



**REPORT ON THE CITY OF CHICAGO'S RESPONSE TO
THE EXECUTION OF THE SEARCH WARRANT AT
ANJANETTE YOUNG'S HOME**

Submitted by Hon. Ann Claire Williams (Ret.)

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SCOPE OF JONES DAY'S REVIEW

We reviewed the City's response to the botched search of Ms. Young's home by four City departments:

- The Mayor's Office
- The Department of Law (DOL)
- The Civilian Office of Police Accountability (COPA)
- The Chicago Police Department (CPD)

SCOPE OF JONES DAY'S REVIEW

Our team:

- Leadership team included four former Assistant United States Attorneys
- Included more than 40 attorneys
- Devoted more than 9,000 hours of *pro bono* legal services
- Reviewed more than 250,000 internal city documents
- Interviewed more than 40 current or former City employees

SCOPE OF JONES DAY'S REVIEW

We did not:

- Examine the search or investigate any alleged police misconduct related to the search of Ms. Young's home
- Conduct a review focused on disciplining any City official or employee

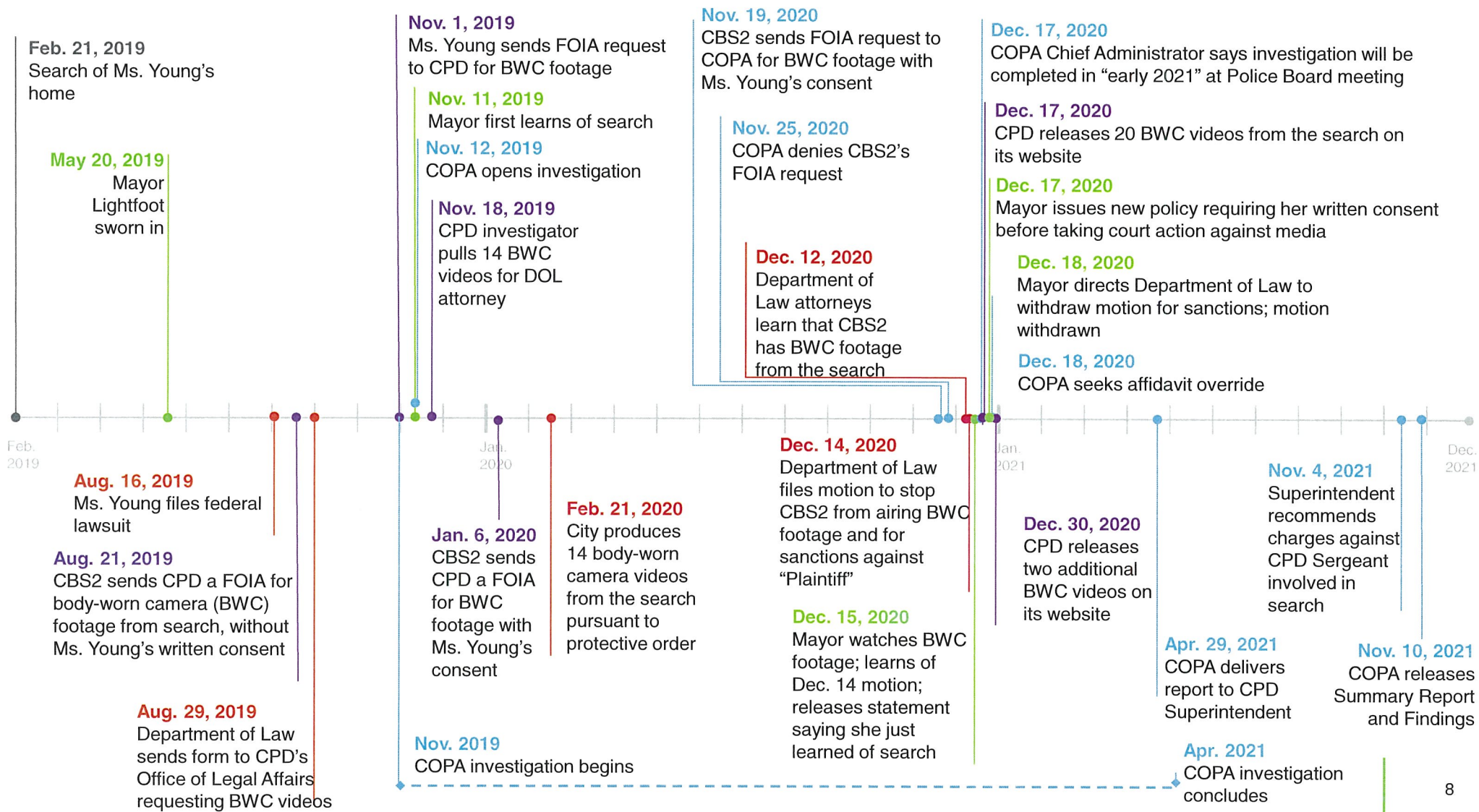
CONCLUSIONS

- We found no evidence that the Mayor or any current or former City employee took action with malicious intent to add to Ms. Young's mistreatment or otherwise harm her in connection with the City's response to the botched search of her home.
- We found no purposeful concealment of any information by the Mayor or by any City department.
- We found failures in oversight and accountability by each of the four City departments we reviewed.

FAILURES IN CITY'S RESPONSE TO THE SEARCH OF MS. YOUNG'S HOME

We found that certain City officials or employees:

- Did not adequately consider Ms. Young's dignity and did not prioritize certain cases involving egregious misconduct (e.g. psychological/mental trauma)
- Did not follow procedures, maintained flawed procedures, and/or lacked procedures altogether
- Did not adequately communicate within and across departments
- Did not live up to the City's public service mission
- Lacked ownership, including a sentiment of that's "not my job" or siloed behavior, resulting in a scattered response



KEY QUESTIONS:

1. Why did it take so long for the City to provide Ms. Young and CBS2 with the body-worn camera footage from the search?
2. Why did the City only produce 14 body-worn camera videos in February 2020 when there were actually 22 videos?
3. Why did the City's lawyers try to stop CBS2 from airing the body-worn camera footage? Why did the City seek sanctions against Ms. Young in her federal civil rights lawsuit, and why did the City's lawyers drop the sanctions request?
4. Why did the Mayor say she only learned of the search of Anjanette Young's home in December 2020, when she had been advised of the search in November 2019?
5. Why did the COPA investigation into the search of Ms. Young's home take so long?

WHY DID IT TAKE SO LONG FOR THE CITY TO PROVIDE MS. YOUNG AND CBS2 THE BODY-WORN CAMERA FOOTAGE FROM THE SEARCH?

FOIA Request Date/Dept.	Requesting Party	Scope of Request	Date of Response	Response
08/21/2019 to CPD	CBS2	Officer-worn body-camera footage from search of Ms. Young's home; search warrant complaint	11/11/2019	Denied; Officer-Worn Body Camera Act (no consent from Ms. Young)
11/01/2019 to CPD	Anjanette Young	Officer-worn body-camera footage from search of Ms. Young's home	11/19/2019	Denied; Ongoing Investigation Exemption
11/12/2019 to CPD	CBS2	Search warrant complaint	11/19/2019	Produced
01/06/2020 to CPD	CBS2	Officer-worn body-camera footage from search of Ms. Young's home; including consent from Ms. Young	12/17/2020	Pending Until CPD Posted Videos on 12/17/2020
11/19/2020 to COPA	CBS2	Officer-worn body-camera footage from search of Ms. Young's home; including consent from Ms. Young	11/25/2020	Denied; Ongoing Investigation Exemption

WHY DID THE CITY ONLY PRODUCE 14 BODY-WORN CAMERA VIDEOS IN FEBRUARY 2020 WHEN THERE WERE 22 VIDEOS?

- Faulty search run for videos:
 - Key search terms missing
 - Some officers turned BWC off and on, creating more than one video for some officers (22 videos created)
 - DOL produces 14 BWC tapes in February 2020
- In December 2020, Mayor orders public release of all videos; proper search identifies 22 videos
 - CPD Sergeant decides on his own that 2 videos from outside the home are not relevant, so only 20 videos are published
 - Last 2 videos are published after Sergeant's decision discovered

WHY DID THE CITY'S LAWYERS TRY TO STOP CBS2 FROM AIRING THE BODY-WORN CAMERA FOOTAGE? WHY DID THE CITY SEEK SANCTIONS AGAINST MS. YOUNG AND THEN DROP THE SANCTIONS REQUEST?

- **Feb. 2020:** Court order requires BWC footage to remain confidential
- **Dec. 12, 2020:** Department of Law learns that CBS2 plans to air the footage, which would violate court order
- **Dec. 14, 2020:** Department of Law files motion to stop CBS2 from airing the footage and to sanction plaintiff
 - Then-Corporation Counsel and then-Managing Deputy approve motion without watching videos of search
 - Mayor not notified in advance
 - Court denies effort to stop CBS2 from airing footage

WHY DID THE CITY'S LAWYERS TRY TO STOP CBS2 FROM AIRING THE BODY-WORN CAMERA FOOTAGE? WHY DID THE CITY SEEK SANCTIONS AGAINST MS. YOUNG AND THEN DROP THE SANCTIONS REQUEST?

- **Dec. 16, 2020:** Department of Law files notice with court at Mayor's direction that the City is only seeking to sanction Ms. Young's lawyer
- **Dec. 17, 2020:** Mayor sends Department of Law new policy directing it to never take court action against media without her prior written consent
- **Dec. 18, 2020:** Mayor directs Department of Law to withdraw sanctions motion

WHY DID THE MAYOR SAY SHE ONLY LEARNED OF THE SEARCH OF MS. YOUNG'S HOME IN DECEMBER 2020, WHEN SHE HAD BEEN ADVISED OF THE SEARCH IN NOVEMBER 2019?

- **Nov. 11, 2019:** Mayor receives email about search of Ms. Young's home, while attending Veterans' Day events
 - Email says the search was "a pretty bad wrongful raid"
 - Email provides a summary of the search as described by CBS2. The summary states that Ms. Young was handcuffed and naked for 40 minutes while officers searched her home
 - Mayor responds explaining she has "a lot of questions about this one"
 - Mayor convenes call with senior staff 10-15 minutes later; call and follow-up primarily focus on search warrant working group activities

WHY DID THE MAYOR SAY SHE ONLY LEARNED OF THE SEARCH OF MS. YOUNG'S HOME IN DECEMBER 2020, WHEN SHE HAD BEEN ADVISED OF THE SEARCH IN NOVEMBER 2019?

- **Dec. 15, 2020:** Mayor issues statement saying this was the first time she learned about the botched search of Ms. Young's home
 - Mayor did not remember that she was notified on November 11, 2019
 - Mayor and staff did not search emails to confirm validity of statement
- **Dec. 17, 2020:** Mayor issues second statement indicating she was previously made aware of search in November 2019

WHY DID THE COPA INVESTIGATION INTO THE SEARCH OF MS. YOUNG'S HOME TAKE SO LONG?

- COPA investigation lasted from November 2019 to April 2021 (17 months)
- COPA's long-standing practice was to wait for a sworn statement from a complainant if case in litigation
 - Ms. Young did not provide a sworn statement directly to COPA, like other complainants in active litigation against City
 - COPA did not seek an affidavit override until Dec. 2020
- COPA prioritized other cases
- COVID-19 pandemic impacted COPA's operations
 - Limited ability to conduct in-person interviews and the CPD unions generally would not agree to remote interviews

FAILED TO ADEQUATELY CONSIDER MS. YOUNG'S DIGNITY: RECOMMENDATIONS

- Incumbent upon all departments to recognize that psychological and emotional injury can be traumatic, not just physical injury
- Hire Risk Manager with full access to functioning tracking system to review cases and implement broad-based change
- Identify factors COPA investigators should use to prioritize cases and review periodically
- Build in flexibility for COPA to kick start high-priority cases with additional investigators
- FOIA weekly meetings should include senior-level engagement to appropriately flag risks

DID NOT FOLLOW PROCEDURES, MAINTAINED FLAWED PROCEDURES, AND/OR LACKED PROCEDURES ALTOGETHER: RECOMMENDATIONS

- COPA should implement affidavit override early in investigative process when there is no complainant statement but substantial objective evidence
- Complete CPD General Counsel's draft SOP, and provide associated training to FOIA personnel
- Log body-worn camera footage in uniform manner across all police districts
- Develop specific, periodic trainings on obtaining documents / information from CPD for all Department of Law case teams
- Identify at least one key stakeholder to consistently attend, participate, and flag issues in cross-Department FOIA meetings, and include training for appropriate escalation of issues

DID NOT ADEQUATELY COMMUNICATE WITHIN AND ACROSS DEPARTMENTS: RECOMMENDATIONS

- Formally adopt key values and best practices in writing (mission statements, policies, guidelines), emphasizing that the humanity and dignity of Chicago's residents is a top priority
- Document chain of command or reporting structure for sensitive issues (to include reporting to Mayor's Office and other departments)
- Formalize communication between Department of Law, Mayor's Office, CPD and COPA when civil lawsuits are filed
- Create a citywide FOIA database of requests and responses to track FOIA requests to various departments
- Develop and implement training for CPD's Office of Legal Affairs paralegals to ensure they understand the process to search for, obtain, and send body-worn camera footage to Department of Law

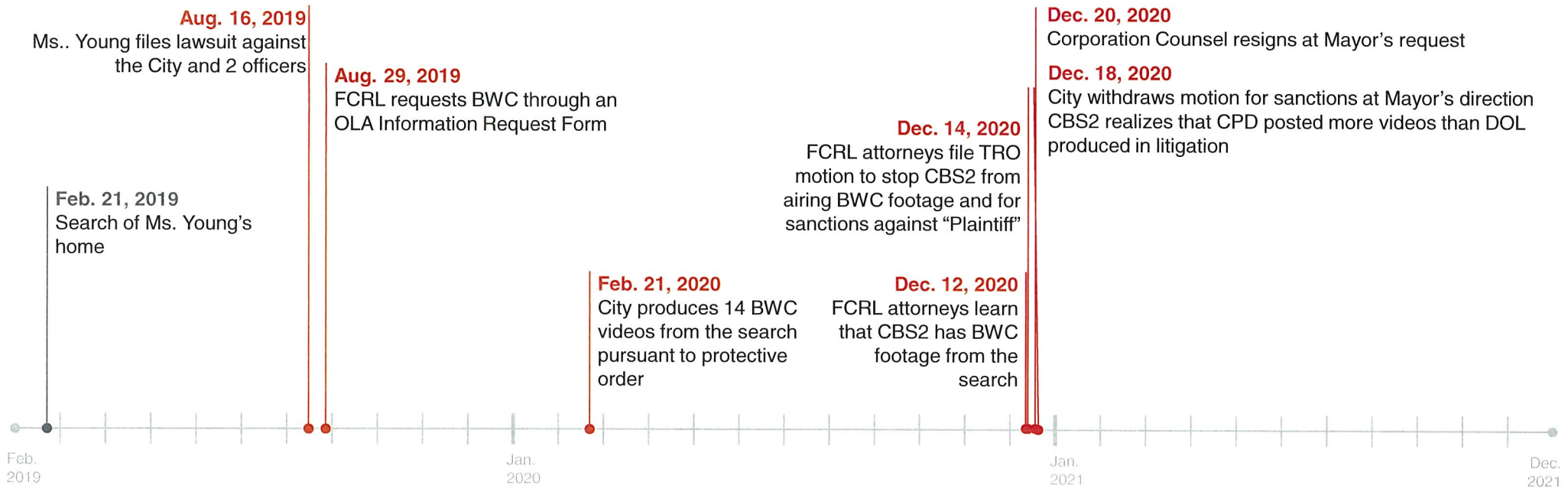
DID NOT LIVE UP TO THE CITY'S PUBLIC SERVICE MISSION: RECOMMENDATIONS

- Conduct trainings and/or onboarding to reinforce core values and public service priorities
- Develop consistent and thorough training for FOIA officers citywide that emphasizes core value of transparency
- Encourage Department of Law attorneys to take a holistic approach to cases, considering both duty to client and protection of public trust
- Utilize GovQA software to publicly archive responses to FOIA requests

