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November 9, 2015

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OF COUNSEL

IN REPLY REFER TO FILE NO.

Gainsberg Law, P.C.  
1 S. Dearborn Street, 21<sup>st</sup> Floor  
Chicago, Illinois 60603

EP-1

**Re: Freedom of Information Act Request**

Dear Gainsberg Law, P.C.:

On October 26, 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:

"Any and all police reports and videotapes of the incident located at 7637 W. Belmont Ave., Elmwood Park, IL 60707, for George's on Belmont on approximately September 26, 27 2015[,] involving Andrzej Pawula and a battery against Andrzej Pawula[.]"

Your FOIA request is granted in part and denied in part. 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 home or personal telephone numbers 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, such as a victim's name and identifying information, and the race of individuals, have been redacted from the records being provided. Please be

**STORINO, RAMELLO & DURKIN**

Gainsberg Law, P.C.  
November 9, 2015  
Page 2

advised that the portion of your FOIA request seeking videotapes is denied pursuant to Section 7(1)(c) of FOIA.

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. Please be advised that the portion of your FOIA request seeking videotapes is denied pursuant to Section 7(1)(d)(iv) of FOIA.

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

INCIDENT DATA

Agency Name <i>Elmwood Park Police Department</i>		Case# <i>15-09534</i>	
ORI <i>IL0163100</i>		Date / Time Reported <i>09/26/2015 22:41 Sat</i>	
Location of Incident <i>7637 Belmont Av, Elmwood Park IL 60707-</i>		Premise Type <i>26</i>	Zone/Tract <i>E1</i>
Last Known Secure <i>09/26/2015 22:30 Sat</i>		At Found <i>09/26/2015 22:30 Sat</i>	
#1	Crime Incident(s) (Com) <i>Aggravated Battery 0410</i>	Weapon / Tools <i>PERSONAL (HANDS, FIST, FEET)</i>	
#2	Crime Incident ( )	Activity	
#3	Crime Incident ( )	Activity	

MO

VICTIM

# of Victims <i>1</i>	Type: <b>INDIVIDUAL</b>	Injury: Possible Internal Injuries							
V1	Victim/Business Name (Last, First, Middle) <i>DOE1509534, JOHN</i>	Victim of Crime # <i>1</i>	DOB <i>Age 20</i>	Race <i>[REDACTED]</i>	Sex <i>M</i>	Relationship To Offender <i>IUR</i>	Resident Status	Military Branch/Status	
Home Address							Home Phone		
Employer Name/Address						Business Phone	Mobile Phone		
VYR	Make	Model	Style	Color	Lic/Lis	VIN			

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: <b>INDIVIDUAL</b>		Injury:							
RP	Name (Last, First, Middle) <i>[REDACTED]</i>	Victim of Crime #	DOB <i>Age 47</i>	Race <i>[REDACTED]</i>	Sex <i>F</i>	Relationship To Offender	Resident Status <i>Non-Residen</i>	Military Branch/Status	
Home Address							Home Phone		
Employer Name/Address <i>Georges On Belmont, 7637 W Belmont Av (BARTENDER)</i>						Business Phone <i>708-453-8238</i>	Mobile Phone		
Type: <b>INDIVIDUAL</b>		Injury:							
IO	Name (Last, First, Middle) <i>[REDACTED]</i>	Victim of Crime #	DOB <i>Age [REDACTED]</i>	Race <i>U</i>	Sex <i>M</i>	Relationship To Offender	Resident Status <i>Non-Residen</i>	Military Branch/Status	
Home Address							Home Phone		
Employer Name/Address <i>7637 W Belmont Av</i>						Business Phone	Mobile Phone		

PROPERTY

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown  
("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Pm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Officer/ID#	<i>RIEGER, M. (PATL, SUPV) (EP9114)</i>	
Invest ID#	<i>WINIARCZYK, M. (INV, INV) (EP7383)</i>	Supervisor <i>RIEGER, M. (PATL, SUPV) (EP9114)</i>
Status	Complainant Signature	Case Status <i>Pending / Active</i>
		Case Disposition: <i>09/30/2015</i>

