

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-073**

December 20, 2022

VIA ELECTRONIC MAIL ONLY

Ms. Michelle Rodriguez

RE: FOIA Appeal 2022-073

Dear Ms. Rodriguez

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

On January 24, 2022, you submitted a DC FOIA request to MPD, identified as 2022-FOIA-02837, which sought the following:

[A] full and complete copy of Detective Jeffrey Bruce's case jacket including videos, documents, and ALL other information pertaining to the attached pedestrian accident report (CCN 19057185). Per Det. Jeffrey Bruce all information related to this accident will be located within the MPD case jacket. We are also requesting any and all BWC related to the attached CCN, as well as any video footage obtained from surrounding buildings or MPD/DOT poles. (Date Range for Record Search: From 04/05/2019 To 04/05/2019)

On January 26, 2022, MPD denied your request in full for the following reasons:

It was determined that the information you are seeking is a part of an open investigation. The release of records could interfere with enforcement proceedings by revealing the direction and pace of the investigation. It could lead to attempts to destroy or alter evidence, reveal information about potential witnesses who could then be subjected to intimidation as part of an effort to frustrate future investigative activities, or could place witnesses in danger. For these reasons information about this incident is exempt from disclosure pursuant to D.C. Official Code § 2-534 (a)(2), (a)(3)(A)(i), and (a)(3)(C).

In your January 26, 2022 appeal, you have asserted "our law firm represents the plaintiff for which the ongoing investigation referenced in [MPD's] response letter is about." You also provided a copy of your client's driver's license and the retainer agreement documenting your

representation.

On February 25, 2022, we notified MPD of your appeal and requested a response. MPD responded on September 27, 2022 stating,

[w]hile the investigation has since closed, Mr. Yost also failed to submit proof of representation and the I.D. of his client, as requested by MPD. As such, a release of such information would constitute a clearly unwarranted invasion of personal privacy, and is exempt from disclosure pursuant to D.C. Code §§ 2-534(a)(2) and (a)(3)(C).

Based on the foregoing, we remand this matter to MPD to address the proof of representation and I.D. that have been provided as part of your appeal.

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 Superior Court in accordance with D.C. Code § 2-537.

Respectfully,

Mayor's Office of Legal Counsel

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