

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 September 20, 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 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.

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.

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 the remaining categories of the request, and propose to file another joint status report on or before January 4, 2023.

Dated: October 4, 2022

Respectfully submitted,

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

BRIAN P. HUDAK  
Chief, Civil Division

By: /s/ Robert A. Caplen  
ROBERT A. CAPLEN, D.C. Bar #501480  
Assistant United States Attorney  
U.S. Attorney's Office, Civil Division  
601 D Street, N.W.  
Washington, D.C. 20530  
(202) 252-2523  
robert.caplen@usdoj.gov

*Counsel for Defendant*

/s/ Brett Max Kaufman  
BRETT MAX KAUFMAN, D.C. Bar #NY0224  
American Civil Liberties Union Foundation  
125 Broad Street—18th Floor  
New York, NY 10004  
(212) 549-2500  
bkaufman@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*