

August 11, 2021

SENT VIA EMAIL TO: AWEISMANN@CITIZENSFORETHICS.ORG

Anne Weismann Chief FOIA Counsel Citizens for Responsibility and Ethics in Washington 1101 K Street, NW, Suite 201 Washington, DC 20005

RE: FPS Case Number 2021-FPFO-00186 USMS FOIA Request No. 2020USMS35485

Dear Ms. Weismann:

This is regarding your July 23, 2020, Freedom of Information Act (FOIA) request to the U.S. Department of Justice's U.S. Marshals Service (USMS). You are seeking the following:

All documents and communications from June 2, 2020, to the present that explain or pertain to:

- 1. The decision to deploy federal law enforcement agents, officers, or other personnel in response to the ongoing protests over racial justice in Portland, Oregon and Chicago, Illinois;
- 2. Any decisions or plans to deploy federal law enforcement agents, officers, or other personnel in response to the ongoing protests over racial justice in Albuquerque, New Mexico; Baltimore, Maryland; Detroit, Michigan; Kansas City, Missouri; New York City; Oakland, California; and Philadelphia, Pennsylvania;
- 3. Any policies to which law enforcement officers under the auspices of the U.S. Marshals Service are bound governing the treatment of protesters in the abovementioned cities.

On July 19, 2021, the U.S. Department of Homeland Security's (DHS) Federal Protective Service (FPS) received a referral from USMS containing 57 pages of records that contain FPS equities 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, FPS has determined that 28 pages are completely withheld in their entirety and 29 pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F), FOIA Exemptions 5, 6, 7C, 7E, and 7F.

Enclosed are 29 pages with certain information withheld as described below (**FPS brackets are in red; USMS brackets are in black**):

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, DHS has determined that portions of the responsive documents qualify for protection under the

• Deliberative Process Privilege

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

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, I have 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.

FOIA Exemption 7(F) permits the government to withhold all information about any individual when disclosure of information about him could reasonably be expected to endanger the life or physical safety of any individual. This exemption also protects physical security at critical infrastructure sites.

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.

You may contact the DHS FOIA Public Liaison at 202-343-1743 or toll free 1-866-431-0486 for any further assistance and to discuss any aspect of your request. 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 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 **2021-FPFO-00186**. This office can be reached at <u>FOIA@HQ.DHS.GOV</u> or call 202-343-1743 or toll free 1-866-431-0486.

Sincerely.

Jimmy Wolfrey

Senior Director, FOIA Operations and Management

Enclosure: Responsive Records (29 pages)

From: (b)(6); (b)(7)(C)

To: Burger, Russel (USMS); Moran, Brian (USAWAW); Hyslop, Bill (USAWAE); Williams, Bill (USAOR); Bill (USAOR);

Cc: (b) (6), (b) (7)(C), (b) (7)(F) Smith, Andrew (USMS)

Subject: RE: Request to Use Non FPS DHS LEO to Protect USCH

Date: Wednesday, June 3, 2020 4:04:37 PM

Attachments: image003.png

Thanks Russ,

On behalf of FPS and DHS, we will not will not seek reimbursement from DOJ for services rendered by Specially Deputized DHS LEOs during this operation. At this point I do not know how many personnel from DHS will be available to support Portland USCHs or when they will be available. As soon as I do we will send rosters.

If Hatfield can remain inside the exclusion zone that is helpful.

(b)(5); (b)(7)(E)

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

From: Burger, Russel (USMS) (b) (6), (b) (7)(C)

Sent: Wednesday, June 3, 2020 12:25 PM

To: (b) (6), (b) (7)(C)

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

Cc: (b) (6), (b) (7)(C), (b) (7)(F) Smith, Andrew (USMS) (b) (6), (b) (7)(C)

Subject: RE: Request to Use Non FPS DHS LEO to Protect USCH

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact <u>ICE SOC SPAM</u> with questions or concerns.



I think this is a great idea and ran it by our headquarters. If you can specifically state that DHS will not seek reimbursement from DOJ for services rendered by Specially Deputized DHS LEOs, we can begin to process special deputation applications immediately (apparently this was a problem in DC). If it's a request by FPS for DHS personnel to help you in your courthouse security mission, it shouldn't be a problem.

and I just got off the phone with Hatfield could remain in the fenced exclusion zone. They do not have the manpower to do anything but defend the justice center at this point, and can't get mutual aid. I advised him that our front porch would become the rallying point for protesters, and got them to agree to fence

at the curb in front of Hatfield from Main to Salmon. This will provide a barrier, but if it is breached they do not have the manpower to respond. I told him we will have a team in the building to repel any attempts to get inside, but they would not respond outside the building.

The other problem PPB has is they are running low on munitions so if you know of a source that would be helpful.

Regards, Russ



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From: (b)(6); (b)(7)(C)

Sent: Wednesday, June 3, 2020 9:24 AM

To: Moran, Brian (USAWAW) < <u>BMoran@usa.doj.gov</u>>; Hyslop, Bill (USAWAE)

<<u>BHyslop@usa.doj.gov</u>>; Williams, Bill (USAOR) <<u>BWilliams3@usa.doj.gov</u>>; Burger, Russel (USMS)

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

Subject: Request to Use Non FPS DHS LEO to Protect USCH

Dear US Attorneys and US Marshals Service Colleagues,

I am writing to request your support for using US Border Patrol and possibly ICE LEOs to assist FPS and USMS Deputy Marshals in protecting Courthouses. As you are well aware, we are experiencing a period of wrenching crisis that includes both large, peaceful, and passionate, first amendment protected protest against police misconduct, as well as elements of lawlessness, riot, and looting. I have as a goal during this crisis to prevent the takeover or destruction of a US Courthouse.

