

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-130 & 2021-131**

May 16, 2022

VIA ELECTRONIC MAIL

Mr. Christopher Bangs

RE: FOIA Appeal 2021-130 & 2021-131

Dear Mr. Bangs:

This letter responds to the administrative appeals you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Code § 2-537 (“DC FOIA”), challenging the lack of response from the Metropolitan Police Department (“MPD”) to your DC FOIA requests.

You submitted a DC FOIA request to MPD seeking various reports created pursuant to D.C. Official Code § 5-331.16(a) and (b) from January 1, 2020 to present. You also submitted a DC FOIA request to MPD seeking records from several named databases. When MPD did not respond to either request, you filed two appeals with this office.

Under D.C. Official Code § 2-532(e), a constructive denial occurs when an agency fails to respond within the timing requirements established in D.C. Official Code §§ 2-532(c) and (d). This Office has no authority to extend the maximum deadline for responding to a DC FOIA request, which is 25 business days. D.C. Official Code § 2-532. Based on the record before us, we conclude that MPD has constructively denied your request for correspondence. Therefore, we remand this matter to MPD and direct it to promptly respond to your requests. We expect that MPD will search for and produce any non-exempt records that it has in its possession.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia 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: Teresa Quon Hyden, Assistant General Counsel
MPD (via email)