

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF THE GENERAL COUNSEL TO THE MAYOR**

Freedom of Information Act Appeal: 2011-35

June 17, 2011

Fritz Mulhauser, Esq.

Dear Mr. Mulhauser:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-531(a)(2001) (“DC FOIA”), dated May 24, 2011 (the “Appeal”). You (“Appellant”) assert that Metropolitan Police Department (“MPD”) improperly withheld records in response to your request for information under DC FOIA dated March 31, 2011 (the “FOIA Request”).

Background

Appellant’s FOIA Request sought nine categories of records relating to the implementation of the Disorderly Conduct Amendment Act of 2010 and its mirror emergency act counterpart.

In response, by letter dated April 1, 2011, MPD provided documents to Appellant pursuant to the FOIA Request. However, with respect to the category of training materials on the new law, MPD withheld training modules and related materials on the ground that the records are test questions and answers which are exempt from disclosure under D.C. Official Code § 2-534(a)(5).

On Appeal, Appellant challenges the response to his FOIA Request as follows:

1. Appellant contends that MPD conducted an inadequate search based on the paucity of the records provided and the one-day response to the FOIA Request.
2. Appellant contends that the training materials withheld were more extensive than simply test questions and answers and that withholding all of the materials in their entirety was improper.

In its response, by email dated June 15, 2011, MPD stated that, upon review of the Appeal and the original request and response:

1. It has conducted an additional search and will be releasing additional responsive documents, as described in its response. (A copy of the response will be provided to Appellant by our office.)

2. It is releasing training materials, described in the response as a training disk and a PowerPoint presentation.

Conclusion

Based on the foregoing, we will now consider your Appeal to be MOOT and it is hereby DISMISSED, without prejudice to challenge the revised response of MPD.

If you are dissatisfied with this decision, you are free under the DC FOIA to commence a civil action against the District of Columbia government in the District of Columbia Superior Court.

Sincerely,

Donald S. Kaufman
Deputy General Counsel

cc: Natasha Cenatus
Ronald B. Harris, Esq.