



Testimony
Before the Committee on House
Administration, House of
Representatives

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CAPITOL POLICE

Applying Effective Practices to Address Recommendations Will Improve Oversight and Management

Statement of Gretta L. Goodwin, Director,
Homeland Security and Justice

Accessible Version

GAO Highlights

Highlights of [GAO-21-105288](#), a Testimony before the Committee on House Administration, House of Representatives

Why GAO Did This Study

The attack on the U.S. Capitol on January 6, 2021, highlighted the critical need to identify and address deficiencies in the management and security functions of the Capitol Police. Various auditing entities have work ongoing related to the attack on the U.S. Capitol, including GAO and the Capitol Police OIG.

It is important that the Capitol Police is well positioned to respond to existing and future recommendations from auditing entities. To do so, Capitol Police will also need to work closely with the Capitol Police Board, which has varied and wide-ranging oversight roles and responsibilities per statute.

This statement discusses (1) effective practices for addressing recommendations from auditing agencies and (2) GAO's open recommendation to the Capitol Police Board from February 2017. To identify effective practices for addressing recommendations, GAO reviewed reports and testimonies issued from July 2003 through March 2021 that discussed the implementation of GAO recommendations, federal internal control standards, and organizational transformation. GAO also reviewed its February 2017 report on the Capitol Police Board, and used information gathered from its recommendation follow up efforts with the Capitol Police Board in 2020 and 2021.

What GAO Recommends

GAO is not making any new recommendations in this statement. However, GAO previously made a recommendation in February 2017 that the Board revise its manual to fully incorporate leading practices, which remains open as of June 2021.

View [GAO-21-105288](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or GoodwinG@gao.gov.

June 15, 2021

CAPITOL POLICE

Applying Effective Practices to Address Recommendations Will Improve Oversight and Management

What GAO Found

The U.S. Capitol Police (Capitol Police) may benefit from applying practices to help implement recommendations from auditing entities, such as those from GAO and the Capitol Police Office of the Inspector General (OIG). These effective practices include the following:

- **Provide management oversight over the prompt remediation of deficiencies and delegate authority.** Federal internal control standards state that management should oversee the prompt remediation of deficiencies. This should be done by communicating the corrective actions to the appropriate personnel and delegating authority for completing these actions.
- **Communicate regularly with auditing entities on the status of recommendations.** Engagement between Capitol Police and auditing agency leaders could provide important leadership attention to help ensure actions are taken to implement recommendations.
- **Work with Congress to address recommendations.** Congress plays a key role in providing oversight and maintaining focus on recommendations from audit entities. For example, federal agencies, including the Capitol Police, are required to report on the implementation status of public recommendations. Further, agencies can also assess the need for legislation to address recommendations and report their findings to Congress.
- **Follow key organizational transformation practices.** As the Capitol Police takes steps to implement recommendations from auditing entities, the agency may benefit from following key organizational transformation practices, such as (1) setting implementation goals and a timeline, (2) dedicating an implementation team to manage the transformation process, and (3) involving employees to obtain their ideas and gain their ownership for the transformation.

Coordination between the Capitol Police and its Board is critical to addressing its recommendations. The Capitol Police Board (the Board) is charged with oversight of the Capitol Police. Given the oversight role of the Board, the Capitol Police may need approval from the Board in order to take actions to address recommendations from auditing entities. GAO's 2017 work on the Board assessed whether the Board, in fulfilling its role in overseeing the Capitol Police, had developed and implemented policies that incorporate leading practices to facilitate accountability, transparency, and effective external communication. In that effort, GAO examined the Board's main governing document, its Manual of Procedures, and determined that it fully incorporated one leading practice and partially incorporated five others. Specifically, the Board's manual did develop processes for the internal functions of the Board but did not address any Board responsibilities in ensuring that any audit findings and recommendations to the Capitol Police were promptly resolved. By incorporating leading practices into its manual, the Board can ensure it is facilitating accountability, transparency, and effective external communication as it fulfills its oversight role of the Capitol Police.

