

OFFICE OF THE ATTORNEY GENERAL STATE OF ILLINOIS

KWAME RAOUL ATTORNEY GENERAL

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March 11, 2021

Via electronic mail Ms. Dana O'Malley Assistant General Counsel Chicago Police Department 3510 South Michigan Chicago, Illinois 60653 pacola@chicagopolice.org

RE:

FOIA Request for Review – 2021 PAC 67116; CPD FOIA No. P633074

Dear Ms. O'Malley:

The Public Access Bureau has received the enclosed Request for Review of the response by the Chicago Police Department (CPD) to a Freedom of Information Act (FOIA) request submitted by J. Ader. This office has determined that further action is warranted.

On January 25, 2021, J. Ader submitted a FOIA request to CPD seeking copies of all suggestion program reports, including their replies and determinations, submitted to the CPD's Research and Development Division from January 1, 2020, through the date of the request. On February 5, 2021, CPD extended the time for its response by five business days under section 3(e) of FOIA (5 ILCS 140/3(e) (West 2018), as amended by Public Act 101-081, effective July 12, 2019). On February 19, 2021, CPD responded, asserting that it was unable to locate responsive records based on the information provided. On February 21, 2021, J. Ader submitted this Request for Review contesting CPD's response.

As required under section 9.5(c) of FOIA (5 ILCS 140/9.5(c) (West 2018)), please provide a detailed description of the searches conducted for responsive records, including the repositories searched and personnel consulted. To the extent available, please also describe the manner with which CPD would maintain the types of records requested, excluding any of the parameters as set forth in the request.

This information must be submitted to our office within seven (7) business days after receipt of this letter. Under FOIA, "[t]he Public Access Counselor shall forward a

Ms. Dana O'Malley March 11, 2021 Page 2

copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. The requester may, but is not required to, respond in writing[.]" 5 ILCS 140/9.5(d) (West 2018). If you claim that any portion of your written response is confidential, please send two versions of your response letter: a complete copy for this office's confidential review and a redacted version suitable for this office to forward to the requester.

Please contact me at (217) 785-7438 or at cboggs@atg.state.il.us if you have questions or would like to discuss this matter. Thank you.

Very truly yours,

STOPHER R. BOGGS

Supervising Attorney Public Access Bureau

Attachment

cc: Via electronic mail J. Ader (will receive letter only) 105241-48596783@requests.muckrock.com

From:	Public Access <paccess@atg.< th=""><th>state.il.us></th><th></th></paccess@atg.<>	state.il.us>	
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Public Access			
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Sent:	Tuesday, February 23, 2021 9:21 AM	
То:	Public Access	
Subject:	FW: Illinois Freedom of Information Act. Request: FOIA · Chicago PD - Suggestion Program submissions and determinations (2020)	
Attachments:	996824.txt	
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67.116 Initial Docs

From: 105241-48596783@requests.muckrock.com [mailto:105241-48596783@requests.muckrock.com] Sent: Sunday, February 21, 2021 7:36 PM

To: Public Access < PAccess@atg.state.il.us>

Subject: RE: Illinois Freedom of Information Act. Request: FOIA - Chicago PD - Suggestion Program submissions and determinations (2020)

Office of the Illinois Attorney General Public Access Counselor 500 S. Second Street Springfield, IL 62706

February 21, 2021

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This is a follow up to a previous request: To whom it may concern, n en el antina antinget a conservation de la El seconda de la conservation

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I am writing to appeal the determination by the Chicago Police Department to disregard my FOIA request, filed on January 22nd, 2021, for thew following records:

"All Suggestion Program reports submitted to the Chicago Police Department's Research and Development Division - as well as respective replies and determinations - from January 1st, 2020 to the date of this request (November 29th, 2020). For more information on responsive records relative to this request, please consult Special Order S01-05 (<u>http://directives.chicagopolice.org/directives/data/a7a57be2-12a5752b-</u> <u>27112-a577-bb72aba066179472.html</u>)"

I am appealing on the grounds that I believe the search for responsive records was inadequately processed.

Please see the original request attached here, else you can access it from this link (as it was submitted via MuckRock): <u>https://www.muckrock.com/foi/chicago-169/foia-chicago-pd-suggestion-program-submissions-and-determinations-2020-105241/</u>

Thank you in advance for your corporation in this appeal and request.

