

<b>Section:</b> Administration		<b>Number:</b> 1.3.5
<b>Title:</b> External Requests for Information / FOIA		<b>Supersedes:</b> N/A
<b>Effective Date:</b> 9/6/2017	<b>Revision Date:</b> ---	<b>Page 1 of 2</b>

### 1.3.5 External Requests for Information / FOIA

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#### PURPOSE

Providing prompt and accurate responses to Freedom of Information Act (FOIA) requests is one of the important ways in which COPA delivers on its core value of transparency. COPA’s Legal Section handles all FOIA requests, with the assistance of other COPA employees as needed.

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#### EMPLOYEES AFFECTED

This policy affects all COPA employees. To the extent that COPA employees are covered by a collective bargaining agreement, this policy does not override applicable contractual provisions.

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#### RELATED INFORMATION

- Freedom of Information Act
- 5 ILCS 140/1 et seq. “FOIA statute”
- [1.2.5 Data Requests and Data Validation](#)

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#### DEFINITIONS

Term	Meaning
FOIA Officer	Any member of the Legal Section that has undergone the Illinois Attorney General’s FOIA training and is registered as a FOIA officer with the Illinois Public Access Counselor.
FOIA Request	Any request for information in the form of a record. That can include paper and electronic files, but also video, audio tapes and data. A FOIA request does not need to reference FOIA or have any specific legal language. All FOIA requests must be submitted in writing, by mail, email or facsimile. If requested, assistance will be provided to submit a request in writing. A written request can also be submitted in person. If a requestor comes to the front desk to request documents, reception must notify any member of the Legal Section.
Requestor	The individual making a FOIA request. Anyone can make a FOIA request, including individuals employed by other governmental entities or this entity.
Supervising FOIA Officer	The Supervising Paralegal, who is also a FOIA Officer.

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#### POLICIES

1. All COPA employees must work with the COPA Legal Section to comply with the Freedom of Information Act, 5 ILCS 140/1 et seq. “FOIA statute.”
2. COPA Employees
  - a. Any request for documents in written form is treated as a request for public records pursuant to FOIA. All FOIA requests received by COPA are to be **immediately** forwarded to the Supervising Paralegal, who is the Supervising FOIA Officer. If a requester requests assistance in drafting a FOIA request, COPA employees must direct the requester to the Supervising FOIA Officer.
  - b. Due to the statutory deadline, if a COPA employee receives a request for information or documents from a COPA FOIA Officer, the COPA employee must respond to the FOIA officer within two (2) business days.
  - c. COPA employees may not speak to a requestor without a member of the COPA Legal Section present. If a COPA employee is contacted by a requestor for information relating to their FOIA request, the employee must forward the communication and any relevant details, including the date of the communication and contact information of the requestor, to COPA’s General Counsel and the Supervising FOIA Officer. COPA employees who are not a FOIA officer are not to tender materials directly to a requester.
3. COPA FOIA Officers
  - a. Upon receipt of a FOIA request, the Supervising FOIA officer, will assign the FOIA request to one or more COPA paralegal staff members. The Supervising Paralegal will log the request, assign a tracking number, and generate a FOIA file. All documents relating to the response to the FOIA must be maintained in that file.
  - b. The Supervising FOIA Officer, or designee, will, in collaboration with the General Counsel or other members of the COPA Legal Section, review the request and formulate the appropriate response based on the FOIA statute.
  - c. The following is an overview of the COPA FOIA compliance procedures. For detailed instructions, please consult the FOIA statute and FOIA SOP (see Appendix 1.3.5A). However the following basic guidelines must be adhered to, where applicable:
    - i. A search for documents must be reasonable and must include speaking to all relevant parties and searching all relevant technology and databases. For further information, see the COPA Document Search SOP (Appendix 1.3.5B).
    - ii. All inquiries for data must be submitted to the Senior Information Analysts in a timely manner. For further information on data requests, see the COPA Data Requests policy (1.2.5).
    - iii. All inquiries for emails must specify a time-frame and custodian. The COPA FOIA officer making an email request must submit the appropriate request to the Department’s Bureau of Support Services for requests covering [dates] and/or the City of Chicago’s Department of Information Technology for requests covering [dates].
  - d. Any COPA FOIA officer requesting information or documents from COPA employees pursuant to a FOIA request must specify the date on which a response by the COPA employee is needed, and that the information is needed to fulfill a FOIA request so the employee is aware that an expedient response is required.
  - e. Any COPA FOIA officer requesting information or documents related to employee files and agency contracts must inform the COPA Chief of Staff.
  - f. The Supervising FOIA Officer must inform the Chief Administrator and the Public Information Officer of all FOIA requests from media outlets within one day of receipt. All FOIA responses to media outlets must be reviewed by the General Counsel, or designee, prior to release.

