

LAW OFFICES

**STORINO, RAMELLO & DURKIN**

9501 WEST DEVON AVENUE  
ROSEMONT, ILLINOIS 60018

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

(847) 318-9500

FACSIMILE (847) 318-9509

September 16, 2015

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.

Mr. Joseph Fleming  
310 ½ N. Menard Avenue, Apt. 2E  
Chicago, Illinois 60644

EP-1

**Re: Freedom of Information Act Request**

Dear Mr. Fleming:

On September 10, 2015, the Village of Elmwood Park received your Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for "15-8835."

Certified copies of the records responsive to your FOIA request are available for pickup at the Village of Elmwood Park Village Hall, 11 Conti Parkway, Elmwood Park, Illinois 60707. Pursuant to Section 6(b) of FOIA, the Village of Elmwood Park charges One (\$1.00) Dollar for certifying documents. Therefore, when you pick up the records responsive to your FOIA request, please remit payment to the Village of Elmwood Park in the amount of One (\$1.00) Dollar. 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 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, 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 name of a suspect who was not arrested, and the race of individuals, have been redacted from the records being provided.

**STORINO, RAMELLO & DURKIN**

Mr. Joseph Fleming  
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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  
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

ELMWOOD PARK POLICE DEPARTMENT

OFFENSE REPORT

(1) OCCURRED ON OR BETWEEN		Mo. 09	Date 03	Yr 15	Day THU	Time 2300	(2) BEAT ZONE 4	(3) REPORT NUMBER		
		09	04	15	FRI	0200	SUB BEAT -	15 - 8835		
(4) REPORTED		09	05	15	SAT	1129	(5) INCIDENT CLASSIFICATION DISORDERLY CONDUCT			
(6) LOCATION OF INCIDENT 1736 N HARLEM AVE., ELMWOOD PARK, IL 60707						(7) FIRM NAME IF BUSINESS BETTY'S				
(8) VICTIM'S NAME (last, first, middle)						(9) RESIDENCE OR BUSINESS ADDRESS				
(10) RESIDENCE PHONE		(11) BUSINESS PHONE		(12) SEX M	RACE	AGE 31	(13) DOB Mo. Date Yr.	(14) SOCIAL SECURITY OR PERSONAL IDENTIFICATION NUMBER		
(15) REPORTED BY (last, first, middle) VICTIM						(16) RESIDENCE OR BUSINESS ADDRESS VICTIM				
(17) RESIDENCE PHONE		(18) BUSINESS PHONE		(19) SEX	RACE	AGE	(20) DOB Mo. Date Yr.	(21) SOCIAL SECURITY OR PERSONAL IDENTIFICATION NUMBER		
INJURY		(22) NATURE AND EXTENT OF INJURY N/A				(23) HOSPITALIZED / WHERE TREATED N/A				
(24) ATTENDING/PRONOUNCING PHYSICIAN		(25) TRANSPORTED BY		(26) PRONOUNCED DOA		(27) M.E. NAME		(28) DATE & TIME NOTIFIED		
N/A		N/A		Mo. Date Yr. Time		N/A		N/A		
WEAPON		(29) <input type="checkbox"/> USED <input type="checkbox"/> HANDGUN <input type="checkbox"/> KNIFE OR CUTTING INSTRU. <input type="checkbox"/> DISPLAYED <input type="checkbox"/> SHOTGUN <input type="checkbox"/> RIFLE <input type="checkbox"/> IMPLIED				(30) DESCRIBE WEAPON N/A		<input type="checkbox"/> BLUE STEEL <input type="checkbox"/> CHROME PLATED <input type="checkbox"/> NICKEL PLATED <input type="checkbox"/> OTHER		
(31) WAS THERE A WITNESS TO THE OFFENSE? IF YES PLACE AN X IN BOX A <input checked="" type="checkbox"/> A										
<input checked="" type="checkbox"/> X		(32) ADDRESS CHECKED				PERSON INTERVIEWED (last, first, middle) MS. SYLVIA		DOB Mo. Date Yr.		TELEPHONE NO. RES.
NC		-						-		BUS.
W										TELEPHONE NO. RES.
NC										BUS.
W										TELEPHONE NO. RES.
NC										BUS.
W										TELEPHONE NO. RES.
NC										BUS.
(34) CAN THE SUSPECT BE DESCRIBED? IF YES PLACE AN X IN BOX B <input checked="" type="checkbox"/> B										
SUSPECT NAME (ARRESTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		RACE	SEX F	AGE 30s	HEIGHT	WEIGHT	HAIR	SCARS/MARKS		
CLOTHING WORN BY SUSPECT		OTHER DISTINGUISHING FEATURES								
SUSPECT NAME (ARRESTED YES <input type="checkbox"/> NO <input type="checkbox"/>		RACE	SEX	AGE	HEIGHT	WEIGHT	HAIR	SCARS/MARKS		
CLOTHING WORN BY SUSPECT		OTHER DISTINGUISHING FEATURES								
(35) CAN SUSPECT BE NAMED? IF YES PLACE AN X IN BOX C <input checked="" type="checkbox"/> C										
(36) CAN SUSPECT BE LOCATED? IF YES PLACE AN X IN BOX D <input checked="" type="checkbox"/> D										
SUSPECT		NAME/NICKNAME/AKA				ADDRESS/FREQUENTS				
(37) CAN SUSPECT BE IDENTIFIED? IF YES PLACE AN X IN BOX E <input checked="" type="checkbox"/> E										
NAME WITNESS/VICTIM THAT CAN IDENTIFY SUSPECT (last, first, middle) WITNESS/VICTIM										
(38) HAS SUSPECT BEEN PREVIOUSLY SEEN? IF YES PLACE AN X IN BOX F <input type="checkbox"/> F										
(39) REPORTING OFFICER		STAR	SUPERVISOR APPROVING		STAR	REPORT REVIEW		G.A.		

