



Lori E. Lightfoot
Mayor

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

Eddie T. Johnson
Superintendent of Police

September 16, 2019

Via Email:

Sarah Ryley
sryley@thetrace.org

Re: **NOTICE OF RESPONSE TO FOIA REQUEST**
FOIA FILE NO.: P519598

Dear Sarah Ryley:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA) request, received September 3, 2019 for the following:

*"Under the Illinois Freedom of Information Act, I am requesting data, preferably in .csv, .xls, .txt, or .xlsx format, pertaining to **homicides** (including those committed with weapons other than firearms) and **non-fatal shootings** that have been handled by the Chicago Police Department from Jan. 1, 2001 through the date in which the data export is generated.*

We would like the data to include the following fields, which are based on fields that are available online or that were included in a prior public records request:

- *RD_NO (Case Number in the online data)*
- *ID (In the online data, each unique homicide victim has his/her own unique ID)*
- *Date*
- *UCR and IUCR crime type code and description*
- *Weapon Used*
- *Shooting Type (Hit, No hit)*
- *Crime Tyoe [sic]*
- *Case Status*
- *Date of Case Status*
- *Arrest Status/ Arrest Indicator (yes/no)*
- *Incident Street Address, City, Zip Code*
- *Latitude and Longitude*
- *Community Area*

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- *Police Beat*
- *Police District*
- *Death Cause*
- *Victim Name*
- *Victim Sex*
- *Victim Age*
- *Victim Race*
- *Victim Relationship to Offender*
- *I am also requesting the definitions to any acronyms or terms used in the database that are not self explanatory."*

Your request was reviewed by the undersigned in collaboration with the Department's Data Fulfillment and Analysis Section of the Strategic Data Analytics Division. It was determined that your request is seeking a highly particularized and specifically tailored record – one that the Chicago Police Department simply does not compile or maintain in the ordinary course of business. In order to fulfill the current request as stated, the Department would have to conduct an extensive amount of research and compile the results of that research in order to provide the very specific information you are asking for; in short, we would have to create an entirely new record. Please note, that FOIA requires the City to provide existing documents, according to section 5 ILCS 140/3(a) (Each public body shall make available all public records, except as otherwise provided in section 7 of this act). FOIA does not require the public body to create new records, conduct research, analyze data, interpret, answer questions or advise requesters as to the meaning or significance of public records. The Court, in *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32(4th Dist. 1989), noted that FOIA does not compel the agency to provide answers to questions posed by the inquirer.

Additionally, the creation of this new record, were the Department compelled to do so, would not merely consist of data extraction and compilation (the 18.5-year timeframe contemplated in your request making this task onerous in its own right), but an extensive and exceedingly time-consuming effort involving extensive manual research.

FOIA does not require the public body to provide answers to questions or create documents. In *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (4th Dist. 1989), the Illinois Appellate Court noted that FOIA “....is not designed to compel the compilation of data the governmental body does not ordinarily keep.”

In addition, 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 public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.

Please be advised that while latitude and longitude information is provided on the City's Data Portal, CPD does not manage the Data Portal and the latitude and longitude fields are not part of CPD's case reports.

Additionally, please be advised that you have identified non-fatal shootings as "Hit/No Hit," but the CompStat definition for a shooting – the definition that CPD uses in its record keeping – excludes incidents where a person was not hit. CompStat shootings may be fatal or non-fatal, but incidents in which a firearm is discharged and a person is not hit are not included in the CompStat shooting category,

and "no hit" firearm discharged would be considered any of a number of different IUCR categories.

Additionally, please note that while the City's Data Portal provides an "Arrest" flag, this is not directly related to our automated arrest tracking system and is not part of our incident record keeping.

Therefore, based on the above information, CPD has no automated mechanism by which to track, query, or export the above very specific information for 18.5 years' worth of incidents, and the amount of research and data compilation necessary to create such a record would require substantial time, expertise, and research to provide the very specific information sought just for the sake of fulfilling this FOIA request. Even assuming that CPD could review and compile the responsive documents based on the aforementioned search, this task represents an unduly burdensome request for action. As a result, CPD has determined that compliance with your full request is unduly burdensome and that CPD's burden to process your request outweighs the public's interest.

However, CPD is providing you with responsive homicide data that we do track from January 1, 2001 to August 31, 2019 for the following information: RD number, ID number, IUCR code, IUCR Primary Description, Injury Type, Cleared (Y/N), Date Cleared, Address at the Block Level, Beat, District, Death Cause Category, Victim Name, Victim Sex, Victim Age, Victim Race, and Victim Relationship to Offender.

At this time your request as currently written is unduly burdensome. 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. If you need assistance in narrowing your request, please contact me and I will assist you. Unless and until a narrowed FOIA request is submitted that details what specific records you are seeking, CPD will be unable to provide further records. If you narrow your request, a response to this FOIA request can be submitted to CPD, specifying the records you would like CPD to provide. Please reference this FOIA file #P519598 to avoid any duplication or miscommunication with future FOIA requests.

If I can be of further assistance, please contact me at the following address:

Chicago Police Department
Attention: Freedom of Information
Office of Legal Affairs, Unit 114
3510 S. Michigan Avenue
Chicago, IL 60653
foia@chicagopolice.org

You have a right of review by the Illinois Attorney General's Public Access Counselor, who can be contacted at 500 S. Second St., Springfield, IL 62706 or by telephone at 877-299-3642. You may also seek judicial review under 5 ILCS 140/11.

Sincerely,

A. Marlan
Freedom of Information Act Officer
Chicago Police Department
Office of Legal Affairs, Unit 114

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