

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

AARON JAMES MILEUR,

Defendant.

: Case No. 21-CR-248-RDM
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NOTICE OF FILING OF DISCOVERY CORRESPONDENCE

The United States of America hereby files notice of its September 30, 2021, discovery letter to counsel for the defendant, memorializing discovery made available to the defense as part of this case. A copy of the letter sent to the defense is attached.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No.415793

/s/ Emily Allen
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U.S. Department of Justice

Channing D. Phillips
Acting United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

September 30, 2021

Eugene Ohm
Federal Public Defender for the District of Columbia
625 Indiana Avenue, NW, Suite 550
Washington, DC 20004
eugene_ohm@fd.org

Re: *United States v. Mileur*, 1:21-cr-0248-RDM

Dear Counsel:

This letter is to memorialize the discovery productions that have already been made as part of this case, and to alert you to additional materials that are available to you. On April 20, 2021, the government notified you that it had uploaded discovery materials to a shared drive for you to access. These materials included the records particularly relevant to Mr. Mileur's case, including reports of interviews and other evidence collected in relation to the investigation of Mr. Mileur, marked as FBI Serials 1 through 30. On May 12, 2021, the government followed up with additional digital materials including the video and audio recording of Mr. Mileur's interview with FBI agents.

As part of our ongoing discovery production in this case and in relation to the broader set of events on January 6, 2021, we produced on September 17, 2021 reports from U.S. Capitol Police (USCP) investigations of alleged wrongdoing by USCP officers on January 6, 2021. Officer names, witness names, and complainant names have been redacted. If an officer's name is not redacted, and that officer is a subject of or witness to the allegation of misconduct, we are designating that information highly sensitive under the protective order. We are working to produce a set of reports that replaces the redactions with unique identifiers for individuals whose names have been redacted. When that process is complete, we will reproduce the documents with the unique identifiers. Additional exhibits from these investigations are forthcoming. At this time, we understand that a small number of investigations are still on-going, and we will provide reports of those investigations on a rolling basis as they are concluded. These materials have been shared via USAfx and you should have received a notification via email.

In addition, we produced the following information on September 24, 2021:

1. 4,044 files (over one terabyte) consisting of U.S. Capitol Police (“USCP”) Closed Circuit Video (“CCV”) footage from 118 cameras has been shared to the defense instance of evidence.com. The contents of footage being shared includes video from the interior of the U.S. Capitol Visitor Center and from the Capitol grounds. These files are designated Sensitive under the protective order. Additional footage will be provided on a rolling basis, as we ingest it into our own instance of evidence.com.
2. Twenty files that are exhibits to previously produced USCP OPR reports, and a corresponding index, have been shared via USAfx and you should have received a notification via email. Any applicable sensitivity designations are reflected in the index. Additional exhibits will be provided on a rolling basis as we continue to ingest and quality-check them.
3. Forty-two files that consist of MPD internal investigation reports and exhibits, and a corresponding index, have been shared via a second, separate USAfx production, and you should have received a notification via email. These reports and exhibits are unredacted and thus designated Highly Sensitive under the protective order.

The Federal Public Defender for the District of Columbia (“FPD”) has agreed to serve as the Discovery Liaison for defense counsel in Capitol Breach cases. FPD is currently reviewing the various features of evidence.com and testing out the capabilities of the program with sample data. Within the next two weeks, FPD will be sending out information to defense counsel that includes a point-of-contact for discovery-related inquiries, the procedures to follow for obtaining a license to access evidence.com, and a quick start guide for defense counsel to use with evidence.com.

It has come to our attention that there are sensitivities that must be addressed prior to large scale disclosure of body-worn-camera footage. We are working diligently to resolve these issues and in the interim we have produced a sample of fifty body-worn-camera files to FPD’s instance of evidence.com. This sample will allow our technological teams to discuss the necessary infrastructure and workflows that need to be implemented. Ultimately, we intend to produce the majority of body-worn-camera footage with the least restrictive applicable sensitivity designations, if any, in order to facilitate defendant review.

In the near future, we expect to provide tools that will assist your review of the voluminous video footage described above, to include:

1. Camera maps for USCP CCV;

2. Our work product, consisting of a spreadsheet and related zone maps, identifying body-worn-camera footage by agency, officer, video start time, a summary of events, and location of the camera in 15-minute increments; and
3. Global Positioning Satellite information for Metropolitan Police Department radios, which may be of some assistance in identifying officers whose body-worn-cameras were recording at a particular time and location.

I will forward additional discovery as it becomes available. If you have any questions or if you fail to receive three separate USAfx invitations in connection with this production, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily W. Allen".

Emily W. Allen
Assistant United States Attorney