



Homeland
Security

Privacy Office, Mail Stop 0655

July 20, 2021

Mehreen Rasheed
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

Re: 2021-HQFO-00243

Federal Protective Services (FPS) FOIA Case # 2020-FPFO-00213

Dear Mr. Rasheed:

This letter is the final response to your November 19, 2020 Freedom of Information Act (FOIA) request addressed to the Department of Homeland Security (DHS). You requested copies of 1. All records reflecting any order, directive, or guidance 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).

You requested records drafted or distributed after June 6, 2020. This office received your request on November 19, 2020.

Our office referred this request to the FSP. When FPS conducted their search, they inadvertently did not see the timeframe referenced in your request. As such, that office located and referred to our office the DHS use of force policy from July of 2004. That record is not responsive to your request as it is outside your time frame. Please note that it is referenced in a subsequent use of force policy issued by DHS in 2018, which is also outside your timeframe and is publicly available.

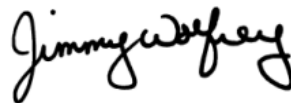
As a courtesy, this use of force policy can be accessed online at https://www.dhs.gov/sites/default/files/publications/mgmt/law-enforcement/mgmt-dir_044-05-department-policy-on-the-use-of-force.pdf. Pursuant to 5 U.S.C. § 552 (a)(1) and (a)(2), DHS need not make available under FOIA records that are publicly available.

If you deem this to be an adverse determination, you may exercise your appeal rights. 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, 245 Murray Lane, SW, 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 FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact the analyst below who processed your request and refer to **2021-HQFO-00243**. You may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner. Additionally, you have a 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. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS 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.

Sincerely,



Jimmy Wolfrey
Senior Director, FOIA Operations and Management
(Acting)