U.S. Department of Justice

United States Marshals Service

Office of General Counsel

CG-3, 15th Floor
Washington, DC 20530-0001

October 20, 2021

Austin Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005

Re: Freedom of Information Act Request No. 2020USMS35395/2021-USMS-362407
Subject: Surveillance of Protesters

Dear Requester:

The United States Marshals Service (USMS) is responding to your Freedom of Information Act (FOIA) request for documents pertaining to the surveillance of protesters.[1]

Pursuant to your request, the USMS conducted a search for records responsive to your request within the Investigative Operations Division and the Tactical Operations Division on July 7, 2020 and located 62 pages of responsive documentation. 51 pages are being withheld in

[1] In your request, you specifically sought:
1. Any database, spreadsheet, or other document used or potentially used, for the tracking, monitoring, surveillance, or investigation of protesters, demonstrators, organizers, coordinators, members of the press, or other individuals present at protests or activities surrounding those protests (including purportedly unlawful activities) sparked by the police killing of George Floyd on May 25, 2020, including potential or purported unlawful activity, "civil unrest," "civil disturbance," or threats to public safety. Tracking and surveillance includes any identification, observation, monitoring, or recording of individuals, groups, or social media accounts, whether by physical or electronic means, including but not limited to the use of aircraft, drones, international mobile subscriber identity (IMSI) catcher devices, facial recognition technology, or other software. Please provide all responsive records from May 26, 2020 to the date the search is conducted.
2. Any guidance (including directives, memoranda, protocols, or other records reflecting guidance) developed by or provided to your agency regarding the tracking, monitoring, surveillance, or investigation of protesters, demonstrators, organizers, coordinators, members of the press, or other individuals present at the nationwide protests or activities surrounding those protests (including purportedly unlawful activities) sparked by the police killing of George Floyd on May 25, 2020, including potential or purported unlawful activity, "civil unrest," "civil disturbance," or threats to public safety. Tracking and surveillance includes any identification, observation, monitoring, or recording of individuals, groups, or social media accounts, whether by physical or electronic means, including but not limited to the use of aircraft, drones, international mobile subscriber identity (IMSI) catcher devices, facial recognition technology, or other software. Please provide all responsive records from May 26, 2020 to the date the search is conducted.

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full pursuant to Exemptions (b)(6), (b)(7)(a), (b)(7)(C), (b)(7)(E), and/or (b)(7)(F); the remaining 11 pages are released to you with portions withheld pursuant to Exemptions (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F) of the FOIA, 5 U.S.C. § 552(b).

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.

FOIA Exemption (b)(7)(a) provides protection to all law enforcement information, records or information compiled for law enforcement purposes that could reasonably be expected to interfere with pending enforcement proceedings.

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 and procedures could allow people seeking to violate the law to take preemptive steps to counter actions taken by USMS during investigatory operations. Information pertaining to case selection, case development, and 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. Furthermore, public disclosure of information such as internal URLs, codes, and internal identifying numbers could assist unauthorized parties in deciphering the meaning of the codes and numbers, aid in gaining improper access to law enforcement databases, and assist in the unauthorized party's navigation of these databases. This disclosure of techniques for navigating the databases could permit

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people seeking to violate the law to gain sensitive knowledge and take preemptive steps to counter actions taken by USMS during investigatory operations. The disclosure of this information serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities.

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://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; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

CR for

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

AMERICAN OVERSIGHT

From: (b) (6), (b) (7)(C), (b) (7)(F)
To: (b) (6), (b) (7)(C), (b) (7)(F)
Subject: FW: (b) (7)(A), (b) (7)(E)
Date: Tuesday, August 18, 2020 2:40:21 PM
Attachments: (b) (6), (b) (7)(C) .pdf
image001.jpg

R/s

(b) (6), (b) (7)(C), (b) (7)(E), (b) (7)(F)



From: (b) (6), (b) (7)(C), (b) (7)(F))
Sent: Tuesday, August 18, 2020 3:39 PM
To: (b) (6), (b) (7)(C), (b) (7)(F)
Cc: (b) (6), (b) (7)(C), (b) (7)(F)
Subject: (b) (7)(A), (b) (7)(E)

(b) (7)(E)
(b) (6), (b) (7)(C), (b) (7)(A)

(b) (6), (b) (7)(C), (b) (7)(A)

(b) (6), (b) (7)(C), (b) (7)(A), (b) (7)(E)

This information was relayed to investigators in Portland.

