# PLAINTIFF'S RESPONSE TO DEFENDANT'S INDEX OF DIRECTIVES

Directives Defendant has Not Designated as Security Information under 2 U.S.C. § 1979

As set forth in Plaintiff's Memorandum of Law, to aid this Court's review, Plaintiff submits this Response to Defendant's Index, which contains a directive-by-directive response to the government's assertions, cross-referencing the undisputed material facts and the record evidence in this case. Columns 1–5 of the below chart reflect the verbatim assertions made in Defendant's Index. *See* ECF No. 26-4. In Column 6, Plaintiff responds to these assertions by identifying the "general and specific interests favoring disclosure," *Wash. Legal Found. v. Sent'g Comm'n* ("*WLF I*"), 17 F.3d 1446, 1451 (D.C. Cir. 1994) (internal quotation omitted), by rebutting Defendant's assertions regarding disclosure harms, and by showing why the public interest outweighs any governmental secrecy interest with respect to each of the directives.

| **Number** | **Name** | **Def.'s Description** | **Def.'s Categories** | **Def.'s Assertion of Potential Harm** | **Pl.'s Response** |
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| 1000.001 | USCP Personnel-Led Tours of the Capitol | Describes the conditions by which USCP personnel may lead tours of the US Capitol. | Internal Personnel Practices, Administrative Practices | Disclosure would reveal the personnel responsible for approving after-hours access to the Capitol Complex and the location of after-hours access cards for locations in the United States Capitol | Public Interest: The public has a substantial interest in accessing this Directive to assess how USCP performs its mission to "to protect the Congress—its Members, employees, visitors and facilities—so it can fulfill its constitutional and legislative responsibilities in a safe, secure and open environment," SMF ¶ 1, including by controlling access to the Capitol Complex. And the public has an interest in accessing information regarding USCP-led tours of the Capitol to evaluate questions about whether "certain 'reconnaissance tours' took place in the days before 6 January, potentially providing some rioters with a layout of the complex," *see* SMF ¶¶ 64–73, and reporting regarding a Capitol Police officer's presence in a photo during one such alleged tour. *Id.* ¶ 66.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP merely describes how disclosure would reveal "personnel responsible for approving after-hours access" and "the location of after-hours access cards" without connecting such disclosure to any attendant harm. In any event, no harm would flow from disclosure of this directive, illustrated by the fact that comparable policy documents by other police departments are public, including portions that identify personnel responsible for approving activities analogous to tours such as ride-along programs. *See* Veile Decl. Ex. 79 at 2 (MPD Gen. Order 204.4 (Ride-Along Program) (identifying "[t]he Office of Communications director or designee" as individual responsible for reviewing ride-along applications)). Additionally, the "location of after-hours access cards" is a readily segregable subset of information from the records at issue, as illustrated by OIG Report 2025-11, which is publicly available, and which discusses USCP's "high security locks and keys that are used to physically secure sensitive areas of the Capitol Complex," and lists examples of such doors as "perimeter doors, police kiosks, [REDACTED]." Veile Decl. Ex. 40 at 1 (OIG Report 2025-11). |

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| 1010.004 | Providing Police Services to the Thurgood Marshall Federal Judiciary Building (TMFJB) | Describes the USCP's role in providing police services to the Thurgood Marshall Federal Judiciary Building (TMFJB) | Law Enforcement Techniques | Disclosure would reveal the conditions under which the Department will take police action in the Thurgood Marshall Building, including the circumstances by which the Department's Hazardous Incident Response Division will respond to the location. | Public Interest: The public has a substantial interest in accessing this Directive to assess how USCP performs its mission to "to protect the Congress," SMF ¶ 1, including its policies with respect to controlling access to the Capitol Complex and its surrounding buildings, and an equally strong interest in assessing USCP's provision of police services to related buildings like the TMFJB, which is used by judicial branch officials and employees.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP does not assert a potential harm from disclosure as to this directive, it merely states that disclosure would reveal its policies and fails to connect such disclosure to any attendant harm. In any event, USCP's role in the provision of police services to the TMFJB is not a secret—it is dictated by statute. *See* 40 U.S.C. § 6505(b) (providing USCP is "responsible for all exterior security" and "may police the Building and other improvements, including the interior and exterior, and may make arrests within the interior and exterior of the Building and other improvements for any violation of federal or state law," but that the Marshal of the Supreme Court maintains an obligation to "protect justices, officers, employees, or other personnel of the Supreme Court"). Further underscoring that no harm would flow from disclosure, other police departments make policies addressing similar topics available to the public. *See* Veile Decl. Ex. 97 (MPD Gen. Order 501.04 (Conducting Police Business in Federal Government Buildings)). That includes policies addressing hazardous incident response. *See* Veile Decl. Ex. 102 at 10–11 (MPD Gen. Order 800.01 (Critical Incidents and Unusual Events) (section addressing hazardous materials incidents). |
| 1020.001 | Bias-Based Profiling | Describes the Department's procedures for responding to and preventing bias-based profiling. | Law Enforcement Techniques, Administrative Practices | Disclosure would reveal the methods by which the Department identifies potential bias amongst sworn employees and risk circumvention by criminal actors seeking to exploit those methods. | Public Interest: The public has a substantial interest in accessing this directive, which operates in part to assure compliance with constitutional equal protection principles. *Cf. Leopold v. Manger*, 102 F.4th 491, 500 (D.C. Cir. 2024) ("*Leopold II*") (recognizing a number of USCP's policies "operate[] to ensure that the Capitol Police, and its officers, are behaving in a manner that is consistent with the Constitution"). And access to this directive would allow the public to evaluate allegations that USCP's response to January 6 reflected a "light touch with the largely white crowd who participated in the attack on the Capitol, particularly in comparison to violence many non-white protesters faced this summer during the racial justice demonstrations." SMF ¶ 32.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure, considering that USCP's assertion of potential disclosure harm is not |

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| | | | | | credible. It is unclear how criminal actors could conceivably "exploit" USCP's mechanisms for identifying potential bias among officers after potential bias-incidents have taken place. Moreover, a public report by USCP's Office of Professional Responsibility contains several direct quotes from this directive, including the statement that "Bias-based profiling is strictly prohibited and must not be the basis for detention, interdiction, or other disparate treatment of any individual by any employee of the USCP," and that the directive directs the Office of Professional Responsibility to "conduct an annual review of Department practices." Veile Decl. Ex. 183 at 25. Additionally, comparable policy documents by other police departments are public, *see, e.g.*, Veile Decl. Ex. 76 at 2 (MPD Gen. Order 201.26 (Code of Conduct) (section addressing unbiased policing)); Veile Decl. Ex. 145 at 50–51 (LAPD Manual 1-345 (Policy Prohibiting Biased Policing)), including those that contain information about identifying potential bias among officers, and there is no evidence that such disclosures have resulted in circumvention. *See, e.g.*, Veile Decl. Ex. 165 at 2 (Ga. Dep't Pub. Safety Policy No. 11.02.3 (Bias Based Profiling) (requiring Office of Professional Standards to "prepare a statistical summary of all bias based profiling complaints" on an annual basis)); Veile Decl. Ex. 123 at 9 (Atlanta Police Dep't SOP 3080 § 4.4 (Bias Based Profiling) (requiring supervisors to "monitor employees' actions" and Office of Professional Standards to conduct investigations)). |
| 1020.002 | Handling Juveniles | Describes the Department's procedures for police interactions with juveniles. | Law Enforcement Techniques, Administrative Practices | Disclosure would reveal the Department's system for processing and handling juvenile arrestees, including violent offenders. | Public Interest: The public has a substantial interest in accessing this directive because it operates to ensure USCP's compliance with constitutional use of force and search and seizure standards with respect to juveniles. *Cf. Leopold II*, 102 F.4th at 500.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP does not assert a potential harm from disclosure as to this directive—it merely states that disclosure would reveal its policies for processing juveniles, and fails to connect such disclosure to any attendant harm. Regardless, no harm would flow from disclosure of this Directive, as illustrated by the fact that comparable policy documents from other police departments are fully public. *See, e.g.*, Veile Decl. Ex. 128 (Atlanta Police Dep't SOP 3190 (Juvenile Procedures)); Veile Decl. Ex. 141 (NYPD Procedure No. 215-10 (Arrest of Juvenile Offender or Adolescent Offender)). |
| 1020.006 | District of Columbia | Describes procedures for | Law Enforcement | Disclosure would reveal information | Public Interest: The public has an interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional |

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| | Conditions of Release Enforcement (CORE) Program | ensuring that individuals released from confinement are adhering to release conditions as they relate to Capitol Grounds. | Techniques | related to release conditions, including potential stay away orders, and risk circumvention of release conditions by offenders. | standards for searches and seizures, including processing arrestees, *cf. Leopold II*, 102 F.4th at 500, and with respect to enforcing release conditions imposed in criminal prosecutions arising from the January 6 riots. *See, e.g.*, Judgment, ECF No. 34, *United States v. Martin*, No. 1:23-cr-00353 (D.D.C. Jul. 19, 2024) (ordering supervised release with location restriction prohibiting Defendant from "knowingly enter[ing] the United States Capitol Building").<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertion of potential circumvention of release conditions, is not credible because offenders are aware of the conditions of their release, which are entered by courts, not the USCP. It is just as plausible to infer disclosure if USCP's policies for enforcing those conditions would encourage compliance as to infer risk of circumvention. Additionally, the MPD makes an analogous policy regarding enforcement of Civil Protection Orders and Criminal Restraining Orders fully public, which addresses, in part, enforcement of restraining orders entered in criminal cases. Veile Decl. Ex. 91 at 7 (MPD Gen. Order 304.20). |
| 1020.007 | Emergency Hospitalization of Mentally Ill Persons | Describes the Department's procedures for initiating emergency hospitalization of individuals with mental illness. | Law Enforcement Techniques | Disclosure would reveal the Department's process for identifying mentally ill individuals and allow individuals to circumvent this process. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional standards for searches and seizures with respect to emergency hospitalizations of mentally ill persons. *Cf. Leopold II*, 102 F.4th at 500.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure, considering that USCP's assertion of potential circumvention is not credible. Comparable policy documents from other police departments are fully public with no evidence of circumvention. Veile Decl. Ex. 90 at 8–9 (MPD Gen. Order 304.14 (Assisting Individuals with Physical and Mental Disabilities) (addressing procedures for hospitalization for "emergency psychiatric treatment")); Veile Decl. Ex. 143 (NYPD Procedure No. 221-13 (Mentally Ill or Emotionally Disturbed Persons) (addressing procedures for taking "a person who is apparently mentally ill or emotionally disturbed . . . into protective custody because the person is conducting himself in a manner likely to result in a serious injury to himself or others")); Veile Decl. Ex. 125 at 7 (Atlanta Police Dep't SOP 3082 (Responding to Persons Experiencing a Mental Health Crisis) (addressing involuntary admissions)). |
| 1020.009 | Handling Interactions with | Describes the Department's procedures for | Law Enforcement Techniques, | Disclosure would reveal law enforcement | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional search and seizure standards, including with respect to |

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| | Transgender Individuals | handling interactions with transgender individuals. | Administrative Practices | techniques for administrative searching and processing of arrested transgender individuals. | transgender individuals. *Cf. Leopold II*, 102 F.4th at 500.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP does not assert a potential harm from disclosure as to this directive—it merely states that disclosure would reveal its policies for searching and processing transgender individuals without connecting such disclosure to any attendant harm. That no harm would flow from disclosure is confirmed by the fact that comparable policy documents are routinely made available by other police departments with no evidence of harm. *See, e.g.*, Veile Decl. Ex. 96 (MPD Gen. Order 501.02 (Handling Interactions with Transgender Individuals); Veile Decl. Ex. 176 (St. Louis Metro. Police Dep't, SO 1-08 (Interactions with Transgender Individuals)). |
| 1020.01 | Communicating With the Deaf/Hard of Hearing during Arrest, Stops, and Contacts | Describes the Department's procedures for handling interactions with people who are deaf or hard of hearing. | Law Enforcement Techniques, Administrative Practices | Disclosure would reveal law enforcement techniques for day-to-day interactions with and processing of arrested deaf individuals. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for interacting with members of the public, including individuals who are deaf or hard of hearing, and to evaluate whether USCP's policies assure compliance with constitutional use of force and search and seizure standards with respect to such individuals. *Cf. Leopold II*, 102 F.4th at 500.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP does not assert any potential harm that would result from disclosing this directive. Instead, USCP merely states that disclosure would reveal its policies for "day-to-day interactions and processing of arrested deaf individuals," without connecting such disclosure to any attendant harm. The lack of potential harm is illustrated by the fact that USCP's OIG has already made public a report that states USCP's policy is to "[p]rovide[] the deaf/hard of hearing with the ability to communicate in an effective manner during arrests, stops, contacts, or any other emergency or significant situation requiring the transferring of information between officers and the deaf/hard of hearing. Once determined that an individual may be deaf/hard of hearing, Department employees will use auxiliary aids, so as to facilitate successful communication with the individual." Veile Decl. Ex. 35 at 9 (OIG Rep. No. 2019-15). Nothing about USCP's policy on facilitating communication with members of the public requires secrecy. Additionally, comparable policy documents are routinely made available by other police departments with no identifiable harm from disclosure. *See, e.g.*, Veile Decl. Ex. 111 (Chicago Police Dep't S.O. S02-07-03X (Interactions with Persons who are Deaf, Deafblind, or Hard of Hearing)). |

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| 1020.012 | Use of Long-Range Acoustical Device (LRAD) | Describes the use and safety precautions in using the Long Range Acoustical Device. | Law Enforcement Techniques, Internal Personnel Practices | Disclosure would reveal the conditions and personnel who operate crowd control equipment, which would allow the public to circumvent crowd control measures. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies with respect to the use of crowd-control equipment to assure compliance with constitutional standards for use of force, as well as for utilizing crowd-control techniques during First Amendment protected activities. *Cf. Leopold II*, 102 F.4th at 500; *see also Edrei v. Maguire*, 892 F.3d 525, 538 (2d Cir. 2018) (finding plaintiffs stated claim for excessive force arising from use of LRADs during protest); SMF ¶¶ 311–14 (discussing settlement agreement entered into by the parties to *Edrei*, including changes to NYPD's LRAD policy); *L.A. Press Club v. Noem*, 171 F.4th 1179, 1188 (9th Cir. 2026) (recognizing use of crowd-control techniques can implicate First Amendment rights). The public also has a substantial interest in accessing this Directive to evaluate the adequacy of USCP's policies with respect to employing crowd control tactics on January 6 in particular, which a GAO survey of USCP officers following the attack reported that "134 [respondents] felt well or somewhat prepared and 153 felt slightly or not at all prepared," and expressed that "more training was needed, including crowd control (128), very large or violent crowd control (84), and more realistic training (46)." SMF ¶¶ 99–101.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure because USCP's assertion that disclosure would risk circumvention is not credible. LRADs are an acoustic weapon that "can produce louder sound than a traditional amplification device, such as a megaphone, and can project over much greater distances." *Edrei*, 892 F.3d at 529. They are typically used open and obviously as a "'loudspeaker' to broadcast police commands," and can be used "to send out sound at a dangerously high level" if such commands are ignored. *See id.* To "circumvent" the application of an LRAD, a crowd would have to disperse, which is the desired effect of utilizing an LRAD in the first place. *See, e.g.*, SMF ¶ 313 (noting use of LRAD device to "emit a series of sharp, painful beeps to disperse crowds"). That no harm would flow from disclosure of this Directive is bolstered by the fact that other police departments make their LRAD policies public. *See, e.g.*, Veile Decl. Ex. 172 (San Diego Police Dep't Procedure No. 1.46 (Use of the Long-Range Acoustical Device (LRAD)). |
| 1021.001 | Search of Persons | Describes the Department's procedures for conducting searches of | Law Enforcement Techniques, Administrative | Disclosure would reveal the methods used by the Department to conduct searches | Public Interest: The public has a substantial interest in accessing this directive to evaluate its adequacy with respect to assuring USCP's compliance with constitutional search and seizure standards. *Cf. Leopold II*, 102 F.4th at 500. The public has an interest, for example, in knowing what standards to which USCP officers must adhere before initiating investigatory stops or more |

