

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AMERICAN CIVIL LIBERTIES )  
UNION, et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
UNITED STATES DEPARTMENT )  
OF HOMELAND SECURITY, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

Case No. 1:16-cv-221 (CKK)

**TENTH JOINT STATUS REPORT**

The parties to this Freedom of Information Act (“FOIA”) matter respectfully submit this Tenth Joint Status Report in response to the Court’s January 19, 2018 Order.

**BACKGROUND**

This lawsuit arises out of a FOIA Request (the “Request”) dated May 13, 2015 for records concerning the government’s Countering Violent Extremism (“CVE”) programs.<sup>1</sup> On January 18, 2018, the parties filed their ninth joint status report, informing the Court of the status of Defendants’ responses to Plaintiffs’ FOIA Request. ECF No. 27. On January 19, 2018, the Court ordered the parties to file a further joint status report by April 18, 2018.

**UPDATED STATUS**

The parties continue to confer regarding Defendants’ responses to Plaintiffs’ Request. Defendants state the following regarding their production of responsive, non-exempt records:<sup>2</sup>

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<sup>1</sup> Plaintiffs’ FOIA claims against Defendant Department of Education pertain only to a FOIA request dated October 15, 2015 concerning CVE.

<sup>2</sup> Plaintiffs do not concede that the searches Defendants have conducted to this point are adequate or that the material Defendants have withheld in part or in full is properly subject to exemption.

Department of Homeland Security. Pursuant to the processing and production schedule in the parties' December 21, 2016 Joint Status Report, the Department of Homeland Security ("DHS") Privacy Office made interim productions on January 30, 2018, February 27, 2018, and March 29, 2018. The DHS Privacy Office will continue its processing and release of records in accordance with the December 21, 2016 Joint Status Report.

The Federal Emergency Management Agency at DHS made a production on February 5, 2018 of material referred to it for direct release to Plaintiffs.

The Science and Technology Directorate at DHS made productions on January 19, 2018 and January 24, 2018 of material referred to it for direct release to Plaintiffs.

The DHS Office of Intelligence & Analysis made a production on January 19, 2018 of material referred to it for direct release to Plaintiffs.

Pursuant to the March 20, 2017 Joint Status Report, the National Protection and Programs Directorate ("NPPD") at DHS made interim productions on January 31, 2018, February 27, 2018, and March 29, 2018.<sup>3</sup> NPPD will continue its processing and release of records in accordance with the March 20, 2017 Joint Status Report.

Department of State. Pursuant to the processing and production schedule in the parties' December 21, 2016 Joint Status Report, the Department of State ("State") made interim productions on January 31, 2018, February 28, 2018, and March 29, 2018. State will continue its processing and release of records in accordance with the December 21, 2016 Joint Status Report.

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<sup>3</sup> Defendants sent Plaintiffs a copy of the March 29, 2018 production via FedEx on March 30, 2018, after Plaintiffs informed Defendants that they did not receive one part of the March 29, 2018 production.

Department of Justice. The Federal Bureau of Investigation (“FBI”) has identified additional potentially responsive material. The FBI will release any responsive, non-exempt records from that collection on April 20, 2018 and May 18, 2018.

Office of the Director of National Intelligence. The Office of the Director of National Intelligence made a production on March 28, 2018 of material referred to it for direct release to Plaintiffs.

The parties continue to discuss the scope of the FOIA requests to State, DHS Privacy Office, and DHS NPPD. They have reached agreement with respect to certain limitations, and continue to confer to determine whether they can reach any further agreement to facilitate the timely processing and production of documents. The parties respectfully ask that the Court provide them additional time for these discussions to proceed, and will update the Court of any progress in their next joint status report.

REQUESTED COURT ACTION

The parties respectfully suggest that the Court order the parties to file a joint status report no later than July 18, 2018.

Dated: April 18, 2018

Respectfully submitted,

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