



UNITED STATES CAPITOL POLICE OFFICE OF INSPECTOR GENERAL

Evaluation of Compliance with *United States Capitol Police Hiring Standards*, Directive [REDACTED] [REDACTED] and Standard Operating Procedure [REDACTED]

Report Number OIG-2017-04

February 2017

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UNITED STATES CAPITOL POLICE
WASHINGTON, DC 20003



OFFICE OF INSPECTOR GENERAL

PREFACE

The Office of Inspector General (OIG) prepared this report pursuant to the Inspector General Act of 1978, as amended. It is one of a series of audits, reviews, and investigative and special reports OIG prepares periodically as part of its oversight responsibility with respect to the United States Capitol Police (USCP) to identify and prevent fraud, waste, abuse, and mismanagement.

This report is the result of an assessment of the strengths and weaknesses of the office or function under review. Our work is based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

We developed our recommendations based on the best knowledge available to OIG and discussed in draft with those responsible for implementation. It is my hope that the recommendations will result in more effective, efficient, and/or economical operations.

I express my appreciation to those contributing to the preparation of this report.

Fay F. Ropella
Inspector General

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Abbreviations and Acronyms

Chief of Police	Chief
Driving Under the Influence	DUI
Driving While Intoxicated	DWI
Interstate Identification Index	III
National Crime Information Center	NCIC
Office of Human Resources	OHR
Office of Inspector General	OIG
Office of Professional Responsibility	OPR
Standard Operating Procedure	SOP
United States Capitol Police	USCP or Department
United States Capitol Police Board	Board
Washington Area Law Enforcement System	WALES

EXECUTIVE SUMMARY

In accordance with our fiscal year 2017 annual plan, the Office of Inspector General (OIG) evaluated the United States Capitol Police's (USCP or Department) compliance with [REDACTED] dated May 8, 1997; [REDACTED], dated November 19, 2012; [REDACTED] dated June 1, 2005.

OIG conducted this evaluation to determine whether (1) USCP complied with its hiring standards and ensured that employees did not engage in criminal conduct detrimental to their employment, (2) USCP employees with a criminal history before employment with USCP disclosed that history during the pre-employment screening process, and (3) employees with criminal complaints during employment with USCP complied with [REDACTED] of USCP Directive [REDACTED] by reporting incidents through the appropriate chain of command.

SOP [REDACTED] requires that the Department conduct annual criminal history checks of Department employees. The SOP states that the Department requires such checks "due to the sensitive nature of USCP operations and, in the case of sworn personnel, in order to comply with the provisions of the Gun Control Act of 1968 (Amended)." The Lautenberg Amendment to the Federal Gun Control Act of 1968 bans possession of firearms by individuals convicted of a misdemeanor crime of domestic violence. The Lautenberg Amendment does not exclude law enforcement officers from the prohibition.

In a previous report, *Inspection of the United States Capitol Police Office of Professional Responsibility* (Report Number OIG-2016-06), dated April 2016, OIG reported that the Department did not conduct annual criminal history checks for USCP employees as SOP [REDACTED] requires. As a result, OIG conducted a 100-percent criminal history check¹ of all 2,123 USCP employees (1,762 sworn and 361 civilian) as of November 14, 2016.

OIG did not find active wants or warrants on any USCP employee. Of the Department's 2,123 employees, 74 had a criminal history. However, OIG had already identified and vetted the criminal history for half of those employees in previous reviews.² Of the remaining 37

¹ OIG checked the Washington Area Law Enforcement System (WALES) for wants and warrants and National Crime Information Center (NCIC) for arrest, criminal history, and Interstate Identification Index (III) for information.

² *Phase One of Review of United States Capitol Police (USCP)* [REDACTED] (IR-2008-0001), dated March 2008 and [REDACTED] (Report Number OIG-2008-08), dated August 2008.

employees with criminal histories not previously identified and vetted, 21 had criminal complaints before employment and 17 had criminal complaints during employment. One employee had criminal complaints both before and during their employment. Although employees with criminal histories before employment did indeed disclose such activity, four Department employees with criminal charges against them during employment did not report their arrests. Those four individuals are the subjects of on-going investigations by the Office of Professional Responsibility (OPR.)

