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October 7, 2015

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OF COUNSEL

IN REPLY REFER TO FILE NO.

Mr. Joseph Tucker
2933 N. 73rd Avenue
Elmwood Park, Illinois 60707
jrtuck84@gmail.com

EP-1

Re: Freedom of Information Act Request

Dear Mr. Tucker:

On October 1, 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:

"15-9010
Battery Charges against Nina Lopez and Wilfredo Lopez[.]"

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 driver's license numbers, 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, including a victim's name and identifying information, the names of suspects who were not arrested, the 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. Joseph Tucker
October 7, 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 2nd 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

OFFENSE REPORT

REPORT NUMBER	(1) OCCURRED ON OR BETWEEN Mo. 09 Date 10 Yr 15 Day WED Time 2120	(2) BEAT 0001	(3) REPORT NUMBER 15-9010																																		
	(4) REPORTED 09 10 15 WED 2125	SUB BEAT 3310	(6) INCIDENT CLASSIFICATION BATTERY																																		
	(6) LOCATION OF INCIDENT 2933 N 73RD AVENUE	(7) FIRM NAME IF BUSINESS	(8) RESIDENCE OR BUSINESS ADDRESS																																		
UCR 946	(10) RESIDENCE PHONE	(11) BUSINESS PHONE	(12) SEX M (13) RACE (14) AGE 31 (15) DOB Mo. Date Yr.																																		
	(16) RESIDENCE OR BUSINESS ADDRESS		(17) SOCIAL SECURITY OR PERSONAL IDENTIFICATION NUMBER																																		
	(15) REPORTED BY (last, first, middle) NO SEE	(16) RESIDENCE OR BUSINESS ADDRESS																																			
METHOD CODE	(17) RESIDENCE PHONE	(18) BUSINESS PHONE	(19) SEX (20) RACE (21) AGE (22) DOB Mo. Date Yr. (23) SOCIAL SECURITY OR PERSONAL IDENTIFICATION NUMBER																																		
	(24) NATURE AND EXTENT OF INJURY BURNING SWELLING LEFT EYE, LACERATION INSIDE LOWER LIP, SORE SHOULDER	(25) HOSPITALIZED / WHERE TREATED	(26) YES (27) NO																																		
	(24) ATTENDING/PRONOUNCING PHYSICIAN	(25) TRANSPORTED BY	(26) PRONOUNCED DOA Mo. Date Yr. Time (27) M.E. NAME (28) DATE & TIME NOTIFIED																																		
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	(31) WAS THERE A WITNESS TO THE OFFENSE? IF YES PLACE AN X IN BOX A																																				
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	(36) CAN SUSPECT BE LOCATED? IF YES PLACE AN X IN BOX D																																				
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CASE STATUS	(37) CAN SUSPECT BE IDENTIFIED? IF YES PLACE AN X IN BOX E																																				
	NAME WITNESS/VICTIM THAT CAN IDENTIFY SUSPECT (last, first, middle) (8)																																				
	(38) HAS SUSPECT BEEN PREVIOUSLY SEEN? IF YES PLACE AN X IN BOX F																																				
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(3) CAN SUSPECT VEHICLE BE IDENTIFIED? IF YES PLACE AN X IN BOX G G

(4) VEHICLE STATUS: SUSPECT STOLEN VICTIM VEHICLE

VEHICLE DESCRIPTION: DODGE MAKE: DODGE MODEL: DURANGO BODY: COLOR: GOLD

LICENSE NUMBER: STATE: EXPIRES: VIN: DESCRIBE DAMAGE TO VEHICLE:

LIEN HOLDER NAME AND ADDRESS:

IDENTIFYING FEATURES: KEYS IN IGNITION: YES NO TOWED: YES NO LEADS MESSAGE: Mo. Date Yr. INVENTORY #

(5) IS STOLEN PROPERTY TRACEABLE? IF YES PLACE AN X IN BOX H H

(49) NO.	ARTICLE	BRAND/MODEL	SERIAL NUMBER	LEADS NUMBER	DESCRIPTION	VALUE

(6) HAS EVIDENCE TECH. WORK BEEN REQUESTED? IF YES PLACE AN X IN BOX I I

(7) WILL VICTIM/COMPLAINANT PROSECUTE IF ARREST IS MADE? IF YES PLACE AN X IN BOX J J

(8) IS THERE SIGNIFICANT M.O. PRESENT? IF YES PLACE AN X IN BOX K K

(47) PLACE OF ATTACK: Structure Vehicle School Street Alley Park Yard Parking Lot Other Unknown

TYPE OF STRUCTURE: Apartment Apartment/Com. Area Office Business Garage House School Storage Locker Basement Other

POINT OF ENTRY: Front Door Rear Door Window Roof/Skylight Overhead Door Garage Side Door Wall Transom Unknown Other

METHOD AND SUSPECT ACTIONS: Jimmy Brute Force Smash/Grab Vice Grip Cut Lock Lock Pulled Key Slip Lock Broke/Damaged Glass Unlocked/Open Hid in Building Purse Snatch Chain Snatch Home Invasion Smash/Grab Auto Theft From Person Ransacked/Vandalized Other

