

**OVERSIGHT OF THE UNITED STATES CAPITOL
POLICE FOLLOWING THE JANUARY 6TH
ATTACK ON THE CAPITOL, PART II**

HEARING

BEFORE THE

**COMMITTEE ON RULES AND
ADMINISTRATION**

UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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FIRST SESSION

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TUESDAY, DECEMBER 7, 2021

UNITED STATES SENATE
COMMITTEE ON RULES AND ADMINISTRATION
Washington, DC

The Committee met, pursuant to notice, at 10:02 a.m., in Room 301, Russell Senate Office Building, Hon. Amy Klobuchar, Chairwoman of the Committee, presiding.

Present: Senators Klobuchar, Blunt, Warner, King, Padilla, Ossoff, Cruz, Capito, and Fischer.

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

Chairwoman KLOBUCHAR. Good morning. I call to order this hearing, which is the Rules Committee's oversight hearing of the United States Capitol Police following the January 6th attack on the Capitol. As you know, Senator Blunt and I have led a series of hearings over improvements that must be made, changes that must be made, and we joined forces with Senators Peters and Portman of the Homeland Security Committee so that we had a more comprehensive look at the security failures on January 6th, which of course included mistakes at the top of the Capitol Police, mistakes of leadership within this building, and then mistakes on the side of the Defense Department and other agencies.

We are greatly appreciative of what Mr. Michael Bolton, the Inspector General for the Capitol Police, has done. I want to thank you for being here, Inspector General Bolton. We welcome your wife, who is also with us today. We will try not to ask her questions if you cannot answer them. I think, you know the significance of this moment. We are here just over 11 months after the violent insurrection at the Capitol. Why? Because this Committee has the responsibility of oversight of the police.

As we approach this year's end, we will hear more today about the measures that have already been taken to improve the Capitol Police Department's preparedness and operations, as well as the work that still needs to be done. You, Inspector General, put together a comprehensive list. I remember Senator Blunt and I reviewing it as we prepared our own recommendations, a comprehensive list of over 100 recommendations. We consolidated some of

those, came up with some of our own that, as I noted, were outside of the police department as well.

I think January 6th is a pretty good date to get the vast number of these things done, which we will be telling the Sergeant of Arms of both bodies, as well as the Capitol Police Chief. But we know progress has been made, and in the new year we will continue this discussion as our first hearing will be with the new Capitol Police Chief and then we can get much more focused on the details of our own recommendations. In June, the week before you testified Mr. Bolton, before this Committee, we issued our bipartisan report with the Homeland Security Committee, as I noted, focused on the security, planning, and response failures of that day, that unprecedented, horrific day.

Our report laid out key findings and recommendations. Importantly, as I noted, progress has been made in putting many of those recommendations in place. We recommended that the Capitol Police produce a department-wide operational plan for all large scale events at the Capitol, and now those plans are standard procedure and have been used several times since then. The Department has also worked to improve its handling of intelligence, including by making sure that information is shared with rank and file officers, another of our recommendations. We said that Congress should provide sufficient funding to support Capitol Police training and equipment requirements, as well as needed staffing levels.

In July, President Biden signed our emergency funding legislation into law, which passed both houses of this Congress, to deliver resources to do just that. Significant resources in the supplemental budget that many of us on this Committee worked with Senator Leahy, who is a member of this Committee, as well as Senator Shelby, to make sure that these resources were included. We did not want to wait until year end. We wanted to get it done immediately. That legislation also provided funding for mental health support for officers, something I have strongly supported.

Another recommendation was for the Capitol Police Board to appoint a new Police Chief, which it did in July with the selection of Chief Manger. For the past several months, Chief Manger has worked to make needed changes and implement recommendations, both from our report as well as from your Inspector General reports, Mr. Bolton. At our last hearing with you, you updated us on the review of Capitol Police policies and practices since the insurrection, including on the four reports you had issued at that time. Since then, you have finished three more reports detailing issues that impacted the Department's response to the events of January 6th, and you are finishing a final report outlining your findings and progress to address them.

Significantly, you have issued a total of 104 recommendations, of which 30 have now been implemented, in an effort to ensure that the Department is equipped to fulfill its mission. It is not as though work is not being done on the other recommendations. As you know, they are in progress. As I noted, we will have an ideal moment at the beginning of January to go back through with the Chief himself, the work that needs to be done, the work that is done. This kind of alert to those working on these recommendations, not just—not just with the Capitol Police, but the other agen-

cies as well, that they get their work done. This work is crucial to improving the security of the Capitol and also to supporting the brave officers who served heroically in unimaginable circumstances.

It was an honor to stand with some of those officers with Senator Blunt and their families as the President signed our bipartisan legislation to honor the heroes who defended our democracy with the Congressional Gold Medal. We owe it to these courageous officers to make sure they have the resources and support and the rules in place to do their jobs. Since January 6th, anyone that walks around this Capitol, talks to officers as I do, asks officers questions, sees how they are doing, you find out, one, that there has been some improvement in morale, which I think is really important. They lost so many of their fellow officers, including those who sadly died by suicide. But we also know from them there continue to be staff shortages. We have now put the money forward for that but this police department, like many across the country, is facing staff shortages and we must fill those jobs.

As our country moves forward, we know that there are many issues that merit serious consideration. A major investigation, which I support is going on, a bipartisan investigation, in the House of Representatives, looking back at the root causes of what happened.

Our job today is to look at the security at the Capitol, and I look forward to discussing your findings, Inspector General Bolton, the progress that has been made at the Capitol Police Department in the past several months, and certainly the work that lies ahead not only with the Capitol Police Department but getting answers to the other issues we raised in our report, along with Senator Peters and Senator Portman, with regard to the other agencies and how they work with the Capitol Police.

Thank you very much, Mr. Bolton, and we look forward to hearing from you. I will turn it over to my friend and colleague, Senator Blunt.

OPENING STATEMENT OF HONORABLE ROY BLUNT, A UNITED STATES SENATOR FROM THE STATE OF MISSOURI

Senator BLUNT. Well, thank you, Senator Klobuchar. Again, and thank you also for your focus on these issues. I think the fact that we quickly began to look into what had happened and try to come up with our own recommendations, and as I think you also pointed out, we referenced the IG's recommendations at the time, and I know the new recommendations we are going to hear about today.

This is the fourth hearing that this Committee has had regarding the January 6th attack on the Capitol, and the second time we have had a chance to have the United States Capitol Police Inspector General come and be here with us today. I appreciate the opportunity to talk to him as he concludes what is his 11 month investigation. It began also immediately. There were recommendations made immediately and others to be made today. Glad to have Mr. Bolton's wife, Bridget here with us today, and I will share Senator Klobuchar's view that we will not ask her any questions that you are not able to answer.

But I know she is proud of your work, and I know the amount of work you have had to put in to cover this territory, to come up with all the recommendations you have over the last 11 months has meant that your family has had to be an important and patient part of that, and we are grateful to Bridget for what she has done to support this work as well. The impact on the Department has been clear, though I think we are still trying to be sure we fully understand the impact today. You know, the detailed 104 recommendations from your office made with the help of the Department's Operational Readiness Committee has made a difference already. As I have said before, what you do and what we have talked about and what your report makes clear, and what Senator Klobuchar just mentioned, you know, the front line officers were the true heroes that day.

They defended the Capitol bravely and without hesitation, particularly those officers at that door on the west side of the Capitol secured that door for a significant period of time, never even getting the information that there were already people who had breached the building in other ways. My colleagues and I remain incredibly grateful for the dedication of the Capitol Police and what they do to not just protect the Congress but protect everyone who works here and everyone who visits here, and it is incredibly important. I would like to highlight two divisions that were subjects of your most recent flash report.

They, according to your report, and something that we all, I think, had no surprise in, you described their performance as exceptional and excellent, the Dignitary Protection Division and the Hazard Incident Response Division. First, the Dignitary Protection Unit, the Division successfully evacuated and relocated all of the congressional protectees on January 6th, even without having the critical intelligence that they would have needed in advance to know the kinds of things that might happen that day.

Second, the Hazardous Incident Response Division disposed of multiple hazardous devices found on or near the Capitol campus. Later that day, those teams conducted sweeps of the Capitol grounds and buildings, which really allowed us to get back to the important work of the joint session. You know that division could have created all kinds of, since, well, we need to have more time, we are worn out, we are exhausted.

Nobody did that and that allowed us to get back in the Capitol, and I think Senator Klobuchar and Senator Warner and others here were back in the Capitol by 8 o'clock or so, and when we left the Capitol at 3:30 a.m. that morning, Senator Klobuchar, we were able to do that knowing that that building had been secured by the Capitol Police, who also understood, I think, the importance of the work we do here. It would have been an easy minute—there would have been an easy moment to say, well, let's come back tomorrow or we need another 48 hours. But the Capitol Police and particularly the unit that had to do the sweep of the Capitol also shared and understood the importance of the work we do here.