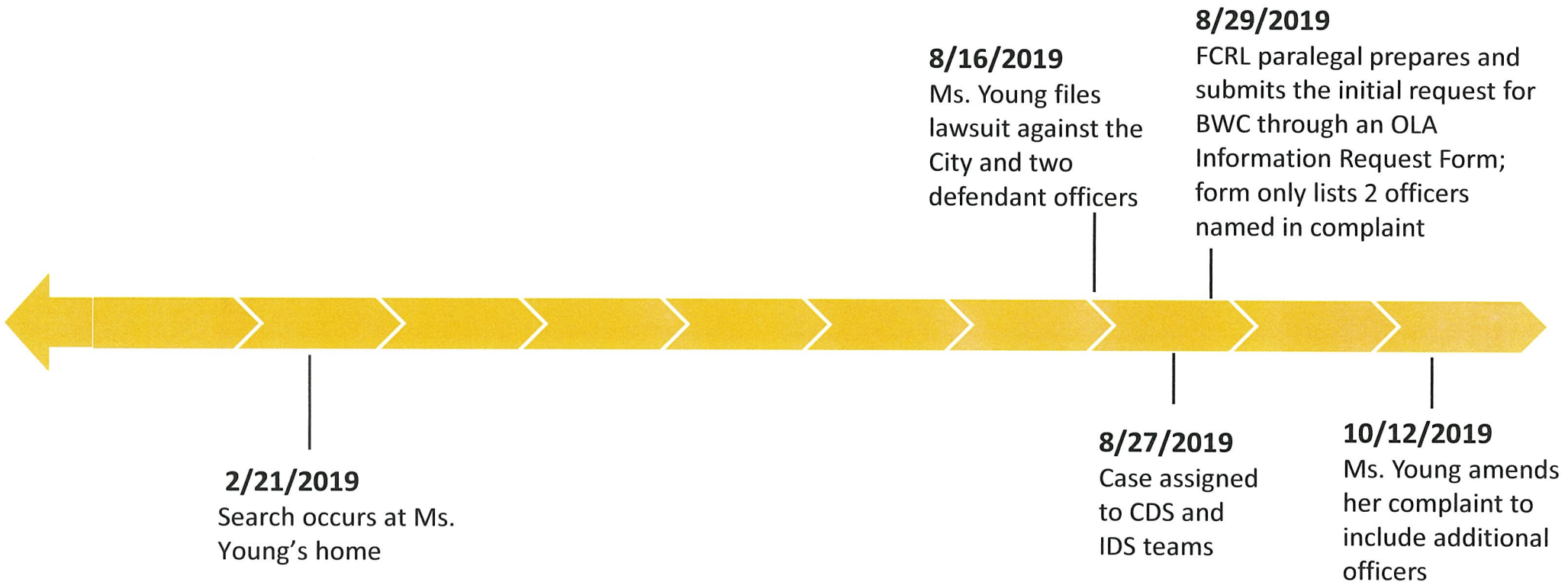
LACKED OWNERSHIP, INCLUDING A SENTIMENT OF THAT'S "NOT MY JOB" OR SILOED BEHAVIOR RESULTING IN A SCATTERED RESPONSE: RECOMMENDATIONS

- Create or update comprehensive policy manuals to clearly delineate employee roles and responsibilities
- Ensure adequate attorney oversight of FOIA responses
- CPD should provide uniform training among its districts on standardized data entry for logging body-worn camera footage
- Formally adopt process around viewing and escalating high-risk and urgent videos

Fact Overview: Law Department



INITIAL ASSIGNMENT OF MS. YOUNG'S CASE AND INITIAL REQUESTS



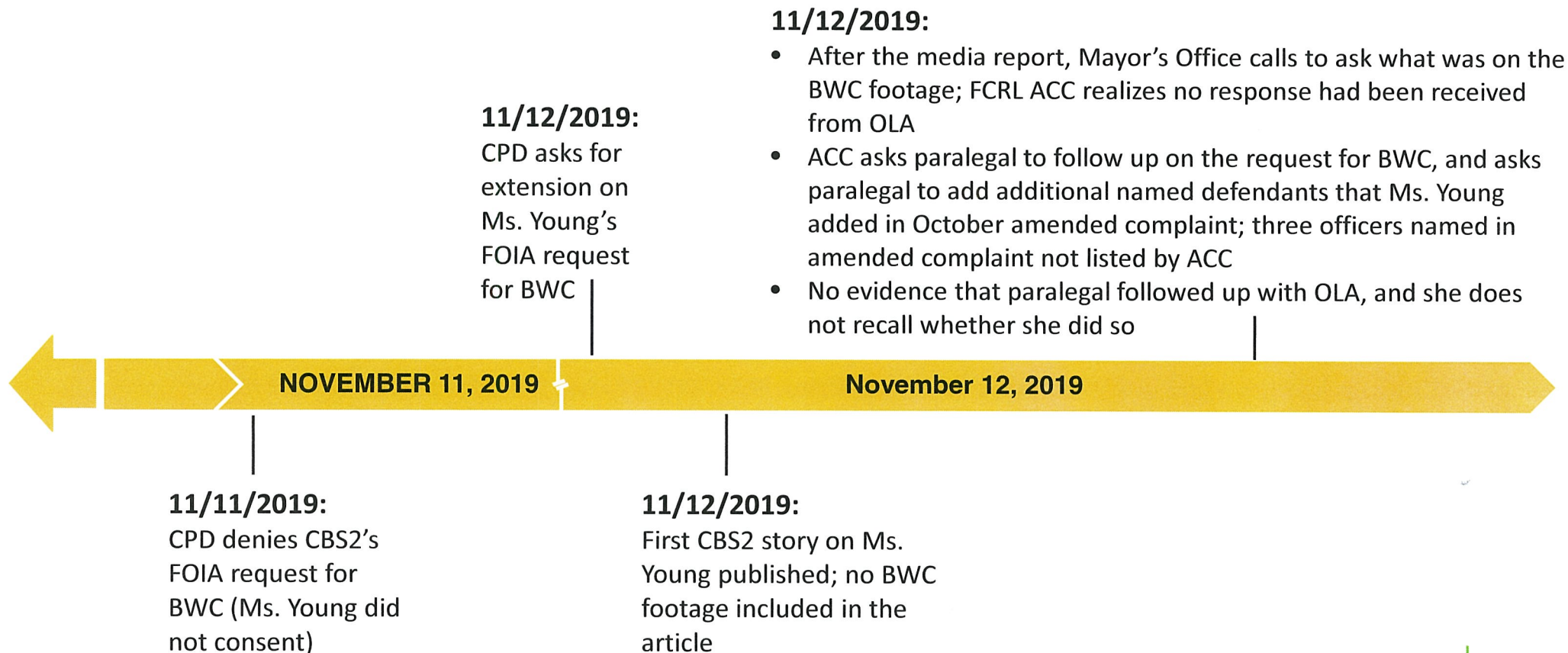
None of these events prompt notification to COPA or the Mayor's Office

INITIAL ASSIGNMENT OF MS. YOUNG'S CASE AND INITIAL REQUESTS

- Paralegals are supposed to prepare and send out initial requests for information related to the litigation matter within 7 days, working with assigned attorneys and the FCRL Discovery Tracker

		<u>Case Name & Number</u>					
1							
2	<u>Team CDS</u>	<u>Team IDS</u>	<u>Initial Date Assigned</u>		<u>Incident Info</u>	<u>CB, RD & Other Info</u>	
3	[Names]	[Names]	[Date Assigned]		[Date, Time, Address]	[CB#] [RD #]	
4			Attorney	Paralegal	Paralegal	Anyone	
5	Initial Team Ordering	Request from	Documents Requested	Date Requested by ACC to Paralegal	Date Ordered by Paralegal	Date Rec'd	Notes
111	IDS	CPD via OLA	Videos-Body Cameras				
112	IDS	CPD via OLA	Videos-Forensic Services				

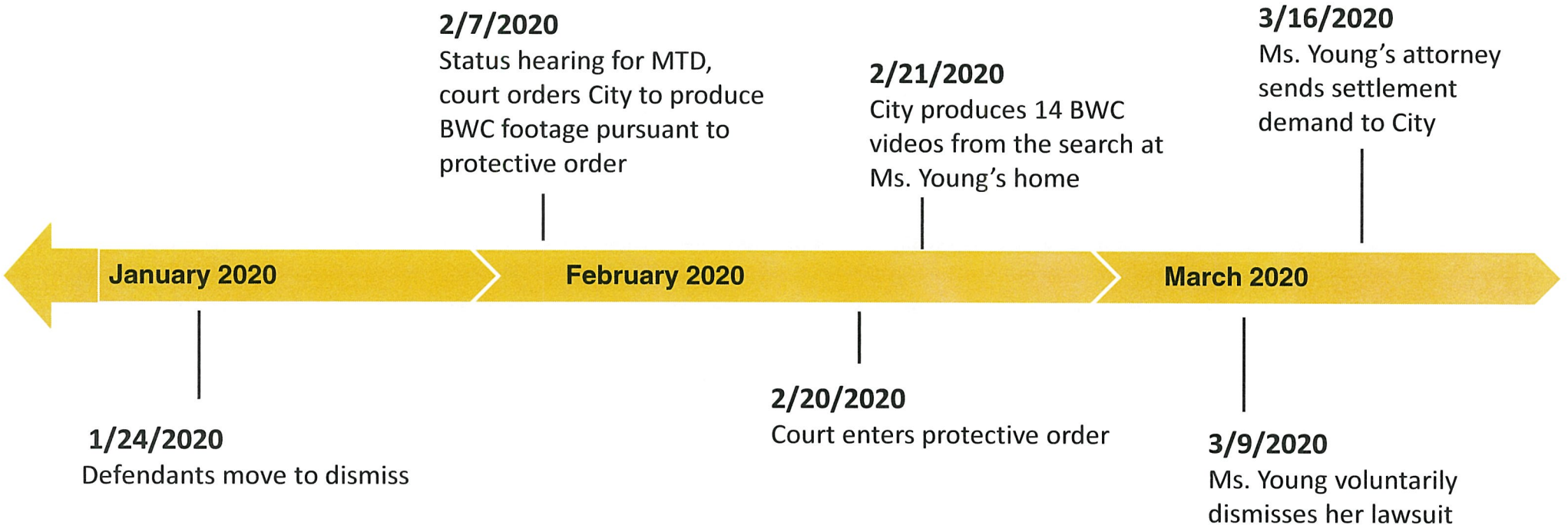
INITIAL NEWS STORY ON MS. YOUNG / OBTAINING BWC FOOTAGE



INITIAL NEWS STORY ON MS. YOUNG / OBTAINING BWC FOOTAGE

- **Nov. 18, 2019:** Given that OLA had not responded to the request, ACC also asks one of the CPD investigators detailed to FCRL to pull the BWC videos related to the search at Ms. Young's home
 - ACC provides investigator with the RD number and search warrant data, and investigator pulls the BWC footage
 - At the time, preference for pulling BWC footage through OLA rather than the CPD investigators, but it was not unusual for ACCs to ask a CPD investigator to pull footage if there was a quick turnaround / OLA slow to respond
 - Now, ACCs must obtain approval from a FCRL deputy to obtain BWC footage through the CPD investigators

MOTION TO DISMISS / PRODUCTION OF BWC FOOTAGE



AIRING OF BWC FOOTAGE & MOTION FOR TRO / SANCTIONS

12/14/2020:

- After confirming that City did not produce the video in response to a FOIA request, FCRL attorneys draft and file an emergency motion for a TRO to stop CBS2 from airing the footage in violation of the court's protective order, and for sanctions against "Plaintiff"
- An ACC primarily drafts the motion, with approval from FCRL deputies, Managing Deputy, and Corporation Counsel

December 12, 2020

12/12/2020:

FCRL attorneys learn that CBS2 obtained the BWC footage from the search at Ms. Young's home

Dec. 13, 2020

12/14/2020:

- FCRL attorneys reach out to Ms. Young's counsel and CBS2's counsel
- Ms. Young's counsel does not respond; CBS2 responds, sending case law in support of its position
- Court denies the TRO on the same day
- General consensus among FCRL attorneys that motion was properly filed, and they wouldn't do anything differently

December 14, 2020

RESPONSE TO MOTION FOR SANCTIONS

12/16/2020:

City files a supplement to motion for sanctions, clarifying that it was only pursuing sanctions against Ms. Young's attorney, not Ms. Young herself, and requesting that the Court provide leave to release the BWC videos in their entirety, noting that only "selected portions of the video have been released"

12/17/2020:

Mayor addresses DOL and instructs Corporation Counsel to send email to DOL with new policy regarding court action against the media

December 15, 2020

12/15/2020:

FCRL team communicates throughout the day regarding proposed statements and fallout from the motion

December 16, 2020

12/16/2020:

Ms. Young files suit under FOIA in Cook County against CPD; requests that CPD release all Ms. Young's records under FOIA, and requests a ruling that CPD violated FOIA by failing to do so

December 17, 2020

AFTERMATH OF MOTION FOR SANCTIONS

- **Dec. 17, 2020:** CPD releases 20 BWC videos from the search at Ms. Young's home on its website
- **Dec. 18, 2020:** CBS2 discovers that CPD posted more videos than were produced in the litigation
 - City later determines that Department of Law had only produced 14 of 22 total videos in February 2020
 - Although 14 officers were named in the litigation, some of the officers turned their cameras on and off (creating multiple videos per officer)
 - Consensus among FCRL attorneys that Ms. Young voluntarily dismissed her suit before discovery commenced, and the team would have found the discrepancy and produced the additional videos had discovery continued

AFTERMATH OF MOTION FOR SANCTIONS

12/18/2020:

- City withdraws its motion for sanctions – language provided by Mayor, with instructions that it be filed without edits
- Court grants the City’s motion to withdraw its motion for sanctions but notes that it had “its own concern about noncompliance with, and enforcement of, its orders”

1/29/2021:

Court declines to impose sanctions, noting one reason as the “good faith basis for Mr. Sauter’s belief that the City’s failure to disclose those materials in response to Ms. Young’s state law FOIA request was unlawful”

December 2020

January 2021

12/20/2020:

Corporation Counsel resigns at Mayor’s request

1/15/2021:

City files a letter from the Mayor asking the Court not to sanction Ms. Young’s attorney

Recommendations: Law Department*

***Note: Jones Day's investigation and interviews focused exclusively on the Federal Civil Rights Litigation (FCRL) Division of DOL**

LAW DEPARTMENT RECOMMENDATIONS: KEY AREAS

Responsibility to Residents

Managing Risk

Accountability

Training and Process

Resources

HIGHLIGHT RESPONSIBILITY TO RESIDENTS OF CHICAGO

Recommendations

- **Draft Department of Law values statement and promote its importance**
- **Implement additional substantive training on process, procedures, and values**
- **Implement internal efforts to boost morale and reinforce public service mission**
 - E.g. formal swearing-in for new ACCs
- **Institute periodic meetings with Department heads**



LAW DEPARTMENT RECOMMENDATIONS: KEY AREAS

Responsibility to Residents

Managing Risk

Accountability

Training and Process

Resources

BETTER IDENTIFY AND UNDERSTAND RISK

Recommendations

- **Hire Risk Manager with full access to functioning tracking system to review cases and implement broad-based change**
 - ✓ In progress; position created and to be filled within first three months of 2022
- **Encourage Department of Law attorneys to take a holistic approach to cases, considering both duty to client and protection of public trust**

LAW DEPARTMENT RECOMMENDATIONS: KEY AREAS

Responsibility to Residents

Managing Risk

Accountability

Training and Process

Resources

EMPHASIZE ROLE AND ACCOUNTABILITY

Recommendations

- **Create comprehensive policy manual to clearly delineate employee roles and responsibilities**
- **Devise escalation criteria to ensure appropriate review and consideration of risk**



LAW DEPARTMENT RECOMMENDATIONS: KEY AREAS

Responsibility to Residents

Managing Risk

Accountability

Training and Process

Resources

SUPPORT HIGH-QUALITY LITIGATION

Recommendations

- **Formalize intake within FCRL to ensure that recently hired attorneys shadow more senior attorneys**
- **Offer mandatory, live interactive training for attorneys and paralegals**
 - ✓ In progress; new Deputy Corporation Counsel to create three-day introductory training for all new attorneys within first half of 2022
- **Develop specific, periodic trainings on obtaining documents / information from CPD for all FCRL case teams**
- **Implement formalized, indexed repository of sample pleadings and forms on the FCRL shared drive**

STANDARDIZE PROCESSES

Recommendations

- **Develop standard formalized processes for all pre-trial, trial, and appellate stages**
- **Document chain of command or reporting structure for sensitive issues (to include reporting to Mayor’s Office and other departments)**
- **Revise existing written materials to include processes and specific responsibilities for attorneys and paralegals**
 - ✓ In progress
- **Consider creating a separate and independent “discovery response team” to handle all aspects of discovery for FRCL**

LAW DEPARTMENT RECOMMENDATIONS: KEY AREAS

Responsibility to Residents

Managing Risk

Accountability

Training and Process

Resources

INCREASE SALARIES AND EXPAND RESOURCES

Recommendations

- **Increase budget and salaries to attract more senior-level, experienced staff and litigators to the Department of Law**
 - **Address union vs. non-union pay disparities**
 - Paralegals and other staff receive cost-of-living pay increases per union agreement; non-union supervisors are not guaranteed annual cost-of-living pay increases
- **Allocate funds to implement new case management program**

 In progress

Fact Overview: Mayor's Office



NOVEMBER 1-8, 2019: CBS2 CONTACTS MAYOR'S OFFICE COMMUNICATIONS STAFF RE: SEARCH AT MS. YOUNG'S HOME

- **Nov. 1 & 4, 2019: Initial Contact with CBS2**
 - Following up on CBS2's Nov. 1 outreach, the Mayor's then-Deputy Press Secretary has a call with CBS2 on Nov. 4 regarding their 8/21/2019 FOIA request for body-worn camera ("BWC") footage from the search at Ms. Young's home
- **Nov. 8, 2019: Follow-Up from CBS2 on Request for BWC Footage**
 - CBS2 contacts then-Deputy Press Secretary again regarding request for BWC footage
 - Then-Deputy Press Secretary circulates email containing CBS2's description of the search to then-Communications Director, then-Chief Risk Officer, and then-Deputy Mayor of Public Safety, among others

NOVEMBER 1-8, 2019: CBS2 CONTACTS MAYOR'S OFFICE COMMUNICATIONS STAFF RE: SEARCH AT MS. YOUNG'S HOME

11/4/2019

Initial call with CBS2 re Ms. Young story

"Police officers handcuffed Young, who was naked, and allegedly left her standing for 40 minutes handcuffed and naked while all-male police officers searched her apartment."

