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COOK COUNTY, ILLINOIS

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December 18, 2015

**VIA E-MAIL**

Mr. Freddy Martinez  
Director, Lucy Parsons Labs  
@Freddymartinez@gmail.com

Re: FOIA Request dated 12/15/15

Dear Mr. Martinez:

I have received the December 15, 2015 request for documents under the Illinois Freedom of Information Act ("FOIA") statute that you submitted to the Cook County State's Attorney's Office (the "SAO").

You ask for all Declarations of Forfeiture that the SAO has issued in September 2015, October 2015 and November 2015 with "the amounts, types of properties seized (vehicles, homes and cash amounts)." In your letter, you note that "this information likely contains sensitive, personal identifying information."

For the reasons set forth below, I am denying your FOIA request on the grounds that it is unduly burdensome under Section 3(g) of FOIA.

**I.**

**Under *Shedehah*, Your Request Is Unduly Burdensome**

As an initial matter, your letter states that in the course of civil forfeiture cases, the State's Attorney will issue "Declaration of Forfeiture" letters on behalf of the Chicago Police Department. I believe that is incorrect and the SAO issues declarations of forfeiture on behalf of the Illinois State Police.

In any event, I believe that your request is unduly burdensome. In order to determine the declarations of forfeiture that the SAO issues for September 2015, October 2015 and November 2015, I would have to do a hand count of over 600 cases files. And

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as you say, after I found the declarations that you sought, I would have to redact “sensitive, personal identifying information” before sending it to you. In doing a hand count of over 600 case files, I would have to go through approximately 30,000 pages of documents, assuming that each file contained 50 pages of documents. It would, in my view, be unduly burdensome to conduct such a search. *See, e.g., Shehadeh v. Madigan*, 2013 IL App (4th) 120742, 996 N.E.2d 1243 (4<sup>th</sup> Dist. 2013) (holding that a FOIA request to the Attorney General’s office was unduly burdensome under Section 3(g) because it required a hand count of 9,200 documents).

I would further add that you could obtain the information that you are seeking by going to the Office of the Clerk of the Circuit Court for the County Division, pulling the case files for the civil forfeiture cases and reviewing the declarations of forfeiture in those case files.

## **II. Conclusion**

Accordingly, for the foregoing reasons, I respectfully deny your FOIA request. You have a right to appeal this decision to Sarah Pratt, Public Access Counselor, Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (phone number 1-877-299-FOIA) or to seek judicial review under Section 11 of FOIA, 5 ILCS 140/11 (2015).

Sincerely,

s/Paul Castiglione  
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