



DEPARTMENT OF HOMELAND SECURITY
UNITED STATES SECRET SERVICE
WASHINGTON, D.C. 20223

Freedom of Information Act Program
Communications Center
245 Murray Lane, S.W., Building T-5, Mail Stop 8205
Washington, D.C. 20223

Date: August 29, 2022

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

File Number: 20200928

Referring Agency: DHS/PRIV

Dear Requester: Austin Evers

Reference is made to your Freedom of Information Act (FOIA) request, originally directed to the DHS/PRIV, for information pertaining to Portland, Oregon:

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)..

While processing your request, the above mentioned agency located records that fall under purview of the United States Secret Service (Secret Service). Accordingly, your request and the responsive documents were referred to this office for processing and a direct response to you. Your request was received by this office on July 31, 2020, and was assigned the file number indicated above.

After a detailed review of all potentially responsive records, 6 page(s) were released and 0 page(s) were withheld in their entirety. After considering the "Foreseeable Harm" standard, outlined in Title 5 U.S.C § 552(a)(8)(A)(i) and Department of Justice guidance, exemptions under FOIA Statute Title 5 U.S.C. § 552, and/or the PA Statute Title 5 U.S.C. § 552a, have been applied where deemed appropriate.

Enclosed are documents responsive to your request. Any exemptions cited are marked below.

Section 552 (FOIA)

☐ (b) (1)	☐ (b) (2)	☐ (b) (3) Statute:	
☐ (b) (4)	☐ (b) (5)	☒ (b) (6)	☐ (b) (7) (A) ☐ (b) (7) (B)
☒ (b) (7) (C)	☐ (b) (7) (D)	☒ (b) (7) (E)	☐ (b) (7) (F) ☐ (b) (8)

If you deem our decision an adverse determination, you may exercise your appeal rights. Should you wish to file an administrative appeal, your appeal should be made in writing and received within ninety (90) days of the date of this letter, by writing to:

Freedom of Information Appeal
Deputy Director, U.S. Secret Service
Communications Center
245 Murray Lane, S.W., Building T-5
Washington, D.C. 20223.

If you choose to file an administrative appeal, please explain the basis of your appeal and reference the case number listed above.

The following checked item(s) also apply to your request:

☒ Fees: In the processing of this FOIA request, no fees are being assessed.

Additionally, you have the 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. Please note that contacting the Secret Service's FOIA Program and/or OGIS **is not** an alternative to filing an administrative appeal and **does not** stop the 90-day appeal clock. You may contact OGIS at: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS,

College Park, Maryland 20740-6001. You may also reach OGIS via e-mail at ogis@nara.gov, telephone at 202-741-5770/toll free at (877) 684-6448, or facsimile at (202) 741-5769. If you need any further assistance, or would like to discuss any aspect of your request, please contact our FOIA Public Liaison Kevin Tyrrell, at (202) 220-1819. Alternatively, you may send an e-mail to foia@usss.dhs.gov.

FOIA/PA File No. 20200928 is assigned to your request. Please refer to this file number in all future communication with this office.

Sincerely,

A handwritten signature in black ink that reads "Kevin L. Tyrrell". The signature is written in a cursive, slightly slanted style.

Kevin L. Tyrrell
Freedom of Information Act Officer
Office of Intergovernmental and Legislative Affairs

Enclosure: FOIA and PA Exemption List

**FREEDOM OF INFORMATION ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

Provisions of the Freedom of Information Act do not apply to matters that are:

- (b) (1) (A) specifically authorized under criteria established by an Executive Order to be kept Secret in the interest of national defense or foreign policy; and (B) are in fact properly classified pursuant to such Executive Order;
- (b) (2) related solely to the internal personnel rules and practices of any agency;
- (b) (3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute: (A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and (B) is enacted after the date of enactment of the OPEN FOIA Act of 2009;
- (b) (4) trade secrets and commercial or financial information obtained from a person and is privileged or confidential;
- (b) (5) 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; provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested;
- (b) (6) personnel files and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the information: (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, foreign agency or authority, or any private institution that furnished information on a confidential basis, and/or when records/information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and 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; (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for regulation or supervision of financial institutions; and
- (b) (9) geological and geophysical information and data, including maps, concerning wells.