- g. Any member of the COPA Legal Section or a FOIA officer seeking to condition a FOIA response based on any FOIA exemption must inform the Supervising FOIA Officer and the General Counsel before issuing such a response. The Supervising FOIA Officer or General Counsel may seek guidance from the Department of Law when needed.
- h. Pursuant to 5 ILCS 140/3(d), COPA must respond to FOIA requests in five (5) business days. On or before the fifth business day, the FOIA officer must take one of the following actions:
  - i. Send a letter requesting additional time in which to respond to the FOIA request (an “extension letter”);
  - ii. Supply the records with an appropriate cover letter;
  - iii. Send a letter stating there are no responsive records;
  - iv. Send a letter asking the requestor to narrow the request due to vagueness or burden; or
  - v. Send a denial letter based on applicable exemptions.
- i. If a requestor seeks judicial review, the assigned FOIA Officer must immediately notify the Chief Administrator, Chief of Staff, Public Information Officer, General Counsel and Supervising FOIA Officer. The General Counsel must refer the request for judicial review to the Department of Law for defense.
- j. If a requestor seeks review by the Illinois Attorney General’s Public Access Counselor, the assigned FOIA officer must immediately notify the Chief Administrator, Chief of Staff, Public Information Officer, General Counsel and Supervising FOIA Officer. The assigned FOIA Officer or the Supervising FOIA Officer must draft a response for review by the General Counsel and Supervising FOIA Officer, or, as appropriate, refer the matter to the Department of Law for defense.

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## EXCEPTIONS

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N/A

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## PERFORMANCE MEASURES

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- FOIA Officers must be reviewed on their ability to process FOIA request assignments including, but not limited to, their professionalism and ability to research requests, promptly process documents, and escalate requests for additional assistance when needed.

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## FORMS

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- [Appendix 1.3.5A: FOIA Procedures](#)
- [Appendix 1.3.5B: Document Search Procedures](#)

## **Appendix 1.3.5A – FOIA Procedures**

### **COPA FOIA PROCEDURES**

#### **A. REQUESTS FOR COPA MATERIAL**

All requests for inspection or copies of COPA material must be made in writing and directed to COPA. Written requests may be submitted via personal delivery, US mail, fax, or electronic mail. Written requests via electronic mail may be sent to the COPA FOIA Officer e-mail address or any FOIA Officer's e-mail address.

#### **B. RECEIPT OF FOIA REQUESTS**

Upon receipt of a FOIA request, the Supervising Paralegal, who is also the Supervising FOIA Officer, shall (1) assign a COPA tracking number [year-department code-sequential number]; (2) note the date COPA received the written request; (3) compute the day the request must be responded to on the written request; (4) maintain an electronic and paper copy of the written request, including all documents submitted with the request; and (5) create a file for retention of the request, response, a record of written communications with the requester, a copy of other communications, and any other documents relating to the request. With respect to the last requirement, all of the listed documents should also be saved electronically on COPA's saved drive. The Supervising FOIA Officer will assign the FOIA request to a designated FOIA Officer.

