

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2020-194**

September 7, 2022

**VIA ELECTRONIC MAIL ONLY**

RE: FOIA Appeal 2020-194

Dear Mr. Ryals:

This letter is in response to the administrative appeal 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 June 9, 2020 FOIA request, identified as 2020-FOIA-05806, which sought the following:

[A]ny and all documentation of Metropolitan Police Department officers who appear on what are known as the "Brady list," or the "Lewis list" or the "Giglio list." Alternatively these records could be called the "potential impeachment disclosure list" or could exist in an internal database known as the "police personnel management system."

On June 10, 2020 MPD advised you that it does not collect, retain, control or serve as the custodian for this type of record. In your appeal, you have suggested that MPD's interpretation of your request, as limited to a "list", is incorrect and the request should be interpreted as "a request for impeachable information on MPD officers that is contained [in] the police personnel management system." While this explanation may have changed the result of MPD's original search and disclosure, MPD's interpretation, and subsequent response, was reasonable given the language of the original request.

FOIA requires requests to 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 Envtl. Prot. Agency*, 767 F.2d 569, 574 (9th Cir. 1985). “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).

Based on the foregoing, we conclude that MPD has properly responded to your FOIA request and we hereby deny your appeal.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action 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: Brandynn Reaves, MPD FOIA Officer (via email only)