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January 30, 2017

Mr. Samuel A. Diaz  
2646 N. 75<sup>th</sup> Avenue, Apt. 1E  
Elmwood Park, Illinois 60707  
[Samuel23\\_diaz@yahoo.com](mailto:Samuel23_diaz@yahoo.com)

EP-1

**Re: Freedom of Information Act Request**

Dear Mr. Diaz:

The Village of Elmwood Park is in receipt of your January 23, 2017, Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"[A]ny and all reports related to the above police report number, copy of any and all video tapes related to the above police report number, any and all interrogatories regarding the above report number.

Please email me the records/video tape(s), or if that is not possible, mail them to me on a CD and/or flash drive."

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

Mr. Samuel A. Diaz  
January 30, 2017  
Page 2

unique identifiers, including a driver's license number, a home or personal telephone number, and a home address, 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 third party who incidentally appears in a police report, 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  
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.

Mr. Samuel A. Diaz  
January 30, 2017  
Page 3

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,

The Village of Elmwood Park



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Gina Pesko  
Freedom of Information Officer

Enclosures

# INCIDENT/INVESTIGATION REPORT

*Elnwood Park Police Department*

Case # 16-02915

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	P	7	1,000	ML	OTHER DRUGS	

Assisting Officers  
*KMIECIK, M. (EP1312), KMIECIK, M. (EP1312)*

Suspect Hate / Bias Motivated:

NARRATIVE

**REPORTING OFFICER NARRATIVE**

*Elmwood Park Police Department*

OCA 16-02915
Date / Time Reported Sat 11/26/2016 12:14

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

On 11/26/2016, at approximately 1214 hrs, Cmdr Kmiecik and I responded to 2742 N 73rd Ave IN., for a delayed Residential Burglary report.

Upon arrival, we spoke with victim and complainant [REDACTED] (M [REDACTED]).

[REDACTED] said he was on vacation in Mexico between 11/22/16 at approximately 1750 hrs, and today's date at approximately 0100 hrs. [REDACTED] returned home and discovered his kitchen window and screen open. He said it was unusual but he told himself he left it open accidentally before leaving on vacation, and closed it. He later discovered, throughout the day, various items missing from his apartment (see property list) and called police.

- A 400ml bottle of Hydrocodone was taken from a kitchen cabinet.
- \$50 in cash was taken from the kitchen counter.
- A Samsung tablet computer was taken from a table in the kitchen.
- \$260 in cash and spare apartment keys were taken from his bedroom.

I advised [REDACTED] to contact his work to obtain the tablet computer's model and serial number information.

[REDACTED] said he WILL sign complaints if an offender(s) is arrested.

Cmdr. Kmiecik photographed the apartment and areas where property was stolen from (see attached). Cmdr. Kmiecik observed the exterior of the residence and advised a subject could have scaled the air conditioner and gained access to the apartment.

Cmdr. Kmiecik advised an Evidence Technician would not be required as the scene was disrupted multiple times by the victim over the course of the day.

I observed a security camera within the foyer of the main entrance, off of N 73rd Ave.

I gave [REDACTED] this report number along with a Crime Victim Notification Form and advised him to call police if any suspicious persons or activity was observed.

NOTHING FURTHER.

# Incident Report Suspect List

Elmwood Park Police Department

OCA : 16-02915

1	Name (Last, First, Middle) <i>UNKNOWN,</i>						Also Known As				Home Address			
	Business Address													
	DOB <i>//</i>	Age	Race	Sex	Eth	Hgt <i>508</i>	Wgt	Hair	Eye	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							

CASE SUPPLEMENTAL REPORT

Printed: 01/25/2017 09:36

Elmwood Park Police Department

OCA: 1602915

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

Case Status: EXCEPTIONALLY CLEARED Case Mng Status: CLEARED EXCEPTIONALLY Occurred: 11/22/2016  
Offense: BURGLARY - RESIDENTIAL BURGLARY

Investigator: RANSOM, D. (EP4339) Date / Time: 11/28/2016 16:56:47, Monday  
Supervisor: KLISZ, R. (EP7134) Supervisor Review Date / Time: 12/19/2016 15:07:48, Monday  
Contact: Reference: Investigative Action Supplement

I called [REDACTED] and left a message asking him to call back. [11/28/2016 16:57, EP4339, 111, EPPD]

I spoke to [REDACTED] who told me he had given [REDACTED] permission to go into his house several times during the time frame when his apartment was burglarized. [REDACTED] said he did not believe she stole from him.

