

**From:** (b)(6); (b)(7)(C)  
**Sent:** 30 May 2020 13:40:22 +0000  
**To:** FPS HQ QRF  
**Cc:** (b)(6); (b)(7)(C) FPS IMC; (b)(6); (b)(7)(C)  
**Subject:** QRF Activation-This is not a drill

The FPS HQ Quick Response Force is being activated to support R11 during demonstrations scheduled for today at DOJ and other locations.

Those personnel who are available should report to Chief (b)(6); (b)(7)(C) at Bren Mar, Suite (b)(6); (b)(7)(C) not later than 1200 today.

(b)(7)(E)  
Thank you for stepping up.

**Stay Safe. Stay Healthy!**

(b)(6); (b)(7)(C)  
Assistant Director for  
Law Enforcement Operations  
Federal Protective Service  
U.S. Department of Homeland Security  
(b)(6); (b)(7)(C)



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**From:** (b)(6); (b)(7)(C)  
**Sent:** 31 May 2020 18:17:27 +0000  
**To:** Cline, Richard K  
**Cc:** (b)(6); (b)(7)(C)  
**Subject:** RE: FPS Support to the USPP

(b)(7)(E)

Sir

TPD has made arrangements with USPP to provide them

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

Division Director  
Specialized and Advanced Training

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

**From:** (b)(6); (b)(7)(C)  
**Date:** Sunday, May 31, 2020, 12:12  
**To:** Cline, Richard K <[Richard.K.Cline](#)> (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)  
**Cc:** (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)  
**Subject:** RE: FPS Support to the USPP

10-4

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

Deputy Director, Federal Protective Service  
U.S. Department of Homeland Security  
800 North Capitol Street NW  
Washington, D.C. 20002

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

Executive Assistant – (b)(6); (b)(7)(C)

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



**From:** (b)(6); (b)(7)(C)  
**Date:** Sunday, May 31, 2020, 12:09 PM

**To:** [redacted] (b)(6); (b)(7)(C)

[redacted] (b)(6); (b)(7)(C)

**Cc:** [redacted] (b)(6); (b)(7)(C)

[redacted] (b)(6); (b)(7)(C)

**Subject:** RE: FPS Support to the USPP

FPS team, the USPP POC is [redacted] (b)(6); (b)(7)(C) Please give him a call ASAP to get their staffing requirements, report time/location, etc.

[redacted] (b)(6); (b)(7)(C) please make contact with [redacted] (b)(6); (b)(7)(C) as well regarding [redacted] (b)(6); (b)(7)(C)

Thanks,

Kris Cline  
Principal Deputy Director  
Federal Protective Service  
Department of Homeland Security  
Cell: [redacted] (b)(6); (b)(7)(C)  
Richard.k.cline [redacted] (b)(6); (b)(7)(C)

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

**From:** [redacted] (b)(6); (b)(7)(C)

**Date:** Sunday, May 31, 2020, 12:01

**To:** Cline, Richard K <[Richard.K.Cline](mailto:Richard.K.Cline)> [redacted] (b)(6); (b)(7)(C)

[redacted] (b)(6); (b)(7)(C)

**Cc:** [redacted] (b)(6); (b)(7)(C)

[redacted] (b)(6); (b)(7)(C)

**Subject:** RE: FPS Support to the USPP

Received

[redacted] (b)(6); (b)(7)(C)

Assistant Director Field Operations (East)  
Federal Protective Service  
U.S. Department of Homeland Security

[redacted] (b)(6); (b)(7)(C)

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release under the Freedom of Information Act (5 U.S.C. 552).

**From:** Cline, Richard K <[Richard.K.Cline](mailto:Richard.K.Cline)> (b)(6); (b)(7)(C)

**Date:** Sunday, May 31, 2020, 11:54 AM

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

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

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

**Subject:** FPS Support to the USPP

Good morning Chief, FPS Region 11 will support you all for events at Lafayette  
Park this afternoon/evening. (b)(6); (b)(7)(C) are our POCs for  
this. Could you please provide them with a USPP POC for direct coordination?

FPS team: the USPP (b)(7)(E) Please  
check our inventory to see what we might be able to offer.

Thanks,

Kris Cline  
Principal Deputy Director  
Federal Protective Service  
Department of Homeland Security  
Cell (b)(6); (b)(7)(C)  
Richard.k.cline (b)(6); (b)(7)(C)

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

**From:** (b)(6); (b)(7)(C)  
**To:** [Cline, Richard K](#); (b)(6); (b)(7)(C)  
**Subject:** RE: Presidential Order  
**Date:** Monday, June 1, 2020 12:34:00 PM  
**Attachments:** [image001.png](#)

(b)(6); (b)(7)(C); (b)(5)

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

Attorney Advisor for Federal Protective Service  
Office of the General Counsel

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

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**From:** Cline, Richard K <[Richard.K.Cline](#)> (b)(6); (b)(7)(C)  
**Sent:** Monday, June 1, 2020 12:31 PM  
**To:** (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)  
**Subject:** FW: Presidential Order

FYI below (b)(6); (b)(7)(C) and I have a call with Ops at 1300 to find out what all this is about.

