



July 12, 2018

VIA EMAIL

FOIA/PA
The Privacy Office
U.S. Department of Homeland Security
245 Murray Drive SW
STOP-0655
Washington, D.C. 20528-0655
foia@hq.dhs.gov

Re: Freedom of Information Act Request Regarding Targeted Violence Prevention Program

To Freedom of Information Officer:

This is a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.* submitted on behalf of Muslim Advocates and the ACLU of Illinois.

Background

Muslim Advocates and the ACLU of Illinois seek information pertaining to the Department of Homeland Security’s (“DHS”) efforts directed at Countering Violent Extremism (“CVE”). In particular, we seek records concerning DHS’s involvement with the Illinois Criminal Justice Authority’s (“ICJIA’s”) Targeted Violence Prevention Program (“TVPP”) and development of a “Bystander Gatekeeper Training” program based on a “public health” model. DHS has been identified as a federal partner of the ICJIA-TVPP¹ and representatives from DHS have participated in a workshop hosted by the ICJIA-TVPP in 2017.²

¹ Junaid M. Afeef, *Illinois Targeted Violence Prevention Program*, ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY, <http://www.nemaweb.org/index.php/docman/national-homeland-security-consortium/663-illinois-junaid-afeef-presentation-1/file?force-download>.

² Junaid M. Afeef, *Can Mental Health Professionals Prevent Ideologically Inspired Targeted Violence?*, ILLINOIS TARGETED VIOLENCE PREVENTION PROGRAM, <http://www.illinoistvpp.org/blog/2017/11/03/can-mental-health-professionals-prevent-ideologically-inspired-targeted-violence>.

Records³ requested

We request the following:

1. Records regarding procedures, policies, guidelines, or legal memoranda for DHS's collection, use, retention, or dissemination of information gathered in the course of investigations, programs, events, and other activities conducted pursuant to the DHS's partnership with ICJIA-TVPP or any other efforts concerning CVE in Illinois;
2. Records concerning any events, meetings, conferences, briefings, workshops, and/or trainings attended by DHS personnel relating to ICJIA-TVPP, "Bystander Gatekeeper Training," "Bystander Gatekeeper Education," "Public Health Interventions," or other CVE efforts in Illinois;
3. Records or communications with ICJIA-TVPP regarding "Bystander Gatekeeper Training," "Bystander Gatekeeper Education," "Public Health Interventions," or any other CVE efforts in Illinois;
4. Records or communications relating to any work or efforts ICJIA-TVPP and/or Junaid Afeef have undertaken in conjunction with DHS, including any reports, documents, meetings, briefings, conferences, workshops and trainings stemming from a collaboration between Junaid Afeef and/or ICJIA-TVPP with DHS;
5. Copies of any and all written agreements between DHS and ICJIA-TVPP;
6. Correspondence or any other communications involving DHS personnel concerning "Bystander Gatekeeper Training," "Bystander Gatekeeper Education," "Public Health Interventions," or other CVE efforts in Illinois;
7. Correspondence or any other communications involving DHS personnel with representatives of ICJIA-TVPP;
8. Records or communications involving DHS personnel concerning the development or implementation of CVE programs in Illinois, including but not limited to programs in the City of Chicago, DuPage County and surrounding areas, and the greater Springfield area;
9. Records or communications by DHS personnel concerning CVE training of Illinois state and local law enforcement officers, investigators, and any other related law enforcement personnel in Illinois, including but not limited to the Illinois State Police, Chicago Police

³ For purposes of this request, "Record" means a record in the broadest sense possible, and includes, without limitation, everything tangible, electronic, or digital containing a datum, number, photograph, picture, word, or any other information, including, but not limited to, communications between phones or other electronic devices, e-mails, digital or physical images, video, audio recordings, voicemail messages, social media posts, instructions, directives, guidance documents, formal and informal presentations, training documents, bulletins, notices, alerts, updates, advisories, reports, legal and policy memoranda, contracts, agreements, minutes or notes of meetings and phone calls, and memoranda of understanding. We seek responsive documents within the time period of January 2013 to the date this request is completed.

Department, Cook County Department of Homeland Security and Emergency Management, and Illinois Terrorism Task Force;

10. Any other records or communications relating to the development and implementation of CVE programs in Illinois, including but not limited to programs in the City of Chicago, DuPage County and surrounding areas, and the greater Springfield area.

