



Rahm Emanuel
Mayor

Department of Police • City of Chicago
3510 South Michigan Avenue • Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

February 6, 2017

VIA E-MAIL

Freddy Martinez

31943-03320886@requests.muckrock.com

Re: NOTICE OF RESPONSE TO FOIA REQUEST
REQUEST DATE: January 17, 2017
EXTENSION SENT: January 24, 2017
FOIA FILE NO.: P056400

Dear Mr. Martinez:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA) request stating:

"I request the training video on use of force by Chicago Police Department mentioned in the DOJ report."

Your request was reviewed by the undersigned. After consultation with Instructional Design and Quality Unit of the Education and Training Division, it has been determined that the video you request is governed by Federal copyright laws and exempt from disclosure. Therefore, your request is denied.

Under 5 ILCS 140/7(1)(a) of the FOIA statute, a public body is allowed to withhold "[i]nformation specifically prohibited from disclosure by Federal or State law or rules and regulations implementing federal or State law." The Copyright Act of 1976, 17 U.S.C. §§ 101, et seq., grants only the holder of a copyright an exclusive right to reproduce and distribute copies of his work. [See 17 U.S.C. § 106]. Therefore, since the Department is not the owner of the copyright, CPD cannot reproduce said video.

While the CPD may not disseminate this material, it was re-released as a DVD in 2008. The Copyright Act regulates only the reproduction and distribution of documents, not access to them. You may contact the FOIA Division of the CPD to discuss a viewing of the requested video. Additionally, said video is currently available commercially and offered by the Phoenix Learning Group. The title is "Shoot Don't Shoot." Please see their company's website for more information on how to procure a copy.

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

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

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

Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
Phone: 312-814-5526 or 1-877-299-FOIA (1-877-299-3642)

Fax: 217-782-1396

E-mail: publicaccess@atg.state.il.us

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

Sincerely,

K. Washington

K. Washington, FOIA Officer
Freedom of Information Division
Chicago Police Department
Legal Affairs