



**Rahm Emanuel**  
Mayor

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

**Garry F. McCarthy**  
Superintendent of Police

20 July, 2015

Sent Via E-Mail

Freddy Martinez  
[Freddymartinez9@gmail.com](mailto:Freddymartinez9@gmail.com)

**RE: NOTICE OF RESPONSE TO FOIA REQUEST**  
**REQUEST DATE: 19 June, 2015**  
**FOIA FILE NO.: 15-3528**

Dear Mr. Martinez,

This letter is in response to the Freedom of Information Act ("FOIA") request you sent which was received by the Chicago Police Department on 19 June. At that time this FOIA was given the reference number, 15-3528. In subsequent correspondence between you and the undersigned, you agreed to a response date of 20 July for this FOIA request.

The language of your request is immediately below:

*Greetings,*

*I am seeking, under the Illinois FOIA Act documents relating to the purchase of a PenLink phone analysis device. In response to FOIA 15-2549, Chicago Police acknowledged purchase of a PenLink (PEN-link) license to the amount of 137,171.67 USD and I am seeking more records related to this purchase.*

*Under FOIA, I request:*

*+ Solicitation of bids for PenLinks. Since records released by CPD show the amount spent, I am trying to ascertain how that figure was reached.*

*+ Any and all contracts, invoices, purchase orders, proposals, sales or marketing materials, and contract negotiation records for PEN link that CPD may have had.*

*+ Invoices related to PEN-link training.*

*+ Documents sufficient to show where the funding for PEN link came*

*from. Included in this request in any grants, programs, budget allocation, or federal program that funded the purchase, training, or continued use of Hailstorms. Documents under FOIA 15-2549 show it was at least 1505 funds but I seek a search of additional records.*

*+ Documents sufficient to show reception of Hailstorms.*

*+ Court orders that mention the use of PEN Link (if they can not be released please state why).*

*+ Information about other FOIAs that might have been filed for PEN link information.*

*Please send me these records and any communications only by email to this email address. There should not be any copy charges, but if you contend that there are, contact me first. This request is not for a commercial purpose and for a journalistic purpose so please consider expediting the request. Please do not redact any portion of any records that you believe to be non-responsive to my request; I would like the complete copies of all records that have any responsive information in them.*

*Thanks,  
Freddy Martinez*

In subsequent correspondence between you and the undersigned, you agreed to a response date of 20 July for this FOIA request.

Portion 1 of your request seeks the following: **"+ Solicitation of bids for PenLinks. Since records released by CPD show the amount spent, I am trying to ascertain how that figure what reached."** This portion of your request was reviewed by the undersigned and the Bureau of Organized Crime. It was determined that no responsive records for this portion of your request could be found at this time.

Portion 2 of your request seeks the following, **"+ Any and all contracts, invoices, purchase orders, proposals, sales or marketing materials, and contract negotiation records for PEN link that CPD may have had."** In response to this portion of your request, and after review by the undersigned and the Bureau of Organized Crime, you are being provided with a copy of the current "quote" for service, maintenance and upgrades between the Chicago Police Department and Pen-Link, Ltd. These are the only documents responsive to your request that the Chicago Police Department has in its possession.

Portion 3 of your request seeks, **"+ Invoices related to PEN-link training."** In response to this portion of your request, and after review by the undersigned and the Bureau of Organized Crime, you

are being provided with a copy of the current "quote" for training in the use of the Pen-Link software and equipment.

Portion 4 of your request seeks, **"+ Documents sufficient to show where the funding for PEN link came from. Included in this request in any grants, programs, budget allocation, or federal program that funded the purchase, training, or continued use of Hailstorms. Documents under FOIA 15-2549 show it was at least 1505 funds but I seek a search of additional records."** The Chicago Police Department has no records responsive to your request. Notwithstanding, in response to this portion of your request, and after review by the undersigned and the Bureau of Organized Crime, it was determined that 1505 funds, in combination with 1505 ML funds were used to fund the use and maintenance of Pen-Link and Hailstorm systems. In circumstances where there is a demonstrable nexus between the program/system and non-narcotics related criminal activity, a combination of 1505 and 1505ML funds are typically used to fund the effort.

For your reference, the statutory authority for Department 1505 seizures can be found in the Controlled Substances Act (720 ILCS 570), the Cannabis Control Act (720 ILCS 550), and the Methamphetamine Control and Community Protection Act (720 ILCS 646). The statutory authority for 1505 ML seizures can be found in the Criminal Code of 2012 (720 ILCS 5Art. 29(b) "Money Laundering").

Portion 5 of your request seeks, **"+ Documents sufficient to show reception of Hailstorms."** This portion of your request was reviewed by the undersigned. Section 140/3(g) of FOIA provides that "[r]epeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under this Act shall be deemed unduly burdensome under this provision." This portion of your request is identical to a FOIA request you submitted to the Chicago Police Department on or about November 13, 2014 (**FOIA Request No. 14-5298**). The Chicago Police Department provided documents responsive to this request on December 8, 2014. Accordingly, this portion of your FOIA request is unduly burdensome pursuant to 5 ILCS 140/3(g).

Portion 6 of your request seeks, **"+ Court orders that mention the use of PEN Link (if they can not be released please state why)."** This portion of your request was reviewed by the undersigned and the Bureau of Organized Crime. It was determined that there are no responsive records to this portion of your request. Pen-Link is a trade name specific to a single manufacturer/provider. As such, the term Pen-Link would not be referenced within an application to employ a Dialed Number Recorder.

Portion 7 of your request seeks, **"+ Information about other FOIAs that might have been filed for PEN link information."** This portion of your request was reviewed by the undersigned. After a search of the available database, which archives FOIA requests from 2005 to the present, no requests for records concerning "PEN link information" under the Freedom of Information Act were found at this time. Additionally, searches using the terms "link" and "pen" were undertaken. No requests for records concerning "PEN link information" under the Freedom of Information Act were found using either of these search terms.

If I can be of any additional assistance, do not hesitate to call me at (312)745-5308. You may also contact me via e-mail at [FOIA@chicagopolice.org](mailto:FOIA@chicagopolice.org). (Attn Victor Castillo in the subject line)

Sincerely,

Victor H Castillo Jr.  
Office of Legal Affairs  
FOIA Section  
Chicago Police Department  
(312) 745-5308

For your information, you have the right to a review of this denial by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor  
Office of the Attorney General  
500 S. 2<sup>nd</sup> Street  
Springfield, IL 62706  
Ph. (877) 299-FOIA  
Fax: (217) 782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

You also have the right to seek judicial review of a denial by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

If can be of any further assistance please contact me at (312)745-5308 or at [FOIA@chicagopolice.org](mailto:FOIA@chicagopolice.org). (Attn Victor Castillo in the subject line)