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

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

[Richard.k.cline](#) (b)(6); (b)(7)(C)



**From:** Alles, Randolph <[randolph.alles](#)> (b)(6); (b)(7)(C)  
**Sent:** Monday, June 1, 2020 11:10 AM  
**To:** Patterson, Leonard E <[Leonard.E.Patterson](#)> (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)

FEDERAL PROTECTIVE SERVICE

F P S



**Cc:** [redacted] (b)(6); (b)(7)(C)

[redacted] (b)(6); (b)(7)(C)

**Subject:** Presidential Order

Gents,

According to Ops the President has ordered 2,000 Federal LEOs to Washington, DC. They are supposedly under the Attorney General's control. [redacted]

[redacted] (b)(5); (b)(7)(E)

No action at this point but something to think about because I'm told they want them here tonight.

V/R

R. D. "Tex" Alles

[redacted] (b)(6); (b)(7)(C)

**From:** (b)(6); (b)(7)(C)  
**Sent:** 30 May 2020 15:53:29 +0000  
**To:** Cline, Richard K (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)  
**Cc:** Patterson, Leonard E (b)(6); (b)(7)(C)  
**Subject:** RE: Request from the US Park Police

Sir,

(b)(7)(E)

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

Assistant Director Field Operations (East)  
Federal Protective Service  
U.S. Department of Homeland Security

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

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**From:** Cline, Richard K <[Richard.K.Cline](#)> (b)(6); (b)(7)(C)  
**Date:** Saturday, May 30, 2020, 10:37 AM  
**To:** (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)  
**Cc:** Patterson, Leonard E <[Leonard.E.Patterson](#)> (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)  
**Subject:** RE: Request from the US Park Police

Thanks everyone.

(b)(6); (b)(7)(C) what are your thoughts on supporting the USPP at Lafayette Park?  
(b)(7)(E)

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

Cell: (b)(6); (b)(7)(C)  
Richard.k.cline (b)(6); (b)(7)(C)

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

**From:** (b)(6); (b)(7)(C)  
**Date:** Saturday, May 30, 2020, 10:32  
**To:** (b)(6); (b)(7)(C) Cline, Richard K <[Richard.K.Cline](mailto:Richard.K.Cline)> (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)  
**Cc:** Patterson, Leonard E <[Leonard.E.Patterson](mailto:Leonard.E.Patterson)> (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)  
**Subject:** RE: Request from the US Park Police

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

(b)(5)

Thanks

(b)(6); (b)(7)(C) Attorney Advisor - Federal Protective Service

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

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**From:** (b)(6); (b)(7)(C)  
**Date:** Saturday, May 30, 2020, 10:28 AM  
**To:** Cline, Richard K <[Richard.K.Cline](mailto:Richard.K.Cline)> (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)  
**Cc:** Patterson, Leonard E <[Leonard.E.Patterson](mailto:Leonard.E.Patterson)> (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)

**Subject:** RE: Request from the US Park Police

(b)(6); (b)(7)(C); (b)(5)

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

Attorney Advisor for Federal Protective Service  
Office of the General Counsel

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

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**From:** Cline, Richard K <Richard.K.Cline> (b)(6); (b)(7)(C)

**Sent:** Saturday, May 30, 2020 10:24 AM

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

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

**Cc:** Patterson, Leonard E <Leonard.E.Patterson> (b)(6); (b)(7)(C)

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

**Subject:** Request from the US Park Police

Folks, just got off the phone with (b)(6); (b)(7)(C) the Acting Chief of the US Park Police. He reported that during the violent protest at the White House/Lafayette Park last night

(b)(7)(E)

Apparently, once the demonstration at DOJ ends the group with them travel to the White House.

The Park Police is asking if we have any Officers that can provide support at the White House after DOJ and

(b)(7)(E)

Lawyers, do we have the authority/jurisdiction to assist the Park Police at the federal owned Lafayette Park?

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

do we have the manpower to support this request?

Thanks,

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

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

[Richard.k.cline](#) (b)(6); (b)(7)(C)

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([www.blackberry.com](http://www.blackberry.com))



Homeland  
Security

June 30, 2020

MEMORANDUM FOR: DISTRIBUTION

FROM: Chad F. Wolf   
Acting Secretary

SUBJECT: DHS Support to Protect Federal Facilities and Property

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**Purpose:** The purpose of this memorandum is to provide guidance for direct support to the Federal Protective Service and our interagency partners to protect all federal facilities and property.

**Introduction:** The Department plays a key role in protecting Federal facilities and property primarily through the Federal Protective Service (FPS) and in partnership with other DHS law enforcement Components, interagency partners, and state and local partners. Recently, we have seen numerous instigators, criminals and other bad actors use peaceful protests to harm people and property, both Federal and private. For the past month, these bad actors have continued their unlawful activity which has resulted in numerous threats, disruption, and damage to Federal facilities and property.

**Background:** On June 26, the President issued the following Executive Order: Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Activity. In this order, the President directed that DHS “shall provide, as appropriate and consistent with applicable law, personnel to assist with the protection of Federal monuments, memorials, statues, or property.”

In furtherance of this directive, I have formalized the DHS Protecting American Communities Task Force (PACT) to provide an ongoing assessment of potential civil unrest and property destruction and to address internal resource allocation and potential surge activity to ensure the continuing protection of people and property.

Additionally, with the consent of other Departments and Agencies, I have determined that it is in the public interest and fiscally sound for FPS to partner with other federal law enforcement to execute the direction of the President. To that end, DHS began coordination with the Department of Justice (DOJ) and the Department of the Interior (DOI) to establish information/intelligence sharing and resource coordination as outlined in the order.

