



Lori E. Lightfoot
Mayor

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

David O. Brown
Superintendent of Police

June 19, 2020

Via Email:

Lucy Parsons Labs
94457-10535429@requests.muckrock.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST
FOIA FILE NO.: P584465

Dear Lucy Parsons Labs:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA) request, received June 5, 2020 for the following:

*"A copy of all official police officer photos of officers in active duty.
A copy of all official police officer photos of officers who left the force between 2012 and the date of processing this request.
A badge ID and full name for each CPD photo.
Please forward this request to the research division, who should be able to process this request with relative ease, similar to what they do with CLEAR SQL queries. As the public's interest for this information is exceedingly high given current events, the public's interest far, far outweighs the burden on your office."*

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 Data Fulfillment and Analysis Section of the Strategic Data Analytics Division, Human Resources Division, and Graphic Arts Section. It was determined that your request is unduly burdensome as currently written and as a result, your request is granted in part and denied in part. CPD is providing you with the list of sworn officers who left the force from 2012 to current date. Please note that the list of current sworn officers was already produced to you in response to your FOIA request #P584466.

Please be advised that names and identifying information of Undercover Officers were redacted from the enclosed responsive records pursuant to 5 ILCS 140/7(1)(d)(vi), which protects information that would:

(vi) endanger the life or physical safety of law enforcement personnel or any other person;

It is imperative that the identity of Undercover Officers is kept confidential to maintain public safety as these Undercover Officers are assigned to investigations that promote public safety. Release of this

sensitive information would immediately compromise the identities of Undercover Officers who operated in covert operations. If criminals learn the identities of Undercover Officers who were involved in investigations against them, Officer safety could be compromised. Release could endanger the life and physical safety of the Undercover Officers and their families. If their identities were to be made public, there could be a high motivation for criminals to retaliate against the Undercover Officers subject of the information. With the online technology publicly available for anyone to use, criminals can easily ascertain where any identified person lives and who their family members are. For those Officers working in an undercover capacity, protecting their identity from disclosure is necessary for them to carry out their job responsibilities safely. Therefore, the names of Undercover Officers were properly redacted pursuant to 7(1)(d)(vi).

In regard to your request for photos, badge IDs, and full names of officers in active duty and officers who have left CPD since 2012, it was determined that this request is unduly burdensome. Given the scope of your request, processing such a request would be unduly burdensome as written. FOIA provides in 5 ILCS 140/3(g) that requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. Providing all of the records you are requesting constitutes more than 12,000 photographs of active officers and 4,312 photographs of officers who have left CPD since 2012 in addition to the specific Officer information you seek. While your FOIA request implies that CPD can easily query these photo records and information, please be advised that CPD does not have any existing record that has all sworn members' names linked with their photograph nor does CPD have any automated mechanism by which to link Officer photographs to the specific information you seek. To fulfill your request as currently written, CPD would have to manually retrieve and review each individual photograph and determine the specific information you seek, which would require substantial research just for the sake of fulfilling this FOIA request. Please note that officer photographs are separated between two units, Human Resources and Graphic Arts Division, depending on the appointment date of the officer. The manual research and retrieval of more than 16,312 photographs would require substantial collection, research, and review of documents. In addition, officer photos do not contain badge ID, name, or star information as your request is seeking. Even assuming that CPD could review and compile the responsive documents based on the aforementioned search, this task represents an unduly burdensome request for action upon this Department. As a result, CPD has determined that compliance with your request is unduly burdensome and that CPD's burden to process your request outweighs the public's interest.

Please note that FOIA requires the City to provide existing documents, according to Section 5 ILCS 140/3(a) (Each public body shall make available all public records, except as otherwise provided in section 7 of this act). FOIA does not require the public body to create new records, conduct research, analyze data, interpret, answer questions or advise requesters as to the meaning or significance of public records. The Court, in *Kenyon v. Garrels*, 184 ILL. App. 3rd 28, 32(4th Dist. 1989), noted that FOIA does not compel the agency to provide answers to questions posed by the inquirer.

FOIA does not require the public body to provide answers to questions or create documents. In *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (4th Dist. 1989), the Illinois Appellate Court noted that FOIA "....is not designed to compel the compilation of data the governmental body does not ordinarily keep."

At this time, your request is unduly burdensome as currently written. Pursuant to Section 3(g) of FOIA, we would like to extend to you an opportunity to modify your request to make it more manageable. CPD encourages you to review your request to ascertain the specific details to your query. Unless and until a

new FOIA request is submitted that specifies and narrows the records you are seeking, CPD will be unable to provide further records. Once this is determined, a new FOIA request can be submitted to CPD, specifying the records you would like CPD to provide.

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

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