The Department has not updated its hiring standards since 1997. In a previous report, *Review of Compliance with USCP Hiring Standards and with Directive [REDACTED]* (Report Number OIG-2008-08), dated August 2008, OIG reported the Department had outdated hiring standards and did not have an encompassing hiring directive identifying its visions and goals in building a talented, committed, and diverse workforce to support an efficient and effective organizational culture. We repeat the previous OIG recommendation for the Department to update its hiring standards and establish a specific hiring directive identifying the Department's visions and goals in building a talented, committed, and diverse workforce to support an efficient and effective organizational culture. (See Appendix A)

OIG coordinated this evaluation with OPR, who officially notified the Chief of Police (Chief) of results. In an email dated January 12, 2017, the Inspector General provided the results of our evaluation to the Chief. The Chief stated, "I appreciate the information" and OPR "has briefed me on the four cases and I know they are actively working those issues." We provided a draft report to the Department for comment and attached their response in its entirety in Appendix B.

BACKGROUND

In a previous report, *Inspection of the United States Capitol Police Office of Professional Responsibility* (Report Number OIG-2016-06), dated April 2016, the Office of Inspector General (OIG) found the United States Capitol Police (USCP or Department) did not conduct annual criminal history checks of USCP employees as Standard Operating Procedure (SOP) [REDACTED] dated June 1, 2005, requires. The guidance requires checks "due to the sensitive nature of USCP operations and, in the case of sworn personnel, in order to comply with the provisions of the Gun Control Act of 1968 (Amended)." The Lautenberg Amendment to the Federal Gun Control Act of 1968 bans possession of firearms by individuals convicted of a misdemeanor crime of domestic violence. The Lautenberg Amendment does not exclude law enforcement officers from this prohibition.

On November 17, 2016, the Department published a revised SOP [REDACTED]. The guidance states, in part, that the "Department will conduct criminal history checks on all sworn members of the United States Capitol Police. The checks will be conducted on a 3-year

alternating cycle, using the first letter of an employee's last name to determine the respective cycle year.”

USCP Directive [REDACTED], dated November 19, 2012, requires that employees “obey all laws of the United States, the District of Columbia, and any state, local, or military jurisdiction in which they may be present.” It further requires that “employees arrested or indicted for a violation of any law, other than minor non-custodial traffic offenses, or summoned to appear in response to a criminal complaint, will immediately notify one of their supervisors, who in turn will notify the Chief of Police through the chain of command.”

In 1986, the United States Capitol Police Board (the Board) approved a comprehensive recruit selection process. The Board later approved certain changes and additions to this process. In May 1997, the Board approved the Department consolidated hiring standards which included these changes and additions. The consolidated standards were, in part, a result of increased hiring of civilians, the Capitol Police Retirement Act, the Americans with Disabilities Act, and the ability of creditors to garnish wages of congressional employees. Standards include permanent and temporary disqualifiers from employment with USCP.

As part of the Department’s hiring process, the Office of Human Resources (OHR) conducts background investigations for sworn applicants. Investigations include review of an applicant’s identification documents, education, military service, court orders, arrest/conviction data, financial data, and driving record. The OHR Director determines the scope of background investigations for civilian employees, which at a minimum includes checks on criminal histories.

In Phase One of Review of United States Capitol Police (USCP) Employee’s Compliance with Directive [REDACTED] (IR-2008-0001), dated March 2008; and Review of Compliance with USCP Hiring Standards and with Directive [REDACTED] (Report Number OIG-2008-08), dated August 2008; OIG conducted 100-percent criminal history checks for employees of the Department as of October 29, 2007. The review determined whether employees with criminal histories prior to employment with USCP disclosed that history during the pre-employment screening process as well as whether employees with criminal complaints during their employment with USCP reported the incidents through the appropriate chain of command.

OBJECTIVE, SCOPE, AND METHODOLOGY

In accordance with our fiscal year 2017 annual plan, OIG evaluated whether (1) USCP complied with its hiring standards to ensure that employees did not engage in criminal conduct detrimental to their employment, (2) USCP employees with any criminal history before employment with USCP disclosed that history during the pre-employment screening

process, and (3) employees with criminal complaints during employment with USCP complied with [REDACTED] of USCP Directive [REDACTED] by reporting incidents through the appropriate chain of command.

