

**IN THE CIRCUIT COURT OF COOK COUNTY  
CHANCERY DEPARTMENT, COUNTY DIVISION**

ROB WARDEN, )  
 )  
Plaintiff, )  
 )  
v. ) No.  
 )  
SUPERINTENDENT OF THE CHICAGO )  
POLICE DEPARTMENT and CHICAGO )  
POLICE DEPARTMENT, )  
 )  
Defendants. )

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiff ROB WARDEN, by its undersigned attorneys, for his complaint against defendants SUPERINTENDENT OF THE CHICAGO POLICE DEPARTMENT and CHICAGO POLICE DEPARTMENT, alleges as follows:

1. This is an action to obtain a court order directing the defendants to produce for inspection and copying certain records that are required to be disclosed pursuant to the Illinois Freedom of Information Act (“FOIA”), 5 ILCS 140/1, *et seq.*, and for payment of attorneys’ fees to Plaintiff’s counsel under FOIA.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction pursuant to 5 ILCS 140/11(d) to hear this appeal from the denial of Plaintiff’s FOIA requests to the Chicago Police Department. Venue is proper in the Circuit Court of Cook County.

**PARTIES**

3. Plaintiff Rob Warden submitted the FOIA request in issue in this cause. Mr. Warden is a citizen of the State of Illinois and a resident of Cook County.

4. The Chicago Police Department (“CPD”) is an agency of the City of Chicago and is subject to the requirements of FOIA with respect to documents in its possession and control.

5. The Superintendent of the CPD has the final authority with respect to granting or denying requests under FOIA, and is therefore a proper party defendant in this cause.

### ALLEGATIONS OF FACT

6. On February 25, 2016, Plaintiff sent a written FOIA request to the CPD’s FOIA officer seeking the most recent photographs taken of nine CPD officers. Plaintiff’s FOIA request provided a Star number for each police officer listed. A copy of the FOIA request is attached as Ex. A and incorporated by reference.

7. Pursuant to 5 ILCS 140/3(c), the CPD’s response to Plaintiff’s FOIA request was due on March 4, 2016—*i.e.*, within seven working days of the request. On March 4, 2016, the CPD requested an extension of five working days pursuant to 5 ILCS 140/3(e). A copy of the extension request is attached as Ex. B.

8. On March 11, 2016, the CPD denied Plaintiff’s FOIA request. In its denial, the CPD stated two exemptions provided under FOIA preclude disclosure of the requested information. First, pursuant to 5 ILCS 140/7(1)(c) the CPD claimed the “personal privacy” exemption applies because police officers’ identification photographs are used solely for internal, administrative purposes, not for public dissemination or “capturing a ‘snapshot’ of an officer performing any police function or other public duty.” A copy of the denial notice is attached as Ex. C.

9. Second, pursuant to section 5 ILCS 7(1)(d)(vi) the CPD denied Plaintiff’s FOIA request on the ground that releasing the photographs would “allow for considerable information regarding the officers to be obtained,” thereby potentially endangering the life or physical safety

of the officers and their families. A copy of the denial is attached as Ex. B and incorporated by reference.

10. The requested information does not meet the criteria for the CPD's first claimed exemption under 5 ILCS 140/7(1)(c) ("personal privacy"). FOIA exempts the release of personal information that would create an "unwarranted invasion of personal privacy," which means the disclosure of information that is highly personal or objectionable. Identification photographs are neither highly personal nor objectionable. The requested photographs directly "bear on the public duties of public employees" in that they expressly identify individuals as CPD officers, and therefore, are not an invasion of personal privacy.

11. The CPD's second claimed exemption under section 5 ILCS 7(1)(d)(vi) (endangerment of public employees or others) also does not apply to Plaintiff's FOIA request. The CPD regularly releases images of officers despite the possibility that such identification may expose these individuals, and their families, to having more personal information obtained for "retaliatory or harassing purposes." The CPD holds press conferences to present various awards to officers, during major cases, the CPD shows officers involved in the investigation standing with the Superintendent, and the CPD sends out press releases with photographs when officers are fatally wounded.

12. There is no basis for the CPD to withhold the requested documents. Neither of the claimed exemptions in FOIA applies to the requested documents.

### **CLAIM FOR RELIEF**

1. Plaintiff repeats and re-alleges all prior paragraphs as if fully set forth herein.
2. Plaintiff has exhausted its administrative remedies with respect to its FOIA to the CPD and, pursuant to 5 ILCS 140/11(a), is now entitled to pursue this action to obtain a court

order compelling the CPD to comply with its obligation to provide Plaintiff with the requested documents.

3. The documents requested in Plaintiff's FOIA are subject to disclosure under FOIA. No exemption from disclosure is applicable.

4. Plaintiff seeks an award of reasonable attorney's fees pursuant to 5 ILCS 140/11(i).

WHEREFORE, Plaintiff Rob Warden respectfully requests that this Court enter an order (a) declaring that Plaintiff is entitled to all documents requested in his FOIA to the CPD; (b) compelling the CPD to immediately allow Plaintiff to inspect and copy the requested documents; (c) awarding Plaintiff his reasonable costs of suit, including attorneys' fees; and (d) for such further relief as this Court may deem equitable and just.

Respectfully submitted,

**ROB WARDEN**

By: /s/ Locke E. Bowman  
One of his attorneys

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