

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-002**

September 12, 2022

VIA ELECTRONIC MAIL ONLY

Ms. Ella Fassler

RE: FOIA Appeal 2021-002

Dear Ms. Fassler:

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 challenged the lack of response of the Metropolitan Police Department ("MPD") to your July 2, 2019 FOIA request, identified as 2019-FOIA-06101, which sought the following:

[E]mails and email attachments that fit ALL of the following criteria:

- a) Sent or received between December 1st, 2018, and the latest possible date and July 2nd 2019, or the latest possible date available in the email system, as the systems are often up to a month behind);
- b) Sent by an email address ending in "@adl.org" to any employee of the law enforcement agency to which this request is addressed, OR sent by an employee of the law enforcement agency to which this request is addressed to any "@adl.org" email address and/or any other employee of the town/city in which the law enforcement agency resides; [and]
- c) Containing in the subject line, or body of the message, or attachment, one OR more of the following search terms: 'Leadership Seminar', 'Leadership Seminar in Israel: Resilience and Counterterrorism' 'Leadership, Resilience and Counter- Terrorism Seminar', 'NCTS', 'National Counter-Terrorism Seminar', 'Counter- Terrorism Seminar', 'Israel', 'ADL', 'Anti-Defamation League', 'Shin Bet', 'INP', 'Israel National Police', 'terrorism', 'invitation', [or] 'invite'.

On October 2, 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. While this Office did not receive a response, a review of the District's FOIA-tracking data indicates MPD continues to process the request.

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

Under 1 DCMR § 405.1 when no decision can be dispatched within the applicable time limits, an agency shall nevertheless continue to process the request and inform the requester of the reason for delay, the date on which a determination may be expected; and the right to treat the delay as a denial and the right to appeal.

Based on the record before us, we remand this matter back to MPD to comply with 1 DCMR § 405.1, if it has not already done so, with the objective of producing any non-exempt records that are responsive to the request as soon as practical.

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,

Mayor's Office of Legal Counsel

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