To accomplish the objectives, OIG conducted 100-percent criminal history checks³ for the 2,123 (1,762 sworn and 361 civilian) employees of the Department as of November 14, 2016. The results were compared against criminal histories from 2008, excluding criminal histories previously vetted. We coordinated the review with the Department's Office of Professional Responsibility (OPR) to determine whether employees with criminal complaints during employment reported the incidents through the appropriate chain of command. We then reviewed personnel files to determine whether documentation showed that employees properly disclosed their criminal history prior to employment.

We reviewed the following standards, directives, and SOPs:

- USCP Directive [REDACTED], November 19, 2012
- SOP [REDACTED] June 1, 2005
- SOP [REDACTED] November 16, 2016
- *United States Capitol Police Hiring Standards*, May 8, 1997

Additionally, we reviewed previous OIG reports, including *Inspection of the United States Capitol Police Office of Professional Responsibility; Phase One of Review of United States Capitol Police (USCP) Employee's Compliance with Directive [REDACTED]* and *Review of Compliance with USCP Hiring Standards and with Directive [REDACTED]*.

We conducted our evaluation in accordance with the *Council of the Inspectors General on Integrity and Efficiency, Quality Standards for Inspection and Evaluation*. We did not conduct an audit, the objective of which would be the expression of an opinion on Department programs. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that we would have reported. ~~This report is intended solely for the information and use of the Department, the Board, and USCP Oversight Committees and should not be used by anyone other than the specified parties.~~

³ OIG checked the Washington Area Law Enforcement System (WALES) for current wants and warrants and National Crime Information Center (NCIC) for arrest, criminal history, and Interstate Identification Index (III) for information.

RESULTS

Although 74 members of the Department had criminal histories, no active wants or warrants were found for any employee. For those 74 employees, OIG identified and vetted 37 in 2008. Of the remaining employees, 21 had criminal complaints before employment and 17 during employment with USCP. That number takes into account one employee with criminal complaints both prior to and during employment with the Department. Although all employees with criminal histories prior to their employment with the Department disclosed such activity, four with criminal charges during employment did not report their arrests and are now the subjects of on-going investigations. The Department has not updated its hiring standards since 1997.

Criminal History Prior to Employment

According to the *United States Capitol Police Hiring Standards* approved by the Board on May 8, 1997, the following are just some of the disqualifiers for both sworn and civilian employment:

Permanent Disqualifiers

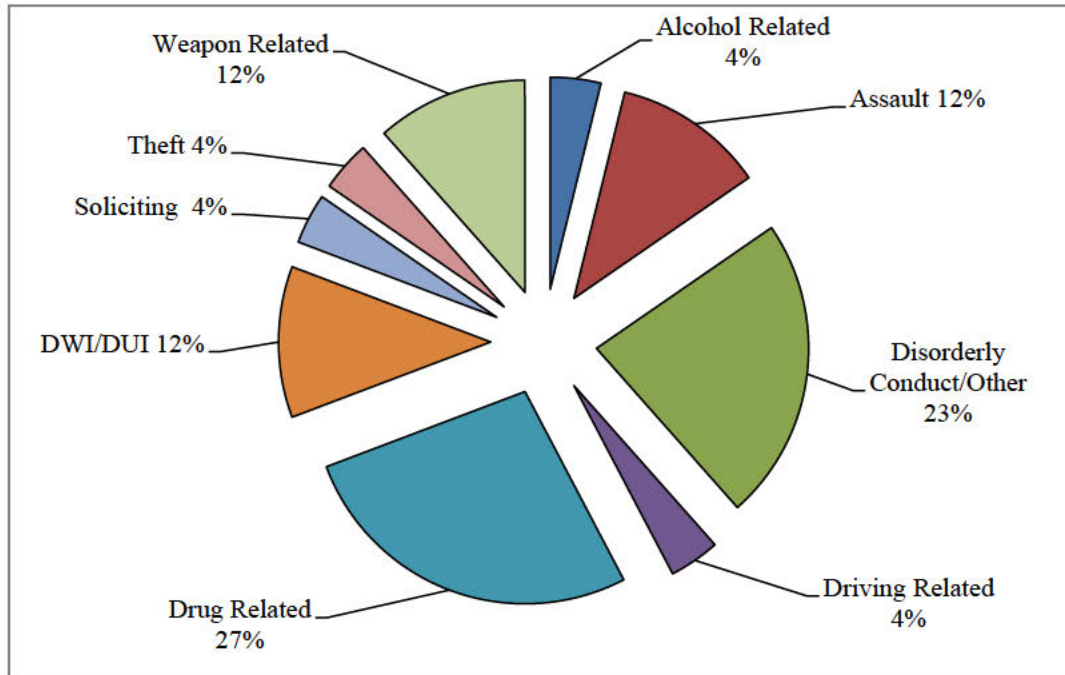
- Commission of a felony
- Use of any drug included in Schedule 1 of the Uniform Controlled Substances Act not prescribed by a competent medical authority
- Use of marijuana within the last 6 months
- Intentional falsification of application