I advised [REDACTED] the video depicts the female he identified as [REDACTED] coming in alone and leaving with items. [REDACTED] said the dates of the video are incorrect and he did not want to pursue the matter.

I confirmed with [REDACTED] asking him if he would like the case to be closed or if he would like me to arrest the female he identified as his friend. [REDACTED] said to "close" the case out.

Copy of video recording to be placed into BEAST evidence system.

Nothing further at this time.

Case closed by refusal. [12/20/2016 12:49, EP4339, 111, EPPD]

At approximately 1348 hours on 12-20-16 [REDACTED] called back and said he wanted to let me know he is not sure what to do with the burglary. [REDACTED] said he wanted to explain to me it is an embarrassing situation and he has to think about it. [REDACTED] said at this time he would not like to pursue the matter.

We ended our conversation. [12/20/2016 14:13, EP4339, 111, EPPD]

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 01/25/2017 09:36

Elmwood Park Police Department

OCA: 1602915

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

Case Status: EXCEPTIONALLY CLEARED Case Mug Status: CLEARED EXCEPTIONALLY Occurred: 11/22/2016  
Offense: BURGLARY - RESIDENTIAL BURGLARY

Investigator: ALEQUIN, A. (EP9921)

Date / Time: 12/06/2016 13:16:15, Tuesday

Supervisor: ROSA, E. (EP4441)

Supervisor Review Date / Time: 12/07/2016 09:50:48, Wednesday

Contact: Stanlow, Czeslawa  
818 W 14th Pl, Chicago 773-470-3449

Reference: Investigative Action Supplement

On 12/06/2016, I was called in to the police department by CSO Dykas to speak with a citizen regarding a Residential Burglary under this report number.

[REDACTED] (H [REDACTED] [REDACTED] of 2742 N 73rd Ave., provided me with a USB flash drive. She said it contained video footage of the victim leaving and returning to his apartment, which is time stamped. The USB flash drive also contained footage of a possible offender entering and leaving the apartment while the victim was away on vacation.

[REDACTED] said the footage contains a female Hispanic subject ringing the victim's doorbell before entering the locked main door and leaving several minutes later, with what appeared to be items concealed beneath her coat. She said she did not recognize the subject and did not believe she frequented the building.

I observed the video footage and observed a Hispanic female enter the foyer, using gloves to turn the doorknob and appearing to wipe the doorknob with the gloves after entering. The subject rings the victim's doorbell, and then enters the locked entry door. She leaves several minutes later, appearing to have an item(s) concealed beneath her coat, and using her left arm to pin the item(s) against her. She uses a gloved hand to open the door and leaves.

I turned the video footage over to Det. Astrella for more thorough inspection and followup with this incident.

NOTHING FURTHER.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 01/25/2017 09:36

Elmwood Park Police Department

OCA: 1602915

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

Case Status: EXCEPTIONALLY CLEARED Case Mng Status: CLEARED EXCEPTIONALLY Occurred: 11/22/2016  
Offense: BURGLARY - RESIDENTIAL BURGLARY

Investigator: ASTRELLA, M. (EP9645)

Date / Time: 12/08/2016 15:51:27, Thursday

Supervisor: KLISZ, R. (EP7134)

Supervisor Review Date / Time: 12/12/2016 14:13:38, Monday

Contact:

Reference: Investigative Action Supplement

12/06/16

I was supplied with a flash drive containing video surveillance from the interior hallway of victim residence located at

Officer ALequin completed a report on obtaining the flash drive from the property owner.

I was able to view the video surveillance which depicted a unknown f/w/h entering the hallway wearing a pink colored glove on her left hand and not touching anything else with her bare right hand.

The female appears to use a key and enter the hallway which leads to the aptment of

After a few minutes the female is observed exiting into the hallway and appears to be carrying something under her right arm and under her jacket as she struggles to open the door with her left hand.

arrived at my agency and viewed still images I captured from the surveillance supplied to me by Officer Alequin. Commander Kmiecik was present.

stared at the images and related that he knew the girl and her name was

I completed a SOS search and located a f. with Illinois D/L #

related that he was in a "casual" relationship with and cant believe that she would do this to him.

related that he was on vacation when the burglary occurred and didn't give her permission to enter his apartment.

related that this made sense on why his mothers personal item's of sentimental value were not taken and only items belonging to him were.

related that he not certain on what to do as far as seeking criminal charges at this point.

I ended my interview with and advised him to contact the assigned Detective if he chooses to pursue the matter criminally.

End [12/08/2016 16:13, EP9645, 106, EPPD]

Investigator Signature

Supervisor Signature