# Incident Report Additional Name List

Elmwood Park Police Department

OCA: 15-09534

Additional Name List

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NameCode/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	[REDACTED]		[REDACTED]	37	[REDACTED]	M
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr		B: - -			
			Mobile #: - -			
2) WI 2	[REDACTED]		[REDACTED]	31	[REDACTED]	F
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr		B: - -			
			Mobile #: - -			
3) WI 3	[REDACTED]		[REDACTED]	52	[REDACTED]	F
	Address [REDACTED]		H: - -			
	Empl/Addr		B: - -			
			Mobile #: - -			



**REPORTING OFFICER NARRATIVE**

Elmwood Park Police Department

OCA
15-09534
Date / Time Reported
Sat 09/26/2015 22:41

Victim
DOE1509534, JOHN

Offense
AGGRAVATED BATTERY

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

ON 09/26/15 AT APPROXIMATELY 2240 HOURS, I WAS DISPATCHED TO 7637 W. BELMONT AV (BAR - GEORGES ON BELMONT), TO ASSIST THE AMBULANCE WITH AN UNCONSCIOUS MALE.

UPON ARRIVAL, I DID NOT SEE AN AMBULANCE ON SCENE. I ENTERED THE BAR THROUGH THE MAIN ENTRANCE ON BELMONT AV. I DID NOT SEE ANYBODY ON THE FLOOR NEAR THE MAIN ENTRANCE OR IN THE PACKAGE SALES AREA. I WALKED PAST THE PACKAGE SALES AREA FURTHER INTO THE BAR AND SAW [REDACTED] AND [REDACTED] HOLDING ONTO THE SHOULDERS OF AN UNKNOWN MALE, JOHN DOE1509534 (AKA - [REDACTED]), WHO WAS SEATED IN A BAR STOOL. I SAW [REDACTED] WAS HAVING DIFFICULTY STAYING SEATED IN THE STOOL WITHOUT SUPPORT. [REDACTED] HAD HIS EYES OPEN AND WAS BREATHING, BUT WAS NOT RESPONSIVE WHEN I ASKED HIM QUESTIONS. I ADVISED [REDACTED] AND [REDACTED] AN AMBULANCE WAS ON THE WAY FOR [REDACTED]. I TOLD THEM NOT TO MOVE [REDACTED] AND TO CONTINUE TO HOLD [REDACTED] WHERE HE WAS UNTIL THE AMBULANCE ARRIVED. [REDACTED] HAD A SMALL ABRASION ON HIS HEAD NEAR THE TEMPLE AREA ON HIS RIGHT SIDE. I SAW NO OTHER VISIBLE INJURIES TO [REDACTED].

I ASKED [REDACTED] TO TELL ME WHAT HAD HAPPENED TO [REDACTED] RELATED SHE AND HER BOYFRIEND [REDACTED] HAD ARRIVED AT THE BAR AT APPROXIMATELY 2130 HOURS. [REDACTED] KNOWS [REDACTED] ONLY AS AN ACQUAINTANCE AND DOES NOT KNOW HIS LAST NAME. [REDACTED] OBSERVED [REDACTED] WAS ALREADY AT THE BAR AND WAS DRINKING WHEN SHE AND [REDACTED] ARRIVED. AT APPROXIMATELY 2230 HOURS, [REDACTED] RELATED SHE WENT INTO THE MEN'S BATHROOM WITH [REDACTED] AND WHEN SHE WAS EXITING SHE SAW [REDACTED] FALLING HEADFIRST TOWARDS A WALL AND ANOTHER PERSON'S HAND AND ARM PULLING BACK AWAY FROM [REDACTED] STATED THE ARM MOTION SHE SAW WAS CONSISTENT WITH AN HAND AND ARM PULLING BACK FROM A PERSON WHO HAD JUST PUSHED ANOTHER. [REDACTED] COULD NOT DESCRIBE THE MALE SHE BELIEVED TO HAVE PUSHED [REDACTED] STATED THE MALE LEFT THE BAR PRIOR TO MY ARRIVAL. [REDACTED] RELATED [REDACTED] WAS ON THE FLOOR UNCONSCIOUS FOR SEVERAL MINUTES BEFORE THEY WERE ABLE TO ASSIST HIM TO A BAR STOOL.

