



Angelo "Skip" Saviano
Village President
Gina Pesko
Village Clerk
Paul A. Volpe
Village Manager
Michael Durkin
Village Attorney

Trustees
Alan T. Kaminski
Jeff Sargent
Angela Stranges
Anthony Del Santo
Angelo J. Lollino
Jonathan L. Zivojnovic

January 30, 2017

Ms. Melshenes Garland
Kiddie Korner Academy
7730 W. North Avenue
Elmwood Park, Illinois 60707
garlandmel@yahoo.com

EP-1

Re: Freedom of Information Act Request

Dear Ms. Garland:

On January 23, 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:

"A child broke her arm at the mentioned child care facility (Emma Reyes age 2) was the child hurt. In August 2016."

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 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.

Ms. Melshenes Garland
January 30, 2017
Page 2

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
The Village of Elmwood Park



Gina Pesko
Freedom of Information Officer

Enclosures

INCIDENT/INVESTIGATION REPORT

Elmwood Park Police Department

Case # 16-02148

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

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA
16-02148
Date / Time Reported
Fri 09/02/2016 11:58

Victim
[REDACTED]

Offense
INFORMATION FOR THE POLICE

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On 09-02-16 I received a faxed report from DCFS Agent Martha Bojon. Martha requested the Elmwood Park Police call her back.

I called Martha and she advised she received a report of an injury to a child named [REDACTED] which may have occurred at Kiddie Corner Academy 7730 W. North Ave in Elmwood Park. Martha said [REDACTED] is 2 years old and she has been taken to Lurie's Children's Hospital to have her left arm placed in a cast because it is broken. Martha said she received the case yesterday, (September 1st, 2016). She has interviewed numerous employees at Kiddie Corner Academy as well as the family. Martha advised the family learned of the injury later in the evening of August 30th, after picking up [REDACTED] parents noticed she was showing discomfort and seemed to be wincing in pain so they took her to the hospital. Martha advised the family showed concern claiming the Kiddie Corner Academy did not advise them of the incident. Martha said employees advised [REDACTED] fell off a play slide at the daycare and may have injured herself at this time.

Martha agreed to forward copies of her reports as well as reports from the hospital which may be more informative as to how the break may have occurred. Martha gave her cell phone number [REDACTED] and her desk number in Deerfield, IL (847-948-6803).

See connecting reports.

CASE SUPPLEMENTAL REPORT

Printed: 01/24/2017 15:27

Elmwood Park Police Department

OCA: 1602148

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Case Status: ADMINISTRATIVELY Case Mng Status: ADMINISTRATIVELY CLOSED Occurred: 08/30/2016
Offense: INFORMATION FOR THE POLICE

Investigator: RANSOM, D. (EP4339) Date / Time: 09/02/2016 14:35:38, Friday
Supervisor: KLISZ, R. (EP7134) Supervisor Review Date / Time: 10/17/2016 09:22:27, Monday
Contact: Reference: Investigative Action Supplement

09-02-16

I went to Kiddie Corner Academy 7730 W. North Ave and spoke to Manager, [REDACTED] ([REDACTED]). I explained to [REDACTED] why I was at the daycare and that I needed to speak to her, so we stepped into the office. [REDACTED] said she knew why I was there and said the incident we are talking about took place with [REDACTED] on 08-30-16 this week.

I asked about cameras at the daycare. [REDACTED] told me there are currently no cameras at the daycare recording. [REDACTED] said at one point there were cameras but they do not record and she does not believe they are even functioning at this time.

[REDACTED] told me she believes the incident took place around 430pm-445pm, on Tuesday, August 30th. [REDACTED] said there were three (3) teachers outside in the back of the building play area with the children. [REDACTED] said there are usually about 10-12 children outside playing at a time with 3 teachers. The three teachers were [REDACTED] (Head Teacher/ Assistant Director), [REDACTED] (Head Teacher Pre K) and [REDACTED] (Pre K Assistant). I asked for a schedule and [REDACTED] gave me a copy of the schedule for this week.

