



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 27, 2024

**PUBLIC ACCESS OPINION 24-016
(Request for Review 2024 PAC 83122)**

FREEDOM OF INFORMATION ACT:
Basis for Withholding Letter from
Current and Former Employees of One
Public Body Asking Oversight Agency
to Hold Vote of No Confidence

Ms. Donna M. Dowd
Chicago Metro Counsel
Police Benevolent & Protective Association - Labor Committee
1616 West Pershing Road
Chicago, Illinois 60609

Mr. Charles Isaacs
Assistant Director
Community Commission for Public Safety and Accountability
City of Chicago
2 North LaSalle Street, Suite 1600
Chicago, Illinois 60602

Dear Ms. Dowd and Mr. Isaacs:

This binding opinion is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2023 Supp.)). For the reasons discussed below, this office concludes that the City of Chicago (City) Community Commission for Public Safety and Accountability (Commission) violated the requirements of FOIA by improperly denying a FOIA request submitted by Donna M. Dowd.

BACKGROUND

On September 5, 2024, Ms. Dowd, as the Chicago Metro Counsel for the Police Benevolent & Protective Association - Labor Committee, submitted a FOIA request to the

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Commission seeking a copy of a letter sent to the Commission by current and former Civilian Office of Police Accountability (COPA) employees on or around September 2, 2024, which asked the Commission to investigate COPA Chief Administrator Andrea Kersten.¹ On September 18, 2024, the Commission denied the request pursuant to sections 7(1)(f), 7(1)(m), and 7(1)(n) of FOIA.² The Commission claimed as to section 7(1)(f):

The record listed in your request is part of the Commission's current work to perform its obligations under the Municipal Code of Chicago to exercise oversight over COPA, which includes evaluating the performance of the Chief Administrator of COPA. The record is deliberative because it is part of the process for the Commission to reach decisions on final actions, and the record is pre-decisional, in that it was generated prior to the Commission's potential final actions.³

As to section 7(1)(m), the Commission contended that "the records represent materials compiled with respect to an audit. The Commission had this record compiled under the expectation of privacy and privilege."⁴ The Commission also argued that the section 7(1)(n) exemption applies because "[u]nder the Municipal Code of Chicago, the Commission, a public body, is charged with oversight of the COPA and is therefore responsible for the review of complaints as it reviews the performance of the Chief Administrator of COPA."⁵ On September 19, 2024, Ms. Dowd submitted a Request for Review contesting the Commission's denial.⁶ On September 24,

¹FOIA portal message from City of Chicago to [Donna Dowd] (September 5, 2024). Although the message indicated the request was submitted to the City of Chicago City Treasurer's Office, the Commission acknowledges receiving and denying the request.

²5 ILCS 140/7(1)(f), (1)(m), (1)(n) (West 2023 Supp.), as amended by Public Act 103-605, effective July 1, 2024.

³FOIA portal message from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, to Donna Dowd (September 18, 2024).

⁴FOIA portal message from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, to Donna Dowd (September 18, 2024).

⁵FOIA portal message from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, to Donna Dowd (September 18, 2024).

⁶Letter from Donna M. Dowd, Chicago Metro Counsel, Policemen's Benevolent & Protective Association, to Leah Bartelt, Public Access Counselor, Illinois Attorney General's Office (September 19, 2024).

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2024, she completed the submission of her Request for Review⁷ by providing this office with a copy of the underlying FOIA request.⁸

On September 30, 2024, the Public Access Bureau sent a copy of the Request for Review to the Commission. The Public Access Bureau also sent the Commission a letter requesting an unredacted copy of the withheld record for this office's confidential review and a detailed written explanation of the legal and factual bases for the applicability of the asserted exemptions.⁹ On October 18, 2024, the Commission furnished those materials, including a complete version of its answer for this office's confidential review¹⁰ and a redacted copy for forwarding to Ms. Dowd.¹¹ The Commission maintained that it properly denied the request under sections 7(1)(f), 7(1)(m), and 7(1)(n), and additionally cited the exemptions in sections 7(1)(c), 7(1)(d)(iv), and 7(1)(d)(vi) of FOIA.¹² On that same date, this office forwarded a copy of the Commission's answer to Ms. Dowd and notified her of her opportunity to reply in writing.¹³ On October 24, 2024, she submitted a reply.¹⁴

⁷Section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2023 Supp.)) requires a signed Request for Review and copies of the FOIA request and any responses to the FOIA request to be submitted not later than 60 days after the date of the final denial of the request. Ms. Dowd's Request for Review did not include a copy of the FOIA request with her initial submission on September 19, 2024.

⁸E-mail from Donna M. Dowd, Chicago Metro Counsel, Police Benevolent & Protective Assoc. – Labor Committee, to Mariel Perales, [Administrative Clerk, Public Access Bureau, Office of the Attorney General] (September 24, 2024).

⁹Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability (September 30, 2024).

¹⁰See 5 ILCS 140/9.5(d) (West 2023 Supp.) ("The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy.").

¹¹Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024).