Chairperson Lofgren, Ranking Member Davis, and Members of the Committee:

I am pleased to be here today to talk about how the U.S. Capitol Police (Capitol Police) can best position itself to respond to recommendations related to this important topic. The attack on the U.S. Capitol on January 6, 2021, highlighted the critical need to identify and address deficiencies in the management and security functions of the Capitol Police. Various congressional committees and auditing entities have work ongoing related to the attack, including our office and the Offices of the Inspector General (OIG) for the Capitol Police, the Architect of the Capitol, and the Departments of Defense, Homeland Security, the Interior, and Justice. Since the attack, the Capitol Police OIG has made over 60 recommendations across four reports and we continue to have an open recommendation for the Capitol Police Board (the Board), the entity charged with overseeing the Capitol Police.¹ Further, we have ongoing work related to the Capitol attack specific to the Capitol Police's intelligence and information sharing activities, physical security measures and planning, and officer use of force.² We also have ongoing work

¹See GAO, *Capitol Police Board: Fully Incorporating Leading Governance Practices Would Help Enhance Accountability, Transparency, and External Communication*, [GAO-17-112](#), (Washington, D.C.: Feb. 7, 2017). See also United States Capitol Police, Office of Inspector General, *Review of the Events Surrounding the January 6, 2021, Takeover of the U.S. Capitol, Flash Report: Operational Planning and Intelligence*, Investigative Number 2021-I-0003- A (Washington, D.C.: Feb. 2021); *Review of the Events Surrounding the January 6, 2021, Takeover of the U.S. Capitol, Flash Report: Civil Disturbance Unit and Intelligence*, Investigative Number 2021-I-0003- B (Washington, D.C.: Mar. 2021); *Review of the Events Surrounding the January 6, 2021, Takeover of the U.S. Capitol, Flash Report: Counter Surveillance and Threat Assessment*, Investigative Number 2021-I-0003- C (Washington, D.C.: Apr. 2021); *Review of the Events Surrounding the January 6, 2021, Takeover of the U.S. Capitol, Flash Report: Containment Emergency Response Team and First Responders Unit*, Investigative Number 2021-I-0003- D, (Washington, D.C.: June 2021).

²This work is being conducted at the request of the Ranking Member of the Senate Committee on the Judiciary; House Majority Leader; Chairs of the House Committees of Homeland Security, House Administration, and Oversight and Reform; and over 100 members of Congress. We plan to report later this year on the results of our work.

related to cyber and electronic surveillance threats to members of Congress, their families, and their staff.³

It is important that the Capitol Police is well positioned to effectively and efficiently respond to existing and future recommendations from auditing entities such as our office and the Capitol Police OIG. To do so, Capitol Police will also need to work closely with the Capitol Police Board, which has varied and wide-ranging oversight roles and responsibilities per statute.⁴ For example, the Board's responsibilities include issues related to managing human capital as well as security, such as designing, installing, and maintaining security systems for the Capitol buildings and grounds.⁵

My statement today discusses (1) effective practices for addressing recommendations from auditing agencies, and (2) our open recommendation to the Capitol Police Board from February 2017.

To identify effective practices for addressing recommendations, we reviewed reports and testimonies we issued from July 2003 through March 2021 that discussed the implementation of recommendations we made over this time period, federal internal control standards, and organizational transformation.⁶ We also reviewed our February 2017 report on the Board, and used information gathered from our recommendation follow up efforts with the Board in 2020 and 2021.⁷ More detailed information about our scope and methodology can be found in

³Pursuant to section 5710 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020, we have ongoing work related to cyber and electronic surveillance threats to members of Congress, their families, and their staff. Pub. L. No. 116-92, § 5710, 133 Stat. 2111, 2170 (2019). We plan to report later this year on the results of our work.

⁴See 2 U.S.C. ch. 29.

⁵2 U.S.C. §§ 1964(b), 1965(a).

⁶GAO, *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations*, [GAO-03-669](#) (Washington, D.C.: July 2, 2003); *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014); *Government Efficiency and Effectiveness: Implementing GAO Recommendations Can Achieve Financial Benefits and Strengthen Government Performance*, [GAO-16-272T](#) (Washington, D.C.: Dec. 10, 2015); *Department of Homeland Security: Continued Leadership Is Critical to Addressing a Range of Management Challenges*, [GAO-19-544T](#) (Washington, D.C.: May 1, 2019); and *High-Risk Series: Dedicated Leadership Needed to Address Limited Progress in Most High-Risk Areas*, [GAO-21-119SP](#) (Washington, D.C.: Mar. 2, 2021).