- 11/8/2019 e-mail from then-Dep. Press Secretary

11/8/2019

Follow up by CBS2 on Ms. Young story

11/8/2019

Then-Dep. Press Secretary circulates email to Mayor's Office personnel with CBS2's description of search

CBS2 - Wrongful Raid (NEXT TUESDAY)

Sent: Fri 11/8/2019 2:22:26 PM (UTC-06:00)

From:

To:

All,

CBS2 is working on a story for Tuesday about another wrong raid by the Chicago Police Department. Information on the raid is below but I need CPD to check-in on the FOIA request made by the woman involved in this incident. CBS2's FOIA is below as well but I'm more interested in why the woman-involved hasn't received the video she's requested. Below is the incident as described by CBS2.

Incident: On February 21st, 2019, CPD executed a search warrant raid at [REDACTED] (Warrant: 19SW5247). The resident of the address, 49-year-old Anjanette Young was in the middle of changing when her house was raided by the police. Police officers handcuffed Young, who was naked, and allegedly left her standing for 40 minutes handcuffed and naked while all-male police officers searched her apartment. After 45 minutes, a female police officer arrived at the scene and uncuffed the woman and then turned off her body camera to let her get clothes on. According to CBS2, the individual they were looking for as part of the warrant, lived across the street (CBS2 found him). CBS2 also said that Officer Michael Donnelly (Supervisor: Sgt. Wolinski) was involved in obtaining this search warrant, and he was also involved in the [Peter Mendez wrongful raid](#).

Both Young and CBS2 have been requesting body camera footage from the incident since August and have yet to hear back from CPD. Anthony/Anjali -- can you look into this?

NOVEMBER 11, 2019: MAYOR LEARNS ABOUT THE SEARCH OF MS. YOUNG'S HOME & RELATED FOIA REQUESTS

- **Nov. 11, 2019, 8:51 AM: Department of Law's Then-Deputy Corporation Counsel Provides Next Steps on FOIA Requests**
 - Then-Deputy Corporation Counsel circulates a draft denial of the CBS2 FOIA request to certain Mayor's Office personnel, among others, noting that CBS2 would receive a denial that day and Ms. Young would receive the BWC footage the next day
 - Then-Deputy Corporation Counsel also provides a description regarding the contents of the video
- **Nov. 11, 2019, 9:15 AM: Then-Deputy Mayor of Public Safety Alerts Mayor to Search of Ms. Young's Home**
 - Then-Deputy Mayor of Public Safety forwards Mayor an email containing CBS2's description of the search
 - Then-Deputy Mayor of Public Safety also summarizes the next steps on FOIAs, as provided by then-Deputy Corporation Counsel

NOVEMBER 11, 2019: MAYOR LEARNS ABOUT THE SEARCH OF MS. YOUNG'S HOME & RELATED FOIA REQUESTS

11/4/2019
Initial call with CBS2 re Ms. Young story

8:51 a.m.
Draft denial of CBS2's FOIA request circulated; email also states Ms. Young will receive BWC footage the next day

NOVEMBER 11, 2019

11/8/2019
Then-Dep. Press Secretary circulates email to Mayor's Office personnel with CBS2's description of search

9:15 a.m.
Then-Dep. Mayor of Public Safety alerts Mayor to search of Ms. Young's home

Re: CBS2 - Wrongful Raid (NEXT TUESDAY)

Sent: Mon 11/11/2019 9:49:03 AM (UTC-06:00)

From: [REDACTED]

To: [REDACTED]

CC: [REDACTED]

Adding Tamika. I have a lot of questions at 10:00, ie 10 minutes from now possible?

Mayor Lori E. Lightfoot

From: [REDACTED]

Sent: Monday, November 11, 2019 9:15:47 AM

To: [REDACTED]

Subject: Fwd: CBS2 - Wrongful Raid (NEXT TUESDAY)

Mayor, please see below for a pretty bad wrongful raid coming out tomorrow. Media FOIA was denied and victim FOIA request is in the works and to be released to her tomorrow within the deadline period.

Susan

Subject: Fwd: CBS2 – Wrongful Raid (NEXT TUESDAY)

“Media FOIA was denied and victim FOIA request is in the works and to be released to her tomorrow within the deadline period.”

- 11/11/2019, Then-Dep. Mayor of Public Safety

NOVEMBER 11, 2019: MAYOR LEARNS ABOUT THE SEARCH OF MS. YOUNG'S HOME & RELATED FOIA REQUESTS

- **Nov. 11, 2019, 9:37 AM: Then-Deputy Press Secretary Provides Description of BWC Footage to CBS2**
 - Then-Deputy Press Secretary, who had not watched the BWC footage, provides an “off-the-record” description to CBS2 based on information from then-Deputy Corporation Counsel
- **Nov. 11, 2019, ~10:00 AM: Mayor Convenes Conference Call on the Search of Ms. Young's Home**
 - Call includes Mayor, then-Deputy Mayor of Public Safety, then-Deputy Press Secretary, then-Chief of Staff, and then-Communications Director, and focuses on the search warrant policy working group
 - Does not substantively discuss Ms. Young or the search itself
 - Certain Mayor's Office staff on the call reach out to CPD and COPA with follow-ups; then-Chief Risk Officer provides Mayor with update on search warrant working group progress the following day

NOVEMBER 11, 2019: MAYOR'S OFFICE STAFF BEGIN FOLLOW UP STEPS RELATING TO FOIA REQUESTS FROM SEARCH OF MS. YOUNG'S HOME

11/4/2019
Initial call with CBS2 re Ms. Young story

8:51 a.m.
Draft denial of CBS2's FOIA request circulated; email also states Ms. Young will receive BWC footage the next day

9:37 a.m.
Then-Dep. Press Secretary provides BWC details to CBS2

~10:00 a.m.
Conf. call re search, focusing on search warrant policy revisions

10:16 a.m.
Mayor's Office personnel begin follow-up from conf. call

"Off-the-record, the only thing I've been told is that from one of the BWCs, it appears 13 minutes into body-worn, a female officer comes in and takes the individual into a room to change. Prior to that, she was given a sheet to cover up. Again, this is what I was told by Law, I haven't seen any footage myself."

- 11/11/19 email from then-Dep. Press Secretary to CBS2

NOVEMBER 11, 2019

11/8/2019
Follow up by CBS2 on Ms. Young story

11/8/2019
Then-Dep. Press Secretary circulates email to Mayor's Office personnel with CBS2's description of search

9:15 a.m.
Then-Dep. Mayor of Public Safety alerts Mayor to search of Ms. Young's residence

9:49 a.m.
Mayor responds to 9:15 a.m. email, requests call

Re: Wrong Raid Sent: Mon 11/11/2019 9:37:31 A

From: [REDACTED]

To: [REDACTED]

I'll check in with Anthony. I don't know timing as last I heard redactions had to be made to some of the footage. I'll check in with Law later for timing. Off-the-record, the only thing I've been told is that from one of the BWCs, it appears 13 minutes into body-worn, a female officer comes in and takes the individual into a room to change. Prior to that, she was given a sheet to cover up.

Again, this is what I was told by Law, I haven't seen any footage myself. I'll circle back on timing later today.

NOVEMBER 11, 2019: MAYOR'S OFFICE STAFF LEARNS OF "OPEN CR" FOR SEARCH OF MS. YOUNG'S HOME

- **Nov. 11, 2019, 4:25 PM: Mayor's Office Learns That COPA Will Open a Complaint Register ("CR")**
 - COPA informs then-Deputy Press Secretary they were unable to find a CR regarding the search at Ms. Young's home, but would open one
 - Then-Deputy Press Secretary conveys that information to then-Communications Director, then-Deputy Mayor of Public Safety, and then-Chief of Staff, among others
- **Certain Mayor's Office Personnel Unclear About Significance of "Open CR" for Search at Ms. Young's Home**
 - Certain Mayor's Office personnel understood that with an open CR, the BWC footage would likely not be released to Ms. Young under common practice
 - Other Mayor's Office personnel did not understand the significance, or believed that release of BWC footage would still occur under the 60-day video release policy

NOVEMBER 11, 2019: MAYOR'S OFFICE STAFF LEARNS OF "OPEN CR" FOR SEARCH OF MS. YOUNG'S HOME

11/4/2019
Initial call with CBS2 re Ms. Young story

8:51 a.m.
Draft denial of CBS2's FOIA request circulated; email also states Ms. Young will receive BWC footage the next day

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~10:00 a.m.
Conf. call re search, focusing on search warrant policy revisions

10:16 a.m.
Mayor's Office personnel begin follow-up from conf. call

Re: Wrong raid Sent: Mon 11/11/2019 4:25:49 PM (UTC-06:00)

From: [REDACTED]

To: [REDACTED]

CC: [REDACTED]

The First Deputy said there is a CR and COPA is investigating because it is a 4th Amendment case. I also spoke with COPA earlier today and they said while they couldn't find a CR just from the woman's name, they were going to open one into the incident regardless after being made aware.

NOVEMBER 11, 2019

11/8/2019
Follow up by CBS2 on Ms. Young story

11/8/2019
Then-Dep. Press Secretary circulates email to Mayor's Office personnel with CBS2's description of search

9:15 a.m.
Then-Dep. Mayor of Public Safety alerts Mayor to search of Ms. Young's residence

9:49 a.m.
Mayor responds to 9:15 a.m. email, requests call

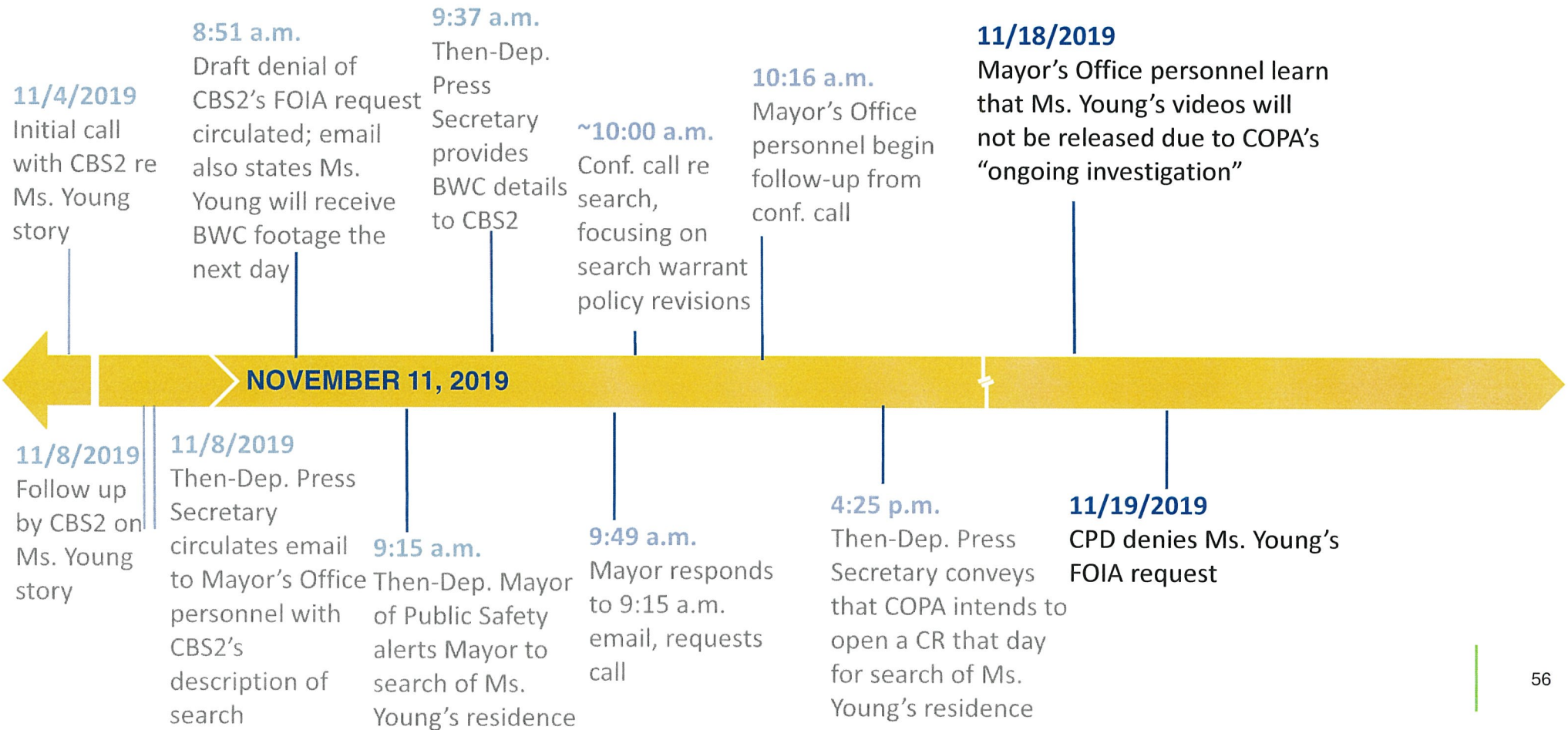
4:25 p.m.
Then-Dep. Press Secretary conveys that COPA intends to open a CR that day for search of Ms. Young's home

"First Deputy said there is a CR and COPA is investigating . . . [COPA] couldn't find a CR . . . They were going to open one into the incident regardless after being made aware."
- Then-Dep. Press Secretary on 11/11/2019

NOVEMBER 18-19, 2019: BWC FOOTAGE FROM SEARCH OF MS. YOUNG'S HOME NOT RELEASED DUE TO ONGOING INVESTIGATION EXEMPTION

- **Nov. 18, 2019: Certain Mayor's Office Personnel Learn that BWC Footage Will Not Be Released Due to COPA's Open CR and "Ongoing Investigation" Exemption**
 - Update provided to certain Mayor's Office personnel, including then-Deputy Press Secretary, then-Communications Director, then-FOIA Officer, then-Press Secretary, and then-Deputy Communications Director
 - Mayor was not informed that Ms. Young would not receive her BWC footage
 - No additional follow-up conducted or requested within Mayor's Office regarding the search at Ms. Young's home
- **Nov. 19, 2019: CPD denies Ms. Young's FOIA request based on the ongoing investigation exemption**

NOVEMBER 18-19, 2019: BWC FOOTAGE FROM SEARCH OF MS. YOUNG'S HOME NOT RELEASED DUE TO ONGOING INVESTIGATION EXEMPTION



NOVEMBER 18, 2019: BWC FOOTAGE FROM SEARCH OF MS. YOUNG'S HOME NOT RELEASED DUE TO COPA'S ONGOING INVESTIGATION

From: [REDACTED]

Sent: Monday, November 18, 2019 2:23:10 PM

To: [REDACTED]

[REDACTED]

Cc: [REDACTED]

Subject: Re: CBS Chicago -- CHICAGO FOIA STORY

Circling back on Anjanette Young- her records would be due today. However, COPA has confirmed an ongoing investigation that release would impede. [REDACTED]

I have pasted COPA's response below. Please let me know if you have questions o

The file that you requested (2019-0004600) is a pending investigations. Therefore, this fil under 5 ILCS 140/7(1)(d)(i) and (ii). Our factual basis for this file were compiled in our adr police misconduct pursuant to our establishing ordinance (Chi. Mun. Code 2-78-100 et. Se with our pending and active investigation into this matter such that our investigation is co meet with our office are able to review the materials in our possession, including but not accused, and complainants. *See, e.g., Clark v. City of Chicago*, 10cv1803, 2010 U.S. Dist. Le *City of Chicago*, 09cv3137, 2010 U.S. Dist. Lexis 29198 (N.D. Ill. Mar. 26, 2010).