Any comments or questions I have today regarding any deficiencies of the Capitol Police are certainly not meant to disparage or reflect on the rank and file or diminish their actions on the 6th. Frankly, our questions, I think, and certainly mine are likely to

continue to be about the leadership failures that day. I think the Committee should hear, and I am glad that the Chairwoman has decided we will hear, in January from Chief Manger. There is no better time to find out what the Capitol Police have done in what will then have been the past 12 months to be sure that this kind of thing cannot happen again.

If it does happen again, we would be much better prepared for it in ways that would ensure, frankly, that the kind of events that happened that day would not be successfully repeated or even attempted. It is important that we understand limitations that have prevented the Capitol Police from fully implementing the recommendations that you made, and our Committee has made. But there better be limits that makes sense whenever we have a chance to talk to the Chief about those limits in this Committee in January. Chairwoman and I drafted legislation that would provide the Police Chief with unilateral authority to request emergency assistance from the National Guard.

Even this week, Senator Klobuchar, we are reading stories about some of the testimony that we took in—eight months ago and finding out that that testimony is still is highly dubious as it appeared to be the day we took that testimony. We work with our colleagues with the supplemental bill to provide the Department with additional necessary funding for salaries. Many officers were reaching their salary cap and obviously with the officers leaving, the officers that remained were asked to do more and more.

We have also looked at overtime pay, at trauma support, riot control equipment for all officers, and specialized training for those officers that need to be part of specialized units. I think we are going to work together to see that the officers are better trained, better equipped, and better prepared. We owe that to the front line officers and their families.

They do everything they can every day to protect the Members of Congress, the congressional officers, employees, and visitors to the Capitol on a daily basis, and we are grateful for that, and glad you are here today.

Chairwoman KLOBUCHAR. Well, thank you very much, Senator Blunt. When I think of that day, I think of the two of us, as you noted at 3:30 in the morning, walking across those hallways, those corridors with broken glass on every side, with those two young women, with the mahogany box, with the last of the electoral ballots.

I think that is forever seared in our memories. Much of this is not just getting to the root causes, which is critical to what is happening in the House, but it is making sure it never happens again. That is going to be about both the improvements we have made and will make with the Capitol Police and the agencies that are affiliated with them and making sure that there is better coordination and intelligence sharing and the like. I also want to note we have been joined by Senator Warner, who is on this Committee and also is the chair of the Intelligence Committee, so this will be helpful to have him here, as well as Senator King and Senator Padilla and Senator Capito. We thank them for being with us today.

I will now introduce our witness, Mr. Michael Bolton, the Inspector General for the United States Capitol Police. Mr. Bolton has

served in the Capitol Police Office of the Inspector General for 15 years. He was appointed as Inspector General in January 2019. Earlier in his career, he served as Special Agent in charge of the Treasury Department's Office of Investigation for four years. He also served for 21 years with the United States Secret Service.

Mr. Bolton holds a degree in criminal justice from the University of Maryland. I will now swear in our witness. Mr. Bolton, will you please stand and raise your right hand. 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. BOLTON. I do.

Chairwoman KLOBUCHAR. Thank you. You are now recognized for your testimony.

OPENING STATEMENT OF MICHAEL A. BOLTON, INSPECTOR GENERAL, UNITED STATES CAPITOL POLICE, WASHINGTON, DC

Mr. BOLTON. Thank you. Good morning, Madam Chair Klobuchar, Ranking Member Blunt, and distinguished Members of the Committee. Thank you for this opportunity to appear before you at the Committee of Senate Rules and Administration to discuss and review events in regards to the Capitol Police Department's operation, programs, and policies that were in effect during January 6, 2021. I would like to extend my appreciation to the Committee for holding this hearing and the important work that this Committee continues to do to make the Capitol complex safe and secure.

I always like to take the time and extend and recognize the outstanding efforts and work done by my staff in the Office of Inspector General. Through their collective efforts and skills, we have produced eight flash reports outlining areas of improvement for the Department, resulting in 104 recommendations. Our last and final flash report is a summary of the status of the recommendations we have made and security improvements that the Department has made since January 6th.

Although the Department has addressed some of our recommendations and have made security improvements throughout the Capitol complex, much work still needs to be addressed in relation to training, intelligence, cultural change, and operational planning. We are currently finalizing our final flash report, which we anticipate issuing within the next few days. Since my last hearing before this Committee, we have issued three additional flash reports. These reports include areas in the Department, such as Communication Coordination Bureau, the Hazards Incident Response Division, K-9 Unit, and finally Dignitary Protection Division, and Human Capital. Our fifth flash report was designed to communicate deficiencies within the Department's Command and Coordination Bureau.

Additionally, to gain a perspective on department-wide command and control challenges, on January 6th, we contacted 86 officers and completed interviews with 36 of them who agreed to be interviewed. We also reviewed 49 after action reports the United States Capitol Police officers and employees completed. Based on our interviews with the Capitol Police officers and review of it after ac-

tion reports, we identified department-wide command and control deficiencies related to information sharing, chain of command direction, communication, preparedness, training, leadership development, emergency response procedures, and law enforcement coordination.

Our sixth flash report was designed to communicate deficiencies with the Department's Hazardous Incident Response Division and K-9 unit. Deficiencies included the lack of adequate Department guidance for both units. The Department did not always comply with guidelines related to K-9 operations or training and did not always ensure K-9 policies and procedures were up to date.

A lack of K-9 related training or operational experience required for officials and formal guidance for emergency procedures, as well as inadequate hazardous device response guidance, could have hampered the efficiency of the K-9 unit on January 6th. Our seventh flash report was designed to communicate inefficiencies with Department's Dignitary Protection Division and Human Capital. The Dignitary Protective Division contributed towards—greatly contributed towards the Department's mission through proper training and successfully evacuating individuals under its protection during January 6th.

However, the Dignitary Protection Division incurred authorization issues with staging evacuation vehicles on January 6th, in addition to training programs, lacked a dedicated training staff, facilities issues, and weapons system training integration. USCP could not provide documentation supporting that it implemented those recommendations. Our eighth and final flash report is a summary of the status of our 104 recommendations and any security improvements made by the Department since January 6th. Although the Department has made several changes to include updating policies and procedures, additional training for CDU units, the Civil Disturbance Units, and the hiring of a subject matter expert in the planning and coordination of large events or high profile demonstrations, the Department still has more work to achieve the goal of making the Capitol complex safe and secure.

Out of the 200 security enhancements that the Department has provided to the OIG, only 61 of those items have supporting documentation to support those enhancements to have occurred. Some of the other security enhancements the Department has instituted has been an additional intelligence briefings provided to the rank and file, as well as to Department leadership. The Department still lacks an overall training infrastructure to meet the needs of the Department. The level of intelligence gathering, and expertise needed, and an overall cultural change needed to move the Department into a protective agency as opposed to a traditional police department.

In conclusion, the Department is comprised of extraordinary men and women who are dedicated to protecting democracy, putting their own lives in harm's way in order for Congress to exercise their constitutional duties in a safe and open manner. It is our duty to honor those officers who have given their lives, but also ensuring the safety of all those working and visiting the Capitol complex by making hard changes within the Department.

Finally, I would like to thank not only this Committee, but also the Committee on House Administration and the Select Committee to Investigate the January 6th Attack for their continuing support of my office and the work they have done in protecting democracy so that events such as January 6th never happen again. Thank you for this opportunity to appear before you today. I will be very happy to answer any questions the Committee may have.

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

Chairwoman KLOBUCHAR. Thank you very much, Mr. Bolton. We will never forget the words of one officer on January 6th picked up on the radio, "Does anybody have a plan?" in the middle of the insurrection. In your report on command and control issues, you found that there was no plan. The Department did not have adequate procedures for coordinated emergency responses, officers were not briefed in intelligence, and there was a lack of direction about what to do about the attack. You recommended that officers be given briefings at roll calls on potential hazards. Can you elaborate on what was lacking in this area on January 6th? How has that changed?

Mr. BOLTON. Thank you. That has changed in a couple of different ways. First, they have hired from the outside a subject matter expert for operational planning. As evident, as you probably saw the difference on September 18th, demonstrations that we had up here just recently. The signal they have started attending—intelligence division analysts started attending roll calls to provide briefings to the officers as well as to the command staff, whether it be the sergeants and above, the lieutenants and inspectors. They are now receiving daily briefings and receiving the appropriate threat assessments. In addition, every officer has been provided a Government cell phone for any alerts on campus and, or recall messages that may be needed.

Chairwoman KLOBUCHAR. Okay. You recommended, you mentioned this in your testimony, that the Department establish comprehensive lockdown procedures for the Capitol complex to account for various potential hazards. How would these plans improve safety in emergency situations? Have you received any response from the Department as to how they are going to implement them?