REPORT NUMBER

UCR

METHOD CODE

PLACE CODE

CASE STATUS

<b>(40) CAN SUSPECT VEHICLE BE IDENTIFIED?</b>							IF YES PLACE AN X IN BOX G		G	
(41) VEHICLE STATUS <input type="checkbox"/> SUSPECT <input type="checkbox"/> STOLEN <input type="checkbox"/> VICTIM VEHICLE			VEHICLE DESCRIPTION	YEAR	MAKE	MODEL	BODY	COLOR		
LICENSE NUMBER	STATE	EXPIRES	VIN	DESCRIBE DAMAGE TO VEHICLE						
LIEN HOLDER NAME AND ADDRESS										
IDENTIFYING FEATURES			KEYS IN IGNITION <input type="checkbox"/> YES <input type="checkbox"/> NO	TOWED <input type="checkbox"/> YES <input type="checkbox"/> NO	LEADS MESSAGE			INVENTORY Mo. Date Yr. #		

<b>(42) IS STOLEN PROPERTY TRACEABLE?</b>							IF YES PLACE AN X IN BOX H		H
(43) NO.	ARTICLE	BRAND/MODEL	SERIAL NUMBER	LEADS NUMBER	DESCRIPTION	VALUE			
-	N/A	-	-	-	-	-			

<b>(46) HAS EVIDENCE TECH. W/DRIC BEEN REQUESTED?</b>	IF YES PLACE AN X IN BOX I	I
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<b>(46) WILL VICTIM/COMPLAINANT PROSECUTE IF ARREST IS MADE?</b>	IF YES PLACE AN X IN BOX J	J
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<b>(46) IS THERE SIGNIFICANT M.O. PRESENT?</b>	IF YES PLACE AN X IN BOX K	K
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<b>(47) PLACE OF ATTACK</b> <input checked="" type="checkbox"/> Structure <input type="checkbox"/> Vehicle <input type="checkbox"/> School <input type="checkbox"/> Street <input type="checkbox"/> Alley <input type="checkbox"/> Park <input type="checkbox"/> Yard <input type="checkbox"/> Parking Lot <input type="checkbox"/> Other <input type="checkbox"/> Unknown	<b>TYPE OF STRUCTURE</b> <input type="checkbox"/> Apartment <input type="checkbox"/> Apartment/Com. Area <input type="checkbox"/> Office <input checked="" type="checkbox"/> Business <input type="checkbox"/> Garage <input type="checkbox"/> House <input type="checkbox"/> School <input type="checkbox"/> Storage Locker <input type="checkbox"/> Basement <input type="checkbox"/> Other	<b>POINT OF ENTRY</b> <input checked="" type="checkbox"/> Front Door <input type="checkbox"/> Rear Door <input type="checkbox"/> Window <input type="checkbox"/> Roof/Skylight <input type="checkbox"/> Overhead Door <input type="checkbox"/> Garage Side Door <input type="checkbox"/> Wall <input type="checkbox"/> Transom <input type="checkbox"/> Unknown <input type="checkbox"/> Other	<b>METHOD AND SUSPECT ACTIONS</b> <input type="checkbox"/> Jimmy <input type="checkbox"/> Brute Force <input type="checkbox"/> Smash/Grab <input type="checkbox"/> Vice Grip <input type="checkbox"/> Cut Lock <input type="checkbox"/> Lock Pulled <input type="checkbox"/> Key <input type="checkbox"/> Slip Lock <input type="checkbox"/> Broke/Damaged Glass <input type="checkbox"/> Unlocked/Open <input type="checkbox"/> Hid In Building <input type="checkbox"/> Purse Snatch <input type="checkbox"/> Chain Snatch <input type="checkbox"/> Home Invasion <input type="checkbox"/> Smash/Grab Auto <input type="checkbox"/> Theft From Person <input type="checkbox"/> Ransacked/Vandalized <input checked="" type="checkbox"/> Other	<input type="checkbox"/> Unknown <input type="checkbox"/> Struck/Injured Victim <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Sexual Battery <input type="checkbox"/> Slim Jim <input type="checkbox"/> Peeled Column <input type="checkbox"/> Ignition Pulled <input type="checkbox"/> Punched Trunk <input type="checkbox"/> Asked Directions <input type="checkbox"/> Offered USC/Candy <input type="checkbox"/> Approached From Rear <input type="checkbox"/> Took Into Concealment <input checked="" type="checkbox"/> Made Threats <input type="checkbox"/> Used Victim's Name <input type="checkbox"/> Took Only <input type="checkbox"/> Concealables <input type="checkbox"/> Vehicle Needed
<b>OCCUPANCY</b> <input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied <input type="checkbox"/> Abandoned/Vacant	If residence, where were occupants?	<b>ALARM SYSTEM</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>ALARM CIRCUMVENTED</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

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

SEE CONTINUATION REPORT.

