

LAW OFFICES

**STORINO, RAMELLO & DURKIN**

9501 WEST DEVON AVENUE  
ROSEMONT, ILLINOIS 60018

(847) 318 - 9500

FACSIMILE (847) 318 - 9509

DONALD J. STORINO  
MICHAEL K. DURKIN  
RICHARD J. RAMELLO  
NICHOLAS S. PEPPERS  
THOMAS M. BASTIAN  
ANGELO F. DEL MARTO  
JAMES E. MACHOLL  
BRIAN W. BAUGH  
ANTHONY J. CASALE  
ANDREW Y. ACKER  
PETER A. PACIONE  
MELISSA A. MIROBALLI  
MATTHEW G. HOLMES

MICHAEL R. DURKIN  
THOMAS J. HALLERAN  
ERIN C. MORIARTY

JOSEPH G. KUSPER  
MARK R. STEPHENS  
BRYAN J. BERRY  
ANN M. WILLIAMS  
LEONARD P. DIORIO  
RICHARD F. PELLEGRINO  
DONALD J. STORINO II

OF COUNSEL

IN REPLY REFER TO FILE NO.

March 4, 2014  
*Via Regular Mail*

Mr. Andrew Duncan  
Law Office of John R. Carrozza  
7612 W. North Avenue  
Elmwood Park, Illinois 60707

EP-1

**Re: Freedom of Information Act Request**

Dear Mr. Duncan:

The Village of Elmwood Park is in receipt of your February 25, 2014 Illinois Freedom of Information Act (5 ILCS 140/11 *et seq.*) ("FOIA") request for the following records:

1. Copies of Elmwood Park Police Report No. 14-1446, and any supplements thereto, written on or about February 16, 2014.
2. Any documents pertaining to the Elmwood Park Police Department's policies or procedures concerning the enforcement or non-enforcement of court orders regarding the physical custody of minors or court orders regarding the custodial rights of parents.

Enclosed are records responsive to your request. However, please be advised that certain information in the records being provided has been determined to be exempt from disclosure under FOIA, and that information has been redacted from the records being provided.

Section 7(1)(b) of FOIA provides that "private information" is exempt from disclosure. "Private information" is defined in FOIA as, "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/2(c-5). Consequently, certain

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unique identifiers, including an employee identification number and a home or personal telephone number, have been redacted from the records being provided.

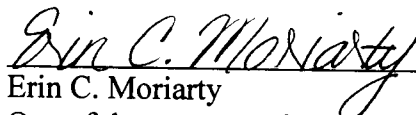
Section 7(1)(d)(iv) of FOIA provides that, “[r]ecords in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes ...” are exempt from disclosure, “but only to the extent that disclosure 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 ...” Consequently, information that would reveal the identity of persons who have filed complaints with or who have provided information to the Village of Elmwood Park Police Department has been redacted from the records being provided.

The person responsible for the decision to deny a portion of your request is the Village of Elmwood Park Freedom of Information Officer, Gina Pesko. In accordance with Section 9(a) of FOIA, you are hereby notified that you have the right to file a request for review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer with the Public Access Counselor at the Illinois Attorney General’s Office. You can file your request for review with the Public Access Counselor by writing to:

Sarah Pratt, Acting Public Access Counselor  
Office of the Attorney General  
500 South 2<sup>nd</sup> Street  
Springfield, Illinois 62706  
Phone: 312-814-5526  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

Also, you are notified that you have the right to judicial review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer pursuant to Section 11 of FOIA.

Sincerely,

  
Erin C. Moriarty  
One of the attorneys for  
the Village of Elmwood Park

Enclosures

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-  
Police RD.: EP:14-1446 Date: 02/15/14 Time: 07:37:23  
Status.....: Dispositioned  
Location...: 2626 75TH AV  
Comp. Name.: [REDACTED]  
Comp. Addr.: s/a- no see  
Comp. Phone: [REDACTED]  
Nature Code: 9058 - Noise Complaint  
Nature Desc: Noise Complaint- tan 80s nissan 240 2d  
lic/[REDACTED] caller states vehicle has an  
illegal muffler on it

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-----  
Dispo. Nat.: 9058 - Noise Complaint  
Dispo. Star: [REDACTED] - Brown, Thomas  
Service....: 00 - Unfounded  
Remarks....: VEHICLE PULLED AWAY IN FRONT OF ME. NO NO  
ISE WAS EMITTED FROM THE MUFFLER FOR THE T  
WO BLOCKS I DROVE BEHIND IT. UNFOUN

(720 ILCS 5/10-5.5)

Sec. 10-5.5. Unlawful visitation interference.

(a) As used in this Section, the terms "child", "detain", and "lawful custodian" shall have the meanings ascribed to them in Section 10-5 of this Code.

(b) Every person who, in violation of the visitation provisions of a court order relating to child custody, detains or conceals a child with the intent to deprive another person of his or her rights to visitation shall be guilty of unlawful visitation interference.

(c) A person committing unlawful visitation interference is guilty of a petty offense. However, any person violating this Section after 2 prior convictions of unlawful visitation interference is guilty of a Class A misdemeanor.

(d) Any law enforcement officer who has probable cause to believe that a person has committed or is committing an act in violation of this Section shall issue to that person a notice to appear.

(e) The notice shall:

(1) be in writing;

(2) state the name of the person and his address, if known

(3) set forth the nature of the offense;

(4) be signed by the officer issuing the notice; and

(5) request the person to appear before a court at a certain time and place.

(f) Upon failure of the person to appear, a summons or warrant of arrest may be issued.

(g) It is an affirmative defense that:

(1) a person or lawful custodian committed the act

to protect the child from imminent physical harm, provided that the defendant's belief that there was physical harm imminent was reasonable and that the defendant's conduct in withholding visitation rights was a reasonable response to the harm believed imminent;

(2) the act was committed with the mutual consent of

all parties having a right to custody and visitation of the child; or

(3) the act was otherwise authorized by law.

(h) A person convicted of unlawful visitation interference shall not be subject to a civil contempt citation for the same conduct for violating visitation provisions of a court order issued under the Illinois Marriage and Dissolution of Marriage Act.

(Source: P.A. 88-96.)