



**Homeland
Security**

Privacy Office, Mail Stop 0655

December 16, 2021

SENT VIA EMAIL TO: FOIA@AMERICANOVERSIGHT.ORG

Austin Evers
Executive Director
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

**RE: DOJ OIP FOIA Request Numbers: FOIA-2020-01314 and FOIA-2020-01373
DOJ Litigation Case Number 20-cv-02153-DLF
FPS Case Number 2022-FPFO-00030**

Dear Mr. Evers:

This letter is in response to your June 4, 2020, and June 10, 2020, Freedom of Information Act (FOIA) requests to the U.S. Department of Justice (DOJ). You are seeking records concerning the national civil unrest events that occurred because of the killing of George Floyd on May 25, 2020.

On November 22, 2021, DHS's Federal Protective Service (FPS) received a referral from the DOJ's Office of Information Policy containing 38 pages of records that originated within FPS for processing and direct response to you. FPS has considered your request under both the FOIA, 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a.

Following review, FPS has determined that 19 pages are withheld in their entirety, 11 pages are released in full, and eight pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F), FOIA Exemptions 6, 7C, 7E, and 7F.

Enclosed are 19 pages with certain information withheld as described below:

FOIA Exemption 6: Pursuant to DHS Instruction 262-11-004, FOIA Officers at DHS have been instructed to withhold personally identifiable information (PII) and sensitive personally identifiable information (SPII) of DHS personnel unless a determination is made that the disclosure does not raise security or privacy concerns, or if those concerns are outweighed by any public interest in that information. [This policy is available online](#). Under this policy, the names of senior leaders, spokespersons, and political appointees are generally releasable. With respect to this FOIA request, DHS applied FOIA Exemption 6 to protect PII of DHS employees, including names and contact information. To the extent that DHS has withheld employee PII within these records, it has been determined that the employee(s) has/have substantial and

legitimate privacy interests and that these interests are not outweighed by any public interest in the operations of the Department.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

FOIA Exemption 7(F) permits the government to withhold all information about any individual when disclosure of information about him could reasonably be expected to endanger the life or physical safety of any individual. This exemption also protects physical security at critical infrastructure sites.

While an adequate search was conducted, you have the right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 2707 Martin Luther King Avenue SE, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

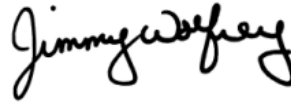
Provisions of the FOIA allow DHS to recover part of the cost of complying with your request. In this instance, because the cost is below the \$25.00 minimum, there is no charge.

You may contact the DHS FOIA Public Liaison at 202-343-1743 or toll free 1-866-431-0486 for any further assistance and to discuss any aspect of your request. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact 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, 8601 Adelphi Road-OGIS, 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.

If you need to contact our office again about this matter, please refer to **2022-FPFO-00030**. This office can be reached at FOIA@HQ.DHS.GOV or call 202-343-1743 or toll free 1-866-431-0486.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmy Wolfrey". The signature is fluid and cursive, with the first name "Jimmy" and last name "Wolfrey" clearly distinguishable.

Jimmy Wolfrey
Senior Director, FOIA Operations and Management

From: (b)(6); (b)(7)(C)

Sent: Sunday, July 26, 2020 8:04 AM

To: (b)(6); (b)(7)(C)

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

Subject: Fwd: Op Diligent Valor Morning Report 7-26-2020 Final

FPS Summary

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

Supervisory Deputy
US Marshals Service
D/OR - Portland

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

Begin forwarded message:

From: (b)(6); (b)(7)(C)

Date: July 26, 2020 at 7:18:35 AM PDT

To: (b)(6); (b)(7)(C) "Cline, Richard K"

<[Richard.K.Cline](#) (b)(6); (b)(7)(C) FPS IMC <fpsimc@fps.dhs.gov>, (b)(6); (b)(7)(C)

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

"Patterson, Leonard E" <[Leonard.E.Patterson](#) (b)(6); (b)(7)(C)

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

Cc: (b)(6); (b)(7)(C)

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

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

Portland FBI Ops Center

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

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

Subject: Op Diligent Valor Morning Report 7-26-2020 Final

FINAL

Please see attached Op Diligent Valor final morning roll up.

