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OF COUNSEL

IN REPLY REFER TO FILE NO.

February 18, 2016

Ms. Adriana Vazquez
1646 N. California Avenue
Chicago, Illinois 60647

EP-1

Re: Freedom of Information Act Request

Dear Ms. Vazquez:

The Village of Elmwood Park is in receipt of your February 3, 2016, Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for "15-9957 w/ pictures[.]"

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)(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 personal identification number, home or personal telephone numbers, a home address, a personal license plate, and signatures, 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, and the races of individuals, 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 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

Erin C. Tinaglia

Enclosures

ARREST REPORT

AGENCY INFO

Agency Name	ORI	Date/Time Arrested	Case #
Elmwood Park Police Department	IL0163100	11/11/2015 23:31 Wed	1509957
Taken	**Arrest Tract**	**Residence Tract**	**Arrest Number**
Prints, Photos			172

ARRESTEE INFO

Name (Last, First, Middle)	D.O.B.	Age	Race	Sex	Place of Birth	Citizenship
PENA, ALEJANDRO	[redacted]	34	[redacted]	M		MM

Current Address	Phone	Occupation	Residence Status
2110 Harlem Av, Bsmt, Elmwood Park, IL 60707	[redacted]		Resident

Employer's Name	Address	Phone
		- -

Also Known As (Alias Names)	Hgt	Wgt	Hair	Eyes	Skin Tone
	'				

Scars, Marks, Tattoos	Social Security #	OLN and State	Misc. # and Type
	- -		

Nearest Relative Name	Address	Phone

ARREST INFO

If Armed, Type of Weapon	Type of Arrest	Place of Arrest
NONE	ON VIEW	2100 HARLEM AV, ELMWOOD PARK

	Type	Counts	IBR Code	Warrant/Summons #	Statute #	Warr. Date
Charge #1: Domestic Battery	Misd	1	0486		720 ILCS 5/12-3.2	
Charge #2						
Charge #3						

VEH INFO

VYR	Make	Model	Style
1997	Pontiac	GRAND PRIX	Sedan, 4-door

Color	Plate #/State/Plate Year	VIN
Red/Red	[redacted] IL 2016	1G2WJ52K3VF329190

Vehicle: Used By Arrestee/reg Other 11/11/2015

CONFINED BOND

Date/Time Confined	Place Confined	Committing Magistrate
11/19/2015 09:00:00	MAYBROOK	

Type Bond	Bond Amount	Trial Date	Time	Court Of	City
No Bond					

Arresting Officer Name/ID #/Bureau: GIOVENCO, J. (PATL, PAT) (EP9700) EPPD

Assisting Officer Name/ID #/Bureau	Released By (Name/Department/ID #)	Date/Time Released
LONI, M. PATLPAT EPPD		

Status Codes: 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown/Lost

DRUGS AT ARREST

Code	Status	Quantity	Type Measure	Suspected Type	

Other Name

Name	Address	Phone
Victim [redacted]	[redacted]	[redacted]
Name	Address	Phone

NARRATIVE

STATUS

Arresting Officer Signature/ID #/Bureau: GIOVENCO, J. (PATL, PAT) (EP9700) EPPD

Case Status	Arrestee Signature

r_arlibr

Printed By: EP3700, mwarchulsk

INCIDENT/INVESTIGATION REPORT

INCIDENT DATA

Agency Name	Case#
Elmwood Park Police Department	15-09957
ORI: IL0163100	Date / Time Reported: 11/11/2015 22:14 Wed
	Last Known Secure: 11/11/2015 21:30 Wed
	At Found: 11/11/2015 22:00 Wed

Location of Incident	Premise Type	Zone/Tract
2110 Harlem Av - BSMT, Elmwood Park IL 60707-	Residence / Home	

#1	Crime Incident(s): Domestic Battery 0486	(Com)	Weapon / Tools: NONE	Entry	Exit / Security / Activity
#2	Crime Incident	( )	Weapon / Tools	Entry	Exit / Security / Activity
#3	Crime Incident	( )	Weapon / Tools	Entry	Exit / Security / Activity