¹²5 ILCS 140/7(1)(c), (1)(d)(iv), (1)(d)(vi) (West 2023 Supp.), as amended by Public Act 103-605, effective July 1, 2024.

¹³Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to Donna M. Dowd, Chicago Metro Counsel, Police Benevolent & Protective Association - Labor Committee (October 18, 2024).

¹⁴Letter from Donna M. Dowd, Chicago Metro Counsel, Police Benevolent & Protective Assoc. - Labor Committee, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 24, 2024).

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On November 20, 2024, this office extended the time for issuing a binding opinion by 30 business days, to January 8, 2025, pursuant to section 9.5(f) of FOIA.¹⁵

ANALYSIS

It is the public policy of the State of Illinois that "all persons are entitled to full and complete information regarding the affairs of government." 5 ILCS 140/1 (West 2022). Under FOIA, "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt." 5 ILCS 140/1.2 (West 2022). "The public body satisfies its burden when it provides a detailed justification for the claimed exemption which addresses the specific documents requested and allows for adequate adversarial testing." *Turner v. Joliet Police Department*, 2019 IL App (3d) 170819, ¶ 10.

Background

The Commission was created in July 2021, when "the Chicago City Council passed an ordinance to create a new model for police oversight, accountability, and public safety."¹⁶ The Commission has twelve enumerated purposes, including to "increase public safety[.]" to "increase transparency and public input into" Chicago Police Department (CPD) "operations, policies, and performance[.]" and to "increase public accountability of [CPD], COPA, and the Police Board."¹⁷ COPA is an independent City agency that investigates allegations of police misconduct.¹⁸ The Commission's oversight powers over COPA include appointing the Chief Administrator with the advice and consent of the City Council, assessing the performance of and setting goals for the Chief Administrator, and removing the Chief Administrator with the advice and consent of the City Council.¹⁹ The process for the Commission to seek removal of the Chief Administrator begins with the Commission's "passage by a two-thirds vote of a motion to take a no confidence vote[.]"²⁰

¹⁵Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to Donna M. Dowd, Chicago Metro Counsel, Police Benevolent & Protective Association - Labor Committee, and Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability (November 20, 2024).

¹⁶Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 2.

¹⁷Chicago Municipal Code § 2-80-030(1), (8), (12) (last amended November 7, 2022).

¹⁸Chicago Municipal Code § 2-78-110 (last amended July 21, 2021).

¹⁹Chicago Municipal Code § 2-80-050(e), (m), (n) (last amended July 19, 2023).

²⁰Chicago Municipal Code § 2-80-090(a) (last amended July 19, 2023).

According to the Commission, the circumstances surrounding this Request for Review are as follows:

Earlier in 2024, the Commission began to receive information from multiple knowledgeable sources that raised serious concerns about the operation of COPA, specifically concerning the quality and integrity of COPA's investigations, the quality and integrity of COPA's disciplinary recommendations, and retaliation against COPA employees who have raised concerns about COPA's investigations and recommendations. In response, the Commission voted at a public meeting on July 15, 2024 to * * * recommend to the Public Safety Inspector [General] that the office conduct audits and any other investigations and reviews that the facts suggest may be warranted related to these concerns.

On August 30, 2024, the Chicago Sun Times reported that two high-ranking officials at COPA were abruptly fired, just days after one of them made a complaint to the Office of the Inspector General (OIG). Days later, on September 5, the Sun Times reported that a group of former and current COPA employees signed a letter calling for the Commission to exercise its power to adopt a resolution of no confidence in the Chief Administrator. That same day, the Commission received a FOIA request from Ms. Dowd for the letter described by the Sun Times. Shortly after, the former COPA employee who was terminated after making a complaint to the OIG filed a whistleblower lawsuit against the City of Chicago. [Footnotes omitted.]^[21]

The Commission cited three *Chicago Sun-Times* articles in this passage.²²

²¹Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 2-3.

²²Fran Spielman & Tom Schuba, *2 Chicago police oversight officials fired amid allegations of anti-cop bias at the agency*, Chicago Sun-Times (August 30, 2024, 5:25 p.m.), <https://chicago.suntimes.com/police-reform/2024/08/30/officials-police-oversight-agency-copa-dismissed-retaliation-bias-against-police>; Tom Schuba & Fran Spielman, *COPA commotion? Agency's chief unfit, say staffers urging civilian panel to take 'no confidence' vote*, Chicago Sun-Times (September 5, 2024, 4:55 p.m.), <https://chicago.suntimes.com/police-reform/2024/09/05/copa-chief-kersten-no-confidence-vote-police-investigations-civilian-oversight-driver>; Tom Schuba & Fran Spielman, *Fired Chicago police oversight official files whistleblower suit, alleging anti-cop bias drives probes*, Chicago Sun-Times (September 13, 2024, 3:05 p.m.), <https://chicago.suntimes.com/police-reform/2024/09/13/fired-chicago-police-oversight-official-whistleblower-suit-anti-cop-bias>.