**Action:** The upcoming July 4<sup>th</sup> holiday weekend has the potential for increased disruptive activity at specific locations across the country that could threaten our personnel and the Federal facilities and property they protect. DHS will be forward leaning in preparing to protect Federal facilities and property.

Components with law enforcement personnel will coordinate with the Office of Operations Coordination and the FPS to:

(b)(7)(E)

(b)(7)(E)

FPS will continue to serve as the Department's lead for the protection of Federal facilities and property and shall be supported by Operational Components and all other DHS organizations.

Components should use existing guiding principles and risk assessments in support of this mission, ensuring the safety and security of our personnel.

Distribution:

CBP  
ICE  
TSA  
USSS  
FPS  
I&A  
MGMT  
USCG  
OPA  
OLA  
OPS  
OPE

**GUIDELINES FOR THE EXERCISE OF LAW ENFORCEMENT  
AUTHORITIES BY OFFICERS AND AGENTS OF THE DEPARTMENT OF  
HOMELAND SECURITY UNDER 40 U.S.C. § 1315**

**AUTHORITY AND SCOPE**

On November 25, 2002, the President signed into law the Homeland Security Act of 2002 (the Act), Pub. L. No. 107-296, 116 Stat. 2135 (Nov. 25, 2002). Section 1706 of the Act amended 40 U.S.C. § 1315 to vest in the Secretary of the Department of Homeland Security (the Secretary), the authority to protect buildings, grounds, and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality, or wholly-owned or mixed-ownership corporation thereof) and the persons on the property.

As provided in 40 U.S.C. § 1315(b)(1), the Secretary may designate employees of the Department of Homeland Security (DHS) as officers and agents for duty in connection with the protection of property owned, occupied or secured by the Federal Government and persons on the property. Furthermore, 40 U.S.C. § 1315(b)(2) enumerates the powers that these designated officers and agents may exercise in carrying out their official duties and such other activities for the promotion of homeland security as the Secretary may prescribe.

This document, when approved by the Secretary and Attorney General in accordance with 40 U.S.C § 1315(f), constitutes the guidelines that will govern the exercise of the law enforcement powers of DHS officers and agents designated by the Secretary under 40 U.S.C. §1315(b)(1).

**GENERAL TRAINING REQUIREMENTS**

**A. Law Enforcement Training**

Prior to being authorized to exercise the powers set forth in 40 U.S.C. § 1315 (b)(2), designated officers must have completed the Mixed Basic Police Training Program or another approved program at the Federal Law Enforcement Training Center (FLETC), or a substantially similar program as approved by the Secretary or the Secretary's designee. Additionally, each criminal investigator or designated officer or agent acting in a similar capacity must also successfully complete the Criminal Investigator Training Program at FLETC, or substantially similar programs as approved by the Secretary or the Secretary's designee.

Officers and agents shall successfully complete periodic refresher and/or post-basic training, in areas that include, for example, search and seizure, arrest, firearms, trial process, the enforcement of criminal and civil laws, and investigative procedures.

## **EXERCISE OF AUTHORITY**

### **A. Use of Force**

Designated officers and agents are permitted to use that amount of physical force reasonably necessary to assure compliance with lawful commands and overcome all resistance. Designated officers and agents shall comply with all applicable DHS policies on the use of force.

### **B. Deadly Force Policy**

Designated officers and agents may use deadly force only when necessary, that is, when an officer or agent has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person. Deadly force may not be used solely to prevent the escape of a fleeing subject. Designated officers and agents shall comply with the DHS Use of Deadly Force Policy.

### **C. Arrest with a Warrant**

When the need to make an arrest is reasonably foreseeable, a warrant shall be obtained. Warrants will be sought only in connection with official activities. Decisions to seek arrest warrants should be coordinated with the appropriate U.S. Attorney's Office or Department of Justice, Criminal Division.

### **D. Arrest without a Warrant**

Pursuant to 40 U.S.C. § 1315 (b)(2)(C), authority to arrest without a warrant exists for any offense against the United States committed in the presence of the officer or agent or for any felony cognizable under the laws of the United States if the officer or agent has probable cause to believe that the person to be arrested has committed or is committing a felony.

### **E. Arrest of Juveniles**

In the event an arrest of a juvenile occurs, the Juvenile Delinquency Act of 1974, 18 U.S.C. § 5031 *et seq.*, requires strict compliance with specific procedures. The appropriate U.S. Attorney's Office should be notified before an individual known to a designated officer or agent to be a juvenile is arrested, except in exigent circumstances. In the event of such arrest in exigent circumstances, advice should be sought immediately from the appropriate U.S. Attorney's Office.

### **F. Searches with Warrants**

Designated officers and agents are required to conduct searches under the authority of a search warrant, except under narrow exceptions as defined by law.

## G. Searches without Warrants

The preference for search warrants is subject to the following exceptions: search incident to a lawful arrest; search by consent; routine inventory search, administrative search, and search under emergency or exigent circumstances.

## H. Service of Summonses and Subpoenas

Designated officers and agents are authorized to obtain and execute search and arrest warrants, as well as obtain and serve subpoenas and summonses, issued under authority of the United States.

## I. Firearms

Only those officers and agents who are authorized in writing and issued a credential to bear firearms shall carry firearms in the performance of their official duties and only in accordance with DHS policies governing the carriage, training, maintenance, and use of firearms and other similar policies pertaining to firearms. This authorization is to be granted only after the officers and agents have successfully completed approved firearms training.

