

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN CIVIL LIBERTIES UNION, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 22-1721 (JEB)
)	
U.S. DEPARTMENT OF HOMELAND)	
SECURITY,)	
)	
Defendant.)	

JOINT STATUS REPORT

Pursuant to the Court’s Minute Order dated December 23, 2022, Plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation and Defendant United States Department of Homeland Security (“DHS”) respectfully submit this Joint Status Report. This Freedom of Information Act case involves Plaintiffs’ requests for records concerning (1) how DHS, specifically the Center for Prevention Programs and Partnerships (“CP3”) and Office of Intelligence and Analysis (“I&A”), assess targeted violence, risk management tools, and definitions of key terms used to formulate domestic terrorism frameworks; and (2) the input and guidance DHS Office for Civil Rights and Civil Liberties (“CRCL”) provides regarding CP3 programs and activities.

The parties conferred about the FOIA request at issue in this case and related matters, including narrowing the scope of the request and prioritizing categories 1, 3, and 4 of the request. Plaintiffs agreed to limit the date range of the entire request to encompass records from April 1, 2019, through April 7, 2022. Plaintiffs also agreed to narrow category 5 of the request to the following search terms: “domestic terrorism” or “violent white supremacy” or “domestic violent

extremism.” Plaintiffs have requested an estimate of the number of records and pages responsive to categories 2, 5, and 6, and the agency is working on providing that information. The parties respectfully propose herein a schedule for processing of potentially responsive records and production of responsive, non-exempt records.

DHS Privacy

DHS Privacy completed its search for records responsive to Plaintiff’s FOIA request and located 3,852 pages of potentially responsive records. In addition to the 1,662 potentially responsive pages located for FOIA request numbers 1, 3, and 4, DHS Privacy also located 1,064 potentially responsive pages for FOIA request number 2; 542 potentially responsive pages for FOIA request number 5; and 584 potentially responsive pages for FOIA request number 6. Furthermore, DHS Privacy received 1,207 pages of CRCL referral records to process. DHS Privacy has made releases on October 28, 2022, November 30, 2022, and December 15, 2022, January 20, 2023, February 15, 2023, and March 15, 2023. DHS Privacy continues to process records at a rate of 400 pages per month.

CRCL

A preliminary search of potentially responsive records to categories 1, 3, and 4 resulted in approximately 1,273 pages. CRCL has agreed to process records at a rate of 400 pages per month and make releases on the 15th of each month beginning on October 15, 2022. CRCL has made releases on October 14, 2022, November 15, 2022, and December 15, 2022. CRCL has completed processing of all records responsive to Plaintiffs’ request.

Office of I&A

A preliminary search of potentially responsive records for category 1 resulted in approximately 332 pages. The parties are continuing to discuss the scope of category 5. Once

those discussions are complete, Office of I&A has agreed to process records at a rate of 200 pages per month. Plaintiffs' position is that absent a compelling justification, I&A should process records at the rate of 400 pages per month like the other agencies, and complete processing within one month.

The parties will continue to confer about categories 2 and 5, and propose to file another joint status report on or before April 28, 2023.

Dated: March 24, 2023

Respectfully submitted,

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