Section 7(1)(c) of FOIA

Section 7(1)(c) of FOIA exempts from disclosure "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." Section 7(1)(c) defines "unwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." Section 7(1)(c) contains an exception, however, providing that "[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

The resolution of a personal privacy exemption claim requires weighing four factors: "(1) the [requester's] interest in disclosure, (2) the public interest in disclosure, (3) the degree of invasion of personal privacy, and (4) the availability of alternative means of obtaining the requested information." *National Ass'n of Criminal Defense Lawyers v. Chicago Police Department*, 399 Ill. App. 3d 1, 13 (2010). The General Assembly's use of the language "*clearly unwarranted invasion of personal privacy*[]" evinces a "stricter standard to claim exemption" which the government agency possessing the records bears the burden of sustaining. (Emphasis in original.) *Schessler v. Department of Conservation*, 256 Ill. App. 3d 198, 202 (1994).

In the non-confidential version of its answer, the Commission argued that the letter is exempt from disclosure under section 7(1)(c) because "[t]he letter lists the names of individuals whose privacy interests supersede any benefits to the public. In addition, the letter includes language that poses a high risk of revealing the individual identities of the authors."²³ The Commission cited two binding opinions issued by this office (Ill. Att'y Gen. Pub. Acc. Op. No. 18-018, issued December 31, 2018, and Ill. Att'y Gen. Pub. Acc. Op. No. 22-005, issued March 24, 2022) and *Mays v. Drug Enforcement Administration*, 234 F.3d 1324, 1327 (D.C. Cir. 2000), claiming that "these opinions also apply to witnesses and third parties described incidentally in the complaints."²⁴ According to the Commission, if the allegations in the letter are true, "then divulging so much identifying information would open the door to more retaliation, all while greatly undermining the Commission's careful review and assessment of the concerns conveyed."²⁵ Addressing the fourth factor of the balancing test, the Commission argued:

²³Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 7.

²⁴Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 8.

²⁵Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 9.

One of the key factors in the balancing test for Section 7(1)(c) is whether the information sought can be obtained through other means. In this case, the letter Ms. Dowd seeks has already been the topic of a news piece. While not releasing the letter in full, the Chicago Sun Times provided some small snippets of the letter, stated that twelve current and four former employees authored the letter, and revealed that the letter called for the Commission to consider a no confidence resolution. The information published in this article suffices to alert the public to concerns regarding the COPA Chief's public duties while not providing specific details that would harm the personal interests of the authors and third parties, and without undermining the Commission's work at the same time. The published article therefore meets the balance of interest between personal privacy and public awareness. The public is aware of the general nature of the letter; the specific contents should remain confidential out of respect to the authors and third parties involved. [Footnote omitted.]^[26]

The Commission also argued that disclosure "would send an immediate chilling effect on anyone to ever contact the Commission in the future concerning events within COPA[,] which "would result in a horrendous limitation on the Commission's ability to execute its own purposes of oversight and its statutory oversight responsibilities."²⁷ The Commission contended that the "fulfillment of its most serious and sensitive responsibilities depends on its ability to handle incoming information with discretion."²⁸ The Commission made additional arguments about section 7(1)(c) confidentially.

Under the first factor of the balancing test, Ms. Dowd's Request for Review indicates that her interest in disclosure is her professional interest in representing the Labor Committee of the Police Benevolent & Protective Association. Ms. Dowd's personal interest thus appears to reflect the broader interests of the labor organization.

Under the second factor of the balancing test, there is considerable public interest in information concerning allegations of impropriety against the Chief Administrator of COPA in

²⁶Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 9.

²⁷Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 9.

²⁸Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 10.

connection with her performance of her public duties. Contributing to the public interest in disclosure is the fact that most authors of the letter signed it in their capacities as current COPA employees; the letter concerns both the employees' abilities to perform their public duties and Ms. Kersten's performance of her public duties.

Under the third factor of the balancing test, this office's review of the letter found that it does not bear the hallmarks of correspondence that is intended to be confidential or highly sensitive. The letter concerns public duties and not private affairs. In contrast to a complaint about a highly personal incident, such as sexual harassment, the letter does not detail incidents of a highly personal nature. The binding opinions the Commission cited are distinguishable because in those instances the complainants provided highly personal information about themselves, whereas here the complainants did not do so. Similarly, *Mays* involved the disparate circumstances of the right to privacy in Drug Enforcement Agency documents derived from a criminal investigation.²⁹ Disclosing a person's name as a victim or witness in such criminal law enforcement records carries entirely different considerations—such as unjustifiably associating individuals with criminal activity or subjecting them to harassment—than disclosing the letter writers' names here. The only third parties referenced are public employees or officials. The current and former employees included their names and their current and former titles, and nowhere in the letter do the authors suggest they wish to keep their concerns out of the public eye. The Commission also did not demonstrate that disclosing the letter would have the type of chilling effect on providing information to the Commission that is foreseeable in disparate circumstances where the person providing the information has more compelling privacy interests in their identifying information and the content of the allegations. *E.g.*, Ill. Att'y Gen. Pub. Acc. Op. No. 22-005, at 12-13 (recognizing public body's interest in protecting individuals who filed discrimination and sexual harassment complaints from retaliation and embarrassment and concluding that their identifying information as well as graphic and salacious details of the complaints were exempt from disclosure under section 7(1)(c)).

