



**Homeland
Security**

Privacy Office, Mail Stop 0655

December 21, 2021

SENT VIA E-MAIL TO: aweismann@citizensforethics.org

Anne Weismann
Chief Counsel
CREW
1101 K STREET, NW
STE 201
Washington, DC 20005

**Re: U.S. Marshals Service (USMS) 2020USMS35485
2021-HQFO-01174**

Dear Ms. Weismann:

This is the electronic final response to your Freedom of Information Act (FOIA) request to that you addressed to the U.S. Marshals Service (USMS), seeking 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.

The foregoing requests include but are not limited to communications with:

- a. President Trump;
- b. White House employees, including anyone with an “*.eop.gov” email domain;
- c. Attorneys or representatives acting on behalf of President Trump;
- d. Employees of the U.S. Marshals Service;
- e. Employees of the Department of Justice and linked agencies including at the Federal Bureau of Investigation, U.S. Drug Enforcement Administration, and Bureau of Alcohol, Tobacco, Firearms, and Explosives;

- f. Employees of the Department of Homeland Security and linked agencies including those within the Federal Protective Services, and U.S. Customs and Border Protection.

The USMS referred your request and responsive documents to this office for processing under FOIA. This request was received in the DHS Privacy Office on May 14, 2021.

Per our letter to you on November 2, 2021, as some of the records that the USMS referred to our office originated with I & A, portions of this referral were referred to the I & A FOIA Office for their review and direct response to you.

After removing duplicate records, of the 17 remaining pages that were referred, portions of these pages are being partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(5) (b)(6), (b)(7)(C) and (b)(7)(E), FOIA Exemptions 5, 6, b7(C) and b7(E).

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, we 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 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

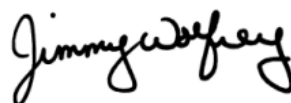
Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, 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.

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. I determined that disclosure of law enforcement information could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have a 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, 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.

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-01174**. 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 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)

Enclosures: 17 pages