

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeals: 2020-239 & 2020-240**

September 12, 2022

**VIA ELECTRONIC MAIL**

Marla Spindel

RE: FOIA Appeals 2020-239 & 2020-240

Dear Ms. Spindel:

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 appeals, you challenged the lack of response of the D.C. Child and Family Services Agency ("CFSA") to your February 24, 2020 FOIA request, identified as 2020-FOIA-03651, which sought the following:

A breakdown of child homicides committed by parent or caregiver by each year, age of child, ward of child, and cause of death (e.g., blunt impact, asphyxia, etc). (Date Range for Record Search: From 01/01/2015 To 02/24/2020)

On September 10, 2020, this Office asked CFSA 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 CFSA to promptly disclose any non-exempt records that are responsive to your request.

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 of the District of Columbia in accordance with D.C. Code § 2-537.

Sincerely,

The Mayor's Office of Legal Counsel

cc: Wendy Singleton, CFSA FOIA Officer (via email)