



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE UNITED STATES PARK POLICE

Headquarters
1100 Ohio Drive, S.W.
Washington, D.C. 20024

February 2, 2023

Mr. Eric Westervelt
NPR.Org
1111 North Capitol Street, NE
Washington, DC 20002

Dear Mr. Westervelt:

On June 24, 2020, the United States Park Police FOIA office received your Freedom of Information Act (FOIA) request dated the same date, and assigned it control number **NPS-2021-004686**. Please cite this number in any future communications with our office regarding your request.

In your request, you state “I request on behalf of myself and my employer National Public Radio, Inc. (NPR) that the U.S. Park Police make available to me for inspection and copying the following records:”

All records, including but not limited to audio and electronic records, related to operations conducted between 9 a.m. ET May 30th, 2020, and 11 p.m. ET on June 1st, 2020 in and around Lafayette Square in Washington D.C.

This request specifically includes, but is not limited to, the following example and categories of records:

- Audio recordings, communications logs, emails, texts and phone call transcripts in the possession of the U.S. Park Police pertaining to operations conducted in and around Lafayette Square during that time period. These records may involve internal agency communications, or communications between the U.S. Park Police and other agencies such as the FBI, the D.C. National Guard, and the D.C. Metropolitan Police.
- We specifically request audio recordings, communications logs, emails, texts and phone call transcripts involving U.S. Park Police incident commanders related to efforts to contain protesters in and around Lafayette Square.
- We also specifically request audio recordings, communications logs, emails, texts and phone call transcripts involving officials at the FBI Washington Field Office related to operations to clear protesters in and around Lafayette Square.

For example, in the June 8 report from the Office of the Inspector General of the U.S. Department of the Interior, specific conversations from the above categories are referenced, including:

Communications between U.S. Park Police officials and the Secret Service on May 30 that resulted in the decision to “establish a more secure perimeter around Lafayette Park.” (See page 6.)

- Multiple phone calls on the morning of June 1 involving the U.S. Park Police incident commander and various officials from the Secret

Service as well as U.S. Park Police staff, related to the installation of a fence at Lafayette Park. (See page 8.)

- A meeting at the DC Armory at 12:20 p.m. on June 1 involving the U.S. Park Police operations manager and representatives of the D.C. National Guard. (See page 9.)
- A meeting at FBI headquarters at 2 p.m. involving representatives from the Park Police, the FBI and the D.C. National Guard, including Attorney General William Barr. (See page 9.)
- Communications on the afternoon of June 1 between the U.S. Park Service and the Secret Service “to discuss strategies for clearing protesters from the northern edge of Lafayette Park.” (See page 9.).
- An operational briefing delivered by the U.S. Park Police at around 5 p.m. on June 1. These instructions were also confirmed by “radio transmissions, text messages, and emails.” (See page 13.)

The U.S. Park Police is writing to respond to the remaining portion of your request. We have located incident reports, demonstration activity reports, incident management team unit logs, and daily details that consists of 1,158 pages. We have enclosed 819 pages of incident reports, demonstration activity reports, incident management team unit logs, and daily details which are responsive to your request with certain redactions. The remaining 339 pages are being referred to their originating agency for a release determination. The redacted information from the 819 pages are being withheld pursuant to [5 U.S.C. § 552 \(b\)\(5\), \(b\)\(6\), \(b\)\(7\)\(C\), \(b\)\(7\)\(E\), and \(b\)\(7\)\(F\)](#). Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information. Exemption 7 protects from disclosure “records or information compiled for law enforcement purposes” if the records fall within one or more of six specific bases for withholding set forth in subparts (A) through (F). [5 U.S.C. § 552\(b\)\(7\) \(A\)-\(F\)](#).

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemptions (b)(6) and 7(C) consists of personal information, including names, and telephone numbers, and we have determined that the individual(s) to whom this information pertains have a substantial privacy interest in withholding it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individual(s) and we are withholding it under Exemption 6; and under Exemption 7(C), we have also determined that releasing them would constitute an unwarranted invasion of because they identify individuals referenced in law enforcement records and the release of this information would not shed light on an agency’s performance of its statutory duties.

The information that has been withheld under Exemption 7(E) protects law enforcement records if their release would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law. For the materials that have been withheld under 7(E), we have determined that they are techniques for law enforcement investigations or prosecutions,” they are procedures for law enforcement investigations or prosecutions,” and they are guidelines for law enforcement investigations or prosecutions whose release could reasonably be expected to risk circumvention of the law.

The information that is being withheld under Exemption 7(F) protects law enforcement records if their release could reasonably be expected to endanger the life or physical safety of any individual. For the materials that have been withheld under 7(F), we have determined releasing them could reasonably be expected to endanger the life or physical safety of an individual because it would compromise the protection of our facilities and endanger the life or physical safety of individuals.

We are withholding information in part under Exemption 5 because they qualify to be withheld under the following privileges: the deliberative process privilege which protects materials that are both predecisional and deliberative. The privilege covers records that reflect the give-and-take of the consultative process and may include recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of an agency.

We reasonably foresee that disclosure would be prohibited by law or otherwise protected from disclosure under Exemptions 6 and 7(C), 7(E) and 7(F).

We have referred 330 pages of documents that originated with the Department of Homeland Security to that agency for their release determination and direct response to you. You do not have to contact the Department of Homeland Security at this time, but should you need to do so in the future you may at: Department of Homeland Security, Privacy Office, Mail Stop 0655, 2707 Martin Luther King Jr. Avenue, SE, Washington, DC 20528-065, (202) 447-4561.

We have referred 3 pages of documents that originated with the Bureau of Alcohol, Tobacco, Firearms and Explosives to that agency for their release determination and direct response to you. You do not have to contact the Bureau of Alcohol, Tobacco, Firearms and Explosives at this time, but should you need to do so in the future you may at: Bureau of Alcohol, Tobacco, Firearms and Explosives, Information Privacy and Governance Division, 99 New York Avenue, NE, Room 4E.301, Washington, DC 20226, (202) 648-8740.

We have referred 5 pages of documents that originated with the Federal Bureau of Investigation to that agency for their release determination and direct response to you. You do not have to contact the Federal Bureau of Investigation at this time, but should you need to do so in the future you may at: Federal Bureau of Investigation, Attn: Initial Processing Operations Unit, Record/Information Dissemination Section, 200 Constitution Drive, Winchester, VA 22602.

We have referred a 1-page document that originated with the U.S. Secret Service to that agency for their release determination and direct response to you. You do not have to contact the U.S. Secret Service at this time, but should you need to do so in the future you may at: U.S. Secret Service, 245 Murray Lane Building T-5, 3rd Floor, FOIA, Washington, DC 20223, (202) 220-1819.

Janeen Tyson, U.S. Park Police, FOIA Officer is responsible for this response. Jennifer Heindl, in the Office of the Solicitor was consulted regarding this decision.

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See [43 C.F.R. § 2.37\(g\)](#). Therefore, there is no billable fee for the processing of this request.

We appreciate your interest in the U.S. Park Police. If you have any questions about our response to your request, you may contact Janeen Tyler by phone at 202-619-7385, by email at janeen_tyler@nps.gov, or by mail at 1100 Ohio Dr. S.W. Washington, D.C., 20024.

Sincerely,

SCOTT BRECHT

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BRECHT
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Major Scott Brecht
(For) Chief of Police

Enclosures

