

**ADMINISTRATIVE AND MANAGEMENT OPERATIONS
OF THE U.S. CAPITOL POLICE**

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WEDNESDAY, JULY 16, 2008

United States Senate,
Committee on Rules and Administration,
Washington, D.C.

The committee met, pursuant to notice, at 10:08 a.m., in Room SR-301, Russell Senate Office Building, Hon. Dianne Feinstein, Chairman of the committee, presiding.

Present: Senators Feinstein and Bennett.

Staff Present: Howard Gantman, Staff Director; Jennifer Griffith, Deputy Staff Director; Joshua Brekenfeld, Democratic Professional Staff; Lynden Armstrong, Chief Clerk; Justin Perkins, Staff Assistant; Mary Jones, Republican Staff Director; Shaun Parkin, Republican Deputy Staff Director; Michael Merrell, Republican Counsel; Abbie Platt; Republican Professional Staff; Trish Kent, Republican Professional Staff; Rachel Creviston, Republican Professional Staff.

OPENING STATEMENT OF CHAIRMAN FEINSTEIN

Chairman Feinstein. Good morning, everyone. The Rules Committee will come to order. Senator Bennett, the Ranking Member, and I are holding this hearing today on "Administrative and Management Operations in the United States Capitol Police." I am very pleased to welcome Chief Phillip Morse, Mr. Richard Stana from the GAO, Officer Matt Tighe, the Chairman of the United States Capitol Police Fraternal Order of Police, and I will introduce them in a moment.

I would also like to recognize the Honorable Terry Gainer. Mr. Gainer is the Senate Sergeant at Arms and our representative on the Capitol Police Board. He was the Chief of the United States Capitol Police for four years, from 2002 to 2006.

There is no doubt in my mind that the United States Capitol is one of the top, if not the number one, terrorist target in this country. The officers of the United States Capitol Police are really on the front line against that unseen enemy. They put their lives on the line to protect us, our staff, our constituents, our visitors every day.

If there is any doubt of this, we should all take a moment to pause and remember that next week is the tenth anniversary of the deaths of Officer Jacob Chestnut and Detective John Gibson. These two officers were shot and killed when a gunman with a history of mental illness came into the Capitol building. With their ultimate sacrifice, they were able to prevent who knows what, but certainly no good

was going to come from this assailant coming into the United States Capitol.

The Capitol Police were founded in 1828 when one captain and three officers were vested with the responsibility of protecting this iconic symbol of democracy. Before that, the Capitol was guarded by one lone watchman. Today, the Department has over 2,100 sworn officers and civilian employees and a budget of almost \$300 million. Since September 11, 2001 the Department's budget has more than doubled and over 500 new officers and civilian employees have been added. But that expansion has not been without its growing pains.

At this morning's hearing, we expect to hear from the Chief about the state of the Department and direction he plans on taking the Department over the next few years. I expect that the Chief will discuss how he plans on advancing the professional development of his agency and how he plans on anticipating and meeting future challenges. I also expect to hear how the opening of the new Capitol Visitors Center will affect current force staffing.

Acquiring a new interoperable and secure radio system for the Capitol Police, I believe should be a key priority for the Department, and I believe we need to get it done. The current radio system the Capitol Police rely on has very limited interoperability. They cannot communicate with local police and fire or other Federal law enforcement agencies. The system is neither secure nor encrypted and it has several coverage holes, or dead spots, where the radios simply will not work.

This is an unacceptable situation, in my view, and I hope the Ranking Member would agree. I believe that a new system must move ahead on an expedited basis. We simply cannot be in a position where we don't have the capability for interoperable and secure communications if anything were to happen. So I believe we should move forward with the plans for this system as quickly as possible. It can and should be done on a priority basis, and I want to talk to the Ranking Member about it. If we decide that we have enough after this hearing, I will certainly ask for an amount of money to be able to move this system forward as quickly as possible to be put in the emergency supplemental that the Senate may soon be considering, to be able to move this system forward as quickly as possible.

Now, let me speak just for a moment on the GAO recommendations. The GAO has had many concerns with the Capitol Police over the years and it has criticized the Department for lack of progress in addressing key administrative and financial shortcomings. In 2004, the GAO reported its concerns and made several recommendations. I look forward to the GAO reporting to this committee on the progress the Department has made over the last 18 months in addressing these concerns.

Over the years, Congress has enacted numerous provisions governing the administration of the Capitol Police. Some of these past provisions have technical

flaws, contain drafting errors, or simply conflict with other laws on the books. Last month, the Committee on House Administration referred legislation to us to make technical corrections and repeal obsolete or duplicative provisions of these laws. I would hope that we would be able to act very quickly on this legislation.

Now, personnel issues. There has been recent media focus concerning personnel practices for two police recruiting classes this spring. I have been advised by the Senate Legal Counsel and the Senate Chief Counsel for Employment that since this hearing may involve personnel issues subject to litigation, any discussion of such should be held in a closed session. So since there is just Senator Bennett and I here today, at the appropriate time in this hearing, I would like to entertain a motion to go into that closed session so that you and I, Mr. Ranking Member, can discuss this issue.

Senator Bennett. At the appropriate time, I will be happy to make the motion.

Chairman Feinstein. Good. Thank you very much.

For the record, I do want to make clear that I believe the law enacted in 2003 which required the Chairman of the Rules and Administration Committee and the House Administration Committee to approve or deny new hiring, promotions, and terminations by the Capitol Police to be a mistake. This is not even an authority that is given to most big city mayors, and I do not really believe it is the proper function for this committee. So I will be seeking passage in the coming months of a bill that gives that authority clearly to the Capitol Police Board.

Before I turn to my distinguished Ranking Member, and it is a pleasure for me to be able to work with him, Senator Bennett, I would like to say on both of our behalves that our prayers and wishes are with Officer Aidan Sims and his family. As we know, his mother and father work at the Capitol. He was hit by a young hit-and-run driver, very seriously injured. As a matter of fact, his picture with his father and mother are in the Roll Call this morning. I know he has a long road to recovery and both the Ranking Member and I want everyone to know that we wish him the very, very best and express our sorrow and sympathy for this accident.

Thank you, and now Senator Bennett?

OPENING STATEMENT OF SENATOR BENNETT

Senator Bennett. Thank you very much, Madam Chairman. Thank you for convening this hearing. It deals, as you say, with the number one terrorist target in the United States and we need to recognize that the threat has not gone away just because it has been properly managed up until now. It is going to continue.

Thank you for your history of the Capitol Police. I recall when the Capitol Policemen were patronage positions.

Chairman Feinstein. Right.

Senator Bennett. When my father was here as a Senator, he got to pick X number of pages, elevator operators, postal employees, and Capitol Policemen, and the Capitol Police in those days were made up of law students, at least as far as Utah was concerned, one of whom went on to a fairly distinguished career, and he said to me years later, "I would never have gotten my law degree if I had not been able to study at my Capitol Police assignment position." He said, "They issued me a gun and it was on my hip. I had absolutely no idea how to use it, and if the time had ever arisen where it had been necessary to do any more than ask somebody, 'Can I help you?,' I would have had no idea what to do. But because of your father's appointment, I was able to go through law school and do all of my studies in a very quiet environment while guarding the Capitol late at night." We obviously have come a long way from that.

