

Region 3

On the morning of October 5, 2015, an FWS employee received a brief and personally threatening voicemail message on their USFWS desk phone. According to the voicemail header, the message was left at 7:14 PM on Friday, October 2, 2015. The caller did not leave a name, but the voicemail logged the incoming phone number of the caller.

The FWS employee immediately reported the message to their supervisor, Human Resources, Regional Director's Office, and Regional Service law enforcement staff. After listening to the voice on the recording, the employee and several colleagues believed the caller to be an ex-Service employee. Given past inappropriate behavior of this ex-employee, Regional law enforcement staff encouraged the FWS employee to take this matter seriously.

We reached out to staff currently at the field station where the suspected ex-employee had worked to determine if the ex-employee had reached out to other FWS employees recently. We determined that the ex-employee had recently called at least three other staff at the field station. At least one of the employees talked to the ex-employee and was able to verify that the telephone number that had been used to leave the message on the FWS employee's phone was indeed the personal cell phone number of the suspected ex-employee. We also discovered that the ex-employee told one current FWS staff member that the ex-employee would be coming into town for an upcoming long weekend and wished to meet with one or more of the field office staff.

Given the nature of the threatening message to the FWS employee and the information that the ex-employee wished to contact other staff, we alerted the Office of Inspector General (OIG) of the voicemail. OIG had previously taken a complaint regarding this ex-employee. We also had a staff meeting with the field office staff to make them aware of the situation and to encourage prudent office behavior (e.g. not allowing unauthorized people access to the office). OIG deferred any investigation to the Department of Homeland Security Federal Protective Service (FPS). The FWS employee spoke to an FPS investigator about this matter. A subsequent investigation was opened by FPS, which culminated in a visit to the ex-employee's home by law enforcement.

To our knowledge, no further contact has been received from the ex-employee in question. FPS will keep its file open on this matter in case any future incidents arise.

Date	Description	Location	Nature of incident/threat	Outcome
1/29/15	Harassment/ road rage	Drive between Santa Ana NWR and Balcones Canyonlands NWR	Employee was driving Service vehicle from Santa Ana NWR to Balcones NWR. Red pickup truck repeatedly cut employee off on interstate, and crowded lane for several miles.	No action taken.
2/9/2015	Incidents of violence	Dennis Chavez Federal Building, USFWS Regional Office, Albuquerque NM	Incident involving the discharge of what appeared to be an Airsoft type pellet gun. FWS employee was shot in the thigh as the employee waited at the bus stop in front Dennis Chavez Federal Building (facility). The employee received a minor bruise but did not require medical attention. Note: During this same week, another non-FWS employee was shot with the same type of pellet gun at the same bus stop. Again, this same week, on a different day 8 windows and 1 door were shot in the Dennis Chavez Federal Building. FPS located potential evidence that indicates they were shot at with, again a pellet-type firearm.	FPS is treating this as a crime of opportunity and have no information that the incident is terrorism related. The case was referred to Albuquerque Police Department (ADP), however Federal Protective Services (FPS) is working with APD to locate a suspect vehicle. An all employee message was sent to Regional Office employees reminding them to be alert and to "say something, if they see something".
3/4/2015	Verbal Threats and Assault of Two Refuge Officers	McFaddin NWR	Two refuge officers approached a member of the public who was illegally trespassing (camping) on the refuge. The person became hostile and threatened bodily harm to one officer. During the interaction the person shoved and scratched an officer, then after a brief scuffle fled into the surf. He later returned to recover his vehicle and escape. He actively resisted arrest and tasers were deployed to assist in effecting an arrest.	The person was charged with two counts of assault and one of trespass in federal court. He was sentenced to 11 months for this offense.
5/8/2015	Attempted assault on employee	Texas Mid-coast Office Complex Parking Lot	An individual pulled into the gate inset at the Complex and was yelling at the office. A staff member walked out of the office and approached the subject. After yelling at the staff member, the individual returned to their vehicle and drove it forward toward the staff member who had to hop out of the way to avoid being struck by the oncoming vehicle. The subject then left refuge property.	Law Enforcement identified individual and coordinated with Brazoria County Sheriffs office, FBI, and Assistant U.S. Attorney's office resulting in a sentence of mandatory drug/alcohol rehabilitation for two years.
6/2015; 7/2015	Indirect, implied threat	Texas Coastal Ecological Services Field Office - Houston, Texas	Received e-mails containing angry, incoherent, and anti-government rants and video.	FWS Office of Law Enforcement (OLE) and Federal Protective Services (FPS) notified. Ongoing investigation.

Date	Description	Location	Nature of incident/threat	Outcome
10/30/2015	Verbal threat of violence	Santa Ana NWR	Refuge Officer responded to visitor center in reference to a phone threat by an individual to a staff member. Individual threatened physical bodily harm to staff member via a phone call and through social media.	FBI, Hidalgo County Sheriff's Office, and San Juan Police, Department were contacted. Ongoing investigation.
11/8/2015	Verbal threat of violence	Santa Ana NWR	Refuge Officer responded to a call from Mission Butterfly park in regards to an individual who had told a staff member of the park that he wanted to kill staff at the Santa Ana NWR and identified the refuge manager by name.	Officer immediately notified manager and contacted the Federal Bureau of Investigation. FBI agents contacted the subject as did Mission Police Department. Individual was banned from all National Wildlife Refuges.
12/11/2015	Verbal threat of violence	Intersection of Highway 191 and Highway 80, Douglas, AZ. Relating to San Bernardino NWR, Douglas, AZ.	Individual verbalized a physical threat against the Refuge Manager. Wildlife Officer spoke to individual about legal ramifications of acting on the threat. Wildlife Officer was able to confirm the individual was just verbally expressing anger and frustration and determined they were not going to act on the threat.	Wildlife Officer instructed individual not to return to local Service properties, specifically Refuge Headquarters. Refuge Manager and employees were instructed on measures to take if they were to encounter this individual on or off duty. Additional contacts with individual outside of official Service duty or functions have all been cordial.

