

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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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 October 4, 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. DHS Privacy has made releases on October 28, 2022, November 30, 2022, and December 15, 2022. DHS is continuing its review of records 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. 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 March 24, 2023.

Dated: December 23, 2022

Respectfully submitted,

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