There have been several times in the last six days when crowds grew so large and volatile that we were informed local police would not be able to assist FPS. While most federal buildings and USCH in

downtown core areas have been damaged by attacks with rocks, paint, and incindiary devices, we have been able, by the courage and skill of our and partner agencies officers, to prevent the takeover or major destruction of these buildings that serve as symbols of law and justice. FPS is responding to multiple incidents of civil disturbance across the Region and the nation every night. My LEOs are working insane hours under tremendous pressure. The crowds in Portland and Seattle last night were the biggest yet and we expect more events in the coming days.

Because of this I have reached out to DHS HQ and requested augmentation by HSI and ERO to protect ICE buildings, and US Border Patrol to assist at other federal facilties including USCH. The personnel they provide are highly trainined and capable. Prior to employing them we will ensure they have specific training, equipment, comissions, and are supervised for the mission they are given. DHS is deeply committed to safe, effective, constitutionally sound, and legally defensible police work.

(b)(7)(E)

I am asking for two things. 1) Assistance in getting USMS limited commissions for these LEOs, and 2) Your support in using uniformed, non-FPS LEO at USCH in emergencies.

If you concur please provide POCs to start working on commissioning. The USCH we anticipate using these officers and agents includes:

Portland – Hatfield USCH and Pioneer Historic CH Spokane - Foley FOB and CH Tacoma – Union Station CH Seattle – Nakamura CH and US District Court

I appologize if I left anyone off of distro. Please add them! Thanks.

Regards,

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

Regional Director

2020 Chair - Seattle Federal Executive Board

Federal Protective Service - Region 10 - Washington - Oregon - Idaho - Alaska

Department of Homeland Security



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From: Burger, Russel (USMS)
To: Smith, Andrew (USMS)

Cc: <u>Driscoll, Derrick (USMS)</u>; (b) (6), (b) (7)(C), (b) (7)(F)

Subject: FW: Close Portland Parks

Date: Wednesday, July 15, 2020 1:52:18 PM

FYI,

(b) (5)



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From: (b)(6); (b)(7)(C)

Sent: Wednesday, July 15, 2020 10:27 AM

To: Williams, Bill (USAOR) < BWilliams3@usa.doj.gov>; Burger, Russel (USMS)

<(b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(F) Loren.cannon@ic.fbi.gov

Subject: FW: Close Portland Parks

FYSA

From: (b)(6); (b)(7)(C)

Sent: Wednesday, July 15, 2020 10:26 AM

To: (b)(6); (b)(7)(C)

Cline, Richard K < Richard.K.Cline (b)(6); (b)(7)(C) Patterson, Leonard E

< Leonard.E.Patterso (b)(6); (b)(7)(C)

Cc: (b)(6); (b)(7)(C)

Subject: Close Portland Parks

Local protesters once again attempted to establish an Autonomous Zone in Portland last night in front of the Hatfield USCH and were joined by protesters from Seattle. They robbed a local

	ragged the kitchen appliances into ner materials. This AZ attempt last		
	irmish with protesters as they ass		•
other objects and	d we (b)(7)(E)	to safely withdraw	our teams.
We have been in	discussions with the City about th	ne possibility of then	ordering Chapman and
Lonsdale closed.	(b)(5)		This would be a helpful
development but	t would likely require us to close T	erry Shrunk also and	would then require everyone
to actually enforce	ce the closure by making arrests f	or trespass/failure to	comply etc.
So, more to follo	w once I close the loop with the c	ity. This could be ver	ry helpful but would also
(b)(7)(E)		
V6)- (h)/7\(0)			
)(6); (b)(7)(C)			

Refer to FBI

From: (b)(b), (b)(r)(c)	
Date: Aug 19, 2020 2:29 AM	
Subject: [EXTERNAL EMAIL] - ICS 209 402 0200 Final Report this Operational Period	
To (b)(6); (b)(7)(C)	
(b)(6); (b)(7)(C) ,Operation Diligent Valor SitRep Group	
$<\!$	
<noc.swo.restricted@hq.dhs.gov> (b)(6); (b)(7)(C)</noc.swo.restricted@hq.dhs.gov>	
(b)(6)- (b)(7)(C)	
(b)(6); (b)(7)(C)	
	1
(b)(7)(E)	

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

Commander

Regional Training Program Manager (RTPM)
Federal Protective Service - Region 10 – Washington – Oregon – Idaho – Alaska
Department of Homeland Security

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

Dispatch: 1-877-437-7411



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From: (b)(6); (b)(7)(C)		
Sent: Wednesday, August 19	2020 1:01 AM	
Го:	(b)(6); (b)(7)(C)	Operation
Oiligent Valor SitRep Group <	<u> Operation Diligent Valor Sit Rep Group@icegov.on micro</u>	osoft.com>;
NOC.SWO.Restricted < <u>NOC.S</u>	NO.Restricted@hq.dhs.gov> (b)(6), (b)(7)(C)	
	(b)(6); (b)(7)(C)	
(b)(6); (b)((C) FPS IMC <fpsimc@fps.dhs.gov< th=""><td>>; (b)(6); (b)(7)(C)</td></fpsimc@fps.dhs.gov<>	>; (b)(6); (b)(7)(C)
	(b)(6); (b)(7)(C)	
Subject: ICS 209 401 0100 R	port	
	(b)(7)(E)	
	(O)(*)(C)	

D	0	~	111	А	C
-11		20	11	u	

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

Commander

Regional Training Program Manager (RTPM)

Federal Protective Service - Region 10 - Washington - Oregon - Idaho - Alaska

Department of Homeland Security

Desk Cell:

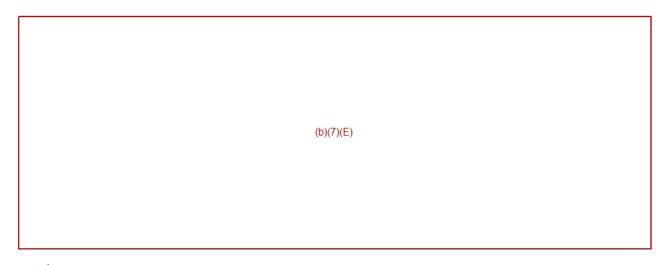
(b)(6); (b)(7)(C)

Dispatch: 1-877-437-7411



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From	(b)(6); (b)(7)(C)	
Sent:	Wednesday, August 19, 2020 12:02 AM	И
To:	(b)(6); (b)(7)(C)	Operation Diligent Valor SitRep Group
< <u>Ope</u>	rationDiligentValorSitRepGroup@icego	v.onmicrosoft.com>; NOC.SWO.Restricted
< <u>NOC</u>	C.SWO.Restricted@hq.dhs.gov>;	(b)(6); (b)(7)(C)
		(b)(6); (b)(7)(C)
Subje	ect: ICS 209 400 2400 Report	
Impo	rtance: High	
		(b)(7)(E)



V/R,

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

Inspector
South Command Area
Central District, Region 9
Federal Protective Service (FPS)
US Department of Homeland Security

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

MEGA CENTER: 1-877-437-7411 (24 hr)



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From:	(b)(6); (b)(7)(C)			
Sent: T	uesday, August 18, 202	0 11:00 PM		
То:	(b)(6); (b)(7)(C)	Operation Diligent Valor SitRep Group	
< <u>Opera</u>	ationDiligentValorSitRep	Group@icegov.or	microsoft.com>; NOC.SWO.Restricted	
< <u>NOC.</u>	SWO.Restricted@hq.dh	s.gov>;	(b)(6); (b)(7)(C)	7
		(6.)(0)	. //-\/7\/0\	
		(0)(0)	; (b)(7)(C)	

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

Subject: ICS 209 399 2300 Report

Importance: High

(b)(7)(E)

V/R,

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

Inspector
South Command Area
Central District, Region 9
Federal Protective Service (FPS)
US Department of Homeland Security

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

MEGA CENTER: 1-877-437-7411 (24 hr)



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enforcement sensitive (LES) information intended for a specific individual and purpose, and should be considered for official use only. (FOUO) DHS 11042.1 (03/05).

From: (b)(6); (b)(7)(C)

Sent: Tuesday, August 18, 2020 10:00 PM

To: (b)(6); (b)(7)(C)

Operation Diligent Valor SitRep Group

<Operation Diligent Valor SitRep Group

<NOC.SWO.Restricted

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

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

Subject: ICS 209 398 2200 Report

Importance: High

V/R,

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

Inspector
South Command Area
Central District, Region 9
Federal Protective Service (FPS)
US Department of Homeland Security

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

MEGA CENTER: 1-877-437-7411 (24 hr)



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From: (b)(6); (b)(7)(C)

Sent: Tuesday, August 18, 2020 9:01 PM

To: (b)(6); (b)(7)(C) Operation Diligent Valor SitRep Group

<OperationDiligentValorSitRepGroup@icegov.onmicrosoft.com>; NOC.SWO.Restricted

<NOC.SWO.Restricted@hq.dhs.gov>; (b)(6); (b)(7)(C)

Subject: ICS 209 397 2100 Report Importance: High

V/R,

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

Inspector

South Command Area Central District, Region 9

central bistrict, region's

Federal Protective Service (FPS)

US Department of Homeland Security

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

MEGA CENTER: 1-877-437-7411 (24 hr)



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enforcement sensitive (LES) information intended for a specific individual and purpose, and should be considered for official use only. (FOUO) DHS 11042.1 (03/05).

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

Sent: Tuesday, August 18, 2020 8:09 PM

To: (b)(6); (b)(7)(C) ; Operation Diligent Valor SitRep Group

< <u>Operation Diligent Valor Sit Rep Group@icegov.onmicrosoft.com</u>>; NOC.SWO.Restricted

<<u>NOC.SWO.Restricted@hq.dhs.gov</u>> (b)(6); (b)(7)(C)

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

Subject: ICS 209 396 2000 First Report this Operational Period

Importance: High

(b)(7)(E)

V/R,

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

Inspector

South Command Area

Central District, Region 9

Federal Protective Service (FPS)

US Department of Homeland Security

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

MEGA CENTER: 1-877-437-7411 (24 hr)



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From: Burger, Russel (USMS) To: Washington, Donald (USMS); Driscoll, Derrick (USMS); Smith, Andrew (USMS); Tyler, Jeff (USMS) Cc: (b) (6), (b) (7)(C), (b) (7)(F) Subject: FW: Op Diligent Valor Nightly Roll Up - Daily 8-13-2020 Date: Thursday, August 13, 2020 10:49:27 AM Attachments: Current Ops Act Rollup and SITREP 081320 lk.docx Operation Diligent Valor R10 ICS 209 August 2020 360 0200.pdf

OPERATION DILIGENT VALOR SPREADSHEET Working as of 13AUG2020 0001Hours.xlsx If you look at the attached roll-up, as of the time of this report the incident in Bend has not been resolved. (b) (5) Russ From: (b)(6); (b)(7)(C) Sent: Thursday, August 13, 2020 5:32 AM (b)(6); (b)(7)(C) To: (b)(6); (b)(7)(C) Cc: [(b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b) (6), (b) (7)(C), (b) (7)(F) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)(b) (6), (b) (7)(C), (b) (7)(F) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b) (6), (b) (7)(C), (b) (7)(F) (b)(6); (b)(7)(C)

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

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

; Burger, Russel

FPS Monitoring Center, toll free (24/7/365) 877-437-7411

Website www.dhs.gov/fps

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

Attitudes are contagious is yours worth catching? Understand your attitude affects my behavior and your behavior affects my attitude.

