



U.S. Department of Justice

United States Marshals Service

Office of General Counsel

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

January 28, 2022

Mr. Austin Evers
Executive Director
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005
foia@americanoversight.com

Re: Freedom of Information Act Request No. 2022-USMS-REF-000008
Subject: Referred documents from the Office of Information Policy relative to 20-cv-2153

Dear Requester:

The United States Marshals Service (USMS) is responding to a referral of documents made to the USMS from another component of the Department of Justice (DOJ).

The Office of Information Policy (OIP) referred 10 pages to USMS for direct response to you on November 22, 2021, as part of their continuing response to OIP's FOIA litigation case number 20-cv-2153. These 10 pages are released to you subject to partial withholdings pursuant to FOIA Exemptions (b)(6), (b)(7)(C), (b)(7)(e), and (b)(7)(F) of the FOIA.

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. 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).

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).

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.

Finally, 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, procedures, and equipment could allow people seeking to violate the law to take preemptive steps to counter actions taken by USMS during investigatory operations. Information pertaining to 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.

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, 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,

A handwritten signature in black ink, appearing to read "CL for", written in a cursive style.

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



Subject: USMS D/OR Portland Courthouse Activity Summary 07/25/2020

Attached photos are items that were confiscated when tactical teams push the Violent Offenders through the park. Items with the pictures are defense shields, leaf blowers, gasoline, paint sprayers, paint cans with paint, hockey sticks and a jar prepped for a Molotov cocktail.

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

0600 – 0900 Little to no activity except in the park
0905 – A large mass of protesters came marching down on 3rd avenue
2115 – An estimated crowd size of 1500 is spread out between Hatfield and Justice Center
2206 – FPS Radio traffic reports that Portland Police Bureau (PPB) recovered 4 AR-15 magazines and 2 Molotov cocktails. ATF was advised
2222 – FPS reports that a banner was hung on the SW corner of the Hatfield fence and was lit on fire.
2233 – Protestors banged aggressively on the fence
2344 – Fireworks are being thrown on to federal property
2348 – “F__k Ted Wheeler” is announced over civilian radios. Believed to be a call for action by Violent Offenders (VOs)
2353 – Subject reported with a gun (unknown description or location)
2353 – Protesters are now becoming aggressive and hitting the fence with bats and fortified shields
2355 – VO climbed over the fence and climbed back out
0000 – VOs using tools to pry apart the fence and umbrellas to cover their intent
0005 – FPS deployed
0012 – Subject spotted with a leaf blower and using a green laser
0012 – FPS returned back inside Hatfield
0013 – There are numerous leaf blowers being utilized to blow back any smoke
0015 – A LRAD announcement was made declaring it an Unlawful Assembly
0024 – Three VOs climbed the fence onto federal property
0025 – (b)(7)(F) deployed to address fence tampering
0026 – (b)(7)(F) returned back to Hatfield
0040 – The crowd count is estimated 250 directly in front of Hatfield
0054 – Multiple individuals have climbed both on top and over the fence.
0058 – (b)(7)(F) and FPS deploy to deal with VO using a grinder on the fence
0059 – Both teams returned to Hatfield
0100 – FPS reports during deployment that had the following projectiles thrown directly at them: water bottles, glass bottles, unknown clear chemicals and mortars
0105 – FPS deployed to address the grinder again
0106 – FPS return to Hatfield
0107 – Analysts have spotted a female individual continuously bringing supplies to the front line. Additionally, empty water bottles and milk jugs are filled with an unknown subject and are being thrown over the fence even when officers are not outside
0113 – (b)(7) deployed in preparation to disperse the crowd
0114 – The crowd is agitated and trying to provoke the officers
0118 – (b)(7)(F) and FPS deploy
0119 – A push begins towards the park

0119 – Teams were met with hostility and while taking individuals into custody VOs would assault law enforcement personnel
0135 – The teams reset to push through the park
0140 – All teams pushed through the park in order to disperse those that wouldn't depart the area
0141 – Additional individuals were taken into custody
0142 – During the arrests VOs were surrounding law enforcement and physically attacking officers to try and break up the arrest
0200 – Within Lownsdale Park teams found paint sprayers, bottles of urine, spike strips and fireworks
0212 – All teams returned inside
0302 – VOs threw trash bags over the fence
0312 – FPS is deploying from the building
0316 – USMS team members deploy to extinguish fires
0317 – FPS requested (b)(7) to deploy outside to disperse the VOs that were throwing the trash and starting fires. (b)(7) did not deploy gas.
0328 – FPS announced that the remaining crowd is half agitators and half press
0400 – Individuals are slowly dispersing the front of Hatfield
0600 – All quiet out front. Shift change.

