



## UNITED STATES CAPITOL POLICE OFFICE OF INSPECTOR GENERAL

### Review of Post-January 6, 2021, Overtime Usage and Status of Supplemental Appropriations

Report Number OIG-2022-03

March 2022

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**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 was 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.

Michael A. Bolton  
Inspector General

~~LAW ENFORCEMENT SENSITIVE~~

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## Abbreviations and Acronyms

|  |                        |
|--|------------------------|
| Civil Disturbance Unit                   | CDU                    |
| [REDACTED]                               | [REDACTED]             |
| Department of Justice                    | DOJ                    |
| Employee Assistance Program              | EAP                    |
| [REDACTED]                               | [REDACTED]             |
| Fiscal Year                              | FY                     |
| Office of Congressional Workplace Rights | OCWR                   |
| Office of Inspector General              | OIG                    |
| Public Law                               | P.L.                   |
| Standard Operating Procedure             | SOP                    |
| United States Capitol Police             | USCP or the Department |



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## EXECUTIVE SUMMARY

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In accordance with our *Annual Performance Plan Fiscal Year 2022*, dated November 2021, the Office of Inspector General (OIG) conducted a review of the United States Capitol Police (USCP or the Department) Post-January 6, 2021, Overtime Usage and Status of the Emergency Security Supplemental Appropriation. OIG objectives were to determine (1) how the Department had utilized overtime post January 6, 2021, and (2) the status of the emergency security supplemental appropriation. The scope of the review included the period January 7, 2021, through September 30, 2021.

On January 6, 2021, a physical breach of U.S. Capitol Building security occurred during a Joint Session of Congress to certify the Electoral College vote. Following the events of January 6, 2021, National Guard support was present in the Capitol Complex from January 6, 2021, until May 24, 2021. Additionally, the Architect of the Capitol erected several levels of perimeter fencing around the Capitol Complex. The January 6, 2021, breach of the U.S. Capitol Building resulted in a dramatic increase in the Department's overtime usage in order to support an elevated security posture, respond to specific events, and backfill staffing. The Department used an average of about 13,000 overtime hours per week during the first 3 weeks of December 2020. However, overtime hours peaked for 2021 at just under 50,000 hours during the week of the Presidential Inauguration on January 20, 2021. For the week of the President's Speech to the Joint Session of Congress, overtime hours jumped to more than 20,000 hours. Following the Speech to the Joint Session of Congress, overtime hours normalized to nearly 13,000 hours until the week of September 12, 2021. During that week, the "Justice for January 6<sup>th</sup> Rally" took place—an event requiring an increase in overtime hours to nearly 23,000.

Congress passed Public Law (P.L.) 117-31, *Emergency Security Supplemental Appropriations Act, 2021* (the Act). The Act provided a total of \$106,860,000 in additional appropriations to USCP for salaries, general expenses, and mutual aid reimbursement. As of January 31, 2022 the Department has committed, obligated, or liquidated \$57,253,108 of that funding, and has also identified the planned usage of the remaining funds. The Act provided \$37,495,000 for salaries, of which \$29,107,262 has been liquidated. A total of \$33,169,000 was provided for general expenses, of which \$18,407,958 was committed, obligated, or liquidated. An additional \$800,000 for general expenses related to coronavirus response was appropriated, with \$540,927 committed, obligated, or liquidated. The Act also provided \$35,396,000 for mutual aid reimbursements, of this amount \$9,196,961 has been committed or liquidated.

## BACKGROUND

On January 6, 2021, a physical breach of U.S. Capitol Building security occurred during a Joint Session of Congress to certify the Electoral College vote. Following the events of January 6, 2021, National Guard support was present in the Capitol Complex from January 6, 2021, until May 24, 2021. The Architect of the Capitol erected several levels of perimeter fencing around the Capitol Complex. The events of January 6, 2021, caused a dramatic increase in the Department's overtime usage to support the Department's elevated security posture, respond to specific events, and backfill staffing. According to standard operating procedure (SOP) No. [REDACTED], [REDACTED], dated March 11, 2020, "overtime requirements are based on posts that need to be staffed, the number of positions required to staff the posts, and any special requirements associated with the posts, such as hours/days of the week."

According to the Congressional Research Service, Congress may consider one or more supplemental appropriations measures for a fiscal year that generally provides additional funding for selected activities over the amount provided through annual appropriations. In general, cases where resources provided through annual appropriations are determined to be inadequate or not timely, Congress provides supplemental funding.