"With honor and integrity, we will safeguard the American people, our homeland, and our values." "There is no end to the good you can do; if you don't care who gets the credit." Colin L. Powell

Note: This message (including any attachments) may contain confidential and or law enforcement sensitive (LES) information intended for a specific individual and purpose, and should be considered for official use only. (FOUO) DHS 11042.1 (03/05).

From: Burger, Russel (USMS)

To: Driscoll, Derrick (USMS)

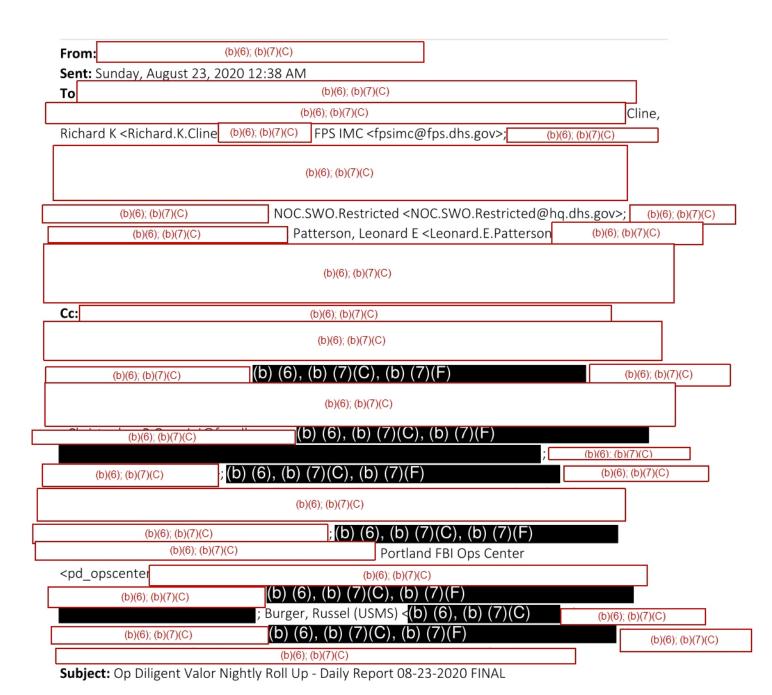
Subject: FW: Op Diligent Valor Nightly Roll Up - Daily Report 08-23-2020 FINAL

Date: Sunday, August 23, 2020 12:16:27 PM

Attachments: OPERATION DILIGENT VALOR SPREADSHEET Working as of 23AUG2020 0001Hours.xlsx

Current Ops Act Rollup and SITREP 082320.docx

Operation Diligent Valor R10 ICS 209 August 2020 435 2400 .pdf



Op Diligent Valor Nightly Roll Up - Daily Report

FINAL

Please see attached daily report for	(b)(7)(E)	. The operations were shut
down early due to inactivity at federa	l property.	•

FINAL

Please direct all questions to the incident Planning Section Chief/District C	Commander
(b)(6); (b)(7)(C)	

District Commander
Florida District Office
Federal Protective Service
Department of Homeland Security

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



 From:
 Driscoll, Derrick (USMS)

 To:
 Cline, Richard K

Subject: RE: Portland

Date: Monday, July 13, 2020 9:16:00 AM

10-4, thank you for all Kris!

Derrick Driscoll
Deputy Director
U.S. Marshals Service
(W) (b) (6), (b) (7)(C)

From: Cline, Richard K < Richard.K.Cline

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

Sent: Monday, July 13, 2020 9:14 AM

To: Driscoll, Derrick (USMS) \triangleleft (b) (6), (b) (7)(C)

Subject: RE: Portland

Thanks Derrick, I think we are good right now. I should have better details on the fence instal this morning and will share this with you as soon as I get them.

Kris Cline
Principal Deputy Director
Federal Protective Service
Department of Homeland Security

Cell:

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

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

Sent with BlackBerry Work

(www.blackberry.com)

From: Driscoll, Derrick (USMS) (b) (6), (b) (7)(C)

Date: Monday, Jul 13, 2020, 09:09

To: Cline, Richard K(b) (6), (b) (7)(C)

Subject: Portland

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Hey Kris

Thanks again for the talk this weekend and all of the help/support by you and your folks! You probably heard about the item/protestor injury yesterday...busy day yesterday for sure... We're working through it but if you have any questions or need anything from me just let me know.

Thanks Again!

Dissemination to any non-law enforcement / media sources is STRICTLY PROHIBITED. Any inquiries concerning this information should be made to the sender of this email.*

From:	(b)(6); (b)(7)(C)	
Sent: W	ednesday, June 3, 2020 9:24 AM	
To: Mo	an, Brian (USAWAW) < <u>BMoran@usa.doj.gov</u> >; Hyslop, I	Bill (USAWAE)
<bhyslo< th=""><td><u>o@usa.doj.gov</u>>; Williams, Bill (USAOR) <<u>BWilliams3@u</u></td><td><u>sa.doj.gov</u>>; Burger, Russel (USMS)</td></bhyslo<>	<u>o@usa.doj.gov</u> >; Williams, Bill (USAOR) < <u>BWilliams3@u</u>	<u>sa.doj.gov</u> >; Burger, Russel (USMS)
<(b) (6	, (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(F)	

Dear US Attorneys and US Marshals Service Colleagues,

Subject: Request to Use Non FPS DHS LEO to Protect USCH

I am writing to request your support for using US Border Patrol and possibly ICE LEOs to assist FPS and USMS Deputy Marshals in protecting Courthouses. As you are well aware, we are experiencing a period of wrenching crisis that includes both large, peaceful, and passionate, first amendment protected protest against police misconduct, as well as elements of lawlessness, riot, and looting. I have as a goal during this crisis to prevent the takeover or destruction of a US Courthouse.

