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April 18, 2018

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OF COUNSEL

IN REPLY REFER TO FILE NO.  
EP-1

Daniel Particelli  
796 W. Bartlett Road  
Bartlett, Illinois 60103  
[daniel@gcrealtyinc.com](mailto:daniel@gcrealtyinc.com)

**Re: Freedom of Information Act Request**

Dear Mr. Particelli:

On April 6, 2018, the Village of Elmwood Park received your Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"On or about the morning on 4/6/2018, the police reported to an incident at 2225 N. 73<sup>rd</sup> Ave, Elmwood Park, IL. At which time officers gained entry and investigated a disturbance originating from the (Basement/Garden) Unit. Please send Police Report (long version) and/or incident report generated..."

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, 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 such as driver's license numbers, 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, an individual's race, a minor's name and identifying

**STORINO, RAMELLO & DURKIN**

Daniel Particelli

April 18, 2018

Page 2

information, a victim's name and identifying information, the name and identifying information of suspects who were never arrested, third party's name and identifying information, and other 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:

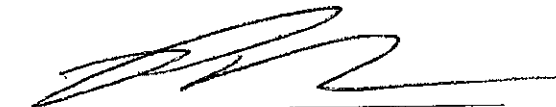
Sarah Pratt  
Public Access Counselor  
Office of the Attorney General  
500 South 2<sup>nd</sup> Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

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

# COMMUNICATIONS

## Event Report

Event ID: 18-00051704

Call Ref #: 215

Date/Time Received: 04/05/18 22:31:00

Rpt #: 18-00780	Prime 31E	Services Involved				
Call Source: PHONE	Unit: MARINO, STEVEN	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">LAW</td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>	LAW			
LAW						
Location: 2225 73RD AV	BASMENT					
X-ST: PALMER	Jur: CAD	Service: LAW Agency: EPPD				
BELDEN AV	SI/Beat: E3	District: EPPD RA:				
Business: MAIN ADDRESS	Phone:	GP: E3				
Nature: DOMESTIC DISTURBANCE	Alarm Lvl: 1 Priority: P	Medical Priority:				
Reclassified Nature:						
Caller: REFUSED	Phone: [REDACTED]	Alarm: Alarm Type:				
Addr:						
Vehicle #:	St:	Report Only: No Race: Sex: Age:				
Call Taker: WS9994	Console: CAD02					
Geo-Verified Addr.: Yes	Nature Summary Code:	Disposition: O Close Comments:				

Notes: [REDACTED] was arguing with his girlfriend [REDACTED] over "Personal Reasons". R/os had to forced entry due to [REDACTED] refusal to cooperate and audible screaming. See report. [04/05/18 23:30:55 Unit:31E]  
 entry gained [04/05/18 22:45:57 WS9942]  
 attempting to make entry [04/05/18 22:45:42 WS9942]  
 CALLER DISCONNECTED [04/05/18 22:32:53 WS9994]  
 NEIGHBOR SAYS THEY HAVE 2 YR OLD DAUGHTER IN THAT UNIT AS WELL [04/05/18 22:32:44 WS9994]  
 ALL CALL [04/05/18 22:32:36 WS9953]  
 CALLER CAN'T SEE IT, SHE JUST HEARS THIS HAPPENING [04/05/18 22:32:10 WS9994]  
 NEIGHBOR HEARS WOMAN SCREAMING AT A MAN TO STOP HITTING HER [04/05/18 22:31:55 WS9994]

### Times

	Time From Call Received	
Call Received: 04/05/18 22:31:00		
Call Routed: 04/05/18 22:31:56	000:00:56	Unit Reaction: 000:02:43 (1st Dispatch to 1st Arrive)
Call Take Finished: 04/05/18 22:31:56	000:00:56	En-Route: 000:02:43 (1st Dispatch to 1st En-Route)
1st Dispatch: 04/05/18 22:32:39	000:01:39 (Time Held)	On-Scene: 002:39:54 (1st Arrive to Last Clear)
1st En-Route: 04/05/18 22:35:22	000:04:22	
1st Arrive: 04/05/18 22:35:22	000:04:22 (Reaction Time)	
Last Clear: 04/06/18 01:15:16	002:44:16	