**PRIVACY ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

The provisions of the Privacy Act do not apply to:

- (d) (5) material compiled in reasonable anticipation of a civil action or proceeding;
- (j) (2) material reporting investigative efforts pertaining to enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) material that is currently and properly classified pursuant to an Executive Order in the interest of national defense or foreign policy;
- (k) (2) material compiled during investigations for law enforcement purposes (with certain exemptions);
- (k) (3) material maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of Title 18;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or for access to classified information, but only to the extent that the disclosure of such material would reveal the identity of the person who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence; and
- (k) (6) testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service-the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

Section : RTC-04(01)
Date : 01/28/2019

Training when the less-lethal weapons system has been fully procured and implemented at applicable protected sites.

Less-Lethal Force and the (b)(7)(E) Less-Lethal Weapons System General Considerations

1. Definitions:
 - a. Less-lethal force: Any use of force that is neither likely nor intended to cause death or serious bodily injury. Also known as "intermediate" force.
 - b. Less lethal device: An instrument or weapon designed or intended to be used in a manner that is not likely to cause death or serious bodily injury.
2. Any use of less-lethal force must be both objectively reasonable and necessary in order to carry out the authorized officer's/agent's law enforcement duties.
3. Less-lethal devices/weapons may be used in situations where empty-hand techniques are not sufficient to control disorderly or violent subjects.
4. The use of a (b)(7)(E) less-lethal weapons system will assist with the apprehension/neutralization of active/assaultive/combatative resistors as needed and determined by on scene personnel.
5. The (b)(7)(E) less lethal weapons systems will not serve as a direct replacement, but rather as a supplement, to other less-lethal systems in use by authorized personnel, such as tactical canines and ECDs.
6. (b)(7)(E) less-lethal weapons systems and munitions will serve as an option for a responding apprehension team, where other options such as ECD or tactical canines would be initially less effective.
7. (b)(7)(E)
8. Tactical storage locations at protective locations will be determined by the Office of Protective Operations (OPO).

Less-Lethal Guidelines and Responsibilities

The following guidelines and responsibilities apply to less lethal weapons systems and associated equipment.

1. (b)(7)(E) less lethal weapons systems may be deployed only by trained and certified Secret Service law enforcement personnel, and only in accordance with manufacturer's specifications and applicable Department of Homeland Security (DHS) and Secret Service policy.
2. (b)(7)(E) less-lethal weapons systems are not a substitute for the use of deadly force. However, this does not preclude the use of a less-lethal device (or any other weapon) for this purpose, if the use of deadly force would otherwise be objectively reasonable.

3. (b)(7)(E) less-lethal weapons systems, and associated equipment, which are authorized for operational use by the Secret Service may only be accessed, carried, deployed, and operated by authorized officers/agents.
4. (b)(7)(E) less-lethal weapons systems and associated equipment shall not be altered in any way without the approval or guidance from both supervisors and certified training instructors.
5. The Secret Service is responsible for the development and approval of (b)(7)(E) less-lethal weapons systems training materials, operational procedures and certification standards.
6. Authorized officers/agents are responsible for the general care and safeguarding of the (b)(7)(E) less lethal weapons systems and equipment issued to them or under their command, and may be subject to disciplinary action for any loss or damage resulting from negligence by the officer/agent.
7. The Secret Service is responsible for the periodic review of the use of less lethal weapons systems and associated equipment, in order to evaluate compliance with policy, as well as to assess their overall safety and effectiveness.

(b)(7)(E) **Less-Lethal Weapons Systems Use of Force Proficiency and Training Requirements**

1. Based on operational needs and requirements, OPO management and other applicable leadership may require officers/agents to maintain and demonstrate proficiency with additional types of (b)(7)(E) less-lethal weapons systems and munitions.
2. At a minimum, all authorized officers/agents must receive Secret Service approved training and recertification on (b)(7)(E) less lethal weapons systems and munitions, in accordance with Secret Service and DHS Policy.

The assignment and formal training of this less lethal weapons system will be the subject of a future official message.

Comprehensive updates to Training Manual section RTC-04 are currently being made and will be the subject of a future directive. The aforementioned new guidance will be taught in all applicable curricula after the system has been fully implemented within all protective operations.

Questions regarding this directive can be directed to DAD (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C)

Headquarters (AD Office of Training) Wofford

USE OF FORCE

Secret Service Policy on the Use of Force

United States Secret Service (USSS) officers/agents are permitted to use force to control subjects in the accomplishment of their duties, as authorized by law, and in defense of themselves and others.

