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OF COUNSEL

IN REPLY REFER TO FILE NO.

July 5, 2017

Mr. Ramon Orlando Encarnacion
3811 W. Wabansia Avenue
Chicago, Illinois 60647
Orlando.encarnacion@yahoo.com

EP-1

Re: Freedom of Information Act Request

Dear Mr. Encarnacion:

On June 27, 2017, the Village of Elmwood Park received your Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for "16-00636[.]"

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)(a) of the FOIA provides that, "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law" is exempt from disclosure. Section 1240.80(d) of Title 20, entitled "Corrections, Criminal Justice, and Law Enforcement," of the Illinois Administrative Code provides that, "LEADS data shall not be disseminated to any individual or organization that is not legally authorized to have access to the information." Consequently, information obtained through the Law Enforcement Agencies Data System ("LEADS") 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

STORINO, RAMELLO & DURKIN

Mr. Ramon Orlando Encarnacion

July 5, 2017

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without possibility of attribution to any person.” 5 ILCS 140/2(c-5). Consequently, certain unique identifiers, including home or personal telephone numbers, home addresses, 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, 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 third parties who incidentally appear in police reports, and the races of individuals, 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 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 filed complaints with or 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.

STORINO, RAMELLO & DURKIN

Mr. Ramon Orlando Encarnacion

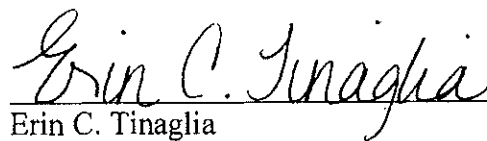
July 5, 2017

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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 Report Additional Name List

Elmwood Park Police Department

OCA: 16-00636

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	[REDACTED]		[REDACTED]	38	[REDACTED]	F
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr [REDACTED]		B: - -			
			Mobile #: - -			
2) WI 2	[REDACTED]		[REDACTED]	33	[REDACTED]	M
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr [REDACTED]		B: - -			
			Mobile #: - -			
3) WI 3	[REDACTED]		[REDACTED]	64	[REDACTED]	F
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr [REDACTED]		B: - -			
			Mobile #: - -			
4) WI 4	[REDACTED]		[REDACTED]	37	[REDACTED]	F
	Address [REDACTED]		H: 012-221-9360			
	Empl/Addr [REDACTED]		B: - -			
			Mobile #: - -			
5) IO 3	[REDACTED]		[REDACTED]	38	[REDACTED]	F
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr [REDACTED]		B: - -			
			Mobile #: - -			
6) IO 4	[REDACTED]		[REDACTED]	33	[REDACTED]	M
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr [REDACTED]		B: - -			
			Mobile #: - -			

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA 16-00636
Date / Time Reported Sat 03/19/2016 02:17

Victim	Offense DOMESTIC DISPUTE
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THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On 03/19/16, at approximately 0217 hours, Officers Chaurize, Pavone, Marchi and I were dispatched to a Domestic Disturbance call, reclassified as a Stabbing call, at 2236 N. 74th Avenue.

Upon arrival, we observed a male subject, now known as [REDACTED] (M/[REDACTED], DOB [REDACTED]) standing in the middle of the street with an apparent stab wound to his right thigh. We were unable to speak to [REDACTED] due to a language barrier but he continuously made stabbing gestures to his leg.

EPFD arrived on scene to treat [REDACTED]

I spoke with [REDACTED] brother-in-law, [REDACTED] (M/[REDACTED], DOB [REDACTED]) who stated he heard his sister, [REDACTED] (F/[REDACTED], DOB [REDACTED]) and [REDACTED] having an argument in the living room when he decided to check on them. [REDACTED] said he was joined by his mother, [REDACTED] (F/[REDACTED], DOB [REDACTED]) and [REDACTED] (F/[REDACTED], DOB [REDACTED]) in the kitchen, where the argument had moved. [REDACTED] said [REDACTED] grabbed a knife off the counter and began stabbing himself in the right leg. After approximately four stabs, [REDACTED] said [REDACTED] threw the knife down and ran out of the residence. [REDACTED] said he called 911 immediately to have [REDACTED] evaluated.