The Supervising FOIA Officer or his or her designee will review the request and determine whether COPA possesses any responsive documents, whether the responsive documents are exempt, and/or whether appropriate redactions need to be made prior to release pursuant to FOIA.

#### **C. FOIA RESPONSES**

The FOIA Officer must respond within 5 business days after receipt of the request. Failure to respond within this time period is considered a denial of the request. "Business day" means a day during the week, Monday through Friday. Saturdays, Sundays, and State holidays are not business days and are not counted in computing the 5 business day time period. Responses may be extended for up to 5 additional business days from the original due date for response. The requester and FOIA Officer may agree to extend the time for compliance for a period to be determined by the parties in writing.

If the FOIA Officer is denying a request, whether in whole or in part, he or she must notify the requester in writing of the decision to deny the request and include (1) the reasons for the denial, including the exemption(s) claimed, legal authority, and a detailed explanation of the factual basis for any exemption claimed; and (2) the names and titles or positions of each person responsible for the denial. Each notice of denial must also: (3) inform the requester of his or her right to seek review by the Public Access Counselor; (4) provide the address and phone number for the Public Access Counselor; and (5) inform the requester of the right to judicial review. As *discussed in Requester Seeks Review, infra*.

Should there be any question regarding applying an exemption to a FOIA request, it must be elevated to the Supervising Paralegal, General Counsel, or Guidance from Department of Law's Legal Information, Investigations & Prosecutions Division, or any other division will be sought when needed.

#### **D. MEDIA OUTLETS**

All FOIA requests from media outlets must be forwarded to the Chief Administrator and Public Information Officer within one day of receipt. When forwarding the request, the FOIA Officer should make aware whether COPA possesses responsive material, and if any exemption applies. If a reasonable search needs to be conducted to determine whether COPA possesses the requested material, the FOIA Officer should apprise of the search method.

All FOIA responses to media outlets must be reviewed by the General Counsel or his or her designee prior to release. Likewise, the FOIA Officer should inform the Public Information Officer the documents being released in order for him or her to have knowledge of what is being released when engaging with media outlet requesters.

#### **E. REASONABLE SEARCH**

In locating records responsive to a FOIA request, FOIA requires COPA to perform a reasonable search tailored to the nature of a particular request. Below lists various searches and internal requests to be made by the FOIA Officer.

##### **1. COPA EMPLOYEES & OTHER CITY DEPARTMENTS**

If appropriate, the FOIA Officer shall consult with COPA employees or other City departments, who have the knowledge, to determine whether COPA possesses the requested material or is capable to run a search to determine whether COPA possesses the requested material. If COPA does possess responsive material, the FOIA Officer shall discuss with the employee or Department of Law whether the material is exempt or must be redacted.

When consulting with or requesting material from COPA employees, the FOIA Officer must make it clear to the employee the date a response is needed and that it relates to a FOIA request in order for the employee to be mindful a quick response is required.

##### **2. PENDING INVESTIGATIONS**

When a FOIA requester seeks material related to a pending investigation, the FOIA Officer shall discuss, in writing, with the assigned Investigator, Supervising Investigator, Deputy Chief, and Chief Administrator whether release of any material contained in the investigative file would adversely affect, impact, or jeopardize the integrity of the investigation.

Additionally, if applicable, the FOIA Officer shall advise the FOIA requester that the investigation falls within the Transparency Policy scope. The video, audio, and certain documents may become available pursuant to the policy prior to the completion of the

investigation. If released, the material will be available on COPA's website, and for more information about the Transparency Policy, please visit COPA's website.

### **3. CLEAR DATABASE**

If a requester seeks investigative files, investigative files related to Chicago Police Department members, investigative files related to civilians, etc., the FOIA Officer should conduct a search on the CLEAR database to determine whether COPA possesses responsive documents.