Looking forward to hearing from you,

- J. Ader

Filed via MuckRock.com

E-mail (Preferred): 105241-48596783@requests.muckrock.com

Upload documents directly: https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%

<u>2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%</u> <u>252Fchicago-police-department-503%252Ffoia-chicago-pd-suggestion-program-submissions-and-</u>

determinations-2020-105241%252F%253Femail%253Dpublicaccess%

252540atg.state.il.us&url_auth_token=AAAjxjp4NO5d_R84vhOXWEhihDM%3A1IE08w%

3AiFyyU68gj_egfTO9mIN_LV6ecuQ

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 105241 411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Alexandra Alexandra de Statesta

On Feb. 19, 2021:

Subject: Non-Commercial Police FOIA Request :: P633074-012521 Attachments:

P633074-Response_Letter.pdf (https://u8387778.ct.sendgrid.net/ls/click?upn=6HtRfOYLt5fXvpttM-2FU1HQBImk7-2Bynhw89FmPm6yuaXuCPDmqJYvRk2B47aEBbNS7w8Zw1ahmZAaRtJcdkbt0p vY20w0ci-2F9YutMErM5M6Apapdn8fsR8dnueodIdkLptirCbJUDKC65sb6Wp5dmEZ1RYJdZd7 Vv1BNOa0ndb7dgKldqWvcPHh5wwR4sNlbPSRRwK5w1iHG85HhUpAUqcA-3D-3DWgCX_KJUWf5CV5oSWbzG3dKAXrl8JJI40wlZYCZudohPmw8-2Fx-2FLBaNoS-2B-2FVZrS0nNCWCfBPdBba-2FBpNyGODntvDKFpi4aXOU4m9rDslmNT4aFCk49mtAmboWRdPw E8vUZWMzRW6tS51ulXa85lRGZnuExTVjg0b-2FvZD3bDjrewsy2-2FhYO-2B1ZLhjQdRGXF7oGzgRck-2FLiHYOXU14b-2B1bGkVipSw0e-2B-2B420XjGEH22MrD-2FVNCqE0FcASrnrHJ028Sif1EnQlKfF1E5JTDsza8I-2F8AAqSKY6IFKKvzEqk-2Fyhq20FdMm3bbD52wwa37-2Bjcj572-2BkUucyr8p00VdB9BSG2cn4mKA764w5G2b6cMxCe-2FZnOz0eJous0aE1wI-2FdPERVEqqlpx6luYrE-2Fy2DzBg1yXTv29Q-3D-3D)

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Hello

Please see attached response to your FOIA request.

On Feb. 5, 2021:

La carte de la c

Subject: Non-Commercial Police FOIA Request :: P633074-012521 Attachments: P633074-COVID_19_Extension_Ltr.pdf (<u>https://u8387778.ct.sendgrid.net/ls/click?</u> upn=6HtRfOYLt5fXvpttM-2FU1HQBImk7-2Bynhw89FmPm6yuaXuCPDmqJYvRk2B47aEBbNS7w 8Zw1ahmZAaRtJcdkbt0pvY20w0ci-2F9YutMErM5M6Ba5Bxh42C4M2DEKGQvDoQjcFOqp5mCkc vz9dRyxYS0FFc11DuJy290ebpL4zDruWLnH6PSu9-2BXeEprUosE2PI7jPNd2eq6hJ7VktqrpXOCej-2BBeeVIz-2Fk0BTFdm-2BGgvec-3Dxwfk_KJUWf5CV5oSWbzG3dKAXrl8JJI40wlZYCZudohPmw8-2Fx-2FLBaNoS-2B-2FVZrS0nNCWCfBPdBba-2FBpNyGODntvDKFprB1D7-2BcOE9x5WDhkG5NB5sPfCalkj-2FbjxHdAJzYon9E5RuI3qUmO1GDCuE7CKAS9qnQocG1MU jRNi6Y8hz6Ck2sVX6T7KCTHdNVhVti-2BeEms1yGREALM07jUrN5mJSeSo85M7PolbsGn20FygPx hZhfGp5f7E0m18VrF9OXhHSiwmS6bqndAJ71p4Zc6MigLmteHookOPrYXXixTeo5fdbQeekjTGx M0OvtP6cgk-2FY-2B3wNwgZsnF57Q7XW0FAZVQNv8YHPngL41FjLPsO681thHp07ah-2FcWpc3hmGQf6e9MbkVfobSCsoaksGhy7LFpHA-3D-3D)

Hello

Please see attached extension letter to your FOIA request.