MO

VICTIM

# of Victims: 1 | Type: INDIVIDUAL | Injury: Apparent Minor Injury | Domestic=Y

	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB / Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
V1	[redacted]	1,	Age 34	[redacted]	F	IBG	Resident	

Home Address: [redacted] | Home Phone: [redacted]

Employer Name/Address | Business Phone | Mobile Phone

VYR	Make	Model	Style	Color	Lic/Lis	VIN
1997	PONT	GRAND	4D	RED/RED	[redacted] IL	1G2WJ52K3VF329190

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

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

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

PROPERTY

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown
("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
1	02	1	$0.00		1	1997 RED /RED [redacted] IL	PONT Grand Prix	1G2WJ52K3VF329190
1	02	8	$0.00		1	1997 RED /RED [redacted] IL	PONT Grand Prix	1G2WJ52K3VF329190

Officer/ID#: PAVONE, M. (PATL, PAT) (EP0358)

Invest ID#: (0) | Supervisor: RIEGER, M. (PATL, SUPV) (EP9114)

Status | Complainant Signature | Case Status: Cleared By Arrest Adult 18 Or Over 11/11/2015 | Case Disposition:

Printed By: EP3700, mwarchulsk | Sys#: 2755 | 02/03/2016 09:39:26

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

	IBR	Status	Quantity	Type Measure	Suspected Type	
D						
R						
U						
G						
S						

Assisting Officers

GIOVENCO, J. (EP9700), LONI, M. (EP0048), LONI, M. (EP0048), GIOVENCO, J. (EP9700), CHAURIZE, M. (EP1573), CHAURIZE, M. (EP1573)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department		OCA 15-09957
Victim [redacted]	Offense *DOMESTIC BATTERY*	Date / Time Reported *Wed 11/11/2015 22:14*

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

ON 11/11/15, AT APPROXIMATELY 2214 HOURS, OFC CHAURIZE AND I RESPONDED TO 2110 N HARLEM AVE (BSMT) IN REFERENCE TO A RADIO DISPATCHED CALL IN REFERENCE TO A DOMESTIC BATTERY.
UPON ARRIVING, WE MET VICTIM [redacted] (F[redacted]) (TX[redacted]) OUTSIDE IN FRONT OF HER APARTMENT BUILDING. WE IMMEDIATELY OBSERVED REDNESS, SWELLING, SCRATCHES AND TRACES OF BLOOD ABOUT [redacted] FACE. DUE TO A STRONG LANGUAGE BARRIER, I IMMEDIATELY REQUESTED A SPANISH-SPEAKING OFFICER TO THE SCENE. OFC CHAURIZE REQUESTED A PARAMEDIC TO THE SCENE.
OFC GIOVENCO AND OFC LONI ARRIVED ON-SCENE.
OFC CHAURIZE SEARCHED THE IMMEDIATE AREA FOR A SPANISH INTERPRETER AND FOUND OFF-DUTY CPD OFC NUNEZ #15160 WHO PROVIDED INTERPRETATION.
OFC NUNEZ STATED [redacted] TOLD HIM THE FOLLOWING IN SUMMARY: SOMETIME BETWEEN 2130 AND 2200 HOURS, SHE WAS LAYING IN BED TALKING ON THE PHONE WHEN [redacted] ALEJANDRO PENA (M[redacted]) (TX[redacted]), CAME HOME INTOXICATED. ALEJANDRO BEGAN TO ARGUE WITH HER AND THEN BEGAN TO PUNCH HER ABOUT THE FACE WITH A CLOSED FIST. ALEJANDRO ALSO SCRATCHED HER ABOUT THE FACE AND PULLED A CHUNK OF HER HAIR FROM HER HEAD. ALEJANDRO THEN TOOK HER CAR AND LEFT THE SCENE.
EPFD #944 ARRIVED ON-SCENE.
WE ENTERED HER APARTMENT AND OBSERVED SIGNS OF STRUGGLE AND FOUL PLAY, AS WELL AS A CHUNK OF HAIR ON THE FLOOR.
I TOOK PHOTOS OF [redacted] INJURIES, AS WELL AS THE CONDITION OF THEIR APARTMENT.
OFC CHAURIZE TRANSPORTED [redacted] TO THE ELMWOOD PARK POLICE STATION (HEREINAFTER "STATION") TO SIGN CRIMINAL COMPLAINTS AGAINST ALEJANDRO.
WHILE AT THE STATION, [redacted] SIGNED A CRIMINAL COMPLAINT AGAINST ALEJANDRO FOR DOMESTIC BATTERY AND STATED, THROUGH INTERPRETATION PROVIDED BY ELMWOOD PARK DESK OFC SALDANA, ALEJANDRO THREW HER ONTO THE FLOOR AND STRUCK HER ON THE BACK, HEAD AND FACE WITH A CLOSED FIST. [redacted] STATED ALEJANDRO ALSO SCRATCHED HER FACE AND PULLED OUT A CHUNK OF HER HAIR FROM HER HEAD.
OFC GIOVENCO AND OFC LONI SEARCHED THE IMMEDIATE AREA IN CASE ALEJANDRO RETURNED TO THE SCENE. OFC GIOVENCO AND OFC LONI OBSERVED [redacted] VEHICLE IN THE AREA AND CONDUCTED A TRAFFIC STOP OF THE VEHICLE. SEE ATTACHED INVESTIGATION ACTION REPORT.
I COMPLETED ALL REPORTS AND RETURNED TO DUTY.

