



Lori E. Lightfoot  
Mayor

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

David O. Brown  
Superintendent of Police

17 May 2022

**SENT VIA ELECTRONIC MAIL**

Mr. Christopher R Boggs  
Supervising Attorney  
Public Access Bureau  
Office of the Attorney General  
500 South Second Street  
Springfield, Illinois 62701  
[cboggs@ilag.gov](mailto:cboggs@ilag.gov)

RE: **Notice of Response to Request for Review – 2021 PAC 67116; FOIA File No. P633074**

Dear Supervising Attorney Boggs:

This letter is in response to your office's letter dated 11 March 2021 to the Chicago Police Department (CPD or the Department) relating to the Freedom of Information Act (FOIA) request submitted by Mr. J. Ader. CPD received your office's further inquiry letter on 11 March 2021, and it is now responding to Mr. Ader's request for review.

Mr. Ader requested 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 29, 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."*

A FOIA officer responded to Mr. Ader's request on 19 February 2021 and informed him that the Chicago Police Department conducted a search and found no responsive records for the time period outlined in Mr. Ader's FOIA request. Subsequently, Mr. Ader filed a request for review with your office on 21 February 2021 contesting the adequacy of CPD's search efforts. Specifically, Mr. Ader contends that the Department's search for responsive records was inadequate.

After a review of 2021 PAC 67116 and FOIA File NO. P633074, the Chicago Police Department conducted a search of its records with the unit that would customarily be the custodian of the records sought by the requester. The Department's search in the instance case was reasonable and adequate. For reasons set forth below, CPD contends that it conducted an adequate search and found no responsive records related to Mr.

Ader's FOIA request.

### Analysis

There is a presumption under the Illinois Freedom of Information Act that public records are presumed to be open and accessible. 5 ILCS 140/1.2. When presented with a FOIA request, a public body is required to conduct a "reasonable search tailored to the nature of [that] particular request." *Campbell v. U.S. Department of Justice*, 164 F.3d 20, 28 (D.C. Cir. 1998). To demonstrate the adequacy of a search, the public body must provide a "reasonably detailed" explanation that "denotes which files were searched and reflects a systematic approach to document location in order to enable the [requester] to challenge the procedures utilized." *Oglesby v. U.S. Dept. of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990); see also *Weisberg v. U.S. Dept. of Justice*, 745 F.3d 1476, 1485 (D.C. Cir. 1984) ("the issue to be resolved is not whether there might exist any other documents possibly responsive to the request, but rather whether the search for those documents was *adequate*." ) (emphasis added).

Here, the Department performed a reasonable search for the requested records after FOIA personnel contacted CPD's Research and Development Division (R&D) to determine if it had any responsive documents to Mr. Ader's request. The R&D Division provides administrative support for Department activities and personnel through developing CPD's policies and procedures, conducting CPD's official statistical reporting, evaluation, and other research, and by evaluating CPD's new uniform items and police equipment. Pursuant to Special Order S01-05, the R&D Division is also tasked with establishing and monitoring the Department's Suggestion Program in an effort to collect suggestions from Department members in order to improve the efficiency and effectiveness of Department operations. See Special Order S01-05, *Suggestion Program*, CHICAGO POLICE DEPARTMENT, <http://directives.chicagopolice.org/#directive/public/6291> (last visited on 17 May 2022). Any Department member may participate in the suggestion program by submitting a suggestion<sup>1</sup> in the form of a To-From subject report directly to the director of the R&D Division. *Id.* at Section IV(A). Thus, in order to ascertain whether the Department maintained suggestion reports for the requested time period (Jan. 1, 2020-Jan. 25, 2021), personnel from the R&D Division searched the database where it customarily logs its tasks, including suggestion reports, received by R&D. Upon searching its database, R&D personnel found no responsive records related to Mr. Ader's request during the requisite time period. Moreover, after receiving the request for review from your office, a Lieutenant within the R&D Division conducted an additional search of the same database system that maintains suggestion reports and found no responsive records for the requisite time period. Mr. Ader's assertion that CPD's search was inadequate is conclusory on its face and amounts to mere speculation, which importantly does not negate the adequacy of CPD's search. See *SafeCard Services, Inc. v. S.E.C.*, 926 F.2d 1197, 1201 (D.C. Cir. 1991) ("Mere speculation that as yet uncovered document may exist does not undermine the finding that the agency conducted a reasonable search for them."). Importantly, CPD contends that R&D's search of its task database constituted a reasonable and adequate search, since it was the unit that would most likely be the custodian of the records Mr. Ader sought according to Special Order S01-05. As noted above, in determining whether a public body has met its obligations under FOIA in searching for responsive records, the focus is on whether the search was *adequate* and not whether potential responsive records, yet to be discovered, may exist. See *Weisberg*, 745 F.3d at 1485. Accordingly, CPD asserts that it fulfilled its obligations under FOIA and performed a reasonable and adequate search, which concluded with a

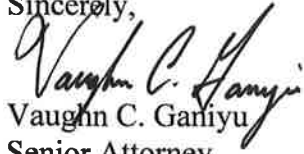
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<sup>1</sup> "A suggestion is a constructive recommendation to simplify or improve operations, equipment, methods, procedures or organization; conserve materials or property; promote health or improve working conditions; reduce the occurrence of accidents or injuries; improve morale; improve public relations and service to the public; and enhance the image of the Department." Special Order S01-05, *Suggestion Program*, CHICAGO POLICE DEPARTMENT, <http://directives.chicagopolice.org/#directive/public/6291> (last visited on 17 May 2022) at Section III.

negative finding; therefore, CPD stands by its initial response to Mr. Ader under P633074.

If you need additional assistance regarding this matter, please feel free to contact me or the Legal Affairs Division.

Sincerely,

A handwritten signature in black ink that reads "Vaughn C. Ganiyu". The signature is written in a cursive style with a large, stylized initial "V".

Vaughn C. Ganiyu

Senior Attorney

Legal Affairs Division – Unit 114

Chicago Police Department