“Circling back on Anjanette Young- her records would be due today. However, COPA has confirmed an ongoing investigation that release would impede. [REDACTED].”

- Then-Deputy Corporation Counsel to certain Mayor's Office personnel on 11/18/2019

DECEMBER 9, 2020: CPD FORWARDS CBS2 OUTREACH RE: MEDIA STORY ON SEARCH OF MS. YOUNG'S HOME

- **Dec. 9, 2020: Then-Deputy Press Secretary Alerted to CBS2's Story on Search of Ms. Young's home**
 - Then-Deputy Press Secretary learns from CPD that CBS2 is planning to run a story on the search of Ms. Young's home

DECEMBER 9, 2020: CPD FORWARDS CBS2 OUTREACH RE: MEDIA STORY ON SEARCH OF MS. YOUNG'S HOME

12/9/2020

Mayor's
Office alerted
to upcoming
CBS2 story on
Ms. Young

To: [REDACTED]
From: [REDACTED]
Sent: Wed 12/9/2020 9:30:52 AM (UTC-06:00)
Subject: Fw: CBS 2 Questions and Interview request

"We are working on a new[s] story about the wrong raid at the home of Anjanette Young . . ."
- CBS2, 12/8/2020

We are working on a new story about the wrong raid at the home of Anjanette Young [REDACTED]. She is the woman who was naked at the time police raided her place. This happened February 21, 2019, at 7pm. The search warrant, number 19SW5247, says police were looking for Andy Simpson, IR 2257884.

The warrant says an informant tip, along with the informant identifying a mugshot and the address, were the basis for the raid. We searched the suspect's IR number and immediately found he had been arrested by CPD two months earlier. We also found he was on electronic monitoring and his exact location should have been known to police. CPD should have known the informant gave them the wrong address. Why was that missed – why was the wrong home raided? Has there been any discipline or retraining for this failure to verify the address and please clarify if the answer is yes.

The search warrant was not signed/approved by a supervisor, until a day after the State's Attorney signed it. Why was this not reviewed and approved by a supervisor beforehand? Was there any related discipline? If so, please explain the discipline.

CPD searched the warrant signed by Judge Lopez. The search warrant was actually signed by Judge Gonzalez. There's a body

DECEMBER 14-15, 2020: MAYOR LEARNS OF CBS2 STORY ON SEARCH OF MS. YOUNG'S HOME, TRO, AND SANCTIONS MOTION

- **Dec. 14, 2020: DOL Advises Mayor's Office (Post Filing) of TRO and Sanctions Motion**
 - Dec. 14, 2020: DOL filed, then forwarded, sanctions motion and TRO to then-Deputy Press Secretary; he forwards to then-Communications Director on Dec. 15.
- **Dec. 15, 2020: Mayor's Office Learns of CBS2 Story Aired the Night Before**
 - BWC footage in CBS2 story raised during standing 8:00 a.m. COVID-19 team call with Mayor
 - TRO and sanctions motion not addressed
- **Dec. 15, 2020: Mayor and then-Chief of Staff Watch Videos from Search of Ms. Young's Home for the First Time**

DECEMBER 14-15, 2020: MAYOR LEARNS OF CBS2 STORY ON SEARCH OF MS. YOUNG'S HOME, TRO, AND SANCTIONS MOTION

12/9/2020

Mayor's Office alerted to upcoming CBS2 story on Ms. Young

~8:00 a.m.

Early morning call, during which CBS2 story on Ms. Young is discussed

DECEMBER 15, 2020

12/14/2020, 5:15 p.m.
DOL Director of Public Affairs forwards then-Dep. Press Secretary the filed sanctions motion and TRO

Following AM call, Mayor and then-Chief of Staff watch the BWC footage for the first time

DECEMBER 15, 2020: MAYOR AND HER STAFF'S RESPONSE TO TRO AND SANCTIONS MOTION

- **Dec. 15, 2020: Mayor's Office Response to DOL Filing Sanctions and TRO Motion**
 - Upon hearing about motion on Dec. 15, Mayor's Office personnel were shocked and upset by filing
 - Expressed surprise that motion would be filed without notifying Mayor first

DECEMBER 15, 2020: MAYOR'S OFFICE PREPARES PUBLIC RESPONSE

- **Dec. 15, 2020: Mayor's Office Releases Inaccurate Public Statement**
 - Mayor's Office releases statement that the Mayor became aware of the search at Ms. Young's residence that day, which was incorrect
 - Mayor and staff did not search emails to confirm validity of statement

DECEMBER 15, 2020: MAYOR'S OFFICE PREPARES PUBLIC RESPONSE

12/9/2020

Mayor's Office alerted to upcoming CBS2 story on Ms. Young

~8:00 a.m.

Early morning call, during which CBS2 story on Ms. Young was discussed

"Today, I became aware of an incident involving Ms. Anjanette Young . . ."

From: Mayor's Press Office <Mayor's.PressOffice@cityofchicago.org>
 Sent: Tuesday, December 15, 2020 8:30 PM
 Subject: Mayor Lightfoot Statement on CPD Body-Worn Camera Footage from Feb. 2019 Incident - FOR IMMEDIATE RELEASE



CITY OF CHICAGO • OFFICE OF THE MAYOR

FOR IMMEDIATE RELEASE
 December 15, 2020

CONTACT:
 Mayor's Press Office
 312.744.3334
press@cityofchicago.org

MAYOR LIGHTFOOT STATEMENT ON CPD BODY-WORN CAMERA FOOTAGE FROM FEB. 2019 INCIDENT

"Today, I became aware of an incident involving Ms. Anjanette Young from February 2019, before I became Mayor, and I saw a video today for the first time. I had no knowledge of either until today. I had a very emotional reaction to what was depicted on the video as I imagine that many people did.

"In 2019, I directed the City's chief risk officer to review CPD's search warrant policies and practices, and recommend improvements where appropriate. As a result of that work, and in conjunction with the CPD risk manager, a new search warrant policy went into effect in January 2020. Among the various changes, the new policy requires additional CPD supervisory review and sign off before a search warrant can be sought from a judge, and there must be separate verification that the property in question is indeed the correct location in which evidence of criminal activity can be found.

"I have further directed a review of how this matter was handled by various City departments to determine that there was compliance with City procedures.

"Since this matter is the subject of litigation and an open COPA investigation, I will have no further comment."

DECEMBER 15, 2020

12/14/2020, 5:15 p.m. DOL Director of Public Affairs forwards Dep. Press Sec. the filed motion

Following AM call, Mayor, then-Chief of Staff watch the BWC footage for the first time

8:30 p.m. Mayor makes inaccurate public statement about knowledge of search

DECEMBER 16-17: MAYOR ISSUES PUBLIC STATEMENT AND CORRECTION REGARDING HER KNOWLEDGE OF SEARCH OF MS. YOUNG'S HOME

- **Dec. 16, 2020: Mayor Requests a Supplemental Filing**
 - At the direction of the Mayor, Department of Law filed a Supplement in Support of its Motion for Sanctions:
 - Clarifying that the City was pursuing sanctions only against Ms. Young's counsel; and
 - Requesting that Court grant leave to release BWC footage
- **Dec. 16-17, 2020: Mayor Corrects Earlier Statements About Search of Ms. Young's Home**
 - On Dec. 16, then-Deputy Press Secretary realizes during a City Hall press conference that the Mayor was previously aware of the search at Ms. Young's home
 - On Dec. 17, Mayor publicly clarifies that she learned about search of Ms. Young's home in Nov. 2019, and corrects earlier inaccurate statement about whether Ms. Young's FOIA request for BWC footage was denied

DECEMBER 16-17: MAYOR ISSUES PUBLIC STATEMENT AND CORRECTION REGARDING HER KNOWLEDGE OF SEARCH OF MS. YOUNG'S HOME

12/9/2020

Mayor's Office alerted to upcoming CBS2 story on Ms. Young

~8:00 a.m.

Early morning call, during which CBS2 story on Ms. Young was discussed

8:30 p.m.

Mayor makes inaccurate public statement about knowledge of search

12/16/2020

Mayor reviews DOL's supplemental motion, clarifying sanctions were directed at Ms. Young's attorney, and seeking leave to release all BWC footage

DECEMBER 15, 2020

DECEMBER 16, 2020

DECEMBER 17, 2020

12/14/2020, 5:15 p.m. DOL Director of Public Affairs forwards then-Dep. Press Sec. the filed motion

Following AM call, Mayor, then-Chief of Staff watch the BWC footage for the first time

12/16/2020

Mayor states during press conference that Ms. Young was not denied access to BWC video

12/17/2020

Mayor corrects statement re Ms. Young's FOIA request and her knowledge of search at Ms. Young's home

DECEMBER 17-20: MAYOR TAKES ACTION TO CORRECT MISSTEPS RELATING TO RELEASE OF BWC FOOTAGE AND COURT FILINGS

12/9/2020

Mayor's Office alerted to upcoming CBS2 story on Ms. Young

~8:00 a.m.

Early morning call, during which CBS2 story on Ms. Young was discussed

8:30 p.m.

Mayor makes inaccurate public statement about knowledge of search

12/16/2020

Mayor reviews DOL's supplemental motion, clarifying sanctions were directed at Ms. Young's attorney, and seeking leave to release BWC footage

12/17/2020

Mayor emails DOL on transparency and values

12/20/2020

CC and Dep. CC resign at Mayor's request

DECEMBER 15, 2020

DECEMBER 16, 2020

DECEMBER 17, 2020

12/14/2020, 5:15 p.m. DOL Director of Public Affairs forwards Dep. Press Sec. the filed motion

Following AM call, Mayor, then-Chief of Staff watch the BWC footage for the first time

12/16/2020

Mayor states during press conference that Ms. Young was not denied access to BWC video

12/17/2020

Mayor corrects statement re Ms. Young's FOIA request and her knowledge of search at Ms. Young's home

12/18/2020

Mayor orders sanctions motion withdrawn

Recommendations: Mayor's Office

MAYOR'S OFFICE RECOMMENDATIONS: 4 KEY AREAS

Policy

Communications

FOIA

Senior Leadership

POLICY – DEFINE/ASSIGN JOB RESPONSIBILITIES AND SET EXPECTATIONS

Recommendations

- Differentiate roles within public safety between those individuals tasked with high-level strategic vision from those individuals tasked with operational implementation
 - ✓ In progress since Fall 2021
- Job responsibilities of Chief Risk Officer / Deputy Mayor of Public Safety should be viewed through lens of their duty to the City's residents
 - Deputy Mayor of Public Safety should review sensitive BWC footage before public release
 - ✓ In progress since Summer 2021

POLICY – FACILITATE ACCESS TO KEY DATA

Recommendations

- Provide Chief Risk Officer / Deputy Mayor of Public Safety with access to the necessary data and materials to track and follow-up on policy initiatives
 - Implement a process to streamline retrieval of key CPD information and share key data when appropriate
 - ✓ Complete as to Deputy Mayor of Public Safety as of Summer 2021
- Implement consistent process to evaluate and triage lawsuits alleging police misconduct, and to assess risk and provide feedback to CPD
- Track metrics of newly-implemented policies, such as search warrant data
 - Ex: search warrant working group revisions in January 2020

MAYOR'S OFFICE RECOMMENDATIONS: 4 KEY AREAS

Policy

Communications

FOIA

Senior Leadership

COMMUNICATIONS – DEFINE/ASSIGN JOB RESPONSIBILITIES AND SET EXPECTATIONS

Recommendations

- Clearly define roles and areas of authority to address supervision and division of responsibility with respect to:
 - (1) “owning” the entirety of a high-risk situation; and
 - (2) escalation to senior leadership, particularly Mayor, Chief of Staff, and Deputy Mayors
- ✓ In progress
- Formally adopt strategy to fact-check key public statements by the Mayor prior to release
 - Ex: key word search in emails

COMMUNICATIONS – EMPHASIZE CORE VALUES IN CARRYING OUT JOB DUTIES

Recommendations

- Consider training or onboarding manual to reinforce core values, and how to implement values in carrying out job duties in the Communications Department
 - Trainings/onboarding should emphasize that the communications perspective cannot override the human element; facts, not media deadline, should drive Communications Department's approach
- ✓ In progress (onboarding process for new Mayor's Office employees now in place)
- Formally adopt process around viewing and escalating high-risk and urgent videos
- Engagement in FOIA weekly meetings to flag risk relating to media-based FOIA requests
- ✓ In progress

MAYOR'S OFFICE RECOMMENDATIONS: 4 KEY AREAS

Policy

Communications

FOIA

Senior Leadership

FOIA – INCREASE INVOLVEMENT/ENGAGEMENT IN FOIA MEETINGS

Recommendations

- Identify at least one key stakeholder to consistently attend, participate, and flag issues in cross-Department FOIA meetings
 - Ex: consider senior staff or designee
 - ✓ In progress
- FOIA weekly meetings should include senior-level engagement to appropriately flag risks and should include a process to escalate the issues to Chief of Staff and Mayor
- FOIA roles, responsibilities, and supervision should be formally identified and memorialized

FOIA – TRAINING & PROCESS OBSTACLES

Recommendations

- When Mayor issues policies that intersect/overlap with FOIA, provide training for FOIA officers so that Mayor's priorities about transparency and accountability are well known and understood
- Provide access to redaction software to improve responsiveness
- Provide recurring training on GovQA, a software implemented in the Mayor's Office in November 2020, which helps governments manage their FOIA process
 - *GovQA provides an internal management and tracking system, and includes a public portal for the centralized submission and initiation of FOIA requests
- ✓ Initial training provided in November 2020
- Utilize GovQA software to publicly archive responses to FOIA requests
- ✓ Operational discussions underway

MAYOR'S OFFICE RECOMMENDATIONS: 4 KEY AREAS

Policy

Communications

FOIA

Senior Leadership

SENIOR LEADERSHIP – PRIORITIZE KEY VALUES & BEST PRACTICES

Recommendations

- Formally adopt key values and best practices in writing (mission statements, policies, guidelines)
 - Conduct trainings and/or onboarding to reinforce core values and priorities
 - Ex: periodic staff meetings for all Mayor's Office staff
- ✓ In progress since Fall 2021

SENIOR LEADERSHIP – PROMOTE SOUND JUDGMENT AND ACCOUNTABILITY

Recommendations

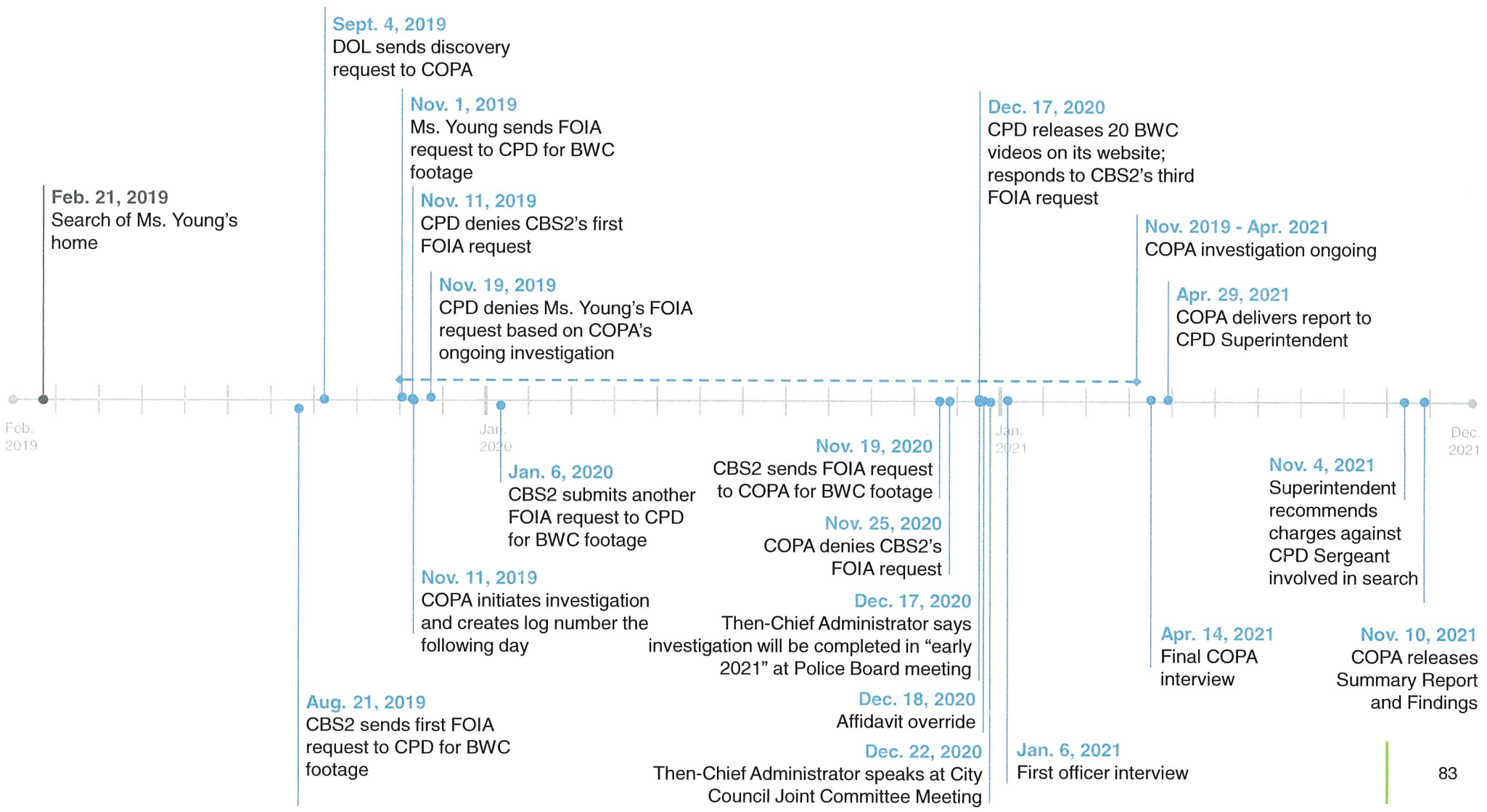
- Adjust “Tone at the Top” to encourage staff to discuss tough issues that arise on a regular basis and to approach job duties with lens towards City residents
 - ✓ In progress (written vision statement and communications with staff to emphasize public service values)
- Establish more regular check-ins between Mayor and Senior Staff (and between junior staff and their managers)
 - ✓ In progress