Incident Report Suspect List

Elmwood Park Police Department

OCA: *15-09957*

1	Name (Last, First, Middle) *PENA, ALEJANDRO*				Also Known As					Home Address *2110 HARLEM AV - B* *ELMWOOD PARK, IL 60707* [redacted]	
	Business Address										
	DOB. [redacted]	Age *34*	Race [redacted]	Sex *M*	Eth *H*	Hgt *510*	Wgt *145*	Hair *BLK*	Eye *BRO*	Skin *LGT*	Driver's License / State.
	Scars, Marks, Tattoos, or other distinguishing features										

Reported Suspect Detail	Suspect Age	Race	Sex	Eth	Height	Weight	SSN

Weapon, Type	Feature	Make	Model	Color	Caliber	Dir of Travel Mode of Travel

VehYr/Make/Model	Drs	Style	Color	Lic/St	VIN

Notes

Physical Char

Incident Report Related Vehicle List

Elmwood Park Police Department

OCA: *15-09957*

1	VehYr/Make/Model: *1997 PONT, Grand Prix*	Style: *4D*	Color: *RED/RED*	Lic/Lis: [redacted] *IL 2016*		Vin: *1G2WJS2K3VF329190*
	IBR Status: *Unknown/ Other*	Date:	Location: *2100 HARLEM AV, ELMWOOD PARK IL*			
	Condition:	Value: *$0.00*	Offense Code:	Jurisdiction: *Locally*	State #:	NIC #:
	Name (Last, First, Middle): [redacted]		Also Known As:		Home Address: [redacted]	
	Business Address:					
	DOB: [redacted]	Age: *34*	Race: [redacted]	Sex: *F*	Hgt:	Wgt:
	Scars, Marks, Tattoos, or other distinguishing features:					

Notes

Vehicle was parked at 2100 Harlem Av. Keys were turned over to the registered owner.

CASE SUPPLEMENTAL REPORT

Printed: 02/03/2016 09:39

Elmwood Park Police Department OCA: ***1509957***

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

Case Status: *CLEARED BY ARREST* **Case Mng Status:** *NA* **Occurred:** *11/11/2015*

Offense: *DOMESTIC BATTERY*

Investigator: *LONI, M. (EP0048)* **Date / Time:** *11/12/2015 00:37:08, Thursday*

Supervisor: *RIEGER, M. (EP9114)* **Supervisor Review Date / Time:** *11/13/2015 03:35:50, Friday*

Contact: *Pena, Alejandro*
2110-B Harlem Av, Elmwood Park
[redacted]

Reference: *Investigative Action Supplement*

On 11/11/15 at 2254 hours while on active patrol, Officer Giovenco and I noticed a red Pontiac located in the Mobile gas station at 2144 vHarlem Av. bearing IL registration [redacted] matching the vehicle description to an earlier domestic battery call. The vehicle exited the gas station s/b Harlem. I pulled behind the vehicle, activated my emergency lights and curbed the vehicle at Harlem Av and Dickens.