In response to the events of January 6, 2021, Congress passed Public Law (P.L.) 117-31, *Emergency Security Supplemental Appropriations Act, 2021* (the Act). The Act provided a total of \$106,860,000 in appropriation for the USCP. Specifically, the Act provided \$37,495,000 for salaries, \$33,169,000 for general expenses, \$800,000 for general expenses related to coronavirus response, and \$35,396,000 for mutual aid reimbursement.

## OBJECTIVES, SCOPE, AND METHODOLOGY

Our objectives of this review were to determine (1) how the Department had utilized overtime post January 6, 2021, and (2) the status of the emergency security supplemental appropriation. Our scope included the period of January 7, 2021, through September 30, 2021.

To accomplish our objectives, we reviewed the following laws as well as USCP policies and procedures:

- SOP No. [REDACTED], dated March 11, 2020.
- SOP No. [REDACTED], dated April 6, 2017.

- P.L.117-31, *Emergency Security Supplemental Appropriations Act, 2021*.

The Office of Inspector General (OIG) reviewed the Department's overtime hour usage by week from December 2020 to September 2021. It also reviewed information the Department provided for the status of emergency supplemental appropriations, including the Department's plans for the obligation and expenditure of available funding.

OIG conducted this assessment in Washington, D.C., from January 2022 through February 2022. We did not conduct an audit, the objective of which would be the expression of an opinion on Department programs. Accordingly, we did not express such an opinion. OIG did not conduct this assessment in accordance with generally accepted government auditing standards. Had we conducted an audit and followed such standards, other matters might have come to our attention.

On March 2, 2022, we provided a draft copy of this report to Department officials for comment. We incorporated Department comments as applicable and attached the response to the report in its entirety as Appendix A.

## RESULTS

The Department had utilized overtime at increased level since the events of January 6, 2021. The increased overtime was for supporting an increased security posture, responding to specific events, and backfilling staffing when needed. Additionally, the Department committed, obligated, or liquidated \$57,253,108 of funding appropriated in P.L. 117-31 and plans to utilize the \$49,606,892 of remaining funds.

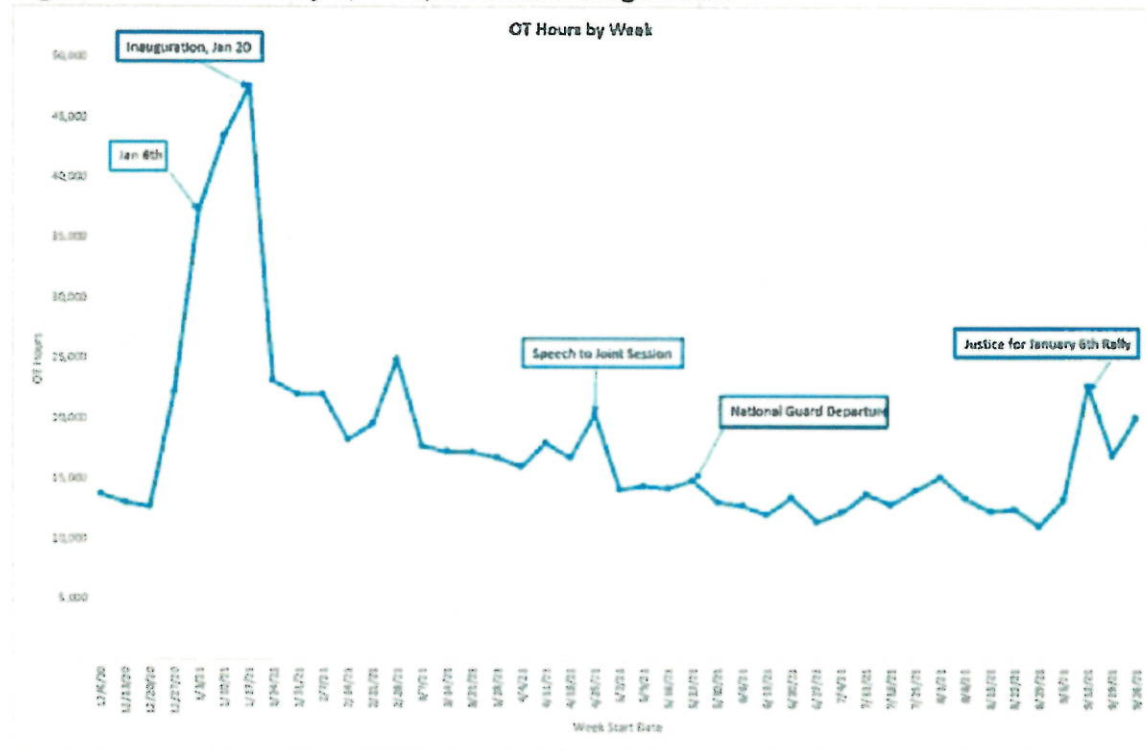
### Post-January 6, 2021, Overtime Usage

Overtime hour usage during the first 3 weeks of December 2020 averaged around 13,000 hours per week. However, after the events of January 6, 2021, and until June 2021, overtime hours for USCP remained at an elevated level.

