

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-206**

October 27, 2022

VIA ELECTRONIC MAIL

Mr. Michael Quinn

RE: FOIA Appeal 2021-206

Dear Mr. Quinn,

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 May 10, 2021 FOIA request, identified as 2021-FOIA-05066, which sought the following:

1. Any contract or agreement with any individual, corporation, organization, or entity regarding provision of MPEAP therapy or counseling services created, applicable, or in effect from January 1, 2016, to the present;
2. Any contract or agreement regarding any obligation to provide payment for MPEAP therapy or counseling services created, applicable, or in effect from January 1, 2016, to the present;
3. Payment to any individual, corporation, organization, or entity regarding provision of MPEAP therapy or counseling services for the period January 1, 2016, to the present;
4. Organizational structure and/or staffing of MPEAP from January 1, 2016, to the present;
5. Rules, policies, practices, standards, manuals, or handbooks concerning MPEAP therapy or counseling services in effect from January 1, 2016, to the present;
6. All records reflecting information concerning MPEAP provided to new hires;
7. All records reflecting information concerning MPEAP in the possession, custody, or control of MPD Human Resources;
8. All records reflecting any increase to the monthly contribution per employee as required by Section 2 of Article 44 of the Collective Bargaining Agreement between

Government of the District of Columbia Metropolitan Police Department and the D.C. Police Union (Fraternal Order of Police/MPD Labor Committee) (“CBA”); and

9. Any utilization statistics concerning services provided by MPEAP, as contemplated by CBA Article 44, Section 3, that MPD has or was entitled to request from January 1, 2016, to the present.

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 your 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 District of Columbia in accordance with D.C. Code § 2-537.

Sincerely,

Mayor’s Office of Legal Counsel

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