

3:25-mj-00327

DISTRICT OF OREGON, ss: AFFIDAVIT OF DANA MARIE GUTIERREZ

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Dana Marie Gutierrez, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I have been employed as a Special Agent with the United States Department of Homeland Security (DHS), Federal Protective Service (FPS) since August 2011. Prior to this employment, I served as an FPS uniformed law enforcement officer beginning in 2004. I have training and experience in conducting federal criminal investigations and have worked criminal matters involving terrorism, violent criminal offenses, destruction of property, theft of property, threats against government officials, assaults, and other criminal offenses.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for LUCY CAROLINE SHEPHERD, for Assault on a Federal Officer, in violation of 18 U.S.C. § 111(a)(1). As set forth below, I have probable cause to believe that SHEPHERD committed the crime of Assault on a Federal Officer, in violation of 18 U.S.C. § 111(a)(1).

3. The facts set forth in this affidavit are based on my personal knowledge and review of records, documents, and other physical evidence obtained during this investigation, as well as information conveyed to me by other law enforcement officials and private persons. Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part and are not intended to be a verbatim recitation of such statements. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of an arrest warrant.

Applicable Law

4. 18 U.S.C. § 111(a)(1) makes it an offense to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of official duties. Persons designated in section 1114 include any officer or employee of the United States or of any agency in any branch of the United States government while such officer or employee is engaged in or on account of the performance of official duties, and any person assisting such an officer or employee in the performance of official duties. Under section 111(a), simple assault is a misdemeanor, but where the assaultive acts involve physical contact with the victim, the offense is a felony punishable by imprisonment up to eight years. Assaulting a federal officer which results in bodily injury is punishable by up to 20 years' imprisonment. The statute does not define "bodily injury," however 18 U.S.C. § 1365(h)(4) has been interpreted to define bodily injury to mean: (A) a cut, abrasion, or bruise, (B) physical pain, or (C) any other injury to the body, no matter how temporary).

Statement of Probable Cause

5. Since about June 4, 2025, protests have occurred at the U.S. Immigration and Customs Enforcement ("ICE") Portland Field Office located at 4310 South Macadam Avenue in Portland, Oregon. During daylight hours, some of the attendees at the demonstration have harassed both ICE clients and employees by following them with cameras, making disparaging remarks and threatening statements, including stating that that they know where the target lives or that they will find the target of the harassment. Many of these individuals dress in all black clothing, commonly referred to as "black bloc." Black bloc can prevent identification of individual actors by authorities. After nightfall, the attendees generally become more aggressive, damaging personal and government property, and throwing items toward federal law

enforcement officers working at the building. The violence toward officers has included discharging pepper spray at officers as well as throwing rocks, trash, and bricks pulled from the ICE facility's driveway, and has included assaults of federal officers.

6. On October 31, 2025, at approximately 9:50 PM, there were approximately 20-30 individuals on the north side of the ICE facility along South Bancroft Street. Department of Homeland Security (DHS) law enforcement personnel deployed outside the gates of the ICE facility, into South Bancroft Street, to set up a physical perimeter for official government vehicles to enter/exit the facility. Prior to law enforcement personnel leaving the ICE facility, verbal warnings were given by FPS personnel to stay off federal property and clear the vehicle entrance of the ICE facility.

7. On October 31, 2025, at approximately 9:55 PM, a Department of Justice Federal Bureau of Prisons (BOP) officer, Badge No. TWXR10 (VICTIM OFFICER¹), was actively engaged in clearing individuals obstructing the ICE facility vehicle entrance/exit gate. According to VICTIM OFFICER, while walking forward with his right arm fully extended at a 90-degree angle and repeatedly issuing verbal commands for the crowd to get back, he felt a person to his right side, later identified as SHEPHERD, strike his right upper forearm, forcing his arm downward toward his body.

