



Lori E. Lightfoot
Mayor

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

Charlie Beck
Interim Superintendent of Police

9 December 2019

J Ader
83887-22286407@requests.muckrock.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST
FOIA FILE NO.: P545355

Dear Mr. Ader:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA). In it, you request:

...All officer body camera footage (un-altered and including any audio) and/or incident reports pertaining to any incidents taking place at E 79th and S Cottage Grove
(<https://www.google.com/maps/place/S+Cottage+Grove+Ave+%26+E+79th+St,+Chicago,+IL+60619/@41.7512948,-87.6052878,17z/>)
on November 28th, 2019....

Your request was reviewed by the undersigned in collaboration with the Bureau of Internal Affairs (BIA), Office of Legal Affairs (OLA) and City's Civilian Office of Police Accountability (COPA). It was determined that your request is partially granted and partially denied. At this time, you are being provided with the Arrest Report CB# 19903623 and Original Case Incident Report RD# JC527821. Please be advised that certain information is redacted from the documents pursuant to the following sections of FOIA.

Section 7(1)(b) exempts from disclosure "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." 5 ILCS 140/7(1)(b). The FOIA, in 5 ILCS 140/2(c-5), defines "private information" as follows:

"Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person."

Therefore, home addresses, social security numbers, telephone numbers, and driver's license numbers were properly redacted pursuant to Section 7(1)(b). Likewise, Department employee user codes and employee identification numbers are exempt and were properly redacted pursuant to Section 7(1)(b).

In addition, dates of births, and the names of victims and those who provided information to the police were also redacted, as they are exempt from disclosure pursuant to 5 ILCS 140/7(1)(c) of FOIA. Section 7(1)(c) exempts from inspection and copying the following:

"[P]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy... 'Unwarranted invasion of personal privacy' means the disclosure of information is that highly personal or objectionable to reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

Victims, witnesses, and suspects have a strong interest in keeping their identity private and therefore their names were properly redacted pursuant to Section 7(1)(c) of FOIA. Moreover, dates of birth are highly personal and were also properly redacted pursuant to Section 7(1)(c) of FOIA.

In addition, names of persons who filed a complaint and/or provided information to law enforcement personnel have also been redacted pursuant to 5 ILCS 140/7(1)(d)(iv) which protects information that would:

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies

Names of persons such as victims(s), suspect(s), and/or witness(es) are exempt and were properly redacted to protect their identity.

This is an ongoing investigation and any records pertaining to this case are exempt pursuant to Section 7(1)(d)(ii) of FOIA. See 5 ILCS 140/7(d)(ii). Section 7(1)(d)(ii) exempts public bodies from disclosing records that would "interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request." See *id.*

While responsive records were identified pertaining to RD# JC527821, disclosing any further records would adversely impact an ongoing investigation. In order to ascertain whether your request would interfere with an ongoing investigation, the matter was forwarded to BIA, OLA, and COPA. Therefore, any records is exempt from inspection and copying under 5 ILCS 140/7(1)(d)(i) and (ii). Our factual basis for this file was compiled in our administrative investigations into allegations of police misconduct pursuant to our establishing ordinance (Chi. Mun. Code 2-78-100 et. Seq) and disclosure of such file will interfere with our pending and active investigation into this matter such that our investigation is compromised if witnesses who have yet to meet with our office are able to review the materials in our 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).

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

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. Second St., Springfield, IL 62706, (877)299-3642. You also have the right to seek judicial review of your denial by filing a lawsuit in the Circuit Court of Cook County under 5 ILCS 140/11.

Sincerely,
M. Acosta
Freedom of Information Act Officer
Department of Police