



U.S. Department of Justice

United States Marshals Service

Office of General Counsel

*CG-3, 15th Floor
Washington, DC 20530-0001*

September 20, 2022

Austin R. Evers
American Oversight
1030 15th Street NW
Washington, DC 20005
foia@americanoversight.org

Re: Freedom of Information Act Request No. 2022-USMS-REF-000017
Subject: Documents referred from the Office of Information Policy (OIP)

Dear Requester:

The United States Marshals Service (USMS) is responding to a referral of documents made to the USMS from OIP.

OIP referred 11 page(s) to USMS for direct response to you on February 14, 2022, as part of their response to their case number 20-cv-2153.

To withhold a responsive record in whole or part, an agency must show both that the record falls within a FOIA exemption, 5 U.S.C. § 552(b), and that the agency “reasonably foresees that disclosure would harm an interest protected by exemption.” See § 552(a)(8)(A)(i)(I); *Machado Amadis v. U.S. Dep’t of State*, 971 F.3d 364 (D.C. Cir. 2020). As described in this correspondence, the USMS reviewed the referred records and asserted FOIA exemptions as appropriate. Further, the USMS has determined it is reasonably foreseeable that disclosure of the withheld information would harm an agency interest protected by the exemption. These pages are released to you with portions of 9 page(s) withheld in part and 0 page(s) withheld in full pursuant to the following Exemptions of the FOIA, 5 U.S.C. § 552(b):

(b)(6), FOIA Exemption (b)(6) allows an agency to withhold personnel, medical, and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Records that apply to or describe a particular individual, including investigative records, qualify as “personnel,” “medical,” or “similar files” under Exemption 6. A discretionary release of such records is not appropriate. See *United States Department of Justice (DOJ) v. Reporters Committee for Freedom of the Press*, 489 U.S. 749 (1989).

(b)(7)(C), FOIA Exemption (b)(7)(C) protects records or information compiled for law enforcement purposes to the extent that the production of such records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy. A discretionary release of such

records is not appropriate. See United States Department of Justice (DOJ) v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989). Accordingly, the personally identifiable information of law enforcement officers and government employees was withheld from the responsive documentation. The disclosure of such sensitive information contained in records compiled for law enforcement purposes to the public could subject law enforcement officers and other government personnel to harassment and unwelcome contact. This could disrupt and impede official agency activity, as well as endanger the safety of law enforcement officials. Additionally, the personally identifiable information of third parties named in the records was withheld. The disclosure of third-party information could constitute an unwarranted invasion of personal privacy and subject the individuals to embarrassment, harassment, and undue public attention. Individuals have a recognized privacy interest in not being publicly associated with law enforcement investigations, not being associated unwarrantedly with alleged criminal activity, and controlling how communications about them are disseminated.

(b)(7)(E), FOIA Exemption (b)(7)(E) exempts from release information that would disclose law enforcement techniques or procedures, the disclosure of which could reasonably be expected to risk circumvention of the law. Public disclosure of law enforcement techniques and procedures could allow people seeking to violate the law to take preemptive steps to counter actions taken by USMS during investigatory operations. Information pertaining to case selection, case development, and investigatory methods are law enforcement techniques and procedures that are not commonly known. The disclosure of this information serves no public benefit and would have an adverse impact on agency operations. Furthermore, public disclosure of information such as internal URLs, codes, and internal identifying numbers could assist unauthorized parties in deciphering the meaning of the codes and numbers, aid in gaining improper access to law enforcement databases, and assist in the unauthorized party's navigation of these databases. This disclosure of techniques for navigating the databases could permit people seeking to violate the law to gain sensitive knowledge and take preemptive steps to counter actions taken by USMS during investigatory operations. The disclosure of this information serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities.

(b)(7)(F), FOIA Exemption (b)(7)(F) protects law enforcement information that "could reasonably be expected to endanger the life or physical safety of any individual." 5 U.S.C. § 552(b)(7)(F) (2006), amended by OPEN Government Act of 2007, Pub. L. No. 110175, 121 Stat. 2524. Courts have routinely upheld the use of Exemption (b)(7)(F) to protect the identities of law enforcement agents, as well as protect the names and identifying information of non-law enforcement federal employees, local law enforcement personnel, and other third persons in connection with particular law enforcement matters. See *Rugiero v. DOJ*, 257 F.3d 534, 552 (6th Cir. 2001); *Johnston v. DOJ*, No. 97-2173, 1998 WL 518529, *1 (8th Cir. Aug. 10, 1998).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with the United States Marshals Service (USMS) determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may also contact Charlotte Luckstone or our FOIA Public Liaison at (703) 740-3943 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer.