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On Jan. 25, 2021:

Subject: Welcome to the City of Chicago Request Center! Dear J. Ader,

Thank you for registering with the City of Chicago Request Center. Please log in to the Records Center to update any contact or password information and to track the progress of your request. Login: 105241-48596783@requests.muckrock.com

If you have never used this system or cannot remember your password, please request a Temporary Password using the Forgot Password option on the login screen.

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

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On Jan. 25, 2021: Subject: Non-Commercial FOIA Request :: P633074-012521 Dear J.:

Thank you for your interest in information from the Chicago Police Department. Your FOIA request has been received and is being processed. Your FOIA Center reference number for tracking purposes is: P633074-012521

You have requested the following records: January 22, 2021

To Whom It May Concern:

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Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

All Suggestion Program reports submitted to the Chicago Police Department's Research and Development Division - as well as respective replies and determinations - from January 1st, 2020 to the date of this

request (November 29th, 2020). For more information on responsive records relative to this request, please consult Special Order S01-05 (<u>http://directives.chicagopolice.org/directives/data/a7a57be2-12a5752b-27112-a577-bb72aba066179472.html</u>)

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

J Ader

Chicago Police Department (CPD) responds to all public records requests in accordance with the Illinois Freedom of Information Act (FOIA), 5 ILCS 140/1 et seq. If further time is needed to assemble and copy all documents responsive to your FOIA request, we will contact you with a time estimate and a request to extend. You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Thank you for using the Chicago FOIA Center.

To monitor the progress or update this request please log into the Chicago Public Safety Record System. (https://u8387778.ct.sendgrid.net/ls/click?upn=6HtRfOYLt5fXvpttM-2FU1HQBImk7-

2Bynhw89FmPm6yuaWA2VNOGXqkGvBvgX8E6PTU-2FTGLLeihSKa-

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On Nov. 29, 2020:

Subject: Illinois Freedom of Information Act. Request: FOIA - Chicago PD - Suggestion Program submissions and determinations (2020)

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

All Suggestion Program reports submitted to the Chicago Police Department's Research and Development Division - as well as respective replies and determinations - from January 1st, 2020 to the date of this request (November 29th, 2020). For more information on responsive records relative to this request, please consult Special Order S01-05 (<u>http://directives.chicagopolice.org/directives/data/a7a57be2-12a5752b-</u> 27112-a577-bb72aba066179472.html) The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

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Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

J Ader :

Filed via MuckRock.com

E-mail (Preferred): 105241-48596783@requests.muckrock.com

Upload documents directly: <u>https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%</u> <u>2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%</u> <u>252Fchicago-police-department-503%252Ffoia-chicago-pd-suggestion-program-submissions-and-</u> <u>determinations-2020-105241%252F%253Femail%253Dpublicaccess%</u>

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Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note): MuckRock News DEPT MR 105241 411A Highland Ave Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

January 22, 2021

To Whom It May Concern:

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(http://directives.chicagopolice.org/directives/data/a7a57be2-12a5752b-27112-a577-bb72aba066179472.html)

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Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely

J Ader

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Filed via MuckRock.com

E-mail (Preferred): 105241-48596783@requests.muckrock.com Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com% 2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fchicagopolice-department-503%252Ffoia-chicago-pd-suggestion-program-submissions-anddeterminations-2020-

105241%252F%253Fcmail%253Dfoia%252540chicagopolice.org&url_auth_token=AAAjxjp4N O5d_R84vhOXWEhihDM%3A1l2x2y%3AFPLnqyup_zgPp73YQ95tu-FTFaw Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note): MuckRock News DEPT MR 105241 411A Highland Ave Somerville, MA 02144-2516 PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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Lori Lightfoot Mayor **Department of Police · City of Chicago** 3510 S. Michigan Avenue · Chicago, Illinois 60653 David O. Brown Superintendent of Police

February 5, 2021

Via Email: I. Ader

J. Ader <u>Jackson Manuelles</u> 105241-48596783@requests.muckrock.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST

FOIA FILE NO.: P633074

Dear J. Ader:

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The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA), request for the following:

"January 22, 2021

To Whom It May Concern: He area of the second of Information Act., I hereby request the following records:

All Suggestion Program reports submitted to the Chicago Police Department's Research and Development Division - as well as respective replies and determinations - from January 1st, 2020 to the date of this request (November 29th, 2020). For more information on responsive records relative to this request, please consult Special Order S01-05 (http://directives.chicagopolice.org/directives/data/a7a57be2-12a5752b-27112-a577-bb72aba066179472.html)

