



**Homeland
Security**

Privacy Office, Mail Stop 0655

October 21, 2021

SENT VIA EMAIL TO: FOIA@AMERICANOVERSIGHT.ORG

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

**RE: USMS FOIA Request Number 2021-USMS-362410
FPS FOIA Request Number 2022-FPFO-00013**

Dear Mr. Evers:

This is in response to your July 17, 2020, Freedom of Information Act (FOIA) request to the United States Marshals Service (USMS). You are seeking:

1. All records reflecting any order, directive, or guidance (including informal direction distributed to your agency's officers, agents, or members) regarding your agency's use of force guidelines, policies, doctrines, or protocols (including, but not limited to, all records specifying circumstances and limitations for the use of force).
2. All records reflecting any order, directive, or guidance (including informal direction distributed to your agency's officers, agents, or members) regarding your agency's rules of engagement (including, but not limited to, all records specifying intervention criteria).
3. All records reflecting any order, directive, or guidance (including informal direction distributed to your agency's officers, agents, or members) regarding the deployment of your agency's officers, agents, or members (including, but not limited to, all records specifying logistical deployment information).
4. All records reflecting any order, directive, or guidance (including informal direction distributed to your agency's officers, agents, or members) regarding the visual or verbal presentation of law enforcement credentials identifying your agency's officers, agents, or members deployed in response to protests or purported civil unrest (including, but not limited to, all records concerning verbal self-identification to members of the public or press, badge display standards or requirements, or name display standards or requirements).

On October 21, 2021, the U.S. Department of Homeland Security's (DHS) Federal Protective Service (FPS) received a referral from the USMS containing three 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, DHS has determined that these pages are partially releasable pursuant to 5 U.S.C. § 552 (b)(6), (b)(7)(C), and (b)(7)(E), FOIA Exemptions 6, 7C, and 7E.

Enclosed are three 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, DHS has 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.

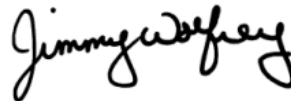
While an adequate search was conducted, you have the right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 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 for any further assistance and to discuss any aspect of your request. You may also 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-00013**. 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".

Jimmy Wolfrey
Senior Director, FOIA Operations and Management

Enclosure: Responsive Records (3 pages)

From: Denver MegaCenter <Denver.MegaCenter@fps.dhs.gov>

Date: Friday, Jul 03, 2020, 10:26 AM

Subject: ****Information Only**** Threat to High Ranking Official-Spot Report-Region 9-20D023594

****Information Only****

Spot Report 20D023594

Denver Megacenter

Event ID 20023594

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

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

1. Crime/Incident:

Threat to High Ranking Official

2. Summary:

At 06:25 (Mountain), the PSO located at the Ronald Dellums Federal Building, 1301 Clay Street, Oakland, CA, advised of a paper/cardboard target attached to the side of the building, approximately 15 feet in the air. Below the target, Washington D.C's zip code, "20237" was written in black ink. At 09:51 (Pacific), District Commander (b)(7)(C); (b)(6) advised that the information was forwarded to the Special Agents for further investigation. The United States Secret Service, San Francisco Field Office was notified of the potential threat. GSA is en route to remove the markings.

3. Date/Time of Incident:

07/03/2020 @ 06:25 Mountain

4. Building Number:

(b)(7)(E)

5. Building Name:

Ronald Dellums Federal Building

6. Address:

1301 Clay Street

7. City/State:

Oakland, CA

8. Point of Contact:

District Commander (b)(7)(C); (b)(6)

9. Case Control Number:

Not Yet Assigned

10. Incident Activity Code:

(b)(7)(E)

11. Agent/Officer Assigned:

Not Yet Assigned

12. Prepared By:

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

13. Megacenter Notification:

07/03/2020 @ 10:51 Mountain

14. Authorized By:

SOP

15. Transmitted:

07/03/2020 @ 11:24 Mountain

16. Spot Report #:

20D023594

Denver MegaCenter

Triple Canopy
Law Enforcement Operations Bureau
Watch, Warning, & Intelligence Division
Federal Protective Service
Department of Homeland Security
1-877-4FPS-411

Direct: (b)(7)(C); (b)(6)
Denver.Megacenter@fps.dhs.gov

This message, including any and all attachments, may include confidential and or law enforcement sensitive (LES) information intended for a specific individual and purpose, and should be considered for official use only. (FOUO)

