

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



**Mayor's Office of Legal Counsel**

December 16, 2025

VIA ELECTRONIC MAIL (dudupa@citizensforethics.org)

Ms. Deeksha Udupa

RE: FOIA Appeal 2026-057

Dear Ms. Udupa:

This letter responds to the administrative appeal you submitted to the Mayor pursuant to the District of Columbia Freedom of Information Act, D.C. Code §§ 2-531-2-539 (“DC FOIA”), on grounds that the Executive Office of the Mayor (“EOM”) failed to properly respond to your request for public records.

Background

On September 11, 2025, on behalf of your organization Citizens for Responsibility and Ethics in Washington (“CREW”), you submitted a DC FOIA request to EOM, identified as R014972-091125, seeking the following:

1. From August 1, 2025 to the date this request is processed, all communications between US Attorney General Pam Bondi, her staff, and Department of Justice (DOJ) employees, and Washington, DC Mayor Muriel Bowser and her staff concerning the use of federal law enforcement personnel in Washington, DC or the federal takeover of the Metropolitan Police department;
2. From August 1, 2025 to the date this request is processed, all communications between Chief of Staff Susie Wiles and her staff, and Mayor Bowser and her staff concerning the use of federal law enforcement personnel in Washington, DC or the federal takeover of the Metropolitan Police department;
3. From August 1, 2025 to the date this request is processed, all communications between Mayor Bowser and her staff, and DC Police Chief Pamela Smith and her staff concerning the use of federal law enforcement personnel in Washington, DC or the federal takeover of the Metropolitan Police department;
4. From August 1, 2025 to the date this request is processed, all guidance, memoranda, final directives, policies, and other documents shared with Mayor Bowser's office from US Attorney General Pam Bondi, her staff, and Department of Justice (DOJ) employees concerning the use of federal law enforcement personnel in Washington, DC or the federal takeover of the Metropolitan Police department;

5. From August 1, 2025 to the date this request is processed, all guidance, memoranda, final directives, policies, and other documents shared with Mayor Bowser's office from Chief of Staff Susie Wiles and her staff concerning the use of federal law enforcement personnel in Washington, DC or the federal takeover of the Metropolitan Police department;
6. From August 1, 2025 to the date this request is processed, all guidance, memoranda, final directives, policies, and other documents shared with Mayor Bowser's office from Secretary Kristi Noem, her staff, and Department of Homeland Security (DHS) employees concerning the use of federal law enforcement personnel in Washington, DC or the federal takeover of the Metropolitan Police department,
7. Mayor Bowser's calendar, from August 1, 2025 to the date this request is processed, including any and all meetings she was invited to or attended, and a list of attendees for all meetings

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

On October 23, 2025, after invoking a 10 day extension pursuant to D.C. Code §§ 2- 532(d)(2)(A)-(B)), EOM responded and informed you of the following:

The records search and review for your request remains ongoing. EOM has completed a search for correspondence and identified one responsive record, which has been delivered to you via the GovQA portal.

EOM has confirmed that there are no responsive records for portions 1, 2, 3, 4, and 6 of your request.

This letter constitutes a notice of rolling production, and additional responsive records will be forthcoming.

The next day, EOM followed-up with you to clarify that it had "completed the search and review for portions 1-6 of your request" and it is the 7th portion that is ongoing.

On November 24, 2025, you filed an appeal with this Office asserting that EOM failed to

conduct an adequate search. In support of your position you noted the following:

Here, EOM's determination that there are no responsive records for Items 1, 2, 3, 4 and 6 of the Request is contradicted by (1) statutory and other legal requirements governing preservation of records produced or received by the Mayor's office and (2) public reporting that Mayor Bowser and her staff were in communication with Chief of Staff Wiles, Attorney General Bondi, and MPD Police Chief Smith during the dates specified by the Request, and (3) the implausibility of EOM's statement that there are no responsive records to the Request and lack of explanation of how that could be the case. These "positive indications of overlooked materials" confirm that EOM has failed to conduct an adequate search. *Valencia-Lucena*, 180 F.3d at 326.

