolution, 2003 (2 U.S.C. 1907(e)(1)) is amended—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (B); and

(C) in subsection (B), as so redesignated—

(i) in the subsection heading, by striking "OR APPROVAL"; and

(ii) in the matter preceding clause (i), by striking "or receive approval, as required by the Committee on Rules and Administration of the Senate and the Com-

mittee on House Administration of the House of Representatives, as each Committee determines appropriate".

(3) GENERAL COUNSEL.—Paragraph (2) of section 3(a) of the United States Capitol Police Administrative Technical Corrections Act of 2009 (2 U.S.C. 1911) is amended by striking "after consultation with the Capitol Police Board,".

(4) RATES OF PAY.—Section 1004 of division G of Consolidated Appropriations Act, 2005 (2 U.S.C. 1921a) is amended—

(A) in the section heading, by striking "BOARD AND"; and

(B) in subsection (a), in the matter preceding paragraph (1), by striking "Capitol Police Board and the".

(5) UNIFIED PAYROLL ADMINISTRATION.—Section 9C of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (2 U.S.C. 1922) is amended in the second sentence by striking "Capitol Police Board" and inserting "Chief of the Capitol Police".

(6) UNIFIED SCHEDULES OF RATES OF BASIC PAY AND LEAVE SYSTEM.—Section 111 of Legisla-

tive Branch Appropriations Act, 1998 (2 U.S.C. 1923) is amended—

(A) by striking "Capitol Police Board" each place it appears and inserting "Chief of the Capitol Police";

(B) in subsection (a)(2), by striking "the Board" and inserting "the Chief of the Capitol Police"; and

(C) in subsection (c)(2)(F), by striking "the Chairman of".

(7) BONUSES, RETENTION ALLOWANCES, AND ADDITIONAL COMPENSATION.—Section 909 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (2 U.S.C. 1927) is amended—

(A) by striking "The Board" each place it appears, except in subsection (b)(1), and inserting "The Chief";

(B) by striking "the Board" each place it appears and inserting "the Chief";

(C) in subsection (a)(1), by striking "The Capitol Police Board (hereafter in this section referred to as the 'Board') may authorize the

Chief of the United States Capitol Police (hereafter in this section referred to as the 'Chief') to pay'' and inserting ''The Chief of the Capitol Police (in this section referred to as the 'Chief') may pay''; and

(D) in subsection (b)(1), by striking ''The Board may authorize the Chief to pay'' and inserting ''The Chief may pay''.

(8) APPLICATION OF PREMIUM PAY LIMITS ON ANNUALIZED BASIS.—Section 1012(a) of division H of the Consolidated Appropriations Resolution, 2003 (2 U.S.C. 1932(a)) is amended by striking ''as determined by the Capitol Police Board'' and inserting ''as determined by the Chief of the Capitol Police''.

(9) CLARIFICATION OF AUTHORITIES REGARDING CERTAIN PERSONNEL BENEFITS.—Section 5(b)(1)(C) of the United States Capitol Police Administrative Technical Corrections Act of 2009 (2 U.S.C. 1933(b)(1)(C)) is amended by striking ''Capitol Police Board'' and inserting ''Chief''.

(10) UNIFORM.—Section 1824 of the Revised Statutes (2 U.S.C. 1941) is amended by striking ''Capitol Police Board'' each place it appears and inserting ''Chief of the Capitol Police''.

(11) UNIFORM TO DISPLAY UNITED STATES FLAG OR COLORS.—Section 201(b) of the District of Columbia Police and Firemen's Salary Act Amendments of 1970 (2 U.S.C. 1942(b)) is amended by striking "Capitol Police Board" and inserting "Chief of the Capitol Police".

(12) UNITED STATES CAPITOL POLICE MEMORIAL FUND.—Public Law 105–223 (2 U.S.C. 1951 et seq.) is amended—

(A) in section 1 (2 U.S.C. 1951), in the second sentence, by striking "Capitol Police Board" and inserting "Chief of the Capitol Police"; and

(B) in section 4 (2 U.S.C. 1954)—

(i) in the section heading, by striking "**CAPITOL POLICE BOARD**" and inserting "**CHIEF OF THE CAPITOL POLICE**";

(ii) by striking "Capitol Police Board" each place it appears and inserting "Chief of the Capitol Police"; and

(iii) by striking "the Board" each place it appears and inserting "the Chief of the Capitol Police".

(13) CITATION RELEASE.—Section 108(a) of the House of Representatives Administrative Reform

Technical Corrections Act (2 U.S.C. 1968(a)) is amended by striking ", with the approval of the Capitol Police Board,".

(14) CONTRIBUTIONS OF MEALS AND REFRESHMENTS DURING EMERGENCY DUTY.—Section 121 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 1971) is amended by striking "Capitol Police Board)." and inserting "Chief of the Capitol Police). Not later than 48 hours after the Chief of the Capitol Police determines a period of emergency exists, the Capitol Security Board, after consultation with Congress, may overrule the determination.".

(15) CONTRIBUTIONS OF COMFORT AND OTHER INCIDENTAL ITEMS AND SERVICES DURING EMERGENCY DUTY.—Section 910 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (2 U.S.C. 1972) is amended—

(A) by striking "Capitol Police Board" and inserting "Chief of the Capitol Police"; and

(B) by striking the period at the end and inserting "(as determined by the Chief of the Capitol Police). Not later than 48 hours after the Chief of the Capitol Police determines an

emergency exists, the Capitol Security Board, after consultation with Congress, may overrule the determination.".

(16) SUPPORT AND MAINTENANCE EXPENDITURES DURING EMERGENCY DUTY.—Section 124 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 1973) is amended by striking "Capitol Police Board" each place it appears and inserting "Chief of the Capitol Police".

(17) CAPITOL POLICE SPECIAL OFFICERS.—Section 1017 of division H of the Consolidated Appropriations Resolution, 2003 (2 U.S.C. 1974) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margin accordingly;

(ii) by striking "In the event of an emergency, as determined by the Capitol Police Board" and inserting the following:

"(1) AUTHORITY.—In the event of an emergency, as determined by the Chief of the Capitol Police"; and

(iii) by adding at the end the following:

"(2) AUTHORITY TO OVERRULE.—Not later than 48 hours after the Chief of the Capitol Police determines an emergency exists under paragraph (1), the Capitol Security Board, after consultation with Congress, may overrule the determination.";

(B) in subsection (c)—

(i) by striking "subject to—" and all that follows through "qualification requirements" and inserting "subject to qualification requirements";

(ii) by striking "; and" and inserting a period; and

(iii) by striking paragraph (2);

(C) in subsection (e)—

(i) by striking "Capitol Police Board" and inserting "Chief of the Capitol Police";

(ii) by striking "and the President" and inserting ", the President"; and

(iii) by inserting ", the Committee on Rules and Administration of the Senate, and the Committee on House Administra-

tion of the House of Representatives" before ", acting jointly"; and

(D) in subsection (f)—

(i) by striking "and the President" and inserting ", the President";

(ii) by inserting "the Committee on Rules and Administration of the Senate, and the Committee on House Administration of the House of Representatives" before ", acting jointly"; and

(iii) by striking "Capitol Police Board" and inserting "Chief of the Capitol Police".

(18) SETTLEMENT AND PAYMENT OF TORT CLAIMS.—Section 1006 of division G of the Consolidated Appropriations Act, 2005 (2 U.S.C. 1977) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "and any regulations as the Capitol Police Board may prescribe"; and

(ii) in paragraph (4), by striking "Capitol Police Board" and inserting "Chief of the Capitol Police"; and

(B) in subsection (b)(1), by striking "Capitol Police Board" and inserting "Chief of the Capitol Police".

(19) DEPLOYMENT OF CAPITOL POLICE OUTSIDE JURISDICTION.—Section 1007(a) of division G of title I of the Consolidated Appropriations Act, 2005 (2 U.S.C. 1978(a)) is amended by striking "unless—" and all that follows and inserting "unless the Chief provides prior notification to the Committees on Appropriations of the House of Representatives and Senate of the costs anticipated to be incurred with respect to the deployment.".

(20) RELEASE OF SECURITY INFORMATION.—Section 1009 of division G of the Consolidated Appropriations Act, 2005 (2 U.S.C. 1979) is amended—

(A) in subsection (a)(2), by striking "Capitol Police Board" and inserting "Capitol Security Board";

(B) in subsection (b)—

(i) in the subsection heading, by striking "BOARD" and inserting "CHIEF"; and

(ii) by striking "Capitol Police Board" and inserting "Chief of the Capitol Police"; and

(C) in subsection (d), by striking "Capitol Police Board" and inserting "Chief of the Capitol Police".

(21) MANDATORY SEPARATION FOR CERTAIN MEMBERS OF CAPITOL POLICE.—Section 8335(c) of title 5, United States Code, is amended—

(A) by striking "The Capitol Police Board, when in its judgment" and inserting "The Chief of the Capitol Police, when in his or her judgment"; and

(B) by striking "The Board" and inserting "The Chief of the Capitol Police".

(22) MANDATORY SEPARATION FOR OTHER MEMBERS OF CAPITOL POLICE.—Section 8425(c) of title 5, United States Code, is amended—

(A) by striking "The Capitol Police Board, when in its judgment" and inserting "The Chief of the Capitol Police, when in his or her judgment"; and

(B) by striking "The Board" and inserting "The Chief of the Capitol Police".

(c) OTHER TRANSFERS OR TERMINATIONS OF AUTHORITY.—

(1) DESIGN, INSTALLATION, AND MAINTENANCE OF SECURITY SYSTEMS.—The matter under

the heading "GENERAL PROVISION, THIS CHAPTER" under chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (2 U.S.C. 141a) is amended by striking the first sentence and inserting the following: "The responsibility for design, installation, and maintenance of security systems to protect the physical security of the buildings and grounds of the Library of Congress is transferred from the Capitol Police Board to the Architect of the Capitol.".

(2) SUPPORT AND MAINTENANCE DURING EMERGENCIES.—Section 1305(a) of title I of the Legislative Branch Appropriations Act, 2010 (2 U.S.C. 1827(a)) is amended in the matter preceding paragraph (1) by striking "as determined or declared by the Capitol Police Board" and inserting "as determined by the Architect of the Capitol".

(3) REPEAL OF OUTDATED POLICE DETAILING.—Section 5 of the Act entitled "An Act to amend the Act of July 31, 1946, as amended, relating to the United States Capitol Grounds, and for other purposes", approved October 10, 1980 (2 U.S.C. 1962) is repealed.

(4) SECURITY SYSTEMS FOR CAPITOL BUILDINGS AND GROUNDS.—Section 308 of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 1964) is amended by striking subsection (b) and inserting the following:

"(b) The responsibility for design and installation of security systems for the Capitol buildings and grounds is transferred from the Capitol Police Board to the Architect of the Capitol. Such design and installation shall be carried out under the direction of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 6101 of title 41, United States Code.".

