

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR



Office of the General Counsel to the Mayor

December 31, 2008

BY U.S. MAIL

[REDACTED]
Washington, DC 200

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 November 25, 2008 (the "Appeal"). We forwarded the Appeal to the Metropolitan Police Department ("MPD") with a request for a response. The MPD responded by letter dated December 19, 2008 ("MPD Response").

In your initial FOIA Request dated January 8, 2008, you sought copies of:

1. Surveillance tape furnished to Department of Corrections Supervisory

Criminal Investigator [REDACTED] concerning an alleged incident occurring

[REDACTED] Washington, DC;

2. Any memorandum or written request from [REDACTED] requesting production of the surveillance tape concerning an alleged incident occurring on June 13, 2007 at [REDACTED] Washington, DC;
3. Any memorandums, letters, and correspondences generated from MPD, Synchronized Operations Command Center to [REDACTED] concerning the alleged incident; and
4. Statements from MPD Synchronized Operations Command Center concerning any verbal statements [REDACTED] allegedly made concerning the incident and requests for tapes and/or other materials to be furnished her.

MPD responded to your FOIA Request through a letter dated February 25, 2008. In this letter, MPD informed you the information you requested was not in their possession. 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.

The MPD stated it "does not have any videotape or documents that are responsive to [REDACTED] request." Under the DC FOIA, an agency is only required to disclose

materials if they were “retained by a public body.” See D.C. Code § 2-502(18). Here, it is clear MPD has not retained any records responsive to Appellant’s FOIA request.

Accordingly, we affirm the determination of MPD that it does not have any records in its possession responsive to Appellant’s FOIA request.

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

cc: Ronald B. Harris
Deputy General Counsel