



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

March 14, 2011

P.O. Matthew Sandoval #12963  
Freedom of Information Officer  
Chicago Police Department  
Records Inquiry Section, Unite 163  
3510 S. Michigan Ave.  
Chicago, IL 60653

Re: Pre-Authorization Request – 2011 PAC 11967  
FOIA Requester: Mr. Keith Harley – Chicago Legal Clinic, Inc.

Dear Officer Sandoval:

We have received and reviewed the written notice from the City of Chicago Police Department of its intention to deny disclosure of certain information pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

On December 13, 2010, Mr. Keith Harley of the Chicago Legal Clinic, Inc., submitted a FOIA request to the Department seeking "records in [the Department's] possession regarding the deferral, state, local and/or Chicago Police Department funding for the proposed Chicago Police Department Outdoor shooting Range" (emphasis in original). The request included, but was not limited to "the source[s] of funding for the proposed firing range, requests submitted by the Chicago Police Department or any other entity to acquire or allocate funds, the estimated costs for the firing range, and any existing or anticipated expenditures of these funds."

In its written notice, The Department argued that the documents in question are "internal predecisional documents consisting of Department memorandums from or to the Office of the Superintendent, or members of the Superintendent's command staff, concerning cost considerations for the range." The Department said these documents are ones in which members solicited "information and/or expressed opinions that relate to the formulation of Department policies or actions." The withheld documents were not provided to this office at that time.

We determined that further inquiry was necessary and asked for a written explanation as to how these documents were part of the predecisional process and how they were used to formulate policies or actions. On March 8, 2011, the Chicago Police Department responded, providing this office with copies

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of the withheld documents and stating that "the documents relate to the predecisional process in that Department members are soliciting information and expressing opinions to be utilized by the Office of the Superintendent and the Superintendent's command staff to formulate policies and actions."

**Determination**

Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body."

The Department's use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. After thorough review of the provided documents, our office agrees that the withheld documents are pre-decisional memoranda in which opinions are expressed and policies and actions are formulated. Further, the Department has indicated that these documents have not been publicly cited by the head of the Department. Accordingly, the Department has met its initial burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions or concerns, please feel free to contact me at (312) 814-8413.

Sincerely,

A solid black rectangular redaction box covering the signature of Rebecca Riddick.

Rebecca Riddick  
Assistant Public Access Counselor

cc:

Mr. Keith Harley  
Chicago Legal Clinic, Inc.  
211 W. Wacker Dr.  
Chicago, IL 60606