Designated officers and agents will conform firearms training and recertification to DHS or FLETC standards, or other substantially equivalent standards approved by the Secretary or his designee.

## **AUTHORITY TO ENFORCE STATE AND LOCAL LAWS**

### A. Enforcement of State or Local Laws

In addition to any previous authority granted or agreements in effect, the Secretary or the Secretary's designee may enter into agreements with Federal agencies and state and local governments to obtain authority for designated officers and agents to enforce state and local laws in connection with the protection of property owned or occupied by the Federal Government and persons on the property. When so authorized, designated officers and agents are permitted to take action in the course of their duties consistent with Federal, state or local law.

### B. Additional Required Training

Prior to taking any law enforcement action under state or local law pursuant to an agreement described in Part A, designated officers and agents, in addition to complying with the General Training Requirements of these Guidelines, must attend any applicable state and local law enforcement familiarization training and review appropriate materials.

## **INVESTIGATIVE PROCEDURES AND TECHNIQUES**

### **A. Investigations**

Designated officers and agents shall be authorized to conduct investigations of violations of law within their jurisdiction. Such investigations shall be conducted in accordance with applicable DHS policies and procedures.

### **B. Interception of Wire, Oral and Electronic Communications**

Designated officers and agents shall be authorized to intercept wire, oral, and electronic communications only in accordance with law, e.g., 18 U.S.C. §§ 2510-2522, 2701-2711, and 3121-2127, and in accordance with DHS and Attorney General policies governing the intercept of such communications.

### **C. Undercover Operations (UCOs)**

Designated officers and agents may conduct undercover operations in accordance with DHS policies, including component policies and procedures. The approval and execution of undercover operations will include adherence to guidelines on UCOs, submitting operational plans with the concurrence of the U.S. Attorney or federal prosecutor responsible for the investigation, and approval by DHS' Undercover Review Committee, including that of the component, as required.

### **D. Consensual Monitoring in Certain Situations**

Designated officers and agents may engage in consensual monitoring in accordance with DHS policy and the Attorney General's May 30, 2002 memorandum on Procedures for Lawful, Warrantless Monitoring of Verbal Communications, requiring the prior approval of the Director or an Associate Director of the Department of Justice Office of Enforcement Operations in specified sensitive circumstances. In such cases, the responsible Federal prosecutor for the investigation shall be consulted before the consensual monitoring occurs.

## **NOTIFICATION AND COORDINATION POLICIES**

### **A. Notification to Other Investigative Agencies with Concurrent Federal Jurisdiction**

When an investigation might involve the participation of another law enforcement agency with concurrent jurisdiction, designated officers and agents will notify and coordinate their activities with the other agency.

In investigations in which allegations beyond the scope of the authority of DHS arise, the designated officer or agent shall notify the appropriate investigative agency and prosecuting authority of the allegations.

#### B. Coordination with United States Attorneys

Designated officers and agents will coordinate with the responsible United States Attorney at the earliest reasonable opportunity and will ensure that all investigative activities are conducted consistent with the internal policies of the United States Attorney.

#### **DISCLAIMER**

These guidelines are set forth solely for the purpose of internal agency guidance. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any third party in any manner, civil or criminal, and they do not place any limitations on otherwise lawful activities of the agency. No provision of these Guidelines shall limit the role of DHS organizational elements' performance of law enforcement activities under existing authorities.

These Guidelines shall govern the execution of powers granted in § 1706 of the Homeland Security Act of 2002, Public Law No. 107-296 and in no way diminish any authority or power granted to officers and agents by any other source.

**From:**

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

**Sent:**

30 May 2020 23:33:52 +0000

**To:**

Patterson, Leonard E;Cline, Richard K

**Cc:**

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

**Subject:**

DUS Alles Request

(b)(6); (b)(7)(C); (b)(5); (b)(7)(E)

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

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

Attorney Advisor for Federal Protective Service  
Office of the General Counsel

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

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**From:** Cline, Richard K  
**Sent:** 1 Jun 2020 19:47:23 +0000  
**To:** (b)(6); (b)(7)(C)  
**Cc:**  
**Subject:** FW: Presidential Order

FYI below.

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

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

[Richard.k.cline](mailto:Richard.k.cline) (b)(6); (b)(7)(C)



---

**From:** Alles, Randolph <randolph.alles (b)(6)>  
**Sent:** Monday, June 1, 2020 3:44 PM  
**To:** AS2KTC <AS2KTC@ (b)(6); (b)(7)(C)>  
**Cc:** (b)(6); (b)(7)(C) Patterson, Leonard E  
<Leonard.E.Patterson (b)(6); (b)(7)(C)> Cline, Richard K <Richard.K.Cline (b)(6); (b)(7)(C)> Tomney,  
Christopher <Christopher.Tomney (b)(6); (b)(7)(C)>  
**Subject:** RE: Presidential Order

Mr Deputy,  
Our FPS ask for manpower is below.

