

Click, Click, BOOM: The Digital Evidence Surge Behind Prosecuting Jan. 6 Rioters



Following the Jan. 6 attack, OSINT contributed to the federal investigations and indictments of perpetrators in countless ways. For example, the public Instagram account @HomeGrownTerrorists (HGT) was created while the attack was still ongoing. HGT began by sharing photo and video content it received from other Instagram users of the Capitol attack, which it shared on its Instagram feed, and the account's followers then commented on the identity of individuals they knew. This led to varying reactions—some more immediate, like the employment termination of the perpetrators, and others more localized, such as blowback on candidates for local office or other impacts on community

reputations. HGT's account gained hundreds of thousands of followers in the months following the attack—expanding to involve a Twitter presence as well—and it has accumulated Bellingcat prides itself on the integrity and credibility of its investigative work and provides a great deal of publicly available information to those interested in engaging with OSINT. However, the use of open-source information to publicly out the perpetrators of an international crime is one thing, but its use as evidence in a domestic court of law is another. And more specifically, would the masses of information collected by various vigilante social media accounts be admissible in a court of law? In the context of social media being used to investigate the Jan. 6 attack, private citizens are making tips to the FBI without knowing they are wading into the realm of digital evidence, and so their attention to preserving information essential for the content's authentication is not necessarily a priority. Thus, the admissibility of this material at trial is more uncertain than in situations where practiced OSINT investigators, like those at Bellingcat, are in possession of this information. Furthermore, the resulting barrier to admissibility is with good reason—even when prosecuting those accused of violent acts against the state, preserving the right to a fair trial is essential to due process, the integrity of the judicial system, and legitimacy of the rule of law.