Under the fourth and final factor of the balancing test, the Commission accurately noted that certain information pertaining to the letter has been published in news media, making some details of the letter available by other means. Still, it is not evident that Ms. Dowd would be able to obtain the letter or most of the details therein by alternative means.

On balance, the significant public interest in disclosure outweighs any personal privacy interests involved in the letter. Accordingly, the Commission did not prove by clear and convincing evidence that any person's right to privacy outweighs any legitimate public interest in obtaining the letter.

Sections 7(1)(d)(iv) and 7(1)(d)(vi) of FOIA

Sections 7(1)(d)(iv) and 7(1)(d)(vi) of FOIA exempt from disclosure:

²⁹*Mays*, 234 F.3d at 1326-27.

(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:

* * *

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; [or]

* * *

(vi) endanger the life or physical safety of law enforcement personnel or any other person[.]

Section 7(1)(d)(iv) of FOIA generally allows police departments and other law enforcement agencies to protect the anonymity of persons who lodge complaints or otherwise provide them with information. *See Chicago Alliance for Neighborhood Safety v. City of Chicago*, 348 Ill. App. 3d 188, 200-01 (2004) (concluding that police department did not improperly redact names and addresses of individuals who attended beat meetings, which provided an opportunity for police and members of the community to meet and exchange information).

The Commission claimed that section 7(1)(d)(iv) applies to the letter by citing *Kelly v. Village of Kenilworth*, 2019 IL App (1st) 170780, and arguing that the case "established that public bodies other than law enforcement agencies can assert an exemption under Section 7(1)(d) of FOIA when the record is closely related to on-going law enforcement efforts."³⁰ The Commission asserted that it "has records closely related to law enforcement[.]" and argued that "[t]he review of the performance of the COPA Chief and the consideration of complaints by current and former employees are inextricably intertwined with law enforcement by the City of Chicago."³¹ The Commission argued that "[t]he City itself is a law enforcement agency, and the

³⁰Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 10.

³¹Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 10.

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letter requested by Ms. Dowd is in the possession of the City."³² The Commission contended that while FOIA does not define "law enforcement agency," other statutes "define the City of Chicago, because it is a unit of local government with police powers, as a law enforcement agency."³³ Specifically, the Commission referenced the definitions of "law enforcement agency" in the Illinois Trust Act, the Illinois Police Training Act, the Environmental Protection Act, and the Empowering Public Participation Act.³⁴ The Commission argued that "[t]o define it otherwise is to conflate 'public body' with 'law enforcement agency,' and render 'law enforcement agency' meaningless."³⁵ Furthermore, the Commission argued that "the letter contains confidential information and identifies confidential sources[.]"³⁶

The primary objective when construing the meaning of a statute is to ascertain and give effect to the intent of the General Assembly. *DeLuna v. Burciaga*, 223 Ill. 2d 49, 59 (2006). "The most reliable indicator of legislative intent is the statutory language, given its plain and ordinary meaning." *Gaffney v. Board of Trustees of Orland Fire Protection District*, 2012 IL 110012, ¶ 56. When a term is undefined in a statute, it is entirely appropriate to use a dictionary to help determine its meaning. *Lacey v. Village of Palatine*, 232 Ill. 2d 349, 363 (2009).

FOIA does not define "law enforcement agency." "Law enforcement" is defined as "[t]he detection and punishment of violations of the law." Black's Law Dictionary 1058 (11th ed. 2019). The Commission's powers and duties do not include detecting and punishing violations of the law. See Chicago Municipal Code § 2-80-050(a) through (v) (last amended July

³²Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 11.

³³Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 11.

³⁴5 ILCS 805/10 (West 2023 Supp.) ("Law enforcement agency' means an agency of the State or of a unit of local government charged with enforcement of State, county, or municipal laws or with managing custody of detained persons in the State."); 50 ILCS 705/2 (West 2022) ("Law enforcement agency' means any entity with statutory police powers and the ability to employ individuals authorized to make arrests."); 415 ILCS 5/22.58 (West 2022) ("Law enforcement agency' means an agency of this State or unit of local government that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances."); 5 ILCS 850/5 (West 2022) ("Law enforcement agency' means an agency of the State or of a unit of local government charged with enforcement of State, county, or municipal laws or with managing custody of detained persons in the State.").

³⁵Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 11

³⁶Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 11.

19, 2023). Thus, the Commission is not a law enforcement agency, and it does not possess the letter for law enforcement purposes. The Commission's apparent argument that the City and all entities within the City must be considered a "law enforcement agency" because the City exercises police powers is contrary to the plain language of the definition of "law enforcement agency." Additionally, the Illinois Appellate Court has previously held that "each of the [City's] individual departments are subsidiary bodies of the City and are 'public bodies' as defined by the FOIA." *Duncan Publishing, Inc. v. City of Chicago*, 304 Ill. App. 3d 778, 784 (1999). Only a subsidiary body of the City that detects and punishes violations of the law, such as CPD, constitutes a "law enforcement agency" under the plain meaning of that term. It is immaterial that the Commission's records and functions relate to CPD.

