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IN REPLY REFER TO FILE NO.

EP-1

Via E-Mail: [gordonrutherford@live.com](mailto:gordonrutherford@live.com)

Mr. Gordon Rutherford

7758 W. Belmont Avenue, #2S

Chicago, Illinois 60634

**Re: Freedom of Information Act Request**

Dear Mr. Rutherford:

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

"17-166"

Your request has been granted in part and denied in part. Enclosed are records responsive to your FOIA request. However, please be advised that certain information in the records being provided has been determined to be exempt from disclosure under FOIA, and that 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, VIN, 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 driver's license numbers, VINs, employee identification numbers, 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, an individual's race, a victim's name and identifying information, the names of suspects who were never arrested and other

**STORINO, RAMELLO & DURKIN**

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personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, 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 have filed complaints with or who have 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 2<sup>nd</sup> Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto: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

  
Peter A. Pacione

Enclosures



# INCIDENT/INVESTIGATION REPORT

Elmwood Park Police Department

Case # 17-00166

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  
 BORRINI, J. (REDACTED), HOCK, B. (REDACTED), CHAURIZE, M. (REDACTED)

Suspect Hate / Bias Motivated:

NARRATIVE

**REPORTING OFFICER NARRATIVE**

Elmwood Park Police Department

OCA 17-00166
Date / Time Reported Mon 01/16/2017 22:28

Victim

[REDACTED]

Offense

CRIMINAL DAMAGE TO VEHICLE

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

On 01/16/17 at 2228 hours, I was dispatched to the area of 78th Avenue and Belmont Avenue for a criminal damage to vehicle. Upon arrival, all parties involved were on scene. Officers Chaurize, Hock, and Borrini arrived on scene.

I spoke with the caller [REDACTED] (m/ [REDACTED]). [REDACTED] stated he was traveling east bound Belmont Avenue in his vehicle bearing IL registration [REDACTED]. As [REDACTED] approached 78th Avenue, he noticed a male and a female walking south bound across Belmont Avenue approaching 78th Avenue. There is a crosswalk at the intersection with no traffic control devices or signs. [REDACTED] stated he slowed down his vehicle as he approached the crosswalk with the two subjects walking across Belmont Avenue. [REDACTED] stated as the male and female walked past his vehicle, the male subject began screaming at him and then proceeded to swing a large bag at his vehicle. [REDACTED] stated the large bag struck the right passenger side mirror of his vehicle, causing the mirror to nearly fall off. I looked at the side mirror and noticed it was damaged and holding on by wires.

I then spoke with the two subjects who were walking across Belmont Avenue now identified as [REDACTED] (m/ [REDACTED]) and his girlfriend Sabrina Koski (f/ [REDACTED]). [REDACTED] was holding a plastic bag in his hand which were filled with unknown various items. [REDACTED] stated he was walking south bound across Belmont Avenue approaching 78th Avenue with his girlfriend Koski. [REDACTED] stated as they were walking across the street, a Honda car was going twenty five or thirty miles per hour east bound Belmont in their direction. [REDACTED] stated he and Koski made it past the Honda. [REDACTED] stated he was so upset and angry the Honda almost hit his girlfriend. [REDACTED] stated he turned around, now facing north bound Belmont, and pointed at the cross walk in the street. [REDACTED] stated he pointed at the cross walk to make sure the driver of the Honda understood he had the right of way to walk across the street. [REDACTED] stated as he pointed at the crosswalk, the Honda vehicle struck his right arm which caused the damage to the vehicle.

I took a look at [REDACTED] arm which had a very minor red mark near his right forearm. [REDACTED] refused medical attention.

I again spoke with [REDACTED] who wanted restitution from [REDACTED] for the damage he caused his vehicle. [REDACTED] was not cooperative and argued that he had the right of way to cross the street and the damage to the vehicle was not his fault. [REDACTED] stated he did not want to have to [REDACTED] arrested, he just wanted restitution for the mirror. [REDACTED] agreed to exchanging phone numbers with [REDACTED] and working on an agreement when [REDACTED] can get an estimate with a receipt from a body shop.

[REDACTED] signed a refusal sheet to not sign a complaint against Rutherford at this time. I provided both parties with the police report number.

End of report.

# Incident Report Suspect List

Elmwood Park Police Department

OCA: 17-00166

<b>1</b>	Name (Last, First, Middle)				Also Known As				Home Address				
	[REDACTED]				[REDACTED]				[REDACTED]				
Business Address												Driver's License / State.	
DOB		Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	[REDACTED]		
[REDACTED]		43	[REDACTED]	M	[REDACTED]	601	180	BLN	BLU	[REDACTED]	[REDACTED]		
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		
Veh Yr/Make/Model		Drs	Style		Color		Lic/St			VIN			
Notes								Physical Char					

## Incident Report Related Vehicle List

Elmwood Park Police Department

OCA: 17-00166

<b>1</b>	Veh Yr/Make/Model <i>2015 HOND, Accord</i>		Style <i>COUP</i>		Color <i>GRY/GRY</i>		Lic/Lis <i>[REDACTED] IL 2017</i>		VIN <i>[REDACTED]</i>		
	JBR Status <i>Destroyed/damaged/vandaliz</i>			Date <i>01/16/2017</i>		Location <i>7801 BELMONT AV, ELMWOOD PARK IL</i>					
	Condition		Value <i>\$0.00</i>		Offense Code <i>1320</i>		Jurisdiction <i>Locally</i>		State #		NIC #
	Name (Last, First, Middle) <i>[REDACTED]</i>					Also Known As			Home Address <i>[REDACTED]</i>		
	Business Address								<i>[REDACTED]</i>		
	DOB <i>[REDACTED]</i>	Age <i>36</i>	Race <i>[REDACTED]</i>	Sex <i>M</i>	Hgt <i>504</i>	Wgt <i>150</i>	Scars, Marks, Tattoos, or other distinguishing features				

**Notes**

*Vehicle was damaged by subject [REDACTED] who was walking across street, swung a plastic bag at the right passenger mirror of vehicle, damaging mirror.*



**ELMWOOD PARK POLICE DEPARTMENT**  
**VICTIM'S REFUSAL TO SIGN COMPLAINTS**

Case Number: 17-166  
 Date: 01/16/17  
 Time: 22:28  
 INCIDENT: Crim. Damage  
To Vehicle

I, being the victim in this incident, do not wish to prosecute the below listed suspect, for this offense. I will not sign a complaint and request that none be issued. I understand the Elmwood Park Police Department is willing to issue a complaint in this matter; however, I do not wish any prosecution.

This action on my part is free and voluntary, and I have not been coerced nor intimidated in any way in deciding this course of action.



X ASD  
 Signature of Person Refusing

[Redacted]  
 Printed Name of Person Refusing

[Redacted]  
 Telephone Number

[Redacted]  
 Witness #1 Signature

[Redacted]  
 Witness #2 Signature

Gordon Butherford [Redacted]  
 Name of Suspect and D.O.B.

[Redacted]  
 Suspect Address and Telephone Number

Reporting Officer/Star  
LONT #0048

[Redacted]  
 Approving Supervisor/Star