FINAL

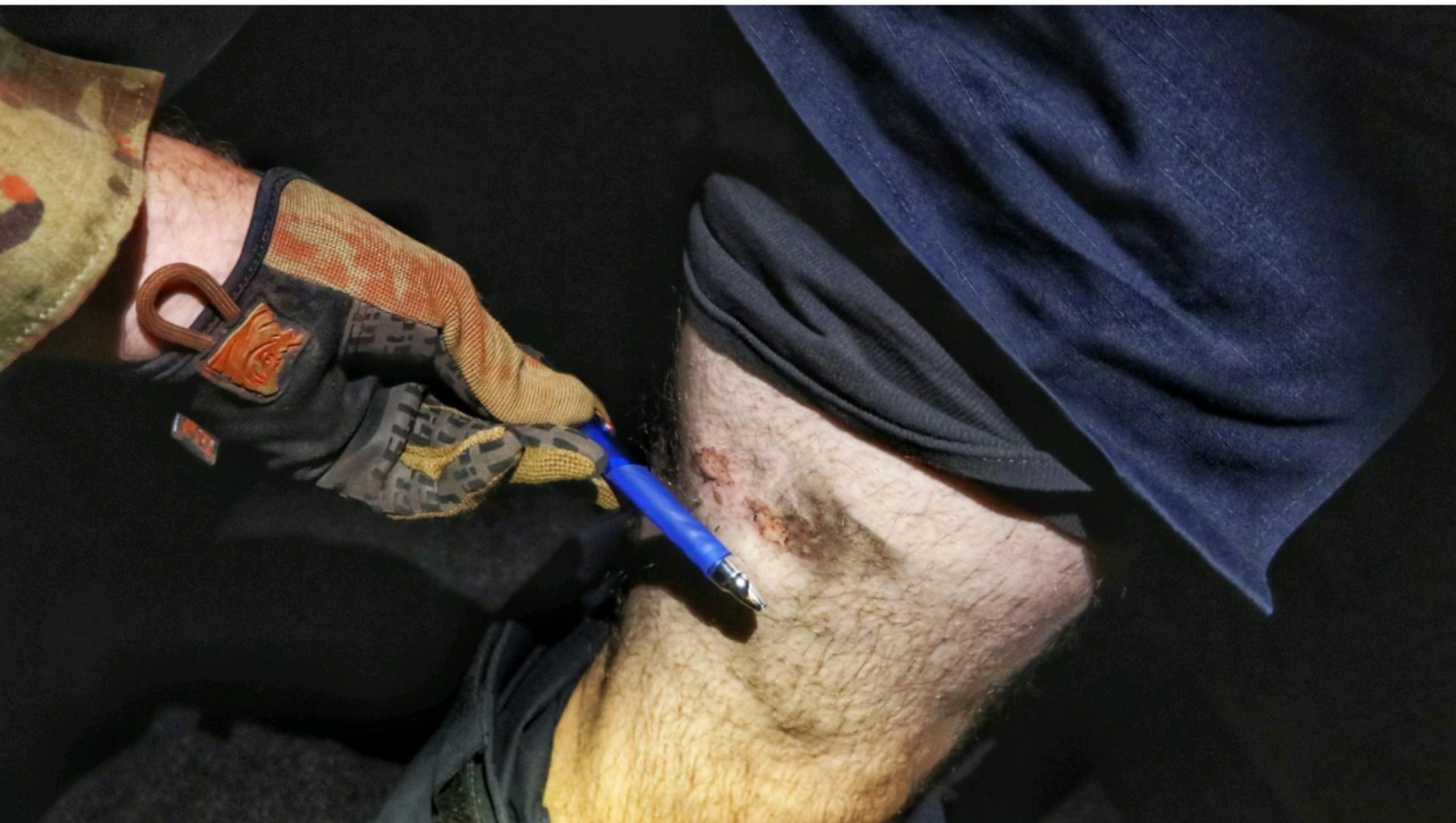
(b)(6); (b)(7)(C)