The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

/s/ERTfor

Charlotte Luckstone
Senior Associate General Counsel
FOIA/PA Officer
Office of General Counsel

Enclosure



D/OR Portland Courthouse Activity Summary 07/31/2020

This information is for USMS Limited Official Use Only and is Law Enforcement Sensitive—do not share without written permission from the sender

18:00 – Night shift personnel in place. Oregon State Police (OSP) remains on scene to assist with maintaining external security.
20:36 – VOs spraying foam on the fence.
21:20 – Vehicle convoy of approximately 30 vehicles drove to Edith Green building.
21:45 – Crowd is estimated at 350.
22:15 – OSP estimates crowd at 1,000.
23:42 – OSP reports bottles and fireworks thrown at the building.
23:43 – A small fire was started by VOs at the rear of the Hatfield courthouse. The roll-up door sustained some damage to the bottom seal.
00:25 – Black SUV parked blocking the card reader for the roll-up door on 2nd Ave. OSP is formulating a plan to tow the vehicle.
00:31 – The driver returned to the black SUV and left the area.
00:40 – Three VOs jump the fence but quickly returned to the outside.
01:00 – FPS estimates the crowd at 600.
01:25 – VOs launched a hard object that broke a window on the 7th floor.
01:27 – VOs starting a fire on the roll-up door on 2nd Ave.
01:28 – FPS deployed to suppress the fire. Approximately 50 VOs outside the door. VOs launched hard objects and bottles at the officers.
01:31 – FPS returned and secured the door.
01:35 – VOs started a fire on 3rd Ave outside the fence.
02:20 – FPS estimates the crowd at 150.
02:45 – FPS estimates the crowd at 40.
03:15 – The fire on 3rd Ave died out.
04:15 – Approximately 20 left in the area, all is quiet.

Personnel

- (b)(7)(E)
- IMT: (b)(7)(E)
- JSD OPI: (b)(7)(E)
- OPR: (b)(7)(E)
- (b)(7)(E)
- PIO: (b)(7)(E)
- WSD: (b)(7)(E)
- District USMS – (b)(7)(E)
- Out of District USMS – (b)(7)(E)

Arrests

No arrests were made during the protest activity of the evening.

USMS Task Force members identified a suspect from a previous night that threw a firework into the courthouse and injured a USMS (b)(7)(E) The suspect was standing in front of the Starbucks on 2nd Ave. Two arrest USMS arrest teams were dispatched to make an arrest. The suspect was taken into custody after a foot pursuit.

(b)(6); (b)(7)(C)

FBI – Assault (charges might change after AUSA reviews it further)
Booked pending Initial Appearance on Monday.

(b)(6); (b)(7)(C); (b)(7)(F)

District of Oregon/PNVOTF

(b)(6); (b)(7)(C) - cell
- desk



USMS: D/OR Portland Courthouse Activity Summary 08/01/2020

This information is for USMS Limited Official Use Only and is Law Enforcement Sensitive—do not share without written permission from the sender

18:00 – Night shift personnel in place. Oregon State Police (OSP) remains on scene to assist with maintaining external security.
21:10 – FPS estimates the crowd at 200.
21:57 – Violent Opportunists (VOs) were throwing hard objects, glass bottles and aimed lasers at Portland Police Bureau (PPB) officers stationed at the SE precinct. It was declared an Unlawful Assembly and PPB dispersed the crowd.
22:10 – FPS estimates the crowd at 400.
22:30 – FPS estimates the crowd at 600.
23:30 – A person in the crowd is observed openly carrying an AR-15.
23:58 – VO wearing gray cargo shorts threw a Molotov Cocktail at the Edith Green building and fled on foot towards the Hatfield courthouse.
00:15 – Approximately 700 protesters leave, go to the PPB entrance on 2nd Ave then begin marching between Edith Green and Hatfield.
01:20 – VOs started a small fire on the rear roll-up door on 2nd Ave. Most of the crowd is gone and marching elsewhere. Approximately 30 remain in the area.
01:26 – FPS and OSP deploy to extinguish the fire.
03:00 – Marchers have all dispersed. Less than 20 stragglers remain in the area. All is quiet.
03:30 – No change.

