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November 16, 2015

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IN REPLY REFER TO FILE NO.

Mr. Sean Costello  
2048 N. Neva Avenue  
Elmwood Park, Illinois 60707

EP-1

**Re: Freedom of Information Act Request**

Dear Mr. Costello:

On November 10, 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:

"Arrest for battery  
15-9811[.]"

Enclosed please find 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 driver's license number, 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.

**STORINO, RAMELLO & DURKIN**

Mr. Sean Costello  
November 16, 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

### ARREST REPORT

<b>AGENCY</b>	Agency Name <b>Elmwood Park Police Department</b>		ORI <b>IL0163100</b>	Date/Time Arrested <b>10/26/2015 01:39 Mon</b>		Case # <b>1509811</b>	
	Taken <b>Prints, Photos</b>		Arrest Tract	Residence Tract		Arrest Number <b>103</b>	
<b>ARRESTEE</b>	Name (Last, First, Middle) <b>COSTELLO, SEAN P</b>		D.O.B. [REDACTED]	Age <b>28</b>	Race [REDACTED]	Sex <b>M</b>	
	Current Address <b>2048 N Neva Ave, , Chicago, IL 60707</b>		Phone [REDACTED]	Occupation		Residence Status <b>Resident</b>	
	Employer's Name		Address		Phone		
	Also Known As (Alias Names)				Hgt <b>6'02</b>	Wgt <b>180</b>	Hair <b>Brown</b>
					Eyes <b>Brown</b>	Skin Tone <b>Light</b>	
	Scars, Marks, Tattoos		Social Security # - -	OLN and State [REDACTED]		Misc. # and Type	
Nearest Relative Name		Address			Phone		
<b>ARREST</b>	If Armed, Type of Weapon <b>NONE</b>		Type of Arrest <b>ON VIEW</b>		Place of Arrest <b>2104 HARLEM AV, ELMWOOD PARK</b>		
	Charge #1 <b>Battery</b>	Type <b>Misd</b>	Counts <b>1</b>	IBR Code <b>0460</b>	Warrant/Summons #	Statute # <b>720 ILCS 5/12-3</b>	Warr. Date
	Charge #2	Type	Counts	IBR Code	Warrant/Summons #	Statute #	Warr. Date
	Charge #3	Type	Counts	IBR Code	Warrant/Summons #	Statute #	Warr. Date
<b>VEHICLE</b>	VYR	Make	Model		Style		
	Color	Plate #/State/Plate Year		VIN			
	Vehicle						
<b>CONFONDED</b>	Date/Time Confined <b>12/29/2015 09:00:00</b>		Place Confined <b>MAYBROOK</b>			Committing Magistrate	
	Type Bond <b>Cash</b>	Bond Amount <b>\$150.00</b>	Trial Date	Time	Court Of	City	
	Arresting Officer Name/ID #/Bureau <b>GIOVENCO, J. (PATL, PAT) (EP9700) EPPD</b>				Released By (Name/Department/ID #)		Date/Time Released
	Assisting Officer Name/ID #/Bureau <b>HOCK, B. PATLPAT EPPD</b>						
Status Codes	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown/Lost						
<b>DRUGS</b>	Code	Status	Quantity	Type Measure	Suspected Type		
<b>Other Name</b>	Name <b>Victim</b>	[REDACTED]			Address [REDACTED]		Phone [REDACTED]
	Name				Address		Phone
<b>NARRATIVE</b>							
<b>STATUS</b>	Arresting Officer Signature/ID #/Bureau <b>GIOVENCO, J. (PATL, PAT) (EP9700) EPPD</b>						
	Case Status				Arrestee Signature		

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Printed By: EP3700, mwarchulsk

# INCIDENT/INVESTIGATION REPORT

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Agency Name <b>Elmwood Park Police Department</b>		<b>INCIDENT/INVESTIGATION REPORT</b>		Case# <b>15-09811</b>	
ORI <b>IL0163100</b>				Date / Time Reported <b>10/26/2015 01:39 Mon</b>	
Location of Incident <b>2104 Harlem Av, Elmwood Park IL 60707-</b>				Last Known Secure <b>10/26/2015 01:39 Mon</b>	
		Premise Type <b>Highway / Road / Alley</b>	Zone/Tract	At Found <b>10/26/2015 01:39 Mon</b>	
#1	Crime Incident(s) <b>Battery (misdemeanor)</b> <b>0460</b>	(Com)	Weapon / Tools <b>NONE</b>		Activity
			Entry	Exit	Security
#2	Crime Incident	( )	Weapon / Tools		Activity
			Entry	Exit	Security
#3	Crime Incident	( )	Weapon / Tools		Activity
			Entry	Exit	Security