⁷[GAO-17-112](#).

our issued reports and testimonies. We conducted the work on which this statement is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Capitol Police May Benefit from Applying Effective Practices for Addressing Auditing Entities' Recommendations

There are various effective practices that agencies can apply to help implement recommendations from auditing entities. These practices include the following:

- **Provide management oversight over the prompt remediation of deficiencies and delegate authority.** Standards for Internal Control in the Federal Government states that depending on the nature of the deficiency, either management or an oversight body should oversee the prompt remediation of deficiencies.⁸ This should be done by communicating the corrective actions to the appropriate group within the organization and delegating authority to appropriate personnel for completing the corrective actions. Further, as we have previously reported, leadership commitment is a critical element for initiating and sustaining progress, and leaders provide needed support and accountability for managing risks.⁹ For example, leadership commitment is needed to develop action plans that address the root causes of problems. Such action plans allow for effective monitoring which leads to demonstrated progress.
- **Communicate regularly with auditing entities on the status of recommendations.** Engagement between Capitol Police leadership and auditing agency leaders could provide important leadership attention to help ensure actions are taken to implement recommendations. In GAO, our senior leaders and analysts meet with

⁸[GAO-14-704G](#).

⁹[GAO-21-119SP](#).

leaders of audited entities periodically to discuss the status of recommendation implementation and other topics. For example, we hold regular meetings with management from the Department of Homeland Security as well as the Department of Justice to discuss leadership commitment and progress towards implementing recommendations.¹⁰ This has led to a recommendation implementation rate of 84 percent and 89 percent with the Departments of Homeland Security and Justice, respectively.¹¹

- **Work with Congress to address recommendations.** We have previously testified that Congress plays a key role in providing oversight and maintaining focus on recommendations from audit entities.¹² Congressional focus can help ensure that recommendations are implemented and produce desired results. Signed into law on January 3, 2019, the Good Accounting Obligation in Government Act (GAO-IG Act) generally requires certain federal agencies, including the Capitol Police, to include a report in their annual budget justification that identifies, among other things, the implementation status of each of our public recommendations and each public OIG recommendation that has been outstanding for at least 1 year and that not been implemented.¹³ Further, agencies can also assess the need for legislation to address recommendations and report their findings to Congress for consideration.
- **Follow key organizational transformation practices.** As the Capitol Police takes steps to implement recommendations from auditing entities—and in doing so, helps transform the organization’s management and operations—the Capitol Police may benefit from following key organizational transformation practices. Specifically, these practices include (1) ensuring top leadership drives the transformation, (2) setting implementation goals and a timeline, (3) dedicating an implementation team to manage the transformation process, (4) establishing a communications strategy to create shared expectations and report related progress, and (5) involving employees

¹⁰[GAO-19-544T](#).

¹¹The recommendation implementation rate is the percentage of recommendations in the last four years that were implemented. In November 2020, we reported that on a government-wide basis, 77 percent of our recommendations made 4 years ago were implemented. See GAO, *Performance and Accountability Report: Fiscal Year 2020*, [GAO-21-4SP](#) (Washington, D.C.: Nov. 16, 2020).

¹²[GAO-16-272T](#).

¹³Pub. L. No. 115-414, 132 Stat. 5430 (2019).

to obtain their ideas and gain their ownership for the transformation.¹⁴ For example, the Director of the Bureau of Prisons created a task force in February 2021 and has dedicated resources to address recommendations from Department of Justice OIG and our office.

