

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR**



**Mayor's Office of Legal Counsel**

December 6, 2017

VIA ELECTRONIC MAIL

Mr. Eric J. Feder

RE: FOIA Appeal 2018-045

Dear Mr. Feder:

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"), on the grounds that the Metropolitan Police Department ("MPD") did not adequately respond to your client's request for officer-involved shooting data.

This Office notified MPD of your appeal on November 21, 2017. MPD responded on November 29 2017,<sup>1</sup> indicating that it is still gathering the requested documents and that it expects to complete its search and review by this week.

When an agency improperly withholds public records, the Mayor may order the agency to disclose the record. D.C. Official Code § 2-537. Here, MPD has represented to this Office that a search is underway for records that are responsive to your request, and that it expects to respond to you this week. As a result, we consider your appeal to be moot; provided, that MPD responds to your request by December 11, 2017.

If you do not receive a response from MPD by December 11, 2017, you may request that we compel MPD to respond. If you receive a response from MPD by December 11, 2017, and you wish to challenge any aspect of this response, you may do so by separate appeal to 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.

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

Respectfully,

Mayor's Office of Legal Counsel

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