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# of Victims <b>1</b>		Type: <b>INDIVIDUAL</b>		Injury: <b>Severe Laceration</b>					
V1	Victim/Business Name (Last, First, Middle)		Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
			<b>1</b>	<b>Age 36</b>		<b>M</b>	<b>LAO</b>		
Home Address							Home Phone		
Employer Name/Address					Business Phone		Mobile Phone		
VYR	Make	Model	Style	Color	Lic/Lis	VIN			

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

Type:		Injury:							
Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
			Age						
Home Address							Home Phone		
Employer Name/Address					Business Phone		Mobile Phone		
Type:		Injury:							
Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
			Age						
Home Address							Home Phone		
Employer Name/Address					Business Phone		Mobile Phone		

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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 Fin/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Officer/ID#	<b>GIOVENCO, J. (PATL, PAT) (EP9700)</b>	
Invest ID#	<b>(0)</b>	Supervisor <b>RIEGER, M. (PATL, SUPV) (EP9114)</b>

Status	Complainant Signature	Case Status <b>Cleared By Arrest Adult 18 Or Over 10/26/2015</b>	Case Disposition:	Page 1
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# Incident Report Additional Name List

Elmwood Park Police Department

OCA: 15-09811

Additional Name List Page 2

NameCode/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	[REDACTED]		[REDACTED]	26	[REDACTED]	F
	Address		H:	[REDACTED]		
	Empl/Addr		B:	[REDACTED]		
			Mobile #:	- -		

# INCIDENT/INVESTIGATION REPORT

By: EP3700, mwarehouse 11/10/2015 16:20

Elmwood Park Police Department

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Case# *15-09811*

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

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

Assisting Officers  
*RIEGER, M. (EP9114), HOCK, B. (EP6089), HOCK, B. (EP6089), HOCK, B. (EP6089), PAVONE, M. (EP0358),  
 CHAURIZE, M. (EP1573), WEISS, J. (EP1235)*

Suspect Hate / Bias Motivated:

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NARRATIVE

**REPORTING OFFICER NARRATIVE**

Elmwood Park Police Department

OCA 15-09811
Date / Time Reported Mon 10/26/2015 01:39

Victim  
[REDACTED]

Offense  
BATTERY (MISDEMEANOR)

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

On 10/26/15 at 0139 hours while on active patrol, I observed three subjects arguing in front of On the Rocks Bar, 2104 Harlem Ave. I curbed my squad, unit 345 for further observation. A F [REDACTED] now identified as [REDACTED] walked eastbound across Harlem Ave, and yelling, "Fuck you. I'm done." I then observed a verbal altercation begin between the remaining two subjects now identified as Sean P Costello, M [REDACTED] and [REDACTED] M [REDACTED]

Costello then swung and struck [REDACTED] in the left side of his face with a closed fist, dropping [REDACTED] to the ground. I activated my emergency lights, pulled in front of the bar and exited my squad. Costello immediately put his hands in the air. Costello was placed into handcuffs, double locked and checked for fit. Custodial search of his person turned up no weapons or contraband.

Commander Rieger, Officer Chaurize, Officer Pavone, and Officer Hock arrived on scene.

Costello was placed in the rear of my squad, unit 345, and secured in the vehicle. I spoke with [REDACTED] fiancé' of Costello, who stated she and Costello were having a verbal altercation. [REDACTED] acquaintance of [REDACTED] and Costello, attempted to split the two up so [REDACTED] could go home. [REDACTED] stated [REDACTED] pushed the two of them apart and she walked away to walk home. She then witnessed the argument between Costello and [REDACTED] then saw Costello punch [REDACTED] in the face, knocking him to the ground.

EPFD unit 944 arrived on scene to tend to [REDACTED] injuries. He was transported to Gottlieb Hospital for further treatment.

Costello was transported to the Public Safety Building where I read him Miranda from a preprinted form at 0158 hours. I asked him what happened and said, "Me and my friend had a scuffle. I knocked his ass out." An Apple iPhone 6 cell phone, with recovered from Costello's Person which he stated was not his. The cell phone was placed into BEAST for the proper owner to claim.

Costello was processed according to Elmwood Park procedures. He was release on bond #D1111184 at 0254 hours. He was given a copy of the complaint and released without incident.

There is nothing further to report at this time. I returned to active patrol.

# Incident Report Suspect List

Elmwood Park Police Department

OCA: 15-09811

<b>1</b>	Name (Last, First, Middle) <i>COSTELLO, SEAN P</i>					Also Known As					Home Address <i>4037 N MARMORA CHICAGO, IL 60634</i>				
	Business Address														
	DOB.	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
	28		M		602	180	BRO	BRO	LGT						
Scars, Marks, Tattoos, or other distinguishing features															
<hr/>															
<i>Reported Suspect Detail</i>		Suspect Age			Race	Sex	Eth	Height		Weight		SSN			
Weapon, Type	Feature	Make		Model			Color	Caliber	Dir of Travel		Mode of Travel				
VehYr/Make/Model		Drs	Style		Color		Lic/St		VIN						
Notes										Physical Char					