On November 25, 2025, we notified EOM of your appeal and requested a response. On December 3, 2025, EOM responded and explained the following:

This Office submitted an Email Search Request ("ESR") to the Office of the Chief Technology Officer ("OCTO") on September 12, 2025. The search encompassed the entirety of EOM, capturing all emails and Teams messages that contain the keywords "@usdoj.gov," "@dhs.gov," "@who.eop.gov," "federal law enforcement," "Metropolitan Police Department," and/or "MPD." The search resulted in one Personal Storage Table ("PST") file containing a total of 124 messages. One email was identified as responsive to portion #5 of the Request.

To fulfill portion #7 of the Request, EOM consulted with the Director of the Mayor's Office of Scheduling and Advance to access the Mayor's calendar.

On October 2, 2025, Ms. Udupa agreed to limit the search of phone records to the Mayor, her Chief of Staff, and staff within the Department of Intergovernmental Affairs ("IGA"). EOM then delivered an extension notice to Ms. Udupa, as the search for phone records was ongoing and consultations were necessary prior to the release of the Mayor's calendar, which includes both personal and professional appointments.

This Office spoke with the staff at IGA — who would likely be apprised of any official correspondence between EOM staff and staff from other government agencies, including the federal government — to inquire as to whether any additional forms of communication about the use of federal law enforcement personnel or the "federal takeover of MPD" took place during the date range specified in this request. They indicated that... to their knowledge, no one from EOM was [corresponding outside of email]....

As a matter of due diligence and courtesy, this Office ran an additional ESR upon receiving the Appeal. This search again included all of EOM and specifically sought messages exchanged with MPD staff. One additional record was identified.

It is a deliberative email attachment that is responsive to portion #3 of the Request. This record has been shared with the requester via the GovQA portal and is attached hereto with portions withheld pursuant to D.C. Official Code § 2-534(e) – the deliberative process privilege, as incorporated under D.C. Official Code § 2-534(a)(4).

### Discussion

It is the public policy of the District of Columbia 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. Code § 2-531. In aid of that policy, the DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . . .” D.C. Code § 2-532(a). The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *See Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe local law. *See Washington Post Co. v. Minority Bus. Opportunity Comm’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

### *Adequacy of the Search*

In determining whether an agency conducted an adequate search in response to a records request, the test is not whether documents might conceivably exist, but whether the agency’s search for responsive documents was adequate. *See Weisberg v. U.S. Dep’t of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). Speculation, unsupported by any factual evidence, that records exist is not enough to support a finding that full disclosure has not been made. *Marks v. U.S. Dep’t of Justice*, 578 F.2d 261 (9th Cir. 1978). To conduct a reasonable and adequate search, an agency must: (1) make a reasonable determination as to the locations of records requested; and (2) search for the records in those locations. *Doe v. D.C. Metro. Police Dep’t*, 948 A.2d 1210, 1220-21 (D.C. 2008) (citing *Oglesby v. United States Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)).

Here, EOM identified email accounts likely to contain responsive records and submitted and submitted an ESR for them. EOM searched for responsive records in other forms of communication, such as text messages and WhatsApp, by consulting with IGA staff and the Mayor. One responsive record was found and provided to you. Following your appeal, EOM conducted another email search and provided you an additional responsive records. In short, there is nothing to suggest that the agency has failed to search for, or to produce, any records in its possession related to your request.

### Conclusion

Based on the foregoing, we find that EOM conducted an adequate search and deny your appeal. This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia in the Superior Court of the District of Columbia in accordance with D.C. Code § 2-537.

**Ms. Deeksha Udupa**  
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Respectfully,

Mayor's Office of Legal Counsel

cc: Henry Johnson, FOIA Officer, EOM (via email)  
Betsy Cavendish, General Counsel, EOM (via email)