

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

**JOINT STATUS REPORT**

Pursuant to the Court’s Minute Order dated April 28, 2023, 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 the Office for Civil Rights and Civil Liberties (“CRCL”) 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

A preliminary search of potentially responsive records to categories 1, 3, and 4 resulted in approximately 1,662 pages. DHS Privacy has agreed to process records at a rate of 400 pages of per month with the first release on or before October 28, 2022, and subsequent releases made on or before the 15th of each month. DHS Privacy has made releases on October 28, 2022, November 30, 2022, December 15, 2022, January 20, 2023, February 15, 2023, and March 15, 2023, and April 14, 2023. The next production is pending final review. DHS Privacy is currently processing 2,190 pages of CRCL referral records and continuing its review at a rate of approximately 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.

With respect to category 2, a preliminary search resulted in I&A finding approximately 20 pages of potentially responsive records.

With respect to category 5, a preliminary search resulted in I&A finding approximately 105 pages of potentially responsive records.

On April 20, the Office of I&A has provided a proposal how to handle category 5. On May 23, 2023, Plaintiff accepted that offer. The Office of I&A will process records with respect found based on that proposal at a rate of 200 pages per month.

The parties agree to submit a joint status report to the Court on their progress by July 31, 2023.

Dated: May 31, 2023

Respectfully submitted,

MATTHEW M. GRAVES, D.C. Bar #481051  
United States Attorney

BRIAN P. HUDAK  
Chief, Civil Division

By: /s/ Brian J. Levy  
BRIAN J. LEVY  
Assistant United States Attorney  
U.S. Attorney's Office, Civil Division  
601 D Street, N.W.  
Washington, D.C. 20530  
(202) 252-6734  
Brian.levy2@usdoj.gov

*Counsel for Defendant*

/s/ DRAFT  
BRETT MAX KAUFMAN, D.C. Bar #NY0224  
SHAIBA RATHER (admitted *pro hac vice*)  
American Civil Liberties Union Foundation  
125 Broad Street—18th Floor  
New York, NY 10004

(212) 549-2500  
bkaufman@aclu.org  
srather@aclu.org

ARTHUR B. SPITZER, D.C. Bar #235960  
American Civil Liberties Union Foundation of the  
District of Columbia  
915 15th Street, N.W., 2nd Floor  
Washington, DC 20005  
(202) 601-4266  
aspitzer@acludc.org

*Counsel for Plaintiffs*