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October 31, 2016

Mr. Jim Strong  
[jlsbearfan@aol.com](mailto:jlsbearfan@aol.com)

EP-1

**Re: Freedom of Information Act Request**

Dear Mr. Strong:

On October 24, 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:

"Pursuant to the Freedom of Information Act, I hereby request any and all documents, including the police report, regarding two incidents that involved yellow crime tape at the scene. We request the police report and any other related documents for the incident that occurred on Sunday, October 23 in the alley behind Westwood, as well as the police report and any other documents related to the incident that occurred on Friday morning, October 14 at the BP gas station on Grand Avenue and 75th Avenue."

Your FOIA request is granted in part and denied in part. Enclosed please find the records responsive to the portion of your FOIA request seeking "the police report and any other documents related to the incident that occurred on Friday morning, October 14 at the BP gas station on Grand Avenue and 75th Avenue." However, please be advised that certain information in the records responsive to this portion of 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

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Mr. Jim Strong  
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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 home or personal telephone numbers, and home addresses, 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.

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 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 provided information to the Village of Elmwood Park Police Department has been redacted from the records being provided.

Please be advised that, pursuant to Section 7(1)(d)(vii), the Village of Elmwood Park is denying the portion of your FOIA request seeking "the police report and any other related documents for the incident that occurred on Sunday, October 23 in the alley behind Westwood." Section 7(1)(d)(vii) 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 correctional agency for law enforcement purposes" are exempt from disclosure, "but only to the extent that disclosure would: ... obstruct an ongoing criminal investigation by the agency that is the recipient of the request." The portion of your FOIA request seeking "the police report and any other related documents for the incident that occurred on Sunday, October 23 in the alley behind Westwood" seeks records that relate to an ongoing criminal investigation of the Village of Elmwood Park Police Department. Due to the ongoing criminal investigation of this matter, disclosure of records responsive to this portion your FOIA request would obstruct the Village of Elmwood Park Police Department's ongoing criminal investigation. Consequently, the portion of your FOIA request seeking "the police report and any other related documents for the incident that occurred on Sunday, October 23 in the alley behind Westwood" is denied pursuant to Section 7(1)(d)(vii) of FOIA.

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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

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

Elmwood Park Police Department

Case # 16-02513

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

| D<br>R<br>U<br>G<br>S | IBR | Status | Quantity | Type Measure | Suspected Type |  |
|-----------------------|-----|--------|----------|--------------|----------------|--|
|                       |     |        |          |              |                |  |
|                       |     |        |          |              |                |  |
|                       |     |        |          |              |                |  |
|                       |     |        |          |              |                |  |
|                       |     |        |          |              |                |  |
|                       |     |        |          |              |                |  |
|                       |     |        |          |              |                |  |
|                       |     |        |          |              |                |  |
|                       |     |        |          |              |                |  |

**Assisting Officers**

*LOMBARDI, C. (EP0885), LOMBARDI, C. (EP0885), GIOVENCO, J. (EP9700), DYREK, R. (EP1328), DYREK, R. (EP1328), RODRIGUEZ, C. (EP6361), RODRIGUEZ, C. (EP6361), KLISZ, R. (EP7134)*

Suspect Hate / Bias Motivated:

NARRATIVE

## REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

|  |
|--|
| OCA<br>16-02513                              |
| Date / Time Reported<br>Fri 10/14/2016 06:35 |

|                      |                          |
|----------------------|--------------------------|
| Victim<br>[REDACTED] | Offense<br>ARMED ROBBERY |
|----------------------|--------------------------|

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

On 10/14/16, at 0635 hours, Sergeant Rosa, Officer Lombardi, Officer Rodriguez, Officer Dyrek and I responded to BP Gas Station (7450 W. Grand Avenue) for an armed robbery report.

Upon arrival, I observed the gas station clerk, now known as [REDACTED], standing near the glass entrance door. I did not observe anyone else inside as I approached the gas station. Inside the store, [REDACTED] told me in summary: Approximately 3 to 4 minutes prior to police arrival, a tall, heavy, unknown male wearing a white scarf over his face entered the gas station and displayed a handgun. The male told [REDACTED] "Give me money. Give me New Ports." [REDACTED] said he complied with the male and gave him what he demanded. [REDACTED] said he had no injuries and refused an ambulance.

Store owner, [REDACTED] came out from a back room as I spoke to [REDACTED]. [REDACTED] told me he was in the office when the robbery occurred. [REDACTED] did not see or hear the robbery. [REDACTED] told me he has video surveillance cameras throughout the store that also record audio. [REDACTED] said the offender stole approximately \$200USC and 12 to 20 packs of New Port cigarettes valued at \$12USC a box. [REDACTED] said he was unable to do an inventory at the moment to determine the exact loss but would notify the police later.

Sergeant Rosa arrived on scene. I taped off the entire gas station property with crime scene tape.

Officer Lombardi, Officer Rodriguez and Officer Dyrek searched the area with negative results.

Sergeant Rosa and I watched the video surveillance footage of the incident. The following are a summary of my observations:

At 0634 hours

A male walked west bound in the alley. He stopped at the north side of the BP Gas Station garbage dumpster and appeared to look (south) in the direction of the gas station lot. It appeared the male may have urinated against the dumpster.

At 0636 hours

The male moved to the south west corner of the dumpster and continued to watch the lot. He then walked through the gas station lot toward the front entrance door.

At 0637 hours

The male entered the gas station through the south door. The camera footage showed the male partially display what appeared to be a silver (possibly silver and black) handgun out of the right side of his hooded jacket. The clerk put money and cigarettes (New Port brand) into a black plastic bag. The male touched the cash register tray with his left hand and wiped the area off with his sleeve.

