



Lori E. Lightfoot
Mayor

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

David O. Brown
Superintendent of Police

April 27, 2021

Mr. Jake Ader
110901-10422784@requests.muckrock.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST
REQUEST RECEIPT DATE: April 13, 2021
FOIA FILE NO.: P652243

Dear Mr. Ader:

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:

"A copy of all of the following Social Media Exploitation Team (SOMEX) forms completed from April 1st, 2021 to April 10th, 2021:

- SOMEX Team Intelligence Report [CPD 23.270]*
- Social Media Covert Identity Authorization Form [CPD 41.307]."*

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 in consultation with the Office of the First Deputy Superintendent – Bureau of Detectives.

Please be advised that SOMEX Team Intelligence Reports pertaining to the requested time frame are part of open investigations. Releasing these records would interfere with the open investigations and therefore these records are exempt and cannot be released at this time pursuant to FOIA section 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. Furthermore, under section 7(1)(d)(vii) of FOIA (5 ILCS 140/7(1)(d)(vii) (West 2016)), a law enforcement agency may withhold records to the extent disclosure would "obstruct an ongoing criminal investigation by the agency that is the recipient of the request." While responsive SOMEX Team Intelligence Reports were identified, disclosing these records would adversely impact the ongoing Chicago Police Department investigations. In order to ascertain whether your request would interfere with the ongoing investigations, the matter was forwarded to the Department's Bureau of Detectives. The Bureau of Detectives stated that these cases are still open and ongoing; the release at this time could possibly jeopardize the progress of the investigation. The Detectives stated that some of the suspects have been identified and are currently at large. The disclosure of these records would directly interfere with CPD's active investigation into this matter such that their investigation is compromised if the suspects who are wanted are able to review the materials in CPD's possession, including but not limited to statements and recovered evidence.

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). The premature release of these records would divulge information that would jeopardize the progress of the investigation. For these reasons, it was determined that these records must be withheld pursuant to 7(1)(d)(i) and 7(1)(d)(vii).

As for Social Media Covert Identity Authorization Forms, a search of CPD records proved negative; therefore, there are no responsive records for that part of your request.

You have the right to have a denial reviewed 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 of your denial 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