8. VICTIM OFFICER then attempted to take SHEPHERD into custody when other protesters intervened and began actively attempting to pull SHEPHERD away from VICTIM OFFICER's grasp. VICTIM OFFICER brought SHEPHERD to the ground to regain control. While on the ground, other protesters continued to pull at VICTIM OFFICER in an effort to free

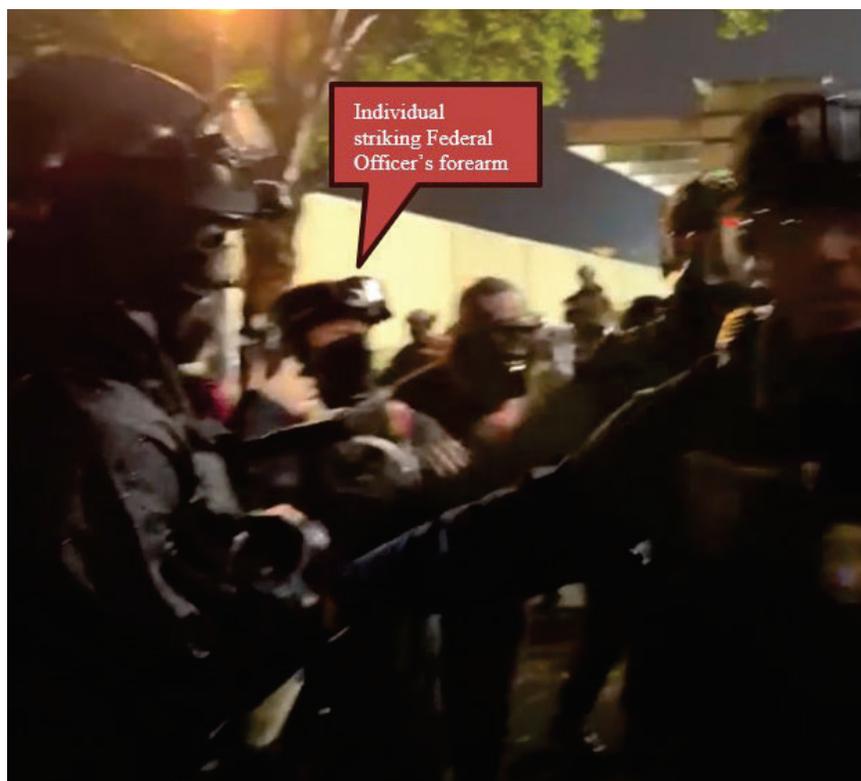
¹ The identity of the VICTIM OFFICER is documented, known to this affiant, and has been made available to the U.S. Attorney's Office.

SHEPHERD. SHEPHERD further resisted by attempting to roll onto her back while kicking her legs and attempting to wrap her legs around VICTIM OFFICER's midsection. VICTIM OFFICER was ultimately able to secure SHEPHERD in handcuffs.

9. VICTIM OFFICER stated that while attempting to escort SHEPHERD into the ICE facility, SHEPHERD continued to resist by refusing to walk and deliberately made her body go limp. As a result, officers were required to physically carry SHEPHERD and subsequently utilized a rolling cart to transport her into the sally port for processing.

10. On October 31, 2025, FPS and Federal Bureau of Investigations (FBI) agents attempted to conduct a custodial interview of SHEPHERD. SHEPHERD was read aloud ICE Statement of Rights Form 73-025 (7/13). SHEPHERD refused to speak with agents and requested a lawyer be present for any questioning. The agents did not speak with SHEPHERD further and terminated the interview.

11. On October 31, 2025, this affiant reviewed Video Surveillance System (VSS) footage of the incident from multiple cameras located at the ICE facility, including Camera C1-E19 – Front of Gate House, Camera C1-E14 – North Building Space 2, and Camera C1-E15 – North Building. Additionally, video footage of the incident was captured and published on YouTube by a member of the public. Screenshots from both the surveillance footage and the YouTube video are provided below.



Conclusion

12. Based on the foregoing, I have probable cause to believe, and I do believe, that SHEPHERD committed a violation of 18 U.S.C. § 111(a)(1), Assault of a Federal Officer. I therefore request that the Court issue a criminal complaint and arrest warrant for LUCY CAROLINE SHEPHERD.

13. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by an Assistant United States Attorney (AUSA), and the AUSA advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

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Request for Sealing

14. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested arrest warrant. This affiant believes that sealing these documents is necessary, as any disclosure of the information at this time may cause the destruction of or tampering with evidence, intimidation of potential witnesses, or otherwise seriously jeopardize the investigation. Premature disclosure of the affidavit and the arrest warrant may adversely affect the integrity of the investigation.

By phone pursuant to Fed. R. Crim. P. 4.1
(DANA M. GUTIERREZ)
(Special Agent, FPS)

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at
3:20 pm _____ a.m./p.m. on November 1, 2025.

· :
/s/ Jeff Armistead
HONORABLE JEFFREY ARMISTEAD
United States Magistrate Judge