I want to thank you for your focus on the radio issue. Most police departments with their radio system need a system that operates 80 percent outdoors and 20 percent indoors because they are out patrolling and they are on the air from the beats that they are walking. The Capitol Police is exactly the opposite. Eighty percent of the calls are inside and only 20 percent outside because most of the police activity takes place in an area that is increasingly hardened, and with the opening of the Capitol Visitors Center, the amount of marble around and the number of tunnels presents a unique radio challenge.

From my activity with respect to the 2002 Olympics in Salt Lake City, I know how important it is that there be interoperability. One of the reasons I believe we did not have any terrorist attacks at the Olympics was that terrorists recognized that we were ready for them, and particularly al Qaeda does not like to go to a hardened site. They like to go to someplace where they can attack unexpectedly. We spent a lot of money and a lot of effort to make sure that the radios for the Olympics were interoperable and the Olympics came and went in the shadow of 9/11 without any incident.

The challenge in the Capitol is not going to come and go. It is going to be here particularly. So I appreciate your focus on the radio problem and will do whatever I can to be of assistance there.

With that, Madam Chairman, I am prepared to hear the witnesses.

Chairman Feinstein. Thank you very much and I look forward to working with you.

I think we should be interested in maybe the Chief when he talks, how far they are along. I understand there is an estimate of about \$65 million that is necessary, if you could fill us in on this and how certain you are of the cost effectiveness of this particular system.

So let me introduce the Chief. Phillip D. Morse was appointed Chief of the United States Capitol Police on October 30, 2006. He first joined the Capitol Police 23 years ago. Before being appointed Chief in 2006, he served as Deputy Chief in charge of the Uniformed Services Bureau, the largest component of the Capitol Police.

He is joined today by Assistant Chief Dan Nichols and Chief Administrative Officer Gloria Jarmon.

Chief, please proceed. If you could, as much as possible, limit your comments to five or so minutes so we have plenty of time to question you, that would be appreciated. If you need more time, let us know.

STATEMENT OF PHILLIP D. MORSE, CHIEF, U.S. CAPITOL POLICE, WASHINGTON, D.C.

Chief Morse. Yes, ma'am. Thank you. Chairman Feinstein and Senator Bennett, I would like to thank you for the opportunity to appear before you today to discuss the administrative and management operations of the United States Capitol Police.

I am pleased to be joined here today by Assistant Chief Nichols and my Chief Administrative Officer, Gloria Jarmon. As you may know, Ms. Jarmon joined our Department earlier this year from the Government Accountability Office. Her executive leadership and background and financial management expertise provides the Department with a well-rounded leadership team that is necessary to complete our efforts to become a premier organization, both operationally and administratively.

Over the past year, operationally, we have increased our physical security of the Capitol complex as well as our countersurveillance capabilities; automated our security systems; enhanced our detection and response capabilities for explosives and hazardous materials; maintained a state-of-the-art command center, and sustained continuous, uninterrupted operations of our incident command and emergency notification and response systems. We expended extensive time and effort analyzing our infrastructure, the limitations imposed by historic buildings that we protect, and the changing technology surrounding the law enforcement community in the post-9/11 homeland security environment, in order to assess our interoperable regional communication challenges.

We have determined that we need to invest in a new digital radio system to replace our aging equipment and 25-year-old infrastructure. We are working closely with the Architect of the Capitol to develop a comprehensive facilities requirement, which will accompany our radio system resource requirements request to the Congress, and have developed a very detailed project plan for the design, acquisition, and implementation of a new radio system. I would especially like to thank the committee

for your support in our effort to update the radio system.

To better plan and execute security for special events and demonstrations, we have focused our efforts on ensuring that a holistic plan is developed to include staffing resource requirements as well as roles and responsibilities. Additionally, the Department has implemented an after-action report process to capture issues and achievements from the event to be used for future planning and training purposes.

The Department is conducting training on emergency procedures and evacuation plans for the Capitol Visitor Center. We are also finalizing a CVC, Capitol Visitor Center, law enforcement operations training plan which will allow the sworn personnel assigned to the CVC to familiarize themselves with the many facets of the facility as well as the expanded uses for the CVC itself, so that they may provide the same level of security and professional law enforcement capabilities realized in other buildings within the Capitol complex.

In addition to these efforts to improve our operational effectiveness, we have also focused on several management challenges in our administrative offices by placing increased emphasis on filling key civilian vacancies with an experienced and diverse staff. We have also expended significant resources responding to the GAO and OIG audit recommendations that have resulted in improved administrative operations throughout the Department.

For example, we filled or are very close to filling 31 civilian vacancies by the end of fiscal year 2008. Given that the GAO cited this area in two of its recommendations where we had made no progress just a few months ago, we are extremely pleased to report that based on this significant progress, we expect to close these recommendations by the end of the fiscal year with all or most of the staff on board.

I also believe that we currently have the management team in place and the key positions filled to move forward in making even more significant progress in improving the overall administration and management of the Department.

We have also addressed major management challenges while resolving GAO and OIG audit recommendations and believe we have achieved significant progress in resolving the auditors' concerns. For example, much of the auditors' inability to express an opinion on our 2007 financial statements resulted from our inability to provide property, plant, and equipment data in a timely manner, as well as not maintaining adequate detailed and supporting data available for the audit. Since December, our Offices of Financial Management and Facilities and Logistics have performed the needed reconciliations and compiled the supporting documentation for updates to an automated system to address these material weaknesses.

My goal has been to use these recommendations as a road map for the Department's overall improvement and I believe we have made significant strides to

create a better managed organization, to mitigate the risks of fraud, waste, and abuse in our programs, and ensure the successful execution of our mission to secure the Capitol complex.

As a result of the GAO recommendations, we have completed and applied an independently validated risk matrix that assesses the security environment at our Capitol complex facilities and have integrated this into our procedures so that they can be implemented when we assume responsibility for the Library of Congress buildings in the merger in 2009.

While these are just a few examples of the significant efforts we have undertaken to enhance management and internal controls of the Capitol Police, as well as implement long-term planning, I believe they represent our continued commitment to meet the challenges raised by Congress and to successfully execute our mission to protect and defend the legislative process.

Although much work remains and we have accomplished much, we believe that significant progress has been made in implementing systems and processes that improve the operational and administrative functions of the Department and our ability to perform our mission. We look forward to working collaboratively with the Congress to continue to safeguard the members, the staff, and the visitors to the Capitol complex and we thank you for the opportunity to appear before you today and the committee's continued support of the men and women of the United States Capitol Police.

My colleagues and I are prepared to answer any questions that you may have.

[The prepared statement of Chief Morse follows:]

Chairman Feinstein. Thank you very much, Chief.

Could you describe the needs assessment that was completed to develop specifications for replacing the Capitol Police radio system?

Chief Morse. One of the first things that we did is examine a study that Mr. Gainer had initiated in 2005 on the assessment of the current radio system that we have and a way forward with interoperable communications. Once we examined that study, we had all our operational bureau commanders examine the report and then report to us the needs in their respective areas of responsibility of security and protection of the campus. So we were able to establish what we currently do to protect the complex and how communications fit into that plan. That was one of the first steps.

Obviously, the next step—

Chairman Feinstein. Well, let me ask you—

Chief Morse. Sure.

Chairman Feinstein. Have you evaluated that? What did you find from that needs assessment? What are the conclusions?

Chief Morse. The conclusions were that we needed to be interoperable with our partners in order to not only respond or help mitigate a situation, but just on a day-to-day operational basis. We weren't able to communicate effectively with each other and have situational awareness by being on so many different channels.

To give you an example, if today we were to have an event that occurred outside, the dispatchers would have to take the time to simulbroadcast that information to the units inside, whereas the new system would allow us all to be on one channel, and as we are divided in our responsibilities, we would still be able to talk to each other and have situational awareness at the same time with what is going on around us. That is one example.

The other thing that we found was a need, as Senator Bennett described, a need to be able to communicate subterraneously, at loading dock areas, tunnel systems, and the CVC. Most of our work is done internally and a lot of it is below ground, and what we found is that we have gaps in communication. We are unable in some areas to communicate with each other. That obviously presents an officer safety issue as well as a mission assurance issue.

Chairman Feinstein. I just want to point out, I noticed that when we had a major evacuation when one of those small planes was over and Capitol Police were telling everybody, go faster, run, run, run, move, move, move, and I really was worried that somebody was going to have a heart attack. We have a lot of elderly people in the room. The stairs were just jammed--my office is in Hart--were just jammed with people going down. It was very hot outside. People had to run, which is difficult for some people. And then it turned out not to be a threat.

Well, that to me was just one small incident where that kind of situational exposure would have been much clearer. We had a great deal of difficulty at the time with the all clear, so people were kept out in the hot sun for a longer time than they might have been had there been more situational awareness, and the officers that were on the corners really didn't have the information that they needed to make the judgments that at least I felt they needed to make at that time.

Chief Morse. That is very critical, and to have officers on so many different channels and not to have clear communication or the ability to clearly communicate is a detriment to be able to handle a crisis situation.

Chairman Feinstein. How far along are you? I mentioned this number \$65 million. Is that an accurate number? Where do you get the number? I mean, how

do we proceed on an expedited basis?

Chief Morse. The amount, we would have to reserve --here in the hearing I am reluctant to give specific amounts because of certain procurement restrictions. However, I can explain to you how we came about the costing.

Chairman Feinstein. I guess my question would be, when do you go to bid, and when do we need to have the money available?

Chief Morse. We are currently preparing an RFP to be reviewed and approved, and then at that point, we would be prepared to put it out for bidding.

Chairman Feinstein. And what is the length of time that you estimate this will take?

Chief Morse. We plan to have the RFP accomplished by the end of July, and if I could, Ms. Jarmon could give you more specific information on that.

Chairman Feinstein. So is it fair to conclude that this has been three years in the preparation? You mentioned a 2005 study.

Chief Morse. Yes. A 2005 study looked at the current radio system and how to improve upon it for interoperability and to make an initial investment in moving forward. So this was really the second significant phase of that, was to take a look at replacing the entire system, broadening the scope of the study to include, as Mr. Bennett indicated, the infrastructure needed to communicate within the buildings and subterraneously. So with the operational needs and the infrastructure that is needed, we had a contractor who is very experienced in building these systems do the design phase and construction phase of this project, which netted us a figure that we are very comfortable with.

Chairman Feinstein. One quick question. Who makes the decisions as to whether you are doing--this is the right approach or not? Who makes that decision?

Chief Morse. Well, we have had many experts take a look at what we are doing from Homeland Security, just to name one, who all concur that interoperability in law enforcement, through municipal and Federal law enforcement, is critical to the success of our missions. This particular path is--and interoperability of this type of system is the technology that is out there now to accomplish that goal.

Chairman Feinstein. That is not quite my question.

Chief Morse. I am sorry.

Chairman Feinstein. My question is, who will make the decision and say this is

the kind of system we need to go for?

Chief Morse. We have vetted this through, for instance, the Capitol Police Board, who has—

Chairman Feinstein. Is it the Capitol Police Board that makes the decision?

Chief Morse. They have concurred that this is the system that—

Chairman Feinstein. Do you make—I want to know who is responsible to make the decision, because there are some differences in the House approach, I think, with what our approach is. I want to know who makes the decision.

Chief Morse. The Capitol Police Board, in my opinion, has made the decision that this is the system that is needed in order to forward our ability to protect the Capitol campus.

Chairman Feinstein. Okay. All right.

Senator Bennett, do you have some questions, and then we will do another round.

Senator Bennett. Yes. Chief Morse, you said you went to a contractor who designed the system. Did you have any alternative contractors? Was this a sole source?

Chief Morse. This was a competitively bid contract.

Senator Bennett. And how many people bid on it?

Chief Morse. I would have to give you that figure for the record. I do not have that information with me.

Senator Bennett. Okay. I would be interested in that.

What would happen if we have a continuing resolution rather than adoption of a legislative branch appropriations bill? How would that affect your Department?

Chief Morse. With a continuing resolution, there would be several challenges that our agency would have to overcome. One is one that was mentioned earlier in our testimony, which is the opening of the CVC. The other that we would have to consider a challenge would be the merger with the Library of Congress. We also would look at some of our initiatives that, from a staffing standpoint that are needed to move forward, and there is a cost-of-living adjustment, COLA, that is upcoming that would be affected by that, and so we have been working very closely with the appropriators on

these types of issues so that we can have alternative plans or solutions when these challenges, or if these challenges present themselves. But those are some of the examples where staffing is affected or the opening of the CVC or the merger with the Library of Congress would be two challenges that would be affected by it.

Senator Bennett. Let us talk about the Library of Congress. That is a subject I have been interested in for too many years now. How is that progressing?

Chief Morse. Currently, the Library of Congress merger is progressing as planned. These plans include reviewing some of the property assets, developing some of the processes for transfer of employees, meeting with the LOC and the AOC regarding space requirements, reviewing official personnel folders. There is much more coordination obviously that has to occur, but at this point, we are on track with what we have planned to do in order to make that merger occur.

Senator Bennett. Can you give me a completion date?

Chief Morse. We expect to be complete by September of 2009 with our planning strategy and we are on course for that.

Senator Bennett. That is taking a long time. How many years have we been talking about that one?

This is a minor item, but it has stirred up a little bit of criticism and I want to give you the opportunity to respond to it. I understand you have 74 take-home vehicles, including some canine vehicles. Can you verify those numbers or explain the numbers and give us the justification for why some of your officers have the privilege of a take-home vehicle?

Chief Morse. Okay. Seventy-four would be the number. Forty-seven of those are canine vehicles. The 47 canine vehicles are home-to-work vehicles in order for the canine officers to care for their animals. It is a Department asset—

Senator Bennett. Does the animal go home with the officer?

Chief Morse. They, in fact, do and they are kenneled there at their homes.

Senator Bennett. Okay.

Chief Morse. There are about 27 remaining vehicles. One of the most recent operational things that we did regarding take-home vehicles was the ability to constitute a command staff in order to handle a critical incident situation here at the campus or elsewhere. We didn't have that capability and it is a capability that other Federal law enforcement agencies who have similar responsibility follow. It is very important for us as the agency heads to be able to respond here quickly in off hours that

we are not working in order to effectively communicate direction and coordinate mitigation of a critical incident. So that is one of the most recent changes that we have made.

Senator Bennett. Is the assumption that if there is an emergency in an off hour, the fact that you have a police car at home enables you to get here faster than if you were using your own car, or is it a communications issue that you have communications equipment in the police car, or both?

Chief Morse. Well, it is actually several factors. One is obviously the expediency in which we can return here, and in a critical situation, in planning overall with the city, there are certain obstacles or barriers that we would have to overcome that we can do that with obviously a police vehicle identified.

Also, there is the need for situational awareness as we respond in and having that radio system or communications is critical to us, having timely information to act upon and give direction for as we are approaching the scene.

Senator Bennett. Are there any guidelines as to the use of the take-home vehicle to make sure that it doesn't get used improperly?

Chief Morse. Yes. The Chief of Operations is currently updating that, but there is policy in place to guide us in the use of the vehicle.

Senator Bennett. You have one, I am assuming?

Chief Morse. I do.

Senator Bennett. Do you use it for anything besides coming back and forth?

Chief Morse. In my particular responsibility, the answer is, yes, I do. I am sort of on duty all the time—

Senator Bennett. Sure.

Chief Morse. --both through pager, home phone, cell phone, and vehicular-wise, so I do utilize the vehicle more than the commanding officers do, which are strictly restricted to home-to-work transportation.

Senator Bennett. But you don't use it to go to the supermarket?

Chief Morse. I use it to do just about everything so that I can be able to respond very quickly to a scene. So there is a lot of inconveniences associated with that, but it is the things that you have to overcome, I guess, being the Chief.

Senator Bennett. I see. Okay. Thank you. I think that is all I have for this round.

Chairman Feinstein. Thank you very much, Senator Bennett.

Chief, the GAO reports that the Capitol Police have made no progress on one of its major recommendations, to improve administrative and management operations, and is working on an additional 30 recommendations. Where actually do you stand on the remaining recommendations and when can we expect to see them implemented? What I am asking you for is some commitment that you will get these recommendations in place by a specific time.

Chief Morse. One of the things I wanted to talk about today--I did limit some of my comments at the beginning, but I wanted to--one of the things that I didn't specifically get into was the number of recommendations that we currently have opened or closed or some of the methods in which we closed those.

We currently track all of our corrective actions. We have a person who is dedicated to that. The most recent statistics that we have show that we have completed actions to close about 56, or about 42 percent of the 134 GAO or OIG recommendations and are making significant progress in closing the remaining 78 recommendations. We expect that these statistics will increase, obviously, by the end of the year.

As in my testimony, I stated that one of the key areas of recommendations was in the human resources and financial management area with regard to direct policies, procedures, and directives, and the hiring of personnel. And as I stated in my testimony, we hope to have all or the majority of those 31 positions filled by the end of the fiscal year, which will close a lot of those existing recommendations.

Chairman Feinstein. Okay. We are also going to hear from the head of the union. Now, I am very accustomed in my nine years as mayor of working with police unions and understand their concerns, but it seems to me the dominant concern that comes through is poor morale. I would like to give you an opportunity to respond to that question before it comes up. What is the status of morale as you see it and what are you doing to improve it?

Chief Morse. One thing that, as an officer coming up in this organization for 23 years, I understand a lot about morale and I also understand a great deal, obviously, about the mission that we perform, and it takes a very special person to be a Capitol Police officer. It takes a special person to be a police officer. But to be a Capitol Police officer is a very difficult job.

As you said a few minutes ago, we are the number one target. We face a threat that perhaps other municipalities do not face and we certainly have to be

prepared at all times to evacuate a building when an airplane is coming in, or suddenly we are faced with an armed intruder, as Officer Chestnut and John Gibson were faced in 1998. So morale is very important.

I judge morale by, obviously by walking around and talking to the officers, and most recently I saw very positive signs from the police officers, and let me give you two examples. As a cop myself and a police officer, coming to work is usually a key indicator in doing your job. Our officers, first of all, are doing a wonderful job and you can see that by the fact that we haven't been attacked. We haven't been exposed to chemical or biological agents. And as we look back to the Gorbey incident, Officer Geyer from the Senate Division who stopped a possible armed intruder, the way that they conducted themselves professionally, the way that they interacted with each other shows me that they are prepared and their motivation is high.

We recently had the Fourth of July concert where we had 98 percent of our staffing. People didn't call in sick. People came on a holiday. People came with sacrifice to their families. They came and they were dedicated to the mission. I think you have to be a very motivated person to do that.

Just a few months ago, we had an incident where we had a demonstration that could possibly prove to be a volatile one and we needed to show a force that was prepared, and we asked approximately 600 of our police officers to come in on their days off to protect this building, this campus, and to protect the rights of the demonstrators and the counterdemonstrators. Every single person showed up.

Chairman Feinstein. Wow.

Chief Morse. Every single police officer showed up.

Chairman Feinstein. Was that an order or was it volunteer?

Chief Morse. Well, it is an order to show up, obviously—

Chairman Feinstein. Then I would expect them to show up.

Chief Morse. --and we would expect them to show up, but I think 600 people without anyone calling in sick, people standing in a line in heat and over 65 pounds of equipment for three or four hours without one complaint. I think that shows a lot of motivation and dedication and I think it shows that morale is not the way it is being portrayed.

Chairman Feinstein. Well, then why do you believe it is being portrayed that way?

Chief Morse. Well, as the Chief of Police, my interest is in every single

employee, whether they agree with me or disagree with me. I think that perhaps this agency, an agency in transition, an agency of tremendous change, and we have seen tremendous change in the last 18 months, we have worked very hard to make our organization the best that it can be and we have made great strides in that, and I think that that is lost in some of the reporting, the heroic acts of Officer Geyer during the Gorbey incident, the job that the officers do here every day, the Fourth of July, the safe event that we had.

I think that change, and as a manager, not only as a police officer, but with my education in management, I know that change sometimes is met with resistance and sometimes it is because they don't understand or perhaps don't have the knowledge about what we are doing. But what I am committed to is each one of these police officers and employees, whether they agree or disagree with me, I care about them. And if I need to do a better job of communicating what it is that we are changing and some of the impacts of that change, then that is what I will do. But what I am committed to after 23 years on this police department is the safety and security of this complex.

I have often said this and I think the people who surround me understand this. It isn't about me, it is about this institution. So I don't sit around and concern myself about how I am portrayed. I am mostly concerned about how the organization is portrayed.

And I just want to say this today. The men and women of the United States Capitol Police are prepared. We are a formidable force. We show that every single day and I am proud to be associated with all of them.

Chairman Feinstein. Thank you. I think that statement was a very good statement and I very much appreciate it. I think you have a very hard job and the Capitol Police have a very hard job. It is not like a traditional police department. There isn't always the excitement of getting a call and getting there and a two-minute response time and working narcotics and grand theft and homicide and all of these things that go on in a traditional police department.

But one of the things that is different from a big city is the number of people that are in these buildings every day. Until we have an evacuation and you see the thousands streaming out of the buildings do you realize how much humanity there is here to protect. You know, it is children, it is elderly, it is groups from all over America coming back to talk with their members. It is a very atypical police situation in that sense, and it is day after day after day. I think there is a certain amount of tedium that goes along with it.

I have come to greatly appreciate the professionalism of officers. I have come to appreciate their smiles. I have come to appreciate them saying, "How are you today," and having a little bit of banter back and forth and manning the magnetometers

first shift. I think we all need to pause and recognize that, because when the moments come, they come without warning, they are stark, and nobody knows the degree to which they might impact not only the building infrastructure, but the massive humanity that is gathered inside of them.

We will hear from the union, but I do hope that there is a recognition that this is a very unusual and special police post and I hope, Chief, that you will do those things which can build on morale. I have watched police departments through 18 years as a county supervisor, as president of the board, as a mayor. The police department was directly under my jurisdiction, and I found out how important it is for the chief to be up-front and personal, for his willingness to take strong action, and for his willingness to do certain things. I would just like to ask that you complete fulfillment of those GAO recommendations as soon as you can, that you make the interoperability a real priority and get it done. You know that you continue to provide a level of leadership that will keep this the most professional kind of police department that it can possibly be.

So I want to thank you for being here today and turn it over to the Ranking Member to—

Senator Bennett. I have no further questions.

Chairman Feinstein. You have no further questions. If I could just ask a couple of things if you would do in writing for us. First, could you provide for the record a specific list of the technical changes that you believe are necessary to existing statutes to improve the effectiveness of the Department's operations. I am requesting statutory changes that might be helpful to you. Second, could you list specific needs for fully staffing the Capitol Visitors Center and what you are doing to meet those needs.

And, let me see, I think there is one other. Third, could you provide the human capital management plan as soon as it is concluded. It is my understanding that GAO has recommended that you develop and implement a strategic workforce plan that would include strategies for hiring and training staff to address workforce gaps and sustain critical skills and competencies. I understand this plan is currently under development. Perhaps you could answer when you think you would have it.

Chief Morse. Ms. Jarmon indicates that we should have that in draft probably in September.

Chairman Feinstein. And when will it be finished that we might be able to review it?

Chief Morse. We would offer it for review in September.

Chairman Feinstein. If you would see that we get a copy then in September--

Chief Morse. Yes, ma'am.

Chairman Feinstein. Thank you very much. Finally, could we also receive a copy of the master training plan that you are developing, and when might that be available?

Chief Morse. That is available now, so we can—

Chairman Feinstein. So if we could get a copy of it, we would appreciate it. That completes our questions, and Chief, thank you for your work and your leadership. Please know that the professionalism of your Department is very much appreciated by this committee. So thank you very much.

Chief Morse, if you can remain to talk in private session with the two of us, we would appreciate it very much.

We will move on to the next panel and I will begin the introductions while the panel changes. The second panel consists of Mr. Richard Stana. He is the Director of Homeland Security and Justice at the GAO. He has been with the GAO for 32 years and has done work on a wide variety of complex issues, both military and domestic, and he has directed the GAO's work relating to immigration and border security issues.

Chairman Feinstein. Officer Tighe is the Chairman of the U.S. Capitol Police Labor Committee of the Fraternal Order of Police. He began his career in law enforcement as a correctional officer for the New York State Department of Correctional Services. He joined the U.S. Capitol Police in August 1999. Officer Tighe is currently assigned to the Patrol Mobile Response Division and he has been actively involved in with the Labor Committee Executive Board, was elected its chairman in 2007.

Welcome, gentlemen. Mr. Stana, we would like to begin with you.

**STATEMENT OF RICHARD M. STANA, DIRECTOR, HOMELAND SECURITY AND JUSTICE,
U.S. GOVERNMENT ACCOUNTABILITY OFFICE, WASHINGTON, D.C.**

Mr. Stana. Thank you, Chairman Feinstein, Senator Bennett, for the invitation to testify on our work regarding the U.S. Capitol Police.

As you know, the U.S. Capitol Police performs many essential functions that are key to the efficient and effective workings of the Congressional branch. It is responsible for securing the 276-acre Capitol complex, for protecting members of Congress, their staff, visitors, 19 buildings and national treasures, and for regulating traffic within the Capitol grounds. Having efficient and effective operations and related administrative and management functions are important if the Capitol Police is to achieve its overall mission, to protect the Capitol complex and the on-site public.

Over the years, in response to various requests and legislative mandates, we identified and reported on management control problems in a range of operations--financial management, human capital management, and information technology--and made 46 different recommendations for improvement in these areas. In response to our work, U.S. Capitol Police recently created a framework to help them, us, and interested Congressional committees to track progress in implementing our recommendations. Our recent review showed that the Capitol Police has completed actions on 15 of the 46 recommendations, is making progress toward addressing 30 recommendations, and has—

Chairman Feinstein. Not made progress on one recommendation.

Mr. Stana. You are reading my mind.

Chairman Feinstein. I am following it in your report.

[Laughter.]

Mr. Stana. My prepared statement discusses in detail the nature and importance of these recommendations and the status of the U.S. Capitol Police's efforts to address them, and in my oral statement, I would like to highlight a few main points.

First, we reported that the Capitol Police needed a system to link its resource requests and allocations to identified risks, threats, and vulnerabilities. In response, the Capitol Police has completed risk assessments for 18 of the 19 Congressional facilities it currently protects. It plans to complete all assessments, including those additional assessments for Library of Congress facilities it is to assume responsibility for, around the end of the year. Additional actions will be required to adequately test and review its overall risk management approach. Until this process is completed, the Capitol Police will not be in the best position to justify resource requests and mitigate potential vulnerabilities and threats to members, staff, visitors, and facilities.

Chairman Feinstein. Let me stop you there. Can you explain what you mean by that, the Capitol Police will not be in the position to request resources?

Mr. Stana. What we are envisioning is a framework for identifying, using risk management principles, which facilities and which parts of their jurisdiction require the highest level of protection and the certain types of assets to protect members, visitors, and the buildings themselves from risks of terrorism or other police action. It does not mean that every single door would have the exact same protection. The front door of the Capitol building, for example, may be a higher risk or a higher terror target than the back door of the Ford Building.

And applying risk management principles, you would right-size the force to cover

different areas under their jurisdiction and make sure that you are doing your job in the most efficient and effective way. And you could then identify how many resources you need and in what configuration to do the job most effectively and within appropriations constraints. Does that make sense?

Chairman Feinstein. Please proceed.

Mr. Stana. Okay. Second, the Capitol Police is working to address challenges in financial management. We reported in the past on a high level of staff turnover and open vacancies, weaknesses in financial reporting, problems with the implementation of a new financial management system, and the need to follow through with plans to develop and implement an internal control program.

This past year, they have assessed staffing needs and procurement processes and issued its first full set of financial statements in accordance with Generally Accepted Accounting Principles. It is also making progress in areas of financial management staffing, training, policies, procedures, and internal control. Importantly, since last April, the Capitol Police have filled five financial management vacancies, including the CFO position, and other positions are in the process of being filled, as the Chief mentioned. However, they still have a ways to go to implement our recommendations and meet its long-term financial management goals.

Third, in the area of human capital management, they have adopted a hiring policy and are making progress on other recommendations related to workforce planning and training. But work still remains to complete the strategic workforce plan and master training plan, which should include long-term strategies for acquiring, developing and training, and retaining a workforce with the critical skills and competencies needed to accomplish the Department's mission.

And finally, the Capitol Police have made progress in the information technology management area by establishing important management capabilities, such as the use of a disciplined system acquisition management practice. But more work remains to be done in the areas of enterprise architecture, IT investment management, information security, and continuity of operations planning.

In closing, the Capitol Police have made significant progress in addressing operational and administrative weaknesses we have identified, but there still is a substantial amount of work that remains to be done. Until these weaknesses are completely addressed and our recommendations are fully implemented, the Capitol Police will not be in the best position to achieve its overall mission in the most efficient and effective manner. This underscores Congress's need to stay closely attuned to the Capitol Police's progress toward addressing the administrative and management challenges we identified.

