

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-078**

January 10, 2023

VIA ELECTRONIC MAIL ONLY

Ms. Kim D. Parker

RE: FOIA Appeal 2022-078

Dear Ms. Parker:

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 January 18, 2022 FOIA request which sought the following:

My office represents Nathaniel Gerald who was subject to an arrest on 10-07-2021 CCN#21-145-735. Please provide unredacted copy of the Police Report (PD-251, internal and external) and any supplemental reports associated.

Please also provide a copy of the Mug Shot for the arrest involving CCN#21-145-735.

Please provide names of all Officers/employees involved in the arrest involving CCN#21-145-735.

Please provide copies of any and all photographs involving CCN#21-145-735. Please provide an unredacted copy of PD-113 for CCN#21-145-735.

If there were any employees/officers of other agencies that assisted or responded to the arrest involving CCN#21-145-735, please provide the names of the officer/employees and the agency with whom they are employed.

Please provide copies of any and emails involving CCN#21-145-735.

The District's FOIA-tracking data indicates MPD denied your request on February 2, 2022 for the following reasons:

A review of our records did not locate a privacy waiver on file for the subject of

your request. Absent authorization and/or a waiver, a release of such records would constitute as a clearly unwarranted invasion of personal privacy and is exempt from disclosure pursuant to D.C. Official Code § 2-534 (a)(2) and (a)(3)(C).

You may contact the MPD FOIA personnel to obtain a copy of that decision.

Because you only challenged MPD's failure to respond and it appears MPD has responded to your request, we dismiss this appeal as moot.

This constitutes the final decision of this Office. However, you are free to challenge any substantive response received from MPD by separate appeal to this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in Superior Court.

Respectfully,

Mayor's Office of Legal Counsel

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