

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-190**

January 18, 2023

VIA ELECTRONIC MAIL ONLY

Ms. Laura Bond

RE: FOIA Appeal 2022-190

Dear Ms. Bond:

This letter is in response to the administrative appeal that you have submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Code §§ 2-531, *et seq.* (“DC FOIA”). In your appeal, you have challenged the lack of response of the Metropolitan Police Department (“MPD”) to your DC FOIA request.

Background

On June 13, 2022, you submitted a DC FOIA request to MPD, identified as 2022-BWC-00330, which sought the following:

Body cam or dash cam related to traffic stop 6/10/2022 7:14AM Ofc. R. Brown - Badge 4988[,] ticket # 7917486765[.]

In your appeal, you assert that “[your] request was closed with no decision or video file to view.”

We notified MPD of your appeal on August 11, 2022 and requested a response. MPD responded on August 29, 2022 stating that your request was denied after a search was unable to locate any body worn camera footage that was responsive to your request.

Discussion

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

With respect to the substantive response of MPD which advised you that it does not possess any responsive records, in determining whether an agency conducted an adequate search in response to a records request, the test is not whether documents might conceivably exist, but whether the agency’s search for responsive documents was adequate. *See Weisberg v. U.S. Dep’t of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). Speculation, unsupported by any factual evidence, that records exist is not enough to support a finding that full disclosure has

not been made. *Marks v. U.S. Dep't of Justice*, 578 F.2d 261 (9th Cir. 1978).

Conclusion

This constitutes the final decision of this Office. However, given your appeal was interpreted as one in which you had not received a copy of MPD's decision, you are free to challenge the substantive response of MPD by separate appeal to this Office. If you still need a copy of that decision, you may contact the MPD FOIA Officer. 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)