

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2017-97**

July 17, 2017

VIA ELECTRONIC MAIL

Mr. Aaron Sankin

RE: FOIA Appeal 2017-97

Dear Mr. Sankin:

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"). You appeal the Metropolitan Police Department's response to your request for records relating to an October 1, 2016 incident where a gunman "fired a gun inside the restaurant while trying to investigate a conspiracy theory. . ."

This Office advised MPD of your appeal, and MPD responded on June 30, 2017.<sup>1</sup> MPD indicated that at the time it denied your request, ongoing enforcement proceedings existed that could have been interfered with by the release of the records you requested. MPD indicated further that these enforcement proceedings have concluded, such that MPD can now "provide any responsive documents subject to appropriate redactions."

In light of MPD's representations that its previous basis for withholding is no longer applicable, and that it can release non-privileged, segregable portions of the records you requested, we remand this matter to MPD to begin providing you with responsive records on a rolling basis within 10 days of this decision. This remand shall be without prejudice; you are free to assert any challenge of MPD's subsequent response in a separate appeal to this Office.

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)

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