



**U.S. Department of Justice**

United States Marshals Service

*Office of General Counsel*

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*CG-3, 15<sup>th</sup> Floor  
Washington, DC 20530-0001*

October 20, 2021

Mr. Austin Evers  
Executive Director  
American Oversight  
1030 15<sup>th</sup> Street NW  
Suite B255  
Washington, DC 20005  
[foia@americanoversight.com](mailto:foia@americanoversight.com)

**Re: Freedom of Information Act Request No. 2021-USMS-REF-000012**  
**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 September 24, 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)(5), (b)(6), (b)(7)(C), (b)(7)(e), and (b)(7)(F) of the FOIA.

FOIA Exemption (b)(5) protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5) (2006 & Supp. IV 2010). The three primary, most frequently invoked privileges that are incorporated into Exemption 5 are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. The deliberative process privilege protects the integrity of decision-making practices within an agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within non-final inter-agency or intra-agency memoranda or letters. Public release of internal, pre-decisional communications could discourage the expression of candid opinions among agency personnel. Employee trepidation regarding public release of internal agency communications and draft documents could inhibit the free and frank exchange of information among agency personnel. The purpose of the deliberative process privilege is to prevent injury to the quality of agency decisions. NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 151 (1975).

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](mailto: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 cursive script, appearing to read "CL for", written in black ink.

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



Recap of last night.



**Russ Burger**  
United States Marshal  
District of Oregon

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

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#### D/OR Portland Courthouse Activity Summary 07/17/20

(b)(5)  
Protesters barricaded all access as well as ports to the front of the Hatfield CH. Protesters also barricaded two (2) of the doors on Main street. It was also reported that protesters were tampering with the electrical box on Main. The individual detained by FPS and brought to the Hatfield CH cellblock for Failure to Comply was (b)(5); (b)(6); (b)(7)(C)  
was released from the USMS cellblock to the street.

**Detained: 1**  
**Released: 0**  
**ARRESTS: 0**

17:00 hrs - Crowd size approximately 300 in and around the Justice Center, Edith Green and Hatfield CH. Guest speakers to include city council members speaking on the steps of the Justice Center.  
20:25 hrs - Crowd size approximately 500 around the Justice Center, Edith Green and Hatfield CH. Speakers continue to speak and singers. The focus appears to be on the Justice Center.  
20:30 hrs - (b)(7)(E) are asking people to remove the fence around the parks and put in front of the Hatfield CH.  
21:00 hrs - Members of the crowd are removing large sections of the fence around the parks and placing blocking the streets of 3rd and Salmon as well as Main and 2nd.  
21:15 hrs - Members of the crowd used fencing to block employee entrance on Salmon  
21:15 hrs - (b)(7)(E) if the FEDS come out they will use Molotov cocktails.  
21:30 hrs - PPB reports individual wearing body armor around Jefferson.  
21:45 hrs - PPB reports an entrance into Edith Green has been blocked by fencing material.  
23:10 hrs - Crowd size is approximately 700 around the Hatfield CH and Justice Center. Another several hundred moving east on Alder and 4th .  
21:00 hrs - Fencing removed by protesters and placed at SW 2nd and Main and blocking intersection with 3 pieces of fencing and a red Hyundai WA (b)(7)(E)  
22:00 hrs - (b)(7)(E) moves to secure Edith Green Federal Building  
- Gas deployed by (b)(7)(E)

22:15 hrs - Green lasers observed by local PD officer as announced on radio, 2 arrests  
22:57 hrs - 6 or 7 subject attempting to interfere with individuals being taken into custody at Sally Port at Hatfield (subject were attempting to take video and obstruct)  
23:01 hrs - Protesters chain themselves to post outside Hatfield  
23:29 hrs - Multiple laser strikes reported by local PD  
23:36 hrs - Subjects putting fence panels on ground in front of lobby of Hatfield

- 2 subject on 2nd street seen wearing body armor
- Green lasers being used to hinder view of personnel in lobby
- (b)(7)(E) being deployed out of portholes
- Portholes being blocked
- Tape being applied to portholes
- 20-30 individuals right outside front door of Hatfield lobby