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R/s

(b) (6), (b) (7)(C), (b) (7)(E), (b) (7)(F)



From: (b) (6), (b) (7)(C), (b) (7)(F)
Sent: Tuesday, August 18, 2020 2:42 PM
To: (b) (6), (b) (7)(C), (b) (7)(F)
Subject

Per our conversation… thanks

(b) (6), (b) (7)(C), (b) (7)(F)
Deputy U.S. Marshal
United States Marshals Service
(b) (6), (b) (7)(C)

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(b) (7)(E)

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(b) (6), (b) (7)(C), (b) (7)(A), (b) (7)(E)

AMERICAN OVERSIGHT

(b) (6), (b) (7)(C), (b) (7)(A), (b) (7)(E)

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From: (b) (6), (b) (7)(C), (b) (7)(F)
To: (b) (6), (b) (7)(C), (b) (7)(F)
Cc: (b) (6), (b) (7)(C), (b) (7)(F)
Subject: RE: (b) (7)(A), (b) (7)(E)
Date: Monday, August 10, 2020 5:27:31 PM
Attachments: Social Media links.docx

Social Media links for 2020 Portland Protests.

U//FOUO//LES

(b) (6), (b) (7)(C), (b) (7)(E), (b) (7)(F)

From: (b) (6), (b) (7)(C), (b) (7)(F)
Sent: Monday, August 10, 2020 4:59 PM
To: (b) (6), (b) (7)(C), (b) (7)(F)
Cc: (b) (6), (b) (7)(C), (b) (7)(F)
Subject: RE: (b) (7)(A), (b) (7)(E)

Good Afternoon All,
Additional photos and Social media links attached (b) (7)(A), (b) (7)(E).

Thank you

U//FOUO//LES

(b) (6), (b) (7)(C), (b) (7)(E), (b) (7)(F)

From: (b) (6), (b) (7)(C), (b) (7)(F)
Sent: Monday, August 10, 2020 3:37 PM
To: (b) (6), (b) (7)(C), (b) (7)(F)
Cc: (b) (6), (b) (7)(C), (b) (7)(F)
Subject: RE: (b) (7)(A), (b) (7)(E)

Copy that.

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Thanks for putting it out.

U//FOUO//LES

(b) (6), (b) (7)(C), (b) (7)(E), (b) (7)(F)

From: (b) (6), (b) (7)(C), (b) (7)(F)
Sent: Monday, August 10, 2020 12:31 PM
To: (b) (6), (b) (7)(C), (b) (7)(F)
Cc: (b) (6), (b) (7)(C), (b) (7)(F)
Subject: (b) (7)(A), (b) (7)(E)

Good Afternoon All,
(b) (7)(A), (b) (7)(E)
.

Thank you

U//FOUO//LES

(b) (6), (b) (7)(C), (b) (7)(E), (b) (7)(F)

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(b) (6), (b) (7)(C), (b) (7)(A), (b) (7)(E)

AMERICAN OVERSIGHT

(b) (6), (b) (7)(C), (b) (7)(A), (b) (7)(E)

AMERICAN OVERSIGHT

(b) (6), (b) (7)(C), (b) (7)(A), (b) (7)(E)

AMERICAN OVERSIGHT

(b) (6), (b) (7)(C), (b) (7)(A), (b) (7)(E)

AMERICAN OVERSIGHT

(b) (6), (b) (7)(C), (b) (7)(A), (b) (7)(E)

