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November 18, 2016

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IN REPLY REFER TO FILE NO.

Ms. Marie D. Allen
1420 N. 13th Avenue
Melrose Park, Illinois 60160

EP-1

Re: Freedom of Information Act Request

Dear Ms. Allen:

On November 3, 2016, the Village of Elmwood Park received your Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"Copies of ALL police reports alleging rape, from 2012-2016."

Please be advised that your FOIA request is denied pursuant to Section 3(g) of FOIA. Section 3(g) of FOIA provides that:

"Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. Before invoking this exemption, the public body shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions."

On November 10, 2016, I sent you correspondence indicating that compliance with your FOIA request was unduly burdensome. My November 10, 2016, correspondence stated that the Village of Elmwood Park Police Department is unable to run a query of its records in order to determine which police reports allege rape. Therefore, in order to determine what records are responsive to your FOIA request, the Village of Elmwood Park Police Department would need to review every police report filed from January 1, 2012, through November 3, 2016, to determine if that report involved an alleged rape. After evaluating these police reports spanning over a four (4) year time period, the Village of Elmwood Park would then need to review the records to ensure that information exempt from disclosure under Section 7 of FOIA was redacted from the records provided to you. Due to the substantial amount of records that would need to be evaluated in order to determine what records are responsive to your FOIA request and the time it would take to review such records, the Village of Elmwood Park determined that

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compliance with your FOIA request is unduly burdensome and would interfere with the daily operations of the Village of Elmwood Park.

In accordance with Section 3(g) of FOIA, I extended to you the opportunity to discuss this matter and attempt to reduce the scope of your FOIA request to manageable proportions. As of today, November 18, you have not contacted our office or the Village of Elmwood Park to reduce the scope of your FOIA request to manageable proportions. Accordingly, your FOIA request is denied pursuant to Section 3(g) of FOIA.

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