### Radio Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
31E	EP4592	D	Dispatched	04/05/18 22:32:39	Out Evt: [A] at GRAND AV/78TH AV		WS9953
31B	EP6027	D	Dispatched	04/05/18 22:32:43	Out Evt: [A] at GRAND AV/78TH AV		WS9953
31B	EP6027	A	Arrived	04/05/18 22:35:22	[Arrive Button]		WS9953
31E	EP4592	E	En-Route	04/05/18 22:35:24	[Enroute Button]		WS9953

3100	EP9114	D	Dispatched	04/05/18 22:44:13	Stat/Beat: PSUP		WS9942
3100	EP9114	E	En-Route	04/05/18 22:44:17			Unit:3100
3100	EP9114	A	Arrived	04/05/18 22:47:00			Unit:3100
31E	EP4592	A	Arrived	04/05/18 22:54:17	[Arrive Button]		WS9942
3101	EP7091	D	Dispatched	04/05/18 22:59:59	Stat/Beat: PSUP		Unit:3101
3101	EP7091	E	En-Route	04/05/18 22:59:59	Stat/Beat: PSUP		Unit:3101
3101	EP7091	A	Arrived	04/05/18 22:59:59	Stat/Beat: PSUP		Unit:3101
3100	EP9114	L	Location Change	04/05/18 23:06:39	76 BASE		Unit:3100
3101	EP7091	C	Cleared	04/05/18 23:06:58		BU	Unit:3101
3100	EP9114	L	Location Change	04/05/18 23:08:09	BASE		Unit:3100
3100	EP9114	C	Cleared	04/05/18 23:29:14		BU	Unit:3100
31E	EP4592	C	Cleared	04/05/18 23:30:59		O	Unit:31E
31B	EP6027	X	Canceled	04/05/18 23:32:31	Pre-empted to Event # 231		WS9942
3100	EP9114	C	Cleared	04/06/18 01:15:16		BU	WS9965

**Event Log**

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
		TR	Time Received	04/05/18 22:31:00	By: PHONE		WS9994
		ENT	Entered Street	04/05/18 22:31:07	[REDACTED]		WS9994
		ENT	Entered AddSt	04/05/18 22:31:36	[REDACTED]		WS9994
		ENT	Entered Nature	04/05/18 22:31:40	DOMESTIC DISTURBANCE		WS9994
		ARM	Added Remarks	04/05/18 22:31:55			WS9994
		FIN	Finished Call Taking	04/05/18 22:31:56			WS9994
		ARM	Added Remarks	04/05/18 22:32:10			WS9994
		VPR	Viewed Premise	04/05/18 22:32:25	Location Information		WS9953
		ARM	Added Remarks	04/05/18 22:32:36			WS9953
		ARM	Added Remarks	04/05/18 22:32:44			WS9994
		ENT	Entered CallerName_Ca	04/05/18 22:32:50	REFUSED		WS9994
		VCH	Viewed Call History	04/05/18 22:32:52	Location Information		WS9953
		ARM	Added Remarks	04/05/18 22:32:53			WS9994
		ENT	Entered CallerPhone	04/05/18 22:33:06	[REDACTED]		WS9994
		VCH	Viewed Call History	04/05/18 22:33:10	Location Information		WS9994
		VPR	Viewed Premise	04/05/18 22:34:53	Location Information		WS9994
		VCH	Viewed Call History	04/05/18 22:34:53	Location Information		WS9953
		VCH	Viewed Call History	04/05/18 22:34:57	Location Information		WS9994
		ARM	Added Remarks	04/05/18 22:45:42			WS9942
		ARM	Added Remarks	04/05/18 22:45:57			WS9942
31E	EP4592	NCIC	QRY:Drivers	04/05/18 23:12:10	UNIT:31E FNAME=[REDACTED] NAME=[REDACTED]		Unit:31E
31E	EP4592	NCIC	QRY:Drivers	04/05/18 23:12:34	UNIT:31E OLN=[REDACTED]		Unit:31E
31E	EP4592	NCIC	QRY:Criminal History	04/05/18 23:14:36	UNIT:31E FNAME=[REDACTED] NAME=[REDACTED]		Unit:31E
31E	EP4592	NCIC	QRY:Drivers	04/05/18 23:19:16	UNIT:31E FNAME=[REDACTED] LNAM		Unit:31E
		RPT	Requested Report#	04/05/18 23:19:32	EPPD Report #18-00780 Unit:31E		Unit:31E
		ARM	Added Remarks	04/05/18 23:30:55			Unit:31E
		CHG	Changed Street	04/05/18 23:38:52	2225 73RD AV --> 73RD AV/SCHUBER	O	WS9942
		CHG	Changed Street	04/05/18 23:39:36	73RD AV/SCHUBERT AV --> 2225 73R	O	WS9942

