

LAW OFFICES

STORINO, RAMELLO & DURKIN

9501 WEST DEVON AVENUE
ROSEMONT, ILLINOIS 60018

(847) 318-9500

FACSIMILE (847) 318-9509

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

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.

October 10, 2016

Ms. Yolanda Rios
1819 N. New England Avenue
Chicago, Illinois 60707
Yroman.rios@gmail.com

EP-1

Re: Freedom of Information Act Request

Dear Ms. Rios:

On October 3, 2016, the Village of Elmwood Park received your Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for "16-2409[.]"

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, 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, the name of a suspect who was never arrested, and the races of individuals, have been redacted from the records being provided.

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Ms. Yolanda Rios
October 10, 2016
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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.

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>Elmwood Park Police Department</i>
ORI <i>IL0163100</i>

Case# <i>16-02409</i>
Date / Time Reported <i>10/02/2016 11:36 Sun</i>
Last Known Secure <i>10/02/2016 11:00 Sun</i>
At Found <i>10/02/2016 11:15 Sun</i>

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Location of Incident <i>7733 Grand Av, Elmwood Park IL 60707-</i>		Premise Type <i>Other Or Unknown</i>	Zone/Tract <i>E3</i>
#1	Crime Incident(s) <i>Battery (misdemeanor)</i>	Weapon / Tools <i>PERSONAL (HANDS, FIST, FEET)</i>	
	<i>0460</i>	Entry	Exit
#2	Crime Incident	Weapon / Tools	
		Entry	Exit
#3	Crime Incident	Weapon / Tools	
		Entry	Exit

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# of Victims <i>1</i>	Type: INDIVIDUAL	Injury:	Crime Agst Child= Y
V1	Victim/Business Name (Last, First, Middle)	Victim of Crime # <i>1,</i>	DOB <i>Age 79</i>
	Home Address	Race	Sex <i>F</i>
	Employer Name/Address	Relationship To Offender <i>1CT</i>	Resident Status
		Military Branch/Status	Home Phone
		Business Phone	Mobile Phone
VYR	Make	Model	Style
	Color	Lic/Lis	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: INDIVIDUAL		Injury:	
Code <i>RP</i>	Name (Last, First, Middle)	Victim of Crime #	DOB <i>Age 38</i>
	Home Address	Race	Sex <i>F</i>
	Employer Name/Address	Relationship To Offender	Resident Status
		Military Branch/Status	Home Phone
		Business Phone	Mobile Phone
Type: INDIVIDUAL		Injury:	
Code <i>RP</i>	Name (Last, First, Middle)	Victim of Crime #	DOB <i>Age 55</i>
	Home Address	Race	Sex <i>M</i>
	Employer Name/Address	Relationship To Offender	Resident Status
		Military Branch/Status	Home Phone
		Business Phone	Mobile Phone

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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 Fin/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Officer/ID# <i>RODRIGUEZ, C. (PATL, PAT) (EP6361)</i>	Invest ID# <i>(0)</i>	Supervisor <i>KMIECIK, M. (PATL, SUPV) (EP1312)</i>
Status	Complainant Signature	Case Status <i>Pending / Active</i>
		Case Disposition: <i>10/02/2016</i>

INCIDENT/INVESTIGATION REPORT

Elmwood Park Police Department

Case # 16-02409

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

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA 16-02409
Date / Time Reported Sun 10/02/2016 11:36

Victim [REDACTED]	Offense BATTERY (MISDEMEANOR)
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THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On October 2, 2016, at 1136 hours, I responded to Generations Elmwood Park Nursing Home, 7733 W. Grand Avenue, for a report.

Upon my arrival, I met :

Nurse Supervisor, [REDACTED] F [REDACTED]
Resident, [REDACTED] F/ [REDACTED] and
Visitor, [REDACTED] M [REDACTED] son).

[REDACTED] told me [REDACTED] reported to her that [REDACTED] was slapped by Nurse [REDACTED] today at 1100 hours. [REDACTED] requested that I document what [REDACTED] alleged occurred for Generations Elmwood Park Nursing Home. [REDACTED] cautioned me that [REDACTED] is currently in isolation for her health care.

I spoke to [REDACTED] from the hallway outside room 117. [REDACTED] translated what [REDACTED] said, from Spanish to English.

[REDACTED] said the following:
[REDACTED] asked nurse [REDACTED] to hurry with cleaning [REDACTED] then with her back hand, slapped [REDACTED] on her face, the cheek area.

[REDACTED] did not observe any injury to [REDACTED]
I did not observe any injury on [REDACTED] face from where I was standing.
I ended my conversation with [REDACTED] with [REDACTED] assistance.

I spoke to [REDACTED]
[REDACTED] told me she sent [REDACTED] home for the day, following the procedure of Generations Elmwood Park Nursing Home.

I gave [REDACTED] the report number.

I told [REDACTED] the above incident is reported with the Elmwood Park Police.

Incident Report Suspect List

Elmwood Park Police Department

OCA: 16-02409

1 Name (Last, First, Middle) [REDACTED]		Also Known As				Home Address [REDACTED]				
Business Address										
DOB [REDACTED]	Age 38	Race	Sex F	Eth	Hgt 502	Wgt 175	Hair BLK	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				