Moreover, none of the definitions of "law enforcement agency" in the other statutes cited by the Commission suggests that the City is a law enforcement agency in and of itself within the meaning of section 7(1)(d)(iv). Those provisions generally pertain to municipal police departments, sheriff's offices, and the Illinois Department of Corrections. Furthermore, other statutes define "law enforcement agency" in ways that clearly exclude the City. *See, e.g.*, section 10-10 of the Law Enforcement Officer-Worn Body Camera Act (50 ILCS 706/10-10 (West 2023 Supp.)) ("Law enforcement agency' means all State agencies with law enforcement officers, county sheriff's offices, municipal, special district, college, or unit of local government police departments.")).

Finally, *Kelly* is readily distinguishable from the present circumstances. The records in *Kelly* concerned FOIA requests seeking records from a village, the Illinois State Police, a State's Attorney's office, and a medical examiner's office concerning a joint investigation of a murder. *Kelly*, 2019 IL App (1st) 170780, ¶¶ 4-5. The court held that the village could "assert an exemption over the other defendants' records in this case. Were it otherwise, law enforcement agencies would be discouraged from cooperating due to the risk of harmful disclosures and the people of Illinois would be denied effective law enforcement." *Kelly*, 2019 IL App (1st) 170780, ¶ 34. In contrast, the Commission does not possess the letter in question as part of its participation in a joint criminal investigation or criminal proceeding. Therefore, the Commission improperly denied the request under the section 7(1)(d)(iv) exemption.

Section 7(1)(d)(vi) is no more availing for the Commission. The Commission's argument for the applicability of the exemption is merely that "[m]aking the letter requested by Ms. Dowd public undermines the effectiveness of law enforcement efforts and jeopardizes the safety of law enforcement personnel and civilians who are victims of police abuse and misconduct."³⁷ Such bare assertions do not satisfy a public body's burden of illustrating how an exemption applies to a record. *See Rockford Police Benevolent & Protective Ass'n v. Morrissey*, 398 Ill. App. 3d 145, 151 (2010) (conclusory statements without a detailed rationale do not meet a public body's burden of proving records are exempt from disclosure under FOIA). This office

³⁷Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 10.

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is unable to discern from a review of the letter how its disclosure could endanger anyone's life or physical safety. Therefore, the Commission did not sustain its burden of proving that section 7(1)(d)(vi) applies.

Section 7(1)(f) of FOIA

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." The section 7(1)(f) exemption is equivalent in most respects to the "deliberative process" exemption found in section 552(b)(5) of the federal FOIA (5 U.S.C. § 552(b)(5) (2018)), which exempts from disclosure "inter- and intra-agency predecisional and deliberative material." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247 (2003). The exemption is "intended to protect the communications process and encourage frank and open discussion among agency employees before a final decision is made." *Harwood*, 344 Ill. App. 3d at 248. The exemption, however, does not extend to communications between a public body and third parties with whom the public body is not engaged in a joint decision-making process. *Harwood*, 344 Ill. App. 3d at 248 (correspondence with third parties only intra-agency when third parties contracted to serve public body's interests in essentially same manner as employees of public body); *see also Department of Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 13 (2001) (communications with third parties that have independent interests and that stand to benefit from the public body's final decision cannot be characterized as intra-agency communications).

The Commission argued that the responsive record is exempt from disclosure under section 7(1)(f) because it is "a letter in which opinions are expressed or actions are formulated."³⁸ The Commission relied on the United States Supreme Court case cited above, *Klamath*, 532 U.S. at 9, for the proposition that "[s]uch documents are protected to promote 'the quality of agency decisions by protecting open and frank discussion among those who make them within the Government.'"³⁹ The Commission also cited an Illinois Appellate Court case, *State Journal-Register v. University of Illinois Springfield*, 2013 IL App (4th) 120881, ¶¶ 29-30. The Commission asserted:

The case involved the applicability of Section 7(1)(f) to a letter submitted by a student's legal representative to the University with a synopsis of the student's allegations and opinions regarding how the student wished to proceed. [Citation.] The Court determined

³⁸Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 3.

³⁹Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 4.

that the deliberative process exemption applied because the information "would have undoubtedly been relied upon by [the University] in formulating a plan or policy." [Citation.] * * *

* * * The record is a letter from current and former employees of another department of the City of Chicago, calling upon the Commission to exercise its power to hold a no confidence vote on the Chief Administrator, and outlining opinions and rationale for why. The letter is exactly in line with the letter submitted to [the University] in *State J-Reg.* in terms of its placement in the deliberation process.^[40]

The Commission further argued that the disclosure of the letter would mean that "[t]he Commission's deliberative process would be subject to such extreme outside pressures from uninvolved parties as to render an effective review impossible."⁴¹ The Commission claimed that the letter "is a critical component of the Commission's deliberations[,]" and it "has yet to determine which action to take, making the matter predecisional."⁴² The Commission redacted a few sentences of its explanation from the non-confidential version of its answer.