23:54 hrs - Southside Hatfield door being barricaded as well

- Green lasers being pointed at doors of Hatfield front lobby

00:09 hrs - Commercial grade fireworks fired at Hatfield

- Protesters working on barricading South Side entrance of Hatfield

00:14 hrs - Protestors diverting from Hatfield and moving south  
01:00 hrs - PPB declares unlawful assembly  
01:30 hrs - PPB, FPS and CBP begin dispersal and moving crowd north of Hatfield, LEOs taking various projectiles to include broken bottles

- Once crowd was dispersed north of Hatfield, USMS, (b)(7)(E) and DUSMs exit courthouse to clear debris from front of door

02:00 hrs – PPB units continued to push the crowd out of the downtown area  
03:00 hrs – Approximately 20 protesters return to the park across from the Hatfield CH. Crowd is quiet  
04:00 hrs - All quiet

**Available assets:**

CBP (b)(7)(E)

US Marshal (b)(7)(E)

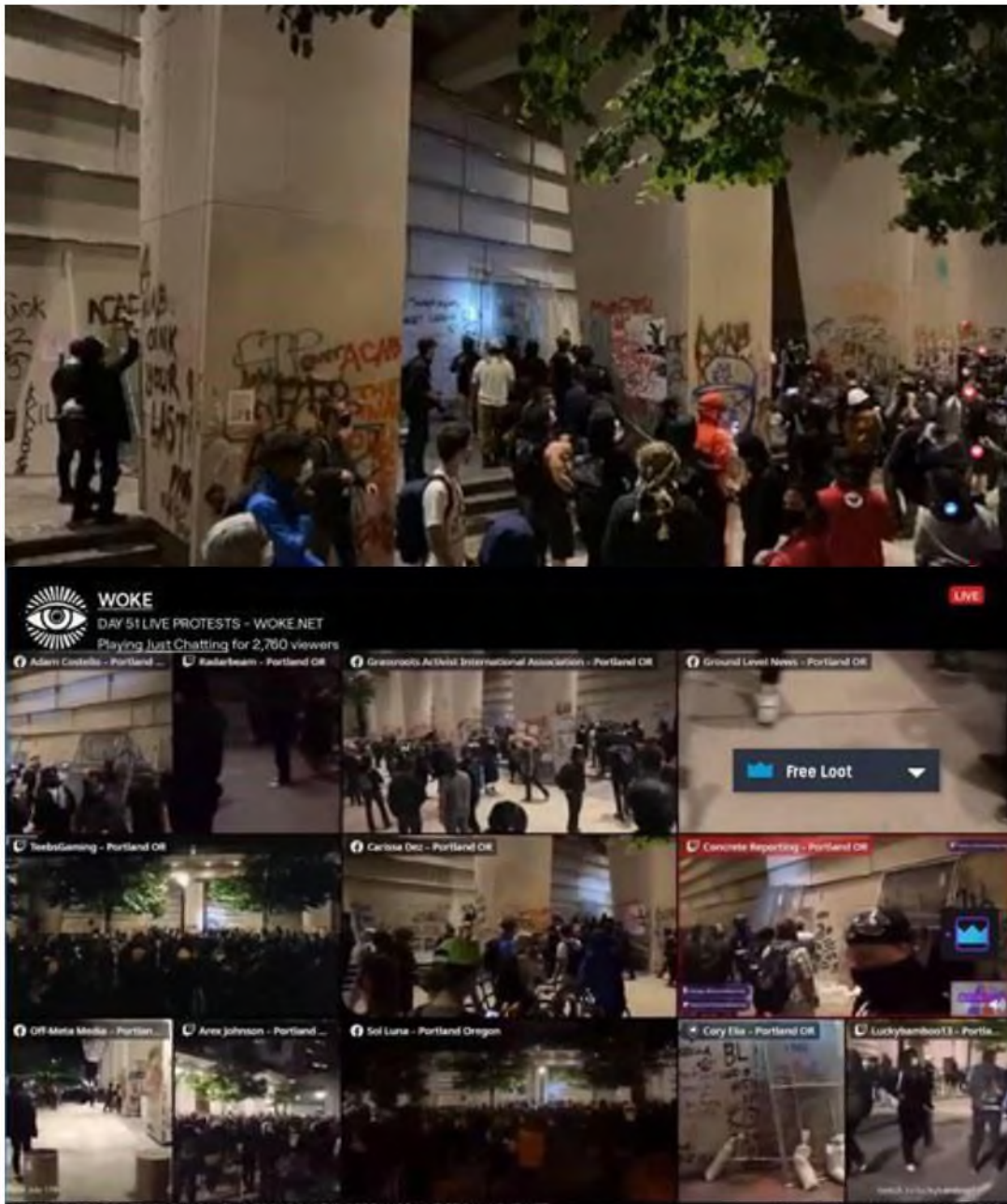
US Marshal: (b)(7)(E)