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In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Emergency and TTY: 9-1-1 · Non Emergency and TTY: (within city limits) 3-1-1 · Non Emergency and TTY: (outside city limits) (312) 746-6000 E-mail: police@cityofchicago.org · Website: www.cityofchicago.org/police

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FOIA requires each public body to promptly respond to a request for public records, either by complying or denying the request, within 5 business days after the public body has received the request. Under the Freedom of Information Act, a public body may extend the time to respond to a FOIA request by up to 5 business days. and the sheet at the sheet of the

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and the second the conference Due to the COVID-19 pandemic and the Governor's issuance of a disaster proclamation, the Chicago Police Department (CPD) is taking preventive measures in attempt to control the spread of the virus. Therefore, the CPD has chosen to allow Department members assigned to the Freedom of Information Act (FOIA) Unit to work remotely and has partially closed its office due to sworn members assigned to administrative duties being deployed to the field for public safety. In addition, as more and more individuals become ill or come into contact with someone infected with COVID-19 and are isolated or quarantined, members of CPD FOIA Unit may be unable to report to work. In such circumstances, CPD may assert exceptions outlined in 5 ILCS 140/3(e), particularly if responding to the request is unduly burdensome in the circumstances, requires review by an unavailable staff member, or requires resources to obtain records located off-site.

Please keep in mind that FOIA allows CPD and the requester to come to a mutually agreeable response period to comply with a FOIA request. Members of the public and media are asked to keep these considerations in mind and are strongly encouraged to work with public bodies to agree on reasonable and appropriate response times in light of the public health concerns we all face. Given that the length of the pandemic remains unknown and that staffing levels have been reduced, during this statewide emergency declaration, CPD may treat a FOIA request as unduly burdensome, in the event that it is not feasible for CPD to comply with or deny a request for public records within 5 business days after its receipt of the request or the time for response was properly extended under 5 ILCS 140/3(e) because it would unduly burden CPD's operations during the COVID-19 pandemic.

At this time, we are extending the time to respond to your request by an additional 5 business days.

If I can be of further assistance, you may contact me at 312-745-5308.

Sincerely,

A. Armour Freedom of Information Act Officer Chicago Police Department Office of Legal Affairs, Unit 114 3510 S. Michigan Ave. Chicago, IL 60653

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Lori Lightfoot Mayor Department of Police · City of Chicago 3510 S. Michigan Avenue · Chicago, Illinois 60653 **David O. Brown** Superintendent of Police

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February 19, 2021

Via Email:

J. Ader 105241-48596783@requests.muckrock.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST FOIA FILE NO.: P633074

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Dear J. Ader:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA) request for the following: "All Suggestion Program reports submitted to the Chicago Police Department's

"All Suggestion Program reports submitted to the Chicago Police Department's Research and Development Division - as well as respective replies and determinations from January 1st, 2020 to the date of this request (November 29th, 2020). For more information on responsive records relative to this request, please consult Special Order S01-05 (http://directives.chicagopolice.org/directives/data/a7a57be2-12a5752b-27112-a577-bb72aba066179472.html)

The requested documents will be made available to the general public, and this request is not being made for commercial purposes."

CPD, in collaboration with Research and Development, a search of CPD records was conducted utilizing the provided search parameters. Search results for [All Suggestion Program reports submitted to the Chicago Police Department's Research and Development Division - as well as respective replies and determinations - from January 1st, 2020 to the date of this request (November 29th, 2020)] returned **negative**; therefore, CPD has no responsive records to your request.

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You have a right of review by the Illinois Attorney General's Public Access Counselor. If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of a denial letter 5 ILCS 140-9.5(a). When filing a Request for Review, you must include a copy of the original FOIA request and a denial letter. You may also seek judicial review of a denial under 5 ILCS 140/11 by filing a lawsuit in the State Circuit Court. You can file a request for review by writing to the following:

Public Access Counselor Office of the Attorney General 500 S. 2nd Street Springfield, Illinois 62706 Phone: 312-814-5526 or 1-877-299-FOIA (1-877-299-3642) Fax: 217-782-1396 E-mail: <u>publicaccess@atg.state.il.us</u>

If I can be of further assistance, you may contact me at 312-745-5308.

Emergency and TTY: 9-1-1 Non Emergency and TTY: (within city limits) 3-1-1 Non Emergency and TTY: (outside city limits) (312) 746-6000 E-mail: police@cityofchicago.org Website: www.cityofchicago.org/police Sincerely,

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A. Armour Freedom of Information Act Officer Chicago Police Department Office of Legal Affairs, Unit 114 3510 S. Michigan Ave. Chicago, IL 60653