V/R  
R. D. "Tex" Alles

(b)(6)

---

**From:** Cline, Richard K <[Richard.K.Cline](mailto:Richard.K.Cline) (b)(6); (b)(7)(C)>  
**Sent:** Monday, June 1, 2020 15:39  
**To:** Alles, Randolph <[randolph.alles](mailto:randolph.alles) (b)(6)> Tomney, Christopher  
<[christopher.tomney](mailto:christopher.tomney) (b)(6); (b)(7)(C)>  
**Cc:** (b)(6); (b)(7)(C) Patterson, Leonard E  
<Leonard.E.Patterson (b)(6); (b)(7)(C)> Cline, Richard K <[Richard.K.Cline](mailto:Richard.K.Cline) (b)(6); (b)(7)(C)>  
**Subject:** RE: Presidential Order

Chris/DUSM Alles, based on the locations of the most violent protests over the last few days, FPS requires additional DHS LEO assistance this evening at the following locations:

- Department of Veterans Affairs VA HQ, 810 Vermont Ave NW (orange)
- Export/Import Bank, 811 Vermont Ave NW (orange)
- US Court of Appeals, 725 Madison Place and 1520 H Street, NW (yellow)
- Department of Justice Office, 1425 New York Avenue, NW
- Department of Veterans Affairs/Department of Treasury Offices (Cohen Building), 1722 Eye Street, NW

(b)(7)(E)

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

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

[Richard.k.cline](mailto:Richard.k.cline) (b)(6); (b)(7)(C)



**From:** Alles, Randolph <[randolph.alles](mailto:randolph.alles)> (b)(6)  
**Sent:** Monday, June 1, 2020 1:36 PM  
**To:** Cline, Richard K <[Richard.K.Cline](mailto:Richard.K.Cline)> (b)(6); (b)(7)(C) Tomney, Christopher <[Christopher.Tomney](mailto:Christopher.Tomney)> (b)(6); (b)(7)(C)  
**Cc:** (b)(6); (b)(7)(C) Patterson, Leonard E <[Leonard.E.Patterson](mailto:Leonard.E.Patterson)> (b)(6); (b)(7)(C)  
**Subject:** RE: Presidential Order

Pass the requirements to me and ops at the same time.

V/R  
R. D. "Tex" Alles

(b)(6)

**From:** Cline, Richard K <[Richard.K.Cline](mailto:Richard.K.Cline)> (b)(6); (b)(7)(C)  
**Sent:** Monday, June 1, 2020 13:34  
**To:** Alles, Randolph <[randolph.alles](mailto:randolph.alles)> (b)(6) Patterson, Leonard E <[Leonard.E.Patterson](mailto:Leonard.E.Patterson)> (b)(6); (b)(7)(C)

Cc: [redacted] Tomney, Christopher  
<[christopher.tomney](mailto:christopher.tomney)> [redacted]  
Subject: RE: Presidential Order

Yes sir, we'll muster after this call and will get back to you quickly.

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

[redacted]

[Richard.k.cline](mailto:Richard.k.cline) [redacted]



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**From:** Alles, Randolph <[randolph.alles](mailto:randolph.alles)> [redacted]  
**Sent:** Monday, June 1, 2020 1:32 PM  
**To:** Cline, Richard K <[Richard.K.Cline](mailto:Richard.K.Cline)> [redacted] Patterson, Leonard E  
<[Leonard.E.Patterson](mailto:Leonard.E.Patterson)> [redacted]  
**Cc:** [redacted] Tomney, Christopher  
<[Christopher.Tomney](mailto:Christopher.Tomney)> [redacted]  
**Subject:** RE: Presidential Order

Gents,

Listening to the call we need to decide what our FPS ask is for support and get that to ops so we get support the we need [redacted] Will need that in the next couple of hours.

V/R  
R. D. "Tex" Alles

[redacted]

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**From:** Cline, Richard K <[Richard.K.Cline](mailto:Richard.K.Cline)> [redacted]  
**Sent:** Monday, June 1, 2020 12:51  
**To:** Alles, Randolph <[randolph.alles](mailto:randolph.alles)> [redacted] Tomney, Christopher  
<[christopher.tomney](mailto:christopher.tomney)> [redacted]  
**Cc:** [redacted] Patterson, Leonard E  
<[Leonard.E.Patterson](mailto:Leonard.E.Patterson)> [redacted]  
**Subject:** RE: Presidential Order

FYI. Attached is a simplified organization chart for FRS Region 11 [redacted]

Kris Cline  
Principal Deputy Director

(b)(7)(E)

Federal Protective Service  
Department of Homeland Security

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

[Richard.k.cline](#) (b)(6); (b)(7)(C)



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**From:** Alles, Randolph <[randolph.alles](#)> (b)(6)  
**Sent:** Monday, June 1, 2020 11:45 AM  
**To:** Tomney, Christopher <[Christopher.Tomney](#)> (b)(6); (b)(7)(C) Cline, Richard K  
<[Richard.K.Cline](#)> (b)(6); (b)(7)(C)  
**Subject:** RE: Presidential Order

OK, we'll see how the call with DOJ shapes up.

V/R  
R. D. "Tex" Alles

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

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**From:** Tomney, Christopher <[christopher.tomney](#)> (b)(6); (b)(7)(C)  
**Sent:** Monday, June 1, 2020 11:44  
**To:** Alles, Randolph <[randolph.alles](#)> (b)(6)  
**Subject:** RE: Presidential Order

I think this is great!

(b)(5)

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**From:** Alles, Randolph <[randolph.alles](#)> (b)(6)  
**Sent:** Monday, June 1, 2020 11:42 AM  
**To:** Tomney, Christopher <[christopher.tomney](#)> (b)(6); (b)(7)(C)  
**Subject:** FW: Presidential Order

We can incorporate the DOJ LEO's into our command structure, note below.

