



Lori E. Lightfoot
Mayor

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

David O. Brown
Superintendent of Police

August 7, 2020

Ms. Beryl Lipton
99358-14742781@requests.muckrock.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST
REQUEST RECEIPT DATE: July 29, 2020
FOIA FILE NO.: P593771

Dear Ms. Lipton:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA), 5 ILCS 140/1, *et seq.*, request for the following:

"Records related to this agency's policies on and reporting of uses of force and responses to resistance:

- *Policies.*

Any and all policies guiding appropriate and inappropriate uses of force by any member or representative of this agency. These may also include "Response to Resistance" policies and similar guidance.

Please also provide all policies regarding the use of lethal, less-lethal, and non-lethal weapons (for example: TASERS pepper ball guns, rubber bullets, gases, sprays, water, etc.), including all policies regarding borrowing, accessing, or assuming responsibility for such weapons, tools, and ammunition.

Please also provide all policies or guidance related to reporting or tracking discharges from or uses of such weapons, as well as any other applicable policies or directives related to the acquisition, use, and reporting of weapons or tools.

Please also provide all policies and guidance used to evaluate any use of force or adjudicate administrative and internal investigations into any use of force or weapon discharge.

- *Instructions for reporting. Any and all instructions and guidance related to the reporting of uses of force by any member or representative of this agency.*

- *Forms, coding descriptions, and other guidance.*

All forms, codes, guides, and guidance used in the reporting and review of uses of force or weapons, including:

Any list of codes or definitions for terms or tags used in the reporting, collection, or review of uses of force.

A blank version of each form, log, and other documentation used to report or track uses of force by this agency.

A blank version of each form, log, and other documentation used to report or track the borrowing or use of lethal, less-lethal, and non-lethal weapons

A blank version of each form, log, and other documentation used to report or track any discharge of force from firearms, tools, or weapons employed by this agency

A copy of any guidance, requirements, laws, and policies issued by the state, including those issued as part of grant or other funding requirements, regarding this agency's responsibilities for reporting uses of force or weapons

A copy of any guidance, requirements, laws, and policies issued by the federal government, including those issued as part of grant or other funding requirements, regarding this agency's responsibilities for reporting uses of force or weapons

- *Use of Force Data*

For the period from January 1, 2019 through December 31, 2019 and the period from January 1, 2020 through July 31, 2020, data on the each use of force by representatives of this agency, including but not limited to:

Date, time: The date (month, day, year) and time of the incident

Location: Street address, block, and other relevant location information

Subject(s) information: race, ethnicity, national origin, age, gender, resultant or related injuries sustained or alleged, weapon type (if applicable) in the possession of each involved individual, arrests or charges associated with the incident

Officer information (for each involved officer): employee number or other unique identifier used for the officer, race, resultant or related physical injuries, patrol division, unit

Incident details: incident or other unique identification number for the use of force incident

Type of force details: a description of each type of force used

Body camera or other footage: Inventory of any video record was created of the incident and/or a copy of the captured footage from all present cameras

Disposition of investigation into the incident: The current or final status of each use of force incident, including whether challenges to the use of force were sustained or dismissed or if the incident had no or is currently under investigation

Please provide the information as a csv spreadsheet, if possible, and if not possible, please provide incident reports sufficient to show the requested data.

- *Discharge Report Data*

For the period from January 1, 2019 through December 31, 2019 and the period from January 1, 2020 through July 31, 2020, data on each discharge of a firearm and other weapons by representatives of this agency, including but not limited to:

Date, time: The date (month, day, year) and time of the incident

Location: Street address, block, and other relevant location information

Incident description and details

Tool or weapon used, including any unique identifier or identification number

Number of discharges

Subject(s) information: race, ethnicity, national origin, age, gender, resultant or related injuries sustained or alleged, weapon type (if applicable) in the possession of each involved individual, arrests or charges associated with the incident

Officer information (for each involved officer): employee number or other unique identifier used for the officer, race, resultant or related physical injuries, patrol division, unit

Type of force details: a description of each type of force used

Disposition or status of any investigation or follow-up review of the incident."

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. A search was conducted based on the parameters provided. The Office of

Constitutional Policing & Reform – Research & Development Division, which has provided the requested records for the first 3 parts and the Bureau of Technical Services – Data Fulfillment and Analysis Section of the Strategic Data Analytics Division has provided the records for the last two parts of your request.

In addition, please be aware that some of the records you are seeking are publically available online at:

<http://directives.chicagopolice.org/directives/>

Please be advised that records are redacted pursuant to the Juvenile Court Act of 1987, 705 ILCS 405/1 et seq. ("JCA"). 5 ILCS 140/7(1)(a) of the FOIA statute exempts from disclosure, "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law." The Illinois Juvenile Court Act of 1987 strictly restricts the disclosure of law enforcement records that pertain to a juvenile's arrest, charge, or investigation. Such information must be withheld in full pursuant to 705 ILCS 405/5-905(5); 705 ILCS 405/1-7(c). Specifically, pursuant to Sec. 1-7(c): "[t]he records of law enforcement officers, or of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, concerning all minors under 18 years of age must be maintained separate from the records of arrests and may not be open to public inspection or their contents disclosed to the public." 705 ILCS 405/1-7(C). Therefore, because there are records pertaining to a juvenile, this information is redacted under 5 ILCS 140/7 (1)(a) of the Freedom of Information Act, which exempts from production "information specifically prohibited from disclosure by a federal or State law or rules and regulation adopted under federal or state law."

You have the right to have of review by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, by telephone at (877)299-3642, fax at (217)782-1396, or email at publicaccess@atg.state.il.us. You also have the right to seek judicial review by filing a lawsuit in Cook County Circuit Court.

Sincerely,

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