OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 2, 2024

Via electronic mail
[redacted]

Via electronic mail
Mr. Scott D. Spears
Acting General Counsel
Chicago Police Department
3510 South Michigan
Chicago, Illinois 60653
pacola@chicagopolice.org

RE: FOIA Request for Review – 2024 PAC 82977; CPD FOIA No. P979412

Dear [redacted] and Mr. Spears:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/9.5(f) (West 2023 Supp.). For the reasons that follow, the Public Access Bureau concludes that the Chicago Police Department (CPD) conducted a reasonable search for records responsive to [redacted] September 10, 2024, FOIA request.

On that date, [redacted] submitted a FOIA request to CPD seeking copies of all 21.953 forms completed by the 24th Police District from August 1, 2024, through the date of the request. After extending the date of its response under section 3(e) of FOIA (5 ILCS 140/3(e) (West 2022)), on September 24, 2024, CPD responded, asserting that it was unable to locate responsive records. On October 1, 2024, [redacted] submitted the materials necessary to complete this Request for Review. In an initial September 10, 2024, correspondence to this office in connection with her Request for Review, [redacted] alleged that she "received a

parallel form that the Chicago Park District maintains on CPD, demonstrating that there were police patrols in Touhy (Patrick) Park."[1]

The Public Access Bureau forwarded a copy of the Request for Review to CPD and asked that it provide this office with a written response to the allegations, together with a description of the searches conducted by CPD for responsive records, including those individuals with whom CPD consulted and any other information concerning the maintenance of the CPD form in question. On November 8, 2024, CPD provided a written answer. On November 12, 2024, this office forwarded a copy of that answer to [redacted]. She did not submit a reply.

DETERMINATION

Section 1.2 of FOIA (5 ILCS 140/1.2 (West 2022)) provides that "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying." When presented with a FOIA request, a public body is required to conduct a "reasonable search tailored to the nature of [that] particular request." *Campbell v. U.S. Dep't of Justice*, 164 F. 3d 20, 28 (D.C. Cir. 1998). "Although a public body is not required to perform an exhaustive search of every possible location, the body must * * * search those places that are 'reasonably likely to contain responsive records.'" *Better Government Ass'n v. City of Chicago*, 2020 IL App (1st) 190038, ¶31 (quoting *Judicial Watch, Inc. v. U.S. Dep't of Justice*, 373 F. Supp. 3d 120, 126 (D.D.C. 2019)). A public body must use search terms that are reasonably calculated to locate responsive records. *Hall v. C.I.A.*, 668 F. Supp. 2d 172, 183-84 (D.D.C. 2009).

In its response to this office, CPD provided a detailed description of the searches conducted for responsive records:

> After FOIA Request P979412 was received, the FOIA officer assigned to the request emailed the appropriate department within the CPD that maintains daily activity reports for police officers at the park districts, the Bureau of Patrol. The Bureau of Patrol subsequently communicated with the commander for the 24th Police District. It was confirmed that there were no responsive records because the 24th Police District did not have a working vehicle for officers to patrol the park(s) during the requested timeframe. Accordingly, since no officers patrolled the park(s) in

[1]E-mail from [redacted] to Public Access [Counselor] (September 10, 2024).

the 24th Police District during the requested timeframe, there are no daily activity records for the park(s).[2]

The information provided to this indicates that CPD took measures that were reasonably calculated to locate records responsive to [redacted] request. CPD explained that, because the police district responsible for patrolling the park in question had no working patrol vehicles during the requested time frame, CPD did not possess any responsive daily activity reports as requested. Further, this office has reviewed a copy of the Chicago Park District's daily police report that [redacted] provided to this office in the initial stages of her Request for Review. Although this correspondence predates CPD's September 24, 2024, denial of her request, that report nonetheless documents no CPD police activity in Touhy Park from August 1, 2024, through September 10, 2024. Accordingly, the Public Access Bureau concludes that the CPD conducted a reasonable search for records responsive to [redacted] September 10, 2024, FOIA request.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This file is closed. If you have FOIA questions, you may contact me at the Springfield address on the first page of this letter.

Very truly yours,

[redacted]

CHRISTOPHER R. BOGGS
Deputy Public Access Counselor
Public Access Bureau

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[2]Letter from Legal Affairs Division – Unit 114, Chicago Police Department, to Christopher R. Boggs, Deputy Public Access Counselor, Public Access Bureau, Office of the Illinois Attorney General (November 8, 2024).