

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR



Office of the General Counsel to the Mayor

May 4, 2009

BY U.S. MAIL

[REDACTED]
Washington, DC 200 [REDACTED]

Re: Freedom of Information Act Appeal

Dear [REDACTED]

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code, 2001 Ed. § 2-531 *et seq.* (the "DC FOIA"), dated April 6, 2009 (the "Appeal"). We forwarded the Appeal to the Metropolitan Police Department ("MPD") with a request for a response. The MPD responded by letter dated April 20, 2009 ("MPD Response").

In your initial FOIA Request dated January 5, 2009, you sought to ascertain whether [REDACTED] was the on-call Internal Affairs Division (IAD) agent on the following dates: January 25, 26, and 30, 2008."

MPD responded to your FOIA Request in an undated letter, denying your request under the misguided belief you were requesting a "copy of the internal investigative report filed against [REDACTED]". In a letter dated February 13, 2009, you informed MPD of its mistake because your FOIA Request did not seek the investigative report filed against [REDACTED] rather, you sought whether he was the on-call agent on the identified dates. On April 2, 2009, MPD notified you of its mistake and denied your FOIA Request under § 2-534(a)(2).

On Appeal, Appellant challenges MPD's denial of his FOIA request.

Discussion

It is the public policy of the District government that "all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees." D.C. Official Code, 2001 Ed. § 2-531. In aid of that policy, the DC FOIA creates the right "to inspect ... and ... copy any public record of a public body" *Id.* § 2-532(a). Yet that right is subject to various exemptions, which may form the basis for a denial of a request. D.C. Official Code, 2001 Ed. § 2-534.

We have reviewed the MPD Response to your Appeal and the accompanying document. Comparing the document to your initial FOIA Request, it appears MPD has now fully responded to your FOIA Request. We now deem your Appeal MOOT because MPD has provided you with a document responsive to your request and hereby DISMISS your appeal.

If you are dissatisfied with this decision, you are free under the DC FOIA to commence a civil action against the District of Columbia government in the District of Columbia Superior Court.

Regards,



Runako Allsopp
Deputy General Counsel to the Mayor