I spoke with [REDACTED] who said they were arguing due to her wanting a divorce. She said she never felt like [REDACTED] was going to harm her but he was very angry. She believed [REDACTED] stabbed himself "to get a VISA." She believed [REDACTED] was told by an unknown person if he harmed himself he would be allowed to reside in the United States after the divorce.

[REDACTED] and [REDACTED] relayed the same version of the incident as [REDACTED] had stated.

Officer Marchi collected the knife and photographed the scene. (See Marchi's ET report)

EPFD #944 transported [REDACTED] to Loyola Hospital to treat his wounds and to be further evaluated.

Officer Pavone interviewed [REDACTED] at Loyola regarding the nature of his injury. (See Pavone's Investigative Action)

-Nothing Further-

CASE SUPPLEMENTAL REPORT

Printed: 06/27/2017 16:11

Elmwood Park Police Department

OCA: 1600636

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

Case Status: EXCEPTIONALLY CLEARED Case Mng Status: CLEARED EXCEPTIONALLY Occurred: 03/19/2016

Offense: DOMESTIC DISPUTE

Investigator: MARCHI, J. (EP7483)

Date / Time: 03/19/2016 03:05:35, Saturday

Supervisor: CHAURIZE, M. (EP1573)

Supervisor Review Date / Time: 03/19/2016 04:38:37, Saturday

Contact:

Reference: Evidence Report

On 03/19/2016 at 0220 I arrived at 2236 74th Av for a call of a domestic disturbance with a stabbing. I was requested to retrieve the knife from the residence to show paramedics to assist with medical treatment. I spoke with [REDACTED] (f [REDACTED]) who told me the knife was on the living room coffee table. I located the knife and observed it was sprinkled with a clear liquid but I did not observe any blood on the blade. I asked [REDACTED] to confirm this was indeed the knife and explained there was no blood on it. [REDACTED] told me her mother, [REDACTED] got nervous after the incident and cleaned the knife. I took the knife out to the paramedics, showed them the blade, and then secured it on my person. I returned to the residence and took photos of the kitchen and blood trail through the dining room. The photos and knife were later placed in the BEAST evidence system. I completed my report and returned to duty.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/27/2017 16:11

Elmwood Park Police Department

OCA: 1600636

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

Case Status: EXCEPTIONALLY CLEARED

Case Mng Status: CLEARED EXCEPTIONALLY

Occurred: 03/19/2016

Offense: DOMESTIC DISPUTE

Investigator: PAVONE, M. (EP0358)

Date / Time: 03/19/2016 06:03:52, Saturday

Supervisor: PANKEY, C. (EP7091)

Supervisor Review Date / Time: 03/19/2016 23:26:25, Saturday

Contact: Encarnacion-feliz, Ramon O
2236 74th Av, Elmwood Park

Reference: Investigative Action Supplement

ON 03/19/16, AT APPROXIMATELY 0400 HOURS, I SPOKE TO VICTIM [REDACTED] [REDACTED] (M [REDACTED]) WHILE HE WAS BEING TREATED AT LOYOLA HOSPITAL FOR A STAB WOUND TO HIS RIGHT THIGH. DUE TO A STRONG LANGUAGE BARRIER, OAK PARK OFC JUAN PALADINES #301 WAS REQUESTED TO PROVIDE INTERPRETATION.

