

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-77**

June 2, 2017

VIA ELECTRONIC MAIL

Mrs. Kelechi Ahaghotu

RE: FOIA Appeal 2017-77

Dear Mrs. Ahaghotu:

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") failed to produce documents you requested.

In the decision with respect to FOIA Appeal 2017-20, we ordered MPD to provide documents to you on a rolling basis. You have received three batches of documents thus far, the last one on March 23, 2017. Having not received another batch in 8 weeks, you filed an appeal, construing the delay as a constructive denial of your request. After you filed your appeal, MPD informed our Office that the latest batch of documents is voluminous and that MPD is in the process of reviewing and redacting them. MPD represents that productions will continue on a rolling basis and that MPD is committed to completing the production as soon as possible.

MPD further advised this Office that the fourth batch consists of a single document with an attachment that is over 250 pages in length. This document cannot be broken down further, and MPD must complete review of the entire document before its release. Beyond that, MPD represents that there will be further batches, as there are over 1100 additional remaining pages of responsive documents. MPD expects to release the fourth batch by the end of next week, with the remainder to follow in smaller batches.

As your appeal was based on the gap in time between batches of MPD's rolling production, and MPD has explained that it does not intend to withhold responsive records but is instead working at capacity to redact and release them to you, there is little this Office can do beyond order MPD to complete production. Therefore, we remand this matter to MPD to release the fourth batch within 5 business days of this decision, and to complete its review, redaction and release of the remainder of production, as soon as possible. This remand shall be without prejudice to you to assert any challenge, by separate appeal, to the substantive responses MPD sends you.

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)