

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-35**

April 4, 2017

VIA ELECTRONIC MAIL

Mr. Jarrod Sharp

RE: FOIA Appeal 2017-35

Dear Mr. Sharp:

This letter responds to the administrative appeal you submitted 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.

This appeal is closely related to the decisions in FOIA Appeals 2017-21 and 2017-29, which this Office issued on March 3, 2017, and March 20, 2017, respectively. In both appeals, we upheld MPD's decision to deny your FOIA requests for records related to the theft of Jarrod Sharp's Honda Civic in 2002. On the same day that the decision in FOIA Appeal 2017-29 was issued, you submitted a new request to MPD for "the incident number (CCN) associated with the theft of Jarrod Sharp's Honda Civic in or about March 2002." On its face this FOIA request is improper because it is a query for specific information rather than a request for records. *See* D.C. Official Code § 2-532(a). If your question were to be interpreted as a valid request, the records sought would be identical to those in FOIA Appeals 2017-21 and 2017-29, records related to the theft of Jarrod Sharp's Honda Civic in 2002. As a result, on March 21, 2017, MPD denied your renewed request as duplicative. You filed an appeal on the same day based on MPD's alleged "unlawful FOIA denial for lack of search and lack of cognizable legal exception."

As stated, the request at issue is improper under FOIA because it asks for specific information rather than government records. Even if a request "is not a model of clarity," agencies are expected to give a reasonable interpretation to the request's terms and overall content. *See, e.g., LaCedra v. EOUSA*, 317 F.3d 345, 347-48 (D.C. Cir. 2003). We find that MPD made a reasonable interpretation concluding that the request at issue here was duplicative of the requests in FOIA Appeals 2017-21 and 2017-29. As a result, MPD properly denied a request that was invalid on its face and duplicative when reasonably interpreted as a valid FOIA request.

Based on the foregoing, we affirm MPD's decision. 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 the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

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