[REDACTED] STATED HE HAD ONLY BEEN IN THE UNITED STATES FOR THE PAST 3-4 WEEKS AND DID NOT SPEAK ANY ENGLISH. [REDACTED] STATED HE AND HIS WIFE, [REDACTED] (F [REDACTED]), HAD AN ARGUMENT OVER HER PAST BOYFRIEND. [REDACTED] STATED [REDACTED] GOT SO UPSET AT HIM THAT SHE KICKED HIM OUT OF THE HOUSE. [REDACTED] STATED HE RECORDED THE CONVERSATION OF HER KICKING HIM OUT OF THE HOUSE WITH HIS CELL PHONE. [REDACTED] STATED HE WENT UPSTAIRS WITH HIS CELL PHONE AND BEGAN TO PACK HIS SUITCASE TO LEAVE THE HOUSE. [REDACTED] STATED [REDACTED] REALIZED HE RECORDED THEIR CONVERSATION SO SHE WENT UPSTAIRS AND DEMANDED HE GIVE HER HIS CELL PHONE. [REDACTED] STATED [REDACTED] BEGAN TO PHYSICALLY ATTEMPT TO TAKE HIS CELL PHONE FROM HIM. [REDACTED] STATED [REDACTED] WAS FINALLY ABLE TO GRAB HIS CELL PHONE FROM HIM AND RAN BACK DOWNSTAIRS WITH IT. [REDACTED] STATED HE CHASED AFTER HER DOWN THE STAIRS AND INTO THE KITCHEN. [REDACTED] STATED [REDACTED] BROTHER, [REDACTED] (M [REDACTED]) HAD OVERHEARD THEIR ARGUMENT OVER THE CELL PHONE AND CONFRONTED [REDACTED] WHEN [REDACTED] RAN INTO THE KITCHEN. [REDACTED] STATED [REDACTED] GRABBED A BROOMSTICK AND BEGAN TO HIT HIM IN THE HEAD. [REDACTED] STATED AS [REDACTED] WAS STRIKING HIM IN THE HEAD WITH THE BROOMSTICK, [REDACTED] JOINED IN AND BEGAN TO PUNCH HIM. [REDACTED] STATED AS HE WAS TRYING TO AVOID BEING STRUCK BY THEM, HE WAS ABLE TO MAKE HIS WAY TO THE HALLWAY, LOCATED BETWEEN THE KITCHEN AND THE DINING ROOM. [REDACTED] STATED, AS HE MADE IT TO THE HALLWAY WHILE COVERING UP TO PROTECT HIMSELF, BOTH [REDACTED] AND [REDACTED] CONTINUED TO STRIKE HIM. [REDACTED] STATED AFTER A FEW SECONDS OF BEING IN THE HALLWAY AND CONTINUING TO RECEIVE STRIKES FROM BOTH [REDACTED] AND [REDACTED] HE FELT A SHARP OBJECT POKE HIM IN THE RIGHT THIGH TWO (2) TIMES. [REDACTED] STATED HE LOOKED DOWN AT HIS LEG AND SAW BLOOD. [REDACTED] STATED HE IMMEDIATELY RAN OUT OF THE HOUSE AND DOWN THE BLOCK BUT WAS STOPPED BY OFFICERS WHEN HE ARRIVED AT THE END OF THE BLOCK.

[REDACTED] STATED HE HAD NO IDEA WHO STABBED HIM IN THE RIGHT THIGH NOR HAD ANY IDEA WHAT INSTRUMENT WAS USED TO STAB HIM. [REDACTED] STATED THE ONLY OTHER PEOPLE THAT WITNESSED THE INCIDENT WERE HIS MOTHER-IN-LAW, [REDACTED] (F [REDACTED]) AND [REDACTED] WIFE, [REDACTED] (F [REDACTED]) STATED HE DIDN'T

Investigator Signature

Supervisor Signature

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Elmwood Park Police Department

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Case Status: EXCEPTIONALLY CLEARED

Case Mng Status: CLEARED EXCEPTIONALLY

Occurred: 03/19/2016

Offense: DOMESTIC DISPUTE

Investigator: PAVONE, M. (EP0358)

Date / Time: 03/19/2016 06:03:52, Saturday

Supervisor: PANKEY, C. (EP7091)

Supervisor Review Date / Time: 03/19/2016 23:26:25, Saturday

Contact: Encarnacion-feliz, Ramon O
2236 74th Av, Elmwood Park

Reference: Investigative Action Supplement

THINK [REDACTED] OR [REDACTED] WERE INVOLVED IN STRIKING HIM BECAUSE HE REMEMBERED HEARING [REDACTED] TELLING [REDACTED] TO STOP AND [REDACTED] TELLING [REDACTED] TO STOP.