V/R  
R. D. "Tex" Alles

(b)(6)

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**From:** Cline, Richard K <[Richard.K.Cline](#)> (b)(6); (b)(7)(C)  
**Sent:** Monday, June 1, 2020 11:40  
**To:** Alles, Randolph <[randolph.alles](#)> (b)(6) Patterson, Leonard E

<[Leonard.E.Patterson](#)> (b)(6); (b)(7)(C)

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

Subject: RE: Presidential Order

Thanks sir, bring em' on!

(b)(7)(E)

I'm whipping up a quick org chart to show you what this looks like and will have it to you in a few minutes.

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

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

[Richard.k.cline](#) (b)(6); (b)(7)(C)



From: Alles, Randolph <[randolph.alles](#)> (b)(6)

Sent: Monday, June 1, 2020 11:10 AM

To: Patterson, Leonard E <[Leonard.E.Patterson](#)> (b)(6); (b)(7)(C) Cline, Richard K

<[Richard.K.Cline](#)> (b)(6); (b)(7)(C)

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

Subject: Presidential Order

Gents,

According to Ops the President has ordered 2,000 Federal LEOs to Washington, DC. They are supposedly under the Attorney General's control.

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

No action at this point but something to think about because I'm told they want them here tonight.

V/R  
R. D. "Tex" Alles

(b)(6)

**From:** (b)(6); (b)(7)(C)  
**Sent:** 1 Jun 2020 16:41:29 +0000  
**To:** FPS HQ QRF  
**Cc:** (b)(6); (b)(7)(C) FPS IMC; (b)(6); (b)(7)(C)  
**Subject:** QRF Activation

The FPS HQ Quick Response Force is being activated to support R11 during demonstrations scheduled for today in support of federal partners.

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

Thank you for stepping up.

**Stay Safe. Stay Healthy!**

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

Assistant Director for  
Law Enforcement Operations  
Federal Protective Service  
U.S. Department of Homeland Security

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



*This message (including any attachments) may contain sensitive, but unclassified 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).*

# Law Enforcement Authority and Powers

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## I. PURPOSE

This directive sets forth the law enforcement authority and powers of FPS law enforcement personnel designated under 40 U.S.C. §1315, "*Law Enforcement Authority of Secretary of Homeland Security for Protection of Public Property*" and applies to all Federal law enforcement personnel.

## II. SCOPE

- A. This directive applies throughout FPS.
- B. This directive supersedes FPS Directive 15.1.2.1, "*Law Enforcement Authority and Powers*," dated November 30, 2011, and all other previously issued or recognized policies and processes for the Law Enforcement Authority and Powers of FPS personnel designated law enforcement personnel under 40 U.S.C. §1315.

## III. AUTHORITIES/REFERENCES

- A. 6 U.S.C. §203, "*Functions transferred.*"
- B. 18 U.S.C. §7, "*Special maritime and territorial jurisdiction of the United States defined.*"
- C. 18 U.S.C. §13, "*Assimilated Crimes Act.*"
- D. 18 U.S.C. §111, "*Assaulting, resisting, or impeding certain officers or employees.*"
- E. 40 U.S.C. §1315, "*Law Enforcement Authority of Secretary of Homeland Security for Protection of Public Property.*"
- F. 42 U.S.C. §§5121-5207, "*Robert T. Stafford Disaster Relief and Emergency Assistance Act.*"
- G. 42 U.S.C. §10501 et seq., "*Emergency Federal Law Enforcement Assistance Act.*"
- H. Federal Law Enforcement Good Samaritan Act, Public Law 105-277.
- I. Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998, Public Law 105-277.
- J. 41 C.F.R. Part 102, "*Federal Management Regulation.*"
- K. 41 C.F.R. Part 102-74.15, "*What are the facility management responsibilities of occupant agencies?*"

- L. 41 C.F.R. Section 102-74 (Appendix to Part 102-74), "*Facility Management*."
- M. "*Attorney General Guidelines for the Exercise of Law Enforcement Authorities by Officers and Agents of the Department of Homeland Security Under 40 U.S.C. §1315*."
- N. Office of General Counsel Memorandum, Federal Protective Service: Scope of Law Enforcement Authorities under 40 U.S.C. § 1315, March 17, 2010.
- O. Government Accountability Office (GAO), "*Principles of Federal Appropriations Law 4-20*."
- P. Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Delegation Number 17001.101, "*Delegation to the Director for the Federal Protective Service*," May 10, 2016.
- Q. 2 U.S. Op. Legal Counsel 47, "*Federal Bureau of Investigations-Statutory Jurisdiction-Authority of Agents Concerning Non-Federal Offenses*."

#### IV. DEFINITIONS

- A. **Assimilative Crimes Act (18 U.S.C. §13)**. Authorizes the use of state law for acts or omissions occurring on federal property. Three criteria must be met before a state law can be assimilated: (1) the United States must have either exclusive or concurrent jurisdiction, (2) there must be no federal law covering the conduct, and (3) there must be an applicable state law resulting in a criminal violation (misdemeanor or felony).
- B. **Concurrent Jurisdiction**. Jurisdiction in which both the federal and state governments have authority over a geographic area and may prosecute those who violate their respective laws.
- C. **Exclusive Jurisdiction**. A geographic area in which only the Federal Government has jurisdiction. In areas of exclusive jurisdiction, only federal laws apply, but state and local officers have the authority to serve process, such as arrest warrants, resulting from criminal or civil actions that occur outside the area of exclusive jurisdiction.
- D. **Federal Property**. Includes buildings, grounds, and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality, or wholly owned or mixed-ownership corporation thereof) and the persons on the property.
- E. **Federal Statutes of General Application**. Statutes enforceable throughout the United States or in any other place where the United States has jurisdiction.
- F. **Proprietary Jurisdiction**. The Federal Government has no special criminal jurisdiction over a geographic area. State laws apply within the proprietary area in the same manner that state laws apply throughout the state or territory. However, federal laws of general application and federal laws and regulations specifically applicable to the geographic area may also apply, e.g., 41 C.F.R. Part 102, "*Federal Management Regulation*."

