

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2017-61**

May 9, 2017

VIA ELECTRONIC MAIL

Mr. Jarrod S. Sharp, Esq.

RE: FOIA Appeal 2017-61

Dear Mr. Sharp:

This letter responds to the twenty-second administrative appeal that you have submitted to the Mayor this year under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), alleging that the Metropolitan Police Department (“MPD”) failed to respond to a request you submitted to MPD.

In specific, you contend that on March 17, 2017, MPD received a FOIA request from you for “[a]ny and all records related to the theft of Honda Civics in and around March 2002 in the Dupont Circle area of Washington DC.” You have appealed because you have received no response from MPD for this request. This Office notified MPD of your appeal, and MPD responded by indicating that the MPD “FOIA office is presently waiting for the responsible unit in the department to complete the search for responsive documents.”<sup>1</sup> MPD staff is currently searching for records and advised this Office that it expects to provide a response to you today or tomorrow, apprising you of the status of the search.

The failure of a public body to comply with a request within the statutory timeframe shall be deemed a denial of the request under D.C. Official Code § 2-532(e). When an agency fails to disclose a public record, the Mayor shall compel the agency to do so. *See* D.C. Official Code § 2-537. Here, MPD has indicated to this Office that it is searching for responsive documents and that it will send you a response when it has completed its search of documents.

Based on this representation, we remand this matter to MPD to complete its search, review the documents, and provide you with non-exempt documents<sup>2</sup>. We dismiss your appeal, provided, that the dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to MPD’s substantive response.

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<sup>1</sup> A copy of MPD’s response is attached.

<sup>2</sup> Provided, of course, that any fees related to the request are prepaid. *E.g.* D.C. Official Code §2-532(b-3); FOIA Appeals 2017-56 & 2017-57 (noting your failure to pay a DC FOIA fee in a timely manner.).

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

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