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October 19, 2015

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IN REPLY REFER TO FILE NO.

Mr. Lou Napolitano
Cerniglia Co.
3421 W. Lake Street
Melrose Park, Illinois 60160

EP-1

Re: Freedom of Information Act Request

Dear Mr. Napolitano:

On October 12, 2015, the Village of Elmwood Park received your Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for "Police Report 15-9595[.]"

Enclosed please find the records responsive to your FOIA request. However, please be advised that certain information in the records being provided 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 home or personal telephone number, a home address, and a personal license plate, 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, a birthdate, and the race of an individual, have been redacted from the records being provided.

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

STORINO, RAMELLO & DURKIN

Mr. Lou Napolitano
October 19, 2015
Page 2

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
Acting 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

INCIDENT/INVESTIGATION REPORT

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| Agency Name <i>Elmwood Park Police Department</i> |
| ORI <i>IL0163100</i> |

| |
|---|
| Case# <i>15-09595</i> |
| Date / Time Reported <i>10/02/2015 13:29 Fri</i> |
| Last Known Secure <i>10/01/2015 00:00 Thu</i> |
| At Found <i>10/02/2015 13:29 Fri</i> |

| | | | |
|---|--|-------------------------|---|
| Location of Incident <i>2899 78th Av/elmgrove Dr, Elmwood Park IL 60707-</i> | Premise Type <i>Construction Site</i> | Zone/Tract <i>E1</i> | At Found <i>10/02/2015 13:29 Fri</i> |
| #1 Crime Incident(s) (Com) <i>Damage To Property - Non Criminal 6622</i> | Weapon / Tools <i>NONE</i> | | Activity |
| #2 Crime Incident () | Weapon / Tools | | Activity |
| #3 Crime Incident () | Weapon / Tools | | Activity |

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|--------------------------|--|-------------------|------------|-------|----------------|--------------------------|-----------------|------------------------|
| # of Victims <i>0</i> | Type: | Injury: | | | | | | |
| V1 | Victim/Business Name (Last, First, Middle) | Victim of Crime # | DOB Age | Race | Sex | Relationship To Offender | Resident Status | Military Branch/Status |
| 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)

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|-------------------------|----------------------------|-------------------|----------------------|------|-----------------|--------------------------|------------------------------------|------------------------|--|
| Type: INDIVIDUAL | | | | | | | | | |
| Code <i>RP</i> | Name (Last, First, Middle) | Victim of Crime # | DOB Age <i>68</i> | Race | Sex <i>M</i> | Relationship To Offender | Resident Status <i>Resident</i> | Military Branch/Status | |
| Home Address | | | | | | | Home Phone | | |
| Employer Name/Address | | | | | Business Phone | | Mobile Phone | | |
| Type: | | | | | | | | | |
| Injury: | | | | | | | | | |
| Code | Name (Last, First, Middle) | Victim of Crime # | DOB Age | Race | Sex | Relationship To Offender | Resident Status | Military Branch/Status | |
| 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
("OP" = Recovered for Other Jurisdiction)

| VI # | Code | Status Pm/To | Value | OJ | QTY | Property Description | Make/Model | Serial Number |
|------|-----------|--------------|--------------|----|----------|--------------------------------|-------------|--------------------------|
| | <i>02</i> | <i>1</i> | <i>30.00</i> | | <i>1</i> | <i>2008 BLU/BLU X821401 IL</i> | <i>HYUN</i> | <i>5NPET46C08H328846</i> |
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| Officer/ID# <i>LAPENNA, D. (PATL, PAT) (EP6027)</i> | Supervisor <i>ROSA, E. (PATL, PAT) (EP4441)</i> |
| Invest ID# <i>(0)</i> | Case Disposition: <i>V</i> |
| Complainant Signature | Reviewed By Investigations <i>10/06/2015</i> |
| Case Status | Case Disposition: <i>V</i> |
| Case Status | Case Disposition: <i>V</i> |
| Case Status | Case Disposition: <i>V</i> |

Incident Report Related Vehicle List

Elmwood Park Police Department

OCA: 15-09595

| | | | | | | | | | | | | |
|----------|--|------------------|---------------------------|-----------------|--|-------------------|---|--|---------------------------------|--|-------|--|
| 1 | VehYr/Make/Model <i>2008 HYUN</i> | | Style <i>4D</i> | | Color <i>BLU/BLU</i> | | Lic/Lis [REDACTED] | | Vin <i>5NPET46C08H328846</i> | | | |
| | IBR Status <i>None</i> | | Date <i>10/01/2015</i> | | Location <i>2899 78TH AV/ELMGROVE DR, ELMWOOD PARK IL</i> | | | | | | | |
| | Condition | | Value <i>\$0.00</i> | | Offense Code <i>9938</i> | | Jurisdiction <i>Locally</i> | | State # | | NIC # | |
| | Name (Last, First, Middle) [REDACTED] | | | | Also Known As | | | | Home Address [REDACTED] | | | |
| | Business Address | | | | | | | | | | | |
| | DOB [REDACTED] | Age <i>68</i> | Race | Sex <i>M</i> | Hgt <i>600</i> | Wgt <i>225</i> | Scars, Marks, Tattoos, or other distinguishing features | | | | | |

Notes

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

| | | |
|--------|--|--|
| | | OCA 15-09595 |
| Victim | Offense DAMAGE TO PROPERTY - NON CRIMINAL | Date / Time Reported Fri 10/02/2015 13:29 |

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

ON 10/02/15, AT 1347 HOURS I SPOKE TO [REDACTED] (M. [REDACTED]) AT THE ELMWOOD PARK POLICE STATION. [REDACTED] STATED ON THE EVENING OF 10/01/15, HE WAS DRIVING IL REG [REDACTED] THROUGH THE INTERSECTION OF ELMGROVE AND 78TH AV. [REDACTED] STATED THE PAVEMENT WAS UNEVEN DUE TO THE ONGOING CONSTRUCTION. [REDACTED] STATED AS HE ENTERED THE INTERSECTION, HIS VEHICLE BOTTOMED OUT CAUSING DAMAGE TO THE UNDERCARRIAGE AND SUSPENSION OF THE VEHICLE. [REDACTED] SHOWED ME A REPAIR ESTIMATE. I OBSERVED VISIBLE DAMAGE TO THE BUMPER AND UNDERCARRIAGE OF THE VEHICLE. I PROVIDED [REDACTED] WITH A REPORT NUMBER AND ADVISED HIM TO FOLLOW UP WITH THE VILLAGE.

-END-

Incident Report Related Vehicle List

Elmwood Park Police Department

OCA: 15-09595

| | | | | | |
|----------|--|---------------------------|--|--------------------------------|---|
| 1 | VehYr/Make/Model <i>2008 HYUN</i> | Style <i>4D</i> | Color <i>BLU/BLU</i> | Lic/Lis [REDACTED] | Vin <i>5NPET46C08H328846</i> |
| | IBR Status <i>None</i> | Date <i>10/01/2015</i> | Location <i>2899 78TH AV/ELMGROVE DR, ELMWOOD PARK IL</i> | | |
| | Condition | Value <i>\$0.00</i> | Offense Code <i>9938</i> | Jurisdiction <i>Locally</i> | State # NIC # |
| | Name (Last, First, Middle) [REDACTED] | | Also Known As | | Home Address [REDACTED] |
| | Business Address | | | | |
| | DOB [REDACTED] | Age <i>68</i> | Race | Sex <i>M</i> | Hgt <i>600</i> |
| | | | | Wgt <i>225</i> | Scars, Marks, Tattoos, or other distinguishing features |

Notes