Mr. BOLTON. They are in the process of updating their policies and procedures. In addition to that, they have started conducting training, making sure that not only do the officers on post, but also as well as the officials around have knowledge of the lockdown procedures. You need to have that coordinated effort, if we indeed need to have another lockdown. Everybody knows how to do those procedures in a quick and timely manner so that we can lock this building down quickly.

Chairwoman KLOBUCHAR. The emergency supplemental funding legislation signed into law in July included significant new funding for the officers' access to equipment. We noted the need for funding for equipment in our joint report, after finding that 75 percent of the officers—900 of 1,200 on duty that day—were forced to defend the Capitol in their regular uniforms. Do you agree that this funding should help the Department improve officers' access to protective equipment? What steps have been taken to address this issue?

Mr. BOLTON. The Department has just recently purchased new equipment to include either replacement of those shields that we had talked about in the previous flash reports where they were more properly stored, they are now storing them properly. They have the additional munitions now, up to date. Now they have improved, and now they have also conducted joint training for the CDU units, the Civil Disturbance Units, so they are conducting the joint training and getting the training and getting the equipment needed.

Chairwoman KLOBUCHAR. In our last hearing, you noted in response to questions that the Department was suffering from low morale. Do you still see that as a major challenge facing the Department? Do you have any comments on the Department's effort to recruit new officers? Obviously, all the overtime, the repeated day after day after day of working would take a toll on anyone.

This is, of course, coming after having been through that insurrection, not properly trained, not properly equipped, and not properly led. That is what we are dealing with here and we know what a problem it has been.

Mr. BOLTON. When you talk about morale, that is a difficult thing to pinpoint as far as getting a definitive feel for morale. That is something anecdotal that you may get from time to time is the thing. But I would say that their morale has generally increased, or we have gotten better since obviously the—because they are seeing some changes.

The officers and the rank and file are starting to see that things are starting to turn around a little bit. The Department is actively recruiting those—they have been filling the classes with—down the—in fact, they just had one just recently just before Thanksgiving that they sent down to the Federal Law Enforcement Training Center.

They are starting to see some improvement, but I think the officers are in that wait and see mode. They want to see what else are we going to do. They do recognize it does take time, but also they are watching leadership and watching the community at large, how we are going to move forward.

Chairwoman KLOBUCHAR. Well, as you know, there has been a massive change in leadership, both at the Sergeant of Arms levels for both the House and the Senate, as well as a new Police Chief. Do you think that the selection of a permanent Chief has impacted the Department's ability to make needed changes? What issues, when this Committee has the Chief before us at the beginning of next year, what things should we be pushing for in your opinion and what maybe keeps you up at night that has not gotten done yet?

Mr. BOLTON. Besides having two kids, a lot of things keep me up at night. Certainly having a permanent Chief, that is one step forward. Because it is very difficult when you start and try and make changes when you are having an acting—somebody in an acting capacity that does. Those are important to fulfill.

The areas that I have some concern still is major—two major is training, a training infrastructure, a proper one in intelligence. One, intelligence is still considered a division as opposed to being a bureau level. They have yet to hire a permanent Director to head

up the intelligence. I would like to see that certainly position be filled with an individual who has the necessary skills and abilities to elevate that intelligence into the bureau level. Now, training, which we are already conducting—we have actually started.

Our next job is not a flash report, it is our normal type of job that we have with our annual plan. We are looking at training services bureaus from top to bottom, and we anticipate that report will be issued sometime in February, that we want to see training become the flagship of this Department, much like when we view Quantico's and the Secret Service Rowley Training Center, you look at their org chart compared to ours, we are nowhere near close and we need to have a training service bureau infrastructure that is going to handle all the training.

Chairwoman KLOBUCHAR. Okay, thanks. I will let Senator Warner talk about intelligence sharing. My last question is just, the Defense Department, relationships with the Defense Department, which obviously there was much help of our National Guard here at the Capitol. We now—that has been drawn down. But as we look forward to how we have better coordinated efforts, if ever necessary, in the future, any recommendations on that? That was a major problem as well.

Mr. BOLTON. I think a lot of this is going to be continuously have the training, integrated training, whether it would be the National Guard, Metropolitan Police Department, and that kind of goes right back to the Training Services Bureau is the one who should be handling that and making those relationships stronger within the realm of training. It needs to be a continuing. That is what also worries me is that yes, we are getting—like, still the central unit is getting trained now. Is it going to be continuous?

Chairwoman KLOBUCHAR. Okay. Yes. I will ask you about this later. I will let my colleagues go. But part of this was, you know, having the Defense Department on the ready and the soldiers on the ready to help us out. We ended up, of course, with Senator Warner's National Guard there in Virginia and other ones stepped in. But there was, in our opinion, some delays that were very costly. Senator Blunt.

Senator BLUNT. Thank you, Senator Klobuchar. Mr. Bolton, when we had our last hearing with you, I think it was pointed out that most of the recommendations that you had made up until that time could be done, the majority of them could be done without the Police Board being involved or without any even additional funds. How many of your, I think now around 104 recommendations, have been implemented?

Mr. BOLTON. Out of 104, we have 30.

Senator BLUNT. 30?

Mr. BOLTON. Yes, sir.

Senator BLUNT. Are you getting significant pushback on the remaining 74?

Mr. BOLTON. Not at this time. We have not gotten any pushback. There may be some, the recommendations that we will have to sit down with the Chief and with the Board to hash out the very nature of what we are looking for, and then would make the changes and what they feel also—what is comfortable for them.

Senator BLUNT. Your first set, your first recommendations were available to them when?

Mr. BOLTON. We first issued our first flash report, I believe it was sometime in, was it March?

Senator BLUNT. That is what I was thinking.

Mr. BOLTON. Yes, it was March, and it was—that was the intelligence and operational planning flash report in which they have, as far as the operational plan. They do have that department-wide operational plan now being produced in a singular document.

Senator BLUNT. Do you have regularly scheduled meetings with the department leadership to talk about those recommendations and the implementation of them?

Mr. BOLTON. Recently, we have not had a meeting with the Chief, but I am sure he is busy with trying to assimilate through with the Department, all the other issues that he has. I do attend the monthly board meeting so that there is an opportunity there and then I do brief the Board on a quarterly basis.

Senator BLUNT. You have not had a meeting with the Chief yet, the two of you?

Mr. BOLTON. We have had one meeting. I think that—I believe was back in August and when we had our initial meeting.

Senator BLUNT. Are there any recommendations that you have made that you can clearly see resistance in the Department?

Mr. BOLTON. I believe there probably may be a couple that they have, at least as indicated to me, there may be resistance. One is with the CERT teams, the Containment Emergency Response Teams, and issues concerning a potential, with about security clearances. That was with one of, I remember one of our recommendations is that every sworn and civilian would either have a top secret, or at worst, a secret clearance. There seems to be some hesitation toward moving toward that.

Senator BLUNT. Why do you think that is?

Mr. BOLTON. It has not been expressed to me directly. I think some of it is potentially having to change your hiring standards, what to do with those who are already on the job that came on the job without that particular hiring standard. So and also with will be issues that the union may raise. I do not know of any specific ones, but they may, so there may be some concern about what the union may feel about their folks having to get clearances and maintain those clearances.

There is always the fear that once you expend that additional funds, which is going to be additional funding, to get the clearances, that you will have to pay for those, that your individuals may end up leaving to another Federal agency with that clearance because that is a sought after tool within the rest of the Federal Government, that if you already have a clearance, then it makes it much easier to move to another Federal agency.

Senator BLUNT. How many officers have left the Department since January 6th?

Mr. BOLTON. I do not have the exact numbers as far as those, but I believe it has been around 200 or so.

Senator BLUNT. How many—are there jobs where we are having sworn officers that have the sworn level of training do jobs that

somebody else could do? Have we got the right match of training and jobs that are being done in the Capitol complex by officers?

Mr. BOLTON. If you are talking about the, what is being proposed right now, where you may have some contract, think of it as the court security officers that you see at the United States Marshals, those gals and guys in the blue blazers and pants doing basically mag checkpoints there, and providing those—something similar.

I know that that right now is in discussion with the Board and Department on bringing over some maybe potentially contracted folks to augment the officers to one, to allow them to be able to get their days off, cut down a little bit on the overtime, and also to provide that the officers would be able to get the much needed training.

So that I know those things are in a discussion right now between the Board and Department, and I imagine some with the Committees as well.

Senator BLUNT. With 200 officers or so retiring or leaving the force this year, what percentage of vacant jobs are there in the Capitol Police?

Mr. BOLTON. I would say it would probably be that number. I think that is what they are down. I think they are authorized 1,800 or so, and they are in an area right now, either 1,600 or 1,500, I am not exactly sure of the numbers that they have. But they are down significantly of officers, and they need to be able to bring at least folks on that can augment that because think, even if you hire somebody today, you are talking over a year before you get them on post.

By the time they get done with FLETC, Federal Law Enforcement Training Center, and an even—by the time you get all that training done, get them through their on the job training, when they are with another officer learning about the actual post and everything, you are talking almost a year before they are operational.

