OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 11, 2024

Via electronic mail
[redacted]

RE: FOIA Request for Review – 2024 PAC 82064; City no. 2024-2886

Dear [redacted]

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2022), as amended by Public Act 103-069, effective January 1, 2024). For the reasons set forth below, the Public Access Bureau concludes that no further action is warranted in this matter.

On July 1, 2024, you submitted a FOIA request to the Peoria Police Department (Department) via the City of Peoria's FOIA portal seeking "the records that reflect the number of officer [*sic*] that were using body camera on 7/1/2022 please include graph and all data that exist on this matter please include all patrol officers[.]"[1] On July 8, 2024, the Department responded that it "does not possess any documents or records responsive to your request."[2] That same day, you submitted the above-referenced Request for Review. In correspondence to the Department, you argued: "This does not satisfy my request every police department's [*sic*] has some type of stats that reflect the department use of body camera your own general directive order state this[.]"[3]

The requirements of FOIA apply to requests for "public records," which are records "having been prepared by or for, or having been or being used by, received by, in the

[1]FOIA portal message from [redacted] to Peoria [Polic Department] (July 1, 2024).

[2]E-mail from Rebecca Boland, Records Administrator, Peoria Police Department, to [redacted] (July 8, 2024).

[3]E-mail from [redacted] to [Rebecca Boland] (July 8, 2024).

possession of, or under the control of any public body." 5 ILCS 140/2(c) (West 2022). "A request to inspect or copy must reasonably identify a public record and not general data, information, or statistics." *Chicago Tribune Co. v. Department of Financial & Professional Regulation*, 2014 IL App (4th) 130427, ¶ 33 (concluding that an agency was not required to calculate the number of claims against certain physicians in response to a request for the number of claims). Thus, a public body is not required to answer questions or generate new records in response to a FOIA request. *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (1989).

Rather than reasonably describing records, your request sought general data about the number of officers using body cameras on a specific date two years ago. The Department stated that it does not possess records reflecting that number, and your Request for Review does not indicate why it would; the available information does not suggest that the Department would possess a daily count of officers with body cameras as of July 1, 2022. FOIA does not require the Department to calculate that number, nor generate a graph and/or data with respect to that number. Although the Department may possess some statistics concerning its use of body cameras, there is no indication that it possesses the specific statistics you requested, and the Department was not required to provide statistics you did not request. Accordingly, this office has determined that no further action is warranted in this matter.

This file is closed. If you have any questions, please contact me at the Chicago address on the first page of this letter.

Very truly yours,

[redacted]

KATIE GOLDSMITH
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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