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IN REPLY REFER TO FILE NO.

Mr. Anish Parikh  
150 S. Wacker Drive, #2600  
Chicago, Illinois 60606

EP-1

**Re: Freedom of Information Act Request**

Dear Mr. Parikh:

On October 27, 2015, the Village of Elmwood Park received your Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

- "1) Village of Elmwood Park Police Department's policy and procedure regarding the Victim Refusal Form
- 2) Following an incident during which law enforcement is called, how much time does a victim have to file a complaint? How long do they have to file a complaint in the event that the victim initially refuses to sign the complaint?
- 3) Policies and procedures concerning police officers conducting an investigation
- 4) Policies and procedures regarding the circumstances under which a particular officer may not conduct a given investigation."

Your FOIA request is granted in part and denied in part. Enclosed please find records responsive to paragraphs 3 and 4 of 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, such as signatures, have been redacted from the records being provided.

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Please be advised that paragraphs 1 and 2 of your FOIA request are denied. The Village of Elmwood Park maintains no records responsive to paragraph 1 of your FOIA request. Paragraph 2 of your FOIA request is denied because it is not a proper request for records under FOIA. The purpose of FOIA is to provide access to public records. (5 ILCS 140/1). FOIA is not intended to compel public bodies to interpret or advise requesters as to the meaning or significance of public records. (5 ILCS 140/3.3). Paragraph 2 of your FOIA request does not seek access to public records. Rather, it asks questions to the Village of Elmwood Park. Since paragraph 2 of your FOIA request does not seek public records, the Village of Elmwood Park has no obligation under FOIA to respond to your inquiries in this portion of your FOIA request. Moreover, the Village of Elmwood Park maintains no records responsive to the questions posed in paragraph 2 of your FOIA request. Consequently, paragraph 2 of your FOIA request is denied.

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



**ELMWOOD PARK POLICE DEPARTMENT  
GENERAL ORDER**

ORDER NUMBER:  
91-12-026

SUBJECT:

PRELIMINARY INVESTIGATIONS

DATE ISSUED: December 20, 1991		EFFECTIVE DATE: December 20, 1991	RE-EVALUATION DATE: December 1994
AMENDS:	RESCINDS:	SECTION:	DISTRIBUTION: B

**I. PURPOSE:**

This order provides procedures for conducting preliminary investigations by field personnel.

**II. POLICY:**

It is the policy of the Elmwood Park Police Department to respond as quickly and as safely as possible when the assignment of a field unit is required, and to process efficiently a request or an observed need for police service.

**III. GENERAL RESPONSIBILITIES:**

A. Department personnel conducting a preliminary investigation have the following responsibilities:

1. Promptly responding to calls for service.
2. Determining if there are grounds to establish the reasonable belief that a crime has been or is being committed.
3. Conducting and recording thorough and accurate preliminary investigations.
4. Conveying a sense of concern and general interest to a citizen in need of police service or assistance.
5. Making the required notifications.
6. Completing preliminary investigations efficiently, and promptly returning to an "in-service" status.
7. Submitting all reports for supervisor's review and approval prior to completing their tour of duty.

B. An on-duty sworn member who conducts a preliminary investigation is responsible for completing all necessary reports unless otherwise directed by a supervisor.

C. Field supervisors are responsible for monitoring the effectiveness of their subordinates by complying with Department directives detailing their supervisory functions.



Anthony M. Fanella, Chief of Police



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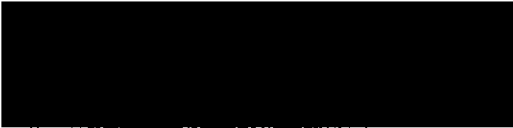
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**IV. PROCEDURES:**

- A. Upon receipt of an assignment, patrol beat/sector officers and other Department units conducting a preliminary investigation will proceed immediately to the location of that assignment, unless a supervising sergeant orders the dispatcher to reassign the call for service to another unit. Radio silence by a supervisor implies consent with the dispatcher's assignment of a unit to a call for service. Radio assignments will take precedence over on-view incidents, unless those incidents are of an emergency nature where the safety of a citizen or officer is involved.
- B. Upon arrival, preliminary investigators will:
1. Render aid to the injured.
  2. Arrest the offender if he is still at or near the scene.
  3. Ensure that the crime scene is preserved for evidence collection and processing.
  4. Locate, identify and interview the complainant/witness; obtain a description of the offender and, when practicable, alert other police units by sending a flash message.
  5. Notify the Detective Unit, if appropriate, or any other investigative unit, if necessary.
  6. Complete the proper case report.
  7. Refrain from discussing the details with complainant or witnesses, any follow-up investigation to be conducted by the Department.
  8. In handling non-criminal related incidents, exhaust all police service capabilities before referring the citizen to an outside agency. When the services of agencies other than the Department are more appropriate to the resolution of non-criminal related incidents, the preliminary investigator will:
    - a. Directly contact the agency, if possible; or,
    - b. Provide the citizen with sufficient information to enact the referral.
  9. Ensure that the citizen/complainant thoroughly understands the nature of the police service provided, and the extent of police service which can be provided in response to the complaint. If applicable, inform crime victims of the availability of compensation under the Crime Victims Compensation.

  
Anthony M. Panella, Chief of Police



**ELMWOOD PARK POLICE DEPARTMENT  
GENERAL ORDER**

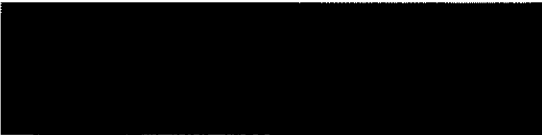
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- C. Dispatchers will be notified upon completion of a preliminary investigation. The officer will notify the dispatcher of the type of report completed, or the Code, and immediately return to "in-service" status. When applicable, the case report number will be provided to the complainant via the Victim Information Notice or by other means when completion of the Notice is not required.
- D. In situations where it is necessary for the unit assigned to leave the scene of the assignment (e.g., arrests, transportation of injured persons, pursuit of offenders, touring the area with the victim/complainant, or other tense or unusual situations, etc.), personnel will:
  1. Inform the dispatcher that they are leaving the scene.
  2. Furnish the exact location of their intended destination, if possible.
  3. If the intended destination cannot be furnished, maintain continuous radio contact with the dispatcher and report any change in location until available for assignment.
- E. Communications Center personnel will note any change in location as provided by beat personnel, enabling them to provide correct locations to supervisors.



Anthony M. Rahella, Chief of Police