When the use of force is necessary, USSS personnel must use a level of force that is reasonable based on the totality of the circumstances. Factors to be considered in determining a reasonable level of force include the following:

- Severity of the suspected crime or reason for contact with the subject;
- The immediacy of the threat to the safety of the agent, officer, or others;
- The conduct of the subject as perceived by the officer/agent at that time (e.g., whether the subject's behavior is marked by compliance, resistance, aggression, or an attempt to evade detention by flight).

Other factors that may be taken into consideration include, but are not limited to:

- Number, size, age, fighting ability, and physical condition of agent(s) or officer(s) and subject(s);
- Proximity of weapons;
- Criminal and/or mental health history of the subject(s) as known to officer/agent at the time of the contact; and
- Location of the activity and the time of day.

USSS personnel do not need to wait for an attack to commence before using reasonable force against a subject. USSS personnel should use their training to recognize pre-attack indicators, which include, but are not limited to:

- Refusal to follow lawful orders;
- Verbal threats;
- Assuming a combative stance or components of a combative stance (e.g., body bladed, chin tucked, hands held above waist, balled fists);
- Scanning for witnesses, back-up, or escape routes; and
- Refusal to show hands or reaching into areas that might conceal weapons.

The force used in effecting an investigative detention or arrest is analyzed under the Fourth Amendment and will be judged under the standard of objective reasonableness based on the facts and circumstances of each particular case. See Graham v. Connor, 490 U.S. 386 (1989). In interpreting reasonableness, courts have recognized that law enforcement officers/agents are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving. However, in those cases where USSS personnel willfully exceed their authority, they may be subject to adverse administrative action, civil liability, and/or criminal prosecution.

This policy applies to any use of force by USSS personnel including the use of deadly force, the use of intermediate devices/techniques, and weaponless control.

Manual : Training
RO : RTC

Section : RTC-04
Date : 09/28/2016



Subject: Training Policy Concerning Use of Force

To: All Supervisors and All Manual Holders of the Training Manual

Filing Instructions:

- Remove and destroy sections RTC-04(01), Use of Force and RTC-04(02), Intermediate Weapons Policy (dated 08/25/2010) in their entirety and replace with the attached revised sections.
- Upon completion of the above actions, this Policy Memorandum may be destroyed.

Impact Statement: This directive updates the Secret Service Use of Force policy.

RTC-04(01), Use of Force Policy

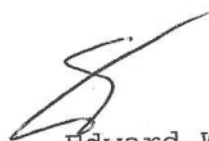
- Adds Electronic Control Devices (ECD) (commercially known as Tasers) to the list of approved intermediate weapons under the Use of Intermediate Devices/Techniques section and provides comprehensive guidance regarding the use, storage, and reporting protocols for ECDs.
- Provides guidance for any use of force by Secret Service personnel, including the use of deadly force, the use of intermediate devices/techniques, and deployment of weaponless control.
- Clarifies policy regarding the deployment of authorized use of intermediate force and intermediate weapons, including reporting procedures following the use of intermediate force and/or intermediate weapons, as well as prohibited techniques when using intermediate weapons.
- Provides guidance concerning subject behavior/resistance during deployment of intermediate force.
- Provides additional guidance regarding warning shots.
- Replaces all Office of Human Resources and Training (HRT) references with the Office of Training (TNG).

RTC-04(02), Intermediate Weapons Policy

- The United States Secret Service has updates the approved and issued list of intermediate devices to include the electronic control device (ECD), commercially referred to as a Taser.
- Updates the Return of Damaged Intermediate Devices section with the following:
 - All issued extendible batons (EB's) have been engraved with a serial number. EB's are accountable property with records in Sunflower Assets, and are controlled by Administrative Operations Division (AOD), Property Management Branch (PMB).
 - Advises property management protocols for all issued ECD's & extendible batons.
- Replaces all Office of Human Resources and Training (HRT) references with the Office of Training (TNG); and replaces references to the Special Operations Manual with the Special Operations Division (SOD) Chapter of the Protective Operations Manual.

Mandatory Review: The Responsible Office will review all policy contained in this section in its entirety by or before September 2020.

Questions regarding this policy may be directed to the Office of Training, Rowley Training Center, Policy and Research Development Section at 240-624-3000.



Edward W. Lowery
AD - Training

DCP#: TNG 2016-20