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| | | persons. | Practices | both administratively and of arrestees, which would allow individuals to conceal weapons on their person. | intrusive searches, and in evaluating, for instance, whether USCP's policy allows "investigatory stops or protective pat-downs 'based solely on a person's race.'" *See* SMF ¶¶ 315–18 (describing public debate regarding Chicago Police Department's stop and frisk policy).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure because USCP's assertion that disclosure of the methods used to conduct searches would "allow individuals to conceal weapons on their person" is not credible. Law enforcement policies with respect to searches are routinely released in full by comparable police departments with no evidence of widespread circumvention of law enforcement searches. *See, e.g.*, Veile Decl. Ex. 100 (MPD Gen. Order 702.02 (Warrantless Searches)); Veile Decl. Ex. 122 (Atlanta Police Dep't SOP 3020 (Search and Seizure)); Veile Decl. Ex. 135 (NYPD Procedure No. 208-05 (Arrest – General Search Guidelines)); Veile Decl. Ex. 65 (HSI Handbook 12-04 (Search and Seizure)). |
| 1021.005 | Citation Release Processing | Describes the Department's citation release processing procedures. | Administrative Practices | Disclosure would reveal the conditions by which the Department uses citation release and describes the individuals responsible for administering Department systems related to citation release processing. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional search and seizure standards, including the circumstances in which it directs its officers to use citation release rather than arrests. *Cf. Leopold II*, 102 F.4th at 500.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure, considering that USCP does not assert a potential harm from disclosure as to this directive; it merely states that disclosure would reveal its policies for citation release without connecting such disclosure to any attendant harm. In any event, no harm would flow from disclosure of this Directive, as illustrated by the fact that comparable police departments make their citation release policies fully public with no evidence of harm. See, e.g., Veile Decl. Ex. 99 (MPD Gen. Order 502.06 (Citation Release Program)); Veile Decl. Ex. 175 (San Francisco Police Dep't Gen. Order 5.06 (Citation Release)). |
| 1021.006 | Delays in Processing Arrestees | Describes procedures for officers to follow in the event there is a delay in processing arrested | Administrative Practices | Disclosure would reveal the personnel responsible for completing the processing of arrestees in the event of a delay, which could subject | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with search and seizure standards, including for delay in processing arrestees, potentially prolonging their detention. *Cf. Leopold II*, 102 F.4th at 500.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertion that disclosure of this Directive "could" risk "harassment" and "interference" in this context is implausible on its face. That |

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| | | individuals. | | them to interference or harassment in their duties. | personnel within USCP might prefer to do business in secret and avoid any public oversight should not be confused with an actual risk of "harassment" or "interference." Public accountability is a feature, not a bug, of the public's common law right to access information about the functioning of their government. *Cf. Metlife, Inc. v. Fin. Stability Oversight Council*, 865 F.3d 661, 663 (D.C. Cir. 2017) (explaining "[t]he right of public access is a fundamental element of the rule of law, important to maintaining the integrity and legitimacy of an independent Judiciary Branch"). In any event, USCP's asserted risk of harm is unsupported by the record, which is replete with examples of public, comparable policy documents regarding processing arrestees, including documents that identify the personnel responsible for making decisions with respect to processing, with no attendant harm flowing from the disclosure. *See, e.g.*, Veile Decl. Ex. 134 (NYPD Procedure 208-03 (Arrests – General Processing) (addressing, in detail, processing for arrestees, including individuals responsible for various steps)); *see also* Veile Decl. Ex. 136 (NYPD Procedure 208-12 (Alternate Procedure for Fingerprint and Palmprint Processing Due to Computer System Failure) (addressing procedure and individuals responsible for determining how to proceed in the event of failure of fingerprint system)). |
| 1022.001 | Traffic Enforcement | Describes the Department's policies for conducting traffic enforcement within its jurisdiction. | Law Enforcement Techniques | Disclosure would reveal the conditions by which the Department would conduct traffic enforcement within its jurisdiction, which risks circumvention of traffic laws. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional search and seizure standards, including its standards for engaging in traffic enforcement and utilizing traffic stops. *Cf. Leopold II*, 102 F.4th at 500; *see also Rodriguez v. United States*, 575 U.S. 348, 354–55 (2015) (describing constitutional standards for traffic stops).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertion that disclosure "risks circumvention of traffic laws" is implausible on its face; it is just as plausible to infer that posting USCP's policies with respect to enforcing its traffic regulations is likely to produce compliance rather than circumvention. Notably, the Capitol Police Board is required to publish and does publish its traffic regulations. 2 U.S.C. § 1969(c); *see also* SMF ¶ 130. USCP fails to explain how disclosure of information about how it enforces those regulations would result in "circumvention" of them. That no harm would flow from disclosure of this directive is also underscored by the fact that comparable police departments routinely make fully public their traffic enforcement policies. *See, e.g.*, Veile Decl. Ex. 86 (MPD Gen. Order 303.01 (Traffic Enforcement); Veile Decl. Ex. |

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| | | | | | 130 (Atlanta Police Dep't SOP 4010 (Traffic)). |
| 1023.004 | Arraignment of Arrestees | Describes the process of arraigning arrestees. | Administrative Practices | Disclosure would reveal the timeframes required to arraign arrestees and the personnel responsible for bringing arrestees to arraignment, which risks interfering with the Department's ability to bring arrestees to court. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional search and seizure standards, *cf. Leopold II*, 102 F.4th at 500, and with the prompt presentment requirement. *See Corley v. United States*, 556 U.S. 303, 306–07 (2009).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure because USCP's assertions of harm are implausible. The time frame required to present individuals to a magistrate is governed by federal and state law, USCP offers no explanation for why public oversight over USCP's procedures for complying with these rules would result in "interfering." *See, e.g.*, Fed. R. Crim. P. 5(a) (requiring presentment "without unnecessary delay"); D.C. Super. Ct. R. Crim. P. 5(a) (same); *Corley*, 556 U.S. at 310. Moreover, police departments routinely make their policies with respect to transporting arrestees public, and there is no evidence that such disclosures have interfered with their "ability to bring arrestees to court." *See, e.g.*, Veile Decl. Ex. 98 (MPD Gen. Order 502.01 (Transporting Custodial Arrestees) (making such policy public without redaction)); Veile Decl. Ex. 66 at 16–21 (HSI Handbook 15-03 (Arrest Procedure) (section on transporting arrestees made public with some redactions)). |
| 1032.001 | Conducting Preliminary Investigations | Describes the basic initial fact gathering performed by officers at crime scenes | Law Enforcement Techniques | Disclosure would reveal the techniques Department and the personnel used to process and gather information at crime scenes, which risks circumvention of this law enforcement process. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for "handl[ing] the investigation and prosecution of crimes that undermine the very foundation of our government." *Citizens for Resp. & Ethics in Washington v. Dep't of Just.*, 746 F.3d 1082, 1093 (D.C. Cir. 2014) ("*CREW*"). Plaintiff notes that Defendant's description of this Directive makes it indistinguishable from Directive No. 1062.001 (Crime Scenes and Evidence), discussed *infra*, but to the extent this Directive addresses the procedures which governed USCP's intelligence gathering, investigations, and threat-assessments with respect to January 6, the public would unquestionably have a profound interest in accessing it. *See* SMF ¶¶ 48–49, 78–79, 87–90, 93 (discussing scrutiny over USCP's intelligence failures and inadequate preparation in the lead up to January 6).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure because USCP's assertions regarding risk of circumvention are implausible. Comparable policy documents by other police departments are |

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| | | | | | fully public, with no evidence of circumvention. *See, e.g.*, Veile Decl. Ex. 88 (MPD Gen. Order 304.08 (Crime Scene Response and Evidence Collection) (entire policy available without redaction)); Veile Decl. Ex. 124 (Atlanta Police Dep't SOP 3081 (Crime Scene Investigation) (entire policy available without redaction)); *see also* Veile Decl. Ex. 68 (FBI DIOG § 6 (Preliminary Investigations) (partially redacted policy addressing standards for opening such investigations rather than for investigating active crime scenes). |
| 1041.002 | Confiscation of Ammunition. Self-Defense Spray, or Stun Gun | Describes Department policies for confiscating ammunition, self defense sprays, and stun guns. | Law Enforcement Techniques | Disclosure would reveal the conditions under which the Department will take police action with respect to ammunition, self-defense sprays, and stun guns which risks circumvention of this policy and could result in these items entering into secure areas of the Capitol Complex. | Public Interest: The public has a substantial interest in accessing this directive, which concerns USCP's performance of its core mission, SMF ¶ 1, and operates to assure USCP's compliance with constitutional search and seizure standards. *Cf. Leopold II*, 102 F.4th at 500.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure because USCP's assertions regarding risk of circumvention are implausible. USCP already states publicly on its website that ammunition, self-defense spray, and stun guns are prohibited items, and that "[f]ailure to adhere to these regulations can result in an arrest, a fine and/or imprisonment, as well as the confiscation and/or destruction of the item." Veile Decl. Ex. 29. It is just as plausible to infer release of this policy is likely to encourage compliance rather than risk circumvention, and USCP offers no reason to believe otherwise. |
| 1060.001 | Cell Phone Recovery | Describes Department procedures for handling cellular telephones as evidence. | Law Enforcement Techniques | Disclosure would reveal the law enforcement techniques and personnel involved in searching cellular phones, which risks circumvention of this policy and destruction of evidence. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional search and seizure standards, including with respect to searching and seizing cell phones and data contained on them. *Cf. Leopold II*, 102 F.4th at 500; *see also Riley v. California*, 573 U.S. 373, 386 (2014) (addressing constitutional requirements with respect to searching cell phones).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure because USCP's assertions regarding risk of circumvention are entirely hypothetical and implausible. USCP's description of this directive does not suggest that it contains detailed or technical procedures for conducting a cell phone search, and comparable directives made public by other police departments do not contain sufficiently detailed information about the nuts-and-bolts of conducting cell phone data recovery such that any circumvention risk |

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| | | | | | would be reasonably likely. *See, e.g.*, Veile Decl. Ex. 63 (ICE Directive 7-6.1 (Border Searches of Electronic Devices) (authorizing certain personnel to perform searches of electronic devices at the border, and allowing such personnel to request translation, decryption, and other technical assistance from other agencies as necessary, but not providing detailed technical information about data-access)); Veile Decl. Ex. 116 (Baltimore Police Dep't Policy 1017 (Mobile Device Searches) (providing general procedures for submitting cell phones to cyber and electronic crimes unit, rather than detailed technical information about data-access)). Additionally, searches of cell phones generally require a warrant. *Riley*, 573 U.S. at 401. Thus, to the extent this Directive addresses procedures that take place after USCP has already "secured a cell phone," at that point, "there is no longer any risk that the arrestee himself will be able to delete incriminating data from the phone." *Id.* at 388. While some encryption and remote-wiping options exist, as the Supreme Court has recognized, there is "little reason to believe that either problem is prevalent," *id.* at 389, and, in any event, "in situations in which an arrest might trigger a remote-wipe attempt or an officer discovers an unlocked phone, it is not clear that the ability to conduct a warrantless search would make much of a difference." *Id*. at 390. By the same token, it is unclear why revelation of USCP's policy with respect to searching cell phones would measurably increase the risk of evidence destruction. |
| 1062.001 | Crime Scenes and Evidence | Describes the procedures for processing evidence and crime scenes. | Law Enforcement Techniques | Disclosure would reveal the law enforcement techniques and personnel involved in processing evidence and crime scenes, risking interference with these personnel and circumvention of criminal procedures. | Public Interest: The public has a substantial interest in accessing this directive, which concerns how USCP "handle[s] the investigation and prosecution of crimes that undermine the very foundation of our government." *CREW*, 746 F.3d at 1093.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertions regarding risk of circumvention are not credible because comparable policy documents by other police departments are fully public, with no evidence of circumvention. *See, e.g.*, Veile Decl. Ex. 88 (MPD Gen. Order 304.08 (Crime Scene Response and Evidence Collection)); Veile Decl. Ex. 124 (Atlanta Police Dep't SOP 3081 (Crime Scene Investigation)); Veile Decl. Ex. 170 (Phila. Police Dep't Directive 4.1 (Responsibilities at Crime Scenes)). |
| 1073.001 | Protective Body Armor | Describes the care, maintenance, | Internal Personnel Practices, | Disclosure would reveal the nature and use of | Public Interest: The public has a substantial interest in accessing this Directive to evaluate the adequacy of USCP's policies that reflect its preparedness for responding to emergencies at the Capitol Complex, an interest which takes on |

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| | | and use of body armor issues to employees. | Administrative Practices | protective equipment issued to USCP personnel, subjecting them to hazards from individuals seeking to harm Department personnel. | heightened relevance in light of the events of January 6, 2021. There is substantial public interest in whether USCP officers had sufficient "helmets, riot gear, and shields," whether the "gear was old or of poor quality," and whether it was "readily accessible." SMF ¶ 102.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertions that revealing the contents of this Directive would risk "hazards" are vague and unsubstantiated. Standard police-protective equipment includes, for example, helmets, gas masks, batons, gloves, coveralls, boots, eye protection, and that standard riot gear might include shields, shoulder pads, forearm pads, thigh pads, shin pads. This is commonly-known or ascertainable because such information appears in numerous publicly available directives maintained by other law enforcement departments, *see, e.g.*, Veile Decl. Ex. 103 at 6 (MPD Gen. Order 801.01 (Crowd Management and Civil Unrest) (listing standard protective equipment of Civil Disturbance Unit)); Veile Decl. Ex. 72 at 14, 18–19 (MPD Gen. Order 110.11 (Uniform, Equipment, and Appearance Standards) (addressing body armor and ballistic shields), and because the protective equipment worn by police when responding to civil disturbances in public are visible to the naked eye. *See* SMF ¶ 140 (photo of USCP in riot gear during Justice for Jan. 6 rally on Sept. 18, 2021). USCP does not explain why allowing members of the public to read USCP's policies regarding protective armor would meaningfully increase the risk that personnel would be harmed, above and beyond the risk that is always present when officers interact with members of the public who can see the protective equipment they are wearing. |
| 1080.001 | Media Policy | Describes the policies and procedures for employees to discuss work related matters with the media. | Internal Personnel Practices, Administrative Practices | Disclosure would reveal the personnel responsible for providing information to the public and the process by which information is approved for release, which could subject decision makers to harassment and | Public Interest: The public has a substantial interest in accessing this policy to better understand how USCP "handle[s] the investigation and prosecution of crimes that undermine the very foundation of our government," *CREW*, 746 F.3d at 1093, including how it processes and releases information to the media about its conduct. Additionally, the public has an interest in evaluating the adequacy of USCP's policies with respect to processing and safeguarding personal information it may access in the performance of its functions—particularly considering that USCP is responsible in part for safeguarding information about members of Congress that it protects and Congressional employees. *See infra* (discussion of Directive 1010.003, concerning background checks of Congressional employees). And the public has a substantial interest in evaluating USCP's policies with respect to transparency in connection with the events of January 6. *See, e.g.*, Veile Decl. Ex. 9 (noting USCP officer had |

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| | | | | interference. | reflected, in the wake of January 6, that "[transparency] would improve this department on every level").<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertion that disclosure of its media policy "could subject decisionmakers to harassment and interference" is implausible on its face. Personnel who provide information to the public necessarily interact with the public, and USCP offers no explanation for why allowing public access to USCP's policy documents guiding those interactions would result in "harassment" or "interference." Additionally, USCP's bald assertions of such risk are undercut by the fact that contact information for USCP's Public Information Office is already readily available on its website, *see* Veile Decl. Ex. 30, as is USCP's current policy for receiving requests for information adopted pursuant to H.R. Rep. No. 117-80 (2021) and which "reveal[s] the personnel responsible" for processing such requests. Veile Decl. Ex. 182 at 2 (requiring requests to be submitted to the Office of the General Counsel and identifies the "Chief of the USCP or designee" as the individual with authority to approve or deny requests). Moreover, numerous police departments make their media policies public and there is no evidence that their public-relations personnel have been subjected to "harassment" or "interference." *See, e.g.*, Veile Decl. Ex. 78 (MPD Gen. Order 204.01 (Media)); Veile Decl. Ex. 158 (Cal. Highway Patrol Manual 90.1 Ch. 2 (Office of Community Outreach and Media Relations)). |
| 2000.001 | Organizational and Management Structure of the USCP | Describes the organization and management structure of the Department. | Internal Personnel Practices, Administrative Practices | Disclosure would reveal specific personnel and their roles in the Department, subjecting them to harassment or interference with their duties. | Public Interest: The public has a substantial interest in accessing information about USCP's organizational structure because it would allow the public to exercise oversight over the Department's leadership and organizational structure, and because it would provide insight into USCP's lack of preparedness in the lead up to January 6 "because of the decentralized nature of its intelligence components," and into whether USCP's policies contributed to its failure "to prepare a department-wide plan," leadership's failure to take "control of the radio system to communicate orders to front-line officers," and leadership's delay in requesting National Guard assistance. SMF ¶¶ 79–84.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertion of harm is implausible on its face because, as set forth *supra* in response to Directive 1021.006, the fact that personnel within USCP might prefer to avoid public oversight does not constitute an actual risk of "harassment" or "interference." Additionally, USCP's assertions are undercut |