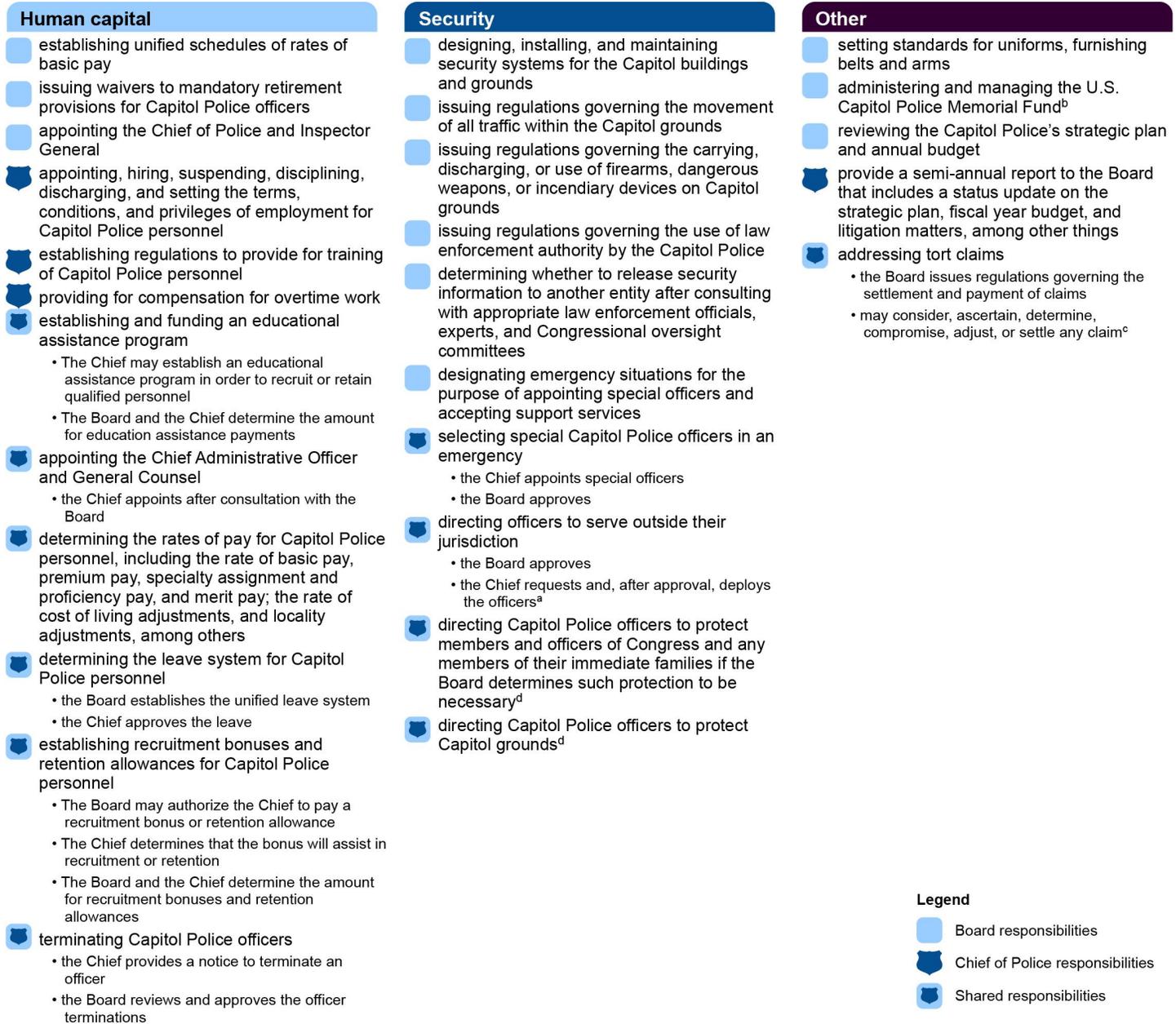
Coordination Between Capitol Police And Its Board Is Critical to Address Recommendations

Given the oversight role of the Board, the Capitol Police may need approval from the Board in order to take actions to address recommendations from auditing entities. Our prior work on the Board that we issued in 2017 assessed whether the Board, in fulfilling its role in overseeing the Capitol Police, had developed and implemented policies that incorporate leading practices to facilitate accountability, transparency, and effective external communication.¹⁵ Figure 1 provides additional details on the specific roles and responsibilities of the Board and the Capitol Police Chief and highlights areas where there are joint responsibilities.

¹⁴For additional information on key practices and implementation steps for organization transformations, see [GAO-03-669](#).