Personnel

(b)(7)(E)
District USMS – (b)(7)(E)
Out of District – (b)(7)(E)
JSD/OPI – (b)(7)(E)
IMT – (b)(7)(E)
(b)(7)(E)
PIO – (b)(7)(E)
WSD –)

Arrests

(b)(6); (b)(7)(C)
Assault
USMS

(b)(6); (b)(7)(C)
Assault/Use of a Laser
USMS

(b)(6); (b)(7)(C)
Assault
USMS

(b)(6); (b)(7)(C)
Assault
USMS

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

Resisting Arrest/Assault
USMS

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

Assault
USMS

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

Violation of National Air Defense Space (Drone)
HSI

DOE, John (#1)
DOB: UNK
Resisting
USMS

DOE, John (#2)
DOB: UNK
Resisting
USMS

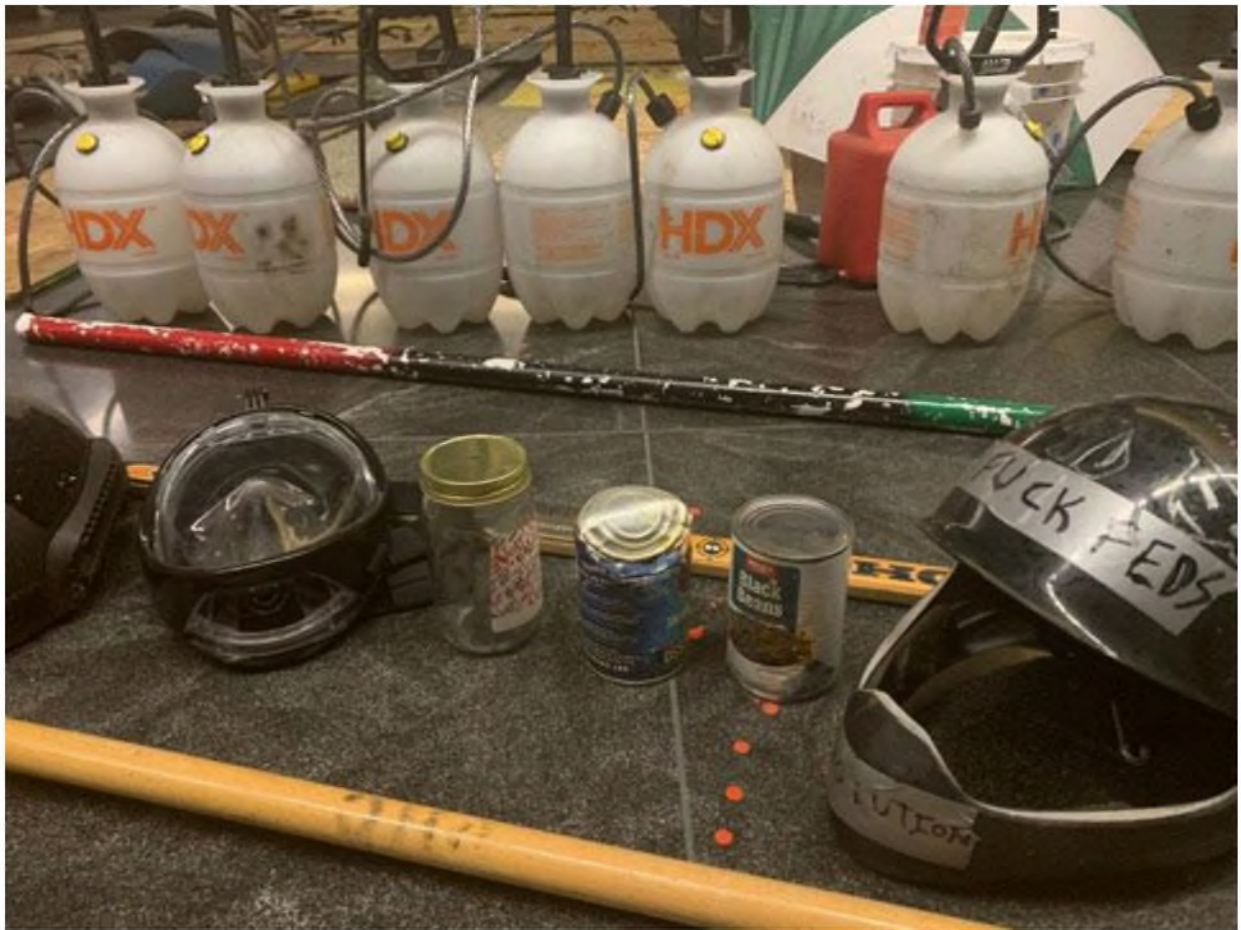
DOE, John (#3)
DOB: UNK
Resisting
USMS













USMS D/OR Portland Courthouse Activity Summary 07/30/2020

Recap of last night.

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18:00 – Night shift personnel in place. Oregon State Police has a contingent here to assist with maintaining external security.

Numbers were about 500 at the height of the evening. For the most part, the protesters remained peaceful tonight.

There were approximately two or three fireworks thrown throughout the night and some trash thrown over the fence. The protesters appeared to be policing themselves very effectively tonight. When a firework was thrown, protesters were telling people to leave if they weren't going to be peaceful. No response was necessary this evening and no team deployments were made. The crowd thinned out very quickly.

04:30 – Only a few stragglers remain in the area. 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 were made during the protest activity of the evening.

USMS Task Force members did arrest an individual identified in throwing an improvised explosive device at the courthouse during a previous riot. After consultation with the U.S. Attorney's Office, he will be charged initially with Arson. ATF will be taking lead on the case.

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

ATF – Arson

Booked pending Initial Appearance today.

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

District of Oregon/PNVOTF

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