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| | | | | | by the fact that USCP's organizational and management structure are not a secret, the functions of its bureaus and to whom they report have been publicly described several times over by oversight bodies reviewing the events of January 6. *See, e.g.*, SMF ¶¶ 124–25 (organizational chart and accompanying discussion); *see also* Veile Decl. Ex. 38 at 2–4 (OIG Rep. No. 2021-I-0003-D (description of general functions of Operational Services Bureau, Special Operations Division, Containment Emergency Response Team, Civil Disturbance Unit, Protective Services Bureau, Uniformed Services Bureau, and First Responders Unit)). USCP has provided no evidence that any member of its personnel has been subject to "harassment" or "interference" as a result of these disclosures, or that such harm has effected the numerous governmental agencies whose organizational structure is readily available to the public. *See, e.g.*, Veile Decl. Ex. 71 (MPD Gen. Order 101.10 (Organization of the Metropolitan Police Department (MPD))); Veile Decl. Ex. 49 (DHS Directive 252-01 (Organization of the Department of Homeland Security)). |
| 2023.002 | Coordination with MPDC Regarding Reports | Describes the process of coordinating reports entered into the DC Metropolitan Police's reports database. | Administrative Practices | Disclosure would reveal personnel with access to law enforcement databases and the methods by which those databases are managed, risking interference with those databases. | Public Interest: The public has a substantial interest in accessing this directive, which concerns how USCP "handle[s] the investigation and prosecution of crimes that undermine the very foundation of our government," *CREW*, 746 F.3d at 1093, and because this directive relates to how USCP processes and safeguards personal information it may access in performing its functions.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertion of harm is undercut by the fact that MPD's own policy regarding its Records Management System for Reports is fully public and available on MPD's website, Veile Decl. Ex. 95 (MPD Gen. Order 401.01 (RMS Reports)), as is its policy for its Real Time Crime Center, which provides further detail on generating reports and uploading them to various databases. Veile Decl. Ex. 105 (MPD Gen. Order 803.06 (Real Time Crime Center Operations)). MPD also makes public its policy regarding the U.S. Capitol Police, which includes information on how USCP members may access certain databases, are to "obtain a central complaint number from the Public Safety Communications Center for use on all reports," and are otherwise required to "hand carry[] information" to MPD's telecommunications branch to use MPD's Teletype system. Veile Decl. Ex. 93 at 4 (MPD Gen. Order 310.01 (U.S. Capitol Police)). USCP fails to explain how disclosing its policy regarding use of MPD's reports database would result in harm, when MPD makes its own policies on that topic fully public. |

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| 2023.003 | Security and Release of Police Reports | Describes the process for releasing police reports and safeguarding information contained in the reports. | Law Enforcement Techniques, Administrative Practices | Disclosure would reveal personnel with access to law enforcement databases and the methods by which those databases are managed and accessed, risking interference with those databases. | Public Interest: The public has a substantial interest in accessing this directive, which concerns how USCP "handle[s] the investigation and prosecution of crimes that undermine the very foundation of our government," *CREW*, 746 F.3d at 1093, because it concerns USCP's process for documenting and releasing information about its investigations. Additionally, the public has an interest in evaluating the adequacy of USCP's policies with respect to processing and safeguarding information it may access in the performance of its functions—particularly considering USCP may have access to information about members of Congress and Congressional employees.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertions of harm are not credible for the reasons described *supra*, in response to Directive 2023.002, and because policies regarding release of police reports are routinely made public by other departments and there is no evidence of "interference" with their "databases" despite those disclosures. *See, e.g.*, Veile Decl. Ex. 95 at 12 (MPD Gen. Order 401.01 (RMS Reports) (addressing release of reports and referring to other publicly available policies relating to release)); Veile Decl. Ex. 154 (Md. Capitol Police Directive 11.02 (Releasing Police Reports)). |
| 2031.001 | Roles, Authority, and Responsibilities of the Office of Inspector General (OIG) | Describes the responsibilities and duties of the Office of Inspector General. | Administrative Practices | Disclosure would reveal personnel within the Office of Inspector General and their responsibilities, which could subject them to harassment and interference with their duties. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's internal accountability mechanisms. Congress has recognized the public interest generally in accessing information about USCP's OIG, including by directing OIG to make its reports publicly available. *See* H.R. Rep. No. 117-80 (2021). Additionally, the public has an interest in evaluating the adequacy of USCP's internal review mechanisms, as they relate to OIG's role in providing analysis and recommendations to improve USCP's preparedness and response following the events of January 6, and to USCP's ability to accept or reject those recommendations. *See* Veile Decl. Ex. 6 (statement by former-Chief Manger relaying that, one year after the attack, "of the 103 recommendations implemented by the Inspector General, we have implemented and/or addressed over 90 of them").<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertion of harm is implausible on its face because, as set forth *supra*, in response to Directive 1021.006, the fact that personnel within USCP might prefer to avoid public oversight should not be confused with an actual risk of "harassment" or "interference." Additionally, USCP's assertions of risk are undercut by the fact that numerous other federal and state agencies |

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| | | | | | make their policies regarding their respective inspectors general or comparable oversight offices fully public with no reference to any attendant "harassment" or "interference." *See, e.g.*, Veile Decl. Ex. 53 (DHS Directive 0810.1 (Office of the Inspector General)); Veile Decl. Ex. 180 (DOJ OIG Memo. (Principles of Effective Oversight of the DOJ)); Veile Decl. Ex. 121 (APD SOP 2300 (Atlanta Citizen Review Board Investigations)); Veile Decl. Ex. 146 (LAPD Manual, Vol. III § 895 (Office of the Inspector General policies)). |
| 2033.001 | Complaint Process | Describes the process for submitting and responding to complaints at the Department's Office of Professional Responsibility. | Internal Personnel Practices | Disclosure would reveal specific personnel with responsibilities for investigating complaints within the Department's Office of Professional Responsibility, which could subject those people to harassment and interference. | Public Interest: The public has a substantial interest in accessing this directive to assess the adequacy of USCP's internal accountability measures generally because such measures assure compliance with constitutional standards and USCP's own policies, and with respect to the events of January 6 in particular. For instance, the public has an interest in evaluating USCP's procedures for resolving internal investigations arising from the events of January 6. *See* SMF ¶¶ 51–54 (describing USCP's decision to launch "38 internal investigations, after reports that some officers assisted or supported pro-Trump rioters," and resolution of those investigations).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertion of harm is implausible on its face because, as set forth *supra*, in response to Directive 1021.006, the fact that personnel within USCP might prefer to avoid public oversight should not be confused with an actual risk of "harassment" or "interference." Additionally, USCP's assertions of risk are undercut by the fact that numerous other federal and state law enforcement agencies make their policies for dealing with complaints fully public and there is no evidence such agencies have suffered any attendant "harassment" or "interference." *See, e.g.*, Veile Decl. Ex. 73 (MPD Gen. Order 120.25 (Office of Police Complaints Investigations) (entire policy available without redaction)); Veile Decl. Ex. 133 (NYPD Procedure 207-28 (Processing Civilian Complaints) (redacting only internal phone numbers but otherwise making entire substantive policy available)); Veile Decl. Ex. 177 (Seattle Police Manual 5.002 (Responsibilities of Employees Concerning Complaints of Possible Misconduct) (entire policy available without redaction)). |
| 2043.001 | Ethics Policy | Describes the Department's ethics policies in conjunction with the | Internal Personnel Practices | Disclosure would reveal specific personnel tasked with evaluating and resolving conflicts | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's ethics policies, including to better assess USCP officers' conduct on January 6 and thereafter. It also has an interest in evaluating USCP's decision to pursue or not pursue disciplinary action against those officers. *See* SMF ¶¶ 51–56 (describing USCP's decision to launch "38 |

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| | | House Ethics Rules. | | of interest among Department employees and risk interference with those duties. | internal investigations, after reports that some officers assisted or supported pro-Trump rioters," and how a USCP officer was indicted for obstruction of justice on allegations that he sent a Facebook direct message to a rioter "encouraging him to delete incriminating social media posts" relating to January 6).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertion of harm is implausible on its face because, as set forth *supra*, in response to Directive 1021.006, the fact that personnel within USCP might prefer to avoid public oversight should not be confused with an actual risk of "interference." Additionally, USCP's assertions of risk are undercut by the fact that the House itself makes its Ethics Manual fully public, *see* U.S. House of Rep., Committee on Ethics, *House Ethics Manual* (2022 Edition), available at https://ethics.house.gov/manual/ (last visited Nov. 6, 2026),[1] and federal and state law enforcement agencies make similar policy documents public and there is no evidence of "interference." *See, e.g.*, Veile Decl. Ex. 52 (DHS Directive 0480.1 (Ethics/Standards of Conduct)); Veile Decl. Ex. 147 (LAPD Code of Ethics). |
| 2052.006 | Notification and Reporting for Duty during Emergency Situations | Describes the Department's policy on which employees report during emergency situations. | Internal Personnel Practices | Disclosure would reveal the conditions by which personnel are recalled for duty during emergencies and the individuals responsible for making the decisions and notifications, risking interference with emergency response. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies relating to preparedness for responding to emergencies generally, and particularly in connection with the events of January 6, including the policies' adequacy to recall sufficient officers to respond to the events of that day.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertions of potential "interference" risk are undercut by the fact that comparable policy documents are routinely made available by federal and state agencies with no evidence of "interference" with these agencies' emergency response capabilities. *See, e.g.*, Veile Decl. Ex. 69 (Joint Base Andrews Inst. 10-101 (implementing Air Force Policy Directives 10-2 and 10-25) (providing procedures "for conducting alert notification and recall of personnel assigned to the installation in the event of national emergencies, contingencies, or other events")); Veile Decl. Ex. 102 at 2–3 (MPD Gen. Order 800.01 (Critical Incidents and Unusual Events) (detailing procedure for supervising officials assuming command over incidents, notification of watch commanders for Special Operations Division and Real Time Crime Center |

[1] The Court may take judicial notice of "of public records and government documents available from reliable sources." *Al-Aulaqi v. Panetta*, 35 F. Supp. 3d 56, 67 (D.D.C. 2014).

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| | | | | | Division, and of "the chief of police, field commander, command staff, and all critical partner agencies to request resources as required," noting "[o]perational need is the primary factor in determining which components or functions are activated")); Veile Decl. Ex. 60 (TSA Management Directive 3300.2 (Emergency Preparedness)); Veile Decl. Ex. 45 (DHS Directive 010-02 (Emergency Preparedness Program)). |
| 2052.012 | Police Training Officer Program | Describes the Police Officer Training program for new officers. | Internal Personnel Practices | Disclosure would reveal the techniques and practices involved in the field training of new officers, including the specific responsibilities of various Department employees, which could allow an outside actor to interfere with the training of new officers. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies with respect to training in advance of January 6, including to evaluate why many officers did not feel prepared to use force and apply crowd control tactics on January 6, and felt that "more training was needed." SMF ¶¶ 99–102.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertion that disclosing this directive "could allow an outside actor to interfere with the training of new officers" is undercut by the fact that USCP's training processes and policies have already been described in detail by publicly available reports issued by GAO, Veile Decl. Ex. 27 at 19–26 (GAO Survey Report), and USCP identifies no evidence of interference arising from such disclosures. Additionally, comparable policy documents by other police departments are fully public, with no mention of resulting interference. *See, e.g.*, Veile Decl. Ex. 77 (MPD Gen. Order 201.29, Police Officer Initial Training); Veile Decl. Ex. 152 (Md. Capitol Police Directive 03.10, Training). |
| 2053.002 | Grievance Procedures | Describes the Department's internal grievance procedure for employees. | Internal Personnel Practices | Disclosure would reveal the specific individuals responsible for responding to internal Department grievances, which could subject those decision makers to undue influence or interference. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for ensuring internal accountability within the Department in general, because such policies operate to ensure compliance with constitutional standards and with USCP's own policies, and with respect to the events of January 6 in particular. For instance, the public has an interest in evaluating the adequacy of USCP's procedures for addressing officer concerns about USCP's lack of preparedness, communication, training, and provision of equipment to officers to respond to the events of January 6. *See* SMF ¶¶ 36–46, 98–102.<br><br>Rebuttal of Harm: The public interest readily outweighs any disclosure harm because USCP's assertion that disclosure "could subject those decision makers to undue influence or interference" is implausible on its face. That USCP's "decision makers" might prefer to avoid public oversight should not be confused with actual risk of "undue influence." Moreover, USCP's assertion of risk is |

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| | | | | | undercut by the fact that comparable policy documents by other police departments are fully public, with no evidence that those department's decisionmakers have been subjected to such interference. Veile Decl. Ex. 74 at 2–3 (MPD Gen. Order 201.03 (Grievance Procedures) (delineating "deciding official" as individual "at the level of the member's civilian branch head, or sworn official at the rank of lieutenant or captain, with the concurrence of the commanding officer")). |
| 2053.011 | Anti-Discrimination and Anti-Harassment Policy | Describes the Department's policy on detecting and preventing harassment and discrimination. | Internal Personnel Practices | Disclosure would reveal the Department's methods and techniques for identifying and correcting harassment and discrimination amongst employees, including specific responsibilities for members of the Department, which could risk circumvention of the Department's ability to prevent discrimination. | Public Interest: The public has a substantial interest in accessing this directive, which would reveal much about USCP's internal mechanisms for preventing and correcting harassment and discrimination in general, *cf.* SMF ¶ 33 ("[T]he Capitol Police force . . . has been plagued with allegations of racism by organizations including the U.S. Capitol Black Police Association[.]"), and with respect to January 6 in particular, *id.* ¶ 32 (describing debate over USCP's "light touch with the largely white crowd who participated in the attack on the Capitol, particularly in comparison to violence many non-white protesters faced this summer during the racial justice demonstrations").<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure because USCP's assertion that disclosure of this directive "could risk circumvention" is non-sensical. The only individuals who could conceivably "circumvent" this directive would be USCP's own employees. In any event, USCP's assertions of harm are belied by the fact that numerous other agencies make their policies with respect to anti-harassment fully public, and there is no evidence that these agencies have been harmed by such disclosures. *See, e.g.*, Veile Decl. Ex. 50 (DHS Directive No. 256-01 (DHS Anti-Harassment Policy)); Veile Decl. Ex. 75 (MPD Gen. Order 201.09 (Equal Employment Opportunity)). |
| 2053.013 | Rules of Conduct | Describes the employee code of conduct. | Internal Personnel Practices | This directive was disclosed to Plaintiff through a discretionary release. | This directive was not disclosed to Plaintiff through a discretionary release, it was obtained by Plaintiff from the public docket in litigation involving USCP. Nonetheless, in light of Defendant's representation that the directive in the possession of Plaintiff "was in effect on January 6, 2021," Wilensky Decl. ¶ 5, no further relief is necessary to vindicate Plaintiff's right of access. |
| 2053.019 | Employee Use of Electronic Social Media | Describes the limits on employee use of social | Internal Personnel Practices | Disclosure would reveal conduct prohibited for Department | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies with respect to employee use of social media, because this directive operates, in part, to aid USCP's performance of its mission. This interest is particularly salient in light of the indictment of a USCP |

