



URBANA POLICE DEPARTMENT
Bryant D. Seraphin, Chief of Police



March 1, 2022

Attn. Christopher Hansen

Re: Freedom of Information Act Request
City of Urbana FOIA-2022-F-073

Dear Requester:

This letter is in response to your Freedom of Information Act (FOIA) request dated January 29, 2022. The Freedom of Information Officer received your request on January 31, 2022 and designated it as FOIA request number 2022-F-073.

Police report number U20-3048 is currently exempt from disclosure under 5 ILCS 140/7(1)(d)(iii) because disclosure would "create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing". The incident about which the above-named report was generated may result or may have resulted in criminal charges being filed. As such, it is the obligation of the City of Urbana to ensure that it does not disseminate any information that could taint any potential juror in the community by releasing information, be it in the form of statements, observations or documentation. For your information, a case listing regarding this case has been included.

Otherwise, attached, please find the remainder of the records responsive to your request pursuant to the Freedom of Information Act. More specifically, the attached records are the remainder of the requested reports from calendar year 2020. Please note, some of the information contained in the requested records as well as in the aforementioned case listing may have been withheld or redacted pursuant to one or more of the following statutory exemptions:

- 5 ILCS 140/7(1)(a) exempts information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law. More specifically, information accessed by means of the Illinois State Police's Law Enforcement Agencies Data System (LEADS) cannot be disseminated to any individual or organization that is not legally authorized to have access to the information. 20 ILCS 1240.80(d). Therefore, the Urbana Police Department cannot, by law, release those portions of the requested information that are accessed by and/or stored in LEADS; any requests for such information will need to be submitted to the Illinois State Police for consideration.
- 5 ILCS 140/7(1)(b) exempts "private information" or rather, unique identifiers such as "an individual'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).

- 5 ILCS 140/7(1)(c) exempts “personal information” contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.
- 5 ILCS 140/7(1)(d)(iv) which exempts “records 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, 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; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request.”
- 5 ILCS 140/7(1)(f) exempts “preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.”

This concludes the Urbana Police Department’s response to this request.

Please be advised that if you believe any records you are seeking have been wrongfully withheld or redacted, you are entitled to appeal this response. Such an appeal is a “Request for Review” and must be sent to the Public Access Counselor (PAC), at the Illinois Attorney General’s Office at 500 South Second Street, Springfield, Illinois, 62706. The phone number is (217) 558-0486. If the PAC denies your appeal, you have the right to judicial review of this decision in the Champaign County Circuit Court. Additionally, I have included a copy of your rights under the Act for your convenience.

Sincerely,

A handwritten signature in blue ink that reads "A. Weck 391".

Tony Weck
FOIA Specialist
Urbana Police Department
Phone: (217) 384-2320
Fax: (217) 384-2363

cc: Amy Koker
File

§ 11. (a) Any person denied access to inspect or copy any public record by a public body may file suit for injunctive or declaratory relief.

(b) Where the denial is from a public body of the State, suit may be filed in the circuit court for the county where the public body has its principal office or where the person denied access resides.

(c) Where the denial is from a municipality or other public body, except as provided in subsection (b) of this Section, suit may be filed in the circuit court for the county where the public body is located.

(d) The circuit court shall have the jurisdiction to enjoin the public body from withholding public records and to order the production of any public records improperly withheld from the person seeking access. If the public body can show that exceptional circumstances exist, and that the body is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records.

(e) On motion of the plaintiff, prior to or after in camera inspection, the court shall order the public body to provide an index of the records to which access has been denied. The index shall include the following:

(i) A description of the nature or contents of each document withheld, or each deletion from a released document, provided, however