What they are thinking and proposing now is to be able to get immediate help, or to augment those officers, and identify posts that may not require—strictly still provide some training, but it is not the same extensive training that you are giving somebody who is coming on a job for law enforcement.

Senator BLUNT. My last question for this round, one of the things we did in the supplemental funding was waive the maximum limits that officers could be paid during a year. Are we going to face that again this year with that big a shortage of—from the full force? Are we going to face that same situation again where one, we have more overtime than the officers or their families want them to have, and two, get officers at a point before September 30th, the end of the Fiscal Year, that they have already reached their maximum income potential?

Mr. BOLTON. I would anticipate that you will probably find yourselves in the same position through the remainder of this Fiscal Year and potentially into Fiscal Year 2023. It will take a while to get folks on board. Not only that, but there are certainly things that you cannot dictate or anticipate, whether it be additional protests for something that comes up that you—nobody knew was coming, that you will, you know, require officers to have overtime

or late night sessions with Members and voting or whatever—something you cannot anticipate.

Senator BLUNT. Well, if you never get more than 90 percent of the jobs filled in this organization, either we had expected that we have more jobs there than we need, which we know that is not the case, or you are going to have people working harder and longer hours than you want them to work, and we need to begin to think about that. That may be the thing that argues the most for looking for whatever jobs are there that do not take the same training skills or arms that you need in other locations. Thank you for that. Thank you, Chairwoman.

Chairwoman KLOBUCHAR. Thank you very, very much, Senator Blunt. Next up, Senator Warner.

Senator WARNER. Well, thank you, Madam Chair. Let me just say at the outset, as somebody who has not always been a great attendee at the Rules Committee, I very much appreciate the way that you and the Ranking Member have led this Committee on this subject. This Committee's investigation may not have attracted the same level of attention that our friends in the House have, but I think the fact that you have been professional, bipartisan, and looking for the facts and looking for how we move forward is a tribute to both of you and the Members of the Committee.

You indicated where I want to go, Mr. Bolton, is the—my role from the intelligence standpoint, and I am lucky enough to have Senator Blunt and Senator King on the Intelligence Committee. I have—you raised the issue about security clearances, I know, back in your June report, and one of the things I hope that the Capitol Police knows is that this is an area that we have focused on for some time. I mean, few years back, there was a 750,000 person backlog on security clearances. I actually give—one of the few areas that give the Trump Administration credit. They worked with us to reform that. We have brought that down to about 250,000. We are down to about a 30-day wait in terms of a secret clearance.

I hope that the movement we have made on security clearance reform, and you have got to stay on this all the time, and reciprocity so that once you get clearance, you can take it with you or you can move from entity to entity, we maybe ought to give you a briefing so you can get that to the Capitol Police. But I am concerned on this intelligence sharing between the IC kind of writ large, and DHS and FBI.

You brought up the point that you were concerned about that ability to have that sharing. How do you think—do you think progress has been made since June? Are there any more formal procedures in place on how Capitol Police shares with DHS, FBI, and the IC intelligence?

Mr. BOLTON. I would say that there has been some progress where we do have some folks embedded in some of the task force and intelligence. I just see it as we need to do more. One, I think by again, as I said earlier, making it into Intelligence Bureau, having somebody from the intelligence community—has lived all their lives. Those folks are, I look at them—anybody that comes from the intelligence community, there are folks that are cut from a different cloth. They are unique skills and sets. You just cannot learn

that, and it is something that you really—takes time to actually know that kind of field.

That is where I—the Department needs to recognize that they really need to put a lot of resources into the Intelligence Bureau. Now I know that you have hired additional intelligence analysts. There is a group right now, they are in school learning, but there is more that we need to hire, and make it a very large and make it something almost similar to what maybe the service, the Secret Service has, the FBI—that just this area here is, we need to have that kind of abilities, especially all around the Capitol complex.

Senator WARNER. Well, I would agree with that, although I do not—you know, I am not sure that would mean that every Capitol Police officer needs a secret or top secret clearance but having a large number—and one of the things that, again Senator Blunt, Senator King and I have looked at, just communications between different components of the IC. You have got to have a classified communication systems in place.

My fear is if we do not have that kind of classified information sharing so you can have real time information, the Capitol Police are always going to be at a disadvantage. If you have to wait for the FBI or the DHS or some other part of the IC to come and brief on a periodic basis, that is always going to be a hurdle.

Do you know whether the Capitol Police has, or has in place or are putting in place any kind of classified communications so you can go literally online real time and get updates from the IC?

Mr. BOLTON. Yes, they do have that capability so they can go online and have real life communication with the community, whether it be in their skiffs, that they have throughout—they had their own skiff as well, so they can do that in real time. I just want it real quick. The whole reason for whether or not the officers have a top secret or secret clearance, there are a couple of components to the reasoning for that.

One is the insider threat, having an individual that has to have a clearance, whether it be on or off duty, making sure that their lives comport to what their jobs entail, but it also elevates your standards and your expectations of the people that you are bringing on. It is a good recruiting tool as well that this is what we require, we require a high standard individual. That is going to, I believe, that is going to attract additional folks to look upon the Capitol Police as a job that you would wish to use as a career.

Senator WARNER. Again, one of the things we are working through is this issue of reciprocity. If you have—if someone is going to move from one part of the IC over to the Capitol Police, they could take their clearance with them. That is still remaining a problem. I know I have got eight seconds left. I am going to go completely to the other end of the spectrum. An issue I have been strangely interested in for some time is the performance of the K-9 units. You pointed out that that was also a challenge in one of your early reports. Is there any progress on the Capitol Police use of the dogs?

Mr. BOLTON. Yes, there are. They are starting to get their training that they need and making sure they document whenever they do. Some of their sweeps, so that they do—they are making progress to updating their policies and procedures and getting the

training. But again, it goes back to I would really like to see their training is being conducted by Cheltenham and not by the units themselves here. Again, that to me that poses a problem. You need to have that separation of duties and make sure that it is separated from the day to day operation to training, and they need to continue to move forward in that area.

Senator WARNER. Well, thank you, Madam Chair, and thank you for giving me the flexibility to go from security clearances to K-9 units.

Chairwoman KLOBUCHAR. Okay. Very good. Senator Capito, a Member of the Appropriations Committee as well. We thank you for your help in getting the funding that was needed.

Senator CAPITO. Thank you, Madam Chair. Thank you Ranking Member Blunt too. I thank you, Inspector General Bolton, for being here. I do think it bears repeating how appalling January 6th attack was for all of us and it remains a stain on our democracy, so I appreciate everything that you have done, but I also mostly want to express again my sincere thanks and appreciation to all of our Capitol Police officers and law enforcement personnel that were protecting our Capitol that day.

It is always great when you are on the dais and the person in front of you asks the question that you were going to ask, because last time you were here I was asking about the canines, and the reason I ask about them from another perspective is what the Chairwoman mentioned being on the Appropriations Committee, when I was chair for the Capitol Police Appropriations, there was a whole lot of talk about expanding the use of canines into different types of areas, more perimeter, purchase of these dogs—we know the training and the purchase, it is very expensive.

So I do not need for you to repeat. It sounds like it is the training aspect as to how they can use the K-9 units better. Do you anticipate that as the training improves for the canines, that they would expand their different parameters of what they can be used for? I know some of them are used for sniffing toxic materials. Some of them are used for other, you know, obviously inspecting vehicles, those kinds of things. Is that the type of thing you are talking about?

Mr. BOLTON. Absolutely. Yes, ma'am. Whether it be the vapor wake dogs or the regular traditional canine sweep vehicles, having that training is so important and they continuously train because you have to make sure that the dogs are performing the way they should be performing.

Senator CAPITO. Right. The other thing I would say, and I think all of us, certainly I do on my phone, as early as this morning as I was deciding how to navigate the way into the Capitol, I—since January 6th, we are getting repeated messages on our phones that raise our awareness as to what streets are closed, for what purpose, what is going on on Capitol Hill. I think that was one, from a member's perspective, one of the big fallacies of that day because we did not know really what was going on, where there were safe areas, and—

Senator KING. How is that any different than every day?

Senator CAPITO. Well, this is true. This is true. Yes, like today, we do not know what is going on, but we do know what roads are

closed, I will say that. But I do want to express appreciation both to the Sergeant of Arms, but also to the Capitol Police because they have upped their communications with, at least with me personally and I assume everybody, and I am appreciative of that because we do need to know, we do use it, so the alerts are very useful.

One of the—you know, one of the aspects that you—I picked up in one of your reports is that there was no continuous radio contact between the officers. They were having trouble coordinating, communicating with one another. Has that been improved? It seems to me that would be something that would be, I do not want to say anything is easy, but easier to improve than maybe some of the long term training aspects of this.

