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CENTER
FOR JUSTICE

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December 23, 2014

Via Certified Mail and E-Mail

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

Re: Freedom of Information Act Request

To Whom It May Concern:

This is a Freedom of Information Act (FOIA) request on behalf of the Brennan Center for Justice at NYU School of Law.

The Brennan Center seeks records pertaining to past practices, initiatives and programs that may have shaped the design and implementation of a new series of pilot programs aimed at “countering violent extremism.” Attorney-General Eric Holder officially announced these pilot programs on September 15, 2014,¹ and the FBI outlined its “new approach” to “countering violent extremism” in its law enforcement bulletin on October 7, 2014.²

The outcomes of past practices and programs and the lessons learnt shed crucial light on how the new pilot programs will work and what they seek to achieve. The Brennan Center therefore seeks records citing, discussing or otherwise referring to the United Kingdom’s Prevent Program,³ the Montgomery County (Maryland) Intervention and

¹ See Press Release, Department of Justice, Attorney General Holder Announces Pilot Program to Counter Violent Extremists (Sept. 15, 2014), available at <http://www.justice.gov/opa/pr/attorney-general-holder-announces-pilot-program-counter-violent-extremists> [Holder press release].

² *A New Approach to Countering Violent Extremism: Sharing Expertise and Empowering Local Communities*, FBI LAW ENFORCEMENT BULLETIN (Oct. 7, 2014), <http://leb.fbi.gov/2014/october/a-new-approach-to-countering-violent-extremism-sharing-expertise-and-empowering-local-communities> [FBI CVE article].

³ See *Policy: Protecting the UK against terrorism*, <https://www.gov.uk/government/policies/protecting-the-uk-against-terrorism/supporting-pages/prevent> (last visited Dec. 23, 2014).

Prevention Subcommittee,⁴ Montgomery's Faith Community Working Group,⁵ the Los Angeles Countering Violent Extremism/Interagency Coordination Group,⁶ the FBI's Countering Violent Extremism (CVE) Model, and the Bureau's relevant community action plans.

The Brennan Center specifically requests the following records:

1. CVEO ("Countering Violent Extremism Office") bulletins citing, discussing or otherwise referring to the following:
 - a. The United Kingdom's Prevent Program;
 - b. The Montgomery County (Maryland) Intervention and Prevention of Violence Subcommittee;
 - c. The Montgomery County's Faith Community Working Group; and/or
 - d. The Los Angeles Countering Violent Extremism/Interagency Coordination Group.

2. Records uploaded to the Law Enforcement Enterprise Portal Special Interest Group referred to in the October 2014 FBI Law Enforcement Bulletin article entitled *A New Approach to Countering Violent Extremism: Sharing Expertise and Empowering Local Communities* ("the FBI CVE article")⁷ that cite, discuss or otherwise refer to the following:
 - a. The United Kingdom's Prevent Program;
 - b. The Montgomery County (Maryland) Intervention and Prevention of Violence Subcommittee;
 - c. The Montgomery County's Faith Community Working Group; and/or
 - d. The Los Angeles Countering Violent Extremism/Interagency Coordination Group.

3. Written correspondences (including e-mails, regular mail and faxes) sent to or sent by the CVEO since August 1, 2011 citing, discussing or otherwise referring to the following:
 - a. The United Kingdom's Prevent Program;
 - b. The Montgomery County (Maryland) Intervention and Prevention of Violence Subcommittee;
 - c. The Montgomery County's Faith Community Working Group; and/or
 - d. The Los Angeles Countering Violent Extremism/Interagency Coordination Group.

⁴ George Selim, Dir. For Community Partnerships, White House Nat. Sec. Staff, Remarks prepared for a Policy Forum at The Washington Institute for Near East Policy (Nov. 13, 2013), <https://www.washingtoninstitute.org/uploads/Documents/other/selim-prepared-remarks-20131113.pdf>.

⁵ Matthew Levitt, *New Strategies for Countering Homegrown Violent Extremism*, POLICYWATCH 2172 (Nov. 21, 2013), <http://www.washingtoninstitute.org/policy-analysis/view/new-strategies-for-countering-homegrown-violent-extremism>.

⁶ FBI CVE Article, *supra* note 2.