[REDACTED] STATED HE DID NOT USE DRUGS AND HE DID NOT HAVE ANY ALCOHOLIC BEVERAGES LAST NIGHT. [REDACTED] STATED HE DID NOT AND WOULD NOT EVER STAB HIMSELF.

[REDACTED] STATED HE DID NOT WANT ANYONE ARRESTED REGARDING THIS INCIDENT. [REDACTED] STATED HE JUST WANTED TO RETRIEVE ALL OF HIS BELONGINGS FROM THE HOUSE AND WANTED THEM TO LEAVE HIM ALONE.

NOTHING FURTHER AT THIS TIME.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/27/2017 16:11

Elmwood Park Police Department

OCA: 1600636

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Case Status: EXCEPTIONALLY CLEARED

Case Mng Status: CLEARED EXCEPTIONALLY

Occurred: 03/19/2016

Offense: DOMESTIC DISPUTE

Investigator: WINIARCZYK, M. (EP7383)

Date / Time: 03/19/2016 15:46:09, Saturday

Supervisor: KLISZ, R. (EP7134)

Supervisor Review Date / Time: 03/21/2016 10:07:33, Monday

Contact:

Reference: Investigative Action Supplement

03/19/16

I was advised by Loyola emergency room nurse that [REDACTED] was admitted as George Doe and was waiting to be further admitted for treatment.

Det. Cmdr. Klisz and I traveled to 2236 N. 74th Ave and spoke with [REDACTED] and [REDACTED] who invited us inside. Their statements were consistent and described an argument between [REDACTED] and [REDACTED]. [REDACTED] stated [REDACTED] was a jealous person. He stated he took [REDACTED] phone and ran out of the house with no shirt on. He stated [REDACTED] then returned to the house and continued arguing about some past boyfriend with [REDACTED]. He stated the argument moved to the kitchen area and [REDACTED] and [REDACTED] went to the kitchen. They both stated [REDACTED] grabbed a knife from the kitchen counter and stabbed his leg with the knife two or three times. They both stated he raised the knife up and they were afraid he was going to hurt them. They stated they backed away. They stated they were shocked and did not know why he would do this. They stated he put the knife back down and ran outside. They stated [REDACTED] said he would say they did this to him so he could get a visa.

[REDACTED] stated [REDACTED] has been in the US for approximately 2 months on a temporary visa in connection with marriage to [REDACTED].

[REDACTED] vehemently denied hitting [REDACTED] with a broomstick or anything for that matter. He appeared to be genuinely surprised at this assertion.

We spoke with [REDACTED] who stated she was married to [REDACTED] since July 2014 and they married in the Dominican Republic. They met through Facebook. She stated she believed [REDACTED] loved her. She stated he arrived here on a 6 month visa and she and his uncle in Florida were his sponsors. She had to be interviewed regarding their marriage. She stated [REDACTED] was a jealous person and he began arguing with her when she was talking on the phone with someone. She stated he ran outside with her phone and then came back and the argument continued. She stated he stated he was leaving and packed some belongings. She stated she told him he could leave if he did not want to be with her. She stated they continued arguing and while in the kitchen, he suddenly grabbed a kitchen knife and stabbed himself several times in the leg. She stated he then raised the knife and she ran away. She stated he then ran outside.

She stated she now believed that [REDACTED] married her to come to the United States, and might have mental issues due to his behavior. She stated she never hit him. She stated she was shocked to know he accused her of hitting him.

She stated [REDACTED] had no family besides uncle in Florida. She stated she would go to see him in the hospital with her

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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Elmwood Park Police Department

OCA: 1600636

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Case Status: EXCEPTIONALLY CLEARED

Case Mng Status: CLEARED EXCEPTIONALLY

Occurred: 03/19/2016

Offense: DOMESTIC DISPUTE

Investigator: WINIARCZYK, M. (EP7383)

Date / Time: 03/19/2016 15:46:09, Saturday

Supervisor: KLISZ, R. (EP7134)

Supervisor Review Date / Time: 03/21/2016 10:07:33, Monday

Contact:

Reference: Investigative Action Supplement

family member. We left the residence.

