

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeals: 2020-091, 2020-094 & 2020-097**

July 16, 2020

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeals 2020-091; 2020-094 and 2020-097

Dear Mr. Ayele:

This letter responds to the three administrative appeals you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Code § 2-537 (“DC FOIA”), challenging the failure of the Office of Police Complaints (“OPC”) to respond to your FOIA request. These three appeals (2020-091; 2020-094 and 2020-097) involve the same FOIA request to OPC. Therefore, we will consolidate the three appeals in this decision.

In all three FOIA appeals, OPC responded to your FOIA requests. OPC informed you that you had not requested documents and sought clarification on the records you wanted from OPC. Rather than provide the requested clarification, you filed FOIA appeals in all three matters.¹ In its responses to your three appeals, OPC correctly indicates that your FOIA requests did not include a request for documents. Instead you provided a 14-page document titled “Decade in Review.” The document chronicles different events in your life. However, the document does not seek any type of documents. You also ask a number of questions: “Does an ambulance ride in the U.S. cost over 1000? Will you join me in moving to call upon the civil action complaint which was filed with the Eastern District Court of Missouri to be disclosed to my email address?” Under which circumstances is the EEOC filing on behalf of others pursuant to Title VII of the 1964 and 1991 Civil Rights Act?” Although you direct questions to OPC, you do not request documents from OPC.

FOIA requires that requests describe the records sought with sufficient detail to allow an agency employee familiar with the subject area of the request to locate the records within a reasonable amount of time. More specifically, 1 DCMR § 402.4 states that:

A request shall reasonably describe the desired record(s). Where possible, the specific information regarding names, places, events, subjects, dates, files, titles, file designation or other identifying information shall be supplied.

In addition, under FOIA, an agency “has no duty either to answer questions unrelated to document requests or to create documents.” *Zemansky v. United States Environmental*

¹ A copy of OPC’s responses to your three consolidated appeals is attached to this decision.

Protection Agency, 767 F.2d 569, 574 (9th Cir. 1985). The law only requires the disclosure of nonexempt documents, not answers to interrogatories. *Di Viaio v. Kelley*, 571 F.2d 538, 542-543 (10th Cir. 1978). “FOIA creates only a right of access to records, not a right to personal services.” *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985). See also *Brown v. F.B.I.*, 675 F. Supp. 2d 122, 129-130 (D.D.C. 2009).

In its appeal responses, OPC also states that it contacted you to get more information on the specific records you wanted. However, you did not respond to OPC’s letters asking you to provide a specific request for documents. We therefore conclude that the OPC properly responded to your FOIA requests and we hereby deny your appeals.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia in the Superior Court of the District of Columbia in accordance with D.C. Code § 2-537.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Alicia J. Yass, Legal Counsel
OPC (via email)