ELMWOOD PARK AMBULANCE 944 ARRIVED AND PARAMEDICS ATTENDED TO [REDACTED] [REDACTED] HAD NO IDENTIFICATION ON HIS PERSON. [REDACTED] HAD NO PERSONAL PROPERTY AT THE BAR.

[REDACTED] RELATED THE SAME INFORMATION AS [REDACTED] STATED HE WAS WALKING BEHIND [REDACTED] WHEN THEY WERE EXITING THE MEN'S BATHROOM AND DID NOT SEE [REDACTED] IN A STANDING POSITION. [REDACTED] ONLY SAW [REDACTED] WHEN HE WAS ALREADY ON THE GROUND. [REDACTED] ADDED HE COULD NOT DESCRIBE THE MALE [REDACTED] HAD SEEN WALKING AWAY FROM [REDACTED]

I SPOKE WITH THE BARTENDER, [REDACTED], WHO TOLD ME SHE STARTED WORK AT 1700

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA
15-09534
Date / Time Reported
Sat 09/26/2015 22:41

Victim  
DOE1509534, JOHN

Offense  
AGGRAVATED BATTERY

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

HOURS THIS EVENING. [REDACTED] KNOWS [REDACTED] ONLY AS A FREQUENT CUSTOMER OF THE BAR AND DOES NOT KNOW HIS LAST NAME OR ANY OTHER PERSONAL INFORMATION ABOUT HIM. [REDACTED] RELATED [REDACTED] ARRIVED AT THE BAR AROUND 2130 HOURS AND WAS SEATED AT THE BAR NEXT TO A FEMALE, LATER IDENTIFIED AS [REDACTED] AND A MALE KNOWN TO [REDACTED] AS [REDACTED] (LAST NAME UNKNOWN). [REDACTED] RECALLED ONLY SERVING TWO BEERS TO [REDACTED] PRIOR TO THE INCIDENT. [REDACTED] DID NOT SEE HOW [REDACTED] ENDED UP ON THE FLOOR, BUT STATED THE MALE, [REDACTED] WAS THE MALE WHO WALKED AWAY FROM [REDACTED] WHEN HE WAS ON THE GROUND AND LEFT THE BAR. [REDACTED] DID NOT HEAR OR SEE ANY ARGUING OR PHYSICAL CONFRONTATION BETWEEN [REDACTED] OR [REDACTED] PRIOR TO THE INCIDENT.

I SAW A VIDEO MONITOR BEHIND THE BAR DISPLAYING LIVE VIDEO IMAGES FROM SEVERAL CAMERAS LOCATED THROUGHOUT THE BAR. [REDACTED] TOLD ME THE OWNER OF THE BAR, JIM MARTIN, WAS THE ONLY PERSON WHO COULD RETRIEVE VIDEO RECORDINGS FROM THE CAMERA SYSTEM.

WHILE SPEAKING TO [REDACTED] I HEARD AN UNKOWN PERSON SHOUT FROM BEHIND ME, "WE GOT ANOTHER ONE DOWN." I TURNED AROUND AND SAW [REDACTED] LYING ON THE FLOOR BEHIND THE BAR STOOL WHERE I SAW HER SITTING EARLIER. I WENT OVER TO [REDACTED] AND OBSERVED SHE WAS CONCIIOUS, BREATHING AND ABLE TO SPEAK. [REDACTED] REPEATEDLY TOLD ME SHE WAS FINE BUT DIDN'T WANT TO GET UP OR EXPLAIN HOW OR WHY SHE WAS ON THE FLOOR. I SAW THE PARAMEDICS HAD ALREADY MOVED [REDACTED] TO THE AMBULANCE AND I CALLED ON THE RADIO TO SEE IF THEY COULD COME BACK INSIDE THE BAR TO CHECK ON [REDACTED]. ONE OF THE PARAMEDICS ENTERED THE BAR AND CALLED FOR A SEPARATE AMBULANCE AND ENGINE TO RESPOND TO TREAT [REDACTED].