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| | | media. | | employees, which could subject Department employees to extortion or interference if revealed to the public. | officer following January 6 for obstruction of justice on allegations that the officer sent a Facebook direct message to one of the rioters encouraging the rioter to delete social media posts including "the part about being in the building" on Jan. 6. SMF ¶¶ 55–56.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure because USCP's assertions that disclosure of this general policy document would risk "extortion" and "interference" are nonsensical. It is unclear, at best, how any employee could conceivably be "extorted" by disclosure of a policy regarding social media use. In any event, USCP's assertions are undercut by the fact that other police department's policies with respect to use of social media are routinely released to the public without redaction, and there is no evidence that such disclosure has resulted in any harm. *See, e.g.*, Veile Decl. Ex. 82 (MPD Gen. Order 302.03 (Social Media)); Veile Decl. Ex. 129 (APD SOP 3300 (Social Media and Online Conduct)). |
| 2064.001 | Rayburn House Office Building Range | Describes the use of the USCP's shooting range in the Rayburn House Office Building. | Law Enforcement Techniques, Administrative Practices | Disclosure would reveal safety information and individual responsibilities of employees at the USCP's shooting range located on Capitol Grounds, which could threaten the Department's ability to safeguard the range. | Public Interest: The public has a substantial interest in accessing this directive to assess USCP's preparedness and training, including with respect to January 6, during which one of its officers used deadly force in the fatal shooting of one Ashli Babbitt. SMF ¶¶ 57–63.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertion that disclosure of this directive "could threaten the Department's ability to safeguard the range" is speculative and is undercut by the fact that comparable policy documents have been released by other agencies with no evidence of harm flowing from disclosure. *See, e.g.*, Veile Decl. Ex. 120 (APD SOP 2086 (Firearms Training and Range Rules)). |
| 2071.001 | Budget Object Classification Codes | Describes the coding requirements for purchases on the USCP's purchasing system. | Administrative Practices | Disclosure would reveal the specific individuals responsible for operating and maintaining the Department's purchasing | Public Interest: The public has a substantial interest in accessing this directive, which would allow the public to evaluate the USCP's budget and requests for budget increases with more granularity, an interest which has taken on new salience since the USCP's budget is "up more than 70 percent" since January 6. Veile Decl. Ex. 189 (Katherine Tully-McManus, *Inside how the Capitol Police has changed since January 6*, Politico (Dec. 25, 2024)). Additionally, the public has a substantial interest in evaluating the adequacy of USCP's procedures for maintaining sufficient equipment for responding to emergencies at the Capitol, |

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| | | | | software, which could subject the system to abuse. | including to assess the reasons why USCP's officers lacked sufficient "helmets, riot gear, and shields" and the "gear was old or of poor quality" on January 6 in particular. SMF ¶ 102.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertions that disclosure of this directive "could subject the system to abuse" are speculative and implausible. USCP's assertions are also undercut by the fact that government agencies use budget codes to explain budget requests publicly, with no evidence of harm flowing from disclosure of such codes, *see, e.g.*, DHS Off. of the Secretary & Exec. Mgmt. Budget Overview, FY 2027 Congressional Justification, https://www.dhs.gov/sites/default/files/2026-04/26_0403_ocfo_fy27-budget-osem.pdf (last visited Oct. 30, 2026) (breaking down budget request by classification codes), and the State Department's publicly available manual includes a breakdown of its object codes. *See* State Dep't Foreign Aff. Handbook, 4 FAH-1 H-600, https://fam.state.gov/fam/04fah01/04fah010610.html, (last visited Oct. 30, 2026). |
| 2074.003 | Purchase Card Program | Describes the USCP's use of the government purchase card system. | Internal Personnel Practices, Administrative Practices | Disclosure would reveal the procedures for using government purchase cards, which could subject the system to abuse by outside actors. | Public Interest: The public has a substantial interest in evaluating the adequacy of USCP's policies for the use of taxpayer funds, including whether its policies are adequate to spot "illegal, improper, or erroneous purchases," which its own OIG has previously identified issues with. *See* Veile Decl. Ex. 34 at 2 (OIG Rep. 2017-11 (Performance Audit of the United States Capitol Police Purchase Card Program (released 12/04/25))). Additionally, the public has a substantial interest in evaluating USCP's procedures for maintaining sufficient equipment for responding to emergencies at the Capitol, including to assess the reasons why USCP's officers lacked sufficient "helmets, riot gear, and shields" and the "gear was old or of poor quality" on January 6 in particular. SMF ¶ 102.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertion that disclosure of this directive "could subject the system to abuse" is speculative and implausible in light of the fact that its own OIG has already publicly released a report describing USCP's purchase card program as of 2017 and its defects, Veile Decl. Ex. 34 (OIG Rep. 2017-11 (Performance Audit of the United States Capitol Police Purchase Card Program (released 12/04/25))), and considering that federal government purchase programs are subject to standard guidance from the Office of Management and Budget which is fully public. *See* Exec. Off. of the President, Off. Mgmt. & Budget, Circular No. A-123 App. B, *A Risk Management Framework for Government Charge Card Programs* (Aug. 27, 2019), |

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| | | | | | https://www.whitehouse.gov/wp-content/uploads/2019/08/Issuance-of-Revised-Appendix-B-to-OMB-Circular-A-123.pdf. |
| 2081.001 | Acceptable Use of the Internet, Email. and Information Technology Equipment | Describes the acceptable use of the Department's information technology by users. | Internal Personnel Practices, Administrative Practices | Disclosure would reveal security practices and individuals responsible for maintaining the Department's information technology systems, which could subject the systems to abuse by outside parties. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies with respect to employee use of information technology equipment. While USCP's description provides little information about the content of this policy, such policies typically operate to ensure that law enforcement does not access certain information systems for personal use or abuse, *see, e.g.*, Veile Decl. Ex. 95 at 1 (MPD Gen. Order 401.01 (RMS Reports) (limiting use of reports to "official law enforcement purposes only" and prohibiting "personal use or inquiries"), and to ensure sensitive information is not accessed or shared in insecure ways. *See, e.g.*, Veile Decl. Ex. 132 at 6 (APD SOP 6050 (Information Technology (IT) and Data Sharing) (prohibiting transmission of certain confidential information over email and messaging platforms)). The public has an interest in evaluating whether USCP's policies address—or do not address—these topics, particularly in light of the fact that USCP is charged, in part, with safeguarding information about members of Congress and Congressional employees.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP's assertions that disclosure of this information "could subject the systems to abuse" are vague and implausible considering that many government agencies make their acceptable use policies and/or information technology systems maintenance information fully public, and there is no evidence that such abuse has flowed from disclosure. *See, e.g.*, Veile Decl. Ex. 84 (MPD Gen. Order 302.10 (Mobile Device Security)); Veile Decl. Ex. 132 (APD SOP 6050 (Information Technology (IT) and Data Sharing)); Veile Decl. Ex. 144 (NYPD Procedure 304-18 (Department Email Policy)); Veile Decl. Ex. 142 (NYPD Procedure 219-14 (Department Computer Systems)); Veile Decl. Ex. 48 (DHS Dir. 140-01 (Information Technology Security Program)). |

## Directives Defendant has Designated as Security Information under 2 U.S.C. § 1979

As set forth in Plaintiff's Memorandum of Law, 2 U.S.C. § 1979 contains three criteria that information must meet to be considered "security information": (1) it must be "sensitive," (2) it must relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response," *and* (3) it must relate to the performance of those functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." 2 U.S.C. § 1979. Columns 1–3 of the below chart reflect the verbatim assertions made in Defendant's Index. *See* ECF No. 26-4. In Column 4, Plaintiff sets forth objections to Defendant's designation of security information with reference to each of these criteria, along with Plaintiff's rebuttal to Defendant's assertion that "[n]o reasonably segregable non-security text can be disclosed from any of the Directives at issue in this case." Def.'s SMF ¶ 15. In Column 5, Plaintiff identifies the "general and specific interests favoring disclosure," *Wash. Legal Found. v. Sent'g Comm'n* ("*WLF I*"), 17 F.3d 1446, 1451 (D.C. Cir. 1994) (internal quotation omitted). Although Defendant has not asserted any harms with respect to the disclosure of these directives, in Column 5, Plaintiff also provides a brief statement rebutting any harm, and shows why the public interest outweighs any governmental secrecy interest with respect to each of the directives.