(5) MAINTENANCE OF SECURITY SYSTEMS FOR CAPITOL BUILDINGS AND GROUNDS.—Section 308 of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 1965) is amended by striking subsection (a) and inserting the following:

"(a) The responsibility for maintenance of security systems for the Capitol buildings and grounds is transferred from the Capitol Police Board to the Architect of the Capitol. Such maintenance shall be carried out under the direction of the Committee on House Administration

of the House of Representatives and the Committee on Rules and Administration of the Senate.".

(6) PROTECTION OF MEMBERS OF CONGRESS, OFFICERS OF CONGRESS, AND FAMILY MEMBERS.—Section 9A of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (2 U.S.C. 1966) is amended—

(A) in subsection (a)—

(i) by striking "direction of the Capitol Police Board" and inserting "direction of the Chief of the Capitol Police in accordance with subsection (b)"; and

(ii) by striking "if the Capitol Police Board" and inserting "if the Chief";

(B) by striking subsection (b) and inserting the following:

"(b) DETAIL OF CAPITOL POLICE.—

"(1) IN GENERAL.—In carrying out the authority under this section, the Chief of the Capitol Police—

"(A) is authorized, in consultation with the Capitol Security Board, to detail members of the Capitol Police to provide such protection as

the Chief may determine necessary under this section; and

"(B) upon direction by the Capitol Security Board, shall detail members of the Capitol Police to provide such protection as determined appropriate by the Capitol Security Board.

"(2) CASE-BY-CASE BASIS.—Protection under paragraph (1) shall be provided on a case-by-case basis, based on a threat assessment."; and

(C) in subsection (e), by striking "Capitol Police Board" and inserting "Capitol Security Board".

(7) ASSISTANCE BY EXECUTIVE DEPARTMENTS AND AGENCIES.—Section 911 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (2 U.S.C. 1970) is amended—

(A) by striking "Capitol Police Board" each place it appears and inserting "Capitol Security Board"; and

(B) by striking "Chairman" each place it appears and inserting "Chairperson".

(8) CAPITOL GUIDE SERVICE.—Section 402 of the Capitol Visitor Center Act of 2008 (2 U.S.C. 2242) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(9) CORRECTION OF OUTDATED DEFINITION.—Section 109(c) of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 4537(c)) is amended by striking ", except that such term does not include a uniformed or civilian support employee under the Capitol Police Board".

SEC. 104. AUTHORITY TO CALL UP NATIONAL GUARD OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Chapter 3 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 329. Calling of forces by Chief of the Capitol Police

"(a) AUTHORITY.—If military aid from the National Guard of the District of Columbia is immediately and urgently necessary to respond to an emergency at the Capitol complex, as defined in section 101 of the United States Capitol Police Modernization Act of 2021, and it is impracticable to secure an immediate response by order of such National Guard's Commander-in-Chief, the Chief

of the Capitol Police may call for aid on the commanding general of the National Guard of the District of Columbia. The Chief of the Capitol Police shall make the call in writing and shall immediately notify the Commander-in-Chief of the National Guard of the District of Columbia of the action.

"(b) TERMS OF SERVICE.—(1) A member of a unit responding to a call for aid under subsection (a) may be ordered to duty without his or her consent, but with the pay and allowances provided by law.

"(2) Service during an immediate response under subsection (a) shall be full-time National Guard Duty for operational support pursuant to section 502(f) of this title.

"(c) ASSEMBLY AND INSTRUCTIONS.—(1) On receipt of a call under subsection (a), the commanding general of the National Guard of the District of Columbia shall order the called forces under the general's command to assemble at the time and place appointed and shall notify such forces' Commander-in-Chief of the action.

"(2) After the forces have appeared at the appointed place, the commanding general shall obey and execute the general instructions issued by the Chief of the Capitol Police in accordance with the security measures and plans developed by the Capitol Security Board and approved under section 102(d) of the United States Capitol Police

Modernization Act of 2021. The instructions must be in writing, except that if written instructions are impracticable, the instructions must be given verbally in the presence of two or more credible witnesses. The commanding general is solely responsible for determining the kind and extent of force to be used and the method of implementing such instructions in accordance with the laws of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 328 the following:

''§ 329. Calling of forces by Chief of the Capitol Police.''.

SEC. 105. TRANSITION PROVISIONS.

(a) TERMINATION OF CAPITOL POLICE BOARD.—The Capitol Police Board is abolished.

(b) TRANSFER OF FUNCTIONS.—

(1) DEFINITION.—In this subsection, the term ''function''—

(A) means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(B) does not include employees.

(2) TRANSFER.—Except to the extent provided otherwise in sections 101 through 104 of this title, and the amendments made by such sections, all remaining functions not transferred under such sec-

tions that, immediately before the effective date of this title, were functions of the Capitol Police Board shall be functions of the Capitol Security Board.

(c) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions of the Capitol Police Board which are in effect on the effective date of this title, or were final before such effective date and are to become effective on or after such effective date, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Capitol Security Board, the Chief of the Capitol Police, the Architect of the Capitol, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Capitol Police Board on the effective date of this title, with respect to functions transferred by this title or an amend-

ment made by this title, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(3) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Capitol Police Board, or by or against any individual in the official capacity of such individual as

an officer of the Capitol Police Board, shall abate by reason of the enactment of this title.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Capitol Police Board relating to a function transferred under this title may be continued by the Capitol Security Board, the Chief of the Capitol Police, the Architect of the Capitol, or other authorized official with the same effect as if this title had not been enacted.

[SEC. 106. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect **[***Do you want a delayed effective date, for a transition period?***].]**

TITLE II—OTHER IMPROVEMENTS

SEC. 201. WARRANT AUTHORITY.

(a) DEFINITION.—In this section, the term "State" means each of the several States, the District of Columbia, and the territories and possessions of the United States.

(b) AUTHORITY AVAILABLE IN ANY STATE.—For purposes of carrying out any authority provided under law to the United States Capitol Police to make arrests, to protect Members of Congress, officers of Congress, and

members of their immediate families, and to otherwise enforce the law, the United States Capitol Police may apply for and execute a warrant issued under the laws of the United States in any location in any State.

SEC. 202. OVERSEAS TRAVEL IN CONNECTION WITH TRAVEL OF SENATORS.

Section 12 of division G of the Consolidated Appropriations Act, 2005 (2 U.S.C. 1975) is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and

(3) in subsection (d), as so redesignated, by striking "subsection (d)" and inserting "subsection (c)".

SEC. 203. PROTECTION BY UNITED STATES CAPITOL POLICE OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

Section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n) is amended—

(1) in subsection (a), by inserting "and except as provided in subsection (h)," after "Code," the second place it appears;

(2) by redesignating subsections (h) through (l) as subsections (i) through (m), respectively;

(3) by inserting after subsection (g) the following new subsection:

"(h) AUTHORITY FOR UNITED STATES CAPITOL POLICE.—

"(1) IN GENERAL.—In the case of a credible threat described in subsection (a) to the safety or security of a covered Capitol Police facility or asset, the authority of the Secretary and the Attorney General under such subsection may be exercised, in the same manner and subject to the same terms and conditions (except as provided in paragraph (2)) by the Capitol Security Board.

"(2) EXCEPTIONS.—In the exercise by the Capitol Security Board of the authority provided under this subsection, the following provisions of this section shall not apply:

"(A) Subsection (e).

"(B) Subsection (f).

"(C) Subsection (g).

"(D) Subsection (j).

"(E) Subsection (m).

"(3) DEFINITION.—In this subsection, the term 'covered Capitol Police facility or asset' means—

"(A) a covered facility or asset under subsection (l)(3) which, as described in subpara-

graph (C)(i)(III) of such subsection, relates to missions authorized to be performed by the Department pertaining to the protection of facilities under the jurisdiction of the United States Capitol Police, including the Capitol Buildings as described in section 5101 of title 40, United States Code, and the United States Capitol Grounds as described in section 5102 of title 40, United States Code; and

"(B) shall be deemed to include any area in which the United States Capitol Police is exercising its authority under section 9A of the Act entitled 'An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 (2 U.S.C. 1966), to protect the person of any Member of Congress, officer of Congress, or any member of the immediate family of any such Member or officer."; and

(4) in subsection (l), as so redesignated, in paragraph (2), by inserting ", United States Code" before the period at the end.

SEC. 204. FLEXIBILITY AND COMPRESSED WORK SCHEDULES.

(a) DEFINITIONS.—Section 6121(1) of title 5, United States Code, is amended by striking "and the Botanic Garden" and inserting "the Botanic Garden, and the United States Capitol Police".

(b) AUTHORITY.—Section 6133(c) of title 5, United States Code, is amended by adding at the end the following:

"(4) With respect to employees of the United States Capitol Police, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Chief of the Capitol Police.".

SEC. 205. PENALTIES FOR COMMUNICATION OF SECURITY INFORMATION BY GOVERNMENT OFFICERS AND EMPLOYEES.

Section 1009 of division G of the Consolidated Appropriations Act, 2005 (2 U.S.C. 1979) is amended—

(1) by redesignating subsection (e) as subsection (f);

(2) by inserting after subsection (d) the following:

"(e) PENALTIES FOR VIOLATION.—

"(1) IN GENERAL.—A violation of any provision of this section by a person shall be deemed a violation of section 4 of the Subversive Activities Control

Act of 1950 (50 U.S.C. 783) and may be prosecuted in accordance with that section.

"(2) EFFECTIVE DATE.—Paragraph (1) shall apply to violations committed on or after the date of enactment of the United States Capitol Police Modernization Act of 2021, including a violation that continued on or after such date of enactment."; and

(3) in subsection (f), as so redesignated, in the matter preceding paragraph (1), by striking "This section" and inserting "Except as provided in subsection (e)(2), this section".

PHONE: 202-224-9806

UNITED STATES CAPITOL POLICE
OFFICE OF THE CHIEF
119 D STREET, NE
WASHINGTON, DC 20510-7218

February 24, 2017

MEMORANDUM

TO: Bureau Commanders/Office Directors

FROM: Chief Matthew R. Verderosa

SUBJECT: Interim Guidance: Absence and Leave

The purpose of this memorandum is to provide Interim Guidance regarding *Absence and Leave* until such time as the formally published Directive is released from the Office of Policy and Management Systems. This Interim Guidance is effective as of the Workbrain upgrade "go-live" implementation date, and has the authority of policy.

The Interim Guidance supersedes select policies reissued under existing Directive 2053.004, Absence and Leave (see the Cancellation section of the attached Interim Guidance).

Interim Guidance can be found on PoliceNet under the Policies and Procedures link on the left navigation bar on the homepage. Please notify and disseminate this information to all affected personnel within your respective organizational units.

Questions regarding the content of this Interim Guidance should be directed to the Office of Human Resources at 202-593-3370.

Matthew R. Verderosa
Chief of Police

Attachment

cc: Steven A. Sund, Chief of Operations
Richard L. Braddock, Chief Administrative Officer
Gretchen DeMar, General Counsel
Frederick M. Herrera, Employment Counsel

Absence and Leave

Interim Guidance

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Authority and Coverage

The Chief of Police is the chief executive officer of the United States Capitol Police (USCP) and is responsible for the day-to-day operation and administration of the USCP.