District Commander
Florida District Office
Federal Protective Service

Department of Homeland Security

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

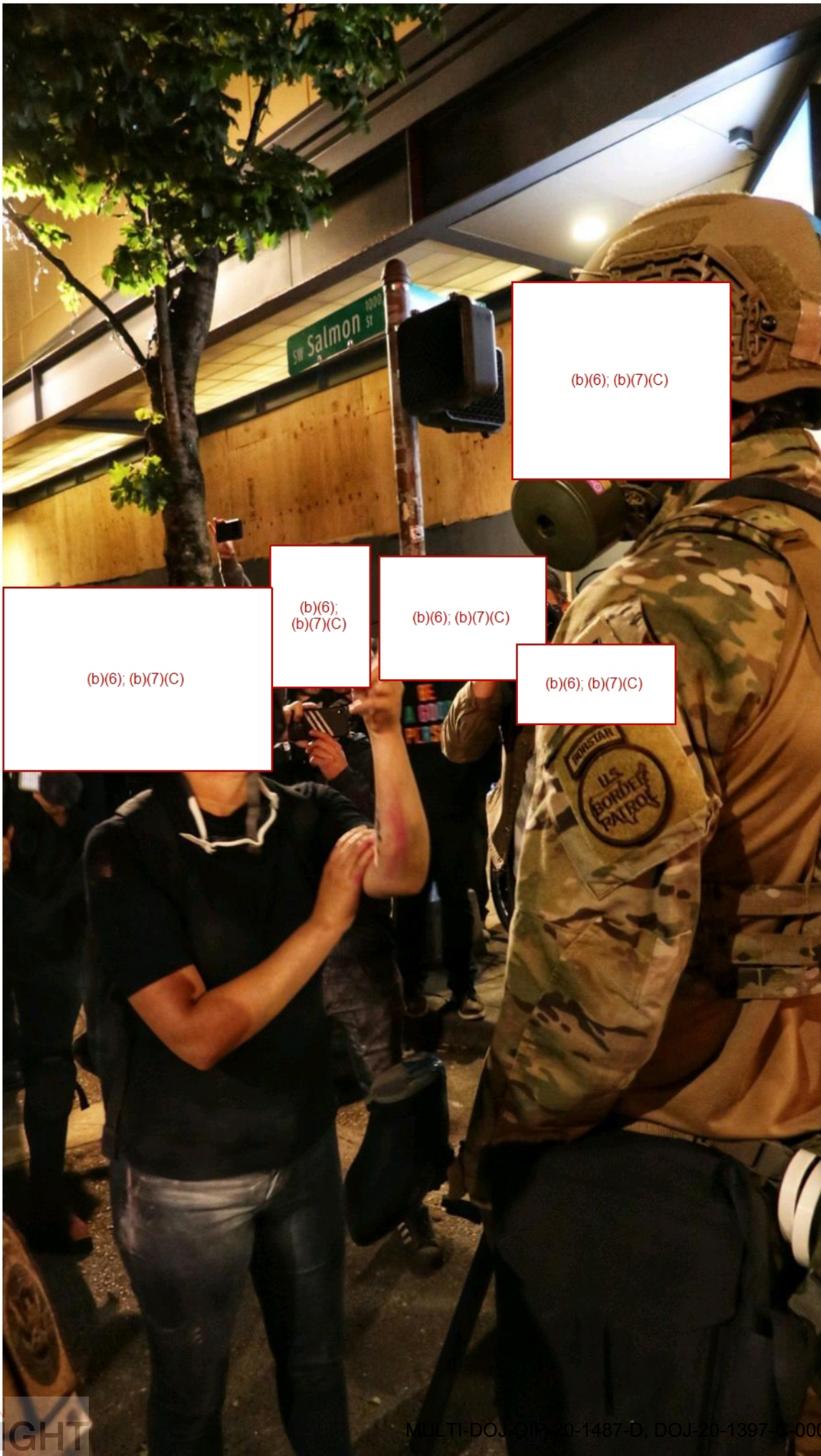












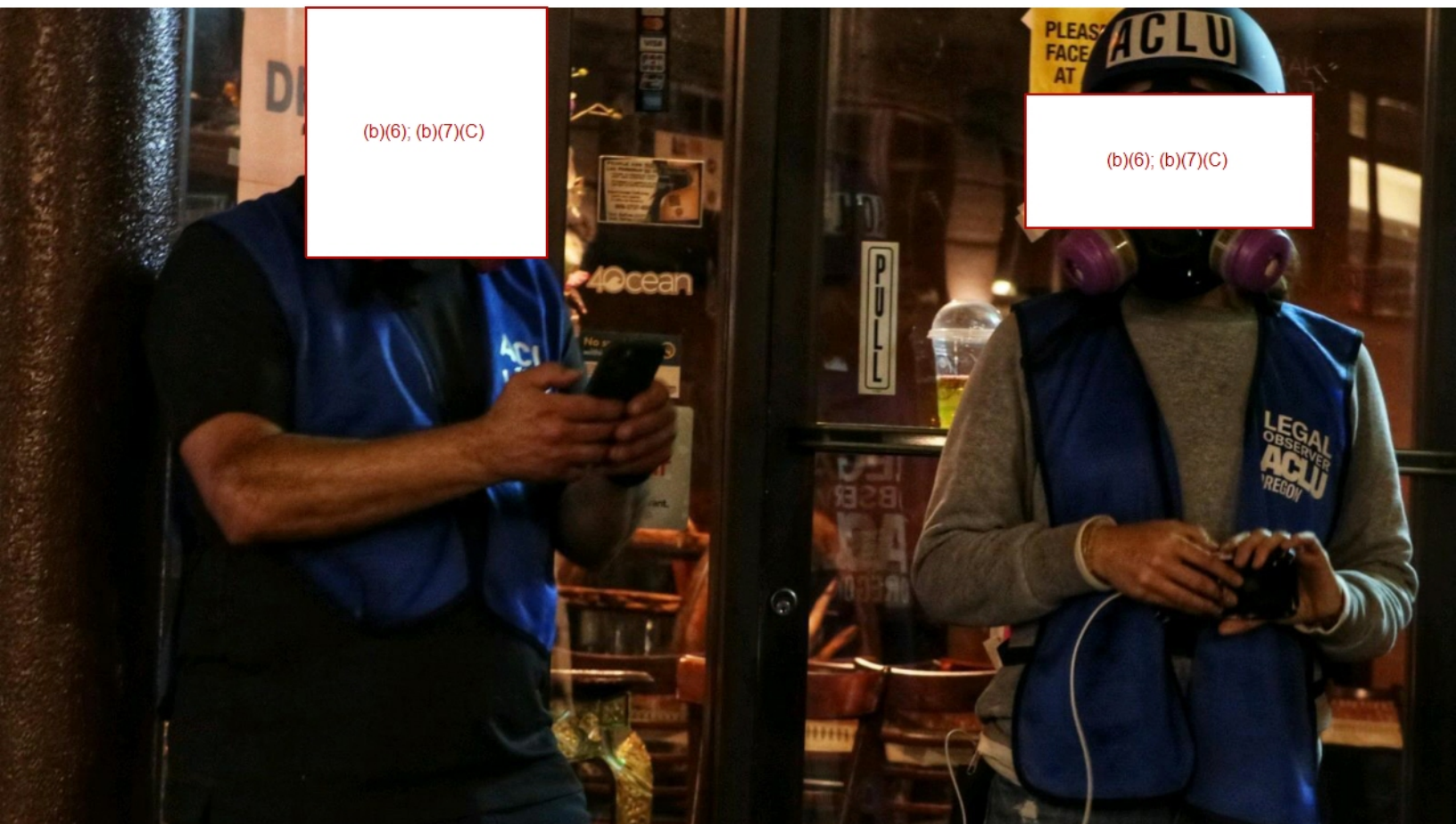
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(b)(6); (b)(7)(C)





