Comments from the US Capitol Police

Accessible Version

UNITED STATES CAPITOL POLICE
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November 20, 2019

Charles A. Jeszeck
Director, Education, Workforce, and Income Security Issues
U.S. Government Accountability Office
Washington, D.C. 20548

Dear Mr. Jeszeck:

On behalf of United States Capitol Police Chief Steven A. Sund, I thank the Government Accountability Office (GAO) for the opportunity to comment on its draft report to the Committees on Appropriations Subcommittees on Legislative Branch for the United States House of Representatives and the United States Senate titled *CAPITOL POLICE: Potential Effects of Raising the Mandatory Retirement Age* (GAO-20-137R).

Throughout its engagement with the GAO pertaining to its analysis on the potential impact of raising the Mandatory Retirement Age (MRA) for officers, the United States Capitol Police (USCP or Department) has shared and maintains its concerns that the analysis and subsequent draft report do not address what we believe are two significant analyses requested by the subcommittees in House Report 115-929. It should be noted however that the Department is not advocating against raising the MRA for our sworn personnel; rather that before decisions are made a full analysis should be done to ensure informed decision making.

First, the analysis and subsequent draft report does not address the operational implication of permanently raising the MRA for USCP officers and specific civilian personnel covered by the Capitol Police Retirement Act, including the Department's Hazardous Materials Response Team technicians. Though it covers certain financial implications as requested, it does not take into consideration what, if any, impact such a change would have on the Department's ability to fulfill its core mission to protect the Congress. Nor does it take into account the potential financial and resource impact that would likely accompany life and safety implications should the Department falter in fulfilling its core mission on account of an officer over the age of 57 not being able to perform essential functions as required. Furthermore, from a more holistic view, the analysis fails to address operational implications of raising the mandatory retirement age for all federal law enforcement officers that adhere to the same "young and vigorous" standard.

Second, House Report 115-929 required the GAO, in consultation with the Office of Personnel Management (OPM), to validate whether the "young and vigorous" basis of the mandatory age requirement for USCP and federal law enforcement officers is still acceptable provided present-day health and wellness standards. The report includes no such validation and it is unclear if OPM was consulted and provided insight on this matter. USCP does not dispute that certain individuals over the age of 57 can meet the "young and vigorous" standard. As highlighted by the draft report, USCP and various federal law enforcement agencies currently provide waivers to the MRA. However, the

Department strongly believes that any determination to implement an across-the-board raise in the current MRA must be informed by supporting scientific evidence.

Further, the Department would like to highlight two GAO report conclusions that it finds of particular interest. They pertain to the disparities between how the compared agencies administer MRA waivers and how they validate the maintained physical fitness of officers seeking a waiver. USCP has historically implemented blanket waivers to ensure its ability to execute new, immediate security initiatives while new officers are recruited, hired, trained, and deployed. By comparison, the report indicates that the identified nine federal agencies administer waivers on an individual case-by-case basis. Additionally, the report states that the majority of the identified federal agencies require officers requesting exemptions to complete fitness or medical examinations, whereas USCP does not currently have such a requirement. The Department believes that these finding may warrant additional review of its waiver processes, including an individual's physical fitness and ability to perform essential functions.

Again, thank you for the opportunity to comment on the draft report. For your consideration, technical comments and clarifications have been submitted separately. Should you need additional information from the Department, please do not hesitate to contact my office at (202) 593-3500.

Very respectfully,

Richard L. Braddock
Chief Administrative Officer

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