PEER FOIA

THREATS AGAINST FEDERAL EMPLOYEES, 2015

DATE	TYPE	LOCATION	SUMMARY	OUTCOME
5/15/2015	Threat	San Diego Bay NWR Complex	An individual from Imperial Beach threatened a refuge employee by yelling at him, calling him names, and threatening to fight him.	This individual was cited and released by Refuge Law Enforcement. The Southern District Court ordered this individual banned from the refuge for one year.
4/13/2015	Assault	San Diego Bay NWR Complex	The Refuge Law Enforcement Officer was assaulted during the arrest of an individual who had a felony warrant. The felon fought the Law Enforcement Officer.	Individual was arrested.
7/21/2015	Assault	San Diego Bay NWR Complex	The Refuge Law Enforcement Officer was assaulted during an arrest. The individual spit on the Law Enforcement Officer while she was being secured inside the vehicle.	Individual was arrested.
9/22/2015	Assault	Ventura Office, Hopper Complex	A subject with no connection to the office or personnel at that location threatened an employee with a knife when the employee confronted him during the subjects' attempts to damage the employees' personal vehicle. The subject fled the scene.	The individual was later caught and arrested by the police department.
10/30/15	Assault	Ventura Office, Hopper Complex	A contractor was physically assaulted by a subject when the contractor informed the man he was in a closed area of the refuge and asked him to leave. The victim was knocked to the ground and subsequently threatened if he reported the incident.	The suspect was not apprehended. The case was closed.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Office of Law Enforcement
5275 Leesburg Pike (MS: OLE)
Falls Church, Virginia 22041

In Reply Refer To:
FWS/LE ADM 4-08-2016-00666

APR - 8 2016

Ms. Laura Dumais
Public Employees for Environmental Responsibility
Staff Counsel
962 Wayne Avenue
Suite 610
Silver Spring, MD 20910
Email: ldumais@peer.org

Dear Ms. Dumais:

This letter is in response to Freedom of Information Act (FOIA) request(s)/referral(s) we received from the Pacific Region FOIA Coordinator (Mr. Larry Buklis) on March 25, 2016, (reference FWS-2016-00496) and the Southwest Region FOIA Coordinator (Ms. Lisa Krabbe) on March 31, 2016 (reference FWS-2016-00492). In your requests you sought the following:

- “A summary of all incidents of violence, threats, or harassment against FWS employees that occurred in calendar year 2015. The summary should include the date, location, and nature of the incident or threat together with a summary of what, if any, outcomes stemmed from the incident or threat (e.g., arrest, conviction, ongoing investigation).”

Each Region identified a singular incident relating to non-Office of Law Enforcement (OLE) personnel and the said the incident(s) were referred to the OLE for review and action.

The OLE FOIA office coordinated with the responsive investigative units regarding your FOIA requests. Each incident resulted in separate investigations which are ongoing and therefore we cannot provide you any additional information at this time.

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). We are withholding the requested information in full under FOIA Exemption 7(A).

Exemption 7(A) protects law enforcement records if their release could reasonably be expected to interfere with enforcement proceedings. For the materials that have been withheld under 7(A), we have determined they are law enforcement records for a pending or prospective investigation and releasing them could reasonably be expected to interfere with enforcement proceedings



because their premature release could prematurely reveal the full scope of evidence obtained; the assessment of the evidence; strengths and weaknesses of the government's evidence and case; and the progress, status, direction, and limits of the government's investigation.

The decision to withhold/deny this information was made by the undersigned and approved by Melissa Allen, FWS FOIA Officer. Larry Mellinger, Attorney-Advisor, in the Office of the Solicitor was consulted.

The FOIA fee for processing your request is \$31.00 (before fee category entitlements), calculated as follows:

Search/review time (management), 1/2 hour @ \$62.00 per hour

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. § 2.49(a)(1)*. Therefore, there is no billable fee for the processing of this request.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 30 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the FWS's response is in error. You must also include with your appeal copies of all correspondence between you and the FWS concerning your FOIA request, including your original FOIA request and the FWS's response. Failure to include with your appeal all correspondence between you and the FWS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office
Telephone: 202-208-5339
Fax: 202-208-6677
Email: FOIA.Appeals@sol.doi.gov

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

We recommend you contact us within the next 120 days to determine the status of the investigation. Although the information is not releasable at this time, it will be releasable when a determination is made that the release would not cause harm to ongoing law enforcement proceedings. Once that determination is made, you will have the opportunity to submit another FOIA request.

If you have any questions regarding your request, please contact Michael Jenkins, FWS OLE at (703) 358-1949 or via email at michael_jenkins@fws.gov.

Sincerely,



William C. Woody
Assistant Director, Office of Law Enforcement