[REDACTED] said when the teachers came in with [REDACTED] she noticed [REDACTED] seemed agitated and when she was having her diaper changed she was a little whiny. [REDACTED] said [REDACTED] is not usually whiny. Her parent usually pick her up around this time (445-530pm) but she is usually sleepy but not whiny. [REDACTED] said no one notified her of [REDACTED] falling or having any type of injury. [REDACTED] said she is supposed to be notified when there is an incident of such nature. [REDACTED] said she found out later that [REDACTED] said she saw [REDACTED] fall from the slide onto her arms but [REDACTED] never made a report or notified [REDACTED]. At some point [REDACTED] advised [REDACTED] that [REDACTED] may have fallen. [REDACTED] told [REDACTED] she comforted [REDACTED] and they checked her temperature when changing her diaper because they though she may have been coming down with a cold because she seemed agitated. [REDACTED] said [REDACTED] claimed she had notified [REDACTED] father, [REDACTED], but [REDACTED] was not present at the time.

[REDACTED] said [REDACTED] was currently on her lunch break today while I was at the daycare and told me [REDACTED] has gone into labor and is having a child so she will not be back at the daycare for some time. [REDACTED] advised today is [REDACTED] last day of work because she is starting a new job at a different work place on Monday.

I spoke to [REDACTED] ([REDACTED]) [REDACTED] said she was with the children in the back with [REDACTED] and [REDACTED] said she went inside momentarily and when she came back outside [REDACTED] was crying. [REDACTED] told [REDACTED] that [REDACTED] needed a diaper change so [REDACTED] took [REDACTED] inside. [REDACTED] said [REDACTED] was flush. [REDACTED] took [REDACTED] temperature to see if [REDACTED] was getting sick but she seemed fine. [REDACTED] said she [REDACTED] was crying for her mom and looking out the front window asking for her mom. [REDACTED] said she never saw [REDACTED] fall. [REDACTED] said she never saw [REDACTED] act strange or do anything to harm any child.

Investigator Signature

Supervisor Signature

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09-07-16

I went to Kiddie Corner and spoke to [REDACTED] ([REDACTED] told me she was working last Tuesday when [REDACTED] was hurt on the slide. [REDACTED] told me she was outside with [REDACTED] who she calls [REDACTED] said there were numerous kids outside with them. [REDACTED] had been inside with one of the other children who needed a change. [REDACTED] said she was outside in the back playground area "tending to her son" who had an altercation with another child [REDACTED] was on the bench. [REDACTED] said she heard [REDACTED] crying and saw she was hanging off the slide with her legs still on the slide and her two hands on the ground. [REDACTED] said before she could get to [REDACTED] another child took her by the hand and walked her to [REDACTED] said she tried to comfort [REDACTED] and picked her up, holding her [REDACTED] continued to cry but she did not seem to have a visible injury. [REDACTED] noticed [REDACTED] smelled as if she needed a diaper change. [REDACTED] said she banged on the back door for [REDACTED] to open the door. [REDACTED] told [REDACTED] needed a change. [REDACTED] said [REDACTED] is a teacher and [REDACTED] is an assistant, meaning [REDACTED] is [REDACTED] responsibility. [REDACTED] said [REDACTED] changed [REDACTED] but she continued to cry. [REDACTED] checked [REDACTED] temperature but it appeared normal. [REDACTED] was drinking water but still needed to be comforted. [REDACTED] said [REDACTED] was pointing to the door a lot and when her father arrived he asked why [REDACTED] was crying. [REDACTED] advised him [REDACTED] had fallen in the play area. [REDACTED] said she did not know [REDACTED] was injured. [REDACTED] said because she is the assistant, it is not her duty to write a report of the injury. [REDACTED] said as far as she knows, either [REDACTED] or [REDACTED] would have to write a report of the injury to be forwarded to the Director of the school.

I ended my interview with [REDACTED]

I called the owner, of the Kiddie Corner Academy, [REDACTED] ([REDACTED] I advised [REDACTED] of the investigation. [REDACTED] told me as far as she can tell [REDACTED] fell and was injured as children often are. [REDACTED] said she does admit she and her employees should have completed a written report of the incident but believes it was more of an oversight than purposely forgotten.