### **4. ELECTRONICALLY STORED INFORMATION**

#### **A. E-MAIL SEARCH**

If a FOIA requester seeks emails authored by or in possession of COPA employees, the FOIA Officer must complete the appropriate email search request forms and submit the forms to the appropriate department. Presently, there are two forms that need to be completed for a search of CPD's servers: the BOS Service Request form and E-Mail Search Request form. These forms must be submitted to the Information Services Division of the Chicago Police Department. Please note that on [DATE], COPA will transition onto DOIT's server, and the email search procedure will be modified.

In order to conduct an effective e-mail search, the FOIA requester must include (1) the individuals to be searched, along with their e-mail addresses (frequently referred to as "custodians"; (2) a time frame; and (3) search terms.

#### **B. HARD DRIVE SEARCH**

In order to conduct a reasonable search, a FOIA Officer shall search COPA employees' hard drives. The FOIA Officer shall send a request to the Director of Information Systems with the following information: (1) name of individual(s); (2) time frame; (3) search terms; and (4) the date a response is needed. The FOIA officer shall also request the individual employee to search their computer for relevant documents as needed. Additional information may be required to run an effective hard drive search.

#### **C. DATA SEARCH**

If a FOIA requester seeks data from the CLEAR database (i.e., a spreadsheet listing all investigations with identified fields), a data search/query must be conducted. The FOIA Officer shall send a request to the data team (currently, the Director of Public Policy & Legislative Affairs) in the following format:

TO: Data Team  
FROM: [FOIA Officer's Name]  
REQUEST TYPE: [FOIA Tracking Number]  
REQUESTOR: [Name of FOIA Requester]

DUE DATE: [Date a FOIA response is due and applicable extension date]  
REQUEST: [A description of the request. If the request has multiple parts, please provide information on which parts require action from the data team]

If the FOIA requester does not state specific fields to be included in the data search, the FOIA Officer shall advise and discuss with the requester which field(s) he or she seeks.

## **F. REVIEW OF MATERIAL TO BE RELEASED**

All material to be released should be reviewed, when deemed appropriate, by the General Counsel, Supervising Paralegal, Chief Administrator, or Department of Law's Legal Information, Investigations & Prosecutions Division, or any other division will be sought when needed. For example, with respect to e-mail searches, the responsive documents shall be reviewed by the General Counsel, Supervising Paralegal, and the author or possessor of the email.

## **G. REQUESTER SEEKS REVIEW**

### **1. ILLINOIS ATTORNEY GENERAL'S PUBLIC ACCESS CONSELOR (PAC)**

If a requestor seeks review by the Illinois Attorney General's Public Access Counselor, the assigned FOIA Officer must immediately notify the Chief Administrator, Chief of Staff, Public Information Officer, General Counsel, and Supervising FOIA Officer. That FOIA Officer or the Supervising FOIA Officer must draft a response for review by the General Counsel, Supervising FOIA Officer and Department of Law, and send a response within 7 days of receipt of the Request for Review to the PAC.

### **2. JUDICIAL REVIEW**

If a requestor seeks judicial review, the assigned FOIA Officer must immediately notify the Chief Administrator, Chief of Staff, Public Information Officer, General Counsel, and Supervising FOIA Officer. The General Counsel must refer review to Department of Law for defense.

## **H. COSTS**

COPA may charge a copying fee. For black and white, letter or legal sized copies (8 ½ x 11 or 8 ½ x 14), the first 50 pages are free, and any additional pages can cost no more than 15 cents a page. For color copies or abnormal size copies, the public body can charge the actual cost of copying. COPA may also charge the actual cost of the recording medium. For example, if documents or a video recording is produced on a CD or DVD, COPA may only charge the actual cost of purchasing the CDs or DVDs.

## Appendix 1.3.5B – Document Search Procedures



### **DOCUMENT SEARCH PROCEDURES**

#### **I. REQUESTS FOR COPA MATERIAL**

All requests for COPA materials shall be diligently complied with. Good faith efforts to search all available resources must be made for all requests, especially those relating to pending litigation.

