



U.S. Department of Justice

United States Marshals Service

Office of General Counsel

*CG3, 15th Floor
Washington, DC 20530-0001*

October 2, 2020

Austin Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005
foia@americanoversight.org

Re: Freedom of Information/Privacy Act Request No. 2020USMS35397
Subject: Effects or impacts regarding the use of chemical irritants during pandemic

Dear Requester:

The United States Marshals Service (USMS) is responding to your request for any records in this agency's files relating to following for the period of May 26, 2020 through the date of the searches:

1. Any final assessments, reports, analyses, recommendations, or guidance prepared by your agency or received from other agencies (including from the Centers for Disease Control and Prevention (CDC)) regarding the effects or impacts of the use of chemical irritants or crowd dispersants (including tear gas, pepper spray, or any other "riot control agents," including but not limited to chloroacetophenone (CN) and chlorobenzylidenemalononitrile (CS)) during the coronavirus pandemic, including risks that such use could increase the spread of the virus such as by causing people to cough and wheeze, exacerbate symptoms of individuals with COVID-19, or increase the risk of contracting coronavirus and other respiratory illnesses in the future by damaging people's lungs.
2. Any final assessments, reports, analyses, recommendations, or guidance prepared by your agency or received from other agencies (including from the Centers for Disease Control and Prevention (CDC)) regarding the effects or impacts of the crowd control or riot control techniques, including "kettling," during the coronavirus pandemic, including the risk that such techniques could increase the spread of the virus.
3. Any final assessments, reports, analyses, recommendations, or guidance prepared by your agency or received from other agencies (including from the Centers for Disease Control and Prevention (CDC)) regarding the effects or impacts of mass arrests, jailing, or detention during the coronavirus pandemic, including the risk that such practices could increase the spread of the virus.

Pursuant to your request, the USMS completed a search of records in the Office of the Director on July 9, 2020, Investigative Operations Division on September 23, 2020, Tactical Operations Division on July 22, 2020, Office of General Counsel on July 13, 2020, and the District of Columbia District Offices for both the District Court and Superior Court on July 15,

2020. The searches located no records pertaining to your request.

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://foiastar.doj.gov>. 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,



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