[REDACTED] seemed to be very forthcoming and cooperative with me. I advised she install a camera system with recording capabilities. [REDACTED] said the system was set up to allow parents to view from mobile locations so they can see their children. [REDACTED] said the problem with the system was that it only allowed one user at a time so they need to update it.

09-26-16

I called [REDACTED] and left a message asking her to call me back.

10-06-16

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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Elmwood Park Police Department

OCA: 1602148

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Contact: Reference: Investigative Action Supplement

As of this time, I have not been able to make contact with [REDACTED]

After speaking to employees of Kiddie Corner Academy and DCFS worker Martha Bojan, it appears the injury to [REDACTED] was an accident. Interviews with employees and the owner have not turned up any signs of malicious behavior or any reason to believe the injury was the result of an act by an employee.

I spoke to Martha Bojan and expressed my thoughts and conclusion that this case is to be closed without any further action by the Elmwood Park Police. Martha agreed with my conclusion saying she does not believe there is any action to be taken by DCFS either.

Case closed by exception.

Investigator Signature

Supervisor Signature

INCIDENT/INVESTIGATION REPORT

Agency Name <i>Elmwood Park Police Department</i>		Case# <i>16-02148</i>
ORI <i>IL0163100</i>		Date / Time Reported <i>09/02/2016 11:58 Fri</i>
Location of Incident <i>7730 North Av, Elmwood Park IL 60707-</i>	Premise Type <i>Daycare Facility</i>	Zone/Tract
		Last Known Secure <i>08/30/2016 08:00 Tue</i>
		At Found <i>08/30/2016 18:00 Tue</i>
#1 Crime Incident(s) (Com) <i>Information For The Police 9938</i>	Weapon / Tools <i>UNKNOWN</i>	Activity
	Entry	Exit Security
#2 Crime Incident ()	Weapon / Tools	Activity
	Entry	Exit Security
#3 Crime Incident ()	Weapon / Tools	Activity
	Entry	Exit Security

INCIDENT DATA

MO

VICTIM

# of Victims <i>1</i>		Type: <i>INDIVIDUAL</i>		Injury:							
V1	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status			
		<i>1</i>	<i>Age 2</i>		<i>F</i>						
Home Address							Home Phone				
Employer Name/Address							Business Phone		Mobile Phone		
VYR	Make	Model	Style	Color	Lic/Lis	VIN					

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)											
Type: <i>INDIVIDUAL</i>		Injury:									
Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status			
<i>IO</i>			<i>Age</i>		<i>M</i>						
Home Address							Home Phone				
Employer Name/Address							Business Phone		Mobile Phone		
Type:		Injury:									
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			<i>Age</i>								
Home Address							Home Phone				
Employer Name/Address							Business Phone		Mobile Phone		

PROPERTY

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

Officer/ID#	<i>RANSOM, D. (INV, INV) (EP4339)</i>		Supervisor	<i>KLISZ, R. (INV, INV) (EP7134)</i>	
Invest ID#	<i>RANSOM, D. (INV, INV) (EP4339)</i>		Case Disposition:	<i>9</i>	<i>10/17/2016</i>
Status	Complainant Signature	Case Status <i>Administratively Closed/suspended 10/17/2016</i>	Case Disposition:	<i>9</i>	<i>10/17/2016</i>

INCIDENT/INVESTIGATION REPORT

Elmwood Park Police Department

Case # 16-02148

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D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	

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Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA 16-02148
Date / Time Reported Fri 09/02/2016 11:58

Victim
[REDACTED]

Offense
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Martha agreed to forward copies of her reports as well as reports from the hospital which may be more informative as to how the break may have occurred. Martha gave her cell phone number [REDACTED] and her desk number in Deerfield, IL (847-948-6803).

See connecting reports.

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Supervisor Review Date / Time: 10/17/2016 09:22:27, Monday

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[REDACTED] said [REDACTED] was currently on her lunch break today while I was at the daycare and told me [REDACTED] has gone into labor and is having a child so she will not be back at the daycare for some time. [REDACTED] advised today is [REDACTED] last day of work because she is starting a new job at a different work place on Monday.

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Supervisor Signature

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