Mr. BOLTON. That would be—that is a hard one too, in a sense as far as the communication, as far as—because we have not had something similar to that. But I think certainly what I would tell you is an improvement is by issuing all the officers with Department cell phones, so they can receive those very alerts that you just had mentioned, with street closures, to give them that situational awareness in real time because there is difficult—when you do have an incident, people end up overusing the radio and your communications ends up breaking down.

But I think the long term answer to that is through additional training and being able to once things get a little bit more settled down, to have either tabletop exercises, having areas into—instruct its officers how to do radio discipline.

Senator CAPITO. Well, it seems to be training, training, training is the aspect that has come very forward in all of your recommendations. I am wondering if there has been or are there plans to have like a full out drill of these trainings? Drill of a like incident so that you can, you know, deploy these training, you know, in real life? You are not just sitting in a classroom or looking at something on a computer. To your knowledge, has there been a full out drill, an evacuation drill? I question the evacuation standards that were used to actually remove us from the chamber. Those are questions that I am wondering have we actually drilled this training?

Mr. BOLTON. What I have seen is that you have to continue to do at least the evacuation training, but not the overall, which I think is what you are thinking about. They are doing it in bits and pieces. The childcare center, where we are evacuating that Fairchild Building or some of these individual buildings, and we will just do it as opposed to a whole encompassing like situation where you had to evacuate the entire Capitol complex, which is very difficult to do. Make no mistake about that, because especially if Congress is in session that is not going to—we are not going to do a training exercise if anyone is in session, so it would have to be something, or during a break.

Senator CAPITO. Well, in my view, the fact that it is very difficult to do speaks to the need to do it. Yes, I would agree when we are in session, that would cause additional problems. But I do think that—and the reason I have got this top of mind is the horrifying shooting in the school that occurred in Michigan last week. If you read some of the reports from the students and the teachers as to what they did, they had drilled as to what to do if there was an

active shooter in their school and they barricaded themselves into the classrooms, they had practiced this, and I think honestly it saved lives. It kind of reinforced to me how important actually physically drilling really difficult situations in the whole would save lives in the end. Thank you very much for all your work. Thank you.

Chairwoman KLOBUCHAR. Thank you very much, Senator Capito. Senator King, Member of the Intelligence Committee, as well.

Senator KING. Thank you. First, I have to observe how profoundly sad it is that we are here even talking about this. January 6th was one of the saddest days in our country. That our magnificent Capitol is not open to the public, and we had an attack on the heart of our democracy. It just cast a pall over this whole discussion. Second point, part of—as I recall, the 9–11 Commission, one of their conclusions was that there was a failure of imagination. We had not—the people had not, security people had not thought about what could happen. The use of an airplane as a bomb. In this case, that the United States Capitol would be attacked.

I think part of the recommendation is a not a very—not a specific one, but there should be red teams. There should be people in the Capitol Police who think the unthinkable, who think about what could happen in the mind of a malefactor, and it might be domestic terrorist, or it might be an international terrorist or some combination. I hope that that is something that you can recommend. Again, it is not as specific as saying, okay, let's fix the K–9 corps or those things. But there should be a conscious and deliberate policy of trying to think the unthinkable and therefore be ready for it.

A specific question, and I have not read all your reports in detail, but I commend you for the work that you have done. I have been surprised there has not been more discussion of physical security. It is pretty easy to secure a building these days. Why do we have windows that can be broken on the first floor of the Capitol? Why don't we have—and why don't we have an automated system that when a button is pushed, metal doors shut on all the entrances? Is that part of your analysis?

Mr. BOLTON. Not specifically because those type of issues really almost fall under the Architect of the Capitol. Any physical structure—

Senator KING. Yes, but we are talking—here is another silo, Madam Chair. I mean, come on.

Mr. BOLTON. Exactly. But yes, that would be outside of my authority, to look at those kind of issues. I know General Honoré and his task force, did look at and did make several recommendations on physical security or the structural security. But those really fall in the realm of the Architect, and that does not quite fit into my—

Senator KING. I hope, Madam Chair, that that is something we could look into, because, you know, if all the doors and windows had been sealed, we would not have had a lot of the problem that we have. There are ways—there is Lexan you can put in the windows that is virtually bulletproof, unbreakable. I think that should be part of our analysis. Finally, with regard to intelligence. I leaned over to Senator Warner and said, is the total intelligence budget of the United States Government classified?

Neither of us are sure, so I am not going to—I am not going to cite the number, but we spend tens of billions of dollars every year on intelligence. It bothers me that we are creating another Intelligence Bureau. I think there should be someone in the Capitol Police whose job it is to look out for the intelligence, but we do not need to start another intelligence examination. We have got the FBI, we have got the Department of Homeland Security, we have got enormous intelligence assets throughout the Federal Government.

I would hope that what we can talk about is the receipt of intelligence information, but not necessarily the creation of a new intelligence division. I mean, that is—the problem in this case. For example, apparently there were indications that in the FBI system that there was danger that day, but it did not get to the right level in the FBI, and it never got over to the Capitol Police. To me, it is a coordination issue rather than a collection of intelligence issues. Do you see what I mean?

Mr. BOLTON. Yes, sir, I do. This is not something that we are proponents that we would be actually going out and gathering the intelligence. We would still be users of the intelligence. We are just elevating the ability to receive that intelligence, and then be able to process it and get it to the rank and file, into the Committee, or Committees or Members of Congress. We are not advocating that we actually become where we are out there actually gathering the intelligence.

No, we are still users of it, but we have more ability where we have folks there. For instant, real quick, when our counter surveillance units are out there and they receive information just by whether they overhear or see, that we need to have a basically an intelligence test for them to report to our folks who can immediately then push it out to the rank and file, so they get that information of what our folks are there—so they are not so much is just what they see and hear—so there no active where they are searching or—

Senator KING. But I think again, this is pressing beyond your jurisdiction, but there should be very vigorous discussions with the overall intelligence community, the Director of National Intelligence, to be sure the Capitol Police are part of their dispersal, their distribution of information. Again, the tragedy is to have intelligence, but it does not get to the people that need it. That may not be a failure of the Capitol Police. It may be a failure of some other agency, intelligence agency within the Federal Government.

It is a question of coordination and that we need our intelligence gathering agencies, which are very good, to be sure that that information is being shared with the appropriate entities, one of which is the Capitol Police. The best intelligence in the world is no good if the people that need it do not have it, so I appreciate your reporting. Thank you very much for your really diligent and excellent work on this. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much, Senator King. Then on with us remotely is Senator Ossoff.

Senator OSSOFF. Thank you, Madam Chair, and thank you, Mr. Bolton, for your testimony today. When we spoke in June during your prior appearance before this Committee, I asked you a simple

but important question, which is which individual is ultimately responsible for the security of the United States Capitol complex? Who is in charge? Who has ultimate accountability? That was not a question that you at that hearing, nor your colleagues who testified before the Committee in February were able to answer with specificity.

You acknowledged, Mr. Bolton, during that discussion at your last appearance that that was a problem, that the lack of a single individual who is accountable for and has responsibility for the security of the United States Capitol is a major management problem and a security risk. That is my assessment. Is that your assessment? Let me ask you the question again now, now that there has been time to regroup, consider reforms, consider recommendations from this Committee, who is ultimately responsible for the security of the United States Capitol?

Mr. BOLTON. Once again you ask a difficult question. That is, if you look at it strictly from an operational, let's say, an operational side, that would be the Chief, the Chief of Police, but because the Chief also has to coordinate and you have the House and the Senate and the Architect of the Capitol, the Capitol Police Board, that kind of muddies the water in a sense of ultimate responsibility. But if you had to pick the ultimate responsibility, it would fall under the Chief of Police for security. But that still again poses an issue because you still have the Board. It is not—I am not trying to say that the Board does not have its roles and responsibilities. Certainly they do. That is not the question here.

The question is, who do you look for to have in that responsibility for Capitol security? Obviously, if you have an issue or you have a question or a member of your staff does, they are going to go pick up the phone and probably call one of two people, either the Chief or on this side for the Senate side, you are going to be calling the Senate Sergeant of Arms. Again, that does pose a potential problem that exists.

Senator OSSOFF. Mr. Bolton, we have engaged extensively with you this year and with your colleagues because there was an egregious security failure which threatened the peaceful transfer of power as required by the Constitution between Presidential Administrations. I do not need to remind you, but I remind all who are tuned in that that failure resulted in the sacking of the United States Senate.

The invasion of the Senate floor, a suspension of constitutionally vital processes. Here we are now, nearly a year later, and the answer to the question who is in charge, which we have identified repeatedly as being a crucial driver of both the failure to respond promptly to the contingency on January 6th and also the lack of effective management and sharing of intelligence in the weeks beforehand, no one is in charge. Does that need to change, and how would you change it if you could simply impose a different set of policies and a different org chart?

