



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 11, 2011

Sgt. Melinda Polan, Assistant FOIA Officer
Chicago Police Department
Records Inquiry Section, Unit 163
3510 S. Michigan Avenue
Chicago, IL 60653

FOIA Pre-Authorization Request - 2011 PAC 13945

Dear Sgt. Polan:

We have received and reviewed the written notice from the City of Chicago Police Department (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 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). Specifically, on April 20, 2011, Cat Itaya of the American Civil Liberties Union submitted a FOIA request for a copy of the 2009 study prepared for the Department by A.T. Kearney & Civil Consulting Alliance. The Department is seeking to withhold the entire study under section 7(1)(f).

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 or actions are 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." 5 ILCS 140/7(1)(f) (West 2009 Supp.). The section 7(1)(f) exemption applies to "inter- and intra-agency predecisional and deliberative material." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247 (1st Dist. 2003). The exemption is "intended to protect the communications process and encourage frank and open discussion among agency employees before a decision is made." *Harwood v. McDonough*, 344 Ill. App. 3d 242 at 248.

DETERMINATION

The Department's use of the section 7(1)(f) exemption to withhold the study is **approved**. In 2010 PAC 9933, we reviewed the study and determined that it is exempt from disclosure under section 7(1)(f). Ill. Att'y Gen. PAC Pre-Auth. al9933, issued March 1, 2011. We have again reviewed the study and confirm that it is preliminary in nature, expresses

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opinions and recommendations and formulates actions and policies regarding Department operations. In addition, there is no indication that the study has been cited by the head of the Department. Accordingly, we conclude that the Department has sustained its initial burden of demonstrating that the study is exempt from disclosure under section 7(1)(f).

If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,



STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

cc: Cat Itaya
American Civil Liberties Union
180 N. Michigan Ave., Ste. 2300
Chicago, IL 60601