

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-162**

September 13, 2022

VIA ELECTRONIC MAIL

Mr. Fritz Mulhauser

RE: FOIA Appeal 2021-162

Dear Mr. Mulhauser:

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 lack of response of the Metropolitan Police Department ("MPD") to your March 12, 2021 FOIA request, identified as 2021-FOIA-03697, which sought the following:

[A] copy of any report on police conduct in kettling, arresting, transporting and processing demonstrators in June 2020 in the area of Swann Street NW.

On April 20, 2021, 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, 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)