Mr. BOLTON. Well, it kind of pushes me outside of my realm as Inspector General for the Capitol Police, but I think there is certainly—there would be an ability, and this would be something that the Committees would have to look long and hard at where you have maybe something similar to, let's say, the FBI, where you

have a Director in charge. That—it would answer your question. Who is ultimately in charge of the FBI? It is the Director. Who is ultimately in charge of the Secret Service? Well the Director of the Secret Service. That is who you are going to go to hold accountable for any questions that you may have. That would be something that would have to be thought long and hard because of the uniqueness of the Capitol Police and the various elements, whether it be the House Sergeant of Arms, or the Senate Sergeant of Arms, or the Architect of the Capitol who make up the Capitol Police Board and a lot of different moving parts there. It is not as clear cut and as easy as areas over in the executive branch.

Senator OSSOFF. Thank you, Mr. Bolton. Well, it is a matter that I think this Committee needs to continue to focus on. In any management context, in any security context, in any command context, as you know, the lack of a single point of authority and accountability is a major vulnerability, and we have seen the consequences of that, in part, earlier this year. With my remaining time begging the Chair's indulgence, just one further question for you. I want to express my gratitude and respect and appreciation for the men and women of the United States Capitol Police.

I want to express my gratitude and appreciation and understanding of the extraordinary burden that they have had to bear. The tremendous amount of overtime that United States Capitol Police personnel have worked. In 2020, officers worked, according to my notes here, over 700,000 hours of mandatory overtime. As USCP union representatives have noted, this is driven by chronic understaffing. There was, of course, a wave of retirements and resignations after the January 6th attack.

Congress has an unpredictable schedule. At present, none of this overtime, again mandatory overtime, 700,000 hours of it in 2020, counts toward the officer's base pay for retirement purposes. My question for you, Mr. Bolton, is what more can Congress do to relieve the extraordinary burden on the United States Capitol Police requiring so much mandatory overtime, and to ensure that their compensation and their retirement benefits reflect the true measure of their commitment and sacrifice to the security of the Congress? I cannot hear you, Mr. Bolton.

Mr. BOLTON. Can you hear me now, sir?

Senator OSSOFF. Yes, I can.

Mr. BOLTON. Okay. I have been here since 2006 with the Capitol Police Inspector General's Office. I have yet to see were any Committees, or Congress as a whole, or even the Board be an impediment to the Capitol Police in getting the necessary resources and funding required to complete their job. Some of this is a result of the circumstances beyond even the Committee's control or even the Capitol Police's control, whether it be the events of January 6th or just natural retirements or folks wishing to get out of law enforcement, there are many different factors and certainly I do not want to leave any kind of—I would not leave any kind of an impression that in any time the Committees and, or the Board were an impediment to the Capitol Police receiving, like I said, funding and, or resources.

Basically, from my position, it is incumbent upon the Capitol Police to present to the Committees and to the Board their needs, and

to be looking forward, forward looking into potential what they will need, whether it be retirements coming up, need additional classes, or utilizing different aspects in order to bring folks on quicker, whether it may be rehiring of those Capitol Police officers who are coming up on a retirement as opposed to them going to, let's say, over to the Marshall service to conduct their court security officers. We keep them here. We just may end up changing into instead a uniform they are wearing a blue blazer. Those kind of ideas where you can have a force multiplier, and those are the type of things that it are really incumbent upon in the Department to be looking to those type of things. But certainly, like I said, since I have been here, I have never seen any Committees and, or Board that had inhibited the Department from getting those resources.

Chairwoman KLOBUCHAR. Okay. Next up, Senator Cruz. Thank you. Thank you, Senator Ossoff.

Senator CRUZ. Thank you, Madam Chair. Mr. Bolton, welcome. Thank you for your testimony. Thank you for your service. On January 6th, all of us in the entire Nation was horrified at the terrorist attack that occurred here in Washington, DC. The violent assault on the Capitol was horrific. The men and women of the Capitol Police and DC Metro Police and law enforcement demonstrated extraordinary bravery and heroism and courage. At the same time, what happened on January 6th must never be allowed to happen again.

A riot that succeeds in breaching the Capitol that endangers the lives of lawmakers and law enforcement is an unacceptable security situation, and you have done a serious job examining what caused, what law enforcement failures precipitated what occurred that day. When you previously testified to this Committee, you stated the primary problems were on the front end, the lack of adequate intelligence gathering, and on the day of execution, a lack of operational planning in place to handle an incident like the January 6th attack.

I would like to follow up on what specific steps Capitol Police have taken since then to ensure that never happens again. What specific steps has the Capitol Police taken since June 2021 to improve its intelligence gathering?

Mr. BOLTON. Thank you, sir. One of the first—one of the things they have done is they went out and hired actually was a retired Secret Service agent who had extensive training and expertise in large event planning, operational planning. They went out and hired someone from the outside. You could certainly see the difference in September 18th, the latest large demonstration that we had here on the Hill. By bringing that expertise in there and coordinating, the gathering to have an operational plan has greatly enhanced the Department's ability to respond and react to potentially large demonstrations.

The Department has increased a number of intelligence analysts. They still have a ways to go, I would say, but they have increased intelligence analysts. In fact, like I had testified earlier that they have additional four or five analysts in training as we speak. They have made some improvements in providing the intelligence briefings to the rank and file officers, to the other beyond the executive team, as I would call them, but you know, your inspectors and your

captains, your line folks that are actually going to have to react to a situation.

Those folks are getting the briefings now, they are getting the intelligence materials and assessments in a timely manner so that it is real time, with the Department also issuing department or Government cell phones. They can get the alerts in real time in case there is a problem with the radios. Now they at least have a backup to get that information, and that is solely relied on a radio that could potentially get overwhelmed immediately, but you still have that ability with the cell phones.

Senator CRUZ. What additional steps do Capitol Police need to take to improve their intelligence gathering capabilities?

Mr. BOLTON. I think they still need to, one, first order of business is they need to hire a full-time director. Right now, they are in the capacity of an acting director. They need to fill that position, fill it quickly, and then look to have that individual who has that expertise to look across his folks that he has, he or she has, and one, is to elevate to a bureau level. I still believe that they need to elevate it from a division to a bureau to a standalone, full robust Intelligence Bureau. Hire additional analysts and look—and keep up with the ways intelligence gathering is done and also to be able to disseminate the information that you receive from the field quickly and timely to the officers.

Senator CRUZ. Now, the other major source of the problems on January 6th that you identified was the failure to implement effective operational plans during the attack. What specific steps have the Capitol Police taken to develop and design workable operational plans to deal with a situation like that in the future?

Mr. BOLTON. One of the things we noted when they came up with that operational planning, initially for January 6th, it was so stove-pipe, the term, that there were different elements within the Capitol Police who either would either do their own plan or did not have one. So you did not have a department-wide plan. Now what they have done is they have incorporated whether it be CERT, K-9, Hazards Incident Response Teams, DPD, all under one umbrella.

So you have an overall—everybody else knows what everybody else is doing, what their plan of action is going to be, whether it be the bike units or just the patrol division units. So everybody at least understands what the other units—what other assets they may have to call upon under one operational plan. So it is a department-wide as opposed to the way it was in January, which was just basically CDU, and that was it.

Senator CRUZ. So what more do the Capitol Police need to do to improve their operational capability in the event of a riot or other violent attack?

Mr. BOLTON. I think they need, one, is continue with their training. Do not make the training that they have had, they have conducted with CDU units. But also they need to train together. In other words, whether it be CERT and DPD, they need to be trained, doing training exercises together in case of emergency so that it becomes a little bit easier or even K-9. How is K-9 going to be—in a way assist, set up scenarios where K-9 is going to have to assist the Dignitary Protective Division. Come up with scenarios,

train together. So these units actually need to start training together as opposed to separate.

Senator CRUZ. Thank you.

Chairwoman KLOBUCHAR. Thank you very much, Senator Cruz. I know something that you and I have discussed, and you care about very much as to all of us, Senator Cruz, is the number of threats that we have seen against Members of Congress over the past several years. The Capitol Police reported over 4,100 threats against Members of Congress in just the first three months of this year. That is on track to more than double the number of threats against Members in all of 2020.

The Chief has said that he expects that the Department and law enforcement partners will have to respond to 9,000 threats to Members this year. Has the Capitol Police, Mr. Bolton, taken action since June to keep up with these serious threats, and are additional resources and personnel needed?

Mr. BOLTON. The Department is doing a good job in keeping up with the threats. I think by having them open up a field office down in Florida is going to assist once that gets up and fully running. But they are taking steps to have hired additional analysts. They have, like I said before, they have several in school, but there still needs to be additional folks hired and brought on board in the intelligence. So we still have a ways to go, but we are making improvements. We are taking our steps now.

Chairwoman KLOBUCHAR. Yes. I think understandably focused on, because of January 6th, the intelligence piece of this. But there is more than that as well, of course, and that is the followup when there is active threats and the police protection and the like that we are very concerned about. I had, let's see, oh, one smaller question. Your report raised broader concerns about the accuracy of department staffing records. We have all talked about the problem with lack of staff, but the records. Do you agree that the Department should maintain accurate records of anyone on duty and where they are stationed?