There have been several times in the last six days when crowds grew so large and volatile that we were informed local police would not be able to assist FPS. While most federal buildings and USCH in downtown core areas have been damaged by attacks with rocks, paint, and incindiary devices, we have been able, by the courage and skill of our and partner agencies officers, to prevent the takeover or major destruction of these buildings that serve as symbols of law and justice. FPS is responding to multiple incidents of civil disturbance across the Region and the nation every night. My LEOs are working insane hours under tremendous pressure. The crowds in Portland and Seattle last night were the biggest yet and we expect more events in the coming days.

Because of this I have reached out to DHS HQ and requested augmentation by HSI and ERO to protect ICE buildings, and US Border Patrol to assist at other federal facilties including USCH. The personnel they provide are highly trainined and capable. Prior to employing them we will ensure they have specific training, equipment, comissions, and are supervised for the mission they are given. DHS is deeply committed to safe, effective, constitutionally sound, and legally defensible police work.

I am asking for two things. 1) Assistance in getting USMS limited commissions for these LEOs, and 2) Your support in using uniformed, non-FPS LEO at USCH in emergencies.

If you concur please provide POCs to start working on commissioning. The USCH we anticipate using these officers and agents includes:

Portland – Hatfield USCH and Pioneer Historic CH

Spokane - Foley FOB and CH
Tacoma — Union Station CH
Seattle — Nakamura CH and US District Court

I appologize if I left anyone off of distro. Please add them! Thanks.

Regards,

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

Regional Director

2020 Chair - Seattle Federal Executive Board

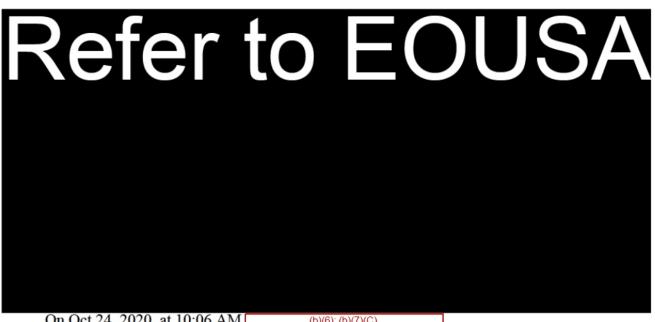
Federal Protective Service - Region 10 - Washington - Oregon - Idaho - Alaska

Department of Homeland Security

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

Cell

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On Oct 24, 2020, at 10:06 AM,

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

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

wrote:

FYSA- There doesn't really appear to be an FPS or USMS nexus to the cases but there were two incidents last night that are worth knowing about.

The ICE Portland building is a leased facility. Owners neighbor's house experienced a break in but PPB and MCSO think the subjects were trying to target owner and got wrong house. Protesters also got on roof of CIS employees house at another location and were yelling anti government immigration related slogans.

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

Sent with BlackBerry Work (www.blackberry.com)

```
From: Burger, Russel (USMS) \triangleleft (b) (6), (b) (7)(C)
Date: Saturday, Oct 24, 2020, 9:24 AM
Andrew (USMS) ((b) (6), (b) (7)(C)

Tyler, Jeff (USMS) (I(b) (6), (b) (7)(C)

Kilgallon, John (USMS)
                         (b) (6), (b) (7)(C), (b) (7)(F) (t(b) (6), (b) (7)(C), (b) (7)(F)
((b)(6),(b)(7)(C)
Williams, Bill (USAOR) ((b) (6), (b) (7)(C)
                                             Loren (RENN) cannon
((b)(6),(b)(7)(C)
                                        (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C), (b) (7)(F)
```

Subject: FW: Portland Courthouse Activity Summary night of 10/23-10/24/2020

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact ICE SOC SPAM with questions or concerns. From: <u>Driscoll, Derrick (USMS)</u>

To: Burger, Russel (USMS); Tyler, Jeff (USMS); Smith, Andrew (USMS)

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

Subject: RE: Portland Courthouse Activity Summary night of 10/20-10/21/2020

Date: Wednesday, October 21, 2020 5:03:00 PM

Thanks for the update Russ and great catch!

Derrick Driscoll
Deputy Director
U.S. Marshals Service
(w) (b) (6), (b) (7)(C)

From: Burger, Russel (USMS) <(b) (6), (b) (7)(C)

Sent: Wednesday, October 21, 2020 1:04 PM

To: Driscoll, Derrick (USMS) <(b) (6), (b) (7)(C)

Tyler, Jeff (USMS) <(b) (6), (b) (7)(C)

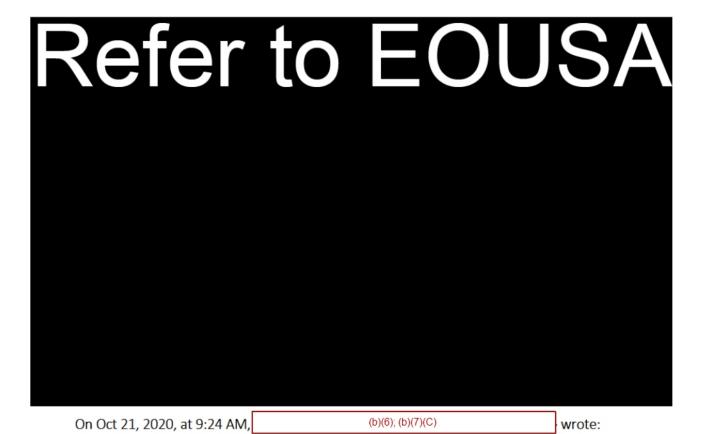
Smith, Andrew (USMS) <(b) (6), (b) (7)(C)

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

Subject: FW: Portland Courthouse Activity Summary night of 10/20-10/21/2020

Wrong thread from the USA, but he is working on getting us on the planning/zoom calls.