# INCIDENT/INVESTIGATION REPORT

INCIDENT DATA

Agency Name <i>Elmwood Park Police Department</i>
ORI <i>IL0163100</i>

Case# <i>18-00780</i>
Date / Time Reported <i>04/05/2018 22:31 Thu</i>
Last Known Secure <i>04/05/2018 22:30 Thu</i>
At Found <i>04/05/2018 22:31 Thu</i>

Location of Incident <i>2225 73rd Av - GW, Elmwood Park IL 60707-</i>	Premise Type <i>Residence / Home</i>	Zone/Tract <i>E3</i>
#1 Crime Incident(s) (Com) <i>Domestic Dispute 4870</i>	Weapon / Tools <i>NONE</i>	
#2 Crime Incident ( )	Weapon / Tools	
#3 Crime Incident ( )	Weapon / Tools	

Activity
Activity
Activity

MO

VICTIM

# of Victims <i>0</i>	Type:	Injury:	Domestic=Y
V1	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB Age
Home Address		Home Phone	
Employer Name/Address		Business Phone	Mobile Phone
VYR	Make	Model	Style Color Lic/Lis VIN

OTHERS

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: INDIVIDUAL	Injury:
Code <i>IO</i>	Name (Last, First, Middle)
Victim of Crime #	DOB Age
Home Address	
Employer Name/Address	

INVOLVED

Type: INDIVIDUAL	Injury:
Code <i>IO</i>	Name (Last, First, Middle)
Victim of Crime #	DOB Age
Home Address	
Employer Name/Address	

PROPERTY

I = 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 From/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Officer/ID# <i>MARINO, S. (PATL, PAT) (EP4592)</i>	Supervisor <i>RIEGER, M. (PATL, SUPV) (EP9114)</i>
Invest ID# <i>KLISZ, R. (INV, INV) (EP7134)</i>	Case Disposition: <i>Y 04/06/2018</i>
Status	Page 1

Incident Report Additional Name List

Elmwood Park Police Department

OCA: 18-00780

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) IO 3	[REDACTED]		[REDACTED]			
	Address		H: - -			
	Empl/Addr		B: - -			
			Mobile #: - -			

# INCIDENT/INVESTIGATION REPORT

Elmwood Park Police Department

Case # 18-00780

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  
*RIEGER, M. (EP9114), RIEGER, M. (EP9114), PANKEY, C. (EP7091), LAPENNA, D. (EP6027)*

Suspect Hate / Bias Motivated:

NARRATIVE

## REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA 18-00780
Date / Time Reported Thu 04/05/2018 22:31

Victim

Offense

DOMESTIC DISPUTE

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

On 04/05/2018 at 2231 hours, Ofc. LaPenna and I were dispatched to 2225 Apt GW 73rd Ave for a domestic disturbance.

While en-route to 2225 73rd Ave, WESCOM advised us via radio and MDT "NEIGHBOR HEARS WOMAN SCREAMING AT A MAN TO STOP HITTING HER."

Upon arrival, Ofc. LaPenna and I were walking to the front door, we were able to hear a male and female yelling from the basement unit. I rang the door bell to the basement unit multiple times. However the yelling continued and no one was answering the door. I began to ring doorbells to all the units within the building and was able to gain entrance by an uninvolved resident opening the front door.

Ofc. LaPenna and I then relocated to the downstairs unit, prior to making contact with the residents, we were able to hear a male yelling within the unit.

I proceeded to knock on the door and both Ofc. LaPenna and I identified ourselves as "Police" numerous times.

The following is in summary:

The male inside asked who was at the door. We both identified ourselves as Police again. Ofc. LaPenna proceeded to inform the male subject through the door that we received a called to this address for a domestic disturbance and we needed to speak with him and the other occupant to ensure everything inside is okay. The male, who was yelling at us, stated everything is fine and we do not need to be here. I attempted to explain to the male that we just needed to speak with him, however the male kept speaking over me and would not let me finish talking. The male continued to tell us to leave the apartment unit and to "mind your own business." The male then stated "You guys ain't gettin' in here without a warrant."

We both advised the male that we want to speak with him and the female just to ensure everyone is alright then we will leave. The male continued to dismiss us and stated "Go away, I'm watching TV."