This Directive is based on the "Capitol Police Board Regulations Prescribing a Unified Leave System for Members and Civilian Employees of the United States Capitol Police" and 2 U.S.C. § 1923. It provides detailed policy and procedural guidance for the administration of absence and leave.

Any inconsistencies with applicable law, rule, or regulation will be read and applied in favor of the law, regulation, or rule.

All USCP employees are covered by this policy.

This policy may be revised at the discretion of the Chief of Police, consistent with applicable law, rule, and regulation.

Definitions

Family Member. For purposes of this Directive, family member is defined as follows:

1. Parent. A biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a son or daughter. This term does not include parents-in-law.

2. Son or Daughter. A biological, adopted, or foster child; stepchild; legal ward; or child of a person standing in loco parentis who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability.

3. Spouse. Spouse means a husband or wife, as the case may be, recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

Operational Employee. A USCP sworn or civilian employee whose position or work assignment requires that—in their absence—a substitute employee must work the tour of duty in their stead.

Scheduled Annual Leave/Compensatory Time. Annual leave or compensatory time that is requested and approved via Workbrain, in advance of the start time of the period of leave.

Scheduled Sick Leave. Sick leave that is requested and approved via Workbrain in advance of the start time of the period of leave.

Serious Health Condition. An illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom), or any subsequent treatment in connection with such inpatient care; or

2. Continuing treatment by a health care provider.

   Treatment does not include routine physical examinations, eye examinations, or dental examinations.

Unscheduled Leave. A request for leave that has not been scheduled and approved prior to use but is submitted for approval retroactively via Workbrain.

Workbrain. The automated system used at the USCP to collect, process, report, and maintain hourly/daily/weekly time, attendance, and leave data of USCP employees. The Workbrain system interfaces with the NFC system to create biweekly salary payments.

General Policy

The policy of this Department is to establish and administer an equitable, efficient, and comprehensive leave program that will balance the personal needs of employees with the operational and administrative goals and objectives.

The USCP provides for a leave system that establishes uniform policy and procedures for the administration of leave. Supervisors are responsible for the overall day-to-day management of the leave program for employees under their supervision. The Office of Human Resources (OHR) plays an essential supporting role in ensuring sound program management. Employees are encouraged to use leave responsibly and conserve leave for unexpected or emergency events where the availability of paid leave can help ensure a continuous source of income.

There are various types of leave available for use depending on the reason for the absence from duty. The types of leave include annual leave, compensatory time, sick leave, leave without pay (LWOP), military leave, and administrative leave.
It is the employee's responsibility to be continually aware of and appropriately manage

his/her leave balances and to only request and use leave as provided in this Directive. Unscheduled leave does not count toward meeting the employee's designated Fair Labor Standards Act (FLSA) overtime threshold as applicable.

If an emergency arises that cannot be anticipated, the employee should notify a supervisor as soon as possible and no later than one hour before the employee's reporting time. The unscheduled leave request will be reviewed, and then granted or denied according to existing policy guidelines. If approved, the employee must submit a leave request via Workbrain upon his/her return to duty. If denied, the employee is required to report for duty.

Unscheduled leave requests have an impact on Department manpower needs required to meet the mission. Therefore, unscheduled leave requests are to be avoided to the extent possible under the circumstances. Excessive unscheduled leave can lead to leave restriction and/or disciplinary action up to and including termination of employment.

The Chief of Police or designee may restrict or cancel the granting of leave during any period as mission requires.

Annual Leave

1. Annual leave is a period of approved absence with pay from official duties used to tend to personal needs.

2. Accrual: Full-time employees accrue annual leave for each full biweekly pay period in accordance with the following schedule:

Years of Federal Service	Annual Leave Accrued
0–3 years	4 hours/pay period
3–15 years	6 hours/pay period
15+ years	8 hours/pay period

   Annual leave accrual is based on the employee's total creditable Federal service earned since January 1, 1994.

3. Use:

   a. Annual leave will be charged in 15-minute increments against an employee's annual leave balance.

   b. Annual leave must be requested and its use is subject to supervisory approval.

   c. Employees must request and receive approval to use annual leave.

d. To request annual leave, an employee must submit a leave request to the appropriate supervisor via Workbrain in advance or upon return to duty following approved unscheduled annual leave.

4. Carryover: No more than 240 hours of annual leave (30 days) may be carried over from one year to the next; however, exceptions may be granted by the Chief of Police.

Annual Leave Restoration

1. Annual leave may be restored if there has been an administrative error regarding leave adjustment or if leave could not be used due to unusual emergencies.

   Restored annual leave must be scheduled and used no later than the end of the leave year in which it has been restored. If it is not used within this timeframe, it is again forfeited and the employee cannot have it restored again.

2. Requests to restore annual leave that has been forfeited (i.e., leave lost because of exceeding maximum accumulation limits) must be submitted at the beginning of the new leave year, no later than January 30. The CP-1378, Request for Restoration of Annual Leave and/or Compensatory Time, and any supporting documentation must provide the following information:

   a. The reason leave was forfeited or could not be used along with a concise explanation of the facts.

   b. A summary of the employee's leave record.

   c. The dates and amount of leave that was scheduled in the past leave year, including the documents (or copies) on which the leave was requested and denied.

   d. The total number of hours to be restored.

   e. A proposed schedule for use of the restored leave, along with a proposed schedule for the use of annual leave that will be accrued during the new leave year. The schedules should be specific enough to satisfy the recommending and approving officials that repeated forfeitures will be unlikely.

Lump-Sum Payments of Annual Leave

An employee will receive a lump-sum payment—less outstanding debts—for any unused annual leave when he/she separates from Federal service or enters active duty in the Armed Forces and elects to receive a lump-sum payment. The Department does not have authority to transfer annual leave when an employee transfers to another Federal agency.

Compensatory Time

1. Compensatory time is time off with pay that is earned in lieu of monetary compensation for either additional duty or FLSA overtime work.

2. Use:

   a. Compensatory time will be earned and charged in 15-minute increments against an employee's compensatory time balance.

   b. The use of compensatory time must be requested and is subject to supervisory approval.

   c. Employees must request and receive approval to use compensatory time.

   d. To request the use of compensatory time, an employee must submit a leave request to the appropriate supervisor via Workbrain in advance or upon to return to duty following approved unscheduled compensatory time.

3. Carryover: The combined maximum annual carryover limit for both compensatory time (CT) earned at the 1.0 rate and compensatory time earned at the 1.5 rate, if applicable, is 240 hours.

   a. During the leave year, sworn employees who have been determined to be non-exempt under the FLSA (as applied by the Congressional Accountability Act (CAA)) are allowed to accrue no more than 480 hours of CT that is earned at the 1.5 rate. However, at the end of the leave year, the combined annual carryover limit for both CT earned at the 1.0 rate and the 1.5 rate is 240 hours.

      Example: In pay period 17, Officer Smith has a balance of 140 hours of CT earned at the 1.0 rate, and 180 hours of CT earned at the 1.5 rate, for a combined total of 320 hours of CT. Assuming Officer Smith earns no additional CT for the remainder of the leave year—by the end of pay period 26—Officer Smith must first use at least 80 hours or more of 1.5 CT in order to reduce his combined total to 240 hours by the end of the leave year. If Officer Smith did not use enough 1.5 CT to bring his combined CT balance to 240, he would then forfeit the requisite number of 1.0 CT hours in order to bring his combined CT total to 240 hours. For example, if Officer Smith only used 40 hours of 1.5 CT (instead of 80 hours or more), he would be required to forfeit 40 hours of his 1.0 CT. *(320 balance − 40 of 1.5 CT used = 280; 280 − 40 of 1.0 CT forfeited = 240 final end of leave year total.)*

   b. CT balances earned at the 1.5 rate that are in excess of 240 hours must be cashed out if not used by the end of the leave year. These payments are included in maximum annual payable rate computations as established by the unified pay schedules.

Example: In pay period 17, Officer Jones has a balance of 32 hours of CT earned at the 1.0 rate, and 420 hours of CT earned at the 1.5 rate, for a combined total of 452 hours of CT. Assuming Officer Jones earns no additional CT for the remainder of the leave year—by the end of pay period 26—Officer Jones must first use at least 212 hours or more of 1.5 CT in order to reduce her combined total to 240 hours by the end of the leave year. If Officer Jones did not use enough 1.5 CT to bring her combined CT balance to 240, she would then forfeit the requisite number of 1.0 CT hours in order to bring her combined CT total to 240 hours. For example, if Officer Jones only used 80 hours of 1.5 CT (instead of 212 or more), she would be required to forfeit all 32 hours of her 1.0 CT, and be cashed out for 100 hours of 1.5 CT. *(452 balance − 80 of 1.5 CT used = 372; 372 − 32 of 1.0 CT forfeited = 340; 340 − 100 of 1.5 CT cashed out = 240 final end of leave year total.)*

4. If employees elect to earn compensatory time in lieu of cash, when requesting to use compensatory time, employees are required to request and use any compensatory time that is earned at the 1.5 rate first so that the Department may more efficiently manage the USCP salaries' budget.

5. In forfeiture and/or cash-out situations, compensatory time hours earned at the 1.0 rate are taken (forfeited) first and then any excess compensatory time earned at the 1.5 rate is cashed-out in order to reduce an employee's combined compensatory time totals to 240 hours.

Lump-Sum Payments of Compensatory Time

1. An employee who is separated from Federal service is not eligible to receive a lump-sum payment for unused compensatory time that was earned at the 1.0 rate.

2. An employee who is separated from Federal service or who dies while employed or who enters active duty in the Armed Forces is eligible to be paid a lump-sum payment for unused compensatory time that was earned at the 1.5 rate.

3. The lump-sum payment will be based on the rate of basic pay in effect on the last day of service of the separating employee.

4. An employee who enters active duty in the Armed Forces can elect to have compensatory time balances remain to his/her credit.

5. The Department does not have authority to transfer compensatory time to another agency if the employee transfers to another Federal agency.

Sick Leave

1. Sick leave is an authorized absence from duty and may be used only under the following conditions:

   a. To receive medical, dental, or optical examination or treatment;

   b. Incapacitated from the performance of duty due to a medical condition;
   c. To provide care for a family member who is incapacitated by a medical condition or who is receiving a medical, dental, or optical examination or treatment;

   d. To make arrangements necessitated by the death of a family member or to attend the funeral of a family member in accordance with 3(f) below;

   e. Exposure to a contagious disease, as determined by the health authorities having jurisdiction or by a health care provider; or

   f. Adoption related purposes or placement of a child in foster care.

2. Accrual: Sick leave is accrued at the rate of 4 hours every two weeks—104 hours (13 days) per year.

   Any accumulated sick leave earned while employed in any Federal Government agency will be credited to the leave record of a Department employee when certified in writing by the losing Federal Government agency.

