

**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)

**ELEVENTH JOINT STATUS REPORT**

The parties to this Freedom of Information Act (“FOIA”) matter respectfully submit this Eleventh Joint Status Report in response to the Court’s April 18, 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 April 18, 2018, the parties filed their tenth joint status report, informing the Court of the status of Defendants’ responses to Plaintiffs’ FOIA Request. ECF No. 28. That same day, the Court ordered the parties to file a further joint status report on or before July 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 April 30, 2018, May 30, 2018, and June 29, 2018. The DHS Privacy Office will continue its processing and release of records in accordance with the December 21, 2016 Joint Status Report.

Pursuant to the March 20, 2017 Joint Status Report, the National Protection and Programs Directorate ("NPPD") at DHS made interim productions on April 30, 2018, May 31, 2018, and June 29, 2018. 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 April 30, 2018, May 31, 2018, and June 29, 2018. The parties have agreed that in lieu of the processing and production schedule set forth in the December 21, 2016 Joint Status Report State, State will make monthly interim productions on or before the last day of each month when that month's processed material is responsive and non-exempt, with an expected final production to occur on or before July 31, 2019.

Department of Justice. Pursuant to the parties' April 18, 2018 Joint Status Report, the Federal Bureau of Investigation ("FBI") produced responsive, non-exempt records on April 20, 2018 and May 18, 2018.<sup>3</sup>

In the April 18, 2018 Joint Status Report, the parties informed the Court that they were discussing the scope of the FOIA requests to State, DHS Privacy Office, and DHS NPPD, and

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<sup>3</sup> On April 25, 2018, the FBI re-released the April 20, 2018 production to ACLU with corrected bates numbering.

that they had reached agreement with respect to certain limitations. The parties continue to discuss the scope of those FOIA requests to determine whether they can reach any additional 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 October 18, 2018.

Dated: July 18, 2018

Respectfully submitted,

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