After January 6, 2021, several events contributed to the significant increase in overtime. For example, during the week of the Presidential Inauguration on January 20, 2021, overtime hours peaked for 2021 at just under 50,000 hours. In February 2021, there was a notable increase in hours that the Department stated was the result of security enhancements and member non-leadership protective details. During the week of April 25, 2021, which corresponded with the President's Speech to the Joint Session of Congress, hours increased to around 20,000. The next notable increase in overtime hour usage took place in July and August 2021; the Department noted that the increase was from staffing backfills for an increase in officer leave. The final significant spike of 2021 overtime hour usage of nearly 23,000 hours was during the week of September 12, 2021,

which corresponded to the “Justice for January 6<sup>th</sup> Rally.” See Figure 1 for graph showing overtime hours by week.

**Figure 1 – Post-January 6, 2021, Overtime Usage Chart**



Source: OIG generated from Department provided overtime data.

USCP received National Guard support until May 24, 2021, and several levels of perimeter fencing were in place until the removal of the final level on July 11, 2021. We inquired why overtime use remained at an elevated level with the National Guard and fencing in place. The Department responded as follows:

The USCP utilized mandated overtime after January 6th as a direct result of the violent attack on the U.S. Capitol. The USCP had over 100 officers that were injured on January 6th and were placed on administrative leave as well as those that were out for the COVID pandemic. In addition, the anti-scale fencing was erected that provided additional access point control and perimeter posts for USCP. USCP also began to [REDACTED] [REDACTED] due to the threat environment that we were operating in with the pending Inauguration that was three weeks after the January 6th attack. While the USCP had assets and personnel from the National Guard, this did not alleviate current USCP fixed posts at barricades, checkpoints or interior posts. The National Guard was tasked with daily CDU



support (Mobile Field Force Teams) across the hill, outer fence posts, roving patrols to supplement the diminished USCP ability to have additional patrols due to the additional posts that USCP had and manpower shortage that USCP faced post January 6th. The National Guard did not supplant USCP posts, they worked as a force multiplier to allow for a greater response capability, civil disturbance capability and outer perimeter fence patrol and access points. There were [REDACTED] [REDACTED] [REDACTED] that created a high threat environment for the DC region and law enforcement specifically.

## **Status of the Emergency Security Supplemental Appropriations**

P.L. 117-31 included \$37,495,000 for Salaries "to remain available until September 30, 2022, to respond to the events at the United States Capitol on January 6, 2021, and for related purposes." In addition, P.L. 117-31 specifically identified \$11,861,300 of the funding for the following purposes: \$3,600,000 for retention bonuses, up to \$6,900,000 for hazard pay for employees of the Capitol Police, and \$1,361,300 for the wellness program for the United States Capitol Police.

The Department stated that as of January 31, 2022, it had expended all of the \$3,600,000 for retention bonuses. In addition, it expended \$6,533,406 of the amount appropriated for hazard pay for this purpose and the Department will use the remaining amount to offset other salary expenses in Fiscal Year (FY) 2022. Further, as of February 28, 2022, the Department stated it has not yet used the \$1,361,300 for the wellness program and provided the following status of that program:

Two Wellness Specialists entered on duty on February 28, 2022. The FY22 bi-weekly pay for these two employees will now be charged to these funds. The advertisement for a Wellness Director is being developed and will be advertised in March 2022. Applications are currently being reviewed by a selection panel for the Lead EAP<sup>4</sup> position. It is expected that the interview process will begin within the month of March 2022, with a view toward selecting and on-boarding the Lead EAP Specialist no later than May 2022. Advertisement and selection processes for the additional 2 EAP positions will be finalized as soon as the Lead EAP Specialist is in place and has weighed into the process. Once selected, the bi-weekly pay for these 3 positions will be charged to the associated supplemental funding. At her request, the Department is also working closely with [REDACTED] on overall program development and offerings within the Howard C. Liebengood Center for Wellness.