SENIOR LEADERSHIP – PROVIDE ADDITIONAL TRAINING REGARDING STRATEGIC VISION

Recommendations

- Train personnel within Mayor’s Office to take a longer-lens view toward issues before they become “fires”
- Recruit higher-level personnel to implement strategic vision
 - ✓ In progress since June 2021 (Ex.: Chief Operating Officer (hired June 2021); Enterprise Risk Management program (June 2021))
- Hire junior-level support for Chief of Staff, particularly relating to project management

Fact Overview: Civilian Office of Police Accountability



AUGUST 21, 2019: CBS2'S FIRST FOIA REQUEST

- **CBS2 sends FOIA request to CPD**
 - CBS2 requests any and all Body Worn Camera (“BWC”) footage from search of Ms. Young’s residence
 - On November 11, 2019, CPD denies this FOIA request because it was not submitted with Ms. Young’s written consent
 - *See* 50 ILCS 706/10-20(b)(1)

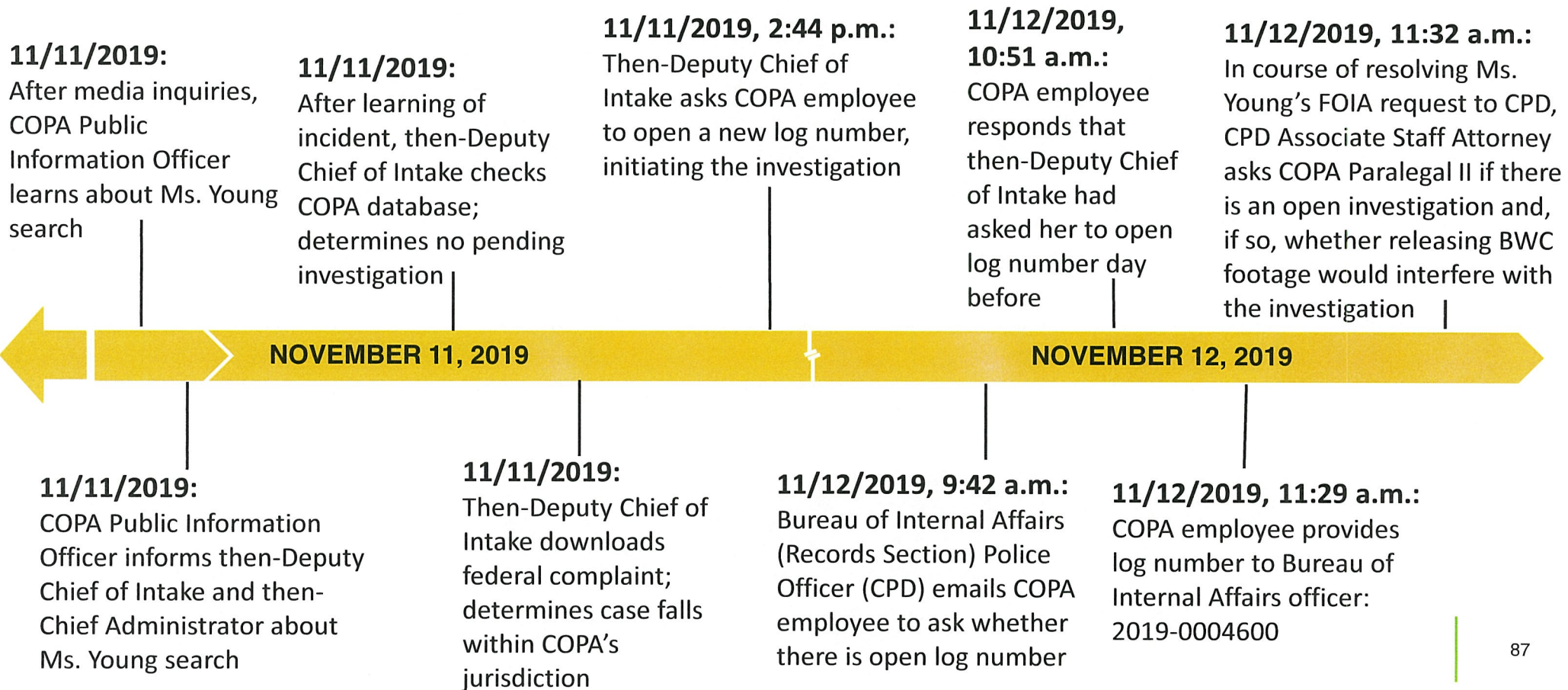
SEPTEMBER 4, 2019: DISCOVERY REQUEST

- **DOL contacts COPA regarding discovery request in then-pending litigation brought by Ms. Young**
 - Assistant Corporation Counsel asks COPA paralegal whether COPA has opened a file on the Ms. Young search and requests copies of certain relevant documents
- **COPA intake desk not notified of discovery request or existence of lawsuit**

NOVEMBER 1, 2019: MS. YOUNG'S FIRST FOIA REQUEST

- **Ms. Young submits a FOIA request to CPD**
 - Requests any and all BWC camera footage from execution of a search warrant at her home
 - Ms. Young emphasizes that she was the subject captured in the footage
- **Ms. Young does not file a FOIA request or complaint with COPA**

NOVEMBER 11–12, 2019 : COPA OPENS INVESTIGATION; INTAKE UNIT PREPARES MATTER FOR ASSIGNMENT TO INVESTIGATOR; CPD ASSOCIATE STAFF ATTORNEY CONTACTS COPA PARALEGAL



NOVEMBER 13–15, 2019: CASE IS READY FOR ASSIGNMENT; FIRST CONTACT WITH MS. YOUNG’S ATTORNEY; FOLLOW-UP FROM CPD ASSOCIATE STAFF ATTORNEY

11/13/2019:

COPA receives, uploads, reviews, and logs BWC footage from the search at Ms. Young’s home

11/13/2019, 6:01 p.m.:

Then-Deputy Chief of Intake informs Chief of Investigative Operations and Deputy Chief Administrator that case is ready for assignment; states case should be prioritized because there is “quite a bit of attention on it”

11/14/2019, ~4:55 p.m.:

COPA leaves voicemail for Ms. Young’s attorney providing date investigation was opened

11/15/2019, 3:48 p.m.:

After receiving no response to November 12, 2019 email, CPD Associate Staff Attorney follows up and sends COPA Paralegal II the log number

NOVEMBER 13, 2019

NOVEMBER 14, 2019

NOVEMBER 15, 2019

11/13/2019, 11:54 a.m.:

COPA reaches out to Ms. Young’s attorney via email to request cooperation with investigation

11/13/2019, 3:03 p.m.:

Ms. Young’s attorney responds via email and asks when investigation was opened

11/13/2019, 6:23 p.m.:

Then-Chief of Investigative Operations responds and indicates she would like to assign case to team with several other search warrant cases

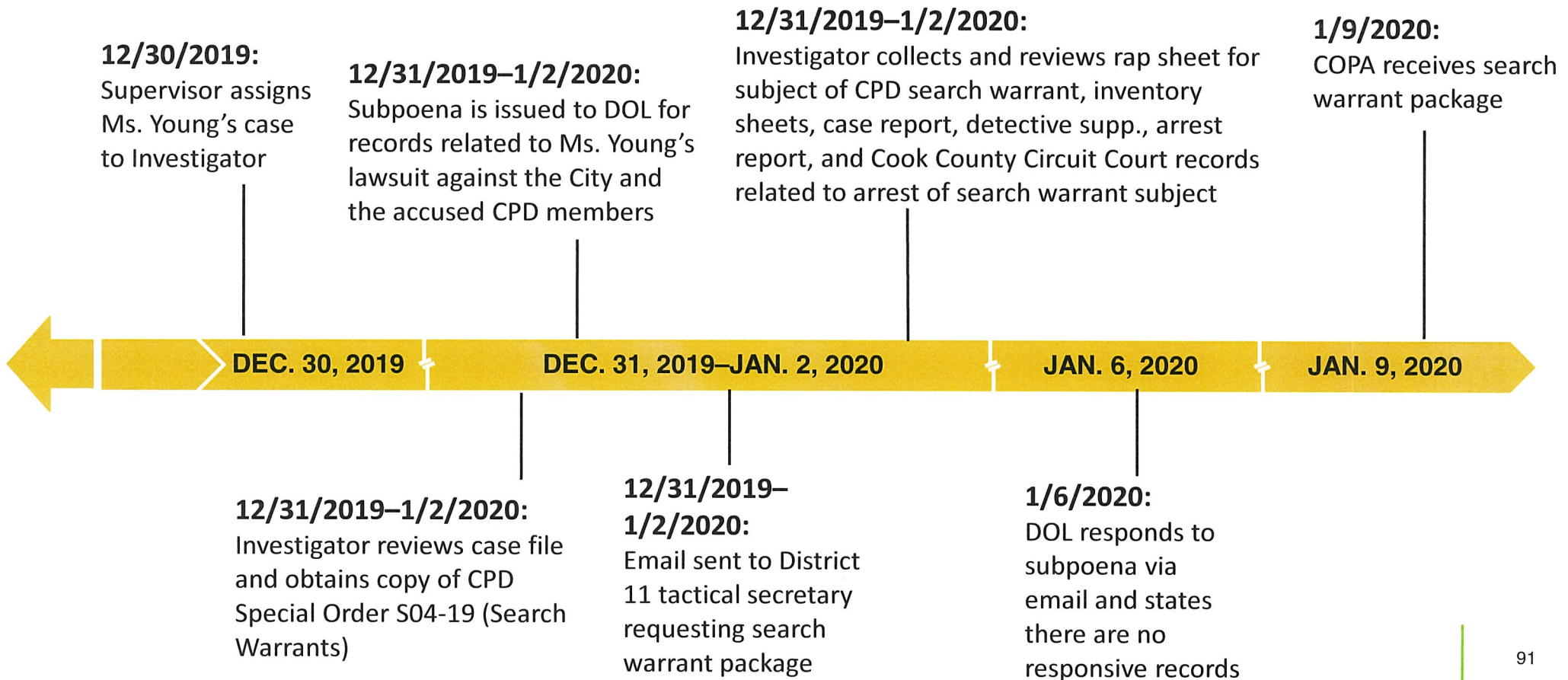
NOVEMBER 18, 2019: CLARIFYING STATUS OF COPA'S INVESTIGATION

- **COPA Paralegal II informs CPD Associate Staff Attorney that Ms. Young investigation is still pending, and that COPA would deny request under ongoing investigation FOIA exemption**
 - No consultation with attorneys; supervising paralegal position vacant
 - In late 2019, COPA personnel routinely invoked ongoing investigation exemption if there was an open COPA log number
- **Ms. Young's FOIA request to CPD was denied the next day based on ongoing investigation FOIA exemption**

NOVEMBER 19, 2019: MS. YOUNG'S CASE LEAVES INTAKE UNIT

- **Investigation into the search at Ms. Young's residence is assigned to COPA's General Investigations Unit (from Intake Unit)**
 - Case leaves intake without a signed affidavit from Ms. Young
 - Transfer indicates decision not to close the case
 - No one pursues affidavit override within 30 days of the date the complaint was made (December 12, 2019). *See* § 2.4.1 of COPA's Rules and Regulations.
 - Case is assigned to a unit with experience handling Fourth Amendment cases

DECEMBER 30, 2019–EARLY JANUARY 2020: PRELIMINARY INVESTIGATION BEGINS



FIRST WEEK OF JANUARY 2020: REVIEW OF BWC FOOTAGE AND MEETING WITH SUPERVISOR

- **Investigator reviews BWC footage**
 - Investigator Googles Ms. Young's name and notices media coverage of the incident about two months earlier
- **Investigator meets with his supervisor to discuss next steps for the investigation into the search of Ms. Young's residence**
- **The case is not immediately prioritized over other cases in Investigator's case load**

JANUARY 6, 2020: CBS2'S THIRD FOIA REQUEST

- **CBS2 sends third FOIA request to CPD**
 - CBS2 requests any and all BWC footage from officers' body-worn cameras during the search
 - CBS2 attaches written permission from Ms. Young to produce BWC footage to CBS2

JANUARY 10, 2020: ATTORNEY GENERAL ISSUES DETERMINATION REGARDING AUGUST 21, 2019 CBS2 FOIA REQUEST

- **CBS2 appealed the denial of its August 21, 2019 request to the Office of the Illinois Attorney General’s Public Access Bureau**
 - On January 10, 2020, the Office of the Illinois Attorney General issued its determination, affirming CPD’s decision to withhold the footage on the ground that the request was not accompanied by written consent from Ms. Young
 - However, the decision further noted that if the request were later submitted with Ms. Young’s written consent, “the question in any subsequent Request for Review or FOIA lawsuit will be whether CPD proves by clear and convincing evidence that the disclosure of the recordings would interfere with pending or actually and reasonably contemplated law enforcement proceedings or active administrative enforcement proceedings”

JANUARY 14, 2020: CLARIFYING STATUS OF COPA'S INVESTIGATION FOR CPD

- **CPD Associate Staff Attorney emails COPA Paralegal II regarding Ms. Young's January FOIA request to CPD**
 - Asks COPA Paralegal II if COPA's investigation is still pending
 - Asks COPA General Counsel to weigh in on basis for withholding video

JANUARY 15, 2020: CLARIFYING STATUS OF COPA'S INVESTIGATION FOR CPD

- **COPA Paralegal II responds that log number is still pending and, for that reason, COPA would not release body camera footage; COPA General Counsel bcc'ed**
 - FOIA request is not forwarded to then-Chief Administrator and Public Information Officer as required by internal FOIA policy (1.3.5 External Requests for Information / FOIA, Appendix 1.3.5A(D)), which applies to all FOIA request from media outlets
- **General Counsel of COPA did not recall discussing Ms. Young-related FOIA request with CPD or COPA paralegal; viewed handling request as the paralegal's job**
- **No response sent to CBS2 regarding its third FOIA request until after video publicly released in December 2020**

JANUARY 15, 2020: CLARIFYING STATUS OF COPA'S INVESTIGATION FOR CPD

- **General Counsel of COPA felt it was inappropriate for COPA to tell CPD what to do with a FOIA request addressed to CPD**
- **However, CPD attorneys believed that they should not release materials that COPA indicated would interfere with an ongoing COPA investigation**
- **CPD therefore deferred to COPA regarding whether to invoke the ongoing investigation FOIA exemption**

FEBRUARY–MID-MARCH 2020: COPA ATTEMPTS TO OBTAIN SWORN STATEMENT

- **Investigator continues to reach out to Ms. Young’s attorney to request Ms. Young’s cooperation**
 - Good-faith effort to obtain complainant’s sworn testimony is required by COPA policy
 - Per COPA log, three efforts in late 2019/early 2020 to contact Ms. Young’s attorney to obtain her sworn statement: November 2019 (via email and a voicemail), February 2020 (Investigator’s Supervisor left a voicemail), and March 2020 (Investigator’s Supervisor left another voicemail)
- **In early 2020, common COPA practice when a case is in litigation is to wait for a sworn statement in litigation context (e.g., deposition) if the complainant did not voluntarily provide a sworn statement**
 - At that time, investigators were rarely directed by their supervisors to request an affidavit override and did not request one unless directed by their supervisors

FEBRUARY–MID-MARCH 2020: COPA MONITORS LITIGATION STATUS; NO ACTION ON ANJANETTE YOUNG INVESTIGATION

- **Investigator monitors status of Ms. Young’s federal lawsuit for purposes of obtaining litigation-related sworn statement**
- **March 10, 2020: Ms. Young’s federal lawsuit is voluntarily dismissed without prejudice**
 - Dkt. 37: “The Court construes Plaintiff’s ‘Motion to Dismiss Count 1 pursuant to FRCP 41 and Transfer Jurisdiction over the Remaining State Court Counts to the Appropriate State Court’ 36 as a voluntary dismissal of her claims without prejudice pursuant to Rule 41(a)(1)(A)(i). So construed, the motion is granted All claims in this case are dismissed without prejudice.”

