

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeals: 2020-188 & 2020-195**

September 7, 2022

VIA ELECTRONIC MAIL ONLY

Logan Koepke

RE: FOIA Appeal 2020-188; 2020-195

Dear Mr. Koepke:

This letter is in response to the administrative appeals that you have submitted to the Mayor pursuant to the District of Columbia Freedom of Information Act ("FOIA"), D.C. Code §§ 2-531, *et seq.* In your appeal, you have challenged the response of the Metropolitan Police Department ("MPD") to your February 13, 2019 FOIA request, identified as 2019-FOIA-02909, which sought information related to mobile device forensic tools.¹

On June 22, 2020, this Office asked MPD to provide the justification for the decision not to grant a review of the records requested, a *Vaughn* index of the documents withheld, and a copy of any public record(s) in dispute. As of the date of this decision, a response has not been received.

It is the public policy of the District of Columbia that all persons are entitled to full and complete information regarding the affairs of the District government and the official acts of those who represent them as public officials and employees. D.C. Code § 2-531. The ultimate responsibility for responding to requests for records of an agency is vested in the agency head. 1 DCMR § 400.1

Based on the record before us, we can only conclude that the failure to timely respond to your request constitutes a constructive denial. D.C. Official Code § 2-532(e). We therefore remand this matter to MPD to promptly disclose any non-exempt records that are responsive to your request.

¹ It is noted that a similar request, made on the same day, identified as 2019-FOIA-02911, has been closed. It is unclear as to whether the response provided, if any, was intended to satisfy this request as well.

This constitutes the final decision of this Office. You may challenge any subsequent response to your request by separate appeal to this Office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court for the District of Columbia.

Sincerely,

The Mayor's Office of Legal Counsel

cc: Brandynn Reaves, MPD FOIA Officer (via email only)