Unknown Struck/Injured Victim Domestic Violence Sexual Battery Slim Jim Pried Column Ignition Pried Punched Trunk Asked Directions Offered USC/Gandy Approached From Rear Took into Concealment Made Threats Used Victim's Name Took Only Concealables Vehicle Needed

OCCUPANCY: Occupied Unoccupied Abandoned/Vacant

If residence, where were occupants? REAR PORCH/LIVING ROOM

ALARM SYSTEM: YES NO

ALARM CIRCUMVENTED: YES NO

(48) CASE SUMMARY: PROVIDE BRIEF SUMMARY OF THE EVENTS AS THEY OCCURRED

On 09-10-15 at 2125 hours Ofc Schak and I were dispatched to 2933 N 73rd Ave for a call of a Screaming Person, later reclassified as a Battery. Upon arrival we made contact with numerous subjects inside of the residence. They informed us the offenders had fled the scene in an older model gold Dodge Durango. Among the multiple subjects present I noticed a M [redacted], now known as [redacted], who appeared to have been involved in a physical fight. After speaking further with [redacted] we ascertained the following:

[redacted] had moved to Elmwood Park from Tennessee with his "baby momma" (F [redacted]) and their daughters: [redacted] (F [redacted]) and [redacted] (F [redacted]) approximately 3 months ago. The residence at [redacted] is owned by [redacted] grandmother and uncle. Shortly after arriving in the Chicago land area, [redacted] reunited with her father [redacted] (M [redacted]) and had begun working at his "illegal club" called the F-O-D. According to [redacted], the club (located at 3332 W Irving Park Rd) is open all night and operates without a license.

(9) CAN OFFENSE BE SOLVED WITH REASONABLE AMOUNT OF INVESTIGATIVE EFFORT? IF YES PLACE X IN BOX L L

(10) IS THERE A REASON TO BELIEVE THAT INVESTIGATION CANNOT BE COMPLETED AT THIS TIME? IF YES PLACE X IN BOX M M

BLOCK # (51) ENTER DETAILED INFORMATION RELATED TO THE BLOCK ABOVE WITH CORRESPONDING BLOCK NUMBER AT LEFT

[redacted] working at the F-O-D placed stress on their relationship. Approximately 2 weeks ago, [redacted] discovered [redacted] was cheating on him. After the discovery [redacted] and [redacted] split up. [redacted] moved with their daughters to [redacted] apartment above the bar [redacted]. [redacted] explained that in addition to the bar operating illegally and selling alcohol illegally, patrons regularly smoke marijuana and use cocaine inside. [redacted] also suspected cocaine is being sold out of the bar.

-See Continuation-



Continuation



ELMWOOD PARK POLICE DEPARTMENT

Case Report: 15-9010
Title: BATTERY
Officer: Logisz #6631
Date: 09-10-15

██████ did not feel comfortable with his daughters residing in the building with the bar. He contacted DCFS on 09-08-15.

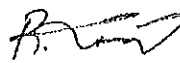
DCFS contacted ██████ and informed her they would be coming out to check on the living situation of the girls. After being contacted by DCFS ██████, and ██████ wife ██████ became very upset. ██████ sent ██████ a text message stating, "You went to far now u are going to b sorry coward" She also left him a threatening voice message.

On 09-10-15 at approximately 2120 hours ██████, who was still living at ██████ with ██████ Grandmother and uncle, was watching TV on the rear porch of the house. ██████ and ██████, who have their own keys, arrived at the house. ██████ entered the home through the rear door and walked up to ██████. She shouted, "get outside, he's waiting for you!" ██████ ignored ██████ then walked back down the stairs and shouted out to ██████ "come inside he's here on the couch!"

██████ entered the home and walked up to ██████. He told ██████ to "get up and get outside!" ██████ took out his phone and began to dial 911. ██████ punched him in the face. As ██████ raised his hands to defend himself he was struck numerous times by ██████ then interlocked with ██████ and then two fell onto the floor. While the struggle continued on the floor, ██████ jumped on top of both of them and struck ██████ in the face and multiple times.

██████ was able to partially subdue ██████, stopping the struggle. ██████ and ██████ got up, exited the house, and drove away. I observed redness, swelling, and bruising around ██████ left eye. He pulled down his lower lip revealing a laceration caused by being punched in the mouth. ██████ stated he had pain in his right shoulder.

██████ and ██████, who also reside at ██████, gave statements that corroborated ██████ story.


Ofc. Logisz #6631



Continuation



ELMWOOD PARK POLICE DEPARTMENT

████████ stated he wished to sign complaints against ██████████ and ██████████. He arrived at the EPPD. I photographed his injuries (see attached). ██████████ signed Battery complaints against ██████████ and ██████████.

I contacted DCFS and spoke with Child Welfare Specialist Charlotte Gallagher. I advised her of what had transpired between ██████████, and ██████████. The information was added the SCR that ██████████ had opened on 09-08-15; 2200216A.

Nothing further at this time.

R. [Signature] 6631
Ofc. Logisz #6631

Supervisor