Mr. BOLTON. Oh, yes. As we noted in our—one of our last flash reports with the manpower issue we dealt with, that the Department could not provide us records, whether it be recalls or the amount of folks they actually had at that time. So the concept that it was an all hands is dubious at best in the sense. They could not provide us with that kind of documentation.

It is also important to note, when it came time for deputizing some outside law enforcement, the Department did not have the proper records to document who was deputized and by whom, which could present an issue if that individual made a Federal arrest and it was a local officer, then the question of their legal authority for making that arrest could come in question if we cannot prove that they were actually deputized.

Chairwoman KLOBUCHAR. Okay. Something to followup on. In your report on command communications, you recommended that the Department implement a policy requiring senior officials to rotate through various posts of the Capitol Police. I just am recalling when I was the DA I did this a day at a time, but I would see, line people at work and basically, on the front line, and it gave me

a much bigger sense of challenges and the like. Could you elaborate on that? Then I have one last question, Senator Blunt.

Mr. BOLTON. The Department needs to develop a rotational policy. You cannot have certain individuals who will spend their entire career in one unit, whether it is 23 years out of their 25 years in CERT or even DPD.

Chairwoman KLOBUCHAR. You are talking about senior managers rotating to be in charge of different units.

Mr. BOLTON. Whether it be the senior manager—also the rank and file officers. Because what you want to do is you want to develop your officers or individuals who are specially trained in the CERT or K-9 or they have these other skills, you want them back in the field with those skills, so you get them promoted through the ranks into leadership positions because then they also have that background and that knowledge and skills.

Also allow your younger officers to come into those specialty skills without having to wait numerous years in order to become a CERT officer, or K-9, or DPD agent. That you start—what you want is a well-rounded police department. If you do not have a rotational policy, you are not going to get there.

Chairwoman KLOBUCHAR. Okay. Just a yes or no question. We know there is so much more work to do, but do you believe that the Department is better prepared than they were on January 6th?

Mr. BOLTON. Keeping it simple, yes.

Chairwoman KLOBUCHAR. Okay. I want to thank you so much, Inspector General. Senator Blunt, you want to say any closing remarks?

Senator BLUNT. I have got just one or two questions. I know you just responded to the event planning question that Senator Cruz asked and talked about bringing somebody in who was more prepared for that. What about the event on September—the planning for the event on September 18th? You know, there was installed temporary fencing announced publicly, all of the information that had been shared with the officers, as well as partner agencies and had those partner agencies on standby. What did we learn from that?

Mr. BOLTON. Our biggest—we learned from it, that is how we should be doing business. This is the way—the detail, the effort, and not only am I going to say effort, but the impact that you have if you are planning correctly, how you have good outcomes. Certainly, you know, September 18th was a good outcome. They were properly prepared. They were ready for any contingency. That is where we need to continue to be each and every day, and whether it be a larger event or just a regular day to day operations, we need to be prepared for any contingency.

Senator BLUNT. Of course, there was not much of a contingency to be prepared for there. Do you think that is because of the widely discussed preparations or was there an intelligence lack of understanding of how many people were going to come to that event?

Mr. BOLTON. I really do not have any direct hand knowledge as far as reasons why it was so or was not so well attended. There could be various reasons why that. But I think what we need to take from that as an example of how we, you know, the Capitol Police, what we can control and how we should be prepared.

Senator BLUNT. The cost of that event, preparing for that event and paying for that event was——

Mr. BOLTON. We have not conducted any kind of work on that to be able to provide that information——

Senator BLUNT. Well, I think I have read somewhere it was right around \$1 million. Well, I think there is maybe more to learn from that than that we should do that every time we think something might happen, and probably that is more on the intelligence side. I have actually been supportive of the Chief's determination of that, if for no other reason than to have a trial run of what happens in terms of how quickly the fence can come up and down, and it was quickly up and quickly down, and how our partner agencies could be prepared to respond.

Though I am not of the view that there was ever the level of threat, but there, you know, it could be that the preparations made a big difference in who was going to come. I do think the combination of event planning and solid intelligence would make a difference on how we plan for those events, and I am sure I will have some questions for the Chief about that. I think that is all I have. I may have some questions for the Record, Chairwoman, but I think I am done for this morning.

Chairwoman KLOBUCHAR. Alright. Well, thank you very much. I want to thank you, we both have thanked you, as all the Members of this Committee, regardless of political party, are very, very thankful for what you have done, Mr. Bolton. You laid out detailed recs. We know there has been progress as a result of those recommendations, but we know there is a lot more work to be done.

That is why we are going to be calling the Chief before the Committee, following up on the progress. Everyone involved in this who has been watching today, we will have a few weeks' notice here. There is always time to get more things done and we will go over your recommendations as well as ours that came out of the report.

I want to thank you, Mr. Bolton, and we look forward to whatever you are providing for us next because it is always done in a professional manner and you are not afraid to tell the truth, which we need more of every day in these hallways. The Record will remain open for one week. With that, Senator Blunt, you want to add anything?

Senator BLUNT. No, Chairwoman, I do not think there's much to add here. We both expressed our thanks to Inspector General Bolton. I do think the recommendations he has made and his consistent following up to be sure those are done, and I know he has looked also at the recommendations we made in our Joint Committee Report, have been significant in moving, helping the Department move in the right direction. Like you, I look forward to his continued good work in this area.

Chairwoman KLOBUCHAR. Thank you, and the hearing is adjourned.

[Whereupon, at 11:26 a.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

STATEMENT OF INSPECTOR GENERAL MICHAEL A. BOLTON
UNITED STATES CAPITOL POLICE
OFFICE OF INSPECTOR GENERAL

Committee on Senate Rules and Administration
United States Senate
December 7, 2021

Good morning, my name is Michael A. Bolton. I am the Inspector General for the United States Capitol Police (USCP or Department). I have been with the Inspector General's office since 2006. In January 2019, I was appointed as the Inspector General. Thank you for this opportunity to appear before you, the Committee on Senate Rules and Administration, to discuss our Review of Events in regards to USCP's Departmental Operation, Programs and Policies that were in affect during January 6, 2021.

I would like to extend my appreciation to the Committee for holding this hearing and the important work that this Committee continues to do to make the Capitol Complex safe and secure. I would also like to take the time to extend and recognize the outstanding efforts and work done by my staff in the Office of Inspector General, U.S. Capitol Police. Through their collective efforts and skills, we have produced eight Flash Reports outlining areas of improvement for the Department resulting in 103 recommendations. Our last and final Flash Report is a summary of the status of the recommendations we have made and Security improvements that the Department has made since January 6, 2021. Although the Department has addressed some of our recommendations and have made security improvements throughout the Capitol Complex, much work still needs to be addressed in relation to Training, Intelligence, cultural change and Operational Planning. On January 6, 2021, a physical security breach of U.S. Capitol Building occurred during a Joint Session of Congress to certify the Electoral College vote. My goal is to provide each of you with a better understanding of how the events of January 6, 2021 occurred in relation to the preparation and response of the Department. Other factors were involved and other entities are reviewing those aspects outside the USCP Department. I will discuss the non-law enforcement sensitive findings detailed in my eight

“Flash Reports.” Any law enforcement sensitive questions can be answered in a “closed door” setting.

Shortly after the events of January 6, I notified the Department, Board and the Committees that my office would be suspending all future projects listed in the OIG Annual Plan for 2021 to allow my entire staff to conduct a full review of these events. In order to accomplish this goal, both OIG Audit and Investigations, would combine their collective talents to achieve a complete review of the Department. In addition to my staff, I brought on two additional contractors with the expertise and knowledge to assist my Office. A retired Deputy Assistant Director for the United States Secret Service and a retired Senior Special Agent Chief of the Federal Bureau of Investigations.

Our reports are not designed nor intended to cast blame on any one individual or group. These reports are intended to be an independent objective review of the Department’s programs and operations to better protect the Capitol Complex, members, staff, visitors, and the rank and file officers, who have shown their commitment and bravery each day by keeping all safe. A collective effort must be undertaken, to ensure that each officer, when their shift is over, gets to go home to their families. As well as the safety of those who work and visit the first branch of government.

In accordance with our statutory authority Public Law (P.L.) 109-55, the USCP Office of Inspector General began a review of the operations and programs that were in place prior to and during the takeover of the U.S. Capitol on January 6, 2021. Our objective, for this review, is to determine if the Department (1) established adequate measures for ensuring the safety and security of Members of Congress, their Staff and the Capitol Complex, (2) established adequate internal controls and processes that complied with Department policies and procedures and, (3) complied with applicable laws and regulations. The scope included reviewing the controls, processes, and operations surrounding the security measures prior to the planned demonstrations and the response during the takeover of the Capitol building. Our recommendations are made by conducting interviews, document reviews, the combined knowledge and expertise of my staff

and following best practices throughout the Federal Government of those relevant agencies with similar functions of the Department.