AMERICAN OVERSIGHT

(b) (7)(E)

[redacted]

AMERICAN OVERSIGHT

(b) (6), (b) (7)(C), (b) (7)(A), (b) (7)(E)

AMERICAN OVERSIGHT

(b) (6), (b) (7)(C), (b) (7)(A), (b) (7)(E)

AMERICAN OVERSIGHT

(b) (6), (b) (7)(C), (b) (7)(A), (b) (7)(E)

AMERICAN OVERSIGHT

(b) (6), (b) (7)(C), (b) (7)(A), (b) (7)(E)

AMERICAN OVERSIGHT

(b) (6), (b) (7)(C), (b) (7)(E), (b) (7)(A)

(b) (7)(A), (b) (7)(E)

(b) (7)(A), (b) (7)(E)

- Apprx. 1:01:40 remaining

(b) (7)(A), (b) (7)(E)

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From: (b) (6), (b) (7)(C), (b) (7)(F)
To: (b) (7)(E) ; (b) (6), (b) (7)(C), (b) (7)(F)
Subject: (b) (7)(E)
Date: Wednesday, May 27, 2020 12:57:55 PM
Attachments: George Floyd Protests (b) (7)(E) .pdf

(b) (7)(E)

(b) (7)(E)

FID: N/A

FUGITIVE NAME: N/A

CASE TYPE: Protests over police involved death of George Floyd

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

REGION: NCR

REQUESTING CASE AGENT: (b) (6), (b) (7)(C), (b) (7)(F)

(b) (7)(E)

DATE STARTED (b) (7)(E): 05/28/2020

TIME STARTED:

DATE ENDED (Arrest (b) (7)(E)):

TIME ENDED:

OCDETF (Y or N): No

FEDERAL or STATE: State

LOCATION INFORMATION: (b) (7)(E)

(b) (7)(E)

AMERICAN OVERSIGHT

FID: N/A

FUGITIVE NAME: N/A

CASE TYPE: Protests over police involved death of George Floyd

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

REGION: NCR

REQUESTING CASE AGENT: (b) (6), (b) (7)(C), (b) (7)(F)

INSTALLER: (b) (6), (b) (7)(C), (b) (7)(F)

DATE STARTED (b) (7)(E): 05/28/2020

TIME STARTED:

DATE ENDED (Arrest or (b) (7)(E):

TIME ENDED:

OCDETF (Y or N): No

FEDERAL or STATE: State

LOCATION INFORMATION: (b) (7)(E)

U//FOUO//LES

(b) (6), (b) (7)(C), (b) (7)(E), (b) (7)(F)

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U.S. Department of Justice
United States Marshals Service

(b) (7)(E)

INSTRUCTIONS: This form must be used to request and track (b) (7)(E) investigative case support. This form is not a substitute for a (b) (7)(E) Report of Investigation.

Requestor's Full Name: (b) (6), (b) (7)(C), (b) (7)(F)	**Requestor's Phone #:** (b) (6), (b) (7)(C)
Requestor's Email: (b) (6), (b) (7)(C), (b) (7)(F)	(b) (7)(E) **Personnel Contact:**
District or Task Force: (b) (7)(E)	**Date:** 05/27/2020
Supervisor's Full Name: (b) (6), (b) (7)(C), (b) (7)(F)	**Supervisor's Phone #:** (b) (6), (b) (7)(C)
Originating Agency:	**Has** (b) (7)(E) **been briefed on the case?** ☒ Yes ☐ No

FID Number: N/A	**Fugitive's Full Name:** N/A	**Date of Warrant:**
Offense Date:	**Does an active warrant providing for nationwide extradition exist?** ☐ Yes ☐ No	

Charges:
N/A

Has (b) (7)(E) **assistance been requested?** ☐ Yes ☒ No	**Height:**	**Weight:**	**Race:**	**DOB:**
Is any other agency actively working the case? ☐ Yes ☒ No	**If 'Yes', who?**		(b) (7)(E)	

(b) (7)(E) ☐ Yes ☒ No
Violent Crim. Hist.: ☐ Yes ☒ No
(b) (7)(E) ☐ Yes ☒ No

Documents in JDIS?

