

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-34**

April 20, 2015

VIA ELECTRONIC MAIL

Garth Kant

RE: FOIA Request 2015-34

Dear Mr. Kant:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the Metropolitan Police Department (“MPD”) improperly withheld records you requested under the DC FOIA.

Background

On August 5, 2014, you submitted a request under the DC FOIA to the MPD seeking all materials used in the investigation into the October 3, 2013, fatal shooting of Miriam Carey by uniformed agents of the U.S. Secret Service and officers of the U.S. Capitol Police Department. You further requested the final report and findings of that investigation. The MPD denied your request on October 17, 2014, stating that “Although the Internal Affairs Division has completed its investigation of the use of force, the matter is still under investigation by the U.S. Capitol Police and the U.S. Secret Service. The disclosure of the requested report at this time is premature, and would interfere with the ongoing investigation . . .”

On appeal, you challenge various aspects of the MPD’s decision, including its position to deny your request based on the effect it might have upon other agencies since you are seeking information only from the MPD.

In response to your appeal, the MPD advised this office earlier today that it has reevaluated its response to your request. The MPD is now reviewing responsive documents and intends to release them to you subject to appropriate redactions by April 24, 2015.

Conclusion

Based on the MPD’s representation that will be providing you with redacted versions of the documents you are seeking by the end of this week, we consider this matter to be moot and dismiss it; however, the dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to the MPD’s response.

This shall constitute 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 the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)