Personnel

- (b)(7)(E)
- IMT: (b)(7)(E)
- JSD OPI: (b)(7)(E)
- OPR: (b)(7)(E)
- (b)(7)(E)
- PIO: (b)(7)(E)
- WSD: (b)(7)(E)
- District USMS: (b)(7)(E)
- Out of District USMS: (b)(7)(E)

Arrests

No arrests.

(b)(6); (b)(7)(C); (b)(7)(F)

District of Oregon/PNVOTF

(b)(6); (b)(7)(C)
- cell
- desk



USMS D/OR Portland Courthouse Activity Summary 08/02/2020

This information is for USMS Limited Official Use Only and is Law Enforcement Sensitive—do not share without written permission from the sender

18:00 – Night shift personnel in place. Oregon State Police (OSP) remains on scene to assist with maintaining external security.

21:30 – Crowd estimated at 200. Some Violent Opportunists (VOs) blocked the road at 3rd Ave and Salmon St.

21:40 – Portland Police Bureau (PPB) was overheard reporting green laser being utilized by a VO.

22:01 – FPS disseminated the following info:

At approx. 21:00 four individuals were on the top of the parking garage directly behind (east) of Edith Bldg taking pictures. They were observed for approx. 20 mins where they went on top of the helipad and elevator shaft.

2 W/M, 2W/F

One male had a black shirt, black cut off shorts

One male had a black shirt and tan pants

One female had blond hair

One female had brown hair and a white shirt

Vehicle pic is attached.

22:30 – Crowd estimated at 80.

00:30 – Only stragglers remain in the area.

00:34 – Possible fire reported at the roll up door on 2nd Ave.

00:37 – Inspection of the area revealed there was no fire.

03:00 – It remains all quiet.

Personnel

- (b)(7)(E)
- IMT: (b)(7)(E)
- JSD OPI: (b)(7)(E)
- OPR: (b)(7)(E)
- (b)(7)(E)
- PIO: (b)(7)(E)
- WSD: (b)(7)(E)
- District USMS – (b)(7)(E)
- Out of District USMS – (b)(7)(E)

Arrests

No arrests.

(b)(6); (b)(7)(C); (b)(7)(F)

District of Oregon/PNVOTF

(b)(6); (b)(7)(C) - cell
- desk





Subject: D/OR Portland Courthouse Activity Summary 08/03/2020

This information is for USMS Limited Official Use Only and is Law Enforcement Sensitive—do not share without written permission from the sender

18:00 – All night shift personnel in place.
20:00 – Social media states people meeting at Laurelhurst Park
21:00 – Crowd estimated at 75 in front of the Justice Center. Cars are blocking 3rd and Madison, Protesters blocking 3rd and Main.
21:10 – Crowd gathering at Laurelhurst Park, discussing where/when to march from there.
21:15 – Laurelhurst crowd marching North.
21:25 – Laurelhurst crowd marching toward the SE Precinct. Social media rumors two individuals in the crowd possibly carrying firearms.
21:32 – Laurelhurst group arrives at SE Precinct. Crowd estimated at 125.
21:35 – Crowd estimated at 100 between group in front of the Justice Center and in the parks. Crowd listening to speakers on the Justice Center steps.
22:00 – Approximately 15 “Moms”, dressed in yellow shirts, line up in front of the Hatfield fence with their backs towards the building.
22:15 – Water bottles reportedly thrown at PPB at the SE Precinct.
22:26 – PPB believes crowd at the SE Precinct is settling in for the night with music play and water bottles being distributed.
22:34 – Crowd of approximately 50 has gathered across the street from Hatfield. This includes the “Moms” still standing with backs toward the building.
22:37 – OSP MRT deploying to make arrest on individual alleged to have brandished a weapon at UC officers. Subject is seen getting into a truck just North of 4th/Salmon. Crowd begins to gather after noticing the lights on 4th.
22:43 – OSP Mobile SWAT unit on scene on 4th/Salmon to push crowd back and provide cover for OSP arrest team after taking subject in custody, calling for tow truck to remove subject vehicle. Crowd estimated at 50.
22:50 – Crowd has grown to 100 at 4th/Salmon. OSP searching vehicle, waiting for a tow.
22:58 – OSP MRT/Mobile SWAT have left 4th/Salmon. While exiting the area, it was reported OSP took projectiles to include rocks, glass bottles, and one Violent Opportunist (VO) grabbed the mask of a OSP SWAT member.
23:02 – Crowd at 4th/Salmon dispersed, “Moms” have returned to front of Hatfield.
23:08 – FPS estimates 50 in front of Hatfield. Vehicle with a trailer has blocked 3rd/Salmon. Crowd has removed a basketball hoop from the trailer and set it up on 3rd/Salmon. Crowd has started a pick-up game.
23:35 – Crowd Estimated at 150 at SE Precinct. LRAD announcements asking crowd to stay off the property.
23:46 – PPB moves in on crowd to initiate an arrest on an individual at SE Precinct. PPB takes projectiles and begins moving the crowd to the East.
23:55 – Crowd pushed to East/53rd. PPB taking paint filled balloons and water bottles. Unlawful assembly declared.
00:15 – PPB falls back to SE Precinct. VO begin lining picnic tables to form wall across from precinct.
00:35 – Approximately 25 at 3rd/Salmon playing basketball. Approximately 75 at the SE Precinct.
00:43 – Fire reported near the picnic table wall at the SE Precinct
01:10 – Crowd trickling away from the SE Precinct. Approximately 20 playing basketball and 20 in the parks.