<b>(49) CAN OFFENSE BE SOLVED WITH REASONABLE AMOUNT OF INVESTIGATIVE EFFORT?</b>	IF YES PLACE X IN BOX L	L
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<b>(50) IS THERE A REASON TO BELIEVE THAT INVESTIGATION CANNOT BE COMPLETED AT THIS TIME?</b>	IF YES PLACE X IN BOX M	M
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<b>BLOCK #</b>	<b>(51) ENTER DETAILED INFORMATION RELATED TO THE BLOCK ABOVE WITH CORRESPONDING BLOCK NUMBER AT LEFT</b>



# ELMWOOD PARK POLICE DEPARTMENT

## CONTINUATION REPORT

15-8835



**Title: DISORDERLY CONDUCT**  
**Officer: Alequin #9921**  
**Date: 05 September 2015**

On 09/05/15, at approximately 1129 hrs, I spoke with [REDACTED] (M [REDACTED]) at the police department. The following is a summary of events related to me, and not verbatim unless otherwise indicated:

[REDACTED] said he was at Betty's on Thursday, September 3rd, 2015, at 2300 hrs. He entered the business to gamble. An employee, a white female named [REDACTED] was verbally aggressive toward him. He said she aggressively asked him if he was "gay" before calling him a "faggot" multiple times. She said it was alright because the country accepted "you motherfuckers." [REDACTED] asked her to stay away from him and she continued to be verbally aggressive, loudly swearing and accusing him of being homosexual. He said other patrons became uncomfortable and began to tell her to calm down.

She came within a close distance to [REDACTED] and told him "you don't want none of this," gesturing in an aggressive manner with her arms. She said she did not care about her job. [REDACTED] was fearful for his safety at that time.

[REDACTED] left the business and called the District Manager, [REDACTED] (tx [REDACTED]) (cell [REDACTED]). [REDACTED] arrived on scene, said he would review security footage of that time, apologized, and sent [REDACTED] home.

[REDACTED] said he is also fearful because the business has all of his personal information, and he is worried about retaliation for compromising [REDACTED] employment.

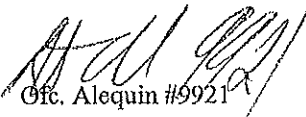
I advised him he could also file complaints with the appropriate agencies, and with the business' corporate offices, if he wished to do so.

[REDACTED] called another customer, [REDACTED] who he said was in the business during the incident and witnessed it occur. [REDACTED] refused to talk with me about the incident, saying she did not trust the police and did not want to be involved with us.

[REDACTED] said an employee in neighboring WingStop witnessed the incident but he did not have the employee's contact information at this time.

[REDACTED] said he would like to sign complaints against [REDACTED]

I gave [REDACTED] this report number and advised him how to obtain a copy for his records.

  
Ofc. Alequin #9921

# ELMWOOD PARK POLICE DEPARTMENT

## CONTINUATION REPORT

15-8835

I spoke with [REDACTED] via telephone at 1257 hrs. [REDACTED] said he was called by employee [REDACTED] on the night of the incident. He said she was in tears and said two customers had "ganged up" on her and were verbally aggressive toward her. She said one of the customers appeared flamboyant and she inquired if he was homosexual. After he said no and that he had children, she said he and another customer became verbally aggressive toward her and refused to accept her apologies. [REDACTED] arrived on scene and spoke with the customers and sent [REDACTED] home because she was upset. He said he reviewed the surveillance videos and could not see any signs of aggressive behavior by [REDACTED] toward the employees. He said all parties were apologetic after speaking with one another. He is willing to continue cooperating with the police if needed.

Ofc. Swoboda went to Betty's and attempted to obtain the video footage from the business. He spoke with an employee named [REDACTED] who advised he did not have access to the footage and would pass the request along to his supervisor.

I spoke with [REDACTED] via telephone (tx: [REDACTED]) at 1323 hrs. [REDACTED] said she was working that night when [REDACTED] came into the business. She said he is a regular who she's seen before. He asked her for the telephone number of another male who [REDACTED] thought was an employee. She told him she was unable to give out personal information. She said he appeared flamboyant and after he asked for another male's telephone number, she asked him if he was gay. She said he became irate and began yelling at her, asking how she could ask him if he was gay because he had multiple children. [REDACTED] said she attempted to apologize to him and did not mean to offend him. She said he continued to yell and she became upset and began shaking. Customers began leaving the business and [REDACTED] went outside. She called her manager, [REDACTED] to inform him of the situation. [REDACTED] arrived on scene and [REDACTED] went home because she was upset. She said no other customers were involved in the argument. She is willing to continue cooperating with the police if needed.

NOTHING FURTHER.