



Lori E. Lightfoot  
Mayor

Department of Police · City of Chicago  
3510 S. Michigan Avenue · Chicago, Illinois 60653

David O. Brown  
Superintendent of Police

August 13, 2020

**Via Email:**

Phil Rogers  
NBC 5

**RE: NOTICE OF RESPONSE TO FOIA REQUEST**  
**FOIA FILE NO.: P594016**

Dear Phil Rogers:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA) request, received July 30, 2020 for the following:

*"This is a request under the Illinois Freedom of Information Act and the U.S. Freedom of Information Act.*

*Please provide copies of all bodycam videos, dashcam videos, and building security camera videos depicting the incident behind the Chicago Police District Headquarters at Grand and Central, where officers and an offender were shot on July 30, 2020."*

As permitted by 5 ILCS 140/3(e), the time was extended in order to conduct a thorough search for these records. Your request was reviewed by the undersigned in collaboration with the Department's Bureau of Detectives and Office of Legal Affairs and in consultation with the City's Civilian Office of Police Accountability (COPA.) A search of CPD records was conducted utilizing the provided search parameters. It was determined that your request is denied in full.

Please be advised that this is an ongoing CPD investigation and it was determined that the requested video records pertaining to this case are exempt pursuant to FOIA under exemption 7(1)(d)(i) of FOIA (5 ILCS 140/7(1)(d)(i) (West 2010), as amended by Public Acts 97-333, effective August 12, 2011; 97-385, effective August 15, 2011; 97-452, effective August 19, 2011), which allows a public body to withhold records that would interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by the law enforcement or correctional agency that received the FOIA request, and under exemption 7(1)(d)(vii) in which the release of records would obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

While responsive records were identified, disclosing these records would adversely impact an ongoing CPD investigation. In order to ascertain whether your request would interfere with an ongoing

investigation, the matter was forwarded to the Department's Bureau of Detectives. The Bureau of Detectives stated that this incident just occurred July 30, 2020 and that the investigation is still open and ongoing; the release at this time could possibly jeopardize the progress of the investigation. The Detectives stated that individuals are still being interviewed and the disclosure of these records would directly interfere with CPD's active investigation into this matter. Release would divulge information that would compromise the investigators' ability to determine the veracity of statements made by all involved parties, thereby affecting the integrity and outcome of the investigation and release could affect witness testimony. Compliance with your request for all video records regarding RD #JD311144 is unduly burdensome because it requires review and analysis of multiple stakeholders to determine whether individual records could interfere with an ongoing criminal and administrative investigation. Investigations into officer-involved shootings may involve multiple witnesses and pieces of evidence and the importance of each to an ongoing investigation may change during the course of an investigation. For this reason, the staff and/or resources necessary for your FOIA request are unduly burdensome on the daily operations of the Department. Therefore, it was determined that these records must be withheld pursuant to 7(1)(d)(i) and 7(1)(d)(vii).

In addition, please be advised that this is an ongoing COPA investigation and it was determined that the requested video records pertaining to this case are exempt pursuant to FOIA under exemption 7(1)(d)(i) of FOIA (5 ILCS 140/7(1)(d)(i) (West 2010), as amended by Public Acts 97-333, effective August 12, 2011; 97-385, effective August 15, 2011; 97-452, effective August 19, 2011), which allows a public body to withhold records that would interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by the law enforcement or correctional agency that received the FOIA request and (ii), which permits the withholding of documents created in the course of an administrative enforcement proceeding to the extent that disclosure would interfere with "pending or actually and reasonably contemplated law enforcement proceedings conducted by an law enforcement or correctional agency," or "active administrative enforcement proceedings."

In order to ascertain whether your request would interfere with an ongoing investigation, the matter was forwarded to OLA and COPA. OLA stated that the requested records relate to an ongoing investigation that is being conducted by COPA. Per the consultation between OLA and COPA, it was determined that the requested records are exempt from production under 5 ILCS 140/7(1)(d)(i) and (ii). COPA stated that these records relate to an open and ongoing investigation into an officer-involved shooting and that the premature release of these records would interfere with their active investigation. Witnesses are still being contacted to be interviewed and the disclosure of these records would directly interfere with COPA's active investigation into this matter such that their investigation is compromised if witnesses who have yet to meet with COPA are able to review the materials in COPA's possession, including but not limited to the statements of other witnesses, accused, and complainants. *See, e.g., Clark v. City of Chicago*, 10cv1803, 2010 U.S. Dist. Lexis 88124 (N.D. Ill. Aug 25, 2010); *Santiago v. City of Chicago*, 09cv3137, 2010 U.S. Dist. Lexis 29198 (N.D. Ill. Mar. 26, 2010). Release of such records would divulge information that would affect witness testimony, thereby challenging the integrity and jeopardizing the progress of the investigation. Therefore, these records must be withheld pursuant to 7(1)(d)(i) and (ii).

If I can be of further assistance, please contact me at the following address:

Chicago Police Department  
Attention: Freedom of Information  
Office of Legal Affairs, Unit 114  
3510 S. Michigan Avenue

Chicago, IL 60653  
[foia@chicagopolice.org](mailto:foia@chicagopolice.org)

You have a right of review by the Illinois Attorney General's Public Access Counselor, who can be contacted at 500 S. Second St., Springfield, IL 62706 or by telephone at 877-299-3642. You may also seek judicial review in the Circuit Court of Cook County under 5 ILCS 140/11.

Sincerely,

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