3. Use:

   a. Sick leave will be charged in 15-minute increments against an employee's sick leave balance.

   b. Sick leave is a benefit provided by the Department and its use is subject to supervisory approval. The use of sick leave is monitored and it should not be abused.

   c. Employees must request and receive approval to use sick leave.

   d. To request sick leave, an employee must submit a leave request to the appropriate supervisor via Workbrain in advance or upon return to duty following approved unscheduled sick leave.

   e. When there is an absence of four or more consecutive workdays—or for a lesser period when determined necessary—the supervisor shall require medical certification or other administratively acceptable evidence as to the reason for an absence.

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Administratively acceptable evidence should, at a minimum, be on a health care practitioner's letterhead, be signed by that practitioner, and medically certify that the employee's absence was due to the employee's incapacitation, examination, or treatment.

f. Employees may use a total of 40 hours of sick leave each calendar year for family care or bereavement purposes (also known as family friendly leave). In addition, employees may use an additional 64 hours of sick leave per year for these purposes, but only to the extent that the use of such additional hours does not cause an employee's sick leave balance to fall below 80 hours.

4. Carryover: All unused sick leave may be carried over from year to year by an employee.

Sick Leave When Using Annual Leave

An employee may request to substitute sick leave for already approved annual leave for any of the purposes for which sick leave may be granted. For example, if an employee, or an employee's family member, were to get sick while the employee is on annual leave and the employee was incapacitated or required to care for the family member, the employee may request, via Workbrain, to use sick leave in place of the previously-approved annual leave.

Sick Leave Buy Back for Performance of Duty Injury or Illness

1. An employee who has an Office of Workers' Compensation (OWCP) approved claim for a performance of duty injury may buy back sick leave and restored sick leave used during a period of job-related disability while employed at the Department. This can only be done if the transaction is approved by OWCP and upon satisfaction of the employee's debt, if any, by the National Finance Center, under the provisions set forth in the Federal Employees' Compensation Act. The authorization to allow employees to buy back leave used during a period of job-related disability is at the discretion of OWCP.

2. If the repurchased leave was restored sick leave, the leave must be used in accordance with this Directive.

Sick Leave Used in the Computation of Annuity

Unused sick leave will be used in the calculation of an employee's or survivor's annuity based on retirement with an immediate annuity or death in service.
The credit toward the annuity computation for employees covered by the Civil Service Retirement System (CSRS) and employees covered by the Federal Employees Retirement System (FERS) will be based on the full sick leave balance at retirement or death.

Leave Without Pay

1. LWOP is a period of authorized, uncompensated absence from duty—not to exceed one year from the date such leave commences—that has been approved or directed by the Chief of Police or designee.

2. There must be a reasonable assurance that the employee will return to duty at the end of the approved period.

3. Employees who are in an LWOP status may be responsible for contributions for health benefits, optional life insurance, and other automatically withheld deductions. In addition, the use of LWOP can have significant consequences for an employee's accrual of leave, benefits, waiting periods for within-grade increases, Thrift Savings Plan contributions, and service computation date for retirement.

4. The accumulation of LWOP status hours during a leave year may affect the accrual of annual and sick leave.

5. When an employee accumulates a total of 80 hours of LWOP from the beginning of the leave year (either in one pay period or over the course of several pay periods), the employee shall not earn annual and sick leave in the pay period in which that 80-hour accumulation is reached. If the employee again accumulates 80 hours of LWOP, the employee again shall not earn leave in the pay period in which the new 80-hour total is reached. The accrual of hours of LWOP shall reset in Pay Period 1 of each leave year.

6. Use:

   a. LWOP will be used in 15-minute increments.

   b. LWOP must be requested and is subject to supervisory approval.

   c. Employees must request and receive advance approval to use LWOP.

   d. All requests for LWOP by an employee must be submitted using a completed CP-507, Application for Advancement of Leave or Leave Without Pay, through the chain of command to his/her Bureau Commander/ Officer Director with an explanation of the need for the use of LWOP. Once approved, the employee will request the use of LWOP via Workbrain.

   e. Requests for LWOP in increments of 40 hours or less may be recommended by an employee's Bureau Commander/Office Director and must be forwarded to the OHR Director for approval.

   f. Requests for LWOP for over 40 hours must be approved by the Chief of Police or designee.

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Absent Without Leave

1. Absent without leave (AWOL) is an unauthorized, uncompensated absence from duty for which the employee did not obtain approval or for which a request for leave has been denied.

2. AWOL is based on the supervisor's determination that no form of leave (annual, sick, LWOP, etc.) has been requested or should be approved for the absence based on existing evidence. AWOL may not be charged to an employee without first consulting with OHR.

3. AWOL may be converted to appropriate leave when a supervisor receives and is satisfied with documentation justifying the absence.

4. When a supervisor determines that an employee's absence from duty has not been authorized and should not be charged to leave, the employee's AWOL status and forfeiture of pay for the period of absence is not considered a disciplinary action. However, such periods of absence may be the basis for recommending disciplinary action.

Military Leave

1. Military leave is an approved absence from official duty, with pay, for certain types of active or inactive duty for an employee who is a member of the National Guard or a reserve component of the Armed Forces.

2. Employees who require absences for military duty (including long-term absences for active duty) will be accorded all benefits provided by applicable law.

3. An employee who is required to take a leave of absence for military duty must notify the Department immediately and submit military orders.

(See USCP Policy Directive, "Military Leave and Reemployment Rights," for detailed information.)

Administrative Leave

Administrative leave is an authorized absence from duty that is not charged against accrued leave and does not result in a loss of pay. Only the Chief of Police or designee is authorized to grant administrative leave for such purposes as will promote the efficiency of service or the needs of the Department, as determined by the Chief of Police.

Committed Leave

1. Committed leave is a leave request submitted no earlier than one year in advance and accepted by the Division Commander to assist operational employees when scheduling an absence involving a monetary commitment or significant life event.

2. Committed leave requests are considered and approved on a first-come, first-served basis.

3. The leave request must be for no more than 120 hours in duration.

4. The leave request can be made no more than one calendar year in advance of when the leave would occur but must be submitted prior to the 90-day leave application period in which the leave is scheduled to occur.

5. Applications for committed leave must include a memorandum to the Division Commander identifying the reasons necessitating the approval of the leave request and documentation of any anticipated expenditure of money or proof of the significant life event.

Cancellation of Leave

It is advisable for an operational employee to cancel previously scheduled leave as early as possible to give other employees an opportunity to schedule leave and permit supervisors the opportunity to schedule assignments. Therefore, previously approved leave requests must be cancelled no later than 24 hours in advance of the first scheduled date and time of the approved leave day.

1. If an operational employee requested leave in a block of time and cancels any part of the leave previously approved, the entire block of leave will also be cancelled unless extraordinary circumstances exist. If a block of leave is cancelled, the employee may submit a new leave request to their supervisor.

2. Should an operational employee not cancel leave within the 24-hour required notice period, the employee will not be authorized to work on the requested cancelled leave day or may be placed in a different assignment at the discretion of the supervisor should there be work necessary to accomplish the mission.

Advancement of Leave

1. Advancement of leave may be granted for absences from work that would exceed an employee's current leave balance.

2. An employee must request advancement of annual leave or sick leave by completing and submitting a CP-507 —prior to requesting an absence from work—to his/her supervisor for approval by the employee's chain of command.

a. The amount of annual leave available for advancement is the number of hours of annual leave that will accrue in an employee's leave account during the remainder of the calendar year in which the request is made.

b. Sick leave may be advanced only for a serious health condition as defined in this Directive, and when supported by the certification of a health practitioner. Sick leave will not be advanced unless all other leave has been exhausted. An employee may not be advanced more than 240 hours of sick leave in a 12-month period measured from when leave is first requested.

3. A telephone request for unscheduled leave will not be sufficient to initiate an application for advancement of leave. It is an employee's responsibility to initiate a CP-507 or to request that one be submitted by a supervisor on the employee's behalf in the event of incapacity.

4. Failure to submit a request for advancement of leave, or disapproval of a request for leave advancement, could result in a loss of wages for the period of absence.

Repayment of Advanced Leave

1. When an employee who is indebted for unearned (advanced) sick or annual leave separates from the Department, the employee must refund the monetary value of the amount of leave for which he/she is indebted or have that amount deducted from any pay due.

2. An employee who enters active military service with a right to restoration is not considered as having separated and is not required to refund the amount of advanced sick leave when entering military service.

3. Repayment is not required if the employee dies, retires on disability, or is separated or resigns because of disability which prevents the person from returning to duty, as determined by the Chief of Police or designee.

Transfer of Leave

1. Leave transfers may be made requested to offset existing negative sick or annual leave balances. The number of hours of leave that are requested to be transferred from one account to another cannot exceed the number of hours for which the employee is indebted.

   a. An employee may request to transfer existing annual leave and/or compensatory time to offset a negative sick leave balance.

   b. An employee may request to transfer existing compensatory time to offset a negative annual leave balance.

c. Existing sick leave cannot be transferred to offset a negative annual leave balance.

d. All leave transfer requests must be approved by the Chief Administrative Officer.

2. A CP-508, Leave Transfer Request, must be submitted to and received by OHR for review by the Chief Administrative Officer prior to the end of the pay period in which the leave is requested to be taken and charged. Otherwise, employees who have an insufficient leave balance to cover the type of leave requested must request, and be approved, to use LWOP.

Limitation on Redesignation of Paid Leave Used

1. Paid leave charged to a particular leave category may not be redesignated unless it is authorized by the Chief of Police or designee to correct an administrative error.

2. An administrative error occurs when the actual leave category charged is different from the requested/approved leave category.

Serving As a Juror or Witness in a Court Proceeding

Jury Duty

1. Upon receipt of a jury duty summons, the employee must notify his/her supervisor immediately and provide a copy of the summons or other written documentation requiring jury duty.

2. An employee who is summoned for jury duty and serves in that capacity is eligible for administrative leave for the period of absence from his/her regularly scheduled tour of duty. Administrative leave covers the absence without charge to leave regardless of shift, the number of hours per day, or the number of days per week the employee serves on a jury.

3. Generally, jurors are requested to report for jury duty during the day. If practicable, the employee's tour of duty should be changed to the shift that coordinates with the period of jury duty.

4. Should court proceedings or jury deliberations be suspended for all or any part of the day, the employee must return to work or call his/her supervisor to request leave for the period of time not covered by administrative leave.

   If the supervisor does not approve the leave and the employee is directed to return to work and fails to do so, the supervisor may charge the excess time as absent without leave. This provision would not apply if returning to work would cause the employee serious hardship (e.g., the location of the court is at a considerable distance from the employee's place of work).

USCP Witness Service

When an employee is summoned or officially assigned by the USCP during their regularly-scheduled tour of duty to testify in his/her official capacity or to provide official records on behalf of any party in a judicial proceeding, the employee is performing official duty and is in an official duty status for the time involved.

Witness for a Private Party

If an employee is called to testify on behalf of a private party, the employee may request annual leave or compensatory time to cover the absence.

