

April 29, 2021

Via email

Office of the District of Columbia Auditor
717 14th Street NW
Room 900
Washington, D.C. 20005
odca.mail@dc.gov

Re: FOIA Request – Records Related to May 9, 2018 Police Shooting of D’Quan Young on the 2300 block of 15th Street, Northeast, Washington D.C. 20002

Dear Freedom of Information Act Officer:

This is a request under the D.C. Freedom of Information Act (“FOIA”), D.C. Code § 2-531 *et seq.*, on behalf of my client Cathy Young. Ms. Young seeks records related to a Metropolitan Police Department (MPD) officer’s fatal shooting of her son, D’Quan Young, on May 9, 2018, at approximately 7:00 pm on the 2300 block of 15th Street N.E.

Pursuant to D.C. Code § 2-532, Ms. Young requests all records related to this incident, including, but not limited to:

- All records related to this incident that were provided to or prepared by your office as part of its work on the March 23, 2021 report “The Metropolitan Police Department and the Use of Deadly Force: Four Case Studies 2018-2019”;
- Any photographs or camera footage of the shooting, the 20 minutes before the shooting, the two hours after the shooting, as well as camera footage or photographs taken as part of the investigation into the shooting. This request includes, but is not limited to, surveillance footage from cameras at the Brentwood Recreation Center or nearby D.C. Housing Authority facilities;
- Any copies of recordings or photographs that were enhanced by the Federal Bureau of Investigation (FBI) or other law enforcement entities, including but not limited to FBI enhancements of footage taken by the Brentwood Recreation Center cameras;
- Any records in your office’s possession documenting the findings of any investigations into this incident conducted by any government agency, including, but not limited to, MPD’s Internal Affairs Division, MPD’s Use of Force Review Board, the D.C. Office of Police Complaints, and the United States Attorney’s Office for the District of Columbia;
- Any Decision Point Analysis Matrix prepared for this incident;
- Any medical and/or autopsy reports pertaining to D’Quan Young’s death;
- The crime scene examination report prepared for this incident;
- The final investigative report prepared for this incident;
- Any audio recordings and transcripts of investigative interviews pertaining to this incident;
- Any ballistic or forensic reports regarding the incident; and

- Any of the following types of reports about this incident: after-action reports, PD-251 forms, PD-76 forms, other incident reports, Citizen Complaint Reports (PD 99), OPC Complaint Forms (OPC 1), OPC Memoranda, and Preliminary Report Forms, (PD 901-a, or -b), Watch Commander's Reports (PD 150), Final Reports (MPD), and/or Officer Reports.

Ms. Young consents to the redaction of identifying information of any individuals other than MPD officers and her son. With this caveat, we believe that the requested records should be made public. No FOIA exemption applies here, as the investigation into this incident has finished and Ms. Young seeks records related only to the killing of her son, for whom she is next of kin. If you nonetheless deem some or all of the records exempt, you must provide the specific reasoning in writing and cite the applicable statutory exemptions. D.C. Code § 2-533(a). If a segregable portion of any record is not exempt, you must provide it and justify the decision not to provide the record in its entirety. D.C. Code § 2-534(b).

Ms. Young requests a fee waiver. D.C. Code § 2-532(b) authorizes you to produce documents "without charge" when doing so "is in the public interest because furnishing the information can be considered as primarily benefiting the general public." *Id.* Ms. Young will not gain commercially from these records. Rather, she seeks them for the solely so that her family and the community can evaluate MPD's actions in this case. The killing of D'Quan Young garnered significant public interest, as documented by extensive media coverage and the inclusion of this incident in the D.C. Auditor's March 2021 report. Disclosure will allow the public to understand and assess what occurred. Thus, a fee waiver should be granted.

If you determine no waiver is appropriate, and if the proposed fee is greater than \$25.00, we ask that you notify us prior to fulfilling the above requests.

If I can provide any other information that will help you address our request, please contact me at 202-601-4278 or mperloff@acludc.org. Once the records are ready, please email them to me at the above address. For your reference, I can also be reached by mail at:

PO Box 96503
PMB 85739
Washington, D.C. 20090-6503

We look forward to receiving this material within 15 business days as required by D.C. Code § 2-532(c). Thank you for your prompt attention to this matter.

Sincerely,

Michael Perloff
American Civil Liberties Union Foundation
of the District of Columbia

ACLU

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