I approached the driver, asked him his name which he told me Alejandro Pena, m[redacted]. This was the subject involved in the domestic battery at 2110 Harlem Av earlier in the night with [redacted] f[redacted].

At 2301 hours, Alejando was placed into handcuffs, double locked and checked for fit. Alejando was transported to the Public Safety Building in squad #347.

At the station lock up, Alejandro was processed according to Elmwood Park procedures. He was read Miranda verbatim from a pre printed form at 2311 hours. Through the Spanish translation of Aux Saldana, Alejandro stated he has been previously drinking. He arrived at his residence at 2110 Harlem Av and had an argument with [redacted] regarding Facebook. Alejandro said while on their bed, [redacted] came from behind and started choking him. He tried to get [redacted] off his back and this is when Alejandro got ahold of her face.

I asked Alejandro why [redacted] hair was all over the apartment. Alejandro then changed his story stating [redacted] charged at him from the front and began choking him. As Alejandro tried pulling her off him, [redacted] hair came out. Alejandro had no visible signs of injury.

Alejandro was placed in a one person cell under observation while reports were completed and prepared for bond court.

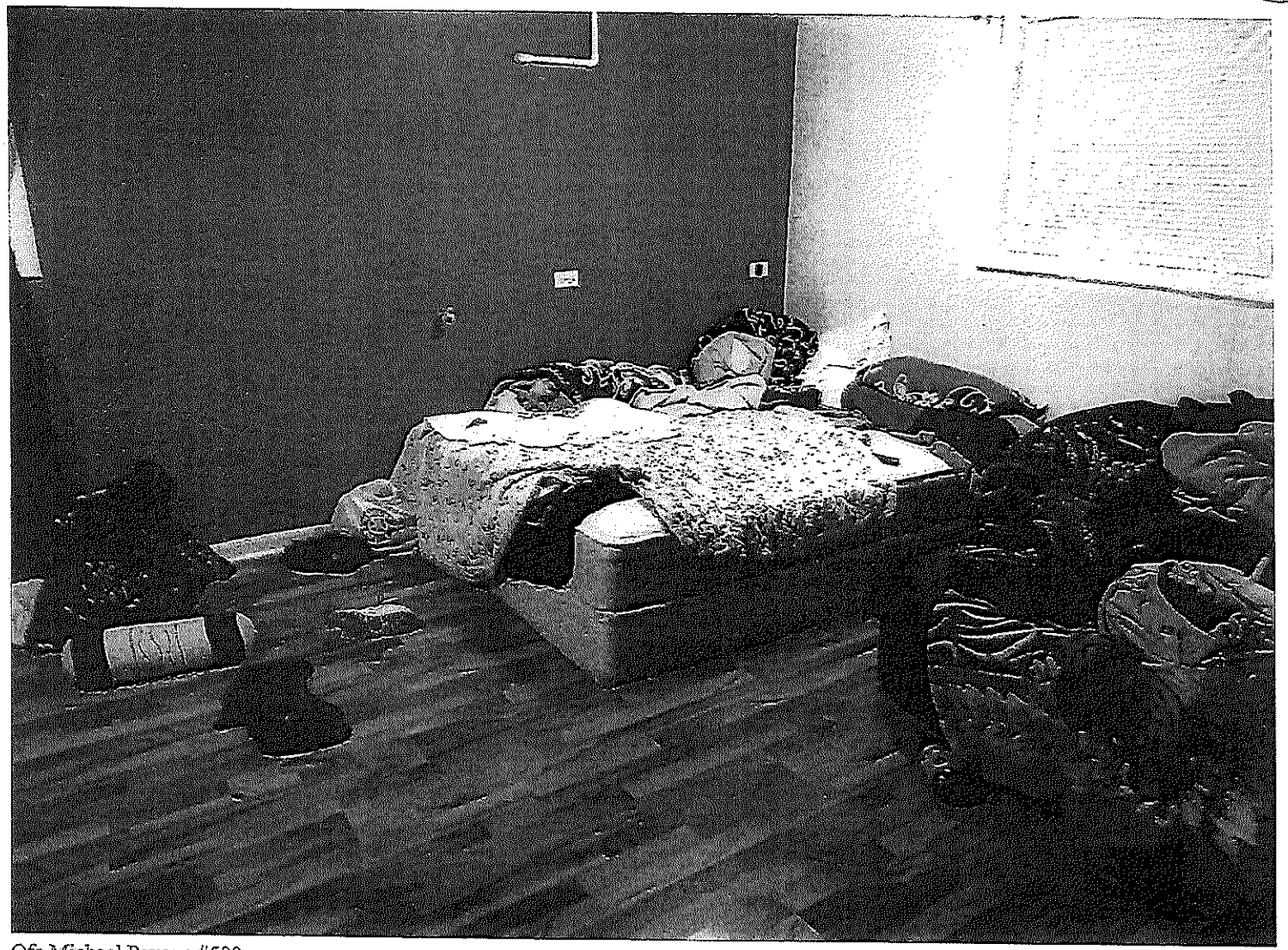
End of report.