#### **J. RECEIPT OF INFORMATION REQUESTS**

Upon receipt of a request for documents or materials one or more members of the legal team will be assigned to gather responsive documents.

#### **K. SEARCHES**

##### 1. Investigations

If a request is made for an investigatory file alone, the original file must be inspected to ensure production of all notes, drafts, and other relevant documents, to the extent they exist. Though attachments are available in CLEAR, there may be additional documents and media that were not uploaded to CLEAR. If a request is for the investigatory file and “other related documents” the legal team member assigned must clarify the meaning of “other related documents” with the requestor. This may include drafts that exist only in electronic form, referrals to prosecutorial partners, emails, or any other documents. Once clarification is reached, the COPA legal team shall comply with that request.

##### 2. Emails

If a requester seeks emails authored by or in possession of COPA employees, the legal team member assigned to the request must complete the appropriate email search request forms and submit the forms to the appropriate department. Presently, there are two forms that need to be completed for a search of CPD’s servers: the BOS Service Request form and E-Mail Search Request form. These forms must be submitted to the Information Services Division of the Chicago Police Department. Please note that on [DATE], COPA will transition onto DOIT’s server, and the email search procedure will be modified.

In order to conduct an effective e-mail search, the requester must include (1) the individuals to be searched, along with their e-mail addresses (frequently referred to as “custodians”; (2) a time frame; and (3) search terms. The legal team member working on the request will work with the requestor to develop those terms if assistance is needed.

##### 3. Other Documents

Various miscellaneous documents may be requested in the course of litigation. To effectively search for those documents the legal department member assigned must work with the requestor to identify areas to be searched, such as asking specific employees to search their files or searching the files of former employees. Then the legal team member must conduct a thorough search by discussing the needed materials with heads of departments and any and all employees as needed to ensure a full capture of relevant existing materials occurs.

In order to conduct a reasonable search, a legal team member shall search COPA employees' hard drives. The legal team member shall send a request to the Director of Information Systems with the following information: (1) name of individual(s); (2) time frame; (3) search terms; and (4) the date a response is needed. The legal team member shall also request the individual employee to search their computer for relevant documents as needed. Additional information may be required to run an effective hard drive search.

#### 4. Data Search

If a requester seeks data from the CLEAR database (i.e., a spreadsheet listing all investigations with identified fields), a data search/query must be conducted. The legal team member shall send a request to the data team (currently, the Director of Public Policy & Legislative Affairs) in the following format:

TO: Data Team  
FROM: [FOIA Officer's Name]  
REQUEST TYPE: [FOIA Tracking Number]  
REQUESTOR: [Name of FOIA Requester]  
DUE DATE: [Date a FOIA response is due and applicable extension date]  
REQUEST: [A description of the request. If the request has multiple parts, please provide information on which parts require action from the data team]

If the requester does not state specific fields to be included in the data search, the legal team member shall advise and discuss with the requester which field(s) he or she seeks.

#### **L. REVIEW OF MATERIAL TO BE RELEASED**

All material to be released should be reviewed, when deemed appropriate, by the General Counsel, Supervising Paralegal, Chief Administrator, or Department of Law, or any other division will be sought when needed. For example, with respect to e-mail searches, the responsive documents shall be reviewed by the General Counsel, Supervising Paralegal, and the author or possessor of the email.



**FOIA Disclosures (5 ILCS 140)**

**Background**

On October 5, 2016, the Civilian Office of Police Accountability (COPA) was created by ordinance as an independent agency of the City of Chicago, to replace the Independent Police Review Authority (IPRA). COPA’s mission is to conduct fair, thorough, and timely investigations into allegations of excessive force, domestic violence, coercion through a threat of violence, bias-based verbal abuse, improper search or seizure of individuals or property, and unlawful denial of access to counsel made against Chicago Police Department (CPD) members. COPA also investigates instances where a CPD member discharges a firearm in a manner that potentially could strike another individual, a stun gun or Taser in a manner that results in death or serious bodily injury, instances in the Chief Administrator’s discretion of other weapon discharges or other use of CPD equipment as a weapon that results in death or serious bodily injury. COPA also investigates incidents where a person dies or sustains a serious bodily injury while detained or in CPD custody as a result of police actions such as during attempts to apprehend a suspect.

