

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-71**

May 16, 2017

VIA ELECTRONIC MAIL

Mr. Fritz Mulhauser

RE: FOIA Appeal 2017-71

Dear Mr. Mulhauser:

This letter responds to the administrative appeal that you have submitted to the Mayor 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.

On March 12, 2017, you submitted a request to MPD for "(1) the study design or plan, (2) data collection instruments in use in the study, (3) any record identifying [sic] the principal investigator and performing organization that is doing the study, and (4) any interim or progress reports -- all related to the MPD study of the results of equipping patrol officers with body worn cameras." You have appealed because you have received no response from MPD for this request -- beyond a statement that MPD had "no reply from the searching unit."

This Office notified MPD of your appeal, and MPD responded that it had identified responsive documents but was still seeking internal approval for their release. Further, MPD advised this Office that its staff is currently waiting for approval to release and it expects to provide a response to your request soon.

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 has completed searching for responsive documents and will send you a response to your request when it has completed its review.

Based on this representation, we remand this matter to MPD to within 5 days of this decision: review the responsive documents, and provide you with all non-exempt portions. 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.

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)