

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

April 14, 2016

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 II  
DONALD J. STORINO II

OF COUNSEL

IN REPLY REFER TO FILE NO.

Mr. Fausto M. Onofre  
2426 N. 76<sup>th</sup> Avenue  
Elmwood Park, Illinois 60707  
faustoo\_27@hotmail.com

EP-1

**Re: Freedom of Information Act Request**

Dear Mr. Onofre:

On March 31, 2016, the Village of Elmwood Park received your Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for your arrest records.

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 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. The Juvenile Court Act of 1987 (705 ILCS 405/1 *et seq.*) mandates that reports in which a minor was arrested, charged, or investigated must be withheld in full. Section 1-7(A) of the Juvenile Court Act of 1987 states that, "[i]nspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been investigated, arrested, or taken into custody before his or her 18th birthday shall be restricted" to specifically enumerated individuals whose access to such records is necessary for the performance of their official duties. Your FOIA request seeks certain records which are prohibited from disclosure pursuant to the Juvenile Court Act of 1987. Consequently, records that are prohibited from disclosure pursuant to the Juvenile Court Act of 1987 have been redacted from the records being provided.

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Your FOIA request also seeks records obtained through the Law Enforcement Agencies Data System (“LEADS”) that are prohibited from disclosure pursuant to Section 7(1)(a) of FOIA. 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 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 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, 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 other personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, including the name of a third-party property owner who incidentally appears in a police report, and the race of an individual, have 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

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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

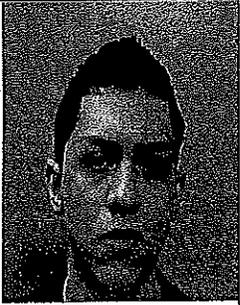
Enclosures

ELMWOOD PARK POLICE DEPARTMENT  
**ARREST REPORT**  
 (For use by Police Department Personnel Only)

FINAL APPROVAL

CB #: 17766930  
 IR #: 2037112  
 YD #:  
 RD #: 10-1042

ARREST REPORTING

OFFENDER	Name: <b>ONOFRE, Fausto</b> Res: 2426 N 76th Avenue Elmwood Park, IL 60707 [REDACTED] Empl: Breakfast Club Food Service DOB: [REDACTED] AGE: 20 years POB: Illinois DLN: [REDACTED] ARMED WITH Unarmed SID: IL 15646361 FBI: 9302-40FD7	Beat: 3100 Male [REDACTED] 5' 08" 165 lbs Brown Eyes Black Hair Medium Hair Style Light Complexion	

INCIDENT	Arrest Date: 02 February 2010 19:23 Location: 1900 N 77th Court Elmwood Park, IL 60707 304 - Street Holding Facility: Elmwood Park Lockup Resisted Arrest? No	TRR Completed? No Beat: 3100	Total No Arrested: 1 Dependent Children? No	Co-Arrests DCFS Ward? No	Assoc Cases

CHARGES	1 Offense As Cited 625 ILCS 5.0/6-101 02 FEB 2010 07:23 DRIVING/NEVER ISSUED LICENSE Class B - Type M	Victim PEOPLE OF STATE OF IL
	2 Offense As Cited 625 ILCS 5.0/11-601-B 02 FEB 2010 07:23 IVC - DRIVING 15-20 MPH ABOVE SPEED LIMIT Class P -	

RECOVERED NARCOTICS	NO NARCOTICS RECOVERED	IR #2037112

WARRANT	NO WARRANT IDENTIFIED	CB #: 17766930

SGT. #1312  
 [Signature]

277U

ELMWOOD PARK POLICE - ARREST REPORT

CB #: 17786930

ONOFRE, Fausto

ARREST REPORTING

NON-OFFENDER(S)

ARRESTEE VEHICLE

Vehicle: **VEHICLE IMPOUNDED: Yes**  
 1994 Automobile - Toyota Motor Company, Ltd. - Tercel - VIN#: JT2EL46S7R0409423 Lic#: [REDACTED] IL  
 Coupe  
 Color: Gray (Top) / Gray (Bottom) Inv#: 10-1042  
 Pound#: [REDACTED]  
 Towing Agency: VILLAGE TOWING Tow Report No.: 10-1042  
 Disposition: Vehicle Seized Pursuant To Epmc 32-80

PROPERTIES

**Confiscated Properties :**  
 All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.  
 PROPERTIES INFORMATION FOR ONOFRE, Fausto, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

