

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2022-136**

February 2, 2023

VIA ELECTRONIC MAIL

Ms. Lisa Fletcher

RE: FOIA Appeal 2022-136

Dear Ms. Fletcher:

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”), challenging the determination by the Metropolitan Police Department (“MPD”) that it does not maintain records responsive to your DC FOIA request.

You submitted a DC FOIA request to MPD seeking “the voice call/calls placed by MPD requesting fire assistance to 708 Kennedy Street NW, Washington DC” on a particular date. MPD responded by informing you that “such records were within the custody of the Office of Unified Communications (OUC), and not within that of MPD.” You appealed to this Office asserting, “[t]he call which I am seeking is in the custo[d]y of MPD” and requesting fulfillment of your request “in accordance with FOIA rules.” We notified MPD of your appeal and requested a response. In its response, MPD stated that it contacted you and explained “that management of the Public Safety Communication Center had changed from a joint operation of MPD and Fire and Emergency Medical Services (FEMS) to OUC and that OUC is responsible for all 911 and 311 call-taking, as well as police, fire and medical dispatch.”<sup>1</sup>

Under FOIA, an agency “has no duty either to answer questions unrelated to document requests or to create documents.” *Zemansky v. United States Envtl. Prot. Agency*, 767 F.2d 569, 574 (9th Cir. 1985). The law only requires the disclosure of nonexempt documents. *Di Viaio v. Kelley*, 571 F.2d 538, 542-543 (10th Cir. 1978). “FOIA creates only a right of access to records, not a right to personal services.” *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985). *See also Brown v. F.B.I.*, 675 F. Supp. 2d 122, 129-130 (D.D.C. 2009). Also, under the DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” D.C. Official Code § 2-502(18).

Based on the foregoing, we conclude that MPD properly responded to your FOIA request and we hereby deny your appeal.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you

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<sup>1</sup> A copy of MPD’s response to your appeal is attached to this decision.

may commence a civil action against the District of Columbia in the Superior Court of the District of Columbia in accordance with D.C. Code § 2-537.

Respectfully,

Mayor's Office of Legal Counsel

cc: Brandy Reaves, Assistant General Counsel  
MPD (via email)