I would be happy to answer any questions that you may have about our work or

other matters.

[The prepared statement of Mr. Stana follows:]

Chairman Feinstein. Thank you very much, Mr. Stana.

Officer Tighe?

STATEMENT OF OFFICER MATTHEW TIGHE, CHAIRMAN, U.S. CAPITOL POLICE LABOR COMMITTEE, FRATERNAL ORDER OF POLICE, WASHINGTON, D.C.

Mr. Tighe. Honorable Chair and members of the committee, I would like to thank you for the opportunity to testify before you today. I am here not only to speak to you as the Chairman of the Capitol Police Labor Committee, but as a police officer, as well.

As Chairman of the Fraternal Order of Police Labor Committee for the United States Capitol Police, I represent more than 1,000 sworn members of our Department. We meet regularly to discuss our experiences on the job, and much of what we discuss relates to traditional workplace issues facing memberships in a variety of work settings represented by organized labor. We also hear consistent constructive criticism regarding how well we protect those we are sworn to serve.

I am proud of my fellow officers' interest in supporting the goals our oath of office sets out for us. They are professionals who want to contribute more. However, it has become increasingly difficult to stand by idly while the morale of the officers deteriorates. A demoralized police force is incapable of effectively achieving the goals and mission of the Department. Specifically, the officers' anguish stems from a breakdown in communication, accountability, and leadership which has sown doubt and distrust in the labor-management relationship.

Open dialogue between the officers and management is critical to ensure a competent and united police force. Unfortunately, open dialogue is absent from the present labor-management relationship. While Chief Morse and I meet monthly and exchange in cordial, spirited, and sometimes effective discussions about labor issues, the amount of communications at all the other levels of the Department is severely lacking.

In the past, management officials and union representatives communicated freely at every level, from shop stewards and sergeants all the way up the chain of command to the chairman and the chief. Presently, the Department has pivoted away from this traditional approach and instead delegated much of their authority to resolve labor issues away from immediate supervisors to human resource specialists and attorneys. When my fellow officers perceive that they have lost input into the system,

as is presently the case, they in turn lose interest in the Department's direction and effectiveness.

The union is dedicated to ensuring that the officers' voices are heard, but management continually ignores the rights of the union and its officers. The Department's choice to yield all decision making authority in labor matters to attorneys and human resource specialists has yielded a new adversarial approach. This adversarial approach has forced the union to reestablish existing rights and protections that were previously agreed upon. Instead of representing the officers and protecting those who protect the Capitol, the union is forced to expend substantial resources.

The men and women of the United States Capitol Police take great pride in being given the responsibility to protect members of Congress, the Congressional community, and the millions who visit here. Those who are recruited and trained to carry out our vital mission are among the best educated and motivated people I have encountered anywhere in the law enforcement community. They bring intellect and on-the-ground experience to the myriad tasks associated with—

Securing and protecting everyone within the Capitol complex. I believe we are horribly underutilized for insight and ideas that could support further improvements in securing the Capitol.

The Capitol complex faces a constant threat that is not always easy to detect or identify. To deter and combat threats, the Department must be given the adequate and appropriate resources to fulfill our mission. We believe a longer view of the technology and equipment that can significantly enhance our mission must be taken. Further, the integration and scalability of existing and future systems must be given more weight in order to maximize the effectiveness of tax dollars spent while projecting future needs in a manner that will make improvements more affordable and compatible.

In addition to the obvious need for training and equipment and adequate funding to carry out our mission for the Congress and the nation, we need you to understand our mission and your cooperation in the performance of our mission. We recognize that often our duties may be viewed as an inconvenience, but they are essential for maintaining security throughout the complex. An officer needs to stay focused on the possible threat without fear for reprisal in properly carrying out their duties. Due to this ever-changing threat, officers cannot passively monitor activity but must be able to take a proactive approach to investigate suspicious activity.

The effectiveness of the individual officer at each of the posts, each of the patrol vehicles, and the various support positions around the Department is most affected by their personal motivation. It is dangerous for everyone who relies upon us if we are reluctant to do what is difficult but required. The human factor in our profession is unusually critical because a blind eye, a turned head, can allow the person intent on

harm to bring arms, toxins, or other dangerous commodities to the halls and offices of the Capitol campus.

Your police officers must feel that they will be supported by their supervisors, their Chief, the Police Board, and the members when they make good faith efforts to do their job. If they come to a common sense that good efforts are punished by the powers that be because they feel inconvenienced, then more damage is done to our security than you may understand.

I urge this committee and the Congress to regularly publish its support for its police officers who diligently perform their duties as individuals and as an agency. Where inconvenience meets security, we must encourage responsible officers and officials to support security and to recognize those who work to secure those we protect.

That concludes my statement. I would be happy to answer your questions now.

[The prepared statement of Mr. Tighe follows:]

Chairman Feinstein. Thank you very much, Officer Tighe.

Mr. Stana, I don't know if you are the one for me to ask this question of, but I am going to anyway. This sentence in Mr. Tighe's testimony, "The Department's choice to yield all decision making authority in labor matters to attorneys and human resources specialists has yielded a new adversarial approach," I view that as a serious statement and I am just unfamiliar. I mean, generally in most big police departments, you have a deputy chief who is in charge of personnel. Where does this come from and when did it happen?

Mr. Stana. Let me answer it this way, and I will be brief with three points. The first is from the statement that I read, that the Chief is trying to create an accountability framework and an accountability to the mission, perhaps unlike was in place in the past. So with respect to the GAO recommendations and other matters, he is assigning responsibilities, he is making sure people know what their job is and what it isn't, holding them accountable for getting a job done, and that is a good thing.

Chairman Feinstein. And that is appropriate—

Mr. Stana. That is appropriate—

Chairman Feinstein. --and we all agree.

Mr. Stana. That shouldn't be an issue.

Chairman Feinstein. That is right.

Mr. Stana. The second point I would bring up is that the Chief has a different management style than Chief Gainer had, or maybe others, and we can all appreciate that. We have worked for different bosses and we are different bosses. There is no one management style that gets it done. All of them can get it done. But it is a different style and different styles sometimes take time to get used to. So that is the second issue.

But the third issue, and this gets to what has been in the media, I suppose, and what Officer Tighe mentioned, and that is there seems to be a feeling that people aren't being listened to, if you want to call it morale. I can't speak specifically different instances and episodes that were mentioned here this morning. But in other organizations, any time you have a change agent, like a leader--like the Chief maybe because of the new accountability framework and the different management style--any time you have a change agent, it is important that the leader communicate very clearly the changes that are attempting to be made, why they are being made, why it is important, what everybody's role is in getting that change done.

Chairman Feinstein. In other words, you mean—

Mr. Stana. If the Chief--

Chairman Feinstein. --instead of just issuing an order, actually being willing to go before the forces or the watches or however you do it and explain why—

Mr. Stana. Make sure everyone understands that—

Chairman Feinstein. --is that what you are—

Mr. Stana. If you get too far out in front of your troops, no matter how appropriate the mission change is, if you get too far out in front of your troops or if they don't understand it, sometimes the mission suffers, the credibility suffers, and it is difficult to get that back. It is easy to lose. It is difficult to get back. And it is extremely important in a change agent environment that you have the backing of your people up and down the line. Again, this is from our work—

Chairman Feinstein. Did you find that was happening?

Mr. Stana. --in general organizations, but—

Chairman Feinstein. Did you find that was happening?

Mr. Stana. We didn't apply those principles to the Capitol Police when we did our work, but in other organizations we have looked at, from the Homeland Security

Department to the Pentagon, you see it happen again and again. When you have a change agent, it is important that they pay attention to the concerns of the rank and file because you can lose their backing very quickly if you don't.

Chairman Feinstein. Well, the thing that is a concern to me in Officer Tighe's statement are two words, "adversarial relationship," and that shouldn't be there. And hopefully, if we achieve nothing else, we can urge that the Chief and his leadership take steps to change that, because we don't want an adversarial relationship in the Department. We want the Chief to lead and we want the rank and file to essentially follow that leadership. Officer Tighe, let me ask you this question. What would help? Let us be positive. What would help alleviate this situation?

Mr. Tighe. I think open dialogue between first-line supervisors, not just the union representatives but officers. Officers need to be included on what is going on in the Department. There needs to be a free flow of information on the direction of the Department. Presently, officers are routinely told not to buy into rumors, not to believe what is going on, but when there is a total void of information, what should the officers believe when they are hearing nothing from anyone else in the chain of command? They tend to feed into rumors.

Chairman Feinstein. So what you are saying to us is that there isn't enough correct information and dialogue coming down from the Chief to allow people to understand what is happening and really want to be cooperative and that this then effectively lowers morale.

Mr. Tighe. Ma'am, let me be very clear. From the union's point of view, it is not the Chief as the person. It is the executive management team. I don't think the message is filtering down through the rank and file when you get to middle-level management and sergeants. I think there is some--there is a disconnect somewhere along the way in how the information is coming down. But it is not solely on the Chief, and I hope we are not portraying that, that this is--we are holding the Chief right there.

Chairman Feinstein. Well, when you—

Mr. Tighe. I think it is a communication problem.

Chairman Feinstein. --when you use the word "executive management team," what is this? I mean, it is always the Chief. The chief is always the head of a department. He is the commander in chief, period.

Mr. Tighe. Well, ma'am, if you could explain—

Chairman Feinstein. I suppose he can delegate it, but that is how you get into trouble.

Mr. Tighe. I am not quite sure what the executive management team is. That is one of the catch phrases that goes around the Department. I believe the executive management team is the Chief and the leadership he has brought in, but I am not quite sure.

Chairman Feinstein. Okay. That is something we need to find out, then.

Senator Bennett?

Senator Bennett. Thank you very much.

Officer Tighe, you testified on the first of May before the Committee on House Administration and the flavor of your testimony was very different than the testimony you have given here. You did use the same phrase there that you have used here when you referred to a well of underutilized insights and ideas, and you said in your testimony here that you feel underutilized. You used the same phrase.

Has there been any specific instance between the first of May and the 16th of July that you could point to that has caused heightened interest in this, because your previous testimony did not indicate the lack of morale that your present testimony does. I wonder what happened between the second of May and the 16th of July.

Mr. Tighe. Well, sir, I can tell you exactly what was happening. Back in May, there was a very large turnover in management. There was new inspectors, captains, and there was a feeling of hope among the officers that things were starting to improve, that new management was coming in and that things were going to start to improve and the officers really felt hopeful that the new management that was in place on certain divisions was going to improve the situation and we want to project the best foot forward as far as the union is concerned. We want to make it known that we are trying to work with the Department.

This is not coming just from the Executive Board of the union. The morale issue has been brought up by our membership, the first-line officers, at our meetings. They have--as you well know, there are news reports about the survey we have conducted and about the vote of no confidence in the Chief. This comes from the first-line officers. The only thing I can do is encourage--is if this committee would conduct a study among the officers and get their feeling. I can sit here and tell you my perspective on how the officers feel. The Chief can tell you the perspective of the officers. But the officers themselves relay to me right now they have lost a lot of faith in the direction the Department is headed. They are just unsure of where we are going.

Senator Bennett. So if I understand what you are saying, in May, you withheld some of this thinking things were going to get better. They have not, so now you feel compelled to speak. Is that a fair summary of—

Mr. Tighe. Yes, sir, it is.

Senator Bennett. Okay. I am troubled by another thing you say in your testimony. Maybe it is just my interpretation of it, but you talk about the tension between inconvenience and security and you want to be able to be sure that everybody can always be backed up if they do the right thing in favor of security. Have there been instances where officers have done what they felt was the right thing for security and then been reprimanded or belittled or a comment has been made, either by members of Congress or by people within the Department?

Mr. Tighe. Yes, sir, there have. I mean, officers that work the doors, that work many of the posts, there is an underlying message within the Department that if you inconvenience staff and sometimes members themselves and they make a complaint against the officer, no matter what the officer says, they feel they won't be believed, that because we are an officer, our word is not taken.

Senator Bennett. All right, there is a feeling of that, but has there been an actual incident where a member or a staffer has, in fact, complained and then management has come down upon the officer and said, well, you shouldn't have done that?

Mr. Tighe. Yes, sir, but I cannot get into specific issues. If you would like, I can meet with you later and explain exactly, because they are ongoing issues. Their cases are before arbitrators and they are before the Office of Compliance.

Senator Bennett. I have never had an experience with a member of the Capitol Police where they haven't been more than helpful. I have had that experience in my State office, where an officer, obviously not a member of the Capitol Police, was totally obnoxious to everyone. He was an equal opportunity obnoxious person.

[Laughter.]

Senator Bennett. My staff complained about how they were treated and I said, well, what do we do about it? Because it was a Federal building, the Federal judges that came to that building ultimately complained and when judges complain, it seems to have a bigger impact than before and this particular officer was transferred. So I can understand that there are times when a single individual might give a whole organization a bad reputation, but that is the only experience I have ever had and my experience in the Capitol has been nothing but good with Capitol Policemen, not only for myself, but for the staff and people who visit me. I have never had a complaint that they were improperly handled, recognizing the importance of security.

Mr. Tighe. Can I answer that, sir?

Senator Bennett. Surely.

Mr. Tighe. You point in the Federal building the judges got more results than yourself, correct? Well, the only way I could equate this, in this building, you are the judges.

Chairman Feinstein. I am sorry, would you repeat that? I didn't understand.

Mr. Tighe. The Senator said in the Federal building that he was operating in, when the judges made the complaint, the judges seemed to get more reaction or got things done quickly. Well, in this building, I guess you could consider yourself the judges and you are the ones who get things done quickly.

Senator Bennett. Well, as I say, I have never had occasion to complain.

Mr. Stana, when I was running a business, I tried to operate on the principle of management by walking around, and I kept a note or a list for myself of how long it had been since I physically walked around in the factory, in the stores, in the telephone places, and so on. I would say, oh, it has been over a week since I did that, and I would simply show up again and let people talk to me. I am assuming that is what you are saying ought to be done here, and Officer Tighe, I am assuming you would welcome that kind of activity. Is that a safe assumption?

Mr. Stana. Yes, and I think it goes a bit beyond that. I think the rank and file in any organization needs to understand right from the leadership what their expectations are, what the mission is, what their role in the mission is, and what is a successful way to go about it. So walking around is one way to do that. You become familiar with the rank and file. Another way of communication is to work with the mid-levels and they, in turn, bring it down to the lowest levels.

But what you are saying is certainly important. It is not a matter of management style. It is not a matter of not wanting to be held accountable. It is a matter of making sure the message is communicated and that the leadership gets buy-in and doesn't get too far out in front of the rank and file.

Senator Bennett. Officer Tighe, if more of the executive management team, whomever they may be, showed up at doors, showed up at important places, just walking by to say, "What is going on? How are you doing?" and so on, would that make a significant difference?

Mr. Tighe. I think it would make a significant difference. I think there needs to be a mindset change. When the new management team, during the transition period, whatever we want to call it, came into the Department, when you deliver the message the Department is a train, you need to get on board or get left behind, that leaves people very hesitant to ask any type of questions.

Senator Bennett. I am not necessarily talking about questions. I am talking about an opportunity to speak up. We have done--

Mr. Tighe. I think these people are hesitant to speak up.

Senator Bennett. You think they are afraid to speak up?

Mr. Tighe. Yes, sir.

Senator Bennett. Well, we have gone through an experience with the Capitol restaurant where they are clearly not afraid to speak up directly to Senators.

[Laughter.]

Senator Bennett. We have all had that.

Chairman Feinstein. That is for sure.

Senator Bennett. I am interested in that response, because perhaps inaccurately, my experience with Capitol officers is that they are always willing to speak up and talk to you and make comment. So it is interesting that you are saying that culture is not there.

I have nothing further.

Chairman Feinstein. I have some technical questions and I would like to just quickly go through them and then we will come back to this.

Mr. Stana, the first question is, is it reasonable to expect that the Capitol Police will be able to produce a clean set of financial statements for fiscal year 2009?

Mr. Stana. That is a really good question and I wish I had a definitive answer. We all hope so. I think by putting a management team in place, they are going a long way toward that end, but they still have to get the policies and procedures ascribed to, make sure everybody follows them, make sure some of the internal controls are in better shape. But they are headed in the right direction here.

Chairman Feinstein. Okay. Is the Capitol Police on track to successfully act upon all of the recommendations that you have made to the agency?

Mr. Stana. I believe so. When the Chief came in, he set up a framework of accountability, assigned specific accountability for each recommendation, and he periodically assesses progress toward closing these recommendations. So I believe we are on the right track there.

Chairman Feinstein. If the Capitol Police could make progress in just one area, what area do you consider to be of the highest priority?

Mr. Stana. Well, I think there are two and the two are related and they are related to the human capital management that you were talking about right at the end of the Chief's panel, and that is making sure that the strategic workforce plan is in place so we know the types of people we want and where we want them posted and how we are going to train them, how we are going to keep them, and how we are going to assure that their skills are up to date. And the second one is to finish the risk management framework and to get the force right-sized. The two are related.

Chairman Feinstein. Right. Well, the Chief is here. He has heard your statement. I think I certainly would concur with that as the priorities. I hope action will be forthcoming in that direction.

Do you have any suggestions as to how the GAO might assist the committee and the police in the effort to properly procure and acquire a new interoperable system, radio system?

Mr. Stana. Well, as a general matter, they have made great strides in getting the procurement system in better shape. You know, they have got the policies and procedures in place and a fairly good case management system. But there have been some missteps in the past and we want to make sure that those are in good shape, from a pure procurement management point of view.

Chairman Feinstein. Well, can the GAO--is it within your ability to help with that?

Mr. Stana. You know, in the past, we have provided technical assistance when asked on accounting matters or management matters. For the risk matrix, for example, we worked with the Capitol Police on what a good risk matrix would be to identify different risks of certain buildings and so on. So sure, we are available to provide that sort of technical assistance.

Chairman Feinstein. The reason I ask that is I see this as a real need. I mean, to me, it is unacceptable that every officer can't know what is going on, and if you let this continue, it could result in dramatic loss of life. So these systems have to be made interoperable. We are in a new world. And we ought to get it on an emergency basis, in my view. If something happened and they couldn't communicate, it would be terrible. So what you are saying, if you were asked by the Chief, you would be helpful to them from a technical aspect, is that correct?

Mr. Stana. Yes, and, of course, having your endorsement of that assistance would be helpful, too.

Chairman Feinstein. You have got my full endorsement of providing that assistance. Thank you.

Mr. Tighe, lack of communication generally goes both ways. What would you be prepared to do to help with this communication?

Mr. Tighe. I would make myself available, my shop stewards, my executive board available to anyone within the Department who would like to meet with us and get our input, as we have regularly offered in the past.

Chairman Feinstein. All right. So in other words, you would gather together people and the Chief could come and sit down with you and talk with you, just like--

Mr. Tighe. I think open and frank discussion among all--up and down the chain of command would go a long way.

Chairman Feinstein. I think this would be a very good idea. Candidly, I really don't like hearing what we just heard. I don't think there should be an adversarial relationship. There is too much at stake. So the human discussions, the human interaction really has to take place. That is just my view, but I want to make it very clearly known.

I think I had one more question. Well, we have one more part to go to, and would you like to make the motion? Let me, just before you do, thank the Chief, thank you, Officer Tighe, thank you, Mr. Stana, for being here and for offering your expertise. I think it was a very useful hearing that we have gone through. I very much hope that the Chief will take some steps to improve the interaction between himself, his top brass, whatever the supervisory relationship is there. But there has to be an understanding and a positive relationship, and that is part of leadership, too.

So it would be my intention to hold another hearing in a six-month period and hopefully there will be changes. We will invite you back, Officer Tighe, and we will invite the Chief back, and hopefully we will see that the situation is much better in that period of time.

I want to thank the GAO for your reports. I think they are most helpful. When I listened to Senator Bennett describe the Department during his father's time and I read your report, I realize the Department has, in fact, come a very long way. I think everybody is to be commended for that.

Finally, I really want to thank the officers for their professionalism, the people that work every day that we see all over this campus that are out on the streets when the temperature is close to 100 degrees. I have never heard a complaint from anybody. The officers who are summoned for big events, who try to be helpful to

constituents when they come here, with directions or with aid or whatever it might be. You are very important to the management and operation and safety and security of the United States Capitol. On behalf of my Ranking Member and myself, I want to say thank you to this Department.

So I will turn it over to you, Senator.

Senator Bennett. Thank you. I had wanted to get into some of the questions of hiring practices and so on. I realize that we are going to discuss that now, so that is why I didn't do it in the open hearing. I want everybody to understand I wasn't ignoring it.

I wish to discuss several sensitive personnel issues and I move under Rule 26, Paragraph 5(b)(3) of the Standing Rules of the Senate, and Title 1, Rule 2(c) of the committee's rules, that we go into closed session.

Chairman Feinstein. I second the motion. Although there are only two of us—

Senator Bennett. We are unanimous.

Chairman Feinstein. We are unanimous.

[Laughter.]

Chairman Feinstein. The motion is passed, and the Committee will continue in closed session. We would ask that everyone leave the room, or perhaps it would be better, Chief Morse, if you would come back with us and perhaps we can meet in the back room. Oh, we have to do it in here. I am sorry, ladies and gentlemen. Thank you for your attendance. We excuse you now. We will take a brief break and be back in about two minutes. So thank you very much.

[Whereupon, at 11:40 a.m., the committee resumed in closed session.]