At 0638 hours

The male used his arm to open and exit through the south door. [REDACTED] dropped to the ground to hide. The male walked through the gas station lot toward the area of the dumpster. He exited the gas station lot through the open gate near the dumpster. Once in the alley, the camera footage showed the male running

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

|                      |
|----------------------|
| OCA                  |
| 16-02513             |
| Date / Time Reported |
| Fri 10/14/2016 06:35 |

|            |               |
|------------|---------------|
| Victim     | Offense       |
| [REDACTED] | ARMED ROBBERY |

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

east bound holding what appeared to be a handgun in his right hand and the black bag in his left hand. He ran out of view.

After reviewing the surveillance cameras, Sergeant Rosa told Officer Lombardi to tape off the dumpster area with crime scene tape. It appeared the male was 6'01" to 6'04, 240lbs to 270lbs. The male wore black and white shoes, black athletic pants with a black stripe down the sides, black hooded jacket with the hood up and a white item of clothing covering his face. Only the male's eyes showed.

Officer Giovenco (evidence technician) was notified and responded to the scene for processing. See Officer Giovenco's report.

Detective Commander Klisz arrived on scene.

The scene was turned back over to [REDACTED] upon the completion of evidence collection / processing.

I was advised by WESCOM that the resident at [REDACTED] had video cameras in the alley. I responded to that address and spoke to resident [REDACTED] invited me inside his residence and showed me the footage. [REDACTED] said his security system only record movement and there was no recording during the time of the armed robbery.

Officer Dyrek completed an investigative action report. See attached.

# Incident Report Suspect List

Elmwood Park Police Department

OCA: 16-02513

|   |                            |         |      |       |      |               |     |        |        |               |                           |     |               |  |                |  |
|---|----------------------------|---------|------|-------|------|---------------|-----|--------|--------|---------------|---------------------------|-----|---------------|--|----------------|--|
| <b>1</b>  | Name (Last, First, Middle) |         |      |       |      | Also Known As |     |        |        |               | Home Address              |     |               |  |                |  |
|   | UNKNOWN,                   |         |      |       |      |               |     |        |        |               |                           |     |               |  |                |  |
|   | Business Address           |         |      |       |      |               |     |        |        |               |                           |     |               |  |                |  |
|   | DOB                        | Age     | Race | Sex   | Eth  | Hgt           | Wgt | Hair   | Eye    | Skin          | Driver's License / State. |     |               |  |                |  |
| / /   |                            | W       | M    |       | 601  | 230           |     |        |        |               |                           |     |               |  |                |  |
| Scars, Marks, Tattoos, or other distinguishing features |                            |         |      |       |      |               |     |        |        |               |                           |     |               |  |                |  |
| <b>Reported Suspect Detail</b>                          |                            |         |      |       |      |               |     |        |        |               |                           |     |               |  |                |  |
| 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 |                           |     |               |  |                |  |

CASE SUPPLEMENTAL REPORT

Printed: 10/19/2016 10:49

Elmwood Park Police Department

OCA: 1602513

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Case Status: PENDING / ACTIVE

Case Mng Status: NA

Occurred: 10/14/2016

Offense: ARMED ROBBERY

Investigator: GIOVENCO, J. (EP9700)

Date / Time: 10/14/2016 09:29:37, Friday

Supervisor: ROSA, E. (EP4441)

Supervisor Review Date / Time: 10/14/2016 10:57:43, Friday

Contact:

Reference: Evidence Report

On 10/14/16 at 0800 hours I was the evidence technician assigned to process the scene of an armed robbery at the BP gas station, 7450 Grand Ave. Upon arrival I spoke with Detective Commander Klisz who informed me an unknown subject entered the BP through the main entrance on the west side of the business, what appeared to be a silver, semi-automatic handgun, demanded cash from the register and left the scene.

Commander Klisz informed me after he reviewed the video, the subject approached from the alley on the north side of the building. The subject appears to have stop by the blue dumpster outside of the business and urinated on the dumpster. I put on a new pair of rubber gloves and photographed the dumpster as it was. I then opened a new package containing two new buccal swabs and used them to collect a sample of the suspects possible urine sample. I then secured the buccal swabs in my squad unit 343.

I disposed of my gloves and photographed the exterior of the scene as it was. I then entered the BP and photographed the interior of the scene as it was. I reviewed the security camera footage and observed a heavy set M/W subject wearing a black hooded sweatshirt, gray sweatpants with a black stripe, black and white Jordan gym shoes and a white mask stop next to the dumpster and pause momentarily. The subject then enters the business, approaches the register, reveals the possible silver handgun and wait while the clerk emptied the register. The Subject then grabs a portion of the cash drawer with his left hand and immediately wipes the drawer off using his sweatshirt sleeve.

The clerk hands the subject the plastic bag with proceeds and flees the area northbound. I put on a new pair of rubber gloves and dusted the portion of the cash drawer which was touched by the subject for possible fingerprints which turned up negative results. I again reviewed the video to observed the subjects entry to the business and observed the subject touched the inner portion of the door with his right index finger. I dusted the portion of the door which turned up negative results.

The store owner provided me a copy of the surveillance video which was saved to USB drive and turned over to Detective Commander Klisz. At the Public Safety Building I printed a contact sheet of the photographs taken. I then copied the photographs to two (2) CD-R discs. One of the disc was placed into BEAST as evidence. The buccal swabs were packaged according to Elmwood Park procedures, placed into BEAST as evidence and submitted to the ISP crime lab for DNA analysis.

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

Investigator Signature

Supervisor Signature