⁷*Id.*

4. Any memoranda, policies and guidelines created by the CVEO other than those records responsive to paragraphs 1 to 3 of this request that cite, discuss or otherwise refer to the following:
 - a. The United Kingdom's Prevent Program;
 - b. The Montgomery County (Maryland) Intervention and Prevention of Violence Subcommittee;
 - c. The Montgomery County's Faith Community Working Group; and/or
 - d. The Los Angeles Countering Violent Extremism/Interagency Coordination Group.

5. Records created by the CVEO, including memoranda, powerpoint slides, directives, policies and guidelines, describing:
 - a. The FBI CVE Model referred to in the FBI CVE article;⁸ and/or
 - b. Community action plans produced in the course of Community Resilience Exercises (CREX) referred to in the FBI CVE article.⁹

Fees

The Brennan Center is exempt from search and review fees as a noncommercial scientific institution, an educational institution, and a representative of the news media. 28 C.F.R. § 16.11(c)-(d). The Brennan Center is a non-profit, non-partisan public policy and law institute at the NYU School of Law that conducts research and disseminates to the public information about issues affecting justice and democracy. It is engaged in social science research and therefore meets the definition of a noncommercial scientific institution entitled to a waiver of search and review fees. In addition, the Brennan Center's affiliation with NYU Law School (which is plainly an educational institution) means that the Center is exempt from review or search charges. Finally, the Brennan Center qualifies for a waiver as a representative of the news media under 5 U.S.C. § 552(a)(4)(A)(ii)(II) based on its track record of publishing reports and papers, including nine this year alone.

In addition, as a noncommercial requester acting in the public interest, the Brennan Center is eligible for a waiver of duplication fees, or at the very least, a reduction of these fees under § 552(a)(4)(A)(ii)(II). For the same reason, we are entitled to the first 100 duplicated pages free of charge, 28 C.F.R. § 16.11(d)(3)(i), and to a waiver or reduction of any remaining duplication costs under 28 C.F.R. § 16.11(k).

Expedited Processing

Please provide expedited processing pursuant to 28 C.F.R. § 16.5(d)(1)(ii). The criteria for expedited processing are satisfied because there is an "urgency to inform the public about an actual or alleged federal government activity," *id.* § 16.5(d)(1)(ii), and the Brennan Center is primarily involved in disseminating information to the public. In this case, the information requested concerns details of new programs and initiatives that the DHS is implementing in conjunction with other federal and local agencies as part of a

⁸ *Id.*


⁹ *Id.*

revitalized effort to “disrupt homegrown terrorists” and “apprehend would-be violent extremists.”¹⁰ Such programs have been the subject of national importance and debate,¹¹ especially in the wake of reports concerning the “homegrown” threat posed by groups like the Islamic State of Iraq and the Levant (ISIL).¹² The public has a significant and urgent interest in knowing how the new programs will affect their communities and their lives. Information about the impact of past practices on the development of the new programs is critical to this understanding.

Response Requested in 10 days

Your attention to this request is appreciated, and I will anticipate your determination of our request within ten (10) calendar days pursuant to 28 C.F.R. § 16.5(d)(4). Should you have any questions regarding this request, please contact me at your earliest convenience via e-mail at amos.toh@nyu.edu or by telephone at (646) 292-8380.

Sincerely,



Amos Toh
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Brennan Center for Justice
161 Avenue of the Americas, 12th Floor
New York, NY 10013
amos.toh@nyu.edu
(646) 292-8380

¹⁰ Holder press release, *supra* note **Error! Bookmark not defined.**

¹¹ See e.g. Naureen Shah, *Terrorist or ... Teenager*, SLATE (Nov. 12, 2014), http://www.slate.com/articles/news_and_politics/politics/2014/11/justice_department_s_countering_violent_extremism_program_ripe_for_abuse.html; *Is This a New War on Terror?*, POLITICO (Sept. 16, 2014), http://www.politico.com/magazine/story/2014/09/is-this-a-new-war-on-terror-111022_Page2.html.

¹² Transcript, Council on Foreign Relations, Homeland Security Secretary Johnson on ISIS, Ebola, and Preventing Homegrown Terrorism: A Conversation with Jeh Charles Johnson (Sept. 10, 2014), *available at* <http://www.cfr.org/homeland-security/homeland-security-secretary-johnson-isis-ebola-preventing-homegrown-terrorism/p33424>; Holder press release, *supra* note 1.