Fees and Expenses

1. Courts in many jurisdictions provide compensation to individuals for serving as a juror or witness. Since the USCP permits an employee to fulfill his/her obligation to the court without any loss of pay, if the employee receives such compensation for jury duty or official witness it must be forwarded to the Office of Financial Management.

   Failure to submit compensation received may result in an equivalent amount being withheld from the employee's salary.

2. Courts in some jurisdictions provide jurors and/or witnesses additional payments to cover the cost of incidental expenses such as meals, parking, or transportation. Any such payments received while serving on jury duty may be kept by the employee.

3. If it is not clear whether the compensation received is for fees or expenses, the employee should obtain clarification from the court. Should additional questions arise, employees and supervisors should contact OHR.

Responsibilities/Procedures

Employees

1. Adhere to the terms and conditions outlined in this Directive and follow the proper procedures for requesting and taking the various categories of leave outlined in this Directive. Failure to follow proper leave procedures may result in the denial of leave.

2. Report for work on time and be on duty at all times during scheduled working hours except for meal periods or authorized breaks. Employees are subject to recall during meal periods and/or authorized breaks.

3. Except as provided in this Directive, must request leave and obtain supervisory approval for leave in advance of the absence.

4. Submit leave requests to the supervisor no more than 90 days in advance of the leave start date (operational employees). Multiple requests can be submitted within a 90-day leave application period. (The exception is a request for committed leave. See the Committed Leave section of this Policy Directive.)

5. Cancel leave as soon as practicable (but not later than 24 hours prior to scheduled use) to avoid interruptions in work schedules and to avoid the payment of unnecessary overtime to other employees.

6. Ensure that sufficient leave balances are maintained to cover scheduled leave requests and obtain approval for advancement of leave or LWOP in advance of the use of scheduled leave if leave balances are insufficient.

Leave in Conjunction with Holidays

1. An employee must be in a pay status on the workday immediately before or the workday immediately following a holiday to be eligible for regular pay for the holiday.

2. Employees must consult the holiday duty roster(s) to determine which holidays they are scheduled to work.

Supervisors/Administrative Officers

1. Recommend approval or disapproval of all leave requests based on the operational requirements established by the Bureau Commander/Office Director. Supervisors are required to carefully review all leave requests, taking into consideration leave policy requirements, mission requirements and other needs of management, and the employee's desire or need to use the leave.

2. Prioritize leave requests by date and time submitted.

3. Deny leave requests that do not meet the criteria as identified in this Directive or due to operational needs.

4. Ensure that staffing decisions based on leave requests do not result in unnecessary additional duty.

Section Commander

1. Ensure all first-line supervisors and designees are properly trained on leave management procedures, to include procedures for applying for leave, deadlines, and the criteria used for approval as well as the provisions contained in applicable collective bargaining agreements.

2. Monitor daily operational manpower needs and review leave requests, as appropriate, to ensure adequate coverage.

3. Approve or disapprove leave requests within two weeks of receipt or as provided by any applicable collective bargaining agreement.

4. Ensure that approval of leave requests is made on a first-come, first-served basis as requested via Workbrain.

5. Forward requests for blocks of leave in excess of 120 hours to the Bureau Commander/Office Director for approval.

6. Place employees, after consultation with OHR, in an AWOL status for an employee absence that is not covered at the time of the absence by accrued leave, leave advancement, or LWOP.

Division Commander

1. Ensure that Division supervisors are properly trained in leave management procedures and ensure that they comply with leave management principles regarding the approval/disapproval of leave requests.

2. Establish manpower requirements for each Section.

3. Cancel approved leave or recall personnel on approved leave as ordered by the Chief of Police or designee to meet operational demands and consistent with applicable collective bargaining agreement provisions.

4. Approve or deny requests for committed leave based on requirements in this Policy Directive.

Bureau Commander/Office Director

1. Approve or deny requests for blocks of leave in excess of 120 hours.

2. Recommend approval or denial of requests for LWOP of up to 40 hours and forward approved requests to OHR for final decision. Forward requests for LWOP exceeding 40 hours through the chain of command for final decision by the Chief of Police.

Office of Human Resources

1. Provide management and employees with guidance on the proper use and management of the leave program.

2. Approve LWOP requests of up to 40 hours.

3. Forward all leave transfer requests (CP-508s) to the Chief Administrative Officer for consideration.

Chief Administrative Officer

1. Review forwarded CP-508, Leave Transfer Request, for determination of approval/denial.
2. Provide written basis for denial of leave transfer request on the CP-508, Leave Transfer Request.

Additional Information

The following publications should be referenced in conjunction with this Policy Directive:

1. USCP Policy Directive, "Family and Medical Leave Act."
2. USCP Policy Directive, "Military Leave and Reemployment Rights."
3. USCP Policy Directive, "Leave Donor and Sharing Program."
4. USCP Policy Directive, "Time and Attendance."
5. Public Law 105-55, 111 Statute 1177 (October 7, 1997).
6. "Capitol Police Board Regulations Prescribing a Unified Leave System for Employees of the United States Capitol Police."

Cancellation

This Interim Guidance cancels the following publications (reissued under Directive 2053.004, "Absence and Leave") and supersedes and replaces any related Department publication consistent with applicable law, rule, or regulation.

1. General Order 2050, "Leave Management," issued June 1, 1989.
2. Special Directive 94.06, "Acceptance of Prior Federal Service in Establishing Annual Leave Earning Rate," issued February 4, 1994.
3. General Order 2011, "Emergency Leave," issued August 3, 1994.
4. Special Order 94.35, "Federal Employees Family Friendly Leave Act," issued December 22, 1994.
5. General Order 2000, "Leave Program," issued March 26, 1996.
6. General Order 2010, "Annual Leave and Compensatory Time," issued April 10, 1996.

7. General Order 2001, "Leave Deficit Procedures," issued July 30, 1996.
8. General Order 4420, "Jury Duty," issued May 6, 1997.
9. Special Directive 02.25, "Limitation on Re-designation of Paid Leave Used," issued October 15, 2002.

Appendix A:
CP-1378, Request for Restoration of Annual Leave and/or Compensatory Time

CP-1378
(11/11)
Page 1

UNITED STATES CAPITOL POLICE

REQUEST FOR RESTORATION OF ANNUAL LEAVE
AND/OR COMPENSATORY TIME

(Please Type or Print Legibly)

1. NAME	2. BUREAU/OFFICE/DIVISION

3. REQUEST (Initial the appropriate boxes.)

Please initial

Annual Leave - I request that my forfeited annual leave hours be restored to my annual leave account. I understand that I must use my restored annual leave no later than the end of the leave year which ends one year after the date that the leave was restored. Any unused restored annual leave not used within that timeframe will be forfeited and not available for future restoration.

Please initial

Compensatory Time - I request that my forfeited 1.0 compensatory time hours be restored to my 1.0 compensatory time account. I understand that I must use my restored compensatory time no later than the end of the leave year which ends one year after the date that the leave was restored.

Please describe the steps you took to schedule and use your annual leave and/or compensatory time during the leave year in which the annual leave and/or compensatory time was forfeited and the unusual circumstances that precluded you from using your excess leave. (USE REVERSE PAGE.)

4. NUMBER OF ANNUAL LEAVE HOURS TO BE RESTORED _____ HOURS	5. NUMBER OF 1.0 COMPENSATORY TIME HOURS TO BE RESTORED _____ HOURS
6. EMPLOYEE'S SIGNATURE	7. DATE
8. BUREAU COMMANDER'S/OFFICE DIRECTOR'S SIGNATURE	9. DATE

STEP 2: OFFICE OF HUMAN RESOURCES USE ONLY

REVIEWING OFFICIAL

SIGNATURE DATE

NUMBER OF ANNUAL LEAVE HOURS RESTORED _____ HOURS	NUMBER OF 1.0 COMPENSATORY TIME HOURS RESTORED _____ HOURS

STEP 3: OFFICE OF THE CHIEF OF POLICE ONLY

APPROVING OFFICIAL

CHIEF OF POLICE OR DESIGNEE'S SIGNATURE DATE

EXAMPLE

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CP-1378
(11/11)
Page 2

UNITED STATES CAPITOL POLICE

REQUEST FOR RESTORATION OF ANNUAL LEAVE
AND/OR COMPENSATORY TIME

(Please Type or Print Legibly)

10. JUSTIFICATION FOR RESTORATION
A. A description of the annual leave and or compensatory time forfeiture and the reasons it occurred.
B. A summary reconstruction of the employee's annual leave and/or compensatory time record.
C. The dates and amount of annual leave and/or compensatory time that was scheduled in the past leave year including the documents (or copies) on which the annual leave/compensatory time was requested and approved.
D. The inclusive dates of the forfeited annual leave and/or compensatory time.
E. A schedule for use of the restored annual leave (along with regular annual leave) and/or compensatory time. The schedule should be specific enough to satisfy the approving official that repeated forfeitures would be unlikely.

EXAMPLE

RESET PRINT

Copy to: Employee
Bureau Commander/Office Director
Timekeeper

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Appendix B:
CP-507, Application for Advancement of Leave or Leave Without Pay

CP-507
(02/17)

UNITED STATES CAPITOL POLICE

APPLICATION FOR ADVANCEMENT OF LEAVE OR LEAVE WITHOUT PAY

(Please Type or Print Legibly)

1. EMPLOYEE NAME (Last, First, MI)	2. BUREAU/OFFICE/DIVISION	3. PIN

4. I understand leave advancements and LWOP are granted at the Departments discretion and are not guaranteed. I hereby request the following:

☐ ADVANCED ANNUAL LEAVE	HOURS REQUESTED		DATES	
☐ ADVANCED SICK LEAVE	HOURS REQUESTED		DATES	
☐ LEAVE WITHOUT PAY	HOURS REQUESTED		DATES	

5. CERTIFICATION

I understand that if granted leave without pay can have impact on benefits, retirement, and leave accruals. I understand that if granted, leave advancement creates an indebtedness to the Department that must be repaid. If requesting advanced sick leave, I certify that I have either attached medical documentation establishing the existence of a serious medical condition or have provided it directly to the Office of Human Resources.

6. EMPLOYEE SIGNATURE	7. DATE	8. EMPLOYEE CURRENT LEAVE BALANCES
		____ AL ____ SL ____ CT

9. REASON FOR REQUEST

10. APPLICATION REVIEW

Immediate Supervisor ☐ RECOMMENDED ☐ NOT RECOMMENDED Signature Date	Section Commander ☐ RECOMMENDED ☐ NOT RECOMMENDED Signature Date
Division Commander ☐ RECOMMENDED ☐ NOT RECOMMENDED Signature Date	Bureau Commander/Office Director ☐ RECOMMENDED ☐ NOT RECOMMENDED Signature Date
Chief Administrative Officer ☐ APPROVE ☐ DISAPPROVE Signature Date	

Entered Into T&A System By: _____ Date: _____

EXAMPLE

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Senate Committee on Rules and Administration
and Committee on House Administration
Oversight of the Capitol Police Board
July 26, 2023
Questions for the Record
Capitol Police Board

Senator Fischer

1. In response to an increased threat environment for Members of Congress, their families, staff, and congressional facilities, Congress has made significant investments in the United States Capitol Police, each chamber's Office of the Sergeant at Arms, and the Architect of the Capitol to improve the Capitol's security posture.