- G. **Special Maritime and Territorial Jurisdiction.** All lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction of the United States. See 18 U.S.C. §7, “*Special maritime and territorial jurisdiction of the United States defined,*” for more specific descriptions of special maritime and territorial jurisdiction.
- H. **Subject-Matter Jurisdiction.** The specific offenses over which FPS has authority granted by statute. FPS subject-matter jurisdiction is general, relating to all federal crimes committed against federal property and/or the people on the property, and all federal crimes committed in the presence of an officer or any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person arrested has committed or is committing a felony.
- I. **Territorial Jurisdiction.** The geographical area over which a government or government entity has power. In the case of FPS, 40 U.S.C. §1315, “*Law Enforcement Authority of Secretary of Homeland Security for Protection of Public Property,*” establishes the territorial jurisdiction as the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality, or wholly owned or mixed-ownership corporation thereof) and the persons on the property.

## V. RESPONSIBILITIES

- A. The **FPS Director** is responsible for all aspects of this directive and shall ensure agency-wide compliance with this directive.
- B. The **FPS Deputy Directors** and **Assistant Directors of Field Operations (ADFO)** shall ensure respective directorates, divisions and regions comply with this directive.
- C. The **Regional Directors (RD)** shall:
  - 1. Establish liaison with representatives within their region from each United States Attorney’s Office, United States Marshals Service (USMS), the federal judiciary, and other federal, state, and local law enforcement agencies as appropriate;
  - 2. Ensure personnel under their supervision receive annual training in law enforcement authority and jurisdiction applicable to their regions—including relevant state laws (Attachment A); and
  - 3. Monitor and ensure regional law enforcement personnel compliance with this directive.
- D. **Supervisors** shall:
  - 1. Ensure that employees under their supervision adhere to the guidance set forth in this directive; and
  - 2. Provide continual monitoring of employee compliance with this directive through review of police reports and similar documentation.

- E. **All Law Enforcement Personnel** must adhere to the guidance set forth in this directive. FPS Director is responsible for all aspects of this directive and shall ensure agency-wide compliance with this directive.

## VI. POLICY AND REQUIREMENTS

- A. All law enforcement personnel shall protect federal property and persons on the property. Law enforcement personnel shall comply with all constitutional, statutory and FPS policy requirements while exercising their law enforcement authorities and powers.
- B. While engaged in the performance of official duties, designated FPS law enforcement personnel may:
  - 1. Enforce federal laws and regulations for the protection of persons and property;
  - 2. Carry firearms;
  - 3. Make arrests without a warrant for any offense against the United States committed in the presence of law enforcement personnel, or for any felony cognizable under the laws of the United States if law enforcement personnel have reasonable grounds to believe that the person to be arrested has committed or is committing a felony;
  - 4. Serve warrants and subpoenas issued under the authority of the United States;
  - 5. Conduct investigations, on and off the property in question, of offenses that may have been committed against federal property or persons on the property; and
  - 6. Carry out other activities for the promotion of homeland security as the Secretary of DHS may prescribe.
- C. **Authority on Federally-Owned or -Leased Exclusive, Concurrent, and Proprietary Jurisdiction Property**
  - 1. On exclusive- and concurrent-jurisdiction property, FPS law enforcement personnel are authorized to enforce all federal criminal statutes, federal property regulations, and state and local law as applicable under the Assimilated Crimes Act, 18 U.S.C. §13.
  - 2. On proprietary jurisdiction property, FPS law enforcement personnel are authorized to enforce federal statutes of general application, federal property regulations, and other agency regulations pertinent to the property in question, and state or local laws as agreed upon or authorized by the state. Any federal criminal statute that includes the language "in the special maritime and territorial jurisdiction" may not be charged on proprietary jurisdiction.
  - 3. FPS law enforcement officers shall only enforce the regulations of another federal agency (with the exception of GSA regulations) when the other agency requests FPS to enforce their regulations in writing.
- D. **Authority on Non-Federal State Property**
  - 1. Generally, FPS law enforcement personnel have no legal duty or authority to

enforce state or local laws not related to the protection of federal property or persons on the property, except to the extent that enforcement of such laws is necessary for the protection of federal property and is pursuant to an agreement between FPS and the state or local government. Performing such actions could result in criminal charges and civil liability against the officer and civil liability against FPS. Exceptions to this rule include:

