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IN REPLY REFER TO FILE NO.

August 15, 2017

Mr. Thomas Schmitz
2411 N. 78th Avenue
Elmwood Park, Illinois 60707
tpschmitz1@gmail.com

EP-1

Re: Freedom of Information Act Request

Dear Mr. Schmitz:

On August 8, 2017, the Village of Elmwood Park received your Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"17-1430
17-1436
17-1589[.]"

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 the 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.

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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 home or personal telephone numbers, home addresses, and signatures, 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, the names of third parties who incidentally appear in police reports, 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.

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
Acting 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

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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>17-01430</i>	
ORI <i>IL0163100</i>		Date / Time Reported <i>06/11/2017 16:07 Sun</i>	
Location of Incident <i>2411 78th Av, Elmwood Park IL 60707-</i>		Premise Type <i>Residence / Home</i>	Zone/Tract <i>E3</i>
Last Known Secure <i>06/11/2017 16:07 Sun</i>		At Found <i>06/11/2017 16:07 Sun</i>	
#1	Crime Incident(s) <i>Domestic Battery 0486</i>	(Com) Weapon / Tools <i>PERSONAL (HANDS, FIST, FEET)</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: <i>INDIVIDUAL</i>	Injury:	
VI	Victim/Business Name (Last, First, Middle) [REDACTED]	Victim of Crime # <i>1,</i>	DOB <i>Age 33</i>
	Home Address [REDACTED]	Race [REDACTED]	Sex <i>F</i>
	Employer Name/Address	Relationship To Offender <i>LLI</i>	Resident Status <i>Resident</i>
		Home Phone [REDACTED]	Military Branch/Status
		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:	Injury:	
Code	Name (Last, First, Middle)	Victim of Crime #
	Home Address	DOB
	Employer Name/Address	Age
		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 #
	Home Address	DOB
	Employer Name/Address	Age
		Race
		Sex
		Relationship To Offender
		Resident Status
		Military Branch/Status
	Home Address	Home Phone
	Employer Name/Address	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	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Officer/ID#	<i>RODRIGUEZ, C. (PATL, PAT) (EP6361)</i>	Supervisor	<i>BUSCH, D. (PATL, SUPV) (EP5697)</i>
Invest ID#	<i>KLISZ, R. (INV, INV) (EP7134)</i>	Case Status	<i>Exceptionally Cleared Adult</i>
Status	Complainant Signature	Case Disposition:	<i>7</i>
			<i>06/12/2017</i>
			<i>06/12/2017</i>
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INCIDENT/INVESTIGATION REPORT

Elmwood Park Police Department

Case # 17-01430

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
SCHAK, K. (EP2963), LOGISZ, R. (EP6631)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA 17-01430
Date / Time Reported Sun 06/11/2017 16:07

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

On June 11, at 1607 hours, I responded to 2411 N. 78th Avenue for a reported Domestic Battery. Upon my arrival, with Officer Logisz and Officer Schak, I met [REDACTED] M [REDACTED] and his live in girlfriend [REDACTED] F [REDACTED]

[REDACTED] told me he had an altercation with [REDACTED] [REDACTED] told me he was in the living room with his children when [REDACTED] became upset with him. [REDACTED] told me [REDACTED] will lie and say things to the police to have him arrested. [REDACTED] told me he is surprised [REDACTED] called the police.

I spoke to [REDACTED] [REDACTED] told me she had an argument with [REDACTED] [REDACTED] told me [REDACTED] became upset and grabbed [REDACTED] on her neck. I did not observe any redness or injury to [REDACTED] neck or arms. [REDACTED] told me she was not injured. [REDACTED] told me [REDACTED] spat on her.

I returned to [REDACTED] [REDACTED] told me he did not grab [REDACTED] [REDACTED] told me he did not spit on [REDACTED]

[REDACTED] signed a victim refusal sign and said she did not want [REDACTED] arrested.

[REDACTED] said her children witnessed the altercation with [REDACTED] [REDACTED] F [REDACTED] [REDACTED] M [REDACTED]

[REDACTED] left for the evening.

I returned to the Public Safety Building, completed this report, and contacted DCFS.

Nothing Further.