01:33 – Approximately 50 at SE Precinct and dwindling. Approximately 30 playing basketball at 3rd/Salmon

01:35 – Drone reported at 2nd/Salmon. No other information available.

01:46 – Crowd has dispersed from SE Precinct. Approximately 25 still playing basketball at 3rd/Salmon.

03:30 – Crowd has left SE Precinct. Basketball hoop removed and 8-10 people still standing in the 3rd/Salmon intersection.

04:00 – All clear.

The subject arrested by OSP earlier in the evening was identified as a juvenile with an airsoft gun and knife found in the vehicle. OSP attempting to book subject into Juvenile Detention Center. If JDC will not accept, subject will be cited and released.

Personnel

- (b)(7)(E)
- IMT: (b)(7)(E)
- JSD OPI: (b)(7)(E)
- OPR (b)(7)(E)
- (b)(7)(E)
- PIO: (b)(7)(E)
- WSD (b)(7)(E)
- District USMS – (b)(7)(E)
- Out of District USMS – (b)(7)(E)

Arrests

No arrests.

(b)(6); (b)(7)(C); (b)(7)(F)

U.S. Marshals Service

D/OR – Portland

Desk

(b)(6); (b)(7)(C)

Cell:



USMS D/OR Portland Courthouse Activity Summary 08/05/2020

This information is for USMS Limited Official Use Only and is Law Enforcement Sensitive—do not share without written permission from the sender

Violent Opportunists avoided the downtown area once again and, instead, focused on the East Precinct for Portland Police. The group immediately began damaging cameras and attacking the front doors of the precinct. VO's barricaded the front door of the precinct and set the debris on fire. VO's wearing yellow shirts seen shouting "We're here to f*ck sh*t up". PPB and OSP were able to move the crowd around the area and end the declared riots.

18:00 – All Night Shift personnel in place.

20:00 – Small crowd gathered at the Justice Center, 30-50 people. Group meeting at Floyd Light Gas Park in East Portland.

21:00 – Estimated 200 in East Portland gathering at the park. Approximately 50 in front of the JC, vehicles are blocking 3rd Ave between Main and Madison.

21:10 – Approximately 250 marching from Floyd Light Gas to East Precinct.

21:18 – Group has reached the East Precinct.

21:25 – Violent Offenders (VO's) have began taking out the cameras around the precinct and testing the roll up doors. VO's have began banging on the front precinct doors.

21:33 – OSP MRT staged at hospital near precinct. All Hatfield teams have remained in place.

21:39 – Protesters in yellow shirts, typically worn by the Mamas", chanting "We're here to f*ck shit up" at East precinct.

21:42 – Group at East has torn plywood off the building and are disabling the remaining cameras

21:45 – Unlawful assembly announced

21:50 – VO's have barricaded the front door of East Precinct

21:54 – Riot Declared

22:04 – VO's have set fire to debris used to barricade the doors

22:06 – PPB has begun to push the group to the N. PPB taking projectiles and commercial grade fireworks, also lasers

22:20 – report of suspicious device found in the burnt remains at the front door of East Precinct.