    - How are these resources being put to use and what additional resources are necessary to counter the evolving threat landscape?

Answer of Karen H. Gibson, Chair, Senate Sergeant at Arms: In regards to the Senate Sergeant at Arms, I greatly appreciate the support from this committee, as well as the resources provided by the Senate through the appropriations process. I look forward to continuing our service to the Senate community to meet the security needs of Senators, family, staff, visitors, and our facilities across the country.

Residential Security

This year, I have overseen implementation of the new Residential Security System Program, and we have already seen significant interest from Senators. My team has fanned out across the region and country with USCP for in-home security assessments, worked with Senators to sign the Memorandum of Understanding and Certification, and assist Senators and spouses with identifying and installing customized security equipment. I encourage Senators to reach out to my office if they have not already done so. I am grateful for the additional resources for this program provided by the Senate Committee on Appropriations in the FY24 Legislative Branch Appropriations bill.

State Office Support and Security

I have placed a significant focus on improving our support to the more than 450 Senate state offices around the country. I am pleased that our in-person reengagement has led to nearly all state offices adopting some level of the SAA's recommended security measures.

I thank the Committee on Rules and Administration for providing space within the Russell Senate Office Building for the new State Office Demo room. This space has become the most effective outreach tool in the history of the state office program, and would not have been possible without that support. To date, staff from nearly every Senate office have received customized tours, most resulting in requests for additional security features.

I am also grateful to the Committee on Rules and Administration for introducing legislation and to the Senate Committee on Appropriations for including a provision in the FY24 Legislative Branch Appropriations bill that allows Senators to exempt the costs and square footage associated with security from the statutory limits on state offices. This important change will ensure that Senators and their staffs are not forced to choose between important safety and security measures and the operating space needed to serve constituents.

We continue to encounter issues in supporting offices that desire to move to more secure federal office space. While our federal footprint is increasing, it remains low, and the availability of suitable office space is limited in some markets. We continue to push the General Services Administration (GSA) to identify space in buildings that may be fully rented, but are not fully occupied.

The availability of funds for the GSA and Federal Protective Service (FPS) to complete construction and resolve security deficiencies in federal buildings is an area of concern. In the coming months, we will develop potential solutions to share with the committee, and I look forward to that dialogue.

Accountability Tool

This year, we deployed a new emergency accountability tool to allow for a quicker, more reliable accounting of Senators and staff during emergencies. This modernized tool allows individuals to rapidly report their individual status during an emergency, allowing offices to focus only on those who have not yet identified their status.

Previously, it would take a considerable amount of time to obtain a detailed accounting of staff and Senators, and we relied on Office Emergency Coordinators to account for each individual assigned to their staff. During a recent real-world event during a Senate recess, more than 75% of the Senate community was accounted for, with 2,500 individuals responding within the first five minutes, giving us an immediate, actionable snapshot. During the event, 82% of responses were self-reports, freeing up Office Emergency Coordinators to focus on contacting staff who had not yet responded. We have already collected feedback from the community on the use of the tool, and will incorporate that into future training to further improve our effectiveness.

Member Outreach and Security Coordination (MOSC) and Risk and Threat Management (RTM)

The MOSC and RTM teams work closely with offices and USCP to provide law enforcement coordination, travel notification and support, and facilitate risk/threat reporting to USCP. This year, we have already coordinated law enforcement assistance at 750 off-campus events and facilitated more than 1,400 travel escort requests. We continue to train staff in event security planning, which will be particularly important as we enter the upcoming election cycle.

My team is continuously searching for threatening and adverse information targeting Senators, their families, staff, and associated offices throughout the country and when traveling abroad. We have identified more than 125 potential threats and disruptions, which we promptly provided to law enforcement for further investigation. We are working with USCP on additional automation and integration with their new case management system. This will provide us actionable and timely threat information from USCP, as well as improve our ability to monitor, analyze, and provide updates on threats impacting Senators.

Answer of William P. McFarland, Member, Acting House Sergeant at Arms: As it relates to the House, we appreciate the close coordination with our oversight committees. This support is invaluable in our primary mission of keeping Members, their families, staff and facilities safe. My office is continuously exploring opportunities to be innovative and utilizing best practices to combat the ever-evolving threat landscape.

I view security for Members, their families and Congressional staff in three categories: In in their district(s), while in transit, and in Washington, D.C. I have developed a strategic plan to guide our efforts and focus in these areas.

District Security:

I oversee a robust Residential Security Program. The program began in August of 2022 and has an extensive bipartisan participation. Shortly after being sworn-in, I evaluated the program, and I am happy to report that we have been able to expand both participation, and the scope of the program. My team has partnered with our oversight committees and the CAO to expand the residential security program to include certain cyber security protections. This is in line with my goal to be innovative and challenges my team to be forward thinking in combating emerging threats.

The SAA established the District Security Service Center (DSSC) in 2017. This is a team of district security specialists designed to be a one stop shop for security needs in a Members District office. This team is responsible for overseeing the installation of security systems in District offices.

The DSSC also oversees the Law Enforcement Coordinator Program. The Law Enforcement Coordinator Program identifies one staffer in each Member office to serve as the point of contact for security related matters. Our office provides training and conducts outreach to ensure law enforcement coordinators are aware of all the services provided by the Sergeant at Arms. This program has participation from all Member offices, and supports Law Enforcement Coordination for Member events.

I am also proud that my office has just recently produced the first *Member Spouse and Family Safety Security Guide*. After meeting with Spouses and families from both sides of the aisle earlier this year, I recognized that they are a key component to our overall security posture and wanted to do more. Accordingly, my team immediately went to work on this guide. This guide was distributed to all Members in July, and aims to provide best practices for security, and information on resources available to them.

Security in Transit:

The SAA also provides law enforcement coordination to enhance security for Members as they travel. The SAA and USCP continue to partner with the Transportation Security Administration (TSA), Federal Air Marshal Service, and Washington Metropolitan Airports Authority to increase security for Members while traveling. In collaboration with USCP and local law enforcement, escorts are coordinated between vehicles and terminals at airports across the country. My office has coordinated over 1,623 flights year to date.

When a Member is traveling and participating in public events, my office provides law enforcement coordination to enhance security. My office partners with USCP to provide assessments of these events, and coordinates with local law enforcement agencies.

D.C. Security:

Here in D.C. my team has been working on several initiatives. It is a top priority of mine to see the physical security enhancement projects completed. With the help and support of oversight Committees and Appropriators, numerous large scale physical security projects are underway. In my role on the Capitol Police Board and as the Chief Law Enforcement Officer for the House, I will continue to work closely with my Board partners, including the Architect of the Capitol, to fulfill these projects that have received Congressional support. I have directed my team to diligently work with our partners to complete these projects as well.

This year, my office replaced the escape hoods on the House side of the Capitol and is implementing a plan to replace the remainder of the hoods in the House office buildings.

Furthermore, in partnership with the Architect of the Capitol, the Capitol Police, and the Senate Sergeant at Arms, my office is working on implementing the Joint Audible Warning System (JAWS). JAWS is designed to replace the outdated annunciators to ensure that emergency information is rapidly disseminated so individuals can take appropriate action during emergencies.

The SAA has revamped our training programs to better deliver our services to the House community. Thanks to the support of our oversight committees, we received space in the Longworth House Office Building to construct a SAA Service Center. The service center, opened in June, provides a centralized location where Member offices can receive trainings offered by the SAA. The House Sergeant at Arms has partnered with the CAO, USCP and other stakeholders to provide active shooter trainings, security awareness briefings, and counter intelligence briefings.

The House Sergeant at Arms has also focused internally on providing better training and best practices to our employees. As part of the "people" goal of the House Sergeant at Arms strategic plan, I recognize that fostering employee development helps support personal and professional growth and, in turn, helps us better serve the community. I am proud to say we have expanded our professional development and leadership training.

Future Initiatives:

The House Sergeant at Arms is in the process of developing several key initiatives for implementation and roll out to the House community. The first initiative is a mobile duress app for Members to indicate they are under duress, and have appropriate law enforcement assistance dispatched. The second is an app where users can place requests to the SAA and track the progress of the request. The Sergeant at Arms is in the process of developing a secure app that would enable Member offices to submit and track their interactions with the Sergeant at Arms to ensure their needs are fulfilled. Finally, the Sergeant at Arms is rolling out "Stop the Bleed Kits" and training for staff.

Answer of Chere Rexroat, Member, Acting Architect of the Capitol:

The Architect of the Capitol appreciates the continued support from the Oversight committees and the appropriations provided to execute essential requirements.

Since 2021, the AOC has obligated more than $450,000,000 to assess the physical security of the Capitol complex, assess the vulnerability of key AOC assets, enhance the physical security of the campus, and improve the preparedness of the AOC staff. The highlights include the following:

- Completed lighting improvements on the West Front.
- Completed lighting improvements at Truck Interdiction Points.
- Completed replacement of the North and South Barricade kiosks with larger structures that meet the USCP's operational requirements.
- Awarded the design contract for the enhanced screening vestibules that will support the Capitol Building.
- Completed a Comprehensive Physical Security Assessment on behalf of the Capitol Police Board.
- Completed the first mission assurance assessment of AOC facilities and operations to include an initial cyber assessment.
- Completed the site work for the Advanced Cybersecurity Assessment which includes a more robust assessment of key cyber systems and the mission assurance assessment of AOC assets and functions in the House and Senate Office Buildings.
- Completed physical security enhancements for key spaces and facilities – these enhancements are ongoing.
- Updated and improved emergency management and security training for the AOC staff to include USCP-supported training sessions for the Capitol Visitor Center Guides, updated manual and training for AOC Office Emergency Coordinators, and the initial steps to develop an accredited Emergency Management program that will ensure all AOC staff are prepared.
- Identified additional lease space for expanded USCP operations and training which is awaiting approval to obligate funds.

The AOC remains focused on the execution of additional critical physical infrastructure enhancements which are in various stages of fabrication and installation.

2. What is the greatest challenge facing the United States Capitol Police Department today, and what do each of your agencies need to do to help the Department overcome this challenge?

Answer of the voting members of the Board: Staffing is the greatest challenge, as it limits all aspects of the mission. The Board has worked diligently to remove obstacles to meeting the staffing need. We have emphasized innovation, efficiency, and challenging the status quo.

In the past year, the Board has worked with the Chief to identify and approve changes in pay and retention programs. We have created new programs to recruit from new sources, to include a new lateral transfer program for experienced law enforcement officers, and a new rehired annuitant program for lower impact positions that still require a law enforcement officer. We also approved the creation of the Capitol Security Officer program, which provides unarmed contract officers to augment USCP at certain posts, freeing up sworn officers to fill other needs.