ICE ERO (b)(7)(E)

HSI:  
FPS (b)(7)(E)







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

310 W Sixth Street (b)(6); (b)(7)(C)  
Medford, OR 97501

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



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**D/OR Portland Courthouse Activity Summary 07/18/20**

(b)(5)  
 Crowd size was estimated to be well over a thousand (1000), throughout the night and into the morning the Hatfield CH received multiple commercial grade fireworks and road flares. At approximately 9:30PM protesters started to dismantle the new fence surrounding the Hatfield CH, the new fence installed proved to be ineffective. It is recommended to have concrete barriers installed on the inside perimeter of the fence. Again protesters barricaded all access as well as ports to the front of the Hatfield CH. Protesters also barricaded all of the external doors throughout the Hatfield CH. There were two (2) attempts to breach the Hatfield CH in which (b)(7) and USMS personnel deployed utilizing a side entrance to gain access to the front of the building. (b)(7)(E) (b)(7) deputy was injured during the second exit. An unknown protester had driven a nail through a piece of the exterior door plywood. In addition protesters had placed hundreds of marbles outside of these exits. When the deputy tried to push the door open the deputies hand was pierced by the nail. As the deputy pushed out of the exit the deputy stepped on marbles, lost his balance and fell to the ground injuring his hand/wrist. (b)(7) medics treated and flushed the open wound and bandaged the hand. When it was safe to do so this deputy was evacuated to the ER. At approximately 01:30 an unknown individual placed a metal object in the fence fashioning some sort of trip wire to the pin. PPB & FBI bomb squad was notified and is in route at the time of this writing.

**Detained: 0**

**Released: 0**

**Arrests: 0**

**USMS Injury: 1**

**20:00 hrs** - Crowd size approximately 75 in and around the Justice Center, Edith Green and Hatfield CH.

**20:35 hrs** - Assistant United States Attorney (b)(6); (b)(7)(C) arrived at Hatfield CH.

**21:00 hrs** - Crowd size is approximately 350 around the Hatfield CH and Justice center. Another approximately 300 protesters are mobile and making their way to the Hatfield CH.

**21:22 hrs** - 15 individuals standing in front of the entry/egress points of the Edith Green building.

**21:30 hrs** - Crowd size is well over a thousand (1000), members of the crowd removed a section of the front fence located at the front of the Hatfield CH.

**21:45 hrs** - Members of the crowd are easily removing more sections of the fence.

**22:00 hrs** - Members of the crowd are currently moving the fencing away from the area, Hatfield CH is experiencing multiple breaches from the fenced area.

**22:00 hrs** - Anti-protesters caring an American flag are keeping protesters from entering federal property. A fight ensued and Anti-Protesters are driven from the area

**22:15 hrs** - Members of the crowd removed multiple sections of the fence are using to barricade the Hatfield building. Protesters are zip tying the fence together in an attempt to block "ALL" egress of the building.

**22:25 hrs** - Crowd size approximately 1000, removed fencing from most of the front of the building and lashing together to barricade the entire front of the Hatfield CH.

**22:38 hrs** – Members of the crowd trying to breach the front door of the Hatfield CH.

**22:41 hrs** - USMS (b)(7)(E) deploys from the Hatfield CH. USMS (b)(7)(E) deploys (b)(7)(E) and moves to contact VOs in order to prevent the breaching attempt. VO in a blue tank top picked up the (b)(7)(E) and threw it back at USMS personnel. (b)(7)(E) is tripped by objects placed in front of the doorway by VOs. (b)(7)(E) impaled his right hand on board filled with nails that had been placed at the corner of the Hatfield CH. The (b)(7)(E) pulled away from the board and lost his footing and fell. The fall resulted in an injury to a knuckle on the (b)(7)(E) right hand.

**22:43 hrs** - USMS (b)(7)(E) reported that lasers were being pointed at them from the corner of 3rd and Main. (b)(7)(E) was hit in the eyes with a laser.