RIVER FOREST AMBULANCE AND ELMWOOD PARK ENGINE ARRIVED ON SCENE SHORLTY THEREAFTER TO TREAT [REDACTED] I WAS UNABLE TO INTERVIEW [REDACTED] CONCERNING WHAT HAD HAPPENED TO [REDACTED]. BOTH [REDACTED] AND [REDACTED] WERE TRANSPORTED TO GOTTLIEB MEMORIAL HOSPITAL.

I ASKED SEVERAL INDIVIDUALS IN THE BAR IF THEY HAD SEEN WHAT HAD HAPPENED TO [REDACTED]. NOBODY ELSE IN THE BAR STATED THEY SAW WHAT HAD HAPPENED EARLIER.

I LEFT THE BAR AND AT APPROXIMATELY 0100 HOURS ON 9/28/15 I CALLED THE EMERGENCY ROOM AT GOTTLIEB MEMORIAL HOSPITAL AND SPOKE WITH [REDACTED] I WAS ADVISED [REDACTED]

AT APPROXIMATELY 0300 HOURS, [REDACTED]

SPEAK. I WAS ADVISED [REDACTED] IDENTITY WAS STILL UNKNOWN AND HE WAS LISTED AS PATIENT GALVIN DOE IN HOSPITAL RECORDS FOR THE TIME BEING.

REPORTING OFFICER NARRATIVE

OCA
15-09534
Date / Time Reported
Sat 09/26/2015 22:41

Elmwood Park Police Department

Victim	Offense	Date / Time Reported
DOE1509534, JOHN	AGGRAVATED BATTERY	Sat 09/26/2015 22:41

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AT APPROXIMATELY 0330 HOURS, I SPOKE WITH DETECTIVE WINIARCZYK BY TELEPHONE ADVISING HIM OF THE CASE.

I COMPLETED MY REPORT AND RETURNED TO PATROL.



# Incident Report Suspect List

Elmwood Park Police Department

OCA: 15-09534

<b>1</b>	Name (Last, First, Middle) <i>* No name *</i>						Also Known As				Home Address	
	Business Address											
DOB.	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.		
							XXX	XXX	XXX			
Scars, Marks, Tattoos, or other distinguishing features												

<i>Reported Suspect Detail</i>		Suspect Age <i>30-35</i>		Race █	Sex <i>M</i>	Eth	Height <i>508 -510</i>	Weight <i>180-200</i>	SSN
Weapon, Type	Feature	Make	Model		Color	Caliber	Dir of Travel		Mode of Travel
VehYr/Make/Model		Drs	Style	Color	Lic/St	VIN			

Notes

NAME - █ (LAST NAME UNKNOWN)

Physical Char

*CLOTHING, SHIRT  
CLOTHING, JEANS*

ELMWOOD PARK POLICE DEPARTMENT  
CRIMINAL INVESTIGATIONS DIVISION  
15-9534

Investigative Action Report

Case Report: 15-9534  
Title: Aggravated Battery  
Officer: Det. Winiarczyk #1783  
Date: 10/27/2015  
Action Taken

The following is a summary of my actions relative to a report of aggravated battery which occurred on or about September 26<sup>th</sup>, 2015 at 7637 W. Belmont Ave, Elmwood Park, Cook County, Illinois, 60707. Any witness and/or suspect statements contained herein are not in their entirety nor verbatim.

09/27/15

I was notified by Cmdr. Rieger of the brief circumstances of this incident.

[REDACTED] Victim was identified as [REDACTED] M  
[REDACTED] currently of [REDACTED]  
I spoke with sister [REDACTED] (TX: [REDACTED]) with  
whom [REDACTED] resided, and brother [REDACTED] M (TX: [REDACTED])  
[REDACTED]

[REDACTED] stated [REDACTED] was a frequent customer at George's Bar but had not been there for approximately one month because he stopped drinking for that month. She stated she did not know of any problems [REDACTED] might have with anyone. She stated [REDACTED] had a tendency to have poor balance when intoxicated and has fallen in the past, as well as a tendency to be belligerent and "offend" when intoxicated.

She stated she knew [REDACTED] to hang out and drink with a friend [REDACTED]. She retrieved [REDACTED] cell phone and provided the phone number [REDACTED].