Follow up interview to be conducted with [REDACTED] upon release from hospital. He was previously advised to come to the police station upon his release. Nothing further at this time.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/27/2017 16:11

Elmwood Park Police Department

OCA: 1600636

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

Case Status: *EXCEPTIONALLY CLEARED* Case Mng Status: *CLEARED EXCEPTIONALLY* Occurred: *03/19/2016*

Offense: *DOMESTIC DISPUTE*

Investigator: *WINIARCZYK, M. (EP7383)*

Date / Time: *03/19/2016 16:53:46, Saturday*

Supervisor: *KLISZ, R. (EP7134)*

Supervisor Review Date / Time: *03/21/2016 10:08:20, Monday*

Contact:

Reference: *Investigative Action Supplement*

03/19/16

I received a call from [REDACTED] who stated she went to the hospital but was not allowed to see [REDACTED] because he stated someone stabbed him. She stated she was very upset and wanted to proclaim that she did not harm [REDACTED] and no one in the house harmed [REDACTED]. She stated she was now worried about [REDACTED] coming back to the house due to his unpredictable behavior. I advised her to call 911 if this occurred. I advised her the investigation was documented. She inquired and was advised as to the order of protection process.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/27/2017 16:11

Elmwood Park Police Department

OCA: 1600636

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Case Status: EXCEPTIONALLY CLEARED

Case Mng Status: CLEARED EXCEPTIONALLY

Occurred: 03/19/2016

Offense: DOMESTIC DISPUTE

Investigator: WINIARCZYK, M. (EP7383)

Date / Time: 03/22/2016 12:53:23, Tuesday

Supervisor: KLISZ, R. (EP7134)

Supervisor Review Date / Time: 03/22/2016 14:27:04, Tuesday

Contact:

Reference: Investigative Action Supplement

03/22/16

I received a voicemail from [REDACTED] I spoke with her and she stated she obtained an order of protection against [REDACTED] on 03/21/16.

I was advised [REDACTED] was in the station lobby to obtain reports. I asked him to speak with me.

Norridge PD Ofc. Velazquez #15 arrived to translate. [REDACTED] stated he arrived from work and went upstairs, where he resided with his wife [REDACTED]. He stated she told him she wanted him to pay bills for the house and he told her it should be split in half. He stated she told him he had to pay everything or she would send him back to the Dominican Republic. He stated he told her he would pay and then she started to throw him out of the house. He stated he was laying on the bed and was recording her with a cell phone. He stated [REDACTED] bought the phone but he was paying the bill on it. He said he texted two friends to come pick him up because he wanted to leave. He stated she demanded the phone and took it from him. He said her brother [REDACTED] then came upstairs and told him he would get a bat and kill him. He stated at some point he and [REDACTED] were in the kitchen where he stated [REDACTED] hit him on the head with a broomstick and everyone else including [REDACTED] mother were on top of him. He stated someone then stabbed him in the leg. He stated he did not see who did it and what they used. He stated he then ran outside but knocked on the door to get his clothes but did not get an answer.

He denied going outside and then returning inside the house. He stated he only left once after he was stabbed.

[REDACTED] denied stabbing himself in the leg and denied that someone told him he would be able to stay in the US if he was a victim of domestic violence. He admitted this incident occurred because of a cell phone. He stated no one had been violent towards him in the past. He stated he and [REDACTED] only had normal verbal husband/wife arguments. He stated he only wanted an order of protection so he could stay in this country. I advised him [REDACTED] told me she already obtained an order of protection against him, although it was not in the system yet. He stated he only wanted [REDACTED] and her family to stay away from him and did not wish to pursue the matter further. He stated he called [REDACTED] yesterday to try to fix things but they could not be fixed. I advised him not to have any contact with her or the rest of her family. He stated he understood. He was advised of the order of protection process.

Nothing further. Case closed.

Investigator Signature

Supervisor Signature