



**Rahm Emanuel**  
Mayor

**Department of Police • City of Chicago**  
3510 S. Michigan Avenue • Chicago, Illinois 60653

**John J. Escalante**  
Interim Superintendent

March 11, 2016

Anissa Nikki Torres  
Roderick and Solange MacArthur Justice Center  
375 E. Chicago Ave.  
Chicago, IL 60611

[anissa.torres1@law.northwestern.edu](mailto:anissa.torres1@law.northwestern.edu)

**RE: NOTICE OF RESPONSE TO FOIA REQUEST**  
**REQUEST DATE: February 26, 2016**  
**FOIA FILE NO.: 16-1534**

Dear Anissa Nikki Torres,

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA) request, where you wrote:

*I am writing to you pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq., on behalf of my client, Rob Warden, to request that copies of the documents described below be made available for inspection and copying within seven working days of your receipt of this request.*

*We request the most recent photographs taken of the following Chicago Police Department officers:*

*Mohammed Ali: Star # 7241*  
*Macario Chavez: Star # 9084*  
*Mark W. Damato: Star # 6150*  
*Ignacio Hernandez: Star # 1308*  
*Robert Lobianco: Star # 16764*  
*David Marinez: Star # 5460*  
*Michael Mulkerin: Star # 713*  
*Armando Ugarte: Star # listed in lawsuits as both 15050 and 15150*  
*Adrien Vivanco: Star # 17269*

Your request for "photographs" is interpreted to mean the identification card photos of the individuals rather than any photo ever taken related to CPD that may include any of the individuals. For example, any given officer may involuntarily appear in any crime scene photo, parade photo or photo of any other CPD function such as an award ceremony, St Jude Parade, fallen officer ceremony or funeral. Your request was reviewed by the undersigned and it was determined that your request is denied.

Requested Photographs of Active and Retired CPD Members are Exempt Under 5 ILCS 140/7(1)(c)

Exemption 7(1)(c)

The "personal privacy" exemption in section 7(1)(c) of FOIA serves as a basis for denying your request for photographs of active and retired CPD personnel. Section 7(1)(c) exempts the following from production:

Personal 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. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy out-weighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

Each CPD member is issued a photo id card that serves to verify, internally, his/her identity when on duty. This photo ID card does not need to be on public display while the officer is on duty and in uniform. Officers not in uniform display their id in a police facility in order to clearly indicate to others their status as a sworn police officer, allowing them access to the building. These photos serve a purely administrative function, and the photo itself is comparable to a driver's license or state issued identification photo. The subject identification photos are not used to identify individuals as officers to the public; rather, the Officer's uniform, nametag, and/or badge serve that purpose.

The photographs of the 9 active officers have no "bear[ing] on the public duties of public employees and officials" as the pictures are used for internal identification and safety reasons, neither for the purpose of public dissemination nor for purpose of capturing a 'snapshot' of an officer performing any police function or other public duty.

Requested Photographs of Active CPD Members are Exempt Under 5 ILCS 140/7(1)(d)(vi)

Another basis for denying your request for photographs of active CPD members is section 7(1)(d)(vi) which exempts the disclosure of records that would endanger the life or physical safety of law enforcement personnel. The safety concerns that would arise from disseminating photographs of active CPD personnel are serious and obvious. The dissemination of active officers' photographs to the public and the possibility that it could be obtained by persons he/she is investigating, has investigated, or may investigate in the future may not only compromise his/her investigations but the safety of the officer and that of his or her family.

As members of law enforcement, these officers regularly put themselves in harm's way. Publicly identifying them through their photographs creates a real and serious safety concern for CPD. It is true that Officers present themselves, while on duty, to the public with their last name and badge number easily identifiable. However, most of the public's interactions with on duty police officers are fleeting. On the other hand, once a photo is released under FOIA, it can be publicized by any means possible and remains available to the public at large for eternity. Having these photographs, along with the officers' names available to the public, presents a real opportunity for former arrestees, gang members, or anyone harboring ill will toward the police, to obtain highly personal information, including the home address of the officers.

There are hundreds of ways to search for one's private information online. There are numerous search engines dedicated to providing an avenue to track down a person's private information. Several websites exist that make available to anyone knowing your name a way to not only find your home but also provide a street view perspective. These websites also provide phone numbers, family members' names, annual income, house value and various other private details. There are even image search engines designed to search for pictures. This easy access to highly personal information is beyond a department member's control because of the immeasurable free access to the internet.

The Department takes the safety of its members and their families very seriously. It is CPD's concern that these photos can be used for retaliatory and harassing purposes against the officer himself or against his family. Officers constantly face situations where they are the subject of threats and threatening actions have been made to department members and

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their families thus making their safety a serious and relevant concern.

Working in law enforcement is inherently risky; however that risk should be limited to the times an officer is on duty. Releasing these photos will jeopardize not only the officers, but also their family members. As stated above, the release of the names and photos will allow for considerable information regarding the officers to be obtained, including home addresses. With this being the case, not only are the officers in jeopardy, but so are their household members, who are by and large not public employees.

For these reasons, the requested photographs of active CPD members are exempt in accord with sections (7)(1)(c) and 7(1)(d)(vi).

If I can be of further assistance, you may contact me at (312)745-5308, or by mail at the below address:

Chicago Police Department  
Attention: Freedom of Information Officer  
Office of Legal Affairs Unit 114  
3510 S. Michigan Ave.  
Chicago, IL 60653

Sincerely,



Shelton #15719  
Freedom of Information Officer  
Chicago Police Department  
Office of Legal Affairs

You have a right of review by the Illinois Attorney General's Public Access Counselor (PAC). You can file a request for review by writing to:

Public Access Counselor  
Office of the Attorney General  
500 S. 2nd Street  
Springfield, Illinois 62706  
Phone: 312-814-5526 or 1-877-299-FOIA (1-877-299-3642)  
Fax: 217-782-1396 E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140-9.5(a). When filing a Request for Review, you must include a copy of the original FOIA request and this denial letter. You may also seek judicial review of a denial under 5 ILCS 140/11 by filing a lawsuit in the State Circuit Court.

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