RB



2020USMS35485-000826

Thanks Russ.

We saw a new tactic last night that's worth keeping an eye on. First two pushes we made targeted arrests for a felony warrant and two rock throwers and then the crowd tried to obstruct our teams from going back in the building so we ended up with a bunch of CVB cite and release for failure to comply.

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

Sent with BlackBerry Work (www.blackberry.com)

From: Burger, Russel (USMS) <(b) (6), (b) (7)(C)

Date: Wednesday, Oct 21, 2020, 8:18 AM

To: Washington, Donald (USMS) <(b) (6), (b) (7)(C)

Co: Washington, Donald (USMS) <(b) (6), (b) (7)(C)

Driscoll, Derrick (USMS) (b) (6), (b) (7)(C)

Smith, Andrew (USMS) (b) (6), (b) (7)(C)

Kilgallon, John (USMS) (b) (6), (b) (7)(C)

Kilgallon, John (USMS) (b) (6), (b) (7)(C)

Williams, Bill (USAOR)

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

Loren (RENN) cannon <(b) (6), (b) (7)(C)

Co: (b) (6), (b) (7)(C)

Co: (b) (6), (b) (7)(C), (b) (7)(F) (l(b) (6), (b) (7)(C), (b) (7)(C), (b) (7)(F)

Subject: FW: Portland Courthouse Activity Summary night of 10/20-10/21/2020

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact <u>ICE SOC SPAM</u> with questions or concerns.

Subject: Portland Courthouse Activity Summary night of 10/20-10/21/2020

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(b) (5), (b) (7)(E)

No attention was given to the Hatfield CH.

18:00 hrs – All USMS personnel in place.

19:00 hrs – No activity to report.

20:00 hrs – Portland Police Bureau (PPB) reports that approximately 35 individuals are gathered in the Elizabeth Caruthers Park. Most of the personnel are wearing all black.

From: White, Darrell (USMS) \leq (b) (6), (b) (7)(C)

Sent: Monday, September 21, 2020 11:35 AM

To: Driscoll, Derrick (USMS) \leq (b) (6), (b) (7)(C)

Cc: Tyler, Jeff (USMS) \leq (b) (6), (b) (7)(C)

Subject: Re: D/OR Portland Courthouse Activity Summary 09/21/2020

Yes sir, already in the works

Darrell White
Assistant Director
Judicial Security Division
United States Marshals Service

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

On Sep 21, 2020, at 11:01 AM, Driscoll, Derrick (USMS) < (b) (6), (b) (7)(C) wrote:

D-White, please see below and lets have OPI develop an IB related to Portland/USMS offices in general.

Thanks Derrick

Derrick Driscoll
Deputy Director
U.S. Marshals Service
(W) (b) (6), (b) (7)(C)

From: (b)(6); (b)(7)(C)
Sent: Monday, September 21, 2020 10:51 AM
To: Burger, Russel (USMS) <(b) (6), (b) (7)(C) Driscoll, Derrick (USMS)
<(b) (6), (b) (7)(C) Smith, Andrew (USMS) $<$ (b) (6), (b) (7)(C) Tyler,
Jeff (USMS) \triangleleft (b) (6), (b) (7)(C) Kilgallon, John (USMS) \triangleleft (b) (6), (b) (7)(C)
(b) (6), (b) $(7)(C)$, (b) $(7)(F) < (b) (6)$, (b) $(7)(C)$, (b) $(7)(F)$ Wade, Drew J. (USMS)
<(b) (6), (b) (7)(C) Delaney, William (USMS) $<$ (b) (6), (b) (7)(C)
Washington, Donald (USMS) $<$ (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(F)
<(b) (6), (b) (7)(C), (b) (7)(F) (b) (6), (b) (7)(C), (b) (7)(F)
Williams, Bill (USAOR)
<BWilliams3 (b)(6); (b)(7)(C); Zusman, Kelly (USAOR) $<$ KZusman (b)(6); (b)(7)(C) Gabriel
Craig (USAOR) < CGabrie (b)(6); (b)(7)(C) Loren (RENN) cannon
< <u>Loren.cannon</u> (b)(6); (b)(7)(C); Steve Goldman (<u>steven.goldman</u> (b)(6); (b)(7)(C)
< <u>steven.goldman</u> (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: Dickinson, Lisa (USMS)(b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(F)

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

Subject: RE: D/OR Portland Courthouse Activity Summary 09/21/2020

Thanks Russ,

Just for Situational Awareness, in discussions with local LE partners we assess that if a SCOTUS confirmation fight develops in coming days, it will likely draw protests to USCH in the PNW, including some where violent opportunists are present. Just something to keep an eye out for.

