

May 11, 2021

Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706

Appeal of the Chicago Police Department's denial of FOIA request #P655810

Hello,

I am writing to appeal the Chicago Police Department's denial of my April 26 request pertaining to ShotSpotter data. Specifically, I requested:

"A list, database, or comparable record of every alert that has been generated by the department's Shotspotter technology since January 1, 2016. The list/database should include, where possible, the date, time, location (address or latitude+longitude coordinates), single or multiple shot distinction, whether the shots were confirmed, and associated case number for each alert."

In a letter dated May 7, the CPD denied my request on a number of grounds, which I address individually below. But first and foremost, CPD's denial should be overturned because the city of Chicago has previously made this data public, as evidenced by this ABC 7 report: <https://abc7chicago.com/chicago-police-cpd-shotspotter-news/10575861/>.

CPD denial reason #1:

On the grounds that the requested data constitutes a record that would "unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies..."

My request has nothing to do with confidential sources, and it is unclear why CPD would consider this a relevant exemption to cite.

CPD denial reason #2

On the grounds that the requested data constitutes a record that would "disclose unique or specialized investigative techniques other than those generally used and known..."

CPD's use of ShotSpotter is most certainly generally known. Not only has there been extensive news reporting about ShotSpotter in Chicago, but CPD itself references ShotSpotter regularly on its website. It even publishes the department's policy manual describing the equipment and how it will be used in investigations:

http://directives.chicagopolice.org/CPDSergeantsExam_2019/directives/data/a7a57b85-15d1331c-51715-d133-2e1831b972745907.html.

CPD's denial reason #3

On the grounds that the requested data constitutes "Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public..."

I have not requested any assessments, security measures, policies, or plans.

CPD's denial reason #4

"by CPD providing you with any records that show the total amount of alerts, including the frequency of the alerts, the geographic coordinates of the alerts, and CPD's reliance on these alerts, amounts to CPD disclosing the specific locations of the Shot Spotter emplacements, as well as the rate of accuracy and CPD's reliance on the Shot Spotter alert(s). Specifically, by disclosing the geographic coordinates of the alerts, the Shot Spotter emplacement can be reverse calculated using the principles of mathematics."

CPD does not offer any explanation as to how ShotSpotter alert data could be used to calculate the location of ShotSpotter sensors beyond a vague reference to "the principles of mathematics." In order to use alert data to triangulate the location of ShotSpotter sensors, a person would at a bare minimum need to know 1) the number of sensors deployed throughout the city on each day an alert was recorded 2) the geographic range of a ShotSpotter sensor 3) how many sensors registered each alert and 4) other proprietary information about ShotSpotter sensors, such as their sensitivity through different materials (e.g., concrete buildings versus brick buildings) and how the sensitivity and range varies based on the height of the sensor. I have not requested any of that information, nor is it otherwise public.

CPD's denial reason #5

"by showing the frequency of an alert, this will also show the sensitivity and calculation-time of a Shot Spotter emplacement using the principles of mathematics as well"

This claim—once again based upon unexplained "principles of mathematics"—doesn't make any sense. How could the data be used to calculate the sensitivity and calculation-time (whatever that means) of a ShotSpotter sensor? All the data will show is when and where ShotSpotter generated an alert. In order to gauge the sensitivity, one would also need to have a dataset documenting the time and location of every shot that was fired but didn't lead to ShotSpotter recording an alert. No such dataset could possibly exist, and I haven't requested it.

CPD's denial reason #6

"by providing records showing whether or not CPD relied on an alert(s) will also show the accuracy of this technology, as well as the rate of confidence CPD places on this technology."

I assume that "showing whether or not CPD relied on alert(s)" is a reference to my request for data on "whether the shots were confirmed, and associated case number for each alert." Those two categories of data are not indicative of the technology's accuracy or CPD's confidence in it. If CPD is not able to confirm that a gun was fired at the time/location of a ShotSpotter alert that doesn't mean that a gun wasn't fired and the alert was erroneous—it simply means that the evidence at that particular scene wasn't conclusive. Similarly, CPD may choose not to open a case file for a variety of reasons that have nothing to do with ShotSpotter's accuracy or CPD's confidence in it.

And even if the records did do what CPD claims, nothing in the exemptions CPD cited or the Illinois Freedom of Information Act precludes the release of information about how accurate a piece of technology is, or how much confidence a government agency places in it.

CPD denial reason #7

"by providing you with the all the records you seek, CPD would need to release records of when law enforcement could and could [not] locate events using this technology, which would include disclosing the location of some of the hardware emplacements"

I have not requested any records that would include the location of hardware emplacements. And as previously explained, not even the "principles of mathematics" would allow a person to reconstruct their locations from the alert data.

CPD denial reason #8

"By releasing records regarding designated for undercover use, this would render those Shot Spotter emplacement unsuited and exposed to their purpose, which would cause immediate harm to CPD's policing operations of the City of Chicago."

It's not clear what CPD is trying to say here. But I haven't asked for any records or data about personnel or equipment locations, and I've certainly not asked for anything that would disclose whether equipment was "designated for undercover use."

CPD denial reason #9

"Furthermore, immediate harm would occur to the public safety of the citizens and businesses of Chicago given CPD's Shot Spotter operations would be exposed and vulnerable. Also, such release of records would necessitate CPD to replace the emplacement immediately and cease operations using this technology during that time. Moreover, the release of these records would also have an immediate, adverse effect on the ability of the Chicago Police Department to conduct covert operations, which would not only endanger the lives of CPD officers, but also render CPD undercover policing operations ineffective."

I have already explained that the requested data does not include the locations of ShotSpotter sensors, nor could it be used to reconstruct their locations. CPD's claim that the disclosure of this data would put the city and its residents in "immediate harm" is patently false, as evidenced by the fact that 1) Chicago has previously released ShotSpotter data and is still standing and 2)

other cities have provided me with the requested data in response to identical public records requests. The police departments of Atlanta, Columbus, Minneapolis, Kansas City, and San Diego have all provided me with their ShotSpotter alert data. At no point did they claim that the data could be used to reconstruct sensor locations or that it would put citizens or law enforcement officers in danger. Presumably police in those cities also care about their citizens and employees.

CPD denial reason #9

"your request is also denied because you seek records that CPD does not create or maintain in the ordinary course of business associated with Spot Shotter alerts and CPD's policing response. Specifically, you seek a record that would include specific geographic locations, the frequency of an alert to such a specific location and the contemporaneous creation of an RD number. Such a record would require CPD to create a new database housing this specific type of record with these data-points. Be advised that an RD number is not always, automatically created for every call for service by CPD."

This data is easily extractable from the ShotSpotter system, as evidenced by the fact that the multiple police departments referenced above were able to provide it. I understand that not all departments maintain the exact same data, and as I clearly stated in my request, I seek the listed data points "where possible." I am not asking CPD to create a new record, simply to provide what ShotSpotter alert data it does possess.

For the reasons stated, I ask that you reverse CPD's denial of my FOIA request and instruct the agency to provide me with the requested records in an expedited fashion.

Thank you very much for your time and assistance with this matter.

Sincerely,
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