In reply, Ms. Dowd argued that *State Journal-Register* is inapposite because:

The court found the students' letter, with suggested ways to resolve the student's allegations, was a part of the University's deliberative process. The COPA letter asked the Commission to hold a vote of no confidence and provided opinions on why the Commission should take this step. The deliberative process begins when the Commission begins the investigation into whether to issue the no-confidence vote or not.^[43]

This office's review has confirmed that the letter was not issued as part of a predecisional intra- or inter-agency deliberative process. Unlike the letter in *State Journal-*

⁴⁰Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 4.

⁴¹Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 5.

⁴²Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 5.

⁴³Letter from Donna M. Dowd, Chicago Metro Counsel, Police Benevolent & Protective Assoc. - Labor Committee, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 24, 2024), at [2].

Register, which was submitted to and considered by the public body as part of its ongoing predecisional deliberations on how to resolve a matter, the COPA letter is a unilateral, standalone request from employees of a separate public body and third-party former employees. Although the COPA letter may have led to a deliberative process, there is no indication that the letter writers have any involvement in a joint decision-making process with the Commission. Disclosing the letter would not expose the contents of any Commission deliberations that had occurred.

Moreover, even if the COPA letter could be considered analogous to the letter in *State Journal-Register*, the reasoning of *State Journal-Register* about using a third-party communication in predecisional deliberations is at odds with *Klamath* as well as *Harwood* and other Illinois case law on the exemption. The court in *State Journal-Register* did not tie its conclusion about the letter to the plain language of the exemption or to any precedent. In *Klamath*, the Supreme Court concluded that the deliberative process privilege did not apply to documents submitted to the Department of the Interior by Native American tribes, even though public disclosure of the records would erode the candor of the communications between the parties, because the first condition of the privilege is that the communications must be "'intra-agency or inter-agency.'" *Klamath*, 532 U.S. at 12, 16. In *Harwood*, a report on which a public body relied in a predecisional deliberative process was exempt precisely because the public body commissioned the report to inform that process. *Harwood*, 344 Ill. App. 3d at 248. This seminal decision does not suggest that an unsolicited third party submission to a public body outside of a deliberative process could be swept into the scope of the exemption. The Illinois Appellate Court has likewise explained that "in order to be exempt under this provision, the responsive materials must be both (1) *inter or intra agency* and (2) predecisional and deliberative." (Emphasis added.) *Fisher v. Office of the Illinois Attorney General*, 2021 IL App (1st) 200225, ¶ 19; *see also* Ill. Att'y Gen. Pub. Acc. Op. No. 21-004, issued May 24, 2021 (Attorney General binding opinion concluding that communications between a private business owner applying for a zoning variance and a city were not inter- or intra-agency communications within the scope of section 7(1)(f)). In *Chicago Tribune Co. v. Cook County Assessor's Office*, the court similarly advised that "[t]he government is entitled to withhold documents that reflect *the agency's give-and-take* leading up to its final decisions." (Emphasis added.) *Cook County Assessor's Office*, 2018 IL App (1st) 170455, ¶¶ 29-30 (concluding data not exempt because disclosure would not reveal public body's predecisional deliberations). Because the disclosure of the COPA letter would not expose the give-and-take of any predecisional deliberative process of the Commission, it falls outside the scope of section 7(1)(f) of FOIA.

Section 7(1)(m) of FOIA

Section 7(1)(m) of FOIA exempts from disclosure:

Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or

administrative proceeding upon the request of an attorney advising the public body, and *materials prepared or compiled with respect to internal audits of public bodies*. (Emphasis added.)

As noted above, the primary objective in construing a statute is to effectuate the intent of the legislature, and "[t]he best evidence of legislative intent is the language used in the statute itself, which must be given its plain, ordinary and popularly understood meaning." *Nelson v. Kendall County*, 2014 IL 116303, ¶ 23. An "internal audit" is defined as "[a]n audit performed by an organization's personnel to ensure that internal procedures, operations, and accounting practices are in proper order." Black's Law Dictionary 162 (11th ed. 2019).

The Commission argued that the letter is exempt from disclosure under section 7(1)(m) "because the record was compiled with respect to an audit."⁴⁴ Citing *Rockford Police Benevolent & Protective Ass'n*, 398 Ill. App. 3d at 150, the Commission argued that "[c]ase law has determined that while FOIA does not define 'audit,' an audit may be described as a methodical examination and review."⁴⁵ The Commission asserted that it "is being thorough and methodical in its work."⁴⁶ According to the Commission:

If a letter expressing critical concerns of the COPA Chief is shared with the public, including the Chief Administrator, it could severely limit the Commission's ability to hold a thorough audit of all materials, thereby preventing the Commission from carrying out its duties. Confidentiality is essential to conducting the audit and is therefore essential to the Commission's ability to fulfill its duties and obligations under the law.^[47]

The Commission provided additional information about its assertion of section 7(1)(m) confidentially.

In reply, Ms. Dowd argued that *Rockford* does not support the Commission's position because although "[t]here is no doubt the Commission will be 'thorough and methodical

⁴⁴Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 5.

