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IN REPLY REFER TO FILE NO.

February 5, 2016

Mr. James Mullally and Ms. Julie Lihota
29W204 Roosevelt Road
West Chicago, Illinois 60185

EP-1

Re: Freedom of Information Act Request

Dear Mr. Mullally and Ms. Lihota:

The Village of Elmwood Park is in receipt of your January 29, 2016, Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"Police Report, Incident Report, and or Arrest Report of allegedly being stopped by Elmwood Park Police.

D/O/I/ 12/01/2015 at 12:30am to 2:00am
Afrain Gomez, ... [.]"

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. 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

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Mr. James Mullally and Ms. Julie Lihota
February 5, 2016
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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, a driver’s license number, 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 the name of a third party property owner who incidentally appears in police reports, 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

Enclosures

INCIDENT/INVESTIGATION REPORT

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Agency Name <i>Elmwood Park Police Department</i>		Case# <i>15-10089</i>	
ORI <i>IL0163100</i>		Date / Time Reported <i>12/01/2015 00:18 Tue</i>	
Location of Incident <i>7600 Grand Av - BLK, Elmwood Park IL 60707-</i>		Premise Type <i>Highway / Road / Alley</i>	Zone/Tract <i>E2</i>
Last Known Secure <i>12/01/2015 00:18 Tue</i>		At Found <i>12/01/2015 00:18 Tue</i>	
#1	Crime Incident(s) <i>Hit And Run 2445</i>	(Com)	Weapon / Tools <i>NONE</i>
	Entry		Exit
	Security		Activity
#2	Crime Incident	()	Weapon / Tools
	Entry		Exit
	Security		Activity
#3	Crime Incident	()	Weapon / Tools
	Entry		Exit
	Security		Activity

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# of Victims <i>1</i>	Type: INDIVIDUAL	Injury:	
V1	Victim/Business Name (Last, First, Middle) <i>DOE 15-10089, JOHN</i>	Victim of Crime # <i>1</i>	DOB <i>Age</i>
Home Address		Race	Sex
Employer Name/Address		Relationship To Offender <i>IUR</i>	Resident Status
Business Phone		Military Branch/Status	
VYR	Make	Model	VIN

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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 #
Home Address		DOB <i>Age</i>
Employer Name/Address		Race
Business Phone		Sex
Mobile Phone		Relationship To Offender
Type:	Injury:	
Code	Name (Last, First, Middle)	Victim of Crime #
Home Address		DOB <i>Age</i>
Employer Name/Address		Race
Business Phone		Sex
Mobile Phone		Relationship To Offender

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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 Fm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	<i>02</i>	<i>9</i>	<i>\$0.00</i>		<i>1</i>	<i>1998 RED /RED [REDACTED] IL</i>	<i>CHEV Blazer</i>	<i>1GNDT13W5W2142234</i>

Officer/ID# <i>GIOVENCO, J. (PATL, PAT) (EP9700)</i>	Supervisor <i>RIEGER, M. (PATL, SUPV) (EP9114)</i>
Invest ID# <i>(0)</i>	Case Disposition: <i>Referred To Responsible</i>
Complainant Signature	Case Status <i>12/01/2015</i>

INCIDENT/INVESTIGATION REPORT

By: EP6177, tfallon 02/01/2016 14:30

Elmwood Park Police Department

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Case# 15-10089

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

HOCK, B. (EP6089), HOCK, B. (EP6089), GIOVENCO, J. (EP9700), RIEGER, M. (EP9114)

Suspect Hate / Bias Motivated:

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NARRATIVE

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

		OCA 15-10089
Victim DOE 15-10089, JOHN	Offense HIT AND RUN	Date / Time Reported Tue 12/01/2015 00:18

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

On 12/01/15 at 0018 hours while backing up Officer Weiss on a traffic stop on the 7600 block of Grand Ave, I observed II reg [REDACTED] traveling eastbound with no headlights and heavy front end damage. As the vehicle passed me, I observed sparks coming out from the bottom of the vehicle. I activated my emergency lights and curbed the vehicle on the 7600 block of Grand Ave.

I approached the vehicle and made contact with the driver now identified as Afrian Gomez, M [REDACTED] and requested his license and proof of insurance. Gomez was able to produce both.

Officer Hock arrived on scene. Officer Hock and I walked to the front of the vehicle to assess the damage. Officer Hock and I observed heavy front damage, and a bicycle lodged under the front bumper.

I returned to Gomez and asked where he was coming from. He told me he just left work at the UPS hub on 25th Ave in Franklin Park. I asked Gomez what happen to his vehicle and he told me he just left work and hit a car in the parking lot. I then asked Gomez to explain the Bicycle lodged under the bumper and he said, "I'll be honest, I hit a person." I asked if he stopped to check on the person and he told me no because he was scared.

I immediately had WESCOM notify both River Grove and Franklin Park to look for an injured subject. Gomez informed me he struck the person in the area of 25th Ave and Fullerton Ave in Franklin Park. I notified WESCOM of this information. Back in my squad, unit 345, a check though LEADS revealed [REDACTED]

WESCOM notified me Franklin Park had located a possible victim. I asked Gomez to step out of the vehicle, at which time he was placed into handcuffs, double locked and checked for fit, and detained until Franklin Park Officers could arrive at my location.

Franklin Park Officer Adamski arrived on scene and took Gomez into custody. Franklin Park Officers arrived on scene to photograph, tow and seize the vehicle.

There is nothing further to report at this time. I returned to active patrol.

Incident Report Suspect List

Elmwood Park Police Department

OCA: 15-10089

1	Name (Last, First, Middle) GOMEZ, AFRIAN					Also Known As				Home Address <div style="background-color: black; width: 100px; height: 20px;"></div>		
	Business Address											
DOB.	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.		
<div style="background-color: black; width: 50px; height: 15px;"></div>	19	<div style="background-color: black; width: 15px; height: 15px;"></div>	M		509	190	BRO	BRO		<div style="background-color: black; width: 100px; height: 15px;"></div>		
Scars, Marks, Tattoos, or other distinguishing features												
<i>Reported Suspect Detail</i>		Suspect Age			Race	Sex	Eth	Height	Weight	SSN		
Weapon, Type	Feature	Make		Model			Color	Caliber	Dir of Travel			
Veh Yr/Make/Model		Drs	Style		Color		Lic/St		VIN			
Notes						Physical Char						

Incident Report Related Vehicle List

Elmwood Park Police Department

OCA: 15-10089

1	Veh Yr/Make/Model <i>1998 CHEV, Blazer</i>		Style <i>CARR</i>		Color <i>RED/RED</i>		Lic/Lis [REDACTED] <i>IL 2016</i>		Vin <i>1GNDT13WSW2142234</i>		
IBR Status <i>Towed</i>			Date <i>12/01/2015</i>		Location <i>7600 GRAND AV, ELMWOOD PARK IL</i>						
Condition		Value <i>\$0.00</i>		Offense Code <i>2445</i>		Jurisdiction <i>Locally</i>		State #		NIC #	
Name (Last, First, Middle) [REDACTED]				Also Known As				Home Address [REDACTED]			
Business Address											
DOB. [REDACTED]	Age <i>39</i>	Race [REDACTED]	Sex <i>M</i>	Hgt <i>602</i>	Wgt <i>180</i>	Scars, Marks, Tattoos, or other distinguishing features					

Notes