

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

<hr/>)	
AMERICAN CIVIL LIBERTIES UNION, et al.,))	
))	
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 September 13, 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 the 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”) provides regarding CP3 programs and activities.

DHS Privacy

As stated in the September 13, 2023 Joint Status Report, DHS Privacy has completed its production except that certain pages are pending consultations with other offices/agencies. DHS Privacy released 78 pages on September 27, 2023 (53 pages were released in their entirety, 12 pages were withheld in full, and 13 pages were withheld in part pursuant to Exemption 7(E) of

the FOIA). DHS will release additional non-exempt responsive material when the remaining pages pending consultations are returned.

CRCL

CRCL has processed 1,274 pages and completed processing of all records responsive to Plaintiffs' request.

Office of I&A

Based on a May 23, 2023 agreement among the parties, the Office of I&A has been processing records found at a rate of 200 pages per month. Since the last status report, the Office of I&A further processed 210 pages in September, of which 44 pages were released in whole and 12 in part to Plaintiff on September 29, 2023. The Office of I&A further processed 228 pages in October, of which 41 pages were released in whole and 49 in part to Plaintiff on October 26, 2023. The Office of I&A expects to release additional documents in November 2023 and to make monthly releases thereafter.

The parties agree to submit a joint status report to the Court on their progress by January 16, 2024.

Dated: November 15, 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

Attorneys for the United States of America

/s/ Shaiba Rather
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