We continue to work with the department and the Chief on innovative ways to attract, retain, and support the U.S. Capitol Police. Over the past year, we have worked closely with the Chief and our oversight partners to finalize the reorganization of the department in a manner that will allow USCP to meet its mission for years to come. I look forward to seeing the Chief's vision play out, and I thank the committee for its support and feedback as we move to the future of USCP. I am committed to ensuring that the Board's spirit of innovation, accountability, and its focus on results continues.

Committee on House Administration, Majority

Questions for all witnesses related to the Separation Agreement with Ms. Pittman:

1. Have you reviewed the separation agreement entered into between the United States Capitol Police and former Acting Chief of Police Yogananda Pittman?

Answer of Karen H. Gibson, Chair: I have not.
Answer of William P. McFarland, Member: I have not.
Answer of Chere Rexroat, Member: I have not.

2. Do you agree that 2 U.S.C. 1923 required the Capitol Police Board to implement a "unified" leave policy for the United States Police?

Answer of all witnesses: Yes.

3. What role does the Capitol Police Board play to ensure the USCP is complying with regulations prescribed by the Capitol Police Board?

Answer of the voting members of the Board: The Board requests and reviews reports forwarded by the IG, meets quarterly with the leadership of the USCP Labor Committee, and meets daily with individual officers.

We receive input from officers, staff, and individuals inside and outside of the department. Where appropriate, we ask the IG to investigate specific facets of the Department's operations.

4. Is the USCP required to follow regulations implemented by the Capitol Police Board?

Answer of all witnesses: Yes.

5. In what manner does the Capitol Police Board ensure USCP is complying with regulations issued by the Board?

Answer of the voting members of the Board: The Board requests and reviews reports forwarded by the IG, meets quarterly with the leadership of the USCP Labor Committee, and meets daily with individual officers.

We receive input from officers, staff, and individuals inside and outside of the department. Where appropriate, we ask the IG to investigate.

The Board also asks for, and receives, updates on specific topics at Capitol Police Board meetings.

6. Has the Capitol Police Board complied with the statutory requirement to implement a unified leave system? If so, please provide a copy of the regulations as well as any additional documentation about when the regulations were implemented, if there was a Board vote, and if the Committees of jurisdiction reviewed and approved these regulations.

Answer of the voting members of the Board: Yes. Copies will be provided under separate cover. The Board adopted them by unanimous written concurrence, as is our practice. The operative regulations were reviewed and approved by the Committees of jurisdiction.

7. If the Capitol Police Board isn't responsible for ensuring compliance with Capitol Police Board regulations generally, who is?

Answer of the voting members of the Board: The Capitol Police Board is responsible.

8. Who is responsible for implementing the unified leave regulations?

Answer of the voting members of the Board: The Chief of Police.

9. Has the USCP issued any internal operating procedures related to the implementation of the unified leave policy? If so, please provide copies of all procedures.

Answer of the voting members of the Board: Yes. We have asked the Chief to provide copies under separate cover.

10. Would you ever approve or direct an employee you oversee to go on Leave Without Pay knowing they have accepted a new job in another city and the only reason for the Leave Without Pay status is to qualify for federal retirement benefits the individual would not be eligible for if they left at the time they received the new job offer?

Answer of Karen H. Gibson, Chair: The Senate Sergeant at Arms does not have such a program.

Answer of William P. McFarland, Member: The House Sergeant at Arms does not have such a program, therefore it would be difficult, if not impossible to approve. Regardless, any such decision or consideration must be made in a transparent and accountable manner and in compliance with governing authorities.

Answer of Chere Rexroat, Member: Outside employment and leave issues are very fact specific and are handled on a case-by-case basis. I would consult with my General Counsel and Chief Human Capital Officer regarding authorities and existing policy prior to making a decision.

11. In your opinion, does the unified leave policy allow for the Chief of Police to unilaterally and in his sole discretion to direct employees or officers to go on Leave Without Pay?

Answer of Karen H. Gibson, Chair, and Chere Rexroat, Member: The Board creates and approves the regulations, and the Chief of Police implements them. Other than this instance, we are not aware of any incident where the Chief of Police's ability to place staff on leave has been questioned. The Board expects the Chief to use his discretion in executing the leave policy in a reasonable and appropriate manner, and to keep the Board informed.

William P. McFarland, Member adds: I expect the Chief to implement the leave policy and apply discretion in compliance with the regulations. I also expect the Chief to be transparent and inform the board of such decisions.

12. The leave policy states that Leave Without Pay shall apply uniformly. In your view, how is interpreting this regulation to allow the Chief of Police to unliterally direct employees or officers to go on Leave Without Pay consistent with this mandate that the leave without pay "apply uniformly?"

Answer of the voting members of the Board: The Chief should have the flexibility to direct employees to be placed on Leave Without Pay in certain scenarios. For instance, the Chief has directed USCP officers be placed on leave without pay following criminal investigation or indictment. This leave is frequently referred to colloquially as "administrative leave without pay."

This incident provided an opportunity for the Board to clarify our expectations of transparency and reporting requirements to the Chief of Police. The Board expects the Chief to use his discretion uniformly in executing the leave policy in a reasonable and appropriate manner, but to keep the Board informed while doing so.

Answer of J. Thomas Manger, *ex officio*: The regulations differentiate between the Chief directing LWOP versus approving LWOP. The Chief can also direct officers be placed on LWOP pursuant to separation agreements.

13. The unified leave policy defines Leave Without Pay. Where did the Board derive this definition of Leave Without Pay?

Answer of the voting members of the Board: This version of the regulation was created in 1998. Board records do not provide specific information on how the definition was derived.

14. What benefits did Ms. Pittman accrue and receive while on Leave without Pay?

Answer of the voting members of the Board: This question is best answered by USCP, as they provide the Human Resources function for all USCP officers and staff.

Answer of J. Thomas Manger, *ex officio*: The only benefit Chief Pittman accrued and received was time towards her retirement since federal law permits LWOP of less than six months to be counted as creditable federal service.

15. Did Ms. Pittman receive health benefits from USCP while on Leave Without Pay?

Answer of the voting members of the Board: This question is best answered by USCP, as they provide the Human Resources function for all USCP officers and staff.

Answer of J. Thomas Manger, *ex officio*: No.

16. Are employees under your supervision permitted to have another job and earn a salary from that job while on leave without pay?

Answer of Karen H. Gibson, Chair: Yes, Senate Sergeant at Arms employees are permitted to have outside employment, subject to review and approval from the employee's supervisor and the office of Human Resources. Outside employment must conform to the Senate Code of Official Conduct.

The Senate Sergeant at Arms does not have a LWOP policy.

Answer of William P. McFarland, Member: If this situation were to arise, I would look to the regulations of the Committee on House Administration and the guidance of the Committee on Ethics to determine whether such conduct is permissible.

Answer of Chere Rexroat, Member: Yes, they can if they meet the criteria under AOC's Ethics policy involving Outside Employment. AOC staff seeking to hold outside employment may only do so with supervisory approval after AOC's Office of General Counsel opines on any potential ethical conflicts. Generally, LWOP will not be approved when an employee has available sick or annual leave. However, authorizing LWOP is a matter of management discretion based on the reasons for the request and the impact of the absence from work.

Answer of J. Thomas Manger, *ex officio*: Yes.

17. Are you and the employees you oversee subject to House Ethics Rules?

Answer of Karen H. Gibson, Chair: Senate Sergeant at Arms employees are subject to the ethics requirements set and regulated by the Senate Select Committee on Ethics.

Answer of William P. McFarland, Member: Yes.

Answer of Chere Rexroat, Member: No. The AOC has its own ethics policy.

Answer of J. Thomas Manger, *ex officio:* Yes.

18. Do you agree that to qualify for federal retirement benefits USCP employees must meet the statutory requirements set by Congress, not *almost* meet those requirements? Do you think it is appropriate for a USCP employee to be accruing time toward federal retirement after accepting another position with a salary of hundreds of thousands of dollars?

Answer of the voting members of the Board: Employees frequently remain with federal agencies during their notice periods. Questions related to the eligibility for retirement benefits are best directed to the United States Office of Personnel Management, which has government-wide responsibility and oversight for Federal benefits administration.

19. General Gibson said the USCP Police Board meets regularly with the FBI. What do you meet about? How often do you meet with the FBI?
    a. Please provide a list of dates you've met with the FBI and the subjects.

Answer of the voting members of the Board: The Capitol Police works closely with the FBI. The Capitol Police Board (separate from engagements by members of the Board in their individual roles) does not routinely meet with the FBI.

Karen H. Gibson, Chair, adds: As Senate Sergeant at Arms, my and my staff's meetings with the FBI have related to my responsibilities as the Senate Sergeant at Arms, and not to my role as a member of the Capitol Police Board.

William P. McFarland, Member, adds: The House Sergeant at Arms does not have any standard recurring meetings with the FBI. My staff and I meet with them as necessary as it relates to the security or protection for Members. These topics include: Cybersecurity, counterintelligence concerns, or direct threats to Members.

Chere Rexroat, Member, adds: As the Acting Architect of the Capitol, I do not meet regularly with the FBI. Individual staff in the AOC have met with the FBI as part of the ongoing investigations and prosecutions related to the events of January 6, 2021.

Answer of J. Thomas Manger, e*x officio*: The Capitol Police works closely with the FBI, has agents attached to FBI task forces (TFOs) and regularly meets and communicates with the FBI.

    b. When is your next scheduled meeting with the FBI?

Answer of the voting members of the Board: We have requested a meeting with the FBI to receive an update on the matters raised at the hearing.

20. Has the board reviewed any awards (Besides gold metals) for officer and or supervisors from the time period from 12/31/20 to current?

Answer of the voting members of the Board: No.

Questions for all witnesses related to attempted pipe bomb attack on the United States Congress.

1. How many times has someone from your office spoken with the FBI related to this attempted attack since January 6, 2021?

Answer of the voting members of the Board: This topic has not been specifically discussed, as it remains an ongoing investigation.

Chere Rexroat, Member, adds: I am not aware of any AOC staff that have spoken to the FBI regarding the pipe bombs.

Answer of J. Thomas Manger, *ex officio*: USCP has task force agents with the FBI and regularly participate in the investigation as well as receive briefings on the investigation. These agents have provide regular updates to their Supervisors as well had briefings to the Acting Assistant Chief of Protective Operations.

2. How can you effectively protect Congress without this information?

Answer of the voting members of the Board: We frequently protect against numerous threats to the Capitol without attribution to a specific threat actor. We partner with USCP and other law enforcement agencies to develop a robust security posture based on intelligence in an effort to counter all emerging threats.

3. When will you be sending the joint letter to the FBI asking for an update on the pipe bomb investigation?
    a. Please provide these committees a copy of this letter once it is sent.

Answer of the voting members of the Board: We have requested this briefing via the Capitol Police and are awaiting an update. A copy of the joint letter is included.

Answer of J. Thomas Manger, *ex officio*: Following the hearing, the USCP requested an executive briefing for the Board and are in discussions with the FBI on scheduling.

4. How many times have you or someone from your office spoken with the FBI related to January 6th prosecutions?
    a. Please provide specific dates, participants, the subject of these meetings, and any notes from these meetings.

