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October 19, 2015

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IN REPLY REFER TO FILE NO.

Mr. Pete Herberg  
2036 N. Harlem Avenue, Apt. 2  
Elmwood Park, Illinois 60707

EP-1

**Re: Freedom of Information Act Request**

Dear Mr. Herberg:

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 the following records:

"3 Police Reports      11-2866  
                                 11-11406  
                                 15-2648[.]"

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 home or personal telephone numbers and a home address, 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, the name of a third-party who incidentally appears in police reports has been redacted from the records being provided.

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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  
Acting 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](mailto: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



\$ 10/12/15 10:36:46 From ODIN To E065

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Police RD.: EP:11-11406 Date: 11/20/11 Time: 16:57:47  
Status.....: Dispositioned  
Location...: 2036 HARLEM AV, MAIN ADDRESS  
Comp. Name.: pate herberg  
Comp. Addr.: [REDACTED]  
Comp. Phone: [REDACTED]  
Nature Code: 9112 - Landlord/Tenant Dispute  
Nature Desc: Landlord/Tenant Dispute rpt caller says  
the landlord came to door saying there is  
an obnoxious smell coming from apt calle  
r says there is no smell

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Dispo. Nat.: 9112 - Landlord/Tenant Dispute  
Dispo. Star: 6017 - Brand,Thomas  
Service....: 09 - Administratively closed  
Remarks....: r/o walked through unit at caller's request  
to try to identify any offensive odors.  
r/o did not detect any odors which may be  
offensive. caller felt he was being unnecessarily  
bullied by landlord [REDACTED] [REDACTED].  
[REDACTED]. caller did not wish for r/o to  
contact landlord over matter at this time.  
e. no report.

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Unit Dispatch EnRoute On Scene To Dest At Dest Available  
3320 16:58:00 16:58:18 17:02:15 17:15:07  
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\$ 10/12/15 10:37:04 From ODIN To E065

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Police RD.: EP:15-2648 Date: 03/16/15 Time: 16:14:41  
Status.....: Dispositioned  
Location...: 2036 HARLEM AV , MAIN ADDRESS  
Comp. Name.: ██████████  
Comp. Addr.: ██████████  
Comp. Phone: ██████████  
Nature Code: 9112 - Landlord/Tenant Dispute  
Nature Desc: Landlord/Tenant Dispute caller wants to  
make complaint about his landlord

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Dispo. Nat.: 9112 - Landlord/Tenant Dispute  
Dispo. Star: 2963 - Schak, Kenneth  
Service....: 09 - Administratively closed  
Remarks....: ██████████ UPSET BC HIS LANDLORD, ██████████  
██████████ KEEPS COMPLAINING TO ██████████ ABOUT A  
SMELL IN HIS UNIT. R/O DID NOT SMELL ANYTH  
ING UNUSUAL. ██████████ WANTED R/O TO TELL ██████████  
TO STOP. SPOKE WITH ██████████ VIA TELEPHONE WHO  
SAID HE WOULD STOP CONTACTING ██████████ DIRECT  
LY. NO REPORT.

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Unit Dispatch EnRoute On Scene To Dest At Dest Available  
3340 16:16:08 16:17:33 16:19:45 16:50:50

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Additional Comments for RD # 15-2648

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06/13/15 19:24:16 8065-Robinson, John  
2600 BLK 74TH CT ALL CLEAR. JR8065

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06/13/15 19:25:56 8065-Robinson, John  
2800 BLK 74TH CT ALL CLEAR. JR8065  
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