



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 20, 2024

Via electronic mail



RE: FOIA Request for Review – 2024 PAC 84370

Dear 

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2022), as amended by Public Act 103-069, effective January 1, 2024). For the reasons set forth below, the Public Access Bureau concludes that no further action is warranted in this matter.

On December 2, 2024, you submitted a FOIA request to the City of Chicago Office of Emergency Management and Communications (OEMC) seeking video footage of a shooting that took place at 2800 West Polk Street. On December 11, 2024, OEMC denied your request under sections 7(1)(a), 7(1)(b), 7(1)(d)(i), 7(1)(d)(ii) and 7(1)(d)(iii) of FOIA,¹ asserting in pertinent part that "this case is still open and ongoing, premature release of records at this time could possibly jeopardize the progress of the investigation, compromise the identities of confidential sources, prosecutorial strategy, processing of evidence, interfere with court proceedings, and ultimately create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing."²

On December 16, 2024, you submitted the above-referenced Request for Review contesting that denial.

¹5 ILCS 140/7(1)(a), (1)(b), (1)(d)(i), (1)(d)(ii), (1)(d)(iii) (West 2023 Supp.), as amended by Public Act 103-605, effective July 1, 2024).

²Letter from M. Mason – OEMC FOIA, Freedom of Information Officer, Office of Emergency Management and Communications to  (December 11, 2024).

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Section 7(1)(d)(i) of FOIA exempts from disclosure:

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request[.]

In a December 18, 2024, e-mail to this office, an attorney for the City stated that the shooting took place on November 29, 2024, and that to date, nobody has been arrested and the Chicago Police Department is still investigating the matter. Given that you submitted your request only three days after the shooting, it is apparent that disclosure of footage depicting the shooting in such an early stage of an active law enforcement investigation would jeopardize that investigation. Under these circumstances, this office has determined that no further action is warranted in this matter.³ Nonetheless, you may wish to submit a similar request to OEMC at a later date, as the applicability of the section 7(1)(d)(i) exemption is temporal in nature and depends on the specific circumstances at the time of the request. *See Green v. Chicago Police Department*, 2022 IL 127229, ¶ 3 ("[U]nless the FOIA exemption states otherwise," a denial of records is reviewed "under the circumstances as they existed when the public body made its decision. * * * If the information becomes releasable later, a requester may refile his request and avail himself of FOIA's guarantees of prompt government compliance with valid requests.").

This file is closed. If you have any questions, please contact me at the Chicago address on the first page of this letter.

Very truly yours,



MATTHEW C. ROGINA
Senior Assistant Attorney General
Public Access Bureau

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³Because of the applicability of section 7(1)(d)(i), this office declines to discuss the applicability of the other exemptions asserted by OEMC.


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cc: *Via electronic mail*
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