Application for waiver of fees

We request a waiver of document search, review, and duplication fees on the grounds that disclosure is in the public interest because it is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii); 6 C.F.R. § 5.11(k)(1).

Muslim Advocates is a non-profit civil rights and advocacy organization; it focuses on issues of particular relevance to the American Muslim community.⁴ See *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1310 (D.C. Cir. 2003). Here, the requested records detail the development of CVE programs in Illinois and the relationship between the ICJIA and partner organizations working on CVE programs. The value and implementation of such programs are highly debated, especially among parts of the Muslim community.⁵ Members of the public residing in Illinois—particularly concerned Muslim residents—have a significant and urgent interest in knowing how the Illinois model for countering violent extremism operates in and affects their communities and their rights. We do not seek to use the information requested for commercial use, 22 C.F.R. § 171.16(a)(2), and do not have a commercial interest that would be furthered by the disclosure. Instead, our primary interest in the disclosure of information is to educate the public and advocate for the rights of Americans to be free from racial and religious profiling. § 171.16(a)(2)(i)-(ii).

The ACLU of Illinois is a non-profit, non-partisan, public interest organization. Obtaining information about government activity, analyzing that information, and widely publishing and disseminating that information to the press and public is a critical and substantial component of the ACLU of Illinois’s work and one of its primary activities. See *ACLU v. Dep’t of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (finding that a non-profit public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” to be “primarily engaged in disseminating information” (internal citation and quotation marks omitted)).

We also request a waiver of document reproduction fees on the grounds that the ACLU of Illinois and Muslim Advocates each qualify as a “representative of the news media” and the records are not sought for commercial use. 6 C.F.R. § 5.11(b)(6). The ACLU of Illinois and Muslim Advocates meet the statutory and regulatory definitions of a “representative of the news media” because each is an “entity that gathers information of potential interest to a segment of

⁴ *About*, MUSLIM ADVOCATES, <http://www.muslimadvocates.org/about>.

⁵ See, e.g., Debi Kar, *Countering Violent Extremism (CVE)*, available at <http://www.muslimadvocates.org/cve-countering-violent-extremism>.

the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii); *see also Nat’l Sec. Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) (finding that an organization that “gathers information from a variety of sources,” exercises editorial discretion in selecting and organizing documents, “devises indices and finding aids,” and “distributes the resulting work to the public” is a “representative of the news media” for purposes of the FOIA); *cf. ACLU v. Dep’t of Justice*, 321 F. Supp. 2d at 30 n.5 (finding a non-profit public interest group to be “primarily engaged in disseminating information”). Courts have found other organizations whose mission, function, publishing, and public education activities are similar in kind to the ACLU of Illinois’ and Muslim Advocates’ to be “representatives of the news media.” *See, e.g., Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d at 10-15 (finding that a non-profit public interest group that disseminated an electronic newsletter and published books was a “representative of the media” for purposes of the FOIA); *Nat’l Sec. Archive*, 880 F.2d at 1387; *Judicial Watch, Inc. v. Dep’t of Justice*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (finding Judicial Watch, self-described as a “public interest law firm,” a news media requester).

Response requested in 10 days

Your attention to this request is appreciated, and we anticipate your determination of our request within ten (10) calendar days under 28 C.F.R. § 16.5(d)(4). To the extent that our request encompasses records, whether responsive or potentially responsive, that have been destroyed, our request should be interpreted to include, but is not limited to, any and all records relating or referring to the destruction of those records.

If the request is denied in whole or in part, we ask that you justify all withholdings by reference to specific exemptions to the FOIA. We expect the release of all segregable portions of otherwise exempt material. If you deny the request for waiver, please notify us before compiling records for which the copying charge will exceed \$50.00 so that we can discuss narrowing the request to cover only the information we seek. We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees.

With respect to the form of production under 5 U.S.C. § 552(a)(3)(B), we request that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, we request that the records be provided electronically in a text-searchable, static-image format (*e.g.*, PDF), in the best image quality in the agency’s possession, and that the records be provided in separate, Bates-stamped files.

If you have any questions concerning this request, you may contact me at juvaria@muslimadvocates.org or at (202) 897-1896.

Very truly yours,

/s/ Juvaria Khan

Juvaria Khan
Muslim Advocates
(202) 897-1896
juvaria@muslimadvocates.org

/s/ Kathy Hunt Muse

Kathy Hunt Muse
ACLU of Illinois
(312) 201-9740 ext. 321
kmuse@aclu-il.org