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February 6, 2017

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IN REPLY REFER TO FILE NO.
EP-1

Via E-Mail: RG3TRANSPORTATION@GMAIL.COM
Mr. Rafal Gil
5125 S. Lamon
Chicago, Illinois 60638

Re: Freedom of Information Act Request

Dear Mr. Gil:

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:

"17-237"

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, 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, and other

STORINO, RAMELLO & DURKIN

Mr. Rafal Gil
February 6, 2017
Page 2

personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, have 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



Peter A. Pacione

Enclosures

INCIDENT/INVESTIGATION REPORT

Elmwood Park Police Department

Case # 17-00237

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

BUSCH, D. (REDACTED), GERACI, J. (REDACTED), BRAND, T. (REDACTED), RODRIGUEZ, C. (REDACTED)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA 17-00237
Date / Time Reported Tue 01/24/2017 20:23

Victim GIL, RAFAL M	Offense BURGLARY FROM MOTOR VEHICLE
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THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On 1/24/17 at approximately 2020 hours, I patrolled the area of 72nd Ct. and Wabansia. I saw a white pickup truck parked on the east side 72nd Ct. with a trailer attached. A m/w walked toward the rear of the trailer and opened the trailer door. I saw the trailer had a B truck plate on it, and the pick-up did not have a rear plate. I drove around the Sears Automotive building and parked southeast of where the truck and trailer was parked. I saw the truck plate that was attached to the trailer was now missing. I watched for a few minutes, seeing only a female passenger inside the truck. I saw the truck pull away from the curb, leaving the trailer behind.

I pulled my patrol vehicle behind the truck and noticed the plate that was on the trailer was now on the rear of the truck. A check of the registration through LEADS revealed the truck registered out of Hickory Hills. The truck drove south on Harlem past North Ave. I activated my emergency lights and effected a traffic stop. The truck took a while to pull over but finally pulled to the curb.

I approached the vehicle and spoke with the driver, who was the same person I saw open the trailer. He provided a driver's license and insurance. His license revealed him to be Morgan Benavidez. He stated he lived in Hickory Hills. I asked where he was coming from, which he said Des Plaines. I asked him about the trailer. He told me he thought the trailer was abandoned, but also said he was looking at the trailer in case it was for sale. Morgan said he was obsessed with trailers and possibly wanted to buy it. Morgan was very nervous. Commander Busch arrived. I called Ofc. Rodriguez to the scene. When Officer Rodriguez arrived, I instructed him to go to the trailer and find a V.I.N. number.

Based on the suspicious activity of Morgan at the trailer and his conflicting statement, I asked him to step out of the vehicle. I asked him who the female in the car was. He said she was his wife Jennifer. I conducted a Terry frisk of Morgan I felt a knife in his pocket. For my safety I placed Morgan into handcuffs, then removed the knife. Commander Busch spoke with Jennifer while she sat in the passenger seat and recovered the registration plate for the trailer from inside the cab of the truck.

Officer Rodriguez located the VIN for the trailer and gave it to the WSCDC dispatcher. Dispatch advised the trailer was reported stolen. The trailer was not registered to Morgan or Jennifer. they were placed under arrest and transported to the station. Evidence Technician Brand photographed the trailer. The truck was towed to the station and the trailer was towed to Village Towing.

At the station, I took possession of Morgan's property and placed him into a cell prior to Jennifer coming in. Jennifer entered the lock up with Oak Park Officer Carver. Officer Carver conducted a search of Jennifer and I completed Jennifer's lock up forms. At 2136 hours, I read Jennifer her rights per Miranda off a pre-printed form. Jennifer told me Morgan was going to a friend's house on 1/23. Jennifer said the friend was a drug user and she did not want to go, because she was a recovering drug addict. Morgan dropped her off on a highway and she took an Uber home. She saw Morgan again in the morning after he was released from LaGrange Hospital. He was hospitalized due to intoxication from drugs. He left and returned a while later with the trailer on the truck. She asked him about the trailer which he said he found it abandoned on the side of the road. Morgan was under the influence and she was concerned for his welfare, so she entered the truck with him. They drove around for a while. Jennifer was tired from not sleeping the night before and was in and out of sleep during the drive. She wanted to eat and begged Morgan to get rid of the trailer

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA 17-00237
Date / Time Reported Tue 01/24/2017 20:23

Victim GIL, RAFAL M	Offense BURGLARY FROM MOTOR VEHICLE
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and go to a restaurant. She felt the acquisition of the trailer was questionable, but her biggest concern was for the welfare of Morgan.

At 2201 hours, I read Morgan his rights per Miranda off a pre-printed form. Morgan told me he was close to receiving his associates degree from Moraine Valley College. He said he "fell off the wagon" and was currently under the influence of meth and heroin. Morgan saw the trailer sometime in the morning. He hooked up the trailer to his truck and drove away with the trailer. He was by himself at the time. The trailer had a lock on the back door. He drove around with the trailer and eventually picked up Jennifer. He removed the lock and saw steel kitchen equipment in the trailer. Morgan took the trailer to the scrap yard in Blk Grove Village. He sold the equipment to the scrap yard. The receipt for the sale was in his property. I located the receipt showing he received \$84.49 dollars from G&M Metal Inc. on this date at 1747 hours. After he left the scrap yard, he began feeling guilty about taking the trailer and Jennifer was telling him to get rid of the trailer. He pulled over on 72nd Ct. and released the trailer from his truck. A stand up plastic sign in the back of his truck was from the trailer, but everything else in the truck was his. Morgan said Jennifer had nothing to do with the theft and he was the responsible one. I returned Morgan to a holding cell. Jennifer was released from custody without charges.