MID-MARCH–APRIL 2020: NO ACTION ON ANJANETTE YOUNG INVESTIGATION

- **Investigator on the Ms. Young case promoted to Major Case Specialist in March 2020**
- **COVID-19 pandemic slows down COPA operations and affects prioritization**
 - COPA investigators are unable to conduct in-person interviews due to pandemic, and police unions generally would not agree to remote/telephonic interviews of officers
- **COPA prioritizes cases other than Ms. Young’s matter**
 - Agency Priorities: Officer-involved shootings, cases nearing statute of limitations, legacy IPRA cases
 - Investigator on the Ms. Young case is directed to prioritize other cases and investigations, including (1) Watts investigations, (2) cases that can be finalized without additional interviews, and (3) case on COPA’s “Top 15” priority list (juvenile beaten by officer at Red Line stop)
 - Young matter not on the “Top 15” priority list

MAY 2020: SIX MONTHS SINCE INITIATION OF INVESTIGATION

- **Pursuant to Municipal Code and Consent Decree, COPA sends standard monthly notice to the Mayor's Office listing all case numbers—but not complainant names—that recently crossed 180-day threshold**
 - Spreadsheet notice includes Log Number, Complaint / Notification Date, Category Code, Category Code Description, and Current Status, but does not identify complainant by name
 - List is not cumulative of all cases pending more than 180 days; only cases that recently surpassed 180 days
- **May 10, 2020: 180 days have passed since the investigation was initiated, triggering notice requirement**
- **Ms. Young's case was not included on spreadsheet covering cases that hit the 180 day mark in May 2020, which was sent from COPA to then-Deputy Mayor of Public Safety**

MAY–NOVEMBER 2020: NO ACTION ON ANJANETTE YOUNG INVESTIGATION

Only activity on Ms. Young’s matter is intermittent checks of state court docket to see if Ms. Young’s case was re-filed. No affidavit override requested.

- Efforts not reflected on log, but Investigator recalls checking docket

7/2020:

COPA employees begin returning to office (3 days per 2 weeks) and are able to resume some in-person officer interviews

7/2020:

Investigator continues primary focus on finalizing reports in Watts matter and closing cases that can be closed expeditiously

MAY 2020

JUNE 2020

JULY 2020

AUGUST 2020

5/2020:

Investigator focuses on complex editing and streamlining of Watts-related report

5/25/2020:

George Floyd’s murder prompts months of protests and raft of complaints

COPA’s Response to 2020 Civil Unrest:

- Approx. 500 complaints received in 6 days of protests (roughly equivalent to usual monthly case volume); protest cases prioritized
- Investigator’s Supervisor is assigned to lead team created solely to work on protest cases (requiring nearly all of his attention)
 - Investigator on Ms. Young case is not assigned to team responsible for handling protest cases; maintains focus on Watts-related report

8/29/2020:

Investigator is assigned first officer-involved shooting (as Major Case Specialist, expectation is that Investigator will focus primarily—if not exclusively—on shooting for 4–6 weeks)

NOVEMBER 19, 2020: CBS2'S FOURTH FOIA REQUEST

- **CBS2 sends fourth and final FOIA request to COPA**
 - CBS2 requests any and all BWC footage connected to COPA's investigation of search on Ms. Young's residence
 - CBS2 attaches written permission from Ms. Young that was provided with previous FOIA request to CPD

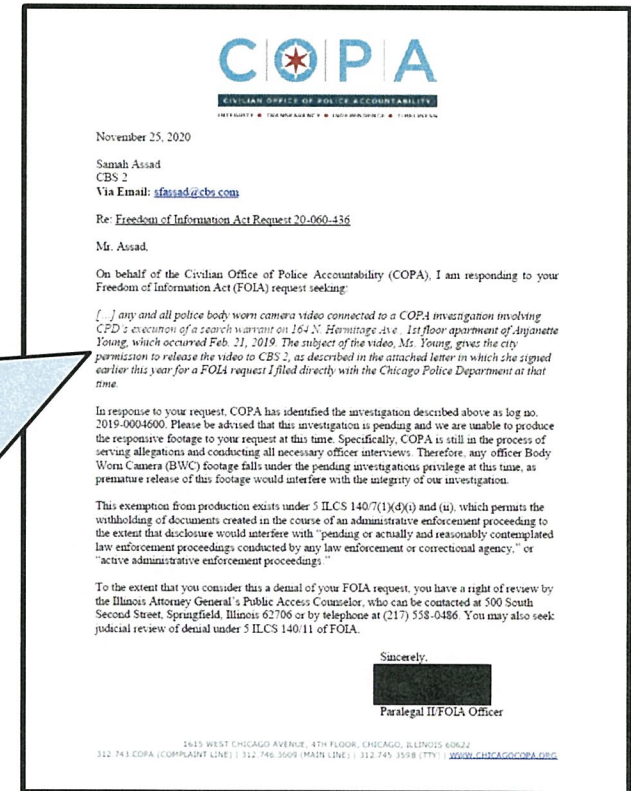
NOVEMBER 19, 2020: CBS2'S FOURTH FOIA REQUEST

- **COPA Paralegal assigned to respond to FOIA request does not:**
 - (1) Forward the FOIA request to the Chief Administrator and the Public Information Officer; or
 - (2) Have the response to the FOIA request reviewed by the General Counsel or his designee prior to release
- **Both steps are required by internal FOIA policy (1.3.5 External Requests for Information / FOIA, Appendix 1.3.5A(D))**

NOVEMBER 25, 2020: CBS2'S FOURTH FOIA REQUEST

- COPA denies CBS2's FOIA request with a more specific explanation of claimed harm to ongoing investigation (upcoming officer interviews), per change in practice instituted in 2020

“Please be advised that this investigation is pending and we are unable to produce the responsive footage to your request at this time. Specifically, COPA is still in the process of serving allegations and conducting all necessary officer interviews. Therefore, any officer Body Worn Camera (BWC) footage falls under the pending investigations privilege at this time, as premature release of this footage would interfere with the integrity of our investigation.”



DECEMBER 4–17, 2020 : RENEWED MEDIA INTEREST PROMPTS COPA ACTION

12/4/2020:

Likely prompted by November 2020 FOIA request to COPA, Investigator checks Circuit Court of Cook County docket to see if Ms. Young has re-filed lawsuit

12/15/2020:

Investigator reviews Cook County docket again to see if Ms. Young has re-filed her lawsuit

12/16/2020:

Investigator sends renewed subpoena to DOL requesting documents and exhibits relating to Ms. Young's lawsuit

“Finally, as the Superintendent mentioned, the investigation into the search warrant of Ms. Young’s home, which was reported to COPA in November 2019, is an open and pending investigation with COPA. We are coming close to conclusion and expect to complete our investigation by early 2021.” –COPA Chief Administrator, 12/17/2020 Chicago Police Board Meeting

DECEMBER 2020

12/14/2020:

CBS2 airs BWC footage

12/15/2020:

Case becomes very high priority for COPA; Investigator receives phone call at home from then-Chief of Investigative Operations, who says she is adding investigator who can devote 100% of time to case, but original Investigator will continue working on it

12/17/2020:

DOL responds to COPA's renewed subpoena, stating there are no responsive documents

12/17/2020:

During statement at monthly Chicago Police Board meeting, COPA's then-Chief Administrator states investigation into Ms. Young matter will be completed by “early 2021”; internal expectation is completion in March 2021

DECEMBER 16, 2020: CONFIRMING RELEASE OF VIDEOS WILL NOT INTERFERE WITH COPA'S INVESTIGATION

- **CPD Associate Staff Attorney emails COPA General Counsel and COPA Paralegal II (copying COPA Assistant General Counsel and COPA Administrative Assistant II) about release of body-worn camera recordings in response to January 2020 FOIA request**
 - At this point, BWC footage had been publicly aired after release to media by Ms. Young's attorney
 - CPD Associate Staff Attorney seeks to confirm that in light of some video now being publicly released, release of further video would not interfere with ongoing COPA investigation
- **The same day, COPA Assistant General Counsel confirms that the further release will not interfere with COPA's investigation**

DECEMBER 18, 2020: RENEWED MEDIA INTEREST PROMPTS COPA ACTION

12/18/2020:

Then-Chief of Investigative Operations leaves voicemail for Ms. Young's attorney seeking Ms. Young's cooperation with COPA investigation

12/18/2020:

COPA Investigator's Supervisor speaks with Ms. Young's attorney, who initially agrees to provide an affidavit, but states Ms. Young will not provide an interview

12/18/2020:

At Ms. Young's request, Investigator's Supervisor sends follow-up email connecting her attorney with Chief of Investigative Operations and newly-assigned lead investigator

In the end, COPA never received a sworn statement or affidavit from Ms. Young

DECEMBER 18, 2020

12/18/2020:

Then-Chief of Investigative Operations meets with investigators and members of legal department to discuss investigative strategy and assembly of ten-person squad to investigate Ms. Young matter

12/18/2020:

Affidavit override request is submitted; approved same day

"Due to the extensive amount of BWC footage in this case, the facts concerning the execution of the warrant were not in material dispute."
—COPA's Summary Report of Investigation (11/20/2021)

DECEMBER 18, 2020: RENEWED MEDIA INTEREST PROMPTS COPA ACTION

- **COPA assembles a team of approximately 10 investigators to investigate search of Ms. Young's residence**
 - Different members specialize in certain aspects of investigation
 - New lead investigator assigned to case who can devote nearly full-time attention to lead investigation; original investigator remains involved
- **Team begins to investigate activities leading up to warrant and during warrant execution**

DECEMBER 22, 2020: CITY COUNCIL SPECIAL JOINT COMMITTEE MEETING ON ANJANETTE YOUNG

- **COPA’s then-Chief Administrator and Chief of Investigative Operations provide opening statement and answer questions from Aldermen**
 - Then-Chief Administrator reiterates “early 2021” timing estimate provided at Police Board meeting, but does not commit to a particular month when asked
 - Then-Chief Administrator admits case was not moving forward during pandemic, due to other case priorities

“Alderman, I do want to add at this moment that this case you know was moving and I should have done a better job during COVID and during the pandemic to ensure that as we adjusted to the COVID environment or as we adjusted to responding to the protests—I should have made sure this case stayed on the radar.”

–COPA Chief Administrator, 12/11/2020 City Council Special Joint Committee Meeting on Anjanette Young

JANUARY–APRIL 2021: ANJANETTE YOUNG INVESTIGATION PRIORITIZED AND MOVES FORWARD

Month	Investigative Activity
January 2021	First officer interview January 6, 2021; visit scene of incident; identify scope of investigation
February 2021	Conduct interviews of officers, confidential informant, other key witnesses; review Ms. Young’s new state court complaint; draft report
March 2021	Conduct additional witness interviews; collect and analyze additional documents; interview judge who approved search warrant for Ms. Young’s home; re-visit scene of incident; draft report
April 2021	Complete witness interviews (final interview April 14, 2021); deliver final report to Superintendent on April 29, 2021 (17 months after case initiation)

NOVEMBER 2021: CHARGES FILED AND RELEASE OF COPA'S SUMMARY REPORT OF INVESTIGATION

- **November 4, 2021: Superintendent files charges with Police Board seeking discharge of CPD Sergeant**
- **November 10, 2021: COPA publicly releases Summary Report of Investigation**
 - Includes allegations made against thirteen police officers and two Sergeants; those allegations were sustained against both Sergeants and six of the thirteen police officers

COPA CHANGES PRACTICE CONCERNING ONGOING INVESTIGATIONS FOIA EXEMPTION

- **In light of the Ms. Young matter, in 2021, COPA changed its policy regarding FOIA's ongoing investigation exemption**
- **Today, it will only invoke the exemption in "exceptional" circumstances where there is a meaningful risk that release would compromise the investigation**

Recommendations: Civilian Office of Police Accountability

COPA RECOMMENDATIONS: KEY AREAS

Case Initiation

Timing and Efficiency

Public Trust

FOIA

Case Prioritization

INITIATION OF A COPA CASE

Recommendations

- ✓ In Progress—Formalize communication between DOL, CPD, Mayor’s Office and COPA when civil lawsuits are filed
- Develop and implement procedure for notifying COPA of litigation activity relevant to its investigations (*e.g.*, depositions, interrogatory responses, etc.)

INITIATION OF A COPA CASE

Recommendations

- Develop SOP for COPA paralegals handling discovery requests from Department of Law
 - SOP should require attorney oversight both when discovery request is received, and when COPA provides a response to discovery request
 - SOP should set process for:
 - Determining whether a COPA file was opened concerning the matter at issue, and
 - If no matter has been opened, referring the case to Intake to assess whether
 - (1) Case falls within COPA's jurisdiction, and
 - (2) COPA should open a file/initiate an investigation

COPA RECOMMENDATIONS: KEY AREAS

Case Initiation

Timing and Efficiency

Public Trust

FOIA

Case Prioritization

EFFORTS TO IMPROVE TIMING OF INVESTIGATIONS

Recommendations

- Many federal civil rights complainants represented by counsel decline to cooperate with COPA. Once a deposition is taken in a civil case, COPA is able to obtain the statements of the complainant/litigant. Although the City routinely requests that plaintiffs provide statements as a requirement of settlement agreements, plaintiffs historically do not agree
 - To promote transparency and accountability in cases alleging police misconduct, encourage federal civil rights complainants to agree to cooperation provisions in settlement agreements
- ✓ In Progress—COPA has begun outreach to Plaintiffs' bar to encourage cooperation and build credibility

EFFORTS TO IMPROVE TIMING OF INVESTIGATIONS

Recommendations

- ✓ In Progress—Implement affidavit override early in investigative process when there is no complainant statement but substantial objective evidence (*e.g.*, body worn camera footage)
 - Attitude of investigators toward affidavit override changed with Consent Decree-compliant training in November 2020 and IG report issued December 17, 2020; affidavit override no longer seen as rare step
 - COPA has drafted new affidavit override policy; currently under review by Independent Monitoring Team and Office of the Illinois Attorney General
 - Follow provision in COPA Rules and Regulations requiring affidavit override decision within 30 days after intake
 - See § 2.4.1 of COPA's Rules and Regulations

EFFORTS TO IMPROVE TIMING OF INVESTIGATIONS

Recommendations

- CPD should standardize data entry of BWC footage among police districts and provide training on new procedures
 - Logging currently varies by police district

EFFORTS TO IMPROVE EFFICIENCY OF INVESTIGATIONS

Recommendations

- Add staff specializing in FOIA and transparency issues to more efficiently and accurately ensure appropriate public release of information
- ✓ In Progress—New Transparency Unit included in 2022 budget
 - COPA will create unit that consolidates its transparency processes (FOIA, Executive Order 2021-1, and the City’s Video Release Policy)
 - Will establish four FOIA Officers to increase responsiveness to the public and media
 - Will allow for increased specialization, efficiency, and legal supervision of FOIA responses

EFFORTS TO IMPROVE EFFICIENCY OF INVESTIGATIONS

Recommendations

- If additional investigators are needed, make timely budget request to ensure adequate staffing
- Discuss strategies for identifying any cases that could be efficiently and fully resolved without formal COPA investigation
- ✓ In Progress—COPA is currently exploring pilot mediation program and non-disciplinary intervention program

EFFORTS TO IMPROVE TIMING OF INVESTIGATIONS

Recommendations

- COPA struggles to timely retrieve necessary information (POD cameras on light poles, audio materials, etc.) from the Office of Emergency Management and Communications (“OEMC”) because no current ability to access remotely
 - At the end of 2018, COPA identified employees who would spend half time at OEMC pulling relevant records but, due to staffing constraints, program was discontinued
 - Currently, there is no COPA employee assigned to OEMC
- Either create remote access to OEMC materials or identify full-time COPA employee to be assigned to OEMC facility