| **Number** | **Directive Name** | **Def.'s Description** | **Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability** | **Pl.'s Statement Regarding Balance of Interests** |
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| 1010.001 | Police Authority Shared with Other Law Enforcement Organizations | Describes the police authority shared by other law enforcement agencies within the USCP's jurisdiction. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information because other agencies make similar policies public. *See, e.g.*, Veile Decl. Ex. 119 (APD SOP 1070 (Coordination with Outside Agencies)); Veile Decl. Ex. 94 (MPD Gen. Order 310.06 (Metro Transit Police)), illustrating such policies are not considered sensitive by "the law enforcement profession." *Cf. Dep't of Just. v. Reps. Comm. For Freedom of Press*, 489 U.S. 749, 767 (1989). Additionally, both the U.S. Park Police and MPD make their policies with respect to their jurisdiction at the U.S. Capitol in particular fully public. Veile Decl. Ex. 41 (USPP Gen. Order 2003 (U.S. Capitol Grounds and U.S. Supreme Court Building and Grounds)); Veile Decl. Ex. 93 (MPD Gen. Order 310.01 (U.S. Capitol Police)). MPD's policy provides information about how MPD provides "support services such as fingerprinting, photographing prisoners, and scheduling lineups," along with "cellblock facilities" to USCP, and MPD's reporting procedures for incidents involving Congressmembers. Veile Decl. Ex. 93 at 4–5.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | Public Interest: The public has a substantial interest in evaluating the adequacy of USCP's policies with respect to its jurisdiction and authority shared with other agencies with respect to USCP's performance of its mission "to protect the Congress," SMF ¶ 1, and with respect to information sharing and coordinating emergency response in advance of January 6, including with the National Guard, *id.* ¶¶ 79–83.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof, nor could it. As described in Column 4 (left), comparable policy documents are routinely made public by other law enforcement agencies with no identifiable harms from disclosure. |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| 1010.002 | Jurisdiction and Authority | Describes the Department's procedures and activities within the bounds of its jurisdiction. | Criteria 1: Plaintiff disputes that this directive contains "sensitive" information because the outer bounds of USCP's jurisdiction are dictated by statute, and information already made public by operation of law cannot properly be considered "sensitive." *See* 2 U.S.C. §§ 1961, 1967. Additionally, as described *supra*, MPD's Gen. Order 310.01 contains substantial information about USCP's jurisdiction and authority, including the circumstances in which USCP will investigate crimes and/or make arrests, and the circumstances in which USCP will control vehicular traffic or investigate vehicular crashes. Veile Decl. Ex. 93 at 3–5 (MPD Gen. Order 310.01 (U.S. Capitol Police)). Moreover, other law enforcement agencies routinely make their basic policies with respect to jurisdiction public. *See, e.g.*, Veile Decl. Ex. 166 (Ga. Dep't Pub. Safety Policy No. 25.09 (Capitol Police Division)).<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | Public Interest: The public has a substantial interest in evaluating the adequacy of USCP's policies with respect to its jurisdiction and authority, both as to its performance of its mission, SMF ¶ 1, and, with respect to January 6, as to USCP's policies with respect to jurisdiction to conduct intelligence gathering activities, use force, make arrests, and/or coordinate with other agencies on scope of response.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof, nor could it. As described in Column 4 (left), comparable policy documents are routinely made public by other law enforcement agencies with no identifiable harms from disclosure. |
| 1010.003 | Criminal History Requests from Congressional Employers | Describes the Department's procedures for conducting background checks on behalf of congressional offices. | Criteria 1: Plaintiff disputes that this directive contains "sensitive" information, because it reflects USCP's general policy with respect to conducting background checks. The procedures by which federal employers conduct background checks are not considered sensitive, even when those procedures concern security clearances rather than simple background checks. *See* Veile Decl. Ex. 179 (Off. Dir. Nat. Intelligence Sec. Executive Agent Dir. 4 (National Security Adjudicative Guidelines)).<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | Public Interest: The public has a substantial interest in evaluating the adequacy of USCP's policy for investigating individuals employed by the legislative branch, including to evaluate what criminal offenses might disqualify individuals from obtaining privileged access to the Capitol Complex. With respect to January 6, the public has an interest in assessing whether USCP's policies were adequate to identify and/or disqualify rioters from obtaining employment in congressional offices. Veile Decl. Ex. 190 (Kyle Cheney, *Jan. 6 defendant got 2 congressional internships after she allegedly breached the building*, Politico (Mar. 18, 2024)).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | | | | not identified a harm that would flow from disclosure of this directive or segregable portions thereof, and as set forth in Column 4 (left), the general procedures by which federal employers conduct background checks are no secret. |
| 1012.001 | Demonstration Activities, Application, Interpretation, and Enforcement | Describes the Department's response to demonstration activity on Capitol Grounds. | Criteria 1: Plaintiff disputes that this directive contains "sensitive" information, because general policy statements concerning demonstration activities are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Federal and state agencies routinely make such policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 42 (U.S. Park Police Gen. Order 2301 (Demonstrations and Special Events)); Veile Decl. Ex. 103 (MPD Gen. Order 801.01 (Crowd Management and Civil Unrest)); Veile Decl. Ex. 156 (Md. Capitol Police Dir. 14.09 (Events on Capitol Grounds)); Veile Decl. Ex. 159 (Cal. Highway Patrol Manual 100.7 Ch. 10 (State Property Event Permits)); Veile Decl. Ex. 140 (NYPD Procedure 213-20 (Response to First Amendment Activities)).<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with the First Amendment. *Cf. Leopold II*, 102 F.4th at 500. With respect to January 6, access to this directive would help inform public debate concerning why the Capitol Police approved permits for "six demonstrations to be held on Jan. 6, 2021, despite signs that one of the applications was filed for an organization that didn't exist and that five of them were a proxy for a group staging large, violent protests across the country," and assessed "the Level of Probability of acts of civil disobedience/arrests to occur" during the demonstration "as Highly Improbable" despite documenting such concerns. Leopold Decl. Ex. B.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof, nor could it. As described in Column 4 (left), comparable policy documents are routinely made public by other law enforcement agencies with no identifiable harms from disclosure. |
| 1020.003 | Use of Handcuffs/ Restraints | Describes when and how to use handcuffs or other physical restraints. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general policy statements concerning restraint techniques are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Federal and state agencies routinely make such policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 150 (LAPD Use | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional use of force and search and seizure standards, including with respect to deploying restraints. *Cf. Leopold II*, 102 F.4th at 500. |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | | | of Force Directive 10 (Handcuffing)); Veile Decl. Ex. 107 at 7–8 (MPD Gen. Order 901.07 (Use of Force) (sections on handcuffs and restraints)). Plaintiff additionally disputes that this directive contains no reasonably segregable information on the grounds that USCP's OIG itself has already made public a report that states USCP's policy is to allow that "discretion may be exercised in choosing to apply handcuffs or other restraints when an individual's age or physical infirmity, or disability renders use of handcuffs or other restraints unnecessary, unreasonable, or cruel." Veile Decl. Ex. 35 at 9 (OIG Rep. No 2019-15 (Audit of United States Capitol Police Interactions with Individuals with Disabilities)).<br><br>Criteria 3: Plaintiff additionally disputes that this directive is sufficiently related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds," because physical restraint policies are maintained by numerous police departments, are not unique to policing at the Capitol in particular.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information and/or information that is uniquely related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof, nor could it. As described in Column 4 (left), comparable policy documents are routinely made public by other law enforcement agencies with no identifiable harms from disclosure. |
| 1020.004 | Use of Force | Describes the Department's use of force policy. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general policy documents concerning use of force are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Federal and state agencies routinely make such policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 55 (DHS Policy Statement 044-5 (Use of Force)); Veile Decl. Ex. 61 (TSA Management Dir. No. 3500.2 (Use of Force and | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional use of force standards, *cf. Leopold II*, 102 F.4th at 500, namely, with the Fourth Amendment when using force. *See, e.g.*, SMF ¶¶ 303–05 (describing debate over D.C. area law enforcement use of force policies, including whether such policies include sufficiently detailed |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | | | Firearms)); Veile Decl. Ex. 64 (ICE Directive 19009.3 (Firearms and Use of Force)); Veile Decl. Ex. 44 (U.S. Park Police Gen. Order 3600 (Response to Resistance and Use of Force Standards)); Veile Decl. Ex. 107 (MPD Gen. Order 901.07 (Use of Force)); Veile Decl. Ex. 148 (LAPD Use of Force Directive 1 (Use of Force)). Plaintiff additionally disputes that this directive contains no reasonably segregable information on the grounds that the GAO Survey Report is already public and describes USCP's "guidance on situational tactics and use of force restrictions for less-lethal devices," including by describing how "officers in situations requiring less-lethal force should avoid intentional strikes with batons or physical tactics to critical areas, such as the head, kidney area, and groin," and that "all officers should attempt to warn the subject of their intent to use chemical spray, whenever practical." Veile Decl. Ex. 27 at 16–17 (GAO Survey Report).<br><br>Criteria 3: Plaintiff additionally disputes that this directive is sufficiently related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds," because use of force policies are maintained by numerous police departments, are not unique to policing at the Capitol in particular.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information and/or information that is uniquely related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | information about "de-escalation techniques"). With respect to January 6, the public has a powerful interest in evaluating the adequacy of USCP's use of force policies. As described *supra* in response to Directive 2052.012, USCP officers reported not feeling prepared to use force or apply crowd control tactics during the January 6 attack, and "felt discouraged or hesitant to use force" on January 6. SMF ¶¶ 99–101. Moreover, the public has a substantial interest in evaluating the appropriateness of USCP's use of deadly force against Ashli Babbitt on January 6, including the appropriateness of the closure of the DOJ's investigation that closed without charges, and the subsequent decision by the Executive Branch to settle a lawsuit over Babbitt's death for $4.975 million. *Id.* ¶¶ 57–63.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof, nor could it. As described in Column 4 (left), comparable policy documents are routinely made public by other law enforcement agencies with no identifiable harms from disclosure. |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| 1020.005 | Contact and Processing Individuals with Unique Circumstances (Diplomats. Military Personnel, Members, etc.) | Describes the Department's policy on screening and handling visitors to the Capitol Complex in unique circumstances. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general policy statements concerning interactions with diplomats and similar persons are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Other law enforcement agencies routinely make such policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 92 (MPD Gen. Order 308.12 (Diplomats and Foreign Nationals)); Veile Decl. Ex. 138 (NYPD Procedure 212-56 (Diplomatic Incidents)).<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies with respect to security screening in connection with fulfilling its mission. SMF ¶ 1.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof, nor could it. As described in Column 4 (left), comparable policy documents are routinely made public by other law enforcement agencies with no identifiable harms from disclosure. |
| 1020.011 | Electronic Control Devices (ECD) | Describes the Department's policy on using electronic control devices (tasers). | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general policy statements concerning use of force, including use of ECDs, are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Federal and state agencies routinely make such policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 181 (Dep't of Interior Dep't Manual 446-22 (Electronic Control Devices)); Veile Decl. Ex. 106 at 4–9 (MPD Gen. Order 901.04 (Less Lethal Weapons) (section on ECDs); Veile Decl. Ex. 149 (LAPD Use of Force Dir. 8.1 (Electronic Control Device)).<br><br>Criteria 3: Plaintiff additionally disputes that this directive is sufficiently related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds," because policies concerning use of force, including use of ECDs, are maintained by numerous police departments, are not unique to policing at the Capitol in particular.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional use of force standards, including the use of less-lethal weapons (namely, tasers). *Cf. Leopold II*, 102 F.4th at 500. With respect to January 6, the public has a pronounced interest in accessing this directive to evaluate the adequacy of USCP's policies for use of force and less-lethal munitions to evaluate why USCP officers reported not feeling prepared to use force or apply crowd control tactics during the January 6 attack, and "felt discouraged or hesitant to use force" on January 6. SMF ¶¶ 99–101.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof, nor could it. As described in Column 4 (left), comparable policy documents are routinely made public by other law enforcement agencies with no identifiable harms from disclosure. |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | | | directive consists of non-segregable "sensitive" information and/or information that is uniquely related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | |
| 1021.004 | Executing Arrest and Search Warrants | Describes the Department's procedures for obtaining and executing search warrants. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general policy statements concerning search and arrest warrants are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Federal and state agencies routinely make such policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 101 (MPD Gen. Order 702.03 (Search Warrants)); Veile Decl. Ex. 162 (Cal. Highway Patrol Gen. Order 100.84 (Service of Search and Arrest Warrants Involving Entry into Residences, Businesses, and other Structures)); Veile Decl. Ex. 65 at 26–37 (HSI Handbook 12-04 (Search and Seizure) (section on searches with a warrant)).<br><br>Criteria 3: Plaintiff additionally disputes that this directive is sufficiently related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds," because similar policies are maintained by numerous police departments, they are not unique to policing at the Capitol in particular. It is not clear from USCP's description that this policy even contemplates that search or arrest warrants would often, or ever, be executed at the Capitol.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information and/or information that is uniquely related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional search and seizure standards, including with respect to obtaining and executing search warrants. *Cf. Leopold II*, 102 F.4th at 500. With respect to January 6, the public has a substantial interest in evaluating USCP's policies, both to inform reporting on the fourteen individuals arrested by USCP that day, SMF ¶ 119, and the extent of USCP's participation in subsequent efforts to apprehend rioters. *Compare* Veile Decl. Ex. 196 (Matthew Daly, *Capitol police chief defends response to 'criminal' rioters*, AP News (Jan. 7, 2021) (noting 68 people were arrested by D.C. police, while 14 were arrested by USCP, as of January 7) *with* Veile Decl. Ex. 192 (Roger Parloff, *The High-Water Mark of the Jan. 6 Prosecution*s, Lawfare (Jan. 6, 2025) (noting "1,583 have been arrested and 1,270 convicted" in connection with Jan. 6)).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof, nor could it. As described in Column 4 (left), comparable policy documents are routinely made public by other law enforcement agencies with no identifiable harms from disclosure. |
| 1022.005 | Suspicious | Describes the | Criteria 1: Plaintiff disputes that this directive contains | Public Interest: The public has a substantial interest |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | Activity and Stop or Contact Report | Department's procedures for documenting interactions with suspicious individuals. | any "sensitive" information, because general policy statements concerning the procedures for making reports are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Law enforcement agencies routinely make such policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 89 at 11–14 (MPD Gen. Order 304.10 (Field Contacts, Stops, and Pat Downs) (section on records and oversight)); Veile Decl. Ex. 167 at 3–4 (Ga. Dep't Pub. Safety Policy 13.02 (Records, Forms, and Reports) (addressing circumstances in which report is required, including for "unusual occurrences")); Veile Decl. Ex. 161 (Cal. Highway Patrol Gen. Order 100.82 (Field Interviews) (addressing use of field interview form)).<br><br>Criteria 3: Plaintiff additionally disputes that this directive is sufficiently related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds," because policies concerning routine record keeping and maintenance are maintained by numerous police departments, are not unique to policing at the Capitol in particular.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information and/or information that is uniquely related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional search and seizure standards when engaging in suspicious activity stops, *cf. Leopold II*, 102 F.4th at 500, and to evaluate the adequacy of USCP's procedures for assuring compliance with those policies through thorough, accurate documentation of such stops. As USCP's OIG has observed, stop and contact reports "are important and when sworn officers do not sufficiently record that type of information, it impedes the ability of analysts to identify trends or patterns, and supervisors to disseminate crucial information to other bureaus." Veile Decl. Ex. 37 at 8 (OIG Rep. No. 2021-I-0003-C). The public's interest in accessing this directive is heightened with respect to January 6 because "employees in the Department did not adequately report 'stop or contact' activities" that day. *Id.* at 7.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof, nor could it. As described in Column 4 (left), comparable policy documents are routinely made public by other law enforcement agencies with no identifiable harms from disclosure. |
| 1022.006 | Truck/ Unauthorized Vehicle Interdiction Monitoring Program and Truck/ | Describes the Department's procedures for keeping heavy and restricted vehicles away from the Capitol | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because at least some information concerning USCP's truck interdiction program is already public, *see* Veile Decl. Ex. 32 (USCP Board Regulations for Truck Interdiction Program Providing for the Extended Capitol Police Jurisdiction Zone), and because other agencies make comparable | Public Interest: The public has a substantial interest in accessing this policy to enable democratic oversight over USCP's performance of its mission to protect the Capitol Complex and its perimeter, SMF ¶¶ 1–2, and with respect to January 6, to evaluate whether policies with respect to vehicle monitoring were adequate to prevent rioters from |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | Unauthorized Vehicle Interdiction Program | Complex. | policy documents available to the public. *See* Veile Decl. Ex. 70 (MARADMIN 547/24 (Employment of Crash-Rated Active Vehicle Barriers)), illustrating such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | bringing weapons into the area in their vehicles. *See, e.g.*, SMF ¶¶ 120–123; Veile Decl. Ex. 195 (*Feds: Man arrested near US Capitol had truckload of weapons*, AP News (Jan. 12, 2021)); Veile Decl. Ex. 191 (Michael Kunzelman, *Man who parked weapons near Capitol on 1/6 gets prison*, AP News (Apr. 1, 2022)).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof, nor could it. As described in Column 4 (left), comparable policy documents are made public by other law enforcement agencies with no identifiable harms from disclosure. |
| 1030.001 | Securing the Capitol Complex During Active Threats | Describes the Department's procedures for securing the Capitol Complex in various emergencies. | Criteria 1: This directive is likely to contain substantial general information about how USCP's "[o]fficers are expected to respond immediately to mitigate the threat," are "expected, for example, to secure their assigned area and make any arrests necessary" and "maintain communication with and follow the direction of the Incident Command System during the active threat," which is already public and is, in any event, so general as to not be genuinely "sensitive." Veile Decl. Ex. 27 at 19 (GAO Survey Report). Such general policy documents governing active threat response are not considered sensitive by "the law enforcement profession," *cf. Reps. Comm.*, 489 U.S. at 767, law enforcement agencies make analogous policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 102 at 4–9 (MPD Gen. Order 800.01 (Critical Incidents and Unusual Events) (sections on active threat situations, barricaded subjects and hostage situations, and bomb threats and explosive devices)); Veile Decl. Ex. 126 (APD SOP 3181 (Emergency Operations Plan)).<br><br>Segregability: For the reasons set forth above, at a | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies with respect to securing the Capitol Complex during active threats in the lead up to and during January 6, including to evaluate whether "USCP was not adequately prepared to prevent or respond to the January 6 security threats," lacked "a department-wide operational plan" for responding to the threat, "failed to provide front-line officers with effective equipment or training," and "did not authorize [Civil Disturbance Unit] platoons to use all available less-than-lethal munitions." SMF ¶¶ 80–81.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof. As described in Column 4 (left), comparable policy documents are routinely made public by other law enforcement agencies with no |

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| | | | minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | identifiable harms from disclosure. |
| 1031.001 | Congressional Pages | Describes Department security procedures for House and Senate page staffers. | Criteria 1: Plaintiff disputes that this directive consists of any "sensitive" information, because nothing about USCP's description of this directive suggests it contains anything but general information about how USCP deals with House and Senate page staffers.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | Public Interest: The public has an interest in accessing directives which will enable it to exercise oversight over USCP's performance of its mission, SMF ¶ 1, including its policies for controlling access to the Capitol Complex.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why information about basic security procedures would inflict any harm. |
| 1032.002 | Interception or Recording of Wire or Oral Communications | Describes the Department's procedures for conducting electronic surveillance. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general policy statements concerning the procedures for interception of wire or oral communications are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Law enforcement agencies routinely make such policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 87 (MPD Gen. Order 304.04 (Interception of Wire or Oral Communications)); Veile Decl. Ex. 112 (Chicago Police Dep't S.O. S04-03-06 (Eavesdropping Devices)).<br><br>Criteria 3: Plaintiff additionally disputes that this directive is sufficiently related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds," because policies concerning wiretapping procedures are maintained by numerous police departments, are not unique to policing at the Capitol in particular.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies for assuring compliance with constitutional search and seizure standards, including with respect to intercepting wire or oral communications, *cf. Leopold II*, 102 F.4th at 500, and for assuring compliance with statutory requirements, *see, e.g.*, 18 U.S.C. § 2510 *et seq*. Additionally, access to this directive could help inform public debate concerning the adequacy of USCP's information gathering and intelligence operations in advance of January 6. SMF ¶ 79.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof, nor could it. As described in Column 4 (left), comparable policy documents are routinely made public by other law enforcement agencies with no identifiable harms from disclosure. |

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| | | | directive consists of non-segregable "sensitive" information and/or information that is uniquely related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | |
| 1033.001 | Information Exchange with Other Police Agencies | Describes the Department's procedures for sharing information with other police departments. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general policy statements concerning the procedures for information exchange are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Law enforcement agencies routinely make such policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 51 (DHS Dir. 262-05 (Information Sharing and Safeguarding)); Veile Decl. Ex. 113 (Chicago Police Dep't S.O. S11-09 (Law Enforcement National Data Exchange)).<br><br>Criteria 3: Plaintiff additionally disputes that this directive is sufficiently specific to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds," because policies concerning information exchange are maintained by numerous police departments, are not unique to policing at the Capitol.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information and/or information that is uniquely related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | Public Interest: The public has a substantial general interest in accessing USCP's policies reflecting how it "handle[s] the investigation and prosecution of crimes that undermine the very foundation of our government," *CREW*, 746 F.3d at 1093, and a specific interest in evaluating USCP's information sharing policies as they relate to January 6. Access to this policy will allow the public to better assess USCP's "rel[iance] on the FBI and DHS for intelligence and threat information" were adequate in the lead up to January 6, and the reasons why "critical information regarding threats of violence was not shared with USCP's own officers and other law enforcement partners." SMF ¶ 79.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive or segregable portions thereof, nor could it. As described in Column 4 (left), comparable policy documents are routinely made public by other law enforcement agencies with no identifiable harms from disclosure. Additionally, some information about USCP's information exchange with other agencies has already been publicly disclosed, as described by the Senate Report, the FBI and DHS's Office of Intelligence and Analysis "participate in information sharing and partnerships with federal and local law enforcement, including USCP and MPD. Intelligence is usually conveyed via written analytical products, including (1) threat |

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| | | | | assessments, (2) bulletins, and (3) information reports." SMF ¶ 126. |
| 1040.001 | Lost, Stolen. Confiscated, or Recovered Congressional ID Cards and USCP-Issued ID Cards | Describes the Department's process for dealing with lost, stolen, confiscated, or recovered building access and identification cards. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general information about how USCP administers ID cards is not considered sensitive—other agencies make analogous policy documents available. *See, e.g.*, Veile Decl. Ex. 59 (TSA Management Dir. 2800.16 (Identification Media and Access Control Program)).<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | Public Interest: The public has a general interest in accessing this directive to evaluate the adequacy of USCP's policies to fulfill its mission of maintaining security of the Capitol, SMF ¶ 1, and a specific interest in accessing this directive with respect to January 6 to evaluate whether unauthorized access was granted to Congressional offices either in the lead up to or on January 6, and with respect to re-securing the Capitol following the events of January 6, during which rioters gained access to certain Congressional offices. *Cf.* Veile Decl. Ex. 188 (*Panic Buttons Torn From Pressley's Congressional Office Ahead* of *Riot: Chief of Staff*, NBC (Jan. 13, 2021); Veile Decl. Ex. 193 (*Rioter enters Nancy Pelosi's office, take photos with feet on her desk*, ABC (Jan. 6, 2021)).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why information about its basic policies for ID cards would inflict any harm. |
| 1040.002 | Security Screening | Describes the Department's process for screening visitors to the Capitol Buildings. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because other agencies make comparable policy documents available to the public, *see e.g.*, Veile Decl. Ex. 57 (TSA Management Directive 100.4 (Transportation Security Searches)), illustrating such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Additionally, Plaintiff disputes that this directive contains no reasonably segregable non-sensitive information on the grounds that USCP already posts on its website basic information about its security screening | Public Interest: The public has a general interest in accessing this directive to evaluate the adequacy of USCP's policies to fulfill its mission of maintaining security of the Capitol. SMF ¶ 1.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why information about its basic security screening practices, which would be readily apparent to "the millions of individuals who visit |

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| | | | procedures and prohibited items. Veile Decl. ¶ 30 Ex. 29. At a minimum, the portions of USCP's directive containing substantially the same information that has already been made public is not "sensitive."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | the Capitol Complex annually," SMF ¶ 2, would inflict any harm. |
| 1040.003 | Access and Event Reports | Describes the Department's process for monitoring, tracking, and controlling access to designated areas in the Capitol Complex. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because other government agencies make comparable policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 168 (Pa. Off. Gov. Management Dir. 625.10 (Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings)**;** Veile Decl. Ex. 200 (Chicago Police Dep't U03-05 (Access Security Policy - Chicago Public Safety Headquarters)).<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | Public Interest: The public has a general interest in accessing this directive to evaluate the adequacy of USCP's policies to fulfill its mission of maintaining security of the Capitol, SMF ¶ 1, and a specific interest in accessing USCP's policies with respect to preferential access, including access to Congressional offices, as set forth *supra*, in response to Dir. 1040.001.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why information about its basic access policies would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 1040.004 | Access Control Clearance Management | Describes the process to issue access control to congressional staff identification cards. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information for the same reasons as described *supra*, in response to Directive 1040.003.<br><br>Segregability: At a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | The public interest in accessing this directive readily outweighs any secrecy interest for the same reasons as described *supra*, in response to Directive 1040.003. |
| 1040.005 | Vehicle Screening at Perimeter and | Describes the security screening process | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information because general policies concerning vehicle screening and barriers for government | Public Interest: The public has a general interest in accessing this directive to evaluate the adequacy of USCP's policies to fulfill its mission of |