Of the remaining appropriated \$25,633,700, the Department spent \$18,973,856. According to the Department, this was spent on "student loan repayment, additional retention bonuses, intelligence analysts expenditures, agency admin leave, protective detail overtime, overtime with benefits, backfill overtime (FY21 and FY22)." The

[REDACTED]  
[REDACTED]  
<sup>4</sup> EAP – Employee Assistance Program

Department stated that it plans to spend the remaining \$6,659,844 on the salaries of the [REDACTED] and FY 2022 overtime.

Additionally, P.L. 117-31 includes \$33,169,000 for General Expenses “to remain available until September 30, 2022, to respond to the events at the United States Capitol on January 6, 2021, and for related purposes.” The public law specifically splits \$14,928,000 of the total general expenses amount into four categories. This includes \$2,628,000 for physical protection barriers and various civil disturbance unit equipment, which “may be transferred to and merged with the Capitol Police Building and Grounds Account of the Architect of the Capitol;” \$5,000,000 for reimbursable agreements with state and local law enforcement agencies; \$4,800,000 for protective details for Members of Congress, including Delegates and the Resident Commissioner to the Congress; “up to \$2,500,000 may be transferred to ‘Department of Justice—United States Marshals Service—Salaries and Expenses’ for the purpose of reimbursements for providing peer-to-peer and group counseling services to the Capitol Police and training and technical and related assistance necessary to establish a peer-to-peer and group counseling program within the Capitol Police.”

As of January 31, 2022, the Department stated that it had obligated or liquidated \$2,311,390 of the amount for Physical Protection Barriers and Civil Disturbance Unit (CDU) Equipment for “respirators for sworn officers, CDU hard gear,” with plans to spend the remaining amount “to pay for additional CDU and other protective equipment.” The Department obligated or liquidated \$3,504,000 of the amount for reimbursement to state and local law enforcement agencies for an agreement with a local law enforcement agency with plans to spend the remaining amount to pay for additional mutual aid anticipated with increasing threats against Members. The Department also stated that “\$2.3M obligated and/or expended to date for travel costs related to the protection of Members,” and the Department plans to spend the remaining amount “to pay for additional protective details with increasing threats against Members.” The Department further stated the entire amount that was transferable to the Department of Justice (DOJ) for Counseling Services has been obligated for this purpose and the Department entered into a Memorandum of Understanding with the United States Marshals Service in September 2021. Of the \$18,241,000 remaining amount appropriated, the Department has committed, obligated, or liquidated \$7,821,568 for “COVID testing, training, iPhone capabilities for sworn officers, legal support, basic riot control equipment, equipment and vehicles, technology resources for the Intelligence Division, counseling services.” According to USCP officials, the Department will spend the remaining amount “for specialized vehicles, tactics training, gear storage; COVID testing in accordance with OCWR<sup>5</sup> regulations for non-vaccinated employees; USCP collective & specialized training, contracted intelligence analysis support for regional offices; legal support, equipment & vehicles, counseling services.”

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<sup>5</sup> OCWR – Office of Congressional Workplace Rights

Furthermore, P.L. 117-31 includes \$800,000 for General Expenses "to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus." As of January 31, 2022, the Department stated that \$540,927 of the amount appropriated for coronavirus response was committed, obligated, or liquidated "to reimburse prior coronavirus related expenses or for new coronavirus related supplies" with the remaining amount to also be spent for these purposes.

Finally, P.L. 117-31 includes \$35,396,000 "to remain available until September 30, 2026, for reimbursements for mutual aid and related training, including mutual aid and training provided under the agreements described in section 7302 of Public Law 108-458.<sup>6</sup> [Of that amount,] \$9,096,000 is available to be used for reimbursement to the United States Capitol Police's primary local law enforcement partners for mutual aid provided in response to the events of January 6, 2021."

As of January 31, 2022, the Department spent the entire \$9,096,000 appropriated to reimburse primary local law enforcement partners for their response to January 6, 2021, to reimburse the Metropolitan Police Department. Of the remaining appropriated \$26,300,000, the Department spent \$100,961 "to reimburse for mutual aid" and plans to use the remaining amount for the same purpose. See Figure 2 for a summary of the status of the supplemental appropriations as of January 31, 2022.