Answer of the voting members of the Board: This question relates to ongoing investigations and prosecutions.

Karen H. Gibson, Chair, adds: The Senate Sergeant at Arms is not the primary point of contact for criminal investigations and prosecutions related to Congress, and does not comment on ongoing criminal investigations and prosecutions.

William P. McFarland, Member, adds: The House Sergeant at Arms is not the primary point of contact for investigations and prosecutions related to Congress, and does not comment on ongoing criminal investigations and prosecutions.

Chere Rexroat, Member, adds: When requested, the AOC provides information as part of the ongoing investigations and prosecutions. The AOC cannot comment on ongoing criminal investigations and prosecutions.

Answer of J. Thomas Manger, *ex officio*: Other than our TFOs, our Department does not regularly meet with the FBI regarding the January 6 prosecutions. The TFOs meet daily with their task force partners on the January 6th investigations and prosecutions and those TFOs have briefed USCP leadership on the investigation.

Question for all witnesses related to the USCP Inspector General:

1. In Questions for the Record, the USCP claims that it is appropriate for the USCP Inspector General to provide the USCP with information about individuals who made complaints against the USCP in certain circumstances.

   However, the USCP Inspector General agreed with this Committee that it is never appropriate for the USCP Inspector General to disclose information about individuals who make complaints.

   2 U.S.C. 1909(c)(3)(B) states that the Inspector General shall not disclose the identity of the employee or member without consent from that person.

   Do you think under any circumstance it is appropriate for the USCP Inspector General to disclose information about an individual they received without that individual's consent?

Answer of the voting members of the Board: We do not recall any specific allegations being brought to the Board and would need additional information on the allegations to which you are referring.

The IG should not disclose information except as provided for in the statute.

Whistleblowers must be protected and cannot be retaliated against.

Answer of J. Thomas Manger, *ex officio*: If an alleged whistleblower is suing the Department, then the IG, who is part of the Department, can provide the information it has from a whistleblower to the USCP Office of the General Counsel in order to assist the Department in defending the lawsuit.

2. How many candidates were considered when Mr. Russo was hired as USCP Inspector General?

Answer of William P. McFarland, and Chere Rexroat, Members: We were not involved in the process of hiring the current USCP Inspector General. This question is best directed at the Board Members from that time.

Answer of Karen H. Gibson, Chair: We received 8 resumes.

3. Who provided input on the hiring of Mr. Russo? Specifically, did anyone from USCP have input on the hiring of Mr. Russo?

Answer of William P. McFarland, and Chere Rexroat, Members: We were not involved in the process of hiring the current USCP Inspector General. This question is best directed at the Board Members from that time.

Answer of Karen H. Gibson, Chair: The voting members of the Capitol Police Board consulted with the Inspectors General of the Library of Congress, Government Publishing Office, and the Government Accountability Office, pursuant to 2 USC 1909, before candidates were identified.

USCP did not have input on the hiring of Mr. Russo.

4. Did anyone from USCP speak to Mr. Russo before he was hired?

Answer of William P. McFarland, and Chere Rexroat, Members: We were not involved in the process of hiring the current USCP Inspector General. This question is best directed at the Board Members from that time.

Answer of Karen H. Gibson, Chair: The Board's executive assistant (an employee of USCP assigned to the Board) provided the Board with administrative assistance in the hiring process.

5. When did you learn that Mr. Russo was involved in the hiring of the new Chief Administrative Officer at the USCP?

Answer of the voting members of the Board: We became aware of Mr. Russo's involvement in the hiring process after the fact.

6. What role does the USCP Inspector General play in overseeing the CAO office at the USCP?

Answer of the voting members of the Board: The Inspector General reviews financial statements, performs an annual financial audit, and conducts investigations into a variety of areas under the purview of the CAO. The IG also works with the CAO as the primary USCP point of contact regarding implementation and closure of IG recommendations.

7. In your opinion would it ever be appropriate for an inspector general to provide input on hiring of employees at an entity they are supposed to oversee?

Answer of the voting members of the Board: Best practices from the GAO indicate no, and we concur.

8. Have you made any inquiries into what exactly the USCP Inspector's role was in selecting the new USCP CAO.
    a. If so, please provide any information you have learned.
    b. If not, why not?

Answer of the voting members of the Board: Yes, as discussed with the Committees.

9. Who oversees the USCP Inspector General?

Answer of the voting members of the Board: The Capitol Police Board.

10. In your view was it appropriate for an employee of the USCP to ask the USCP Inspector General to assist in the hiring process for the new USCP CAO?

Answer of the voting members of the Board: No.

Question for all witnesses related to releasing USCP IG Reports:

1. Will you implement a written policy for reviewing and releasing USCP IG reports?
    a. Please provide a copy of this policy to these committees for review.

Answer of the voting members of the Board: The IG has developed a policy within his office for the review and release of these reports. The Board's working group has developed an operational process flow to streamline review and approval.

2. You outlined multiple steps for reviewing USCP IG reports for public release. Please provide a list of each USCP IG report set for release and where it is in the process you specified during the hearing.

Answer of the voting members of the Board: This information can be provided under separate cover.

Question for all witnesses related to USCP Media Policy:

1. Does the USCP have a media policy?

Answer of the voting members of the Board: This question is best answered by the Chief of Police, as he manages personnel policy for USCP.

Answer of J. Thomas Manger, e*x officio*: Yes.

2. Does this policy prevent employees and officers from speaking to the press without approval?

Answer of the voting members of the Board: This question is best answered by the Chief of Police, as he manages personnel policy for USCP.

Answer of J. Thomas Manger, *ex officio*: The First Amendment provides that federal employees, including police officers, cannot be restrained prior to commenting on issues of public interest. USCP practices follow this constitutional command.

3. Who has the responsibility to enforce this policy?

Answer of the voting members of the Board: This question is best answered by the Chief of Police, as he manages personnel policy for USCP.

Answer of J. Thomas Manger, *ex officio*: The USCP's Office of Professional Responsibility and the IG.

4. Have any officers or employees been approved to speak with the press?
    a. If so, please provide a list of who has been approved, the date of the approval, the date of the request, and who approved the request?

Answer of the voting members of the Board: This question is best answered by the Chief of Police, as he manages personnel policy for USCP.

Answer of J. Thomas Manger, *ex officio:* Often officials and other subject matter experts are authorized by the Chief and/or the Director of communications to speak on behalf of the Department on specific events or issues related to the USCP. The USCP does not track these requests or approvals. Media requests arrive at the Department in a variety of ways. Sometimes the officer informs us of the request and sometimes the media makes a request directly to the Department. For example, an officer and an official were both approved last week to speak with media regarding the new Protective Services Bureau positions. In another case, MSNBC requested to speak to an officer two weeks ago regarding January 6th. The PIO office did not approve nor deny this interview request, however the officer was advised of the request and left it to the officer to decide based on her 1st Amendment right.

5. Was Julie Farnam writing a book while an employee of the USCP?
    a. Was this approved by USCP?

Answer of the voting members of the Board: This question is best answered by the Chief of Police, as he manages personnel policy for USCP.

Answer of J. Thomas Manger, *ex officio*: The Department does not know when she wrote the book but given the timing of the book it appears it was written while she was a USCP employee. Ms. Farnam never requested permission from the Department to write a book nor did she have to.

6. Do any of the witnesses or their offices have copies of Ms. Farnam's book?

Answer of the voting members of the Board: Yes.
Answer of J. Thomas Manger, *ex officio*: Yes.

    a. If yes, are you reviewing the book?

Answer of Karen H. Gibson, Chair, and William P. McFarland, Member: Yes.
Answer of Chere Rexroat, Member: My OGC staff is reviewing.
Answer of J. Thomas Manger, *ex officio*: Yes.

    b. What are you reviewing it for?

Answer of Karen H. Gibson, Chair, and William P. McFarland, Member: Security sensitive information in accordance with 2 U.S.C. § 1979.

Chere Rexroat, Member adds: Security sensitive information based on AOC OGC's review.

    c. When did you learn that Ms. Farnam was writing a book?

Answer of the voting members of the Board: May 2023.
Answer of J. Thomas Manger, *ex officio*: January 2023.

d. When did you first obtain a copy of the book or manuscript?

Answer of Karen H. Gibson, Chair, and William P. McFarland, Member: A copy of the book manuscript was provided by USCP for security review in early July 2023.

Answer of Chere Rexroat, Member: The AOC OGC received and reviewed the manuscript in July.

Answer of J. Thomas Manger, *ex officio:* May 2023.

e. If you have a copy of the manuscript, please provide it to these committees to review by the deadline for questions for the record.

The manuscript was provided for pre-publication security review, and remains the property of the author.

7. Are USCP employees permitted to write books about their USCP employment?

Answer of the voting members of the Board: This question is best answered by the Chief of Police, as he manages personnel policy for USCP.

Answer of J. Thomas Manger, *ex officio*: Yes, USCP employees maintain the same First Amendment rights as other federal employees.

Questions for all witnesses:

1. Do you USCPB see an independence issue in having the chief of police at the monthly meeting with the IG?

Answer of the voting members of the Board: No. The Board frequently has executive sessions, and we can and have excluded the Chief and other USCP employees where appropriate. The voting members of the Board have met with the Inspector General without the Chief of Police.

2. What was the policy on investigation or handling complaints against management before Mr. Russo took office?

Answer of the voting members of the Board: The IG handled such topics. Mr. Russo would need to provide his predecessor's records regarding such matters.

3. Can you provide a report on any pervious complaints to the OIG that those officers were then retaliated against?

Answer of the voting members of the Board: The IG would need to provide such data.

4. Multiple individuals have spoken to this Committee alleging that the previous OIG received whistleblower information about intelligence failures on January 6 under former Acting Chief Pittman. Subsequently, the individuals were placed on a Performance Improvement Plan and eventually forced out of the Department—which Pittman was acting Chief of Police. Do you consider this retaliation?

Answer of Karen H. Gibson, Chair: I do not recall any specific allegations being brought to the Board and would need additional information on the allegations to which you are referring.

Whistleblowers must be protected and cannot be retaliated against.

Answer of William P. McFarland, and Chere Rexroat, Members: This question pre-dates our time in office. This question would be best directed to the Board Members at the time.

However, it is our belief that whistleblowers must be protected and cannot be retaliated against.

5. Have these allegations of retaliation been investigated by the OIG or the Board? If not, will you commit to me today to conducting a full investigation and providing a report to Congress on your findings?

Answer of the voting members of the Board: We support the independence of the current IG to investigate or refer any allegations that he sees fit.

Whistleblowers must be protected and cannot be retaliated against.

As noted above, we do not have any specific allegations of retaliation as noted in question 4 that have been raised to the Board. If such actions were raised to the Board, we would take action as appropriate.

Answer of J. Thomas Manger, *ex officio*: Inspector General Michael Bolton and his staff investigated several complaints made by IICD members against Associate IICD Director Julie Farnam about her treatment of them and alleged whistleblowing activities. It is the Department's understanding that none of these allegations against Ms. Farnam were sustained.

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