

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-203**

January 18, 2023

VIA ELECTRONIC MAIL ONLY

Mr. Nicholas James Zalsman

RE: FOIA Appeal 2022-203

Dear Mr. Zalsman:

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, 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.

On June 30, 2022, you submitted a DC FOIA request to MPD, identified, as 2022-BWC-00358, which sought the following:

[T]he bodycam footage of an encounter i had with an officer on april 29th and April 30th around the hours of 11:59 pm (april 29th) until 3:00 am (april 30th). The encounter took place at the intersection of H ST NW and 7th st NW. directly outside the Chinatown Metro station at the intersection. I was assaulted by a suspect and the officer told me the CCTV footage showed i was NOT attacked. I want the entire encounter i had with this police officer. I contacted OPC and MPD both of which told me i was not assaulted and there was no police misconduct. I disagree and want the footage. The officers name is Gerard Mcmillan Badge number #4473[.]

A review of the District's FOIA-tracking data indicates MPD closed your request on August 15, 2022 after you did not respond to a request for your government-issued identification. You may contact the MPD FOIA personnel to obtain a copy of that decision.

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

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 government in Superior Court.

Respectfully,

Mayor's Office of Legal Counsel

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