**Figure 2 – Status of Emergency Supplemental Appropriations**

| Category   | Subcategory  | Appropriated Amount | Committed / Obligated / Liquidated | Available           |
|--|--|---------------------|------------------------------------|---------------------|
| <b>Salaries - Total</b>                                |  | <b>\$37,495,000</b> | <b>\$29,107,263</b>                | <b>\$8,387,738</b>  |
|  | Retention Bonuses  | \$3,600,000         | \$3,600,000                        | \$0                 |
|  | Hazard Pay   | \$6,900,000         | \$6,533,406                        | \$366,594           |
|  | Wellness Program - 3 Wellness / 3 EAP  | \$1,381,300         | \$0                                | \$1,381,300         |
|  | Remaining amounts appropriated   | \$25,613,700        | \$18,973,856                       | \$6,639,844         |
| <b>General Expenses - Total</b>                        |  | <b>\$33,169,000</b> | <b>\$18,407,958</b>                | <b>\$14,761,042</b> |
|  | Physical Protection Barriers and CDU Equipment   | \$2,628,000         | \$2,311,390                        | \$316,610           |
|  | Reimbursement to State and Local Law Enforcement Agencies  | \$3,000,000         | \$3,504,000                        | \$1,496,000         |
|  | Protective Details for Members of Congress   | \$4,800,000         | \$2,271,000                        | \$2,529,000         |
|  | May Transfer to DOI for Counseling Services  | \$2,500,000         | \$2,500,000                        | \$0                 |
|  | Remaining amounts appropriated   | \$18,241,000        | \$7,821,568                        | \$10,419,432        |
| <b>For An Additional Amount for "General Expenses"</b> |  | <b>\$800,000</b>    | <b>\$540,927</b>                   | <b>\$259,073</b>    |
|  | Coronavirus Response (\$800,000)   | \$800,000           | \$540,927                          | \$259,073           |
| <b>Mutual Aid Reimbursement</b>                        |  | <b>\$35,396,000</b> | <b>\$9,196,961</b>                 | <b>\$26,199,039</b> |
|  | Reimbursement to Primary Local Law Enforcement Partners for Mutual Aid Provided in Response to the Events of January 6, 2021 | \$9,096,000         | \$9,096,000                        | \$0                 |
|  | Remaining amounts appropriated   | \$26,300,000        | \$100,961                          | \$26,199,039        |

Source: OIG generated from Department provided data as of January 31, 2022.

<sup>6</sup> Section 7302 of P.L. 108-458 defines a Mutual Aid Agreement as an agreement, authorized for the provision of police, fire, rescue and other public safety and health or medical services to any party to the agreement during a public service event, an emergency, or pre-planned training event.

## **Conclusions**

The Department utilized overtime at an increased level to support an elevated security posture, respond to specific events, and backfill staffing when needed since the events of January 6, 2021. Additionally, the Department committed, obligated, or liquidated \$57,253,108 of funding appropriated in P.L. 117-31 and has identified the items for which the remaining \$49,606,892 will be used.

# APPENDICES



## DEPARTMENT COMMENTS



### UNITED STATES CAPITOL POLICE

OFFICE OF THE CHIEF  
119 O STREET, NE  
WASHINGTON, DC 20515-7218

PHONE 202-374-8500

March 11, 2022

COP 220337

#### MEMORANDUM

**TO:** Michael A. Bolton  
Inspector General

**FROM:** J. Thomas Manger  
Chief of Police

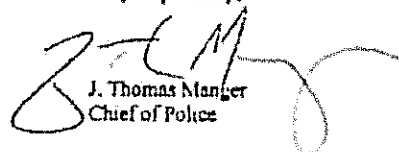
**SUBJECT:** Response to Office of Inspector General draft report *Review of Post-January 6, 2021, Overtime Usage and Status of the Emergency Security Supplemental Appropriation* (Report No. OIG-2022-03)

The purpose of this memorandum is to provide the United States Capitol Police response to the Office of Inspector General's (OIG) draft report *Review of Post-January 6, 2021, Overtime Usage and Status of the Emergency Security Supplemental Appropriation* (Report No. OIG-2022-03).

The Department would like to thank the Office of Inspector General for conducting this review regarding the overtime usage post January 6, 2021, and the use of the emergency security supplemental appropriations provided to the Department within P.L. 117-31. I am pleased that the findings of this review confirm that the Department has adequately utilized the funding provided within the appropriation and our overtime was properly monitored.

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 appreciated.

Very respectfully,

  
J. Thomas Manger  
Chief of Police

cc: Assistant Chief Yogananda D. Pittman, Protective & Intelligence Operations  
Acting Assistant Chief Sean P. Gallagher, Uniformed Operations  
Richard L. Braddock, Chief Administrative Officer  
[REDACTED] Program Manager / Audit Liaison

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Attn: Office of Inspector General  
499 South Capitol St. SW, Suite 345  
Washington, DC 20003*



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*499 South Capitol Street, SW, Suite 345  
Washington, DC 20003*



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