

LAW OFFICES

STORINO, RAMELLO & DURKIN

9501 WEST DEVON AVENUE
ROSEMONT, ILLINOIS 60018

(847) 318-9500

FACSIMILE (847) 318-9509

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

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.

October 7, 2015

Ms. Lilian V. Muñoz
7873 W. Oakleaf Avenue
Elmwood Park, Illinois 60707

EP-1

Re: Freedom of Information Act Request

Dear Ms. Muñoz:

On October 2, 2015, the Village of Elmwood Park received your Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for "15-8064[.]"

Enclosed please find the record responsive to your FOIA request. However, please be advised that certain information in the record responsive to your FOIA request has been determined to be exempt from disclosure under FOIA. Accordingly, such information has been redacted from the record 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 a home address, have been redacted from the record 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 the name of a third-party who incidentally appears in a police report, and the race of individuals, have been redacted from the record being provided.

STORINO, RAMELLO & DURKIN

Ms. Lilian V. Muñoz
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 record 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

Enclosure

ELMWOOD PARK POLICE DEPARTMENT

INCIDENT REPORT

(1) OCCURRED ON OR BETWEEN		MO. 08	DATE 14	YR. 15	DAY Fri	TIME 2330	(2) BEAT Stn Rpt	(3) REPORT NUMBER	
		08	14	15	Fri	2355	SUB-BEAT	15-8064	
(4) REPORTED		08	15	15	Sat	0020	(5) INCIDENT CLASSIFICATION Domestic Trouble		
(6) LOCATION OF INCIDENT 7873 W. Oakleaf Ave							(7) FIRM NAME IF BUSINESS		
(8) VICTIM'S NAME (last, first, m) NA					<input type="checkbox"/> JUV.		(9) RESIDENCE OR BUSINESS ADDRESS		
(10) RESIDENCE PHONE NA		(11) BUSINESS PHONE		(12) SEX	RACE	AGE	(13) DOB Mo. Date Yr.	(14) SOCIAL SECURITY OR PERSONAL IDENTIFICATION NUMBER	
(16) REPORTED BY (last, first, m)		WITNESS		YES <input type="checkbox"/>	NO <input type="checkbox"/>	(16) RESIDENCE OR BUSINESS ADDRESS			
(17) RESIDENCE PHONE		(18) BUSINESS PHONE		(19) SEX F	RACE	AGE 45	(20) DOB Mo. Date Yr.	(21) SOCIAL SECURITY OR PERSONAL IDENTIFICATION NUMBER	
INJURY		(22) NATURE AND EXTENT OF INJURY NA				(23) HOSPITALIZED/WHERE TREATED			
(24) ATTENDING/PRONOUNCING PHYSICIAN NA		(25) TRANSPORTED BY		(26) PRONOUNCED Mo. Date Yr. Time		(27) M.E. NAME		(28) DATE & TIME NOTIFIED	
BLOCK NO.	(29) NARRATIVE: Describe persons, property, and details of incident. If additional information pertains to one of the blocks above, enter corresponding block number at left.								
<p>On 08/15/15, at approximately 0020 hours, I was assigned a Station Report in reference to Domestic Trouble.</p> <p>I spoke to [REDACTED] (f [REDACTED]) who stated she wanted a report for an incident that occurred between her and her husband, [REDACTED] (m [REDACTED]) (Cell TX [REDACTED]). [REDACTED] stated she and [REDACTED] were speaking to her mother on her cell phone via speaker. [REDACTED] stated [REDACTED] was holding the her cell phone, got upset at something [REDACTED] mother said and threw her cell phone against the wall. [REDACTED] stated she picked up her cell phone, exited their residence, entered her vehicle and drove to the Elmwood Park Police Station (hereinafter "Station"). [REDACTED] stated [REDACTED] then entered his vehicle and followed her to the Station. [REDACTED] stated [REDACTED] approached her prior to entering the Station and told her that her mother wanted to speak to her. [REDACTED] told [REDACTED] that she did not want to speak to her mother and walked into the Station to file a report.</p> <p>[REDACTED] stated she wanted to file a report because there was history of Domestic Violence between her and [REDACTED] stated the last documented incident occurred approximately 5 years ago (2010). In addition, [REDACTED] stated her and [REDACTED] were currently going through the process of divorce.</p> <p>Commander Rieger, whom was on-scene at the Station, searched the immediate area for [REDACTED] but his search was met with negative results.</p> <p>I advised [REDACTED] to spend the night with a friend or relative to avoid any issues.</p> <p>I completed all paperwork and returned to duty.</p>									
(30) REPORTING OFFICER PAVONE #500		STAR		(31) SUPERVISOR RIEGER [Signature]		STAR		(32) REPORT REVIEW	(33) C.A. REVIEW

REPORT NUMBER

15-8064

OFFENSE CODE

METHOD CODE

PLACE CODE

CASE STATUS

UCK

L.E.