⁴⁵Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 5.

⁴⁶Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 5.

⁴⁷Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 6.

in its work[,]" case law does not suggest that "the letter by some current and former COPA employees qualifies as an audit[.]"⁴⁸ Ms. Dowd argued that "[b]ased on the Commission's arguments, every letter, correspondence, email, etc, it receives would be eligible for the exemptions cited."⁴⁹

It is apparent from this office's review of the letter and the surrounding circumstances that the letter does not constitute an internal audit or material prepared or compiled with respect to an internal audit. Plainly, the letter was issued independently of any audit the Commission conducted. The Commission may not transform such correspondence from third parties outside of the context of an audit into exempt audit material under section 7(1)(m) merely because the Commission may consider the letter when conducting an audit of COPA. In the *Rockford* case cited by the Commission, the court concluded that a survey used to assess a police department's performance was not an audit; nothing in the decision suggests that a unilateral letter sent to an oversight agency is exempt from disclosure as an internal audit record.⁵⁰ Therefore, the Commission failed to sustain its burden of proving that the letter is exempt from disclosure under section 7(1)(m).

Section 7(1)(n) of FOIA

Section 7(1)(n) of FOIA exempts from inspection and copying "[r]ecords relating to a public body's *adjudication* of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed." (Emphasis added.) In *Kalven v. City of Chicago*, 2014 IL App (1st) 121846, ¶ 13, the Illinois Appellate Court held that the scope of section 7(1)(n) is limited to "documents connected to formalized legal proceedings that involve only" employee grievances and disciplinary cases "and that result in a final and enforceable decision." The exemption does not encompass records of an underlying investigation that precedes an adjudication. *Kalven*, 2014 IL App (1st) 121846, ¶¶ 20, 22. Similarly, in *Peoria Journal Star v. City of Peoria*, 2016 IL App (3d) 140838, ¶ 14, the court explained: "Even if a substantiated complaint or grievance results in disciplinary proceedings being instituted, the complaint or grievance does not fall within the section 7(1)(n) exemption because the disciplinary proceedings 'are a different matter entirely.' [Citation.]"

The Commission argued that the letter is exempt from disclosure under section 7(1)(n) because "[t]he comments in the letter [redacted] shared with the Commission are in the

⁴⁸Letter from Donna M. Dowd, Chicago Metro Counsel, Police Benevolent & Protective Assoc. - Labor Committee, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 24, 2024), at [2].

⁴⁹Letter from Donna M. Dowd, Chicago Metro Counsel, Police Benevolent & Protective Assoc. - Labor Committee, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 24, 2024), at [2].

⁵⁰*Rockford Police Benevolent & Protective Ass'n*, 398 Ill. App. 3d at 151-52.

form of employee grievances."⁵¹ According to the Commission, "[i]n the situation at hand, the Commission's adjudication process is directly revolving around employee grievances."⁵² The Commission argued that *Kalven* is distinguishable because "[t]he complaint in that case was part of an investigatory process entirely separate and distinct from disciplinary adjudications. By contrast, the letter requested by Ms. Dowd is not independent from the adjudication process[.]"⁵³ The Commission claimed that "[t]he letter is * * * related to the adjudication of the grievances identified by the Commission in its inquiries, interviews, and fact-gathering."⁵⁴ The Commission also made arguments about the exemption confidentially.

Even assuming a letter sent by non-Commission employees to the Commission can be considered an "employee grievance," the Commission did not demonstrate that the letter is exempt under section 7(1)(n). The court in *Peoria Journal Star* made clear that an employee grievance that "was created well before any adjudication took place and existed independent of any adjudication[]" is not within the scope of the exemption. *Peoria Journal Star*, 2016 IL App (3d) 140838, ¶ 16. Moreover, the Commission set forth no information suggesting that the subject of the letter is being adjudicated as an employee grievance. Accordingly, the Commission did not sustain its burden of proving that the letter is exempt from disclosure in whole or in part under section 7(1)(n).

FINDINGS AND CONCLUSIONS

After full examination and giving due consideration to the information submitted, the Public Access Counselor's review, and the applicable law, the Attorney General finds that:

1) On September 5, 2024, Ms. Donna M. Dowd, Chicago Metro Counsel for the Police Benevolent & Protective Association - Labor Committee, submitted a FOIA request to the Commission seeking a copy of a letter sent to the Commission by current and former COPA employees on or around September 2, 2024, which asked the Commission to investigate the COPA Chief Administrator.

⁵¹Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 7.

⁵²Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 6.

⁵³Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 7.

⁵⁴Letter from Charles Isaacs, Assistant Director, Community Commission for Public Safety and Accountability, City of Chicago, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (October 18, 2024), at 7.

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2) On September 18, 2024, the Commission denied the request pursuant to sections 7(1)(f), 7(1)(m), and 7(1)(n) of FOIA.

3) In an e-mail on September 24, 2024, Ms. Dowd completed the submission of her Request for Review contesting that denial. The Request for Review was timely filed and otherwise complies with the requirements of section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2023 Supp.)).