CSO Perez spoke with the owner of the trailer who said he would come to the station on 1/25/17. Hickory Hills faxed a copy of their theft report. According to the report, the value of the trailer was \$5,000 and the kitchen equipment was valued at \$25,308.98.

On 1/25/17 at approximately 1500 hours, I spoke with Rafal Gil on the phone. He said he was on his way to the station and wanted to sign a criminal complaint against Morgan. I spoke with Greg Dejlitko of G & M Metal, who said the property was still there and will stop it from being dismantled. He said the business had video surveillance and could send me photos of the transaction. I received photos in my E-mail from Greg showing Morgan's truck pulling onto the property with the trailer, and back into a stall. The photos showed Morgan outside of the truck at the scrap yard wearing the same clothes as when I pulled him over. I printed out the photos. Greg told me the employee who conducted the transaction with Morgan was Pete Nowak.

I looked up the address where the trailer was stolen from and the picture from the "street view" showed the stolen trailer parked in the driveway at the residence. Rafal provided me copies of receipts for the items that were in the trailer.

At 2229 hours I received felony approval for Theft. Morgan was processed and prepared for bond court.

Incident Report Suspect List

Elmwood Park Police Department

OCA: 17-00237

1	Name (Last, First, Middle) <i>BENAVIDEZ, MORGAN A</i>					Also Known As					Home Address ██████████ ██████████				
	Business Address														
	DOB ██████████	Age 28	Race █	Sex M	Eth	Hgt 509	Wgt 180	Hair BRO	Eyes BLU	Skin	Driver's License / State. ██████████ 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	
Veh Yr/Make/Model		Drs	Style		Color		Lic/St		VIN			

Notes	Physical Char
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2	Name (Last, First, Middle) <i>BENAVIDEZ, JENNIFER D</i>					Also Known As					Home Address ██████████ ██████████				
	Business Address														
	DOB ██████████	Age 30	Race █	Sex F	Eth	Hgt 501	Wgt 98	Hair BRO	Eyes BRO	Skin	Driver's License / State. ██████████				
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
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Incident Report Related Vehicle List

Elmwood Park Police Department

OCA: 17-00237

1	VehYr/Make/Model <i>2007 ROYA</i>	Style <i>TRAI</i>	Color <i>WHI</i>	Lic/Lis <i>3589JE-TA IL 2016</i>	VIN <i>5LABE14147M016374</i>
	IBR Status <i>Recovered</i>	Date <i>01/27/2017</i>	Location <i>1600 72ND CT, ELMWOOD PARK IL</i>		
	Condition	Value <i>\$5,000.00</i>	Offense Code <i>0760</i>	Jurisdiction <i>Locally</i>	State # NIC #
	Name (Last, First, Middle) <i>Gil, Rafal M</i>		Also Known As		Home Address <i>5125 S LAMON CHICAGO, IL 60638 708-256-2137</i>
	Business Address				
	DOB <i>02/11/1985</i>	Age <i>31</i>	Race	Sex <i>M</i>	Hgt <i>509</i>
					Wgt <i>180</i>
	Scars, Marks, Tattoos, or other distinguishing features				

Notes

CASE SUPPLEMENTAL REPORT

Printed: 02/01/2017 09:37

Elmwood Park Police Department

OCA: 1700237

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *CLEARED BY ARREST ADULT*

Occurred: *01/24/2017*

Offense: *BURGLARY FROM MOTOR VEHICLE*

Investigator: *BROWN, T.* [REDACTED]

Date / Time: *01/30/2017 15:15:01, Monday*

Supervisor: *BROWN, T.* [REDACTED]

Supervisor Review Date / Time: *01/30/2017 22:10:19, Monday*

Contact:

Reference: *Investigative Action Supplement*

On 1/24/17, I arrested Morgan Benavidez for theft. During the investigation I learned Morgan had sold stolen property to G&M Metal Inc. The receipt in his possession showed he sold the property for \$84.49 a few hours prior to his arrest. When I completed his prisoner screening, I saw he possessed over \$80 on his person. Due to the money in his possession being similar to the profit he made selling the stolen property, I seized the money and placed it into evidence.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 02/01/2017 09:37

OCA: 1700237

Elmwood Park Police Department

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

Case Status: *CLEARED BY ARREST*

Case Mng Status: *CLEARED BY ARREST ADULT*

Occurred: *01/24/2017*

Offense: *BURGLARY FROM MOTOR VEHICLE*

Investigator: *KLISZ, R.* (redacted)

Date / Time: *01/31/2017 16:05:57, Tuesday*

Supervisor: *KLISZ, R.* (redacted)

Supervisor Review Date / Time: *01/31/2017 16:12:29, Tuesday*

Contact:

Reference: *Investigative Action Supplement*

On 01-31-17, I created a six pack photo array containing defendant Morgan Benavidez.

Detective Ransom and I went to G & M Metal, 1970 Estes Ave, Elk Grove Village, IL., 60007 and met with Peter Nowak. Detective Ransom acting as an independent Administrator showed Peter the photo array. Peter was not able to provide a positive identification of Morgan.

Peter gave a flash drive, USB storage drive, containing the incident at G & M Metal on the date in question.

Detective Astrella was able transfer the video surveillance from the USB to a disc.

Nothing further at this time.

Investigator Signature

Supervisor Signature