Temporary Disqualifiers

- Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) conviction within 2 years preceding the date of application
- Two or more moving traffic violations within the year preceding date of application

Of the records reviewed, 21 employees that OIG did not previously identify and vet during the review in 2008 had a criminal history before employment with the Department. The files for each of the 10 sworn officers and 11 civilian employees show disclosure of the required information during the pre-employment process. Exhibit 1 reflects the types of pre-employment criminal offenses prior to employment.

Exhibit 1 – Charges Prior to Employment



Source: OIG Generated from WALES and NCIC III checks as of November 14, 2016.

DWI – Driving While Intoxicated.

DUI – Driving Under the Influence.

Criminal History During Employment

USCP Directive [REDACTED] states:

The policy of the Department is to ensure that all employees, both sworn and civilian, maintain an exemplary standard of personal integrity and the highest professional standards of conduct in both their private lives and in their official capacities.

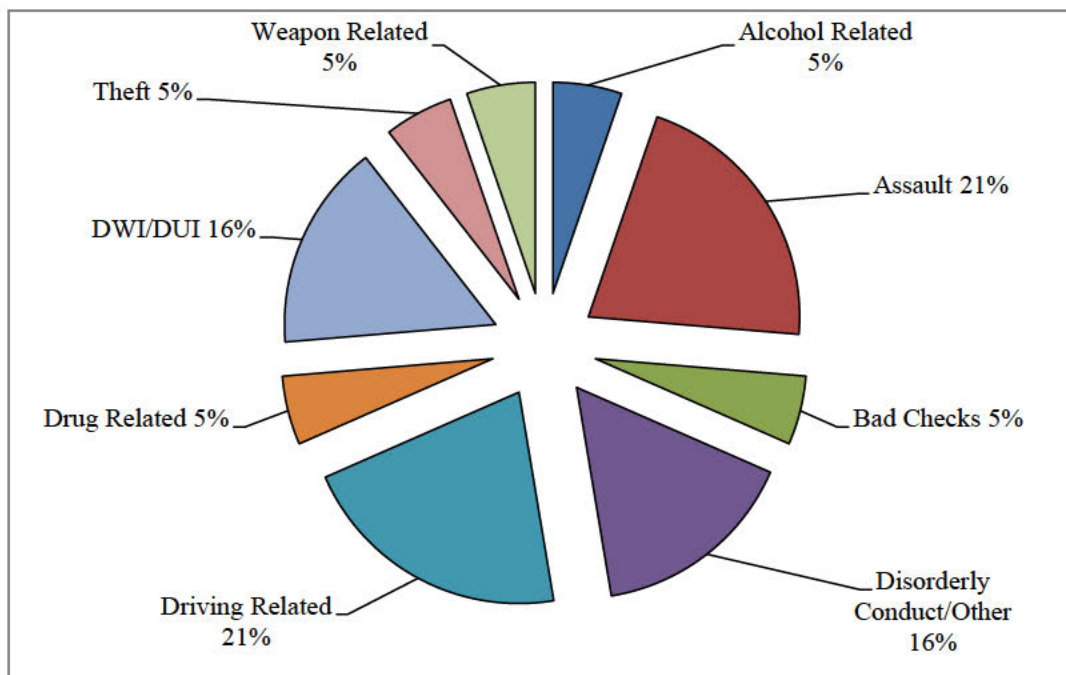
[REDACTED]: Employees will obey all laws of the United States, the District of Columbia, and of any state, local, or military jurisdiction in which they may be present. Employees arrested or indicted for a violation of any law, other than minor non-custodial traffic offenses, or summoned to appear in response to a criminal complaint, will immediately notify one of their supervisors, who in turn will notify the Chief of Police through the chain of command.

