

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

February 16, 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
DONALD J. STORINO II

OF COUNSEL

IN REPLY REFER TO FILE NO.

Mr. Michael Cozzi
7300 W. North Avenue
Elmwood Park, Illinois 60707

EP-1

Re: Freedom of Information Act Request

Dear Mr. Cozzi:

The Village of Elmwood Park is in receipt of your February 8, 2016, Illinois Freedom of Information Act

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 driver's license number, and 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 the name of a suspect who was never arrested, 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

STORINO, RAMELLO & DURKIN

Mr. Michael Cozzi
February 16, 2016
Page 2

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 who 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.

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

Agency Name <i>Elnwood Park Police Department</i>
ORI <i>IL0163100</i>

Case# <i>16-00152</i>
Date / Time Reported <i>01/21/2016 08:56 Thu</i>
Last Known Secure <i>01/21/2016 08:30 Thu</i>
At Found <i>01/21/2016 08:56 Thu</i>

Location of Incident <i>7300 North Av - BLK, Elnwood Park IL 60707-</i>	Premise Type <i>Residence / Home</i>	Zone/Tract <i>E4</i>	Activity
#1 Crime Incident(s) (Com) <i>Battery (misdemeanor) 0460</i>	Weapon / Tools <i>UNKNOWN</i>		Activity
#2 Crime Incident ()	Weapon / Tools		Activity
#3 Crime Incident ()	Weapon / Tools		Activity

I
N
C
I
D
E
N
T
D
A
T
A

MO

V
I
C
T
I
M

# of Victims <i>0</i>	Type:	Injury:						
VI	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
Home Address		Home Phone						
Employer Name/Address					Business Phone		Mobile Phone	
VYR	Make	Model	Style	Color	Lic/Lis	VIN		

O
T
H
E
R
S
I
N
V
O
L
V
E
D

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	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	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
Home Address		Home Phone						
Employer Name/Address					Business Phone		Mobile Phone	

P
R
O
P
E
R
T
Y

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 InvTo	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Officer/ID# <i>ROSA, E. (PATL, PAT) (EP4441)</i>	Invest ID# <i>KLISZ, R. (INV, INV) (EP7134)</i>	Supervisor <i>ROSA, E. (PATL, PAT) (EP4441)</i>
Status	Complainant Signature	Case Status <i>Reviewed By Investigations</i>

INCIDENT/INVESTIGATION REPORT

By: EP6177, (Fallon) 02/08/2016 10:42

Elmwood Park Police Department

Page 2

Case# 16-00152

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
LOMBARDI, C. (EP0885)

Suspect Hate / Bias Motivated:

Page 2

NARRATIVE

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

Victim	Offense <i>BATTERY (MISDEMEANOR)</i>	OCA 16-00152 Date / Time Reported Thu 01/21/2016 08:56
--------	---	---

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

On 01/21/16, at 0856hrs, Officer Lombardi and I responded to 7300 North Avenue for a report of a battery. Upon our arrival we spoke with m [REDACTED] I observed [REDACTED] holding a bag of frozen peas to his head

[REDACTED] said he went downstairs to throw out the garbage. He said he was struck on the head from behind with an unknown object. When he turned around he observed m [REDACTED], known to him only as [REDACTED], standing with a clipboard/binder in his hand. [REDACTED] was later identified as [REDACTED]

[REDACTED] said [REDACTED] yelled at him about a missing package accusing [REDACTED] of taking the package. [REDACTED] then took his coat off and charged at [REDACTED] said he punched [REDACTED] in the face causing bruising to his face, knocking him down. [REDACTED] got up and left the area making threatening statements he was going to kill [REDACTED].

[REDACTED] indicated he had a bump on his head from being struck in the head. He refused paramedics. [REDACTED] stated he wanted the incident reported and did not want to sign a complaint.

[REDACTED] described [REDACTED] as short, chubby, 50's and walks with a limp. He said he was wearing a black jacket, blue jeans and gym shoes. [REDACTED] said [REDACTED] lives with his sister in [REDACTED].

Officer Lombardi and I relocated to [REDACTED] was not at the location and his sister did not know where he was.

Officer Lombardi was advised by WESCOM that [REDACTED] was at the police station lobby wanting to speak with an Officer. Officer Lombardi and I relocated to the police station.

Upon my arrival medical personnel and Officer Lombardi were on scene. [REDACTED] had a bruise to his forehead above his nose. He had a clipboard in his possession. [REDACTED] said he was attacked by [REDACTED] after inquiring about a missing package. He said the attack was unprovoked and denied striking [REDACTED] first. He became upset and uncooperative when he was questioned about attacking [REDACTED] with the clipboard. He left the station yelling "you guys are fucking jagoffs". He refused to allow the paramedics to examine him nor would he sign a victim refusal.

I completed my report and returned to patrol.

Incident Report Suspect List

Elmwood Park Police Department

OCA: 16-00152

1	Name (Last, First, Middle) [REDACTED]		Also Known As				Home Address [REDACTED]			
Business Address										
DOB. [REDACTED]	Age 64	Race [REDACTED]	Sex M	Eth	Hght 600	Wgt 195	Hair BRO	Eye BRO	Skin	Driver's License / State. [REDACTED] IL
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 Mode of Travel	
Veh Yr/Make/Model		Drs	Style		Color		Lic/St		VIN	
Notes							Physical Char			