

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-161**

May 27, 2021

VIA ELECTRONIC MAIL

Ms. Elvisa Desiree' Copeland

RE: FOIA Appeal 2021-161

Dear Ms. Copeland:

This letter responds to an administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), on the grounds that the Metropolitan Police Department (“MPD”) improperly responded to your FOIA request.

On March 1, 2021, you submitted a FOIA request with only a six-digit identifying number, also known as a CCN. You then filed an appeal on April 19, 2021 alleging that MPD sent purposefully sent you the wrong body-worn camera video on April 1, 2021. On the same date, this Office notified MPD of your appeal and requested its response.

On April 23, 2021, MPD provided its response to your appeal.¹ In its response, MPD asserts that it was still processing your request and as a result, no BWC footage had been sent to you. Further, MPD asserts that its FOIA Office has been in contact with you in order to clarify and provide assistance with your FOIA request.

Pursuant to D.C. Official Code § 2-532(c)(2)(A), a public body must respond to a reasonably described request for BWC footage within 25 business days of the receipt of the request. We accept MPD’s representation that it did not send you any BWC footage prior to your appeal. Further, the 25-business day time period had not expired when you filed the instant appeal, rendering the appeal prematurely filed.

Based on the foregoing, this Office dismisses your appeal on the grounds that it is moot. You are free to challenge MPD’s forthcoming substantive response to your BWC footage request by separate appeal to this Office.

This shall constitute the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

¹ A copy of MPD’s response is attached.

Sincerely,

Mayor's Office of Legal Counsel

cc: Teresa Quon Hyden, Deputy General Counsel
MPD (via email)