Records indicate that 17 employees (12 sworn officers and 5 civilian employees) received criminal charges during employment that OIG did not previously identify and vet in 2008. An OPR review of records determined that of those 17 employees, 13 (10 sworn officers and 3 civilian employees) complied with [REDACTED]. The remaining four (two sworn officers and

two civilian employees) did not, however, report their arrests and are the subjects of on-going investigations.

Exhibit 2 reflects the types of criminal offenses employees received during employment with the Department.

Exhibit 2 – Charges During Employment



Source: OIG Generated from WALES and NCIC III checks as of November 14, 2016.
DWI – Driving While Intoxicated.
DUI – Driving Under the Influence.

Conclusions

While all employees with criminal histories before employment with the Department disclosed such activity, four employees did not report arrests while employed with the Department and are now the subjects of on-going investigations.

Other Matters

The Department has not updated its hiring standards since 1997. In a previous report, *Review of Compliance with USCP Hiring Standards and with Directive [REDACTED]*, OIG reported the Department had outdated hiring standards and did not have a directive identifying its visions and goals in building a talented, committed, and diverse workforce to support an efficient and effective organizational culture. For example, the Department did not update or amend hiring standards to reflect transfer of statutory functions, duties, and

authority of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for USCP to the Chief of Police.⁴ Selecting qualified applicants is a critical step toward building a talented and committed workforce, supporting an effective organizational culture, and enhancing the overall performance of the Department.

Conclusions

Because USCP did not update its hiring standards, we make the following recommendation.

Recommendation 1 (Repeat Finding OIG-2008-08, dated August 2008): We recommend that the United States Capitol Police in coordination with the Capitol Police Board update its hiring standards and establish a comprehensive hiring directive to support an effective organizational culture and enhance the overall performance of the Department.

⁴ Public Law 108-7, February 20, 2003.

APPENDICES

Listing of Recommendations

Recommendation 1 (Repeat Finding OIG-2008-08, dated August 2008): We recommend that the United States Capitol Police in coordination with the Capitol Police Board update its hiring standards and establish a comprehensive hiring directive to support an effective organizational culture and enhance the overall performance of the Department.

DEPARTMENT COMMENTS



UNITED STATES CAPITOL POLICE

OFFICE OF THE CHIEF
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WASHINGTON, DC 20510-7218
February 2, 2017

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COP 161141

MEMORANDUM

TO: Fay F. Ropella, CPA, CFE
Inspector General

FROM: Matthew R. Verderosa
Chief of Police

SUBJECT: Response to Office of Inspector General (OIG) draft report *Evaluation of Compliance with United States Capitol Police Hiring Standards Directive* [REDACTED] Report No. OIG-2017-04)

The purpose of this memorandum is to provide the United States Capitol Police response to the recommendation contained within the Office of Inspector General's draft report *Evaluation of Compliance with United States Capitol Police Hiring Standards Directive* [REDACTED] Report No. OIG-2017-04).

The Department agrees with your recommendation and has developed a revised "Employment Suitability Standards" document which incorporates the existing Hiring Standards into a process consistent with today's employment suitability expectations. This package was recently approved by the Chief Administrative Officer and has been forwarded to the Office of the General Counsel and the Office of Employment Counsel for initial legal review.

Thank you for the opportunity to respond to the OIG's draft report. Your continued support of the women and men of the United States Capitol Police is greatly appreciated.

Very respectfully,

A handwritten signature in black ink, appearing to read "Matthew R. Verderosa".

Matthew R. Verderosa
Chief of Police

cc: Steven Sund, Assistant Chief of Police
Richard Braddock, Chief Administrative Officer
[REDACTED] USCP Audit Liaison

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United States Capitol Police
Attn: Office of Inspector General, Investigations
119 D Street, NE
Washington, DC 20510



Or visit us – we are located at:
499 South Capitol Street, SW, Suite 345
Washington, DC 20003



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