V/r,

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

```
From: Burger, Russel (USMS) \leq(b) (6), (b) (7)(C)
Sent: Monday, September 21, 2020 7:47 AM
To: Driscoll, Derrick (USMS) \triangleleft (b) (6), (b) (7)(C)
                                                            Smith, Andrew (USMS)
                                 Tyler, Jeff (USMS) \langle (b) (6), (b) (7)(C) \rangle Kilgallon,
<(b) (6), (b) (7)(C)
                                               (b) (6), (b) (7)(C), (b) (7)(F)
John (USMS) <(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C), (b) (7)(F) Wade, Drew J. (USMS) (b) (6), (b) (7)(C)
Delaney, William (USMS) \triangleleft(b) (6), (b) (7)(C)
                                                                Washington, Donald (USMS)
<(b) (6), (b) (7)(C)
                                       (b) (6), (b) (7)(C), (b) (7)(F)
                                 (b) (6), (b) (7)(C), (b) (7)(F) \triangleleft (b) (6), (b) (7)(C), (b) (7)
 (b) (6), (b) (7)(C), (b) (7)(F)
               <(b) (6), (b) (7)(C), (b) (7)(F) Williams, Bill (USAOR)
<(b) (6), (b) (7)(C)
                              Zusman, Kelly (USAOR) \triangleleft(b) (6), (b) (7)(C)
                                                                                          Gabriel,
Craig (USAOR) \triangleleft(b) (6), (b) (7)(C)
                                                      (b)(6); (b)(7)(C)
<(b) (6), (b) (7)(C)
                                      Loren (RENN) cannon \triangleleft(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C), (b) (7)(F)
Cc: Dickinson, Lisa (USMS) \triangleleft (b) (6), (b) (7)(C)
                                                                (b) (6), (b) (7)(C), (b) (7)(F)
<(b) (6), (b) (7)(C), (b) (7)(F) (b) (6), (b) (7)(C), (b) (7)(F) <(b) (6), (b) (7)(C), (b) (7)(F)
Subject: FW: D/OR Portland Courthouse Activity Summary 09/21/2020
```

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No significant protest activity last night.

<image001.jpg> **Russ Burger**United States Marshal
District of Oregon
(b) (6), (b) (7)(C)

^{***}This email may contain LAW ENFORCEMENT SENSITIVE material & is for USMS LIMITED OFFICIAL

Driscoll, Derrick (USMS) From:

Washington, Donald (USMS); Kilgallon, John (USMS) To:

Subject: FW: D/OR Portland Courthouse Activity Summary 09/21/2020

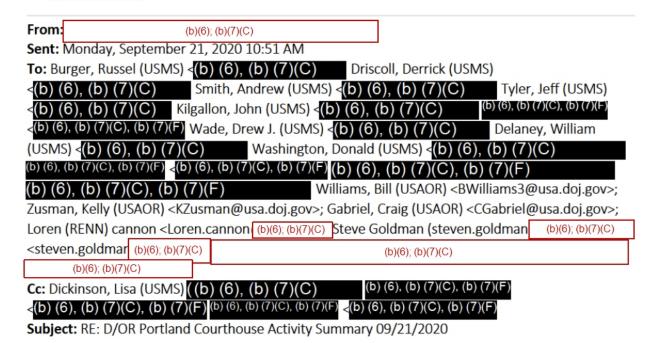
Monday, September 21, 2020 11:38:36 AM Date:

Gentlemen

Just a quick fyi that I got w/ Darrell and JSD-OPI is working on an agency IB on the SCOTUS nominee item reference below...

Thanks Derrick

Derrick Driscoll Deputy Director U.S. Marshals Service (w) (b) (6), (b) (7)(C)



Thanks Russ,

Just for Situational Awareness, in discussions with local LE partners we assess that if a SCOTUS confirmation fight develops in coming days, it will likely draw protests to USCH in the PNW, including some where violent opportunists are present. Just something to keep an eye out for.

V/r,

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

From: Burger, Russel (USMS) \lt (b) (6), (b) (7)(C)

Sent: Monday, September 21, 2020 7:47 AM

```
(b)(6); (b)(7)(C)
  From:
                                                                                                                  Burger, Russel (USMS); Driscoll, Derrick (USMS); Smith, Andrew (USMS); Tyler, Jeff (USMS); Kilgallon, John (USMS); (b) (6), (b) (7)(C), (b) (7)(F) Wade, Drew J. (USMS); Delaney, William (USMS); Washington, Donald (USMS); (b) (6), (b) (7)(F) (b) (7)(C), (b) (7)(C), (b) (7)(C), (b) (7)(C), (c) (7)(C), (d) (
   To:
                                                                                                                                                                                                                                  O cannon: Steve Goldman (steven.goldman
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        (b)(6); (b)(7)(C)
                                                                                                                                                                              (b)(6); (b)(7)(C)
  Cc:
                                                                                                                    Dickinson, Lisa (USMS); (D) (D), (D) (7)(C), (b) (7)(F)
  Subject:
                                                                                                                  RE: D/OR Portland Courthouse Activity Summary 08/27/2020
  Date:
                                                                                                                  Friday, August 28, 2020 12:50:40 PM
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              Will
I hope so too but I suspect
                                                                                                                                                                                                                                                                                                                                                                                                     (b)(5)
be interesting to see.
                 (b)(6); (b)(7)(C)
```