¹⁵The Board is charged with oversight of the Capitol Police, and is comprised of the House Sergeant-at-Arms, Senate Sergeant-at-Arms, the Architect of the Capitol, and the Chief of the Capitol Police who serves as a non-voting member. See Pub. L. No. 108-7, div. H, § 1014(a)(2), 117 Stat. 11, 361 (2003) (codified at 2 U.S.C. § 1901 note). The Board and the Capitol Police, serving in their respective capacities, interact with congressional leadership offices and multiple committees, including the Senate Committee on Rules and Administration, the Committee on House Administration, and the Senate and House Legislative Branch Appropriations Subcommittees.

Figure 1: Roles and Responsibilities of the Capitol Police Board and Chief of the U.S. Capitol Police



Legend

-  Board responsibilities
-  Chief of Police responsibilities
-  Shared responsibilities

Source: GAO analysis. | GAO-21-105228

Text of Figure 1: Roles and Responsibilities of the Capitol Police Board and Chief of the U.S. Capitol Police

Human Capital

- establishing unified schedules of rates of basic pay
- issuing waivers to mandatory retirement provisions for Capitol Police officers
- appointing the Chief of Police and Inspector General
- appointing, hiring, suspending, disciplining, discharging, and setting the terms, conditions, and privileges of employment for Capitol Police personnel
- establishing regulations to provide for training of Capitol Police personnel
- providing for compensation for overtime work
- establishing and funding an educational assistance program
 - The Chief may establish an educational assistance program in order to recruit or retain qualified personnel
 - The Board and the Chief determine the amount for education assistance payments
- appointing the Chief Administrative Officer and General Counsel
 - the Chief appoints after consultation with the Board
- determining the rates of pay for Capitol Police personnel, including the rate of basic pay, premium pay, specialty assignment and proficiency pay, and merit pay; the rate of cost of living adjustments, and locality adjustments, among others
- determining the leave system for Capitol Police personnel
 - the Board establishes the unified leave system
 - the Chief approves the leave
- establishing recruitment bonuses and retention allowances for Capitol Police personnel
 - The Board may authorize the Chief to pay a recruitment bonus or retention allowance
 - The Chief determines that the bonus will assist in recruitment or retention

- The Board and the Chief determine the amount for recruitment bonuses and retention allowances
- terminating Capitol Police officers
 - the Chief provides a notice to terminate an officer
 - the Board reviews and approves the officer terminations

Security

- designing, installing, and maintaining security systems for the Capitol buildings and grounds
- issuing regulations governing the movement of all traffic within the Capitol grounds
- issuing regulations governing the carrying, discharging, or use of firearms, dangerous weapons, or incendiary devices on Capitol grounds
- issuing regulations governing the use of law enforcement authority by the Capitol Police
- determining whether to release security information to another entity after consulting with appropriate law enforcement officials, experts, and Congressional oversight committees
- designating emergency situations for the purpose of appointing special officers and accepting support services
- selecting special Capitol Police officers in an emergency
 - the Chief appoints special officers
 - the Board approves
- directing officers to serve outside their jurisdiction
 - the Board approves
 - the Chief requests and, after approval, deploys the officers/a/
- directing Capitol Police officers to protect members and officers of Congress and any members of their immediate families if the Board determines such protection to be necessary/d/
- directing Capitol Police officers to protect Capitol grounds/d/

Other

- setting standards for uniforms, furnishing belts and arms

- administering and managing the U.S. Capitol Police Memorial Fund/b/
- reviewing the Capitol Police’s strategic plan and annual budget
- provide a semi-annual report to the Board that includes a status update on the strategic plan, fiscal year budget, and litigation matters, among other things
- addressing tort claims
 - the Board issues regulations governing the settlement and payment of claims
 - may consider, ascertain, determine, compromise, adjust, or settle any claim/c/

^aAccording to the Board’s Manual, the Board’s approval is not required if the purpose for deployment is responding to an imminent threat or emergency, intelligence gathering, or providing protective services. However, the Board should be advised of any deployment in response to an imminent threat or emergency at the earliest possible moment after deployment.

^bThe U.S. Capitol Police Memorial Fund was created by statute in 1998 to provide compensation to the families of Capitol Police officers killed in the line of duty. 2 U.S.C. §§ 1951, 1952.

^cThe Chief of the Capitol Police, in accordance with regulations prescribed by the Attorney General and any regulations as the Capitol Police Board may prescribe, may consider, ascertain, determine, compromise, adjust, and settle any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Capitol Police while acting within the scope of his office or employment. 2 U.S.C. § 1977(a).

^dThe Capitol Police are to perform these activities under the direction of the Board. The Chief is not explicitly mentioned in the statute; however, the Chief, as the official responsible for the administration of the Department, also plays a role in these activities. 2 U.S.C. §§ 1961, 1966.

In our 2017 report, we assessed the Board’s main governing document—its Manual of Procedures—which describes the Board’s authorities related to its oversight role over the Capitol Police, and its authorities relating to the security of the Capitol complex.¹⁶ Further, the Manual identifies instances when the Board is required to obtain approval from, consult, or provide documentation to congressional leadership or its committees of jurisdiction.

Our review found that, of the six leading practices we identified, the Manual fully incorporated one leading practice – developing processes for the internal functions of the Board. The Manual partially incorporated the remaining five leading practices: (1) defining roles, responsibilities, and areas of authority; (2) overseeing functions of the entity; (3) conducting performance evaluations and reviews; (4) disclosing information to

¹⁶[GAO-17-112](#).

stakeholders; and (5) developing processes for communication with stakeholders.¹⁷ For example:

- regarding the leading practice on overseeing functions of the entity, we reported that the Board's Manual states that the Capitol Police OIG reports to the Board, but it does not address any Board responsibilities in ensuring that the audit findings and recommendations are promptly resolved. At the time of our review, the Board said it coordinated with the Capitol Police to implement OIG recommendations, even though these efforts were not codified in its Manual.
- regarding the leading practice on conducting performance evaluations and reviews, the Manual does not address any Board responsibilities for setting objectives and monitoring the Capitol Police's performance, despite serving as the oversight body for the Capitol Police. At the time of our review, the Board said it engages in these activities and that the Chief of the Capitol Police set the metrics that the Board uses to assess performance; however, none of these processes were codified in the Manual.

Therefore, we recommended that the Board revise its Manual of Procedures to fully incorporate each of the six leading practices to enhance the accountability, transparency, and effective external communication. In so doing, we recommended that the Board engage with its congressional stakeholders to solicit their input and incorporate their views, as appropriate. In its official comments on a draft of our report, the Board did not state whether it agreed or disagreed with our recommendation.

In December 2017, Board officials told us that when the Board's chairmanship changed in 2018, the Board would then have the opportunity to undertake actions to address the recommendation, such as meeting with the relevant committee stakeholders. Since issuing our report, we continued to seek updates from the Board on the status of such efforts. As of June 15, 2021, the Board has not provided us with any

¹⁷To identify the leading practices, we relied on (1) federal internal control standards and (2) principles originating from the Business Roundtable and the Organization for Economic Cooperation and Development. Each standard and principle reflected the specific activities in which effective governing bodies should engage to facilitate accountability, transparency, and effective external communication. See GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999); and Organization for Economic Cooperation and Development, *G20/OECD Principles of Corporate Governance*, Ankara, Turkey: September 2015; and Business Roundtable, *Principles of Corporate Governance*, 2012.

updated information. Consistent with leading practices noted above, communicating regularly with auditing entities on the status of recommendations can help agencies implement recommendations.

In closing, our prior work illustrates the importance for agencies such as the Capitol Police, as well as the Board that oversees it, to take steps to address deficiencies identified related to their management and security functions. Applying the practices we have highlighted will help the Capitol Police and the Board to be well positioned to effectively and efficiently respond to current and future recommendations from auditing agencies. Moreover, these actions can improve operations, which will help ensure the safety and security of the U.S. Capitol, members of Congress, and the American people who visit one of the sterling hallways of our democracy.

Chairperson Lofgren, Ranking Member Davis, and Members of the Committee, this completes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this testimony, please contact Gretta L. Goodwin, Director, Homeland Security and Justice, at (202) 512-8777 or GoodwinG@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony are Brett Fallavollita (Assistant Director), Taiyshawna Battle, Billy Commons, Tracey King, Erin O'Brien, Amal Pulikkiyil, and Julia Vieweg.

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