INCIDENT NARRATIVE

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)  
 ON 02FEB10, AT 1915 HOURS, WHILE ON PATROL, I OBSERVED A VEHICLE IL REG [REDACTED] TRAVEL SOUTHBOUND 2000 BLK 77TH COURT, AT A HIGH RATE OF SPEED. THE HAND HELD RADAR DISPLAYED 37MPH. THE POSTED SPEED LIMIT IS 20MPH. I POSITIONED MY MARKED SQUAD #343 BEHIND THE VEHICLE AND ACTIVATED THE EMERGENCY LIGHTS. THE VEHICLE STOPPED CURBSIDE AT THE 1900 BLK 77TH COURT. I SPOKE TO THE DRIVER FAUSTO ONOFRE M [REDACTED]. FAUSTO TOLD ME HE DID NOT POSSESS A DRIVER'S LICENSE AND RESIDED IN ILLINOIS FOR THE PAST YEAR. I RETURNED TO MY SQUAD AND CHECKED LEADS. [REDACTED]  
 [REDACTED] I WALKED BACK TO FAUSTO WHO EXITED HIS VEHICLE. I TOLD FAUSTO HE WAS UNDER ARREST FOR NO VALID DRIVER'S LICENSE. I PLACED HANDCUFFS ON FAUSTO, CHECKED THE FIT, AND DOUBLE LOCKED THE HANDCUFFS. I TRANSPORTED FAUSTO TO THE PUBLIC SAFETY BUILDING. FAUSTO WAS ISSUED CITATIONS, PROCESSED, AND RELEASED ON BOND. FAUSTO RECEIVED INFORMATION A FOR HIS VEHICLE AND COURT INFO. NOTHING FURTHER. TRAFFIC STOP WAS VIDEO/AUDIO RECORDED.

COURT INFO

Desired Court Date: 26 March 2010  
 Branch: MAYW1500 MAYBROOK DR - Room 101  
 Court Sgt Handle? No

BOND INFO

*I 7221567 02 FEB 2010 @*  
*2135 Ave. RODRIGUEZ*  
 -BOND INFORMATION NOT AVAILABLE

ELMWOOD PARK POLICE - ARREST REPORT

CB #: 17786930

ONOFRE, Fausto

ARREST REPORTING	
REPORTING PERSONNEL	<b>ATTESTING OFFICER:</b>
	I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.
	<b>ARRESTING OFFICER(S):</b>
	Beat
	1st Arresting Officer: #2460 RODRIGUEZ, C L (IL01631ABI) 2nd Arresting Officer: #2460 RODRIGUEZ, C L (IL01631ABI)
<b>APPROVING SUPERVISOR:</b>	

**ARREST PROCESSING REPORT**

<b>LOCKUP KEEPER PROCESSING</b>	Holding Facility: Elmwood Park Lockup Received in Lockup: Prints Taken: 02 February 2010 21:28 Palmprints Taken: Yes Photograph Taken: 02 February 2010 21:35 Released from Lockup:		Time Last Fed: Time Called: <span style="float: right;">Phone#:</span> Cell #: . Placed in one person cell Placed under close observation Transport Details : 1PO	
	<b>VISUAL CHECK OF ARRESTEE</b>		<b>ARRESTEE QUESTIONNAIRE</b>	
	Is there obvious pain or injury?	No	Presently taking medication?	No
	Is there obvious signs of infection?	No	(if female)are you pregnant?	No
	Under the influence of alcohol/drugs?	No	First time ever been arrested?	Yes
	Signs of alcohol/drug withdrawal?	No	Attempted suicide/serious harm?	No
	Appears to be despondent?	No	Serious medical or mental problems?	No
	Appears to be irrational?	No	Are you receiving treatment?	No
	Carrying medication?	No		
	<b>RETURN TO HOLDING FACILITY COMMENTS:</b>			
<b>QUESTIONNAIRE REMARKS:</b>				
First Arrest				
<b>LOCKUP KEEPER COMMENTS:</b>				
<b>EMERGENCY CONTACT</b>				
Name : REFUSED				
Res: <span style="margin-left: 200px;">Beat:</span>				
<b>INTERVIEW LOG</b>	NO INTERVIEWS LOGGED			
<b>VISITOR LOG</b>	NO VISITORS LOGGED			

ARREST PROCESSING REPORT

MOVEMENT LOG

MOVEMENT LOG INFORMATION NOT AVAILABLE

WC COMMENTS

Watch Commander Comments:

REL W/O CHARGING

DOES NOT APPLY TO THIS ARREST

PROCESSING PERSONNEL

ARRESTEE PROCESSING PERSONNEL:

Beat

Searched By: #2460 RODRIGUEZ, C L (IL01631ABI)  
Lockup Keeper: #2460 RODRIGUEZ, C L (IL01631ABI)

APPROVAL PERSONNEL:

Beat

ELMWOOD PARK POLICE DEPARTMENT

VEHICLE TOW/IMPOUND REPORT

REPORT NUMBER

OFFENSE CODE

METHOD CODE

PLACE CODE

CASE STATUS

UCR

U.E.

