

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-211**

October 18, 2022

VIA ELECTRONIC MAIL

Ms. Elvisa Copeland

RE: FOIA Appeal 2021-211

Dear Ms. Copeland:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you have challenged the response of the Metropolitan Police Department (“MPD”) to your DC FOIA request.

Background

On March 26, 2021, you submitted a DC FOIA request to MPD, identified as 2021-BWC-00220, seeking body worn camera (“BWC”) footage pertaining to CCN# 20154034. MPD denied your request on June 29, 2021, because the footage sought was exempt from disclosure under DC FOIA.

In your July 1, 2021 appeal filed with this Office, you have asserted that MPD did not properly apply the law. On July 6, 2021, we notified MPD of your appeal and requested a response. MPD responded on August 29, 2022 stating the “request was properly denied...because the requested Body Worn Camera footage was recorded inside a personal residence and is exempt from disclosure pursuant to D.C. Code § 2-534(a)(2A)(A).”

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Code § 2-532(a). The right created under DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. D.C. Code § 2-534. Under DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” D.C. Code § 2-502(18).

D.C. Code § 2-534(a)(2A)(A) exempts from disclosure:

Any body-worn camera recordings recorded by the Metropolitan Police Department . .
(A) Inside a personal residence.

Here, given MPD's representation that the requested footage was recorded inside a personal residence, it may withhold the same from disclosure.

Conclusion

Based on the forgoing, we affirm MPD's decision.

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 the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

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