I left the hospital.

I spoke with owner of the bar [REDACTED] (TX: [REDACTED]). He stated he would assist in the retrieval of video surveillance recording.

I spoke with bartender [REDACTED]. She stated there was no argument or fight in the bar. She stated she noticed the victim on the floor by the bathroom. She stated she did not see anyone hit or push the victim. She stated a customer she knew as [REDACTED] whom she

Det. Mike Winiarczyk

Page 1 of 3

Supervisor

*[Handwritten Signature]*

ELMWOOD PARK POLICE DEPARTMENT  
CRIMINAL INVESTIGATIONS DIVISION  
15-9534

described to police before, was nearby the victim and left the bar without saying anything. She stated [REDACTED] is a regular but does not cause trouble.

09-29-15

I received a call from [REDACTED] who stated [REDACTED]

She stated [REDACTED]

I retrieved video from George's Bar. Video showed the victim [REDACTED] talking to another patron at the edge of the bar and then the offender approach [REDACTED] and begin talking to him. The offender then pulls on [REDACTED] and appears to lift him up away from the other patron and they appear to exchange words. The offender pushed [REDACTED] who fell back and appeared to hit his head on the floor. He appeared to be unconscious and then the offender briefly lifted him up and then dropped him back on the floor. [REDACTED] was then lifted by another subject who placed [REDACTED] over his shoulder and onto a chair. The offender left.

09/30/15

I attempted to located possible witness [REDACTED] at [REDACTED] No answer.

I spoke with [REDACTED] via phone. She stated she used to work at the bar approximately 2 years ago and knew victim from the bar. She stated victim [REDACTED] gets intoxicated very quickly due to his small stature and picks fights with people when he's intoxicated. She stated on 09/26/15 [REDACTED] was quite intoxicated. She stated she was intoxicated herself and did not remember details. She stated when she came out of the bathroom, she saw [REDACTED] on the floor. She stated she did not remember what the person that pushed him looked like or what he was saying or doing. She stated she had never seen him before but he said something to her earlier in the night at the bar counter. She stated another male she did not know lifted [REDACTED] over his shoulder. She stated she did not know whether [REDACTED] head hit anything while being carried and believed he got injured from falling down. She stated she did not know whether her boyfriend [REDACTED] knew the offender.

I left a message for [REDACTED] but had not received a call back.

10/02/15

After several attempts to locate [REDACTED], I spoke with her mother [REDACTED] who called [REDACTED]. I spoke with [REDACTED] (TX: [REDACTED]) who was uncooperative but finally agreed to meet with me on 10/06/15.

Det. Mike Winiarczyk

Page 2 of 3

Supervisor

ELMWOOD PARK POLICE DEPARTMENT  
CRIMINAL INVESTIGATIONS DIVISION  
15-9534

I spoke with a bartender and customer at George's Bar. They were unable to identify the offender.

10/07/15

I contacted [REDACTED] who stated she did not know who was in the bar that night and stated she had too much to drink and passed out. She stated she could not identify anyone and refused to view any photos.

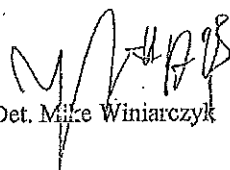
Employees at local bars did not recognize the subject.

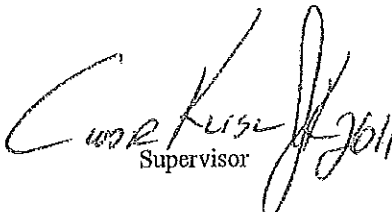
10/24/15

I spoke with [REDACTED] and [REDACTED] at the Elmwood Park Police station. [REDACTED] He stated he remembered that he went to George's bar on 09/26/15 but did not remember anything else. He viewed video from the bar and stated he did not know and had never seen the offender who pushed him. He stated he did not know the male he was talking to prior to the incident. He stated he did not know the male who picked him up. He stated his friend [REDACTED] was not in the bar that night. He had no other information.

Unable to identify the offender at this time.

Ongoing investigation.

  
Det. Mike Winiarczyk

  
Supervisor