4) On September 30, 2024, the Public Access Bureau sent a copy of the Request for Review to the Commission and requested an unredacted copy of the withheld record for this office's confidential review, and a detailed written explanation of the legal and factual bases for the applicability of the asserted exemptions.

5) On October 18, 2024, the Commission furnished those materials, including a complete version of its answer for this office's confidential review and a redacted copy to forward to Ms. Dowd. The Commission maintained that its denial was proper, additionally citing sections 7(1)(c), 7(1)(d)(iv), and 7(1)(d)(vi) of FOIA.

6) On that same date, the Public Access Bureau forwarded to Ms. Dowd a copy of the Commission's answer and notified her of her opportunity to reply. On October 24, 2024, she submitted a reply.

7) On November 20, 2024, this office properly extended the time within which to issue a binding opinion by 30 business days, to January 8, 2025, pursuant to section 9.5(f) of FOIA. Accordingly, the Attorney General may properly issue a binding opinion with respect to this matter.

8) Section 7(1)(c) of FOIA exempts from disclosure "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." Section 7(1)(c) contains an exception providing that "[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

9) Because the letter bears on the public duties of public employees and because it does not consist of highly personal information that outweighs the legitimate public interest in disclosure, the Commission did not demonstrate that the letter is exempt from disclosure pursuant to section 7(1)(c).

10) Section 7(1)(d)(iv) of FOIA exempts from disclosure "[r]ecords 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 * * * unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file

complaints with or provide information to administrative, investigative, law enforcement, or penal agencies[.]"

11) The Commission did not demonstrate that the letter is exempt from disclosure under section 7(1)(d)(iv) because the Commission is not a law enforcement agency and it does not possess the letter for law enforcement purposes.

12) Section 7(1)(d)(vi) of FOIA exempts from disclosure "[r]ecords 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 * * * endanger the life or physical safety of law enforcement personnel or any other person."

13) The Commission did not sustain its burden of proving that the letter is exempt from disclosure under section 7(1)(d)(vi) because the Commission did not demonstrate or provide facts supporting the assertion that disclosure of the contents of the letter would endanger anyone's life or safety.

14) Section 7(1)(f) of FOIA exempts from disclosure "[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."

15) The Commission did not sustain its burden of proving that the letter is exempt from disclosure under section 7(1)(f) because the Commission did not demonstrate that the letter is an inter- or intra-agency predecisional and deliberative communication.

16) Section 7(1)(m) of FOIA exempts from disclosure "[c]ommunications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies."

17) The Commission did not sustain its burden of proving that the letter is exempt from disclosure under section 7(1)(m) because the Commission did not demonstrate that the letter is an internal audit or material prepared or compiled with respect to an internal audit.

18) Section 7(1)(n) of FOIA exempts from disclosure "[r]ecords relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed."

19) The Commission did not sustain its burden of proving that the letter is exempt from disclosure under section 7(1)(n) because the Commission did not demonstrate that

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the letter relates to a public body's "adjudication" of an employee grievance within the scope of the exemption.

Accordingly, the Commission did not prove by clear and convincing evidence that the letter is exempt from disclosure in whole or in part under sections 7(1)(c), 7(1)(d)(iv), 7(1)(d)(vi), 7(1)(f), 7(1)(m), or 7(1)(n) of FOIA.


Therefore, it is the opinion of the Attorney General that the City of Chicago Community Commission for Public Safety and Accountability violated the requirements of FOIA by improperly denying in its entirety Ms. Dowd's September 5, 2024, Freedom of Information Act request. Accordingly, the Commission is hereby directed to take immediate and appropriate action to comply with this opinion by providing Ms. Dowd with a copy of the responsive letter.

This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law. 735 ILCS 5/3-101 *et seq.* (West 2022). An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review with the Circuit Court of Cook or Sangamon County within 35 days of the date of this decision naming the Attorney General of Illinois and Ms. Donna M. Dowd as defendants. *See* 5 ILCS 140/11.5 (West 2022).

Very truly yours,

KWAME RAOUL
ATTORNEY GENERAL

By:


Brent D. Stratton
Chief Deputy Attorney General

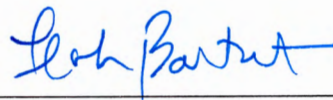
CERTIFICATE OF SERVICE

I, Leah Bartelt, Public Access Counselor, hereby certify that I have served a copy of the foregoing Binding Opinion (Public Access Opinion 24-016) upon:

Ms. Donna M. Dowd
Chicago Metro Counsel
Police Benevolent & Protective Association – Labor Committee
1616 West Pershing Road
Chicago, Illinois 60609
ddowd@pbpa.org

Mr. Charles Isaacs
Assistant Director
Community Commission for Public Safety and Accountability
City of Chicago
2 North LaSalle Street, Suite 1600
Chicago, Illinois 60602
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by causing a true copy thereof to be sent electronically to the addresses as listed above and by causing to be mailed a true copy thereof in correctly addressed, prepaid envelopes to be deposited in the United States mail at Chicago, Illinois on December 27, 2024.



LEAH BARTELT
Public Access Counselor

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