Sent with BlackBerry Work (www.blackberry.com)

```
From: Burger, Russel (USMS) \leq (b) (6), (b) (7)(C)
Date: Friday, Aug 28, 2020, 7:36 AM
To: Driscoll, Derrick (USMS) <(b) (6), (b) (7)(C)
                                                         Smith, Andrew (USMS)
                            Tyler, Jeff (USMS) \leq (b) (6), (b) (7)(C) Kilgallon, John (USMS)
          (b) (7)(C)
                           (b) (6), (b) (7)(C), (b) (7)(F) (b) (6), (b) (7)(C), (b) (7)(F) Wade, Drew J. (USMS)
                           Delaney, William (USMS) <(b) (6), (b) (1)(C)
                                                                                   Washington,
(b) (6), (b) (7)(C), (b) (7)(F) (b) (6), (b) (7)(C), (b) (7)(F)
Zusman, Kelly (USAOR) \leq (b) (6), (b) (7)(C)
                                                   Gabriel, Craig (USAOR)
(b) (6), (b) (7)(C)
                                                                            Loren (RENN) cannon
                              (b)(6); (b)(7)(C)
(b) (6), (b) (7)(C)
                          (b) (6), (b) (7)(C), (b) (7)(F)
                                                        (b) (6), (b) (7)(C), (b) (7)(F)
Cc: Dickinson, Lisa (USMS) < (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C), (b) (7)(F)(b) (b), (b) (7)(C), (b) (7)(F) < (b) (6), (b) (7)(C), (b) (7)(F) < (b) (6), (b) (7)(C), (b) (7)(F)
Subject: FW: D/OR Portland Courthouse Activity Summary 08/27/2020
```

Recap of last night. This marks the first night there was a protest with no property damage or attacks on Law Enforcement. Hopefully it's the beginning of a new trend.



Sent: Tuesday, June 23, 2020 8:26 PM **To:** Driscoll, Derrick (USMS) \lt (b) (6), (b) (7)(C) **Cc:** Tyler, Jeff (USMS) < (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(F) \langle (b) (6), (b) (7)(C), (b) (7)(F) Subject: Fwd: Activity Summary 6/22/20 FYI Begin forwarded message: (b)(6); (b)(7)(C) From: Date: June 23, 2020 at 4:57:38 PM PDT **To:** "Burger, Russel (USMS)" <(b) (6), (b) (7) Cc: $^{1}(b)$ (6), (b) (7)(C), (b) (7)(F) $_{4}(b)$ (6), (b) (7)(C), (b) (7)(F) $_{4}(b)$ (6), (b) (7)(C), (b) (7)(F) (b) (6), (b) (7)(C), (b) (7)(F) Subject: RE: Activity Summary 6/22/20 Can we discuss tomorrow afternoon? I think my HQ wants to talk to USMS HQ and come up with something that makes sense and is sustainable across regions. We're still experiencing protests in other locations, although they've been smaller and easier to disperse in recent days. At the moment with most federal facilities being closed for COVID (b)(7)(E)(b)(6); (b)(7)(C) Sent with BlackBerry Work (www.blackberry.com)

From: Burger, Russel (USMS) <(b) (6), (b) (7)(C)

Date: Tuesday, Jun 23, 2020, 9:48 AM

To (b)(6); (b)(7)(C) (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C), (b) (7)(F) \leq (b) (6), (b) (7)(C), (b) (7)(F) (b) (6), (b) (7)(C), (b) (7)(F)

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

Subject: RE: Activity Summary 6/22/20

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact ICE SOC SPAM with questions or concerns.

Ok, thanks.

From (b)(6); (b)(7)(C) **Sent:** Tuesday, June 23, 2020 9:38 AM To: Burger, Russel (USMS) \triangleleft (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(F) Cc:(b) (6), (b) (7)(C), (b) (7)(F) Subject: RE: Activity Summary 6/22/20 Let me discuss this with my team and get back with you. $\frac{\binom{b}{6}}{\binom{b}{(0)}}$ is coming up for a lunch meeting today anyway. (b)(6); (b)(7)(C) From: Burger, Russel (USMS) \leq (b) (6), (b) (7)(C) Sent: Tuesday, June 23, 2020 8:41 AM (b)(6); (b)(7)(C) (b) (6), (b) (7)(C) $\textbf{Cc:} \begin{picture}(c) (b) (6), (b) (7)(C), (b) (7)(F) \\ \hline \end{picture} \begin{picture}(c) (b) (6), (b) (7)(C), (b) (7)(F) \\ \hline \end{picture} \begin{picture}(c) (b) (6), (b) (7)(C), (b) (7)(F) \\ \hline \end{picture} \begin{picture}(c) (c) (6), (b) (7)(C), (b) (7)(F) \\ \hline \end{picture} \begin{picture}(c) (6) (6), (b) (7)(C), (b) (7)(F) \\ \hline \end{picture} \begin{picture}(c) (6) (6), (b) (7)(C), (b) (7)(F) \\ \hline \end{picture} \begin{picture}(c) (6) (6), (b) (7)(C), (b) (7)(F) \\ \hline \end{picture} \begin{picture}(c) (6) (6), (b) (7)(C), (b) (7)(F) \\ \hline \end{picture} \begin{picture}(c) (6) (6), (b) (7)(C), (b) (7)(F) \\ \hline \end{picture} \begin{picture}(c) (6) (6), (b) (7)(C), (b) (7)(F) \\ \hline \end{picture} \begin{picture}(c) (6) (6), (b) (7)(C), (b) (7)(F) \\ \hline \end{picture} \begin{picture}(c) (6) (6), (b) (7)(C), (b) (7)(F) \\ \hline \end{picture} \begin{picture}(c) (6) (6), (b) (7)(C), (c) (7)(C), (c)$ \langle (b) (6), (b) (7)(C), (b) (7)(F) Subject: FW: Activity Summary 6/22/20 CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact <u>ICE SOC SPAM</u> with questions or concerns. (b)(6); (b)(7)(C) As you know we have had a security team in the Hatfield Courthouse since the beginning of the protests over 3 weeks ago. The security team's assignment has been to respond to breach and arson attempts, as well as officer down situations. We took on this responsibility because FPS was spread too thin to protect all of the Federal facilities given the large crowds protesting in Portland and Seattle. (b) (5) (b) (5), (b) (7)(E)

Thanks,