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| | Garage Posts | for vehicles entering into barricades and garages. | buildings are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Other law enforcement agencies make comparable policy documents available to the public. *See e.g.*, Veile Decl. Ex. 70 (MARADMIN 547/24 (Employment of Crash-Rated Active Vehicle Barriers)).<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | maintaining security of the Capitol, SMF ¶ 1, including its perimeter, and a specific interest with respect to January 6 in evaluating whether USCP's policies for vehicle monitoring were adequate, as described *supra*, in response to Directive 1022.006. *See also* SMF ¶¶ 120–123; Veile Decl. Ex. 195 (*Feds: Man arrested near US Capitol had truckload of weapons*, AP News (Jan. 12, 2021)); Veile Decl. Ex. 191 (Michael Kunzelman, *Man who parked weapons near Capitol on 1/6 gets prison*, AP News (Apr. 1, 2022)).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why information about its basic vehicle screening policies would result in any harm, particularly when its physical vehicle barriers and vehicle checkpoints are visible to the public from the street. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 1041.001 | Admittance of Law Enforcement Officers/Agents with Firearms into the Capitol Buildings | Describes the process of allowing credentialed law enforcement officers into Capitol Buildings. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information because the USCP's website already makes clear that law enforcement officers "engaged in the performance of their official duties and meet certain established criteria, may be admitted into a building on the U.S. Capitol Complex with a firearm," and are required to contact USCP in advance for such access. *See* Veile Decl. ¶ 188 Ex. 185. USCP fails to explain why the circumstances in which it might allow such access would be "sensitive."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | Public Interest: The public has a general interest in accessing this directive to evaluate the adequacy of USCP's policies to fulfill its mission of maintaining security of the Capitol, SMF ¶ 1, including its policies for permitting law enforcement to carry firearms in the building.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why information about the circumstances in which it would allow law enforcement to enter with a firearm would result in any harm. |

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| 1050.001 | Radio Communications System | Describes the use and maintenance of the Department's radio system. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general policies concerning radio communications are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Other law enforcement agencies make comparable policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 83 (MPD Gen. Order 302.05 (Radio Communications and Computer Aided Dispatch)); Veile Decl. Ex. 139 (NYPD Procedure No. 213-19 (Interoperability Channels)).<br><br>Criteria 3: Plaintiff additionally disputes that this directive is sufficiently specific to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds," because policies concerning radio systems are maintained by numerous police departments and are not unique to policing at the Capitol.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information and/or information that is uniquely related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | Public Interest: The public has a general interest in accessing this directive to evaluate the adequacy of USCP's readiness with respect to its mission of maintaining security of the Capitol, SMF ¶ 1, and a specific interest in accessing information about USCP's radio system as it relates to January 6, including to assess claims that "USCP leadership never took control of the radio system to communicate orders to front-line officers." SMF ¶ 81.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about USCP's radio system would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 1052.003 | Incident Command System | Describes the Department's use of the incident Command System during significant events. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information on the grounds that substantial information about this directive is already in the public domain. The GAO Survey Report, for example, describes how USCP policy requires "the first qualified employee (i.e., an officer or operational civilian) arriving on the scene is responsible for initiating Incident Command System procedures," which is "accomplished by developing incident objectives; establishing a command post; notifying the Capitol Police's communication office of any potential hazards or resource needs; and initiating action to address the threat or incident, among other | Public Interest: The public has a general interest in accessing this directive to evaluate the adequacy of USCP's readiness with respect to its mission of maintaining security of the Capitol, SMF ¶ 1, and a specific interest in accessing information about USCP's incident command system as it relates to January 6, including to evaluate claims that "USCP did not formally designate incident commanders in advance of January 6," SMF ¶ 81, and required updates to its policies to "address how Incident Commanders are to communicate priorities, strategies, tactics, and threat assessment to front- |

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| | | | actions." Veile Decl. Ex. 27 at 18–19 (GAO Survey). The GAO Survey Report also describes how "[w]hen there is more than one agency with incident jurisdiction or when an incident crosses jurisdictions, the Capitol Police may participate in a unified command structure," and that "the designated Capitol Police Commander will remain in command until relieved, or the incident is terminated." *Id.* at 19. Additionally, the "law enforcement profession" does not consider basic incident command policies "sensitive," as illustrated by the public availability of such policies. *Cf. Reps. Comm.*, 489 U.S. at 767; *see also* Veile Decl. Ex. 102 at 2–3 (MPD Gen. Order 800.01 (Critical Incidents and Unusual Events) (section on incident command)); Veile Decl. Ex. 126 (APD SOP 3181 (Emergency Operations Plan) (addressing, in part, incident command systems)).<br><br>Criteria 3: Plaintiff additionally disputes that this directive is sufficiently specific to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds," because policies concerning incident command systems are maintained by numerous police departments and are not unique to policing at the Capitol.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information and/or information that is uniquely related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | line officers prior to and during an incident and ensure that the Directive is followed." Veile Decl. Ex. 2 at 11.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about USCP's incident command system would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 1052.004 | Response Tactics to an Active Shooter Situation | Describes the Department's response procedures to an active shooter. | Segregability: Plaintiff is unable to meaningfully respond to Defendant's designation of this directive absent any information about whether USCP's directive provides detailed response to active shooter scenarios or contains segregable information such as personnel responsible for developing such plans, ensuring for their periodic review, | Public Interest: The public has a general interest in accessing segregable portions of this directive to evaluate the adequacy of USCP's readiness with respect to its mission of maintaining security of the Capitol, SMF ¶ 1, including its emergency response procedures. Although January 6 did not |

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| | | | and/or communicating with members of the public or Congressional staff regarding such plans. At a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information that cannot reasonably be segregated from non-sensitive information. Law enforcement agencies have released, with redactions, analogous policy documents. *See* Veile Decl. Ex. 163 (Cal. Highway Patrol Gen. Order 100.101 (Active Shooter Response)). And as the Chicago Police Department's policy regarding Critical Incident Response observes, "while many incidents may appear different (e.g., active shooter incidents and hazardous material incidents) they may be mitigated using the same basic procedures," illustrating the point that this directive is likely to contain substantial segregable information about USCP's basic procedures for responding to emergencies. *See* Veile Decl. Ex. 114 (Chicago Police Dep't Gen. Order 05-03 (Critical Incident Response Program)). | involve an active shooter situation, access to each of USCP's policies with respect to emergency response would better inform the public on USCP's incident command structures, procedures for ensuring intelligence sharing and identifying threats, and emergency response plan preparation, and could thereby inform the public about those issues as they relate to the events of January 6. SMF ¶¶ 79–81.<br><br>Rebuttal of Harm: The public's interest outweighs any harm flowing from disclosure of the reasonably segregable portions of this directive that reflect basic emergency response protocols rather than detailed information about the particulars of USCP's response to specific active shooter situations. |
| 1052.005 | Air Threat Response Plan | Describes the Department's response procedures to a suspicious aircraft that may threaten the Capitol Complex. | Segregability: Plaintiff is unable to meaningfully respond to Defendant's designation of this directive absent information about whether this directive contains segregable information such as personnel responsible for developing air threat response plans, periodic review of such plans, and/or distribution of such plans. At a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information that cannot reasonably be segregated from non-sensitive information. | Public Interest: For substantially the same reasons as described supra, in response to Directive 1052.004, the public has both a general and specific interest in accessing segregable portions of this directive to evaluate the adequacy of USCP's emergency preparedness and response procedures. SMF ¶¶ 79–81.<br><br>Rebuttal of Harm: The public's interest outweighs any harm flowing from disclosure of the reasonably segregable portions of this directive that reflect basic emergency response protocols rather than detailed information about the particulars of how USCP responds to specific air threats. |
| 1053.001 | Vehicular Response | Describes the Department's policy on responding to | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general policies concerning vehicle response are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, | Public Interest: The public has an interest in accessing this directive to evaluate USCP's policies that reflect how it "handle[s] the investigation and prosecution of crimes that |

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| | | incidents by vehicle. | 489 U.S. at 767. Other law enforcement agencies make comparable policy documents available to the public. *See, e.g.*, Veile Decl. Ex. 153 (Md. Capitol Police Dir. 07.02 (Emergency Vehicle Operations)); Veile Decl. Ex. 81 at 3 (MPD Gen. Order 302.01 (Calls for Service) (addressing response to calls for service, including operation of emergency vehicles)).<br><br>Criteria 3: Plaintiff additionally disputes that this directive is sufficiently specific to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds," because policies concerning responding to requests for service are maintained by numerous police departments and are not unique to policing at the Capitol.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information and/or information that is uniquely related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | undermine the very foundation of our government," *CREW*, 746 F.3d at 1093, including the circumstances in which it will respond to an incident by vehicle.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about responding to incidents by vehicle would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 1053.002 | Vehicular Pursuits | Describes the Department's policy on pursuing vehicles. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general policies concerning vehicle response are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Other law enforcement agencies make comparable policy documents available to the public in full. *See, e.g.*, Veile Decl. Ex. 43 (U.S. Park Police Gen. Order 2205 (Vehicular Pursuits)); Veile Decl. Ex. 80 (MPD Gen. Order 301.03 (Vehicle Pursuits)). And other agencies make such policies available with limited redactions. *See, e.g.*, Veile Decl. Ex. 67 (U.S. Customs and Border Protection Dir. No. 4510-026B (Emergency Driving and Vehicular Pursuits)). Moreover, USCP has previously made a version of its Vehicular Pursuits policy available in full. ECF No. 1-4. That policy contained | Public Interest: The public has an interest in accessing this directive because it assures USCP's compliance with constitutional standards for use of force. *Cf. Leopold II*, 102 F.4th at 500. Vehicular pursuits "may present a danger to the public" and can result in "serious use of force." Veile Decl. Ex. 80 (MPD Gen. Order 301.03 (Vehicle Pursuits). As noted by USCP's own publicly available vehicular pursuits policy dated April 15, 2003, states, "[a]ny collision between motor vehicles has the potential to cause serious injury or extensive property damage. Any time officers use a police vehicle to stop a moving vehicle, the hazards to the public, other police officers, and the suspect must be taken into consideration." ECF |

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| | | | basic restrictions on the use of Vehicle Pursuits for non-violent felonies and misdemeanors, requires notification to dispatch when engaging in a pursuit and maintaining a "sufficient distance" from the vehicle being pursued, and requires officers to take into consideration "the hazards to the public, other police officers, and the suspect" in utilizing roadblocks. *Id*. at 5–6. As with the policies made public by comparable police departments, USCP's previous vehicular pursuits policy did not provide granular guidance on use of roadblock techniques or other procedures, underscoring its lack of sensitivity.<br><br>Criteria 3: Plaintiff additionally disputes that this directive is sufficiently specific to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds," because policies concerning vehicular pursuits are maintained by numerous police departments and are not unique to policing at the Capitol.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information and/or information that is uniquely related to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | No. 1-4 at 6. The public therefore has a substantial interest in understanding the circumstances in which USCP will engage in vehicular pursuits, and engage in force in the course of a vehicular pursuit.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for vehicular pursuits would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 1054.001 | Building Evacuations | Describes the process of evacuating congressional buildings. | Criteria 1: Plaintiff is unable to meaningfully respond to Defendant's designation of this directive absent information about whether it reflects specific or detailed evacuation plans or simply addresses personnel responsible for developing such plans, issuing evacuation orders, and establishing administrative procedures evacuations.<br><br>Segregability: At a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information that cannot reasonably be segregated from | Public Interest: The public has a general interest in accessing segregable portions of this directive to evaluate the adequacy of USCP's readiness with respect to its mission of maintaining security of the Capitol, SMF ¶ 1, and a specific interest in accessing USCP's policies with respect to emergency response to better evaluate USCP's response to the events of January 6, including its procedures for evacuating the building that day. SMF ¶¶ 79–81. |

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| | | | non-sensitive information. Other law enforcement agencies have released, with redactions, analogous policy documents, such as the NYPD's train evacuation policy, Veile Decl. Ex. 137 (NYPD Procedure No. 212-16) (Evacuations of New York City Transit Trains)), the Maryland Capitol Police's fire response policy, Veile Decl. Ex. 155 (Md. Capitol Police Dir. 13.03 (Responses to Fires and Fire Alarms)), and TSA's Management Directive establishing the administrative procedures for emergency evacuations addressing, among other things, the personnel responsible for authorizing evacuations and developing emergency guidance, rather than the nuts-and-bolts of evacuations, *see* Veile Decl. Ex. 58 (TSA Management Dir. 1100.61-6 (Emergency Evacuation Administrative Procedures); *see also* Veile Decl. Ex. 199 (TSA Management Dir. 1100.61-1) (Dismissals and Closures)). The availability of these policies illustrates that such policies are not considered sensitive in their entirety by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. | Rebuttal of Harm: The public's interest outweighs any harm flowing from disclosure, at least as to the reasonably segregable portions of this directive that reflect basic policies with respect to building evacuations rather than detailed information about the particulars of USCP's building evacuation plans in concrete scenarios. |
| 1056.001 | Utilization of the Hazardous Devices Section | Describes the circumstances in which the Department's bomb squad would be activated. | Criteria 1: Plaintiff is unable to meaningfully respond to Defendant's designation of this directive absent information about whether this directive contains a detailed plan for responding to hazards or simply addresses personnel responsible for developing and/or initiating such plans and for their periodic review.<br><br>Segregability: At a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information that cannot reasonably be segregated from non-sensitive information, other law enforcement agencies have released analogous policies which illustrate that such policies are unlikely to contain such detailed information. For example, MPD's Gen. Order 800.01 (Critical and Unusual Events), which requires "[m]embers receiving a report of a bomb/explosive device threat . . . shall notify OUC who shall request the Explosive Ordinance Disposal | Public Interest: The public has a general interest in accessing segregable portions of this directive to evaluate the adequacy of USCP's readiness with respect to its mission of maintaining security of the Capitol, SMF ¶ 1, and a specific interest in accessing USCP's policies with respect to emergency response to better evaluate USCP's response to the events of January 6, SMF ¶¶ 79–81, including USCP's response to the various bomb threats on January 6, *see* SMF ¶ 121.<br><br>Rebuttal of Harm: The public's interest outweighs any harm flowing from disclosure, at least as to the reasonably segregable portions of this directive that reflect basic policies with respect to USCP's bomb squad structure and readiness rather than detailed information about the particulars of |

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| | | | (EOD) Unit and any other applicable responders." Veile Decl. Ex. 102 at 7–8. APD's SOP 3182 (Bomb Squad and Explosive Detection Units) sets forth the basic organization of APD's bomb squad unit, and sets forth basic principles governing its decision-making, training, and duties. Veile Decl. Ex. 127. | USCP's bomb squad response in concrete scenarios. |
| 1056.002 | Response, Command, and Control of a 10-100 NBC or Hazardous Materials Incident | Describes the procedures for responding to suspicious packages that may contain nuclear, biological, chemical or other hazardous materials. | Criteria 1: Plaintiff is unable to meaningfully respond to Defendant's designation of this directive absent information about whether this directive contains a detailed plan for responding to hazardous materials or simply addresses personnel responsible for developing and/or initiating such plans and for their periodic review.<br><br>Segregability: At a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information that cannot reasonably be segregated from non-sensitive information. Other law enforcement agencies have released analogous policy documents providing basic guidance to officers responding to hazardous materials available to the public. *See, e.g.*, Veile Decl. Ex. 115 (Chicago Police Dep't Gen. Order 05-04 (Hazardous Material (Haz-Mat) Incidents)), Veile Decl. Ex. 102 at 10–11 (MPD Gen. Order 800.01 (Critical Incidents and Unusual Events) (section on hazardous materials incidents)). | Public Interest: The public has a general interest in accessing segregable portions of this directive to evaluate the adequacy of USCP's readiness with respect to its mission of maintaining security of the Capitol, SMF ¶ 1, and a specific interest in accessing USCP's policies with respect to emergency response to better evaluate USCP's response to the events of January 6. SMF ¶¶ 80–81.<br><br>Rebuttal of Harm: The public's interest outweighs any harm flowing from disclosure, at least as to the reasonably segregable portions of this directive that reflect basic policies with respect to USCP's basic procedures for responding to suspicious packages (including personnel responsible, reporting, and other general information), rather than detailed information about the particulars of USCP's hazardous incident response in concrete scenarios. |
| 1056.003 | Responding to a Suicide Bomber: 10-100 S (Sam) | Describes the procedures for responding to a suicide bomber. | Criteria 1: Plaintiff is unable to meaningfully respond to Defendant's designation of this directive absent information about whether this directive contains a detailed plan for responding to a suicide bomber or simply addresses personnel responsible for developing and/or initiating such plans and for their periodic review.<br><br>Segregability: At a minimum, Plaintiff disputes that this directive consists entirely of non-segregable "sensitive" information. As noted *supra*, in response to Directive 1056.001, other law enforcement agencies have made | Public Interest: The public has a general interest in accessing segregable portions of this directive to evaluate the adequacy of USCP's readiness with respect to its mission of maintaining security of the Capitol, SMF ¶ 1, and a specific interest in accessing USCP's policies with respect to emergency response to better evaluate USCP's response to the events of January 6, *id.* ¶¶ 79–81, including USCP's response to reports of pipe bombs and suspicious vehicles, *id.* ¶¶ 121–22. |