☐ (b) (7)(E) ☐ (b) (7)(E)
☐ Additional Subject Photos ☐ Arrest Warrant

Assistance Requested:

(b) (7)(E)

If Other, specify:

Gang Member: ☐ Yes ☐ No
Gang Affiliation:

Click above to upload photo

Known Vehicles:
N/A

Known Addresses:
(b) (7)(E)

(b) (7)(E) **If 'Other', specify:**

Note: Completed forms containing personally identifiable information (PII) must be encrypted and include the appropriate marking (U/FOUO) in the SUBJECT line of the message prior to dissemination via email.

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(b) (7)(E) Start Date:	(b) (7)(E) End Date:	(b) (7)(E)

(b) (7)(E)

If 'Yes', who?

Case Synopsis - (b) (7)(E)

-On 05/25/2020 A male by the name of George Floyd died will being taken into custody by the Minneapolis Police Department. By the morning of 05/26/2020 the incident had gained national attention, leading to protests and vandalism in south Minneapolis. Protests on 05/26/2020 culminated with protesters breaching the fence surrounding the Minneapolis 3rd Precinct and vandalizing police vehicles before being pushed off the property by Minneapolis SWAT.

-On todays date, May 27th, protests are scheduled to begin 1200 hrs CST at Minneapolis City Hall. Minneapolis City Hall is located directly across the street from the Federal Court House. Located between the two buildings, there is a courtyard on federal property that has historically been a place where protesters have congregated.

(b) (7)(E) .

(b) (7)(E)	**Date Signed:**	(b) (7)(E)

(b) (7)(E)

Note: Completed forms containing personally identifiable information (PII) must be encrypted and include the appropriate marking (U/FOUO) in the SUBJECT line of the message prior to dissemination via email.

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(b) (7)(E), (b) (6), (b) (7)(C), (b) (7)(F)

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(b) (7)(E), (b) (6), (b) (7)(C)

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(b) (7)(E), (b) (6), (b) (7)(C)

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(b) (7)(E), (b) (6), (b) (7)(C)

AMERICAN OVERSIGHT

(b) (7)(E), (b) (6), (b) (7)(C), (b) (7)(F)

AMERICAN OVERSIGHT

(b) (7)(E), (b) (6), (b) (7)(C), (b) (7)(F)

AMERICAN OVERSIGHT

(b) (7)(E), (b) (6), (b) (7)(C)

AMERICAN OVERSIGHT

(b) (7)(E), (b) (6), (b) (7)(C)

AMERICAN OVERSIGHT

(b) (7)(E), (b) (6), (b) (7)(C)

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(b) (7)(E), (b) (6), (b) (7)(C), (b) (7)(F)

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(b) (7)(E), (b) (6), (b) (7)(C), (b) (7)(F)

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AMERICAN OVERSIGHT

(b) (7)(E)

AMERICAN OVERSIGHT

(b) (7)(E), (b) (6), (b) (7)(C), (b) (7)(F)

AMERICAN OVERSIGHT

(b) (7)(E), (b) (6), (b) (7)(C)

AMERICAN OVERSIGHT

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(b) (7)(E)

AMERICAN OVERSIGHT

(b) (7)(E)

AMERICAN OVERSIGHT

(b) (7)(E), (b) (6), (b) (7)(C)

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(b) (7)(E)

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(b) (7)(E)

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END OF REPORT

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(b) (7)(E), (b) (6), (b) (7)(C), (b) (7)(F)

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(b) (7)(E)

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(b) (7)(E)

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(b) (7)(E)

AMERICAN OVERSIGHT

(b) (7)(E)

AMERICAN OVERSIGHT