Investigator Signature Supervisor Signature

Digital Photographs

ELMWOOD PARK POLICE DEPARTMENT
Patrol Division

15-9957



Ofc Michael Pavone #500

M. P #500

Supervisor

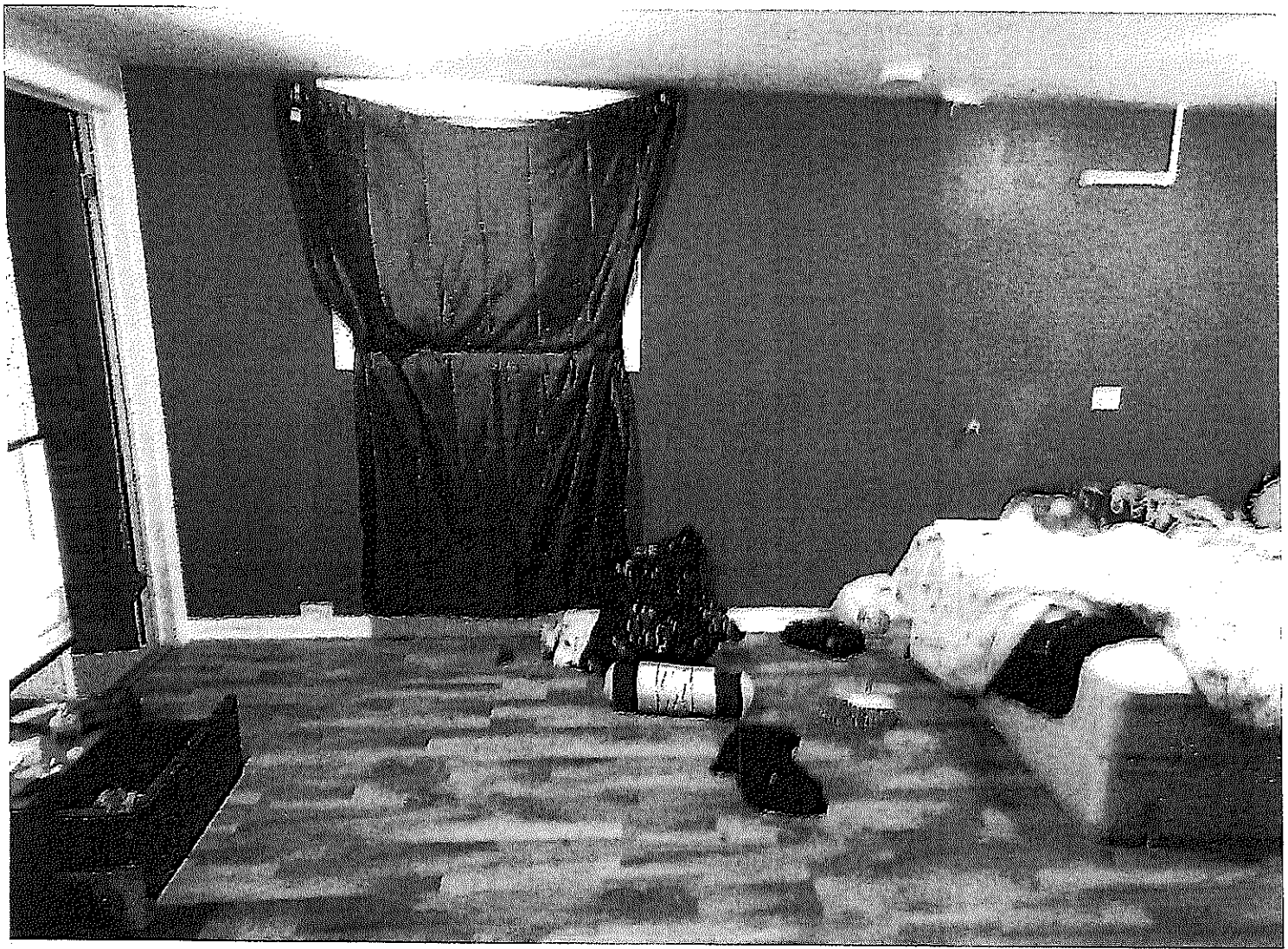
SCAN TO RMS

RD # 15-9957

Digital Photographs

15-9957

ELMWOOD PARK POLICE DEPARTMENT
Patrol Division



SCAN TO RMS

RD # 15-9957

Ofc Michael Pavone #500

M. P #500

Supervisor

Digital Photographs

15-9957

ELMWOOD PARK POLICE DEPARTMENT
Patrol Division

SCAN TO IRMS
RD # 15-9957

Ofc Michael Pavone #500

M. P #500

Supervisor

Digital Photographs

15-9957

ELMWOOD PARK POLICE DEPARTMENT
Patrol Division

SCAN TO RMS
RD # 15-9957

Ofc Michael Pavone #500
M. P #500

Supervisor

15-9957

MostValuablePersonnel

CICERO-303294

PEN094

ALEJANDRO PENA

$5.00 Fee for replacment of lost or stolen ID card

SCAN TO RMS

RD # 15-9957

Village of
Elmwood Park
Police Department
Frank Fagiano
Chief of Police

SCAN TO RMS
RD # 15-9957

Angelo "Skip" Saviano
Village President
Gina Pesko
Village Clerk
Paul A. Volpe
Village Manager
Michael Durkin
Village Attorney

Trustees
Alan T. Kaminski
Jeff Sargent
Angela Stranges
Anthony Del Santo
Angelo J. Lollino
Jonathan L. Zivojnovic

ELMWOOD PARK POLICE DEPARTMENT
NOTICE OF CONSTITUTIONAL RIGHTS AND WAIVER

Before you are asked any questions, it is my duty to advise you of your rights:

X 1. You have the right to remain silent.

X 2. Anything you say can be used against you in a Court of Law.

X 3. You have the right to talk to an attorney for advice before we ask you any questions and have him with you during questioning.

X 4. If you cannot afford an attorney, one will be appointed for you before we ask you any questions.

X 5. If you choose to answer questions now, you can stop the questioning at any time.

NOTIFICATION OF RIGHTS GIVEN BY: Ofc. Gonzalez #9700

TO: Alejandro Pena

AT: Elmwood Park Lock up

TIME: 2311 DATE: 11/11/15

WAIVER

I understand what my rights are and I am willing to answer questions.

X [redacted]
Signature of person receiving Notification

[redacted] #9700
Witness

[redacted] #02148
Witness