23:00 – PPB and OSP are continuing to push the crowd around the area East of Floyd Light Gas Park.

23:31 – Approximately 30 at the Justice Center

00:15 – PPB continues to push the crowd around the park. Numbers are dwindling.

01:20 – approximately 30 in the Floyd Light Gas Park. All quiet in from of the JC. All live streams have ceased.

01:58 – All is quiet.

Personnel

- (b)(7)(E)
- IMT: (b)(7)(E)
- JSD OPI: (b)(7)(E)
- OPR: (b)(7)(E)
- (b)(7)(E)
- PIO: (b)(7)(E)
- WSD: (b)(7)(E)

- District USMS – (b)(7)(E)
- Out of District USMS – (b)(7)(E)

(b)(6); (b)(7)(C); (b)(7)(F)

U.S. Marshals Service
D/OR – Portland

Desk

Cell:

(b)(6); (b)(7)(C)



USMS D/OR Portland Courthouse Activity Summary 08/06/2020

This information is for USMS Limited Official Use Only and is Law Enforcement Sensitive—do not share without written permission from the sender

Violent Offenders and Protesters focused on the East Precinct once again. As soon as the crowd arrived at the building, they immediately began vandalizing and breaking camera and attempting to break the plywood, or set it on fire. Two elderly women attempted to intervene at the East Precinct and were harassed by VO's, one being splashed with paint. PPB and OSP declared an unlawful assembly and pushed the crowd around the area for the remainder of the evening, making multiple arrests. The number of "Press" continues to grow and are actively hindering law enforcement efforts. Many VO's are hiding in the Press Crowd and throwing projectiles.

The area near Hatfield and Justice Center remained quiet. Approximately 50 individuals gather in the area but were gone before midnight.

18:00 – All Night Shift personnel in place. Overlap Period with new detail deputies coming in.
20:43 – Approximately 85 at the East Precinct
21:36 – Approximately 50 outside of the Justice Center
21:45 – PPB is reporting approximately 300 at East Precinct
21:48 – Cameras have been destroyed outside of the East Precinct. VO's are spray painting the outside of the precinct. Paint cans have been opened and the paint thrown on the building. VO's using the paint cans to smash at the plywood covering the front entrance. An elderly woman with a walker is trying to stop VO's from damaging the building. A second elderly woman also trying to intervene and is splashed with paint. Some VO's are getting in their faces and arguing.
21:51 – Unlawful assembly declared
22:00 – Trash can on fire at East Precinct
22:19 – VO attempting to light plywood on fire on the northside of the East Precinct. Later determined VO was trying to light a aerosol can on fire.
22:21 – Begins pushing crowd North
22:55 – VO at trailer park where a woman was reported wearing a jacket with a NAZI symbol last evening. Other residence of the park on scene with weapons holding back the crowd.
23:00 – Pushing the crowd West now. PPB and OSP taking multiple projectiles.
23:19 – Crowd at JC has dispersed without incident.
23:42 – PPB and OSP at Mall 205 with crowd. Taking paint balloons, rocks, and "green smoke" bombs. It has been alleged that the "green smoke" bombs are Gopher Bombs, toxic smoke bombs used to kill gophers.
00:18 – PPB taking rocks thrown from individuals mixed in the "Press" group
00:43 – PPB makes arrests of VO in the "Press" group. VO has a loaded .380 handgun on their person.
02:29 – Two individuals have started a fire at the area where the Elk statue stood. It appears they are burning protest signs left behind and also burning items left for the memorial that started in that area.
03:00 – All is quiet.

PPB and OSP controlled a large crowd that focused on the East Precinct. Once PPB responded, they continued to push the crowd around the area splitting the group and wearing them out.

Personnel – Overlap Period

- (b)(7)(E)
 - IMT: (b)(7)(E)
 - JSD OPI: (b)(7)(E)
 - OPR: (b)(7)(E)
 - (b)(7)(E)
 - PIO (b)(7)(E)
 - WSD (b)(7)(E)
 - District USMS (b)(7)(E)
- Out of District USMS – (b)(7)(E)

(b)(6); (b)(7)(C); (b)(7)(F)

U.S. Marshals Service

D/OR – Portland

Desk (b)(6); (b)(7)(C)

Cell: