



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: Civil Disturbance Unit and Intelligence

Investigative Number 2021-I-0003-B

March 2021

Report Restriction Language

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EXECUTIVE SUMMARY

On January 6, 2021, a physical breach of U.S. Capitol Building security occurred during a Joint Session of Congress to certify the Electoral College vote. See Appendix A for the United States Capitol Police's (USCP or Department) official timeline of events leading up to and during the physical security breach.

In accordance with our statutory authority Public Law (P.L.) 109-55, the USCP Office of Inspector General (OIG) began a review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Our objectives for this review were to determine if the Department (1) established adequate measures for ensuring the safety and security of the Capitol Complex as well as Members of Congress, (2) established adequate internal controls and processes for ensuring compliance with Department policies, and (3) complied with applicable policies and procedures as well as applicable laws and regulations. The scope included controls, processes, and operations surrounding the security measures prior to the planned demonstrations and response during the takeover of the Capitol building.

We produced this flash report to communicate deficiencies with the Department's Civil Disturbance Unit (CDU) and intelligence operations. As part of our on-going work, OIG also conducted a follow-up analysis of the Department's implementation of recommendations contained in *Follow-up Analysis of the United States Capitol Police Intelligence Analysis Division*, Investigative Number 2018-I-0008, dated March 2019, to confirm the Department took the corrective actions in implementing the recommendations.

USCP did not have adequate policies and procedures for CDU defining its responsibilities, duties, composition, equipment, and training. CDU was operating at a decreased level of readiness as a result of a lack of standards for equipment, deficiencies noted from the events of January 6, 2021, a lapse in certain certifications, an inaccurate CDU roster, staffing concerns for the unit, quarterly audits that were not performed, and property inventories not in compliance with guidance.

The Department should implement detailed policies and procedures that address several aspects of CDU and its operations. Implementation of the Department's formal training guidance, requirements, and lesson plans is crucial to its mission. Formalizing and implementing equipment standards will provide officers with proper functioning equipment. Additionally, the Department should require that all types of weapon systems classified as less lethal are staged prior to large events as well as ensure that additional CDU Grenadiers are trained and certified.

Ensuring that the Department conducts periodic safety inspections would prevent expired munitions from being deployed and used. Also, a formal process is needed for management within CDU to ensure that when munitions do expire they are exchanged appropriately with the Property and Asset Management Division for proper disposal in a timely manner. Further, USCP should store its riot shields in the proper temperature-stable climate to prevent compromise of the riot shield's life span.

USCP Directive 2055.001, *Specialty Pay Program*, effective August 1, 2019, states that “the Chief of Police is authorized to establish and determine positions within the USCP as specialty assignments or requiring certain proficiencies eligible for additional compensation.” Exploring options for incentivizing the CDU Program would go a long way toward increasing participation because of its hazardous nature. As well, holding management accountable for incomplete CDU audits would enforce controls.

Based on our follow-up analysis, a condition identified in two previous reports, the Department's failure to update and document evaluations of its intelligence priorities, reemerged. We also identified intelligence related deficiencies with the Department's organizational structure, training, professional standards, internal controls, and capability to effectively collect, process, and disseminate intelligence information.

To increase the efficiency of its intelligence resources, the Department should consider reorganizing its intelligence functions into a single intelligence bureau. A formal Intelligence Training Program is a must, otherwise the Department cannot ensure the proper training of its intelligence employees or ensure that they are up to date on policies and procedures related to Intelligence and Interagency Coordination Division (IICD) personnel duties. Furthermore, implementing additional formal guidance that applies to USCP's collection, processing, and reporting of information would improve its ability to effectively disseminate intelligence throughout the Department. Lastly, the Department should address gaps in meeting the intelligence needs of its operational stakeholders; the lack of training, certification, or professional standards for its intelligence analysts; and determine the necessary staffing, security clearances, and technology IICD needs to accomplish its mission. See Appendix B for a complete list of recommendations.

This is the second in a series of flash reports OIG is producing as part of its ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still perform additional, in-depth work related to those areas during our review. We anticipate that our next flash report will focus on threat assessment and counter-surveillance.

BACKGROUND

On January 6, 2021, a physical breach of U.S. Capitol security occurred during a Joint Session of Congress to certify the Electoral College vote. See Appendix A for the United States Capitol

Listing of Recommendations

Recommendation 1: We recommend that the United States Capitol Police develop policies and procedures that identify and formalize the Civil Disturbance Unit's mission, objectives, roles, and responsibilities.

Recommendation 2: We recommend that the United States Capitol Police update Standard Operating Procedure (SOP) OS-140-01, *Civil Disturbance Unit's Quarterly Assessment of Assigned Personnel*, dated August 25, 2009, SOP OS-140-02, *Use of the PepperBall System*, dated October 30, 2019, and SOP OS-100-71, *Deployment and Storage of FN 303 Less Lethal Impact Launcher*, dated August 14, 2013, to reflect current practices.

Recommendation 3: We recommend that the United States Capitol Police develop policies and procedures that identify and formalize the Civil Disturbance Unit's training standards, requirements, and responsibilities.

Recommendation 4: We recommend that the United States Capitol Police develop a Leadership Civil Disturbance Unit training program that focuses on command tactics and responsibilities.

Recommendation 5: We recommend that the United States Capitol Police develop policies and procedures for Civil Disturbance Unit equipment standards and life-cycle management.

Recommendation 6: We recommend that the United States Capitol Police store riot shields in a temperature-stable area with conditions designed to maximize the life of the shield, and the Civil Disturbance Unit should create a process for reporting when the shields are not stored within the guidelines of the manufacturer such as but not limited to direct sunlight, temperature-stable environment and when they have been exposed to petrol, diesel, solvents, and exhaust fumes.

Recommendation 7: We recommend that the United States Capitol Police develop policies and procedures for outlining the deploying and/or staging all available types of less-lethal weapon systems during Civil Disturbance Unit operations.

Recommendation 8: We recommend that the United States Capitol Police increase its number of less-lethal weapon systems and explore additional less lethal options.

Recommendation 9: We recommend that the United States Capitol Police train and certify additional Civil Disturbance Unit grenadiers.

Listing of Recommendations

Recommendation 10: We recommend that the United States Capitol Police prepare and stage necessary operational equipment for events.

Recommendation 11: We recommend that the United States Capitol Police immediately update SOP No. OS-140-02, *Use of PepperBall System*, dated October 30, 2019, to reflect current manufacturer recommendations and requirements and ensure that grenadiers received the training within the frequency specified in the updated policy.

Recommendation 12: We recommend that the United States Capitol Police develop a Standard Operating Procedure that identifies and formalizes the roles, responsibilities, and reporting requirements for employee listings for the Civil Disturbance Unit.

Recommendation 13: We recommend that the United States Capitol Police explore incentivizing the Civil Disturbance Unit program.

Recommendation 14: We recommend that the United States Capitol Police ensure that Civil Disturbance Unit liaisons are accountable for properly completing the Civil Disturbance Unit audit each quarter and providing it to the Commander of the Civil Disturbance Unit.

Recommendation 15: We recommend the United States Capitol Police implement a process that will ensure that procedures for Civil Disturbance Unit inventory and reconciliation, required by Directive 2053.003, *Property and Asset Management*, dated October 2, 2017, are fully functioning and operating as required. Specifically, the Civil Disturbance Unit must conduct physical inventories annually, perform reconciliations, resolve discrepancies, and provide an updated listing to the property custodian.

Recommendation 16: We recommend the United States Capitol Police implement an inventory control for the armory and also recommend a Check-In/Out Log Book that requires approval by a supervisor for munitions and weapons. A safety inspection check performed during a check-out would prevent the Civil Disturbance Unit from deploying expired munitions.

Recommendation 17: We recommend the United States Capitol Police either acquire an updated version of the 37mm less-lethal weapon or retire the weapon entirely because the current training for the 37mm weapon system is included in the certification process grenade launcher type weapon systems.

Listing of Recommendations

Recommendation 18: We recommend that the United States Capitol Police immediately enforce USCP SOP PS-602-11, *Intelligence Priorities Framework*, dated February 11, 2018, requiring that its Intelligence and Interagency Coordination Division prepare an Intelligence Priorities Framework annually and subsequently review the Intelligence Priorities Framework quarterly.

Recommendation 19: We recommend that the United States Capitol Police seek approval from the Capitol Police Board and its Congressional Oversight Committees to elevate and reorganize its intelligence resources into a Bureau level entity.

Recommendation 20: We recommend that the United States Capitol Police immediately codify a formal intelligence training program and enforce Standard Operating Procedure PS-602-03, *Intelligence Analysis Division Commander Responsibilities*, dated August 11, 2019, requiring that the Intelligence and Interagency Coordination Division (IICD) Commander review and maintain the Intelligence Training Program for all IICD employees.

Recommendation 21: We recommend that the United States Capitol Police develop guidance that clearly documents channels for efficiently and effectively disseminating intelligence information to all of its personnel.

Recommendation 22: We recommend that the United States Capitol Police review the draft Standard Operating Procedure titled, *Open Source Guidance for Protest Tracking and Communication*, determine if the draft Standard Operating Procedure includes all required elements related to the Intelligence and Interagency Coordination Division's open source intelligence work, and implement a comprehensive policy that covers open source intelligence efforts.

Recommendation 23: We recommend the United States Capitol Police implement formal guidance that will ensure consistent and unified operational reporting across all intelligence and event planning documents.

Recommendation 24: We recommend the United States Capitol Police refine document reporting that better captures operational impact to include improbable outcomes based on intelligence, trend data, threats to members, and information analysis.

Listing of Recommendations

Recommendation 25: We recommend the United States Capitol Police implement guidance that will ensure consistency between analyst assessments and document summaries within its intelligence products.

Recommendation 26: We recommend that the United States Capitol Police require the Director of the Intelligence and Interagency Coordination Division develop an action plan within 45 calendar days to improve the Department's capability to effectively collect, process, and disseminate intelligence information. The action plan should include at a minimum:

- a. A gap analysis to identify the intelligence needs of the Intelligence and Interagency Coordination Division's operational stakeholders.
- b. Certification and professional standards for intelligence analysts.
- c. Training standards for intelligence analysts.
- d. Adequate staffing level and organizational structure for the Intelligence and Interagency Coordination Division, to include establishing group leader or middle management positions that would expand supervisory coverage.
- e. Requirements for intelligence personnel to maintain a Top Secret and Sensitive Compartmented Information clearance.
- f. Identification of any technology or tools that could enhance Intelligence and Interagency Coordination Division capabilities.