- a. On state property not protected by FPS, FPS law enforcement personnel while in the performance of official duties relating to the protection of federal property and persons on the property have the legal authority to take appropriate action related to federal crimes of generality committed in the presence of the officer or any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person arrested has committed or is committing a felony.
  - b. On state property not protected by FPS, FPS law enforcement personnel may enforce state and local laws concurrently with state and local law enforcement officers for the protection of federal property and persons on the property pursuant to an agreement between FPS and the state or local government. The enforcement of state and local laws under this authority require that the violation of the state or local law affects the security and protection of federal property and persons on the property.
  - c. On state property not protected by FPS, FPS law enforcement personnel shall be considered within the federal scope of employment for purposes of the Federal Law Enforcement Good Samaritan Act, Public Law 105-277, if they take reasonable action, including the use of force, to protect an individual in the presence of the officer from a crime of violence; provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or prevent the escape of any individual who the officer reasonably believes has committed a crime of violence in the presence of the officer.
2. The Department of Justice (DOJ) Office of Legal Counsel has recognized that:
- a. There is no federal authority to respond to state crimes, but officers may have authority granted by the state and in some situations even a legal obligation under state law to act in response to local criminal offenses. A federal officer's protection may be enhanced if he/she is requested to assist by a state officer with jurisdiction.
  - b. Federal law enforcement officers shall not be discouraged from intervening in local crimes of a serious nature, i.e., felonies and violent misdemeanors.
  - c. 18 U.S.C. §111, "*Assaulting, resisting, or impeding certain officers or employees,*" may apply even when the crime in which the officer intervenes is not a federal criminal violation.
  - d. Generally, DOJ may find that, when a federal officer has intervened in a state crime of violence, it is in the government's interest to represent that officer in civil and criminal actions that may arise and that the action is within the scope

of employment. However, each case will be considered on its own merits.

- e. Egregious conduct by the officer or efforts to enforce a minor infraction that is not a serious crime may not be within the scope of employment.
  
- E. **Authority as a Designated State Peace Officer.** Some states provide peace officer status to specific federal law enforcement agencies, which allows their officers to enforce certain state laws. Although such peace officer status provides authority by the state to enforce state law, actions taken solely under the authority of state law for the sole benefit of the state, as distinguished from agreements between FPS and the state and local government (see VI.D.1.b) that also benefit the Federal Government, may be deemed outside the scope of duty.
  
- F. **Authority as a Deputized State Law Enforcement Officer.** In cases of major disasters and law enforcement emergencies, FPS law enforcement personnel may be deputized by a state to enforce state and local laws during the aftermath of the major disaster or during a law enforcement emergency. In the case of major disasters, FPS must be reimbursed for the services of deputized FPS law enforcement personnel through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§5121-5207, or some other fiscal appropriation. In the case of law enforcement emergencies, FPS must be reimbursed through the Emergency Federal Law Enforcement Assistance Act, 42 U.S.C. §10501 et seq., or some other lawful fiscal appropriation.
  
- G. **Authority During Special Events as Determined by the Secretary of the Department of Homeland Security.** The United States Secret Service is responsible for the coordination and implementation of the operational security plan for National Special Security Events (NSSE) and other special events as designated by the Secretary of DHS. The FPS Director, in coordination with other federal agencies, may assign law enforcement personnel to enforce federal laws during NSSE and other special events as determined by the Secretary of DHS. The FPS Director may also enter into agreements with federal agencies and with state and local governments to obtain authority for law enforcement personnel to enforce federal, state, and local laws concurrently during NSSE and other special events, as determined by the Secretary of DHS. With the exception of NSSE events, participation under this paragraph must be on a reimbursable basis unless the law enforcement functions are necessary or incidental to the protection of federal property and persons on federal property for which FPS already receives funding.
  
- H. **Authority Under the National Response Framework.** DHS serves as the primary national-level, multi-agency hub to manage domestic incidents under the National Response Framework (NRF). The FPS Director, in fulfilling NRF responsibilities, may assign law enforcement personnel to enforce federal laws at domestic incidents managed under the NRF. The FPS Director may enter into agreements with federal agencies and with state and local governments to obtain authority for law enforcement personnel to enforce federal, state, and local laws concurrently in preparation for or in response to catastrophic incidents as defined by NRF or incidents of similar scope and

magnitude. Any participation under this paragraph shall be on a reimbursable basis unless the law enforcement functions are necessary or incidental to the protection of federal property and persons on the property.

- I. **Authority When Assigned to Federal or State Task Forces, Including FBI Joint Terrorism Task Forces (JTTF).** FPS personnel who are assigned to federal or state task forces and deputized, authorized, or designated to carry out authorities and powers of task force agency members in addition to their authorities under 40 U.S.C. §1315, can carry out authorities and powers of the task force agency only when engaged in task force activities. FPS personnel who are assigned to federal or state task forces are required also to comply with DHS/FPS policies and procedures. Any conflict between DHS/FPS policies and procedures and those of another task force agency's policies and procedures shall be resolved by supervisors at both agencies.
- J. **Authority and Other Duties as Prescribed.** The Secretary of DHS may prescribe additional duties for law enforcement personnel, as necessary, for the promotion of homeland security. These other duties must relate to the protection of federal property and persons on the property pursuant to the authority cited in Section III (N).
- K. **Fiscal Implications of Federal Law Enforcement Activities.** FPS has fiscal authority to expend funds in the performance of its law enforcement and security mission, which is normally governed by the general rule that FPS fee-based funds can be expended only for the necessary expenses related to the protection of federally-owned and -leased buildings and for the operations of FPS.

## VII. ATTACHMENT

- A. Law Enforcement Authority and Jurisdiction Field Guide, 2014 Edition.

## VIII. QUESTIONS

Address any questions or concerns regarding this directive to the Directives Manager, at [FPSpolicy@ice.dhs.gov](mailto:FPSpolicy@ice.dhs.gov).

  
\_\_\_\_\_  
L. Eric Patterson  
Director  
Federal Protective Service

*15 May 2019*  
\_\_\_\_\_  
Date