

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-006**

September 12, 2022

VIA ELECTRONIC MAIL ONLY

Mr. James Edward Sullivan

RE: FOIA Appeal 2021-006

Dear Mr. Sullivan:

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 September 15, 2020 FOIA request, identified as 2020-FOIA-07902, which sought the following:

Reports, notes, photographs, and any other documents prepared by any one of the following MPD Officers: James Pelzer # 11596, David Terestre # 5969, Sgt. Baileski #3080, Detective Catlett, Sgt. Batton or any recording that are in the possession or control of the MPD in connection with the dispatch to 1616 Marion Street, N.W., Washington, D.C. 20001 on July 27, 2020 concerning the death of Jeannette Woodley. (Date Range for Record Search: From 07/20/2020 To 08/30/2020)

On September 24, 2020, MPD denied your request because the release of such records could interfere with a future proceeding by revealing the direction and pace of the investigation, and are therefore exempt from disclosure under D.C. Code § 2-534(a)(3)(A)(i).

Pursuant to D.C. Code § 2-534(a)(3)(A)(i), records compiled for law enforcement purposes that pertain to investigations are exempt from disclosure to the extent the production of the records would interfere with an enforcement proceeding. *See Rural Housing Alliance v. United States Dep't of Agriculture*, 498 F.2d 73, 81 (D.C. Cir. 1974)(records compiled for law enforcement purposes that pertain to an investigation are exempt from disclosure if the focus of the investigation is on acts that could, if proven, result in civil or criminal sanctions).

Based on MPD's representation and the fact this request involves an inquiry into a deceased individual, Jeanette Woodley, we hold that MPD may withhold the identified information

Additional information may be available, outside the context of FOIA, by contacting the Family Liaison Specialist Unit of MPD (see <https://mpdc.dc.gov/page/victim-services-branch>), or alternative offices within MPD.

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