

LAW OFFICES  
**STORINO, RAMELLO & DURKIN**

9501 WEST DEVON AVENUE  
ROSEMONT, ILLINOIS 60018

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 M. WOLF  
MATTHEW G. HOLMES  
MICHAEL R. DURKIN

(847) 318-9500

FACSIMILE (847) 318-9509

December 3, 2015

THOMAS J. HALLERAN  
ERIN C. TINAGLIA  
ADAM R. DURKIN

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.

Mr. Aurelio Barragan  
Ms. Marie Zamora  
7848 W. Cressett Drive  
Elmwood Park, Illinois 60707

EP-1

**Re: Freedom of Information Act Request**

Dear Mr. Barragan and Ms. Zamora:

On November 24, 2015, the Village of Elmwood Park received your Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for "15-10037[.]

Enclosed please find the records responsive to your FOIA request. However, please be advised that certain information in the records responsive to your FOIA request has been determined to be exempt from disclosure under FOIA. Accordingly, such 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 unique identifiers, including a home or personal telephone number, and home addresses, have been redacted from the records being provided.

Section 7(1)(c) of FOIA provides that, "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" is exempt from disclosure. Consequently, birthdates and other personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, including a victim's name and identifying information, names of third parties who incidentally appear in police reports, and the race of individuals, have been redacted from the records being provided.

**STORINO, RAMELLO & DURKIN**

Mr. Aurelio Barragan  
Ms. Marie Zamora  
December 3, 2015  
Page 2

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 FOIA 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:

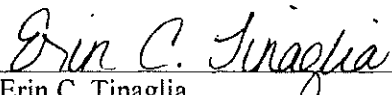
Sarah Pratt  
Public Access Counselor  
Office of the Attorney General  
500 South 2<sup>nd</sup> Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: publicaccess@atg.state.il.us

If you choose to file a Request for Review with the Public Access Counselor, you must do so within 60 calendar days of the date of this letter. Please note that you must include a copy of your original FOIA request and this letter when filing a Request for Review with the Public Access Counselor.

You are also 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,

STORINO, RAMELLO & DURKIN  
Attorneys for the Village of Elmwood Park

  
Erin C. Tinaglia

Enclosures



# INCIDENT/INVESTIGATION REPORT

By: EP6177, tfallon 11/24/2015 13:53

Page 2

Elmwood Park Police Department

Case# 15-10037

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type

Assisting Officers

MESSINA, S. (EP9225), MESSINA, S. (EP9225)

Suspect Hate / Bias Motivated:

Page 2

NARRATIVE

## REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA
15-10037
Date / Time Reported
Mon 11/23/2015 22:58

Victim

JUVENILE

Offense

CRIMINAL SEXUAL ASSAULT

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On 11/23/2015, at 2258 hours, I was summoned to the Elmwood Park Police station for a criminal sexual assault report. Upon my arrival, I spoke with the complainant, [REDACTED] f [REDACTED] who told me the following in summary:

[REDACTED] said she and her husband, [REDACTED] m [REDACTED] want to make a report on behalf of their daughter, [REDACTED] f [REDACTED], in reference to a criminal sexual assault which occurred at Elm Middle School. [REDACTED] said on 11/19/15, she was notified via telephone by the school's social worker/counselor named [REDACTED]. The school counselor told [REDACTED] she was notified by an unnamed student and reported [REDACTED] was causing self-inflicting wounds to herself. The school counselor advised [REDACTED] she spoke with [REDACTED] in regards to the incident.

[REDACTED] said she discovered old self-inflicted wounds on [REDACTED] wrists. [REDACTED] said she has no issues with [REDACTED] is doing well in school and is usually in good spirits. [REDACTED] said for approximately 2 months she has observed [REDACTED] to be losing weight, appears to be in a depressed state, and believes [REDACTED] is being bullied in school. [REDACTED] said the police were not notified of the incident at this time.

[REDACTED] said on 11/20/15, she was notified by her sister who said [REDACTED] made statements to her cousin a male student at [REDACTED] school was sexually assaulting her by placing his hands inside [REDACTED] pants and touching her vagina. [REDACTED] said she spoke with [REDACTED] who admitted she told her school counselor a male student was touching her inappropriately.

[REDACTED] said she contacted the school counselor again on 11/20/15. The school counselor told [REDACTED] that [REDACTED] made statements about a male student touching her.

[REDACTED] said she wants her daughter evaluated and to get proper treatment.

I asked [REDACTED] if she was comfortable speaking with me in regards the incidents occurring at school. [REDACTED] said she was comfortable speaking with me in the presence of her parents. [REDACTED] told me the following in summary:

[REDACTED] said for approximately 2 months, a male student named [REDACTED] m [REDACTED] "13yoa" has been touching her in science class. [REDACTED] said [REDACTED] is just a fellow student and she does not associate socially with him outside of school. [REDACTED] said [REDACTED] first started to say inappropriate comments to her and told [REDACTED] she has a nice body and wanted to have sex with her. [REDACTED] said [REDACTED] would sit next to her in science class and touch her thighs, back, breasts, and vaginal areas. [REDACTED] said [REDACTED] at no point put his hands inside of her clothing and would only touch those areas from outside of her clothing. [REDACTED] said [REDACTED] actions would make her feel uncomfortable and did not want to engage in any acts of that nature. [REDACTED] said she was scared to notify anyone of the incidents which have been occurring periodically for the past 2 months.

I observed [REDACTED] self inflicted scars on her wrists. I asked [REDACTED] if she has suicidal thoughts. [REDACTED]

REPORTING OFFICER NARRATIVE

OCA
15-10037
Date / Time Reported
Mon 11/23/2015 22:58

Elmwood Park Police Department

Victim	Offense	Date / Time Reported
JUVENILE	CRIMINAL SEXUAL ASSAULT	Mon 11/23/2015 22:58

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

I requested paramedics to the station.

Elmwood Park Paramedics arrived on scene and determined [REDACTED] needed to be transported to the hospital for an evaluation.

I provided [REDACTED] with the report number and advised her the incident would be forwarded to our investigations unit.

[REDACTED] advised me she is dissatisfied with how the school was handling the incident and would speak to the school principal on 11/24/15 to have [REDACTED] removed from the classes [REDACTED] attends with [REDACTED]

[REDACTED] was transported to Gottlieb hospital.

-Forward to investigations-

-End-

# Incident Report Suspect List

Elmwood Park Police Department

OCA: 15-10037

<b>1</b>	Name (Last, First, Middle) <i>JUVENILE</i>					Also Known As <i>JUVENILE</i>					Home Address <i>JUVENILE</i>				
	Business Address <i>JUVENILE</i>														
	DOB.	Age	Race	Sex	Bth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
		<i>13</i>	<i>W</i>	<i>M</i>							<i>JUVENILE</i>				
Scars, Marks, Tattoos, or other distinguishing features <i>JUVENILE</i>															
<b>Reported Suspect Detail</b>															
Suspect Age			Race	Sex	Eth	Height			Weight			SSN			
Weapon, Type		Feature		Make		Model			Color		Caliber		Dir of Travel		
Veh Yr/Make/Model			Drs	Style		Color		Lic/St			VIN				
Notes										Physical Char					