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| | | | policies relating to responding to bomb threats public. | Rebuttal of Harm: The public's interest outweighs any harm flowing from disclosure, at least as to the reasonably segregable portions of this directive that reflect basic information about the personnel responsible for responding to such threats and their training. |
| 1056.004 | Advanced Law Enforcement Response Team (ALERT) | Describes the training and procedures for use of officers trained on responding to CBRN incidents on Capitol Grounds. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information. As noted *supra*, in response to Directive 1056.002, other law enforcement agencies have made policies relating to responding to hazardous incidents public, reflecting "procedures for use of officers trained on responding to CBRN incidents" are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Nor are basic policies with respect to training law enforcement, even specialty units, considered sensitive. *See, e.g.*, Veile Decl. Ex. 127 at 4–5 (APD SOP 3182 (Bomb Squads and Explosive Detection Unit) (section on training)).<br><br>Segregability: At a minimum, Plaintiff disputes that this directive consists entirely of non-segregable "sensitive" information. | Public Interest: The public has a general interest in accessing segregable portions of this directive to evaluate the adequacy of USCP's readiness with respect to its mission of maintaining security of the Capitol, SMF ¶ 1, and a specific interest in accessing USCP's policies with respect to emergency response to better evaluate USCP's response to the events of January 6, *id.* ¶¶ 79–81, including USCP's response to reports of pipe bombs and suspicious vehicles, *id.* ¶¶ 121–22.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its ALERT team training would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 1057.001 | Utilization of the Containment and Emergency Response Team (CERT) | Describes when and how the Department's SWAT team will be used. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information. Other law enforcement agencies have made policies addressing circumstances in which specialty law enforcement teams will be used, *see, e.g.*, Veile Decl. Ex. 102 at 4–5 (MPD Gen. Order 800.01 (Critical Incidents and Unusual Events)) (section regarding use of emergency response team and rescue task force to respond to active threat situations)); Veile Decl. Ex. 131 (APD SOP 4044 (Tactical Field Operator)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at | Public Interest: The public has a general interest in accessing segregable portions of this directive to evaluate the adequacy of USCP's readiness with respect to its mission of maintaining security of the Capitol, SMF ¶ 1, and a specific interest in accessing USCP's policies with respect to emergency response to better evaluate USCP's response to the events of January 6, SMF ¶¶ 79–81, including to evaluate claims that USCP lacked a "comprehensive, Department-wide operational plan and inconsistencies in how the Department |

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| | | | 767.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. Additionally, at least some information is already publicly available about CERT's basic structure, including that "the Department provides ready response for situations requiring special weapons and tactics maintained by CERT," that CERT "handle[s] specialized equipment and conduct[s] tactical operations." Veile Decl. Ex. 38 at 2–3 (OIG Rep. No. 2021-I-0003-D) (Review of the Events Surrounding the January 6, 2021, Takeover of the U.S. Capitol, Flash Report: Containment Emergency Response Team and First Responders Unit)). USCP cannot contend that basic information about its CERT team that has already been made public is "sensitive." | planned to use CERT on January 6," and that better oversight and a more clearly defined mission for CERT were necessary to "better support[] USCP's primary mission of security and protection of Congress." Veile Decl. Ex. 38 at 1 (OIG Rep. No. 2021-I-0003-D (Review of the Events Surrounding the January 6, 2021, Takeover of the U.S. Capitol, Flash Report: Containment Emergency Response Team and First Responders Unit)). Access to this directive would also allow the public to better evaluate claims that "the Department did not always comply with guidance related to tactical command, communication device function checks, instructor certification, weapons qualifications, or equipment inventories" with respect to CERT. *Id.* at 1–2.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for CERT team use would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 1073.003 | Flying Aboard Aircraft While Armed | Describes the Department's process for certifying officers to carry firearms aboard aircraft. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information. TSA itself makes public the process for obtaining certification to carry firearms on aircrafts. *See* Law Enforcement, TSA, https://www.tsa.gov/travel/law-enforcement (last visited on Nov. 6, 2026). Additionally, other law enforcement agencies have made analogous policies public, *see, e.g.*, Veile Decl. Ex. 117 (Baltimore Police Dep't Policy 1905 (Flying While Armed)); Veile Decl. Ex. 178 (Seattle Police Dep't 5.210 (Law Enforcement Flying Armed)), illustrating that such policies are not considered sensitive by "the law | Public Interest: The public has an interest in accessing this directive to evaluate the adequacy of USCP's policies with respect to "handl[ing] the investigation and prosecution of crimes that undermine the very foundation of our government," *CREW*, 746 F.3d at 1093, including with respect to the performance of its mission to protect Congressmembers during travel. Additionally, Plaintiff notes that since the events of January 6, USCP has expanded operations beyond the Capitol region to opening several regional field |

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| | | | enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of "sensitive" information. | offices following the events of January 6. Veile Decl. Ex. 197 (Sarah Elbeshbishi, *US Capitol Police to add offices in California, Florida for congressional protection*, USA Today (July 6, 2021)). Access to USCP's policies with respect to officer travel as they existed on January 6 would help inform public oversight over any needed changes to these policies in light of USCP's expanded geographic reach in the present day.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, and as set forth in Column 4 (left), other agencies make analogous documents public with no evidence of harm. |
| 2011.002 | Handling Classified and Other Sensitive But Unclassified Information | Describes the Department's polices for handling classified and other sensitive information | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information. Other agencies have made analogous policies public, *see, e.g.*, Veile Decl. Ex. 54 (DHS Dir. 11042.1 (Safeguarding Sensitive but Unclassified Information)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 3: A policy concerning safeguarding information could readily be adopted by any government agency and has no relationship to the predicate requirement that the information relate to the performance of law enforcement functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol | Public Interest: The public has an interest in evaluating the adequacy of USCP's policies with respect to processing and safeguarding personal information it may access in the performance of its functions—particularly considering that USCP is responsible in part for safeguarding information about members of Congress and Congressional employees. Additionally, the public has an interest in accessing this policy to evaluate whether it is consistent with USCP's obligations under the common law to provide public access to public records, and with Congressional instructions to USCP to develop policies for sharing information with the public about its functioning. *See* H.R. Rep. No. 116-447, at 22 (2020); H.R. Rep. No. 117-80, at 26 (2021).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about |

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| | | | buildings and grounds." | its policy for handling information would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 2022.001 | Privacy Policy for Safeguarding Sensitive Personally Identifiable Information and Sensitive Health Information | Describes the Department's procedures for safeguarding Personally Identifiable Information and Health Information | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information. Other agencies have made analogous policies public, *see, e.g.*, Veile Decl. Ex. 62 (TSA Management Dir. No. 3700.4 (Handling Sensitive Personally Identifiable Information)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning safeguarding personally identifiable information could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning safeguarding personally identifiable information could readily be adopted by any government agency and has no relationship to the predicate requirement that the information relate to the performance of law enforcement functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | Public Interest: As noted in Column 4 (left), a policy addressing safeguarding sensitive information could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective than such other agencies, in light of its unique mission and function, which may provide USCP with access to information about members of Congress and Congressional employees.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for handling information would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |

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| 2052.010. | Identification Cards, Credentials, and Badges | Describes the creation and issuance of identification cards and credentials for USCP employees. | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general information about how USCP administers ID cards is not considered sensitive—other agencies make analogous policy documents available. *See, e.g.*, Veile Decl. Ex. 59 (TSA Management Dir. 2800.16 (Identification Media and Access Control Program)); Veile Decl. Ex. 151 (Md. Capitol Police Dir. 03.02 (Employee Identification Cards)).<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information. | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies to fulfill its mission of maintaining security of the Capitol, SMF ¶ 1, including its issuance of credentials that may provide employees access to restricted spaces.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why information about its basic policies for ID cards would inflict any harm on its functioning. |
| 2052.011 | Staffing of Posts During Inclement Weather | Describes the security posture and staffing of posts during inclement weather. | Criteria 1: Plaintiff is unable to meaningfully respond to Defendant's designation of this directive absent information about whether this directive reflects information for assuring adequate staffing during periods of inclement weather and/or administrative procedures for approving overtime hours, *cf.* Veile Decl. Ex. 199 (TSA Management Dir. 1100.61-1 (Dismissals and Closures) (relaying "[e]mployees occupying emergency positions are responsible for reporting for duty or remaining on duty at their worksite in the event of an emergency when non-emergency employees are dismissed from duty")), or detailed procedures for operating with reduced staffing.<br><br>Segregability: At a minimum, Plaintiff disputes that this directive consists entirely of non-segregable "sensitive" information to the extent it contains basic administrative information about securing adequate staffing as opposed to detailed information that would reveal actual vulnerabilities in staffing. | Public Interest: The public has an interest in accessing this directive to evaluate the adequacy of USCP's policies to fulfill its mission of maintaining security of the Capitol, SMF ¶ 1, including in periods of inclement weather.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure, at least as to the reasonably segregable non-sensitive portions thereof. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why information about how USCP ensures adequate staffing would result in any harm. |
| 2052.015 | Office of Inspector General Credentials and | Describes the process for issuing credentials and | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, because general information about how USCP administers ID cards is not considered sensitive—other agencies make analogous policy | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies to fulfill its mission of maintaining security of the Capitol, SMF ¶ 1, |

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| | Badges | badges to Office of Inspector General personnel. | documents available. *See, e.g.*, Veile Decl. Ex. 59 (TSA Management Dir. 2800.16 (Identification Media and Access Control Program)); Veile Decl. Ex. 151 (Maryland Capitol Police Directive 03.02 (Employee Identification Cards)).<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information. | including its issuance of credentials that may provide employees access to restricted spaces.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why information about its basic policies for issuing credentials would inflict any harm. |
| 2061.001 | Recruit Officer Entry-Level Training Program | Describes the training program for recruit officers at the USCP's police academy. | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies routinely make analogous policies public, *see, e.g.*, Veile Decl. Ex. 77 (MPD Gen. Order 201.29 (Police Officer Initial Training)); Veile Decl. Ex. 152 (Md. Capitol Police Directive 03.10 (Training)), illustrating that basic training policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. Additionally, a substantial amount of information about USCP's training programs is already publicly known. For example, the GAO Survey Report describes how USCP policy requires officers "complete 14 weeks of additional training at the Capitol Police Academy," which involves "both classroom and scenario-based training with role-playing sessions," including "scenario-based training relevant to demonstrations cover[ing] small groups, such as small disturbance in a hearing room or in public areas of the Capitol complex," and how "the academy's use of force training is tailored to reinforce Capitol Police policy," and that officers are "trained on the proper handling and use of batons and chemical spray." Veile Decl. Ex. 27 at 21 (GAO Survey Report). The GAO Survey Report also describes how officers "receive 40 hours of entry-level CDU training after completing their academy training," which "includes general knowledge on the CDU's mission, uniforms, equipment, levels of deployment, and squad formations." *Id.* at 22. USCP | Public Interest: The public has a substantial interest in accessing this directive to evaluate the adequacy of USCP's policies with respect to training in advance of January 6 for the same reasons as those described supra with respect to Directive 2052.012, *supra*.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its training policies would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and substantial information about USCP's training program is already available to the public, and there is no evidence of harm from these disclosures. |

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| | | | itself as recently as one year ago used footage from its training exercises in its public-facing media materials. SMF ¶¶ 141–42.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information. | |
| 2075.001 | Momentum Security Policy | Describes the security procedures associated with USCP procurement and payment software | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies routinely make information about their information systems public, *see, e.g.*, Veile Decl. Ex. 198 (TSA Information Assurance Handbook); Veile Decl. Ex. 48 (DHS Directive 140-01 (Information Technology Security Program)); Veile Decl. Ex. 169 (Pa. Off. Gov. Management Dir. 205.37 Amended (Role Assignment, Security, and Internal Control Maintenance)); illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy regarding procurement software could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy regarding procurement software could readily be adopted by any government agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information | Public Interest: The public has an interest in evaluating the adequacy of USCP's policies with respect to processing and safeguarding personal information it may access in the performance of its functions.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for its procurement software would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |

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| | | | and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | |
| 2080.003 | Segregation of Duties | Describes Department safeguards to mitigate and prevent security breaches of Department IT systems | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies routinely make information about their information security systems public, *see, e.g.*, Veile Decl. Ex. 198 at 16–17 (TSA Information Assurance Handbook (section addressing separation of duties)); Veile Decl. Ex. 48 (DHS Directive 140-01 (Information Technology Security Program)); Veile Decl. Ex. 169 (Pa. Off. Gov. Management Dir. 205.37 Amended (Role Assignment, Security, and Internal Control Maintenance)); illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy regarding IT security could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy regarding IT security could readily be adopted by any government agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any | Public Interest: As noted in Column 4 (left), a policy addressing segregation of duties for IT systems could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective of IT security than such other agencies, in light of its unique mission and function.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for basic IT practices would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |

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| | | | statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | |
| 2081.002 | Security of Information Generated by Criminal Justice Telecommunications Systems | Describes the Department's procedures for safeguarding information generated by the Criminal Justice Telecommunications System | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make information about their information security systems public, *see, e.g.*, Veile Decl. Ex. 85 (MPD Gen. Order 302.12 (Criminal Justice Information Services Security)); Veile Decl. Ex. 62 (TSA Management Dir. 3700.4 (Handling Sensitive Personally Identifiable Information)); illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 3: A policy regarding information security of criminal justice information could readily be adopted by any law enforcement agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | Public Interest: As noted in Column 4 (left), a policy addressing information generated by criminal justice telecommunications systems could be adopted by any law enforcement agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective than such other agencies, in light of its unique mission and function.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for handling information would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 2081.003 | Office of Information Systems Password Policy | Describes the Department's user account password requirements. | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make information about their information security systems public, *see, e.g.*, Veile Decl. Ex. 198 at 106 (TSA Information Assurance Handbook (describing password requirements)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. | Public Interest: As noted in Column 4 (left), a policy addressing passwords could be adopted by any law enforcement agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective than such other agencies, in light of its unique mission and function.<br><br>Rebuttal of Harm: The public interest readily |

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| | | | Criteria 2: A password policy could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A password policy could readily be adopted by any government agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its password policy would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 2081.004 | USCP Internet and Intranet Sites | Describes the use, maintenance, and creation of USCP web sites internally and externally. | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make similar policies public, *see, e.g.*, Veile Decl. Ex. 202 (DHS Dir. 262-04 (DHS Web - Internet and Extranet Information)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning intranet and internet sites could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning intranet and internet sites could readily be adopted by any governmental agency and | Public Interest: The public has an interest in evaluating the adequacy of USCP's policies with respect to maintaining its internal and external websites, including with respect to providing up-to-date information to its officers and in keeping the public apprised of information. *See, e.g.*, SMF ¶ 40 (noting USCP officer had reflected, in the wake of January 6, that "[transparency] would improve this department on every level").<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for updating its websites would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and |