To carry out its mission, COPA has an annual budget of 1% of CPD’s budget and is budgeted for 141 full-time employees.

COPA’s office hours and locations are noted below:

<b>Main Office</b>			
<b>Location</b>	<b>Address</b>	<b>Phone</b>	<b>Hours</b>
<b>Civilian Office of Police Accountability</b>	1615 W. Chicago Ave. 4th Floor Chicago, IL 60622	Main Office Line: (312) 746-3609  Complaint Intake Line: (312) 743-COPA	Monday through Friday 9:00 a.m.- 7:00 p.m.

**FOIA Request Process**

FOIA requests may be submitted to COPA by personal delivery or sending your written request to COPA FOIA Officer via mail, e-mail, or fax.

- Mailed Requests should be sent to:

Attn: FOIA Department  
Civilian Office of Police Accountability  
1615 West Chicago Avenue, 5th Floor  
Chicago, Illinois 60622

- E-mailed requests should be sent to [COPA-FOIA@chicagocopa.org](mailto:COPA-FOIA@chicagocopa.org).
- Faxed requests may be sent to 312-746-3591.

Copying fees: To recover its actual costs, COPA may charge a nominal fee for the reproduction of documents. The fee for black and white letter or legal-sized copies is \$0.15 per page, with the first 50 pages free. For color copies and documents furnished in electronic format, the cost is COPA's actual cost for reproduction and purchase of the recording medium.

#### Records Immediately Available

COPA maintains a website which contains annual and quarterly reports with corresponding data relating to volume of complaints, types of complaints and complaint closure information, abstracts of monthly sustained cases, public reports for police-involved shooting investigations, and statistical reports on police-involved shootings. These documents are immediately available for download and/or review on COPA's website without the submission of a written FOIA request.

#### **List of Types or Categories of Records Under the Civilian Office of Police Accountability's Control<sup>1</sup>**

- Investigative files for investigations conducted pursuant to the Municipal Code of Chicago 2-57-010 *et seq.*
- COPA Rules and Regulations
- COPA Policies and Procedures
- Personnel files and personal information for COPA employees
- Correspondence
- Budget Information
- Annual Reports published by COPA (*also available at* [www.chicagocopa.org](http://www.chicagocopa.org))
- Quarterly Reports published by COPA (*also available at* [www.chicagocopa.org](http://www.chicagocopa.org))
- Policy Reports published by COPA (*also available at* [www.chicagocopa.org](http://www.chicagocopa.org))

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<sup>1</sup> Pending approval of COPA's document retention schedule, all documents under COPA's custody and control are maintained indefinitely.

- Advisory Letters (*also available at [www.chicagocopa.org](http://www.chicagocopa.org)*)
- Summary Reports (*also available at [www.chicagocopa.org](http://www.chicagocopa.org)*)
- COPA will continue to maintain the following types or categories of records pertaining to IPRA:<sup>2</sup>
  - Investigative files for investigations conducted and closed at IPRA
  - IPRA Standard Operating Procedures
  - Personnel files and personal information for IPRA
  - Annual Reports published by IPRA (2008-2012)
  - Quarterly Reports published by IPRA
  - Statistical Reports published by IPRA
  - Sustained Case Abstracts published by IPRA
  - Summary Reports published by IPRA
  - Other business records maintained by IPRA

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<sup>2</sup> Pending approval of COPA's document retention schedule, all documents under COPA's custody and control are maintained indefinitely.