We are currently finalizing our final flash report, which we anticipate issuing within the next few days. Since my last hearing before this Committee, we have issued three additional Flash Reports. Those reports included areas in the Department such as Command and Coordination Bureau, Hazardous Incident Response Division and Canine (K-9) Unit and finally Dignitary Protection Division and Human Capital.

As our work shows throughout our Flash Reports, my office sees continuing areas in our findings that need to be addressed. Those areas are Intelligence, Training, Operational Planning, and cultural change. In regards to culture change, we see that the Department needs to move away from the thought process as a traditional Police Department and move to the posture as a Protective Agency.

Our fifth flash report is designed to communicate deficiencies with the Department's Command and Coordination Bureau (CCB). Additionally, to gain a perspective on Department-wide command and control challenges on January 6, 2021, we contacted 86 USCP officers and completed interviews with 36 of them who agreed to be interviewed. We also reviewed 49 after action reports USCP officers and employees completed.

The Department did not have adequately detailed and up-to-date Standard Operating Procedures (SOPs) in place for CCB or formally establish procedures defining roles and responsibilities for the Emergency Planning Section. Additionally, the Department did not monitor training in order to ensure incident management personnel received training, as guidance requires. Furthermore, the Department did not appropriately conduct or document monthly proficiency validations for Command Center employees appropriately respond to emergency identifier activations for officers on January 6, 2021, or appropriately complete its Command Center Daily Check Sheets, as guidance requires.

Based on interviews with USCP officers and review of after action reports, we identified Department-wide command and control deficiencies related to information sharing, chain of command directions, communication, preparedness, training, leadership development, emergency response procedures, and law enforcement coordination.

Our sixth flash report is designed to communicate deficiencies with the Department's Hazardous Incident Response Division (HIRD) and Canine Unit (K-9 or Unit). Deficiencies included a lack of adequate Department guidance for both HIRD and K-9.

HIRD contributed greatly toward the Department's mission on January 6, 2021, through rendering safe multiple hazardous devices and the sweep of the Capitol complex with partner agencies. However, coordination concerning events between HIRD and the Department's operational leadership was flawed, which resulted in misinformation among officers. Additionally, the Hazardous Materials Response Team (HMRT) lacked the necessary personnel and equipment to successfully complete its mission. The Department's lockdown procedures would be improved by adopting best practices with multiple threats involving hazardous devices. Lastly, the Department does not have adequate, updated guidance in place for its Advanced Law Enforcement Response Team (ALERT) and HIRD. The lack of adequate and up-to-date policies and procedures for HIRD and ALERT creates ambiguity and lack of accountability and coordination.

The Department did not always comply with guidance related to K-9 operations or training and did not always ensure K-9 policies and procedures were up to date. A lack of K-9 related training or operational experience required for officials and formal guidance for emergency procedures, as well as inadequate hazardous device response guidance could have hampered the efficiency of the K-9 Unit on January 6, 2021. Without appropriate compliance with, or up-to-date K-9 policies and procedures, the Department could not ensure all K-9 officers were properly trained and up to date on equipment and procedures necessary to perform their duties

Our seventh flash report is designed to communicate any deficiencies with the Department's Dignity Protection Division and Human Capitol. DPD contributed toward the Department's mission through proper planning and successfully evacuating individuals under its protection during the events of January 6, 2021. However, DPD incurred authorization issues with staging evacuation vehicles on January 6, 2021. Additionally, DPD's training program lacked a dedicated training staff, facilities issues, and weapon system training integration. Lastly, DPD did not have a Plan of Action (POA) in place for January 6, 2021, experienced equipment issues with its issued ballistic vests, and was occasionally not in compliance with guidance.

USCP could not provide documentation supporting that it implemented Department-wide leave restrictions or cancellations, or that it issued Department-wide messages for recalls to duty. We identified deficiencies with the data for sworn Department employees as well as mutual aid training, coordination, and documentation. The lack of appropriately maintained employee information could have impeded the effectiveness of the Department's planning for responses to future events. The Department should define roles for responding agencies with pre-determined rally points, designate agency-specific roles based on agency expertise, and ensure employees potentially involved with incident management receive training to lead mutual aid resources. Additionally, the Department should immediately develop clear protocols to swear in responding agencies and retain appropriate records documenting such actions.

Our eighth and final flash report is a summary of the status of our 104 recommendations, any security improvement made by the Department since January 6, 2021. Although the Department has made several changes to include updating Policies and Procedures, additional Training for CDU units, and the hiring of a Subject Matter Expert in the planning and coordination of large events or high profile demonstrations, the Department still has more work to achieve the goal of making the Capitol Complex safe and secure. Out of the 200 security enhancements that the Department has provided to the OIG, only 61 of those items have supporting documentation to support that those enhancements have occurred. Some of the other Security enhancements the Department has instituted has been the additional Intelligence briefings provided to the rank and file, as well as to Department Leadership. The Department still lacks the overall Training infrastructure to meet the needs of the Department, the level of

Intelligence gathering and expertise needed, and an overall cultural change needed to move the Department into a Protective Agency as opposed to a traditional Police Department.

In conclusion, the Department is comprised of extraordinary men and women who are dedicated to protecting our democracy, putting their own lives in harm's way in order for Congress to exercise their Constitutional duties in a safe and open manner. It is our duty to honor those officers who have given their lives but also ensuring the safety of all those working and visiting the Capitol Complex by making hard changes within the Department. Some of these changes may include a complete restructuring of the Capitol Police away from a Police Department to being more align with a Protective Agency. This new structure may have a Director of the Capitol Hill Protective Agency in command of the overall security of the Capitol Complex with a Chief of Police in command of the day-to-day Police Operations. Such a command structure would ensure a level of accountability and transparency of the overall security of the Capitol Complex. Finally, I would like to thank not only this Committee, but also the Committee on House Administration for their continuing support of my office and the work you both have done in protecting Democracy so that events such as January 6, 2021, never happen again.

Thank you for the opportunity to appear before you today. I would be very happy to answer any questions the Committee may have at this time.

Senate Committee on Rules and Administration
Oversight of the U.S. Capitol Police following the January 6th Attack on the Capitol, Part II Hearing
December 7, 2021
Questions for the Record
Mr. Michael Bolton

Chairwoman Klobuchar

During the hearing, you testified that – while there is still much work to be done – the Capitol Police Department is better prepared today to defend the Capitol against the type of threat that we saw on January 6th.

- Can you elaborate on the most significant improvements that the Department has made in its security, planning, and response capabilities this year? (Response) *Perhaps one of the most significant changes the Department has made is the development of Department-wide operational plans for special events. The department has taken a significant step in that direction when they hired a former Secret Service agent with extensive experience in major event and National Special Security Event planning to help oversee a new department-wide operational planning process.*

As threats to Members of Congress have increased dramatically in recent years, you testified that the Capitol Police has expanded efforts to provide security beyond the Capitol Complex, including by hiring additional threat investigation agents and working to open field offices in Florida and California.

- In addition to these efforts, what else should the Capitol Police do to strengthen its ability to investigate and protect against threats targeting Members of Congress? (Response) *The department should continue in aligning its mission more towards a protective agency in all aspects. These areas would include, but not limited to training mission driven training, moving Intel to a Bureau level with the hiring of a Director from the outside. Moving CERT to Protective Services Bureau to directly support Dignity Protection.*

Senator Blunt

You testified there was resistance within the Department to the recommendation that it require its sworn and operational civilian employees to obtain a Top-Secret clearance and all administrative civilian employees to obtain a minimum of a Secret clearance.

- Please explain in detail why that recommendation has been met with resistance. (Response) *The Department has indicated that by requiring employees having a security clearance may slow down the hiring process and retention. Neither of those reasons should in any way prevent the Department requiring its employees from getting and retaining a security clearance. First, it is an*

excellent recruiting tool in attracting high quality candidates and second it provides the Department with a professional staff and guards against an insider threat.

If you could restructure the USCP organization chart, what changes would you make?

Please explain the rationale behind the proposed changes. (Response) *First, I would have Intel become a separate Bureau with the hiring of an individual from the Intel community. Second, I would expand our Training footprint and increase the level of Training to a more protective posture, and finally I would move CERT to PSB and break them up to smaller teams.*

There have been questions about who was ultimately in charge of the security of the U.S. Capitol campus, which is complex given the Chief of Police and Capitol Police Board's interconnected roles and responsibilities.

- Does that structure need to change? (Response) *That is a tough question to answer given that we have not done any real study when it comes to the Board. GAO is finishing their review of the events of January 6th so I would defer to them.*
- If yes, provide further detail to your testimony suggesting a structure similar to the FBI or U.S. Secret Service, which have a Director. (Response) *That question is best addressed with the upcoming GAO report.*