



map for those who may seek to repeat the events of January 6<sup>th</sup>.

The videos provided to the Court, per its order in this case, show an entrance into the Capitol building and entry and exit points into and out of the Crypt. None of the clips were played in open court. In all, the five clips depict approximately 33 minutes of footage from inside the Capitol during the riot. This footage, when combined with other footage from nearby cameras, could be used to track individual rioters moving through the building thereby creating a visual pathway which other bad-actors could use in planning their breach point and pathway for future attacks.<sup>1</sup> The large number of cases (now more than 500 defendants and likely more to come) increases the chance for bad-actors to use video clips like these even where the individual video clips on their own may not be problematic.

The volume of U.S. Capitol Police (USCP) video at issue in this case and the different perspectives and capabilities of the cameras at issue raise additional security issues. Based on representations made by the U.S. Capitol Police, the government has learned that different cameras have different technological capabilities. For example, some cameras have the ability to pan, tilt and zoom (PTZ).<sup>2</sup> Other cameras do not have that capability.

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1 The ongoing threat to the U.S. Capitol is not hypothetical. The USCP and their law enforcement partners are actively preparing for a large-scale rally, “Justice for J6,” scheduled for September 18<sup>th</sup> at Union Square. See <https://www.washingtonpost.com/dc-md-va/2021/09/02/justice-j6-rally-capitol-riot/> (last accessed September 3, 2021). The group organizing the rally is promoting the idea that the hundreds of people charged in the January 6 insurrection are political prisoners. See *id.* Congress is currently scheduled to be in session during that time.

2 See [https://en.wikipedia.org/wiki/Pan%E2%80%93tilt%E2%80%93zoom\\_camera](https://en.wikipedia.org/wiki/Pan%E2%80%93tilt%E2%80%93zoom_camera) (last accessed September 3, 2021).

The USCP videos at issue here come from four different cameras and include more than thirty minutes of footage, far more than the government typically offers in public court hearings. By studying more than half-an-hour of footage from four different cameras, would-be bad-actors would learn valuable information about the capabilities of the cameras, and by extension, the capabilities of the U.S. Capitol's closed-circuit video (CCV) system. For example, the footage depicted in Videos 6 and 8 show substantially different perspectives and capabilities than the footage depicted in Videos 4, 7 and 9. Videos 4 and 9 capture footage that is substantially different in quality than Video 7. By viewing all of the footage at issue here, combined with footage that has been made public in other cases, potential bad-actors would gain valuable knowledge about the capabilities of the U.S. Capitol's CCV system, compromising the security of the building and those who work there.

Finally, the cameras themselves also reveal how law enforcement responded to the attack, revealing police tactics and capabilities that could enable the next set of rioters to change their pattern of attack and their weaponry to combat such tactics and overcome law enforcement capabilities. This is particularly true when the smaller confines of the Capitol require officers to use different combat and crowd control techniques than are used exterior to the building.

For all of the reasons articulated herein, and in the government's prior pleadings, the CCV footage (Videos 4, 5, 7, 8 and 9) should be sealed.

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