COPA RECOMMENDATIONS: KEY AREAS

Case Initiation

Timing and Efficiency

Public Trust

FOIA

Case Prioritization

CONTINUE BUILDING PUBLIC AWARENESS OF AND TRUST IN COPA

Recommendations

- COPA investigates under strict confidentiality constraints, and full investigative report only goes to CPD Superintendent
 - Summary Report and Findings are publicly issued (Municipal Code § 2-78-145)
 - Public does not understand full extent of COPA investigations or logic behind certain investigative outcomes
- ✓ In Progress—Continue efforts to publicize COPA’s work and raise awareness of COPA’s process

COPA RECOMMENDATIONS: KEY AREAS

Case Initiation

Timing and Efficiency

Public Trust

FOIA

Case Prioritization

CROSS-DEPARTMENTAL FOIA RECOMMENDATIONS

Recommendations

- Standard FOIA officer training to City agencies is very “nuts and bolts” with no discussion of core value of transparency and there are some inconsistencies in practice among agencies
- Consistent and thorough training for FOIA officers citywide that emphasizes core value of transparency
- Ensure adequate attorney oversight of FOIA responses
 - ✓ In Progress—New Transparency Unit included in 2022 budget, which should increase attorney oversight of FOIA responses

CROSS-DEPARTMENTAL FOIA RECOMMENDATIONS

Recommendations

- Improve coordination among City agencies for FOIA responses
- Create a citywide FOIA database of requests and responses to track FOIA requests to various departments
 - ✓ Complete—GovQA software rolled out to all City departments in November 2020
 - Continue to train and to increase usage in all City departments

COPA RECOMMENDATIONS: KEY AREAS

Case Initiation

Timing and Efficiency

Public Trust

FOIA

Case Prioritization

PRIORITIZATION OF COPA CASES

Recommendations

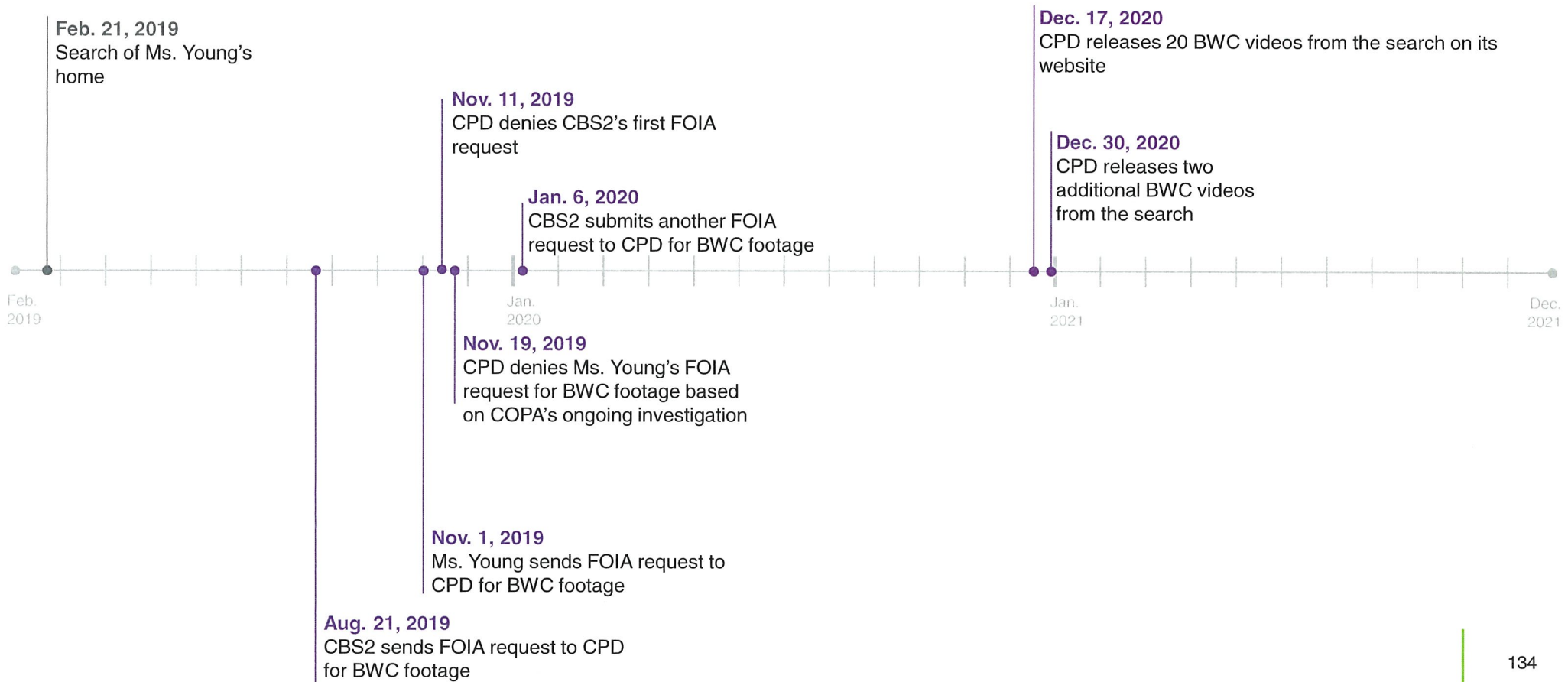
- Identify and memorialize factors COPA investigators should use to prioritize cases; review periodically
 - Ensure that individuals subject to gross/egregious mistreatment are prioritized
 - Ensure that psychological harm is considered along with physical harm
 - Be aware of community significance of cases
- Build in flexibility to kick start high-priority cases with additional investigators, and communicate urgency to other City agencies

PRIORITIZATION OF COPA CASES

Recommendations

- Report to Mayor's Office, CPD Superintendent, and Chairman of City Council Committee on Public Safety concerning COPA cases pending for more than 180 days (which is required by both Consent Decree and Municipal Code) lacks critical information needed to provide meaningful updates
- COPA should send report to designated individual within Mayor's Office, CPD Superintendent, and Chairman of City Council Committee on Public Safety of all cases pending more than 180 days, with sufficient information to identify the cases and their import
 - At minimum, report should include case name, nature of case, and time case has been pending
 - Report should be cumulative

Fact Overview: Chicago Police Department



OVERVIEW OF FOIAS TO CPD

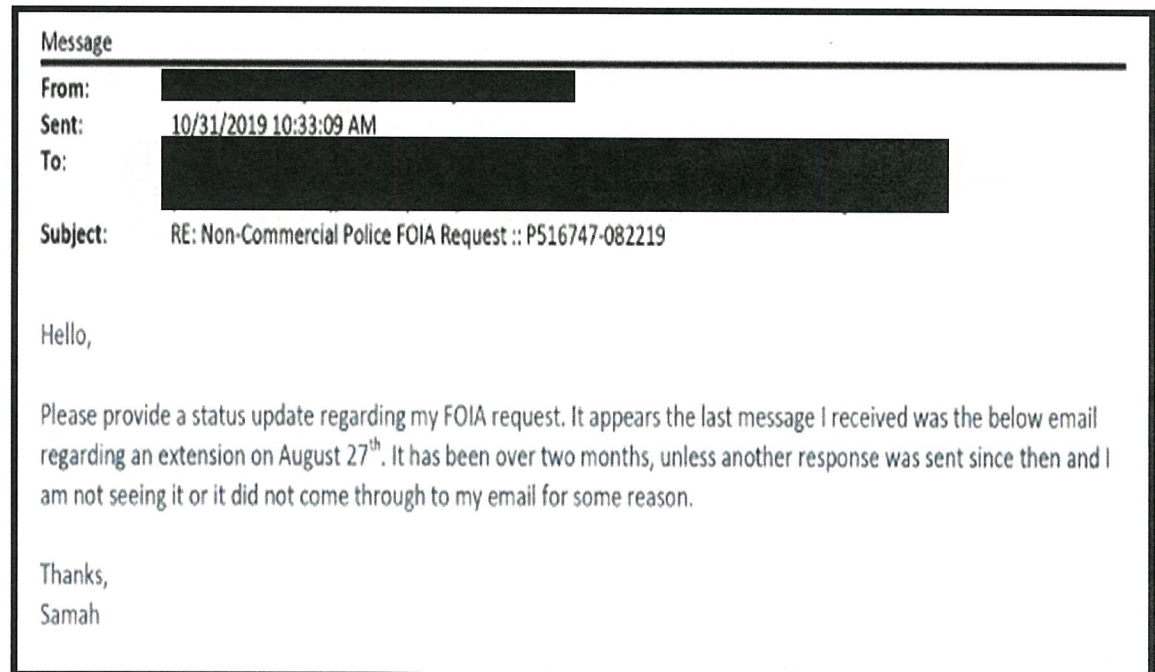
FOIA Request Date	Requesting Party	Scope of Request	Response Date	Basis for Denial, If Denied
08/21/2019	CBS 2	Officer-worn body camera footage and the complaint for the search warrant from the Young search	11/11/2019	Officer-Worn Body Camera Act
11/01/2019	Anjanette Young	Officer-worn body camera footage from the Young search	11/19/2019	Ongoing Investigation Exemption
11/12/2019	CBS 2	Complaint for the search warrant from the Young search	11/19/2019	<i>Produced</i>
01/06/2020	CBS 2	Officer-worn body camera footage from the Young search, <i>after having received written consent from A. Young</i>	12/17/2020	<i>Produced (20 videos publicly released on CPD website)</i>

AUGUST 2019: CBS2'S FIRST FOIA REQUEST TO CPD; DOL ASKS CPD FOR CERTAIN BWC FOOTAGE

- **Aug. 21, 2019:** CBS2 submits FOIA request to CPD FOIA Unit, requesting body-worn camera (“BWC”) footage of search of Ms. Young’s home as well as the complaint for the warrant associated with that search
- **Aug. 27, 2019:** CPD FOIA Officer requests an extension to respond to this FOIA request
- **Aug. 29, 2019:** Department of Law paralegal submits an “information request” to CPD’s Office of Legal Affairs (“OLA”), requesting BWC footage for 2 specific CPD officers involved in the search of Ms. Young’s home

OCTOBER 2019: CBS2 FOLLOWS UP ON AUGUST 2019 FOIA

- **Oct. 31, 2019:** CBS2 follows-up on Aug. 2019 FOIA
 - Our document review did not reveal any communication regarding this FOIA request between Aug. 27 and Oct. 31, 2019
 - We have been unable to interview any Sergeants in the FOIA Unit or the FOIA Officer responsible for this request (they are bargaining unit members and declined our requests for interviews)



NOVEMBER 2019: MS. YOUNG'S FOIA AND INTERNAL COMMUNICATION ON CBS2 STORY ON YOUNG SEARCH


- **Nov. 1, 2019:** Ms. Young submits FOIA to CPD FOIA Unit
- **Nov. 8, 2019:** CPD's then-Communications Director learns about CBS2's upcoming (November 12, 2019) story on search of Ms. Young's home
 - Mayor's then-Deputy Press Secretary emails Mayor's Office employees and communications chiefs for CPD and Department of Law advising that CBS2 would be publishing a story on the search of Ms. Young's home the following week
- **Nov. 11, 2019:** CPD's then-Communications Director raises Young search to CPD's Bureau of Internal Affairs ("BIA")

NOVEMBER 2019: CPD DENIES CBS2'S FIRST FOIA IN ACCORDANCE WITH BWC ACT

- **Nov. 11, 2019:** CPD denies CBS2's Aug. 2019 FOIA, consistent with BWC Act (CPD could not release BWC videos to CBS2 without Ms. Young's written consent)

"Your request was reviewed by the undersigned. A search was conducted based on the parameters provided. While responsive records were identified, it is determined that your request for Body Worn Camera footage is denied pursuant to 5 ILCS 140/7(1)(a), (c), and (d) [in accordance with] 50 ILCS 706/10-20(b) [and] (50 ILCS 706/11) Law Enforcement Officer-Worn Body Camera Act."

- 11/11/2019 CBS2 FOIA request denial letter



Lori Lightfoot
Mayor

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

Eddie T. Johnson
Superintendent of Police

November 11, 2019

Samah Assad
sfassad@cbs.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST
REQUEST RECEIPT DATE: August 21, 2019
FOIA FILE NO.: P516747

Dear Samah Assad:

The Chicago Police Department is in receipt of your Freedom of Information Act (FOIA) request for the following:

"CBS 2 requests any and all video recorded from officers' body worn cameras during a search warrant that was executed at 164 N. Hermitage on Feb 21, 2019. We are requesting video from the body worn camera of each officer, respectively, who responded and was on scene. The warrant number is 195W5247."

Your request was reviewed by the undersigned. A search was conducted based on the parameters provided. While responsive records were identified, it is determined that your request for Body Worn Camera footage is denied pursuant to 5 ILCS 140/7(1)(a), (c), and (d).

The requested video is denied under Sec 7(1)(a), which exempts from inspection and copying the following: "Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law." 50 ILCS 706/10-20(b) specifies the circumstances under which body-worn camera footage can be disclosed (such as an arrest, use of force, or a complaint filed), but generally restricts the release of body-worn camera footage under FOIA, stating: "Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Act" except in certain specified instances.

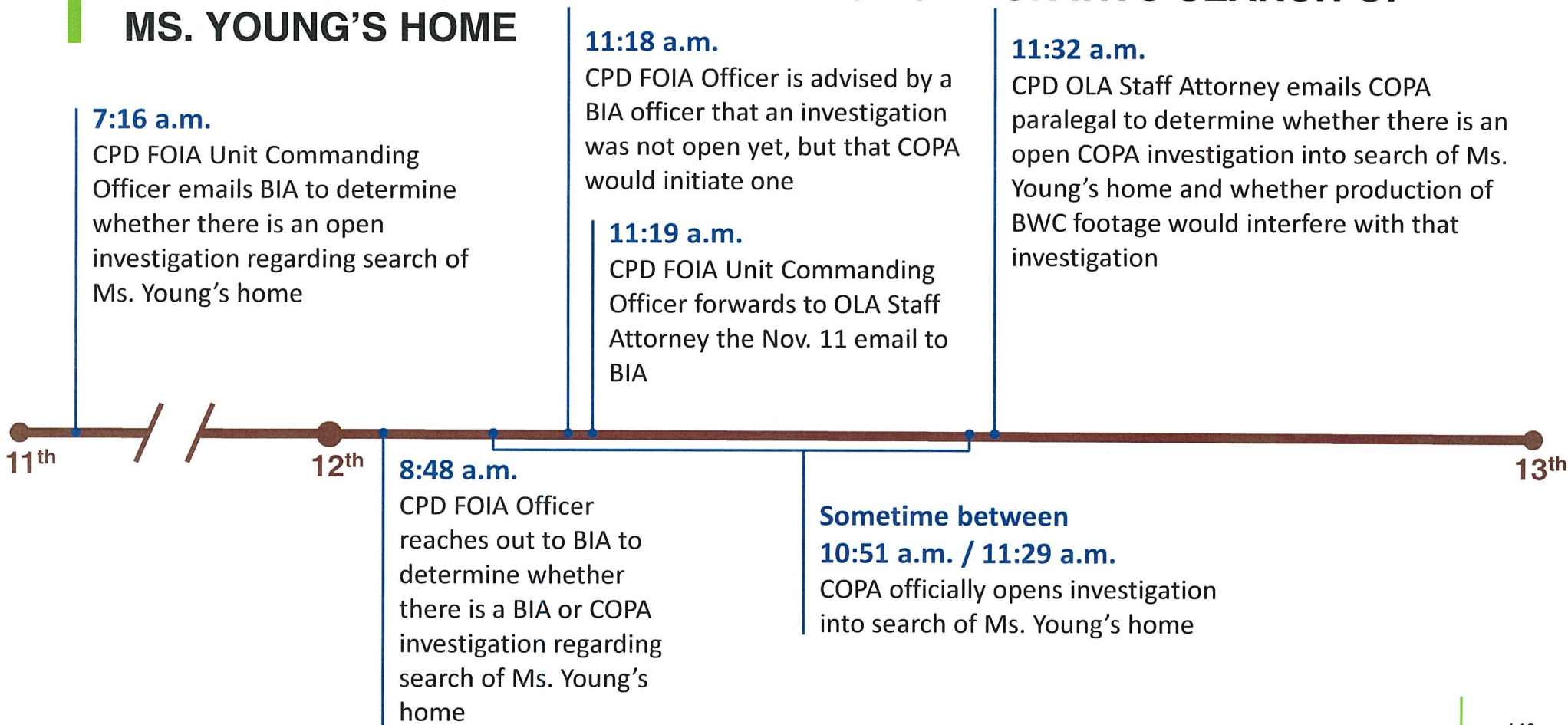
(50 ILCS 706/11) Law Enforcement Officer-Worn Body Camera Act states that:

(b) Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Act, except that:

(1) if the subject of the encounter has a reasonable expectation of privacy, at the time of the recording, any recording which is flagged, due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:

Emergency and TTY: 9-1-1 • Non Emergency and TTY: (within city limits) 3-1-1 • Non Emergency and TTY: (outside city limits) (312) 746-6000
E-mail: police@cityofchicago.org • Website: www.cityofchicago.org/police

NOVEMBER 2019: COPA OPENS INVESTIGATION INTO SEARCH OF MS. YOUNG'S HOME



NOVEMBER 2019: CBS2 SUBMITS SECOND FOIA; CPD SEEKS EXTENSION ON MS. YOUNG FOIA

- **Nov. 12, 2019:** CBS2 submits its second FOIA request, requesting the “Complaint for search warrant executed on 2/21/2019 by the Chicago Police Department at [REDACTED]. The search warrant number is 19SW5247”
- **Nov. 12, 2019:** CPD sends letter to Ms. Young requesting an extension of time to respond to her FOIA request (dated November 1, 2019)

NOVEMBER 2019: CPD CONTACTS COPA RE: ONGOING INVESTIGATION

- **Nov. 15, 2019:** OLA Staff Attorney follows up with COPA paralegal on whether COPA has an ongoing investigation
 - There is an unwritten policy / practice that when CPD needs to contact COPA regarding application of FOIA's ongoing investigations exemption, that communication goes through OLA

From: [REDACTED]
Sent: Friday, November 15, 2019 3:48 PM
To: [REDACTED]
Subject: Fw: CPD Verification of an Open COPA Investigation Concerning a Search Warrant Operation

Mr. [REDACTED]

After sending you the e-mail below, I was informed of the corresponding Log Number associated with the incident. The Log Number is 2019-4600. Please review your database and let me know as soon as possible if there is a pending COPA investigation and whether COPA would be asserting an applicable FOIA exemption to the release of 22 body worn camera videos. The BWC videos will be going to the requester, who is also the complainant. The commanding officer in FOIA needs a response from your office as soon as possible, so a decision can be made by CPD and the Department of Law.