**22:45 hrs** – Violent Opportunists (Vos) attempted to flank USMS (b)(7)(E)

**22:46 hrs** – USMS (b)(7)(E) broke contact with VOs and moved back to the Hatfield CH.

**22:50 hrs** – Unlawful assembly was declared by PPD.

**22:52 hrs** – USMS (b)(7)(E) pushed to arrest VOs that were collapsing around them.

**22:55 hrs** – USMS (b)(7)(E) moving back indoors; (b)(7)(E) deployed. As (b)(7)(E) is moving into the Hatfield CH, Lasers can be seen being directed at (b)(7)(E) from the VOs. Unidentified white male in a blue tie-dye shirt approached the front door of the Hatfield CH and began kicking it.

**23:00 hrs** - VOs began to re-barricade the entry/egress points of the Hatfield CH.

**23:08 hrs** – VOs threw orange and white smoke grenades at the front of the Hatfield CH.

**23:09 hrs** – VOs set fire to the Police Association building.

**23:14 hrs** – VOs deployed commercial grade fireworks and deployed more smoke grenades at the front of the Hatfield CH.

**23:17 hrs** – VOs placed a barricade at 2nd St and Main.

**23:22 hrs** – VOs attempting to breach the front door with a tire iron.

**23:27 hrs** – VOs began to barricade the southside entrance of the Hatfield CH.

**23:31 hrs** – VOs can be seen pointing lasers at the front doors of the Hatfield CH.

**23:33 hrs** – VOs began carrying fencing to the rear of the Hatfield CH.

**23:40 hrs** – VOs began barricading the loading dock doors. VO known as “Princess” assaulted an unidentified black male wearing shorts colored like an American Flag.

**23:53 hrs** – VOs continue to barricade the doors of the Hatfield CH.

**00:10 hrs** – (b)(7)(E)

**01:37 hrs** – VOs placed an unknown device within the barricades on the front doors of the Hatfield CH.

**01:40 hrs** – USMS Hatfield notified Edith Green USMS personnel of the potential “IED” whom in turn contacted PPB. All LE was notified of the potential threat to the Hatfield CH as well as surrounding building. Due to the volatility of the crowd PPB Bomb squad was unable to respond.

**01:50hrs** - Once crowd was dispersed north of Hatfield, USMS, (b)(7)(E) and DUSMs exit courthouse to clear debris from front of door

**02:00 hrs** – PPB units continued to push the crowd out of the downtown area

**03:00 hrs** – Approximately 20 protesters return to the park across from the Hatfield CH. Crowd is quiet

**03:22 hrs** – USMS (b)(7)(E) deployed to clear barricades so a team member be transported to the hospital for possible broken hand.

**03:36 hrs** – USMS (b)(7)(E) moved back inside the building.

**03:37 hrs** – Personnel inside the Hatfield CH discovered detonated device had been blown in the barricades at the front of the door of the Hatfield CH. It should be noted that numerous personnel inside the building acknowledge feeling the floor trembling earlier in the night immediately following a loud explosion. Most place the timeframe of this event between 21:45 hrs and 00:00 hrs

**04:00 hrs** - All quiet

**04:05 hrs** - Hatfield USMS begin coordination with PPB and FBI Bomb Squad units.

**Total count:**

**CBP** (b)(7)(E)

**CBP OPR:** (b)(7)(E)

**US Marshal** (b)(7)(E)

**US Marshal:** (b)

**ICE ERO/** (b)(7)(E)

**HSI:** (b)(7)(E)

**FPS:**

Update from the SABT response to the Hatfield Courthouse.

Summary: No evidence of an IED or destructive device discovered.

SABTs responded with EDU to the Hatfield Courthouse to assess two items.

Item 1 was reported by the USMS as an IED attached to a fence outside the courthouse with a tripwire running to a courthouse door.

(b)(7)(E)

Item 2 was reported by the USMS as a breach in the door and plywood barrier consistent with an explosion.

(b)(7)(E)

FBI Portland will coordinate with the Hatfield to collect and review any relevant surveillance video from the Hatfield.

Photo one is a photo of the smoke pyrotechnic. (Re: Item 1, below.)

Photo two is an exterior photo of the breach point. (Re: Item 2, below)

Photo three is an interior photo of the breach point (Re: Item 2, below).

