

From: Ken Vaughn
Sent: Tuesday, March 18, 2025 1:05 PM
To: City Attorney's Office <cityattorney@grand-rapids.mi.us>
Subject: Subject: FOIA Appeal for Request #PD-2025-536

Dear City Attorney's Office,

I am formally appealing the response to my **FOIA request (#PD-2025-536)** under **MCL 15.240**, which provides the right to challenge denials, excessive fees, and undue delays in records requests. This appeal covers both the original response and the supplemental response provided by the Grand Rapids Police Department (GRPD).

Grounds for Appeal

1. Failure to Provide a Vaughn Index for Withheld or Redacted Records

- The FOIA response states my request was “granted in part and denied in part” but does not explain which exemptions were applied or why certain records were withheld.
- I request a Vaughn Index listing all withheld documents, along with the specific legal justifications for redactions or exemptions.

2. Unreasonable Processing Delay (6-8 Months)

- Michigan FOIA law (MCL 15.235(2)) states that public records should be provided within 5 to 15 business days in normal circumstances.
- A 6-8 month delay is excessive, particularly since the majority of records are digital (emails, logs, reports).
- I request an expedited processing timeline that reduces the estimated completion window to 30-60 days.

3. Failure to Provide NICS Background Check Records

- My original request explicitly sought any records GRPD reviewed in my firearm permit application, including the NICS background check.
- No such records have been provided.
- If GRPD reviewed an NICS report as part of my firearm permit process, they are required to disclose any records they received or explain why these records are missing.

4. Omission of Potentially Responsive Records (Withholding of Complaints and Internal Communications)

- The 29MB of internal emails identified in the FOIA response suggests extensive discussions about me within GRPD and possibly other city departments.
- However, the response does not clarify whether these records contain relevant complaints, investigations, or discussions that could have impacted my firearm permit approval.
- I request confirmation that all responsive records were included, that no documents were omitted due to subjective determinations of relevance, and that all complaint-related records have been provided.

5. Potential Misclassification of Records in My Police File

- I am concerned that information from a past complaint filed against me—one that I was not initially aware of—was escalated in ways that I was not informed of.
- If this resulted in GRPD involvement without direct criminal matter justification, this raises serious questions about how complaints are documented and whether I was flagged improperly.
- I request a full and transparent explanation of why my name is associated with certain records and whether any subjective determinations were made without my knowledge.

Requested Action

I request that the Grand Rapids Police Department:

1. **Provide a Vaughn Index listing all exemptions and redactions, along with the legal basis for each withheld record.**

2. Commit to an expedited processing timeline, with an estimated completion within 30 days instead of 6-8 months.
3. Disclose all NICS records related to my firearm permit application.
4. Disclose all relevant emails and complaints, ensuring that internal communications and investigations related to my name are included in full.

If this appeal is not resolved satisfactorily, I reserve the right to escalate this matter to judicial review under MCL 15.240.

Please respond in writing within ten (10) business days, as required by FOIA appeal procedures.

Sincerely,
Ken Vaughn