If you have any questions, please let me know.

NOVEMBER 2019: COPA PARALEGAL RESPONDS TO CPD, CONFIRMING EXISTENCE OF ONGOING INVESTIGATION

- **Nov. 18, 2019:** COPA advises CPD that disclosure of requested material will interfere with ongoing investigation

From: [REDACTED]
Sent: 11/18/2019 9:41:48 AM
To: [REDACTED]
Subject: RE: CPD Verification of an Open COPA Investigation Concerning a Search Warrant Operation

[REDACTED]

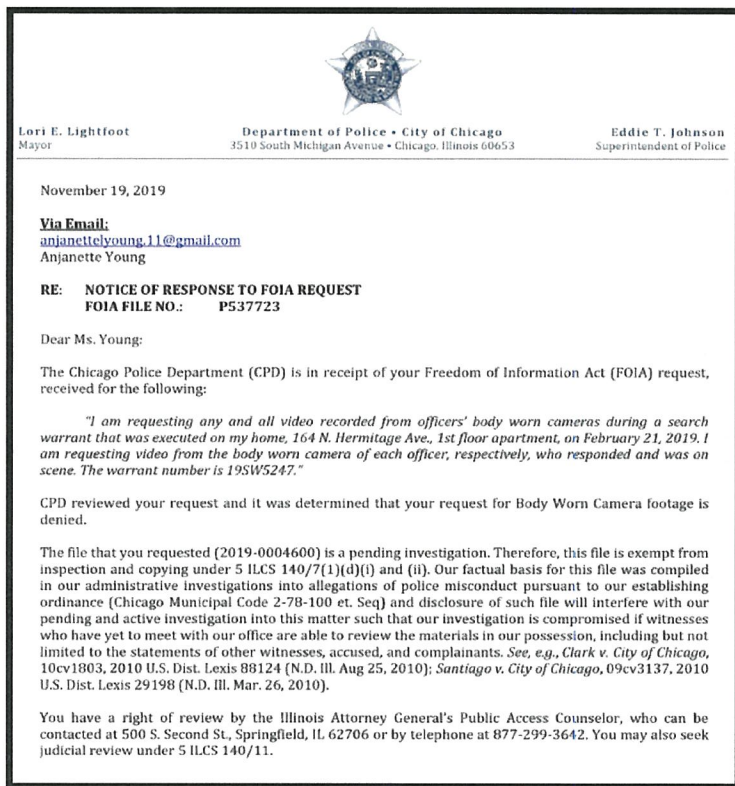
The file that you requested (2019-0004600) is a pending investigations. Therefore, this file is exempt from inspection and copying under 5 ILCS 140/7(1)(d)(i) and (ii). Our factual basis for this file were compiled in our administrative investigations into allegations of police misconduct pursuant to our establishing ordinance (Chi. Mun. Code 2-78-100 et. Seq) and disclosure of such file will interfere with our pending and active investigation into this matter such that our investigation is compromised if witnesses who have yet to meet with our office are able to review the materials in our possession, including but not limited to the statements of other witnesses, accused, and complainants. *See, e.g., Clark v. City of Chicago*, 10cv1803, 2010 U.S. Dist. Lexis 88124 (N.D. Ill. Aug 25, 2010); *Santiago v. City of Chicago*, 09cv3137, 2010 U.S. Dist. Lexis 29198 (N.D. Ill. Mar. 26, 2010).

NOVEMBER 2019: CPD RESPONDS TO MS. YOUNG'S FOIA REQUEST AND CBS2'S SECOND FOIA REQUEST

- **Nov. 19, 2019:**

- CPD coordinates with Department of Law regarding Ms. Young's FOIA request and denies request based on ongoing investigation exemption
- CPD responds to CBS2's second FOIA request within statutory response period, producing a redacted version of the search warrant and the complaint for the search warrant from the search of Ms. Young's home

NOVEMBER 2019: CPD LETTER TO MS. YOUNG DENYING HER FOIA BASED ON ONGOING INVESTIGATION EXEMPTION



CPD reviewed your request and it was determined that your request for Body Worn Camera footage is denied.

The file that you requested (2019-0004600) is a pending investigation. Therefore, this file is exempt from inspection and copying under 5 ILCS 140/7(1)(d)(i) and (ii).

- 11/19/2019 Ms. Young FOIA request denial letter

NOVEMBER 2019: CPD RESPONDS TO DEPARTMENT OF LAW INFORMATION REQUEST

- **Nov. 20, 2019:** CPD responds in part to Department of Law’s Aug. 29, 2019 information request for BWC footage
 - CPD Paralegal responded in part to Department of Law by sending a “negative report” from CPD’s Evidence and Recovered Property Section (ERPS)
 - When ERPS ran a search in the CLEAR database with the search warrant number, no videos were listed
 - Because CLEAR gathers and stores data from multiple sources, search queries on the CLEAR database by search warrant number do not necessarily turn up all data associated with that search warrant number

JANUARY 2020: CBS2'S THIRD FOIA

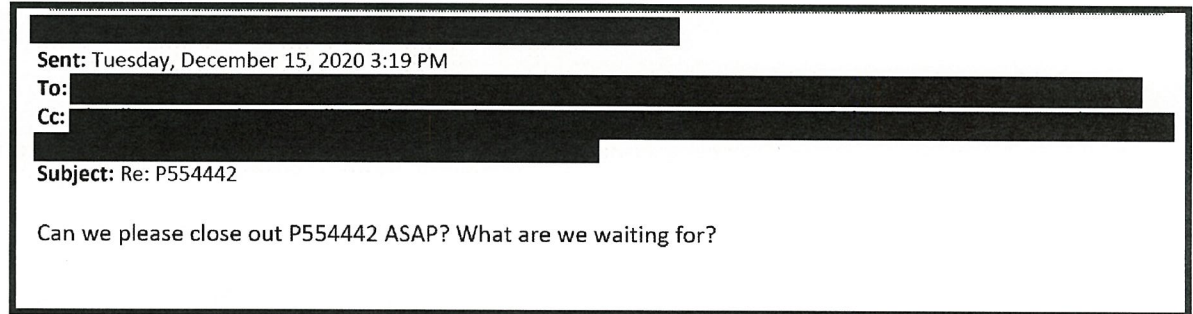
- **Jan. 6, 2020:** CBS2 submits another FOIA to CPD for BWC footage relating to the search of Ms. Young's home, this time with Ms. Young's written consent
- **Jan. 10, 2020:** Attorney General issues FOIA opinion regarding August 21, 2019 CBS2 FOIA request. The opinion states, "the question in any subsequent Request for Review or FOIA lawsuit will be whether CPD proves by clear and convincing evidence that the disclosure of the recordings would interfere with pending or actually and reasonably contemplated law enforcement proceedings or active administrative enforcement proceedings"
- **Jan. 14, 2020:** CPD OLA Staff Attorney emails COPA paralegal asking whether COPA's investigation was still pending
- **Jan. 15, 2020:** COPA paralegal confirms that COPA's investigation was "still pending," and states that "[i]t is our understanding per DOL that when Log Numbers are still pending we do not release anything"

JANUARY 2020: DEPARTMENT OF LAW PROVIDES CPD WITH GUIDANCE ON ASSERTION OF ONGOING INVESTIGATION EXEMPTION

- **Jan. 22, 2020 (guidance from then-Deputy Corporation Counsel to CPD legal and FOIA personnel):** When a FOIA request is for a specific video or a specific report within an investigatory file—
 - The analysis is whether the release of that specific video or report would impede the investigation

DECEMBER 2020: CPD RESPONDS TO CBS2'S THIRD FOIA REQUEST

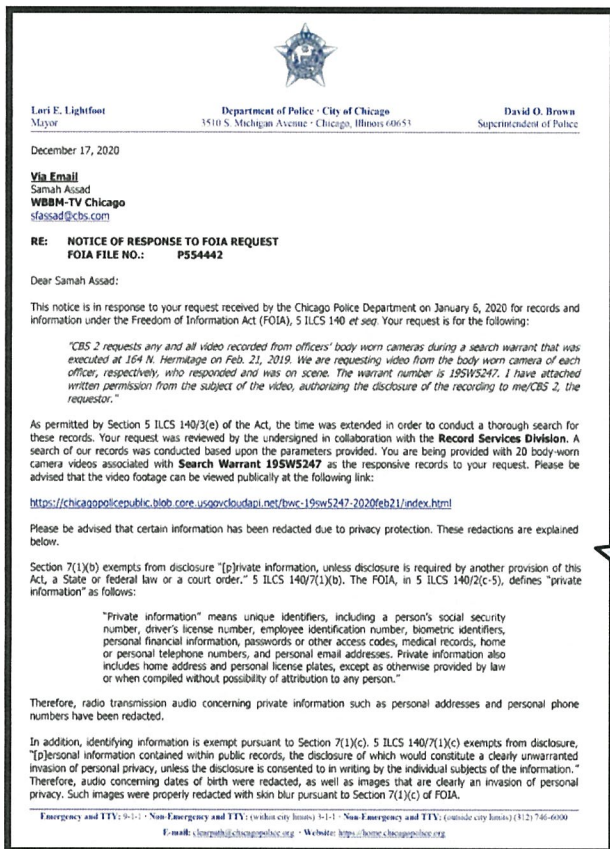
- **Dec. 14, 2020:** CBS2 airs certain BWC footage of search obtained from Ms. Young and her attorney
- **Dec. 15, 2020:** then-Deputy Corporation Counsel asks CPD FOIA Unit Commanding Officer to “please close out” CBS2’s Jan. 6, 2020 FOIA “ASAP” and asks CPD to check whether COPA’s investigation was still ongoing



DECEMBER 2020: CPD RESPONDS TO CBS2'S THIRD FOIA REQUEST AND PUBLICLY RELEASES BWC FOOTAGE OF YOUNG SEARCH

- **Dec. 16, 2020:** CPD OLA Staff Attorney reaches out to COPA to see if COPA will assert ongoing investigation exemption with respect to CBS2's third FOIA request (dated January 6, 2020)
- **Dec. 16, 2020:** COPA Paralegal responds to CPD OLA Staff Attorney stating that COPA will not assert exemption given public release of BWC footage
- **Dec. 16, 2020:** Mayor Lightfoot states publicly that “we will be releasing the full length of body worn camera videos from [the search of Ms. Young’s home]”
- **Dec. 17, 2020:** CPD publicly releases (on website) 20 of the total 22 BWC footage from officers involved in the search of Ms. Young’s home
 - The two unreleased videos are from officers who stood outside Ms. Young’s home and do not show the execution of the search inside the home

DECEMBER 2020: CPD RESPONSE TO CBS2'S THIRD FOIA REQUEST



- **Dec. 17, 2020:** CPD responds to CBS2's third FOIA request (dated January 6, 2020)

You are being provided with 20 body-worn camera videos associated with Search Warrant 19SW5247 as the responsive records to your request. Please be advised that the video footage can be viewed publically at the following link. . .

DECEMBER 2020: CPD PUBLICLY RELEASES BWC FOOTAGE OF YOUNG SEARCH

- Only 20 of the 22 BWC videos of the Young search were posted on the CPD website
- CPD General Counsel conducts a review of released videos and confirms that CPD had not released the two videos from officers who were outside Ms. Young's residence
- **Dec. 30, 2020:** CPD releases these two additional videos on CPD's website

Recommendations: Chicago Police Department

CPD: OVERVIEW OF KEY AREAS OF NEED / IMPROVEMENT

1. Late / incomplete response to certain FOIAs
2. A unilateral decision not to initially release all 22 BWC videos (release of 20 BWC videos on December 17, 2020 – subsequent release of remaining 2 BWC videos on December 30, 2020)
3. Lack of system / processes sufficient to ensure identification and production of relevant BWC videos (see CPD response to DOL's August 2019 information request)
4. Office of Risk Management's integration into CPD department operations

CPD RECOMMENDATIONS: KEY AREAS

FOIA

BWC Footage

Risk Management

FOIA PROCESS – MANUAL, TRAINING, RESPONSE TIME

Recommendations

- Complete CPD General Counsel's draft SOP relating to FOIA requests, and provide associated training to FOIA personnel
 - ✓ In progress
- Consistent timing in responding to FOIAs is imperative
- Implement policies and practices for triaging and handling of specific FOIAs that seek to ensure statutory compliance

FOIA PROCESS – ASSERTION OF ONGOING INVESTIGATION EXEMPTION UNDER FOIA

Recommendations

- Ensure compliance with January 2020 guidance from then-Deputy Corporation Counsel: When a FOIA request is for a specific video or a specific report within an investigatory file, the analysis is whether the release of that specific video or report would impede the investigation
 - Consider SOP (and/or other memorialization of the guidance on this topic) and related training

FOIA PROCESS – STAFFING & TRAINING

Recommendations

- Identify and implement means to increase efficiency and capacity in review/redaction of BWC video footage in light of the time-consuming nature of redactions and resource limitations

CPD RECOMMENDATIONS: KEY AREAS

FOIA

BWC Footage

Risk Management

PUBLIC RELEASE OF BWC FOOTAGE

Recommendations

- Implement SOP covering whether / when / how to publicly release BWC footage; SOP should—
 - Further transparency as a guiding principle;
 - Establish review and supervisory approval process, and provide training on same, as means of ensuring accountability for persons/functions with review and approval responsibility

STORAGE OF / ACCESS TO BWC FOOTAGE

Recommendations

- Make sure appropriate City personnel have access to BWC footage, and can easily access particular BWC footage for official City use (e.g., FOIA responses, litigation)

OLA PROCESSING OF DEPARTMENT OF LAW DISCOVERY REQUESTS

Recommendations

- Develop and implement training for OLA paralegals to ensure they understand the process to search for, obtain, and send BWC footage to Department of Law

CPD RECOMMENDATIONS: KEY AREAS

FOIA

BWC Footage

Risk Management

RISK MANAGEMENT

Recommendations

- More active engagement from CPD's Office of Risk Management with respect to significant incidents and issues
 - In particular, consider ways to improve Office of Risk Management's integration into CPD department operations

KEY TO ACRONYMS USED THROUGHOUT REPORT

Acronym	Definition
ACC	Assistant Corporation Counsel
BIA	Bureau of Internal Affairs
BWC	Body Worn Camera
CC	Corporation Counsel
CDS	City Defense Section
COPA	Civilian Office of Police Accountability
COS	Chief of Staff
CPD	Chicago Police Department
CR	Complaint Register
DOL	Department of Law
ERPS	Evidence and Recovered Property Section

Acronym	Definition
FCRL	Federal Civil Rights Litigation Division
FOIA	Freedom of Information Act
IDS	Individual Defense Section
IPRA	Independent Police Review Authority
OEMC	Office of Emergency Management and Communications
OIG	Office of Inspector General
OLA	Office of Legal Affairs
RD	Record Department
SOP	Standard Operating Procedures