Ofc. LaPenna asked the female through the door if she was alright. There was a brief silence, then the female, whose voice was shaky and I heard what sounded like sniffles coming from inside, said "yes." Ofc. LaPenna then asked the female if she could open the door for us. Once asked, the male began to speak quietly within the unit, however I was unable to understand what the male said. After a brief moment, the female said "No." I asked the female if the male told her to say no. Another moment of hesitancy had passed and she stated he did not.

The male then stated "everything is fine, you guys aint gettin in here, none of this concerns you it is personal and I am not letting you in."

Cmdr. Rieger and Sgt. Pankey were notified of the situation.

Due to the violence that is associated with domestic disturbances, the uncooperation of the male, subject, the audible yelling Ofc. LaPenna and I heard coming from the unit the hesitancy and fear in the females voice through the door, the sound of crying the female was emitting Ofc. LaPenna and I were authorized to force entry into the apartment unit.



# REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA 18-00780
Date/Time Reported Thu 04/05/2018 22:31

Victim

Offense  
DOMESTIC DISPUTE

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

We advised the occupant to open the door or else we will force entry. The occupant still refused to open the door. Ofc. LaPenna and I then both announced we were making entry. I proceeded to kick in the front door with my right leg. Upon entry, I observed a male subject sitting on a couch and a female sitting on a recliner holding a baby on the other side of the room. The female subject appeared to have been crying. The female possessed blood shot watery eyes and was sniffing.

For our safety, Ofc. LaPenna and I immediately detained the male subject by placing handcuffs on his wrists, checking for fit and double locking.

I proceeded to interview the subject, now identified as [REDACTED]. I asked [REDACTED] what was going on between him and the female. [REDACTED] informed me in summary him and his girlfriend, now identified as [REDACTED] operate a business together. The two were having a discussion over the business, however due to a personal issue with their relationship that [REDACTED] refused to discuss. [REDACTED] stated the discussion escalated into an argument. [REDACTED] stated "It's personal and you don't need to know." I inquired with [REDACTED] if the two were physical with each other, [REDACTED] stated they were not.

I then inquired with [REDACTED] as to why he refused to open the door. [REDACTED] stated "Cause you guys always shoot first, I don't know who is at my door, I gotta look out for myself ya know?" I informed [REDACTED] that due to the violent behavior that is associated with domestic disputes and his uncooperation we forced entry to ensure everyone within the unit was safe.

I did not observe any physical injuries on [REDACTED]

I inquired with Ofc. LaPenna in regards to his conversation with [REDACTED]. Ofc. LaPenna informed me in summary the two were arguing over the business they operate together. Ofc. LaPenna asked [REDACTED] why she did not open the door. [REDACTED] stated while we were talking to [REDACTED] looked over at [REDACTED] and whispered to her not to answer the door. Their child, [REDACTED] was also present during the argument.

No visible injuries were observed on [REDACTED] or [REDACTED]

Cmdr. Rieger and Sgt. Pankey arrived on scene.

Ofc. LaPenna proceeded to photograph the damaged door and the unit.

While in the apartment unit Ofc. LaPenna and I observed an odor of fecal matter, soiled diapers on the floor, garbage scattered within the unit, no baby crib and one mattress, which is used for all three occupants.

Both parties stated they were okay. We advised both parties to stay away from each other for the night.

I removed the handcuffs from [REDACTED] wrists. Once removed, [REDACTED] informed Cmdr. Rieger, Ofc. LaPenna and I he is going to obtain a lawyer for the damaged door and stated all police are racist and the only reason we forced entry into his unit is because we wanted to use force on him.

### REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA 18-00780
Date / Time Reported Thu 04/05/2018 22:31

Victim

Offense

DOMESTIC DISPUTE

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I relocated to the police station.

Due to the living and sanitation conditions, I contacted DCFS via phone at approximately 0240 hours. However, I was unable to speak to an investigator and was advised I will receive a call at a later time.

At approximately 0320 hours I recieved a callback and spoke to DCFS investigatior [REDACTED] I informed [REDACTED] of the domestic disturbance and the sanitation issues of the apartment. [REDACTED] stated DCFS is going to investigate it and provided me with report number 13543605.

I proceeded to fill out a CANTS 5 report and faxed it to DCFS upon completion.

A recording of the 911 call and dispatch had been copied to a CD and a copy of the disc will be placed in evidence.

Nothing further at this time.