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| | | | has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions. | there is no evidence of harm. |
| 2081.005 | Use of USB Data Storage Devices | Describes the Department's policies on using USB devices in Department computers. | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make analogous policies public, *see, e.g.*, Veile Decl. Ex. 198 at 129–30 (TSA Information Assurance Handbook) (addressing USB policy)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning the use of USB devices could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning the use of USB devices could readily be adopted by any government agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of | Public Interest: As noted in Column 4 (left), a policy addressing USB use could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective than such other agencies, in light of its unique mission and function.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for USB devices would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | | | Section 1979 functions. | |
| 2081.006 | Computer Security Incident Response | Describes the Department's response to potential data breaches or other information security incidents | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make analogous policies public, *see, e.g.*, Veile Decl. Ex. 56 (DHS 4300A (Information Technology System Security Program, Sensitive Systems)), illustrating such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning computer security incident response could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning computer security incident response could readily be adopted by any governmental agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions. | Public Interest: As noted in Column 4 (left), a policy addressing computer security incident response could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective than such other agencies, in light of its unique mission and function.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for responding to computer security incidents would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 2081.007 | Account Management | Describes the USCP's policy on user accounts for information systems. | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make comparable policies public, *see, e.g.*, Veile Decl. Ex. 198 at 8–11 (TSA Information Assurance Handbook) (addressing account management)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767. | Public Interest: As noted in Column 4 (left), a policy addressing account management could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective than such other agencies, in light of its unique mission and function. |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | | | Criteria 2: A policy concerning user account management could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning user account management could readily be adopted by any governmental agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions. | Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for account management would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 2081.008 | Patch Management | Describes the USCP's policy on updating and maintaining software updates on its information systems. | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Best practices with respect to patch management are readily available in public guidance, *see, e.g.*, Dep't Homeland Sec., Recommended Practice for Patch Management of Control Systems (Dec. 2008), https://www.cisa.gov/sites/default/files/2023-01/RP_Patch_Management_S508C.pdf, illustrating such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning software patch management could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency | Public Interest: As noted in Column 4 (left), a policy addressing patch management could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective than such other agencies, in light of its unique mission and function.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for patch management would result in any harm, particularly when information about patch management practices is widely available. |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | | | preparedness and response."<br><br>Criteria 3: A policy concerning software patch management could readily be adopted by any governmental agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions. | |
| 2081.010 | Risk Management | Describes the process for developing, implementing, and maintaining an agency risk management program that ensures the implementation of appropriate security measures to protect USCP information systems and data. | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies routinely make information about their information security systems public, *see, e.g.*, Veile Decl. Ex. 198 at 218–19 (TSA Information Assurance Handbook (addressing risk management strategy)); Veile Decl. Ex. 48 (DHS Dir. 140-01 (Information Technology Security Program)); Veile Decl. Ex. 169 (Pa. Off. Gov. Management Dir. 205.37 Amended (Role Assignment, Security, and Internal Control Maintenance)); illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning risk management for informational systems and data could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning risk management for informational systems and data could readily be adopted by any governmental agency and has no relationship to the | Public Interest: As noted in Column 4 (left), a policy addressing risk management could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective than such other agencies, in light of its unique mission and function.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for risk management would result in any harm. |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | | | predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions. | |
| 2081.011 | Information Security Continuous Monitoring | Describes the USCP's policy on monitoring employee computer use. | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make information about their information security systems public, *see, e.g.*, Veile Decl. Ex. 198 at 49–51 (TSA Information Assurance Handbook) (addressing monitoring)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning monitoring of employee computer use could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning monitoring of employee computer use could readily be adopted by any governmental agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of | Public Interest: As noted in Column 4 (left), a policy addressing employee computer use could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less advanced than such other agencies, in light of its unique mission and function. For instance, the public has an interest in evaluating whether USCP's policy for monitoring employee computer use sufficiently address the use and abuse of information obtained via law enforcement databases. *See, e.g.*, SMF ¶¶ 306–10 (describing reporting on misuse of "confidential law enforcement databases," and steps taken by other police departments to prevent misuse, including increasing frequency of audits).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for monitoring employee computer use would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | | | Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | |
| 2081.012 | Mobile and Wireless Device Security | Describes the Department's strategy to secure mobile devices such as cell phones | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make information about their information security systems public, *see, e.g.*, Veile Decl. Ex. 198 at 26–30 (TSA Information Assurance Handbook) (addressing mobile devices)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning mobile device and wireless security could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning mobile device and wireless security could readily be adopted by any governmental agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | Public Interest: As noted in Column 4 (left), a policy addressing mobile and wireless device security could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective than such other agencies, in light of its unique mission and function.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for mobile and wireless device security would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| 2081.013 | Antivirus and Malware Protection | Describes the Department's use and deployment of anti-virus and malware protections | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies routinely make information about their information security systems public, *see, e.g.*, Veile Decl. Ex. 198 at 211–12 (TSA Information Assurance Handbook (addressing spam protection)); Veile Decl. Ex. 48 (DHS Directive 140-01 (Information Technology Security Program)); Veile Decl. Ex. 169 (Pa. Off. Gov. Management Dir. 205.37 Amended (Role Assignment, Security, and Internal Control Maintenance)); illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning antivirus and malware protection could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning antivirus and malware protection could readily be adopted by any governmental agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | Public Interest: As noted in Column 4 (left), a policy addressing antivirus and malware protection could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective than such other agencies, in light of its unique mission and function.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for anti-virus and malware protection would result in any harm. |
| 2082.001 | Telecommunications | Describes the Department's use | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make analogous | Public Interest: As noted in Column 4 (left), a policy addressing telecommunications could be |

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| | | and deployment of telecommunications equipment and services | policies public, *see, e.g.*, Veile Decl. Ex. 198 at 96 (TSA Information Assurance Handbook (addressing telecommunications)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: This directive could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: This directive could readily be adopted by any governmental agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that provide for more or less advanced telecommunications equipment and services than such other agencies, in light of its unique mission and function. And with respect to January 6, the public has an interest in assessing the reasons why communications "were chaotic, sporadic, and, according to many front-line officers, non-existent," SMF ¶ 80, and assessing whether USCP's telecommunications policy contributed to those failures.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for telecommunications equipment would result in any harm. |
| 2083.001 | Enterprise Architecture and Planning | Describes the Office of Information Services' approach to planning and implementing enterprise wide systems | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make analogous policies public, *see, e.g.*, Veile Decl. Ex. 46 (DHS Dir. No. 103-02 (Enterprise Architecture Management)); Veile Decl. Ex. 198 at 218 (TSA Information Assurance Handbook (addressing enterprise architecture)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning enterprise-wide computing systems could readily be adopted by any government | Public Interest: As noted in Column 4 (left), a policy addressing enterprise architecture and planning could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less advanced than such other agencies, in light of its unique mission and function.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from |

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| | | | agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning enterprise-wide computing systems could readily be adopted by any governmental agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for enterprise architecture would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 2083.002 | Configuration Management | Describes the Office of Information Services approach to Configuration Management such as network engineering | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make analogous policies public, *see, e.g.*, Veile Decl. Ex. 47 (DHS Dir. No. 138-01 (Enterprise Technology Configuration Management)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning configuration management could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning configuration management could readily be adopted by any governmental agency and | Public Interest: As noted in Column 4 (left), a policy addressing configuration management could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less advanced than such other agencies, in light of its unique mission and function.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for configuration management would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |

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| | | | has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | |
| 2083.003 | Change Management | Describes the Office of Information Services approach to Change Management such as technology upgrades or disruptions to IT systems | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies routinely make information about their information technology systems public, *see, e.g.*, Veile Decl. Ex. 198 at 84–85 (TSA Information Assurance Handbook (addressing configuration management plan)); Veile Decl. Ex. 48 (DHS Directive 140-01 (Information Technology Security Program)); Veile Decl. Ex. 169 (Pa. Off. Gov. Management Dir. 205.37 Amended (Role Assignment, Security, and Internal Control Maintenance)); illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning management of IT upgrades could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning management of IT upgrades could readily be adopted by any governmental agency and has no relationship to the predicate | Public Interest: As noted in Column 4 (left), a policy addressing change management could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less advanced than such other agencies, in light of its unique mission and function.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for configuration management would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |

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| | | | requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | |
| 2083.004 | Information Systems Auditing and Monitoring | Describes the procedures to audit and monitor use of Department information systems by the Department's Office of Information Systems | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make information about their information security systems public, *see, e.g.*, Veile Decl. Ex. 198 at 49–51 (TSA Information Assurance Handbook (addressing monitoring)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy concerning information systems auditing and monitoring could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning information systems auditing and monitoring could readily be adopted by any governmental agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this | Public Interest: As noted in Column 4 (left), a policy addressing information systems auditing could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective than such other agencies, in light of its unique mission and function. For instance, the public has an interest in evaluating whether USCP's policies with respect to information system monitoring are more or less protective than other agencies, and whether those policies sufficiently address the use and abuse of information obtained via law enforcement databases. *See, e.g.*, SMF ¶¶ 306–10 (describing reporting on misuse of "confidential law enforcement databases," and steps taken by other police departments to prevent misuse, such as increasing frequency of audits).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for auditing and monitoring would result in any harm. As set forth in Column 4 (left), other |

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| | | | directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | agencies make analogous documents public, and there is no evidence of harm. |
| 2084.001 | Use and Operation of Mobile Data Computers | Describes the use and security of Mobile Data Computers, which access WALES/NCIC and other police information | Criteria 1: Plaintiff disputes that this directive contains any "sensitive" information, MPD's publicly available General Order 310.01 already describes how USCP are "authorized to access the Washington Area Law Enforcement System (WALES) and National Crime Information Center (NCIC)," along with "the Teletype system of MPD," so long as USCP officers "hand carry[] information to the Telecommunications Branch, Synchronized Operations Command Center (SOCC) for data entry." Veile Decl. Ex. 93 at 4. Additionally, MPD's General Order specifies that USCP is required to "notify MPD's Teletype Unit giving all pertinent information" when "a 'positive hit' is made on WALES." *Id*. at 5.<br><br>Criteria 2: USCP's description of this directive is insufficient to conclude that it actually addresses the use of mobile data computers for the purpose of "access[ing] WALES/NCIC and other police information," it simply states as a general matter that its computers ***can*** access those systems. A policy concerning use of mobile data and computers could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy concerning use of mobile data and computers could readily be adopted by any governmental agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol | Public Interest: As noted in Column 4 (left), a policy addressing employee computer use could be adopted by any agency, however, the public has a particular interest in evaluating whether USCP has adopted policies that are more or less protective than such other agencies, in light of its unique mission and function. For instance, the public has an interest in evaluating whether USCP's policies sufficiently address the use and abuse of information obtained via law enforcement databases. *See, e.g.*, SMF ¶¶ 306–10 (describing reporting on misuse of "confidential law enforcement databases," and steps taken by other police departments to prevent misuse, such as increasing frequency of audits).<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for use and operation of computers would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public even where they do address use of the WALES and NCIC system (which it is not clear from USCP's description this directive even addresses), and there is no evidence of harm. |

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| | | | buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | |
| 2092.002 | Respiratory Protection Program | Describes the care, selection, and use of respiratory protection in response to airborne hazards | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies make analogous policies public, *see, e.g.*, Veile Decl. Ex. 118 (Baltimore Police Dep't Gen. Order O-8 (Respiratory Protection Program)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 3: A policy concerning respiratory protection could readily be adopted by any police agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | Public Interest: The public has an interest in evaluating the adequacy of USCP's policies with respect to the maintenance of protective equipment for its officers, including with respect to January 6 to evaluate claims that "[m]ost officers who fought that day did so without helmets, face shields or gas masks that would have better protected them from chemical irritants and blunt force imposed by the rioters." SMF ¶ 42.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for maintaining respiratory protection equipment would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 2092.003 | Self-Contained Breathing Apparatus Inspection and Maintenance | Describes the care and use of SCBA devices | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive" on the grounds that Defendant's description makes clear this policy concerns the basic care and use of equipment.<br><br>Criteria 3: A policy concerning self-contained breathing | Public Interest: The public has an interest in evaluating the adequacy of USCP's policies with respect to the maintenance of protective equipment for its officers, including with respect to January 6 to evaluate claims that "[m]ost officers who fought that day did so without helmets, face shields or gas |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | | | apparatus devices could readily be adopted by any police agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | masks that would have better protected them from chemical irritants and blunt force imposed by the rioters." SMF ¶ 42.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for maintaining respiratory protection equipment would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 2092.004 | Blood-Borne Pathogen Exposure Control Plan | Describes the measures taken by USCP to respond to an incident involving blood or other potentially infectious materials. | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive" on the grounds that blood-borne pathogen policies are generic, as illustrated by the fact that the Occupational Safety and Health Administration maintains a standard regulation for employers for bloodborne pathogens. *See* Veile Decl. Ex. 174 (OSHA Standard No. 1910.1030). Additionally, other police departments make analogous policies public, *see, e.g.*, Veile Decl. Ex. 104 (MPD Gen. Order 803.01 (Infectious Disease Prevention)); Veile Decl. Ex. 171 (Durham Police Dep't Gen. Order 4049 R-5 (Communicable Diseases and Bloodborne Pathogens)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable "sensitive" information. | Public Interest: The public has an interest in evaluating the adequacy of USCP's policies with respect to the performance of its mission, SMF ¶ 1, including its policies for preparedness and responding to blood-borne pathogens.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for blood-borne pathogens would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 2093.001 | Property and Asset Management | Describes the Department's inventory management | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other law enforcement agencies make analogous policies public, *see, e.g.*, Veile Decl. Ex. 160 at 1–5, 17–27 (Cal. Highway Patrol Man. 11.2, Ch. 8 | Public Interest: The public has an interest in evaluating the adequacy of USCP's policies with respect to the procurement, maintenance, and inventory management of protective equipment, |

| Number | Directive Name | Def.'s Description | Pl.'s Response Regarding 2 U.S.C. § 1979 Designation & Segregability | Pl.'s Statement Regarding Balance of Interests |
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| | | procedures and property accountability | (Equipment) (section on inventory information)), illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy for property asset and management could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy for property asset and management could readily be adopted by any governmental agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | including to evaluate claims that on January 6, "[m]ost officers who fought that day did so without helmets, face shields or gas masks that would have better protected them from chemical irritants and blunt force imposed by the rioters," that officers "had to negotiate" to obtain protective equipment that day, SMF ¶¶ 42–43, and that officers' "gear was old or of poor quality," *id.* ¶ 102.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for managing inventory would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |
| 2093.002 | Maximo Security Policy | Describes the security measures taken to secure the USCP's inventory management system | Criteria 1: Plaintiff disputes that any information in this directive is "sensitive." Other agencies routinely make information about their information technology public, *see, e.g.*, Veile Decl. Ex. 198 at 128–30 (TSA Information Assurance Handbook (addressing media protection and "operation of TSA IT assets [that] may require access or distribution restrictions" generally); Veile Decl. Ex. 48 (DHS Directive 140-01 (Information Technology Security Program)); Veile Decl. Ex. 169 (Pa. Off. Gov. Management Dir. 205.37 Amended (Role Assignment, | Public Interest: The public has an interest in evaluating the adequacy of USCP's policies with respect to the procurement, maintenance, and inventory management of protective equipment, including with respect to January 6 to evaluate claims that "[m]ost officers who fought that day did so without helmets, face shields or gas masks that would have better protected them from chemical irritants and blunt force imposed by the rioters," that officers "had to negotiate" to obtain |

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| | | | Security, and Internal Control Maintenance)); illustrating that such policies are not considered sensitive by "the law enforcement profession." *Cf. Reps. Comm.*, 489 U.S. at 767.<br><br>Criteria 2: A policy for inventory management system security could readily be adopted by any government agency and has no relationship with the predicate requirement that the information relate to the performance of functions of "policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response."<br><br>Criteria 3: A policy for inventory management system security could readily be adopted by any government agency and has no relationship to the predicate requirement that the information relate to the performance of Section 1979 functions with respect to "Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds."<br><br>Segregability: For the reasons set forth above, at a minimum, Plaintiff disputes that the entirety of this directive consists of non-segregable sensitive information and/or information that pertains to the performance of Section 1979 functions with respect to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds." | protective equipment that day, SMF ¶¶ 42–43, and that officers' "gear was old or of poor quality," *id.* ¶ 102.<br><br>Rebuttal of Harm: The public interest readily outweighs any harm from disclosure. USCP has not identified a harm that would flow from disclosure of this directive, nor is it readily apparent why disclosure of basic information about its policy for maintaining security for its inventory system would result in any harm. As set forth in Column 4 (left), other agencies make analogous documents public, and there is no evidence of harm. |