(1) OCCURRED	MO. 2	DAY 2	YR 10	DAY WK TUES	TIME 1915	(2) BEAT 2N3	SUB-BEAT	(3) PAGE OF 1	(4) REPORT NUMBER 10 - 1042
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(5) TOW: IMPOUND <input type="checkbox"/> TRAFFIC HAZARD <input type="checkbox"/> ABANDONED <input type="checkbox"/> OTHER <input type="checkbox"/>	(6) VEHICLE STATUS <input checked="" type="checkbox"/> POLICE HOLD <input type="checkbox"/> RELEASE
<input type="checkbox"/> EVIDENCE <input checked="" type="checkbox"/> ARREST <input type="checkbox"/> THEFT/RECOVERY <input type="checkbox"/> RECOVERY FOREIGN	

(7) LOCATION OF OCCURRENCE 2000 BLOCK 77TH COURT	(8) VEHICLE MILEAGE 168114
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(9) VEHICLE DESCRIPTION COLOR GREY	YEAR 1994	MAKE TOYOTA	MODEL TERCEL	BODY 2DOOR	LICENSE	STATE IL	YEAR 2010
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(10) VEHICLE IDENTIFICATION NUMBER JT2EL46S7R0409423	(11) VEHICLE STICKER NUMBER 6977	CITY ELMWOOD PARK	YEAR 2009
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(12) REGISTERED OWNER	ADDRESS	CITY
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(13) RESIDENCE PHONE	BUSINESS PHONE NA	(14) OWNER NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	(15) LEADS MESSAGE DATE 2/2/10 NO. V1080903
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(16) VEHICLE OPERATOR ONDRE - RODRIGUEZ FAWTD	RESIDENCE ADDRESS 2426 N. 76TH AVE EP	CITY
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(17) RESIDENCE PHONE	BUSINESS PHONE NA	(18) OPERATOR ARRESTED/CITED? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES SEE NARRATIVE
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(19) VEHICLE INVENTORY	(20) METHOD OF THEFT/EVIDENCE OF STRIPPING NA →	(21) PERSONAL PROPERTY IN VEHICLE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES SEE PROPERTY INVENTORY REPORT
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(19) KEY IGNITION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	(19) DOORS LOCKED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(19) TRUNK LOCKED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> RADIO AM/FM	<input checked="" type="checkbox"/> BATTERY	<input type="checkbox"/> MAG WHEELS
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(22) TOWED BY: Signature X	TOWED TO: COMPANY VILLAGE TOWING	LOCATION SCHILLER PK
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(23) EVIDENCE PROCESSING: RELATED OFFENSE: NA →	PROCESS FOR: NA	<input type="checkbox"/> FINGERPRINTS	<input type="checkbox"/> PHOTOS	<input type="checkbox"/> OTHER PRINTS
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(24) EVIDENCE OBTAINED: TYPE NA →	<input type="checkbox"/> BLOOD/SEMEN	<input type="checkbox"/> STAINS	<input type="checkbox"/>
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(25) NARRATIVE: Summarize details of incident and include any additional information not covered in blocks above. List citations issued, damage to vehicle and any missing parts. IF VEHICLE SEIZED UNDER ARTICLE 36, INDICATE DATE AND TIME COOK COUNTY SHERIFF NOTIFIED.

BLOCK NO. VEHICLE REMOVED FROM ROADWAY SUBSEQUENT TO OPERATOR ARRESTED FOR NO VALID DRIVER'S LICENSE. OPERATOR TOLD ME HE OBTAINED PERMISSION TO POSSESS VEHICLE FROM REGISTERED OWNER (FATHER). OPERATOR WAS GIVEN NOTICE OF SEIZURE PER EPAC 32-80; ADDENDUM 1-3. WESCOM ENTERED VEHICLE INFORMATION IN LEADS.

(26) REPORTING OFFICER C. RODRIGUEZ # 02 2400 STAR	(27) SUPERVISOR APPROVING 1312 STAR	(28) REPORT REVIEW 02/23/2010	C.A.
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