

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-102**

December 1, 2022

VIA ELECTRONIC MAIL

Mr. Benjamin Douglas

RE: FOIA Appeal 2022-102

Dear Mr. Douglas:

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”), on the grounds that the Metropolitan Police Department (“MPD”) failed to respond to your DC FOIA request for public records.

On February 6, 2022, you submitted a DC FOIA request seeking five categories of records related to MPD personnel’s activities in Israel for the period April 5, 2019, to present. On March 16, 2022, you filed an appeal with this Office challenging MPD’s failure to timely respond to your request and noted that this is a repeat issue. On March 24, 2022, we notified MPD of your appeal and requested a response. MPD responded on April 1, 2022. In its response, MPD stated it was still processing your process, anticipated an interim release of records shortly, and that it informed you “that MPD will produce any responsive, non- exempt e-mails and additional records on a rolling basis.” MPD also requested “that the appeal in this matter be stayed until such time that it can complete its review and production of records.”

Under D.C. Official Code § 2-532(e), a constructive denial occurs when an agency fails to respond within the timing requirements established in D.C. Official Code §§ 2-532(c) and (d). This Office has no authority to extend the maximum deadline for responding to a DC FOIA request, which is 25 business days. D.C. Official Code § 2-532. Based on the record before us, we conclude that MPD has constructively denied your request. Therefore, we remand this matter to MPD and direct it to promptly complete its search for responsive records and disclose to you any non-exempt portions of responsive records.

This constitutes the final decision of this Office. However, you are free to challenge any substantive response you receive 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 the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,

Mayor’s Office of Legal Counsel

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