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One Hundred Eighteenth
Congress of the United States
House of Representatives

SUBCOMMITTEE ON OVERSIGHT
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March 1, 2024

VIA ELECTRONIC MAIL

The Honorable J. Thomas Manger
Chief of Police
United States Capitol Police
119 D St. NE
Washington, D.C. 20515

Chief Manger,

I write to you today to express concerns with recent allegations made against United States Capitol Police Special Agent David Lazarus. As the Chairman of the Committee on House Administration Subcommittee on Oversight (“Subcommittee”), which exercises jurisdiction over the United States Capitol Police (“USCP”), I am particularly concerned about the USCP Office of Professional Responsibility (“OPR”) and the perception of undue political influence of this process. The USCP should be a non-partisan and apolitical entity and the OPR process should be transparent, fair, and consistent, while also ensuring an appropriate level of accountability within the USCP. I believe it is inappropriate for Members of Congress to directly interfere in specific, non-executive level personnel and operational decisions at USCP; however, congressional oversight of these decisions is essential to ensuring accountability and transparency.

It was recently brought to my attention that USCP OPR concluded an investigation into allegations of improper conduct by Special Agent David Lazarus. Based on what I learned about this incident during my investigation, I am concerned that the USCP investigation into the allegations against Special Agent Lazarus, USCP OPR case 23-067, was deficient. Now that the USCP investigation has been completed, I have instructed my staff to review OPR’s findings to determine if the investigation was comprehensive and properly adjudicated.

On November 7, 2023, Special Agent David Lazarus was referred to OPR for allegedly not being truthful in testimony in a high-profile criminal court case involving an incident in the Capitol building on January 6, 2021. During the trial, Special Agent Lazarus was shown a photograph of individuals from January 6 and was asked “[a]re these the individuals you observed in front of

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Officer Dunn?”¹ Special Agent Lazarus responded “[y]es.” The photograph showed the defendant standing in front of USCP Officer Harry Dunn.

According to public reporting, based on USCP CCTV footage, Agent Lazarus could not have witnessed this interaction because he was not physically in that location at the same time the interaction occurred. However, OPR determined that Special Agent Lazarus never testified that he was in a certain place at a certain time. OPR also pointed to the fact that Special Agent Lazarus testified that he did not know what time he passed by Officer Dunn. However, if Special Agent Lazarus was not at, or near, the location of Officer Dunn, at the time of the alleged incident, as can be determined by video evidence, then Special Agent Lazarus could not truthfully testify that he witnessed the interaction which he characterized as “antagonistic.”²

For Special Agent Lazarus to observe the specific individuals in question interacting with Officer Dunn, he would have to physically be at the specific location at the specific time of the alleged incident. However, OPR makes no reference to reviewing USCP CCTV footage to determine if in fact Special Agent Lazarus was in the exact location as Officer Dunn and the defendant at the time of the alleged incident. USCP CCTV cameras show the defendant leaving the area in front of the Speaker’s lobby and moving through the Capitol rotunda. The USCP CCTV cameras are time stamped to the millisecond and OPR can easily review this video to determine the movements of Agent Lazarus.

Additionally, OPR relied on the statements of a federal prosecutor in the case in which Special Agent Lazarus was called as a witness. On December 18, 2023, OPR interviewed Special Agent Lazarus, allowed him to provide a written statement, and issued a series of findings. In Special Agent Lazarus’ interview, the USCP officer investigating this matter asked whether he committed perjury in his testimony, to which Agent Lazarus responded, “no.”

The easily available USCP CCTV video can either confirm or contradict Special Agent Lazarus’ testimony and statements about his location and what he witnessed on January 6 and the severity of the allegations warrants a more thorough investigation. Unfortunately, the 2023 OPR investigation is not the only OPR investigation in Special Agent Lazarus’ file with an outcome that is questionable.

In 2016, Special Agent Lazarus was reported to OPR for violating USCP policy related to alcohol consumption while on duty. The OPR official conducting the investigation recommended that this allegation be sustained. The USCP Inspector for the USCP Dignitary Protection Division (“DPD”) Division Commander approved this recommendation. However, the OPR decision finding Special Agent Lazarus violated USCP policy, and approval by the Dignitary

¹ Transcript of Jury Trial Proceedings, Oct. 31, 2022, at 5661-2, *United States of America v. Rhodes* (D.D.C.)

² *Id.*

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Protection Division (“DPD”) Inspector, was overruled by the USCP Office of General Counsel (“OGC”).

The only record of OGC’s decision to overrule OPR’s recommendation is an email from the USCP OGC stating that OGC “reviewed the report of investigation and case file” and “have determined the previously recommended Compliance with Directives charge should not be sustained.” OGC did not provide an explanation for this decision and there is no additional official documentation.

In 2016, while at a National Republican Campaign Committee event in Florida, two DPD agents observed Special Agent Lazarus across a bar drinking what appeared to be an alcoholic beverage with a Member of Congress. The DPD agents observed that Special Agent Lazarus was unsteady on his feet and his speech was slurred. The DPD agents then observed a waitress hand Agent Lazarus a glass containing ice and a brown liquid.

The following day Special Agent Lazarus was questioned by a USCP Senior Special Agent about this event. The Senior Special Agent asked Agent Lazarus if he was drinking or under the influence of alcohol and Agent Lazarus responded “Yes.” The Senior Special Agent asked Agent Lazarus what he was drinking, to which Agent Lazarus responded that he “could not remember.” Special Agent Lazarus was asked if he was drinking beer or mixed drinks and responded that he had “2-3 mixed drinks.” As a result of this statement, Agent Lazarus was sent back to Washington, D.C. before the conclusion of his assignment.

When Agent Lazarus was interviewed again after being sent back to Washington, D.C., he claimed that he “was not drinking any type of alcoholic beverage during the time in question or before.” Agent Lazarus further claimed he “consumed 2-3 *non-alcoholic* mixed drinks on the day in question,” and that no one asked if the mixed drinks were alcoholic and therefore did not make the distinction.

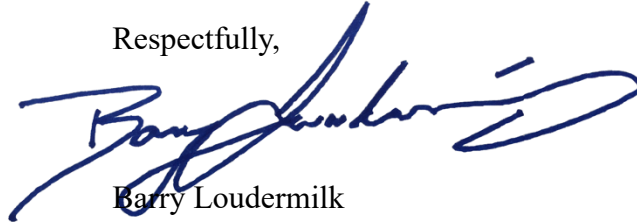
Based on the information contained in the OPR investigation, it is not clear why the USCP OGC would overrule the conclusion of OPR and the USCP Inspector for DPD. Additionally, based on Special Agent Lazarus’ initial statements to the Senior Special Agent while in Florida, and then his subsequent statement after returning to Washington, D.C., it appears that Agent Lazarus may have intentionally given false or misleading statements.

The incomplete OPR investigation regarding Special Agent Lazarus’ testimony regarding the incident in the Capitol on January 6, 2021, coupled with the OGC overruling the recommendation of OPR and a Division Commander regarding Special Agent Lazarus’ violation of USCP policy, and the possibility Special Agent Lazarus made false statements, raises significant questions about USCP’s internal accountability and discipline structure. The lack of a robust investigation into the allegations that Agent Lazarus potentially lied under oath is unacceptable.

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To better understand USCP's internal processes and guidelines for discipline, I ask that you provide the Subcommittee with the complete USCP guidelines for OPR discipline and any additional information that informed the outcomes of these OPR investigations.

Respectfully,

A handwritten signature in blue ink, appearing to read "Barry Loudermilk". The signature is stylized with a large, sweeping initial "B" and a long, horizontal flourish extending to the right.

Barry Loudermilk
Chairman
Subcommittee on Oversight
Committee on House Administration