

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR



Office of the General Counsel to the Mayor

December 11, 2006

BY HARD COPY

[REDACTED]
Fredericksburg, Virginia 224 [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 (the "FOIA"), D.C. Official Code § 2-531 *et seq.* (2001 & 2006 Supp.), dated November 29, 2006, and received in this office on December 8, 2006.

In an initial request to the District of Columbia Department of Personnel ("DCOP" or the "Department"), dated October 25, 2006, the pertinent text of which is set out in the margin, you sought four separately numbered categories of records pertaining to Criminal Investigator positions in the District Department of Corrections (the "DOC").¹ You advise that DCOP has not responded to your FOIA request.

On December 8, 2006, we forwarded your administrative appeal to DCOP with a request for the Department's response. On the same day, DCOP forwarded this office a copy of its response to your request, dated November 24, 2006. In its response, the Department provided you a list of the names, positions, and salaries of six personnel at DOC with the title of Criminal Investigator, indicating that one of them held a term appointment. DCOP advised that it had no information concerning vacant positions and referred you to DOC for that information.

¹ The four items were "all information, correspondences and/or documents relating to":

"1. [T]he number of occupied Criminal Investigator (DS-1811) positions in the D.C. Department of Corrections.

"2. [T]he number of vacant Criminal Investigator (DS-1811) positions in the D.C. Department of Corrections.

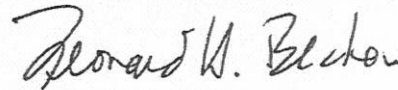
"3. [T]he number of occupied term and/or temporary Criminal Investigator (DS-1811) positions in the D.C. Department of Corrections. Please indicate if the temporary position(s) are occupied or vacant.

"4. [A]ll term and/or temporary Criminal Investigator (DS-1811) positions in the D.C. Department of Corrections that has [*sic*] been converted to permanent. Please disclose the effective date the Criminal Investigator (DS-1811) position(s) was converted from term and/or temporary to permanent and the name of the employee(s) converted."

It appears that, contrary to the statement made in your appeal, DCOP has provided you a response to your FOIA request, setting forth the pertinent information within the Department's possession. DCOP acted properly in referring you to DOC for further information not in DCOP's possession. The Department's action is affirmed.

If you believe that DCOP has not responded fully to your FOIA request, you are free under the FOIA to commence a civil action against the District of Columbia government at any time in the District of Columbia Superior Court, without awaiting the outcome of further proceedings before DCOP or of any request you may direct to DOC. A copy of DCOP's November 24 letter to you is included in the event you did not previously receive it.

Sincerely,



Leonard H. Becker
General Counsel, EOM

Encl.

cc (by e-mail and w/out encl.):

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