Rahm Emanuel
Mayor

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

Eddie T. Johnson
Superintendent of Police

February 3, 2017

Tracy Siska
Chicago Justice Project
Response Via Email: tsiska@chicagojustice.org

Re: **NOTICE OF RESPONSE TO FOIA REQUEST**
        REQUEST DATE: January 20, 2017
        FOIA FILE NO.: P056637

Dear Mr. Siska,

The Chicago Police Department (CPD) is in receipt of your Freedom of Information ("FOIA") request. Upon review by the undersigned, it was determined that you are seeking:

"provide case level crime incident data for all crime incidents including homicides from 1980-2016 including data related to how the incident is originally coded as it enters the CPD and the final incident classification. Please define each of the tables and fields included in the data requested in this FOIA."

CPD has interpreted your request as seeking spreadsheet documentation of data for every incident recorded by CPD over a 36 year period. In order to determine whether responsive documents exist, this matter was directed to the CPD Research and Development: Analysis Unit. Upon review of this matter, R&D has indicated that there is no existing formula from which such data could be drawn, compiled and produced. To properly address this request, R&D would have to generate an entirely new mathematical algorithm by which such data might be drawn and disseminated. In consideration of this situation, no responsive records exist pertaining to this request. It should be emphasized that FOIA requires public bodies to provide *existing* public records. See 5 ILCS 140/3(a) ("Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Sections 7 and 8.5 of this Act."). FOIA does not require public bodies to create records, or compile information for the purpose of creating a record.

Even assuming, arguendo, that R&D could produce such documentation, processing such a request would be unduly burdensome as written. FOIA provides in 5 ILCS 140/3(g) that requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. As stated *supra*, a customized mathematical formula would have to be developed by R&D in order to generate the sort of data you are seeking. Based on R&D's current work backlog and the time needed to formulate and produce an accurate algorithm, this task alone would take several weeks to complete. R&D has also noted that data concerning incidents recorded prior to 1999 is maintained in paper format, and is not digitized in a central database. In consideration of the unit's incredible workflow, such a broad search for paper documentation would take R&D several weeks, if not months to complete and compile. The CPD Bureau of Patrol has indicated that in the past four years alone, 400,000 arrests were conducted by CPD. Thus, processing statistics over the past 36 years would involve the review of data from over two million arrests.

A compilation of all the aforementioned documents for each responsive incident would therefore require the review of several thousand pages of data for information that is exempt under FOIA and other relevant state and federal statutes. Based on past requests, it would be reasonable to expect a trained FOIA officer to take at least one minute to review one

page of responsive documents. Reviewing all responsive documents in the aggregate would consequently require well in excess of 50 hours to complete such a demanding task. The short response time allowed by FOIA makes the task of identifying, collecting, and reviewing potentially responsive records in a timely manner unduly burdensome upon CPD. As a result, CPD has determined that compliance with your request is unduly burdensome and that CPD's burden to process your request outweighs the public's interest.

At this time, your request has been interpreted to seek data pertaining to every criminal incident recorded by CPD over the past 36 years, which would involve the creation and review of thousands of pages of spreadsheet documentation. Please note that the Department does not maintain such data in an existing format, and such spreadsheet documentation would have to be newly created. As such, CPD retains no responsive records pertaining to your request. It should be emphasized. that FOIA requires public bodies to provide *existing* public records. See 5 ILCS 140/3(a) ("Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Sections 7 and 8.5 of this Act."). FOIA does not require public bodies to create records, or compile information for the purpose of creating a record.

When generating a FOIA request, please bear in mind that you are responsible for being as clear and specific as possible. Information that would assist CPD in determining what specific event you are interested in includes date of incident, area of occurrence, or RD number. Under the Act, CPD is solely responsible for disclosing the documentation in its possession that relates to a public request, subject to any applicable exclusions. 5 ILCS 140/3(g). However, this is only possible when a petition specifies what type of documentation is being requested. It should be emphasized that the Act neither requires nor allows CPD to speculate as to the details of any request; this information can only be provided by the petitioner. Pursuant to section 3(g) of FOIA, we would like to extend to you an opportunity to modify your request to make it more manageable. Once the above listed variables are determined, a new FOIA request can be submitted to CPD, specifying the records you would like CPD to provide.

In the event that responsive information has been exempted by CPD, such decisions may be reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 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. Any and all appeals to the Circuit Court of Cook County must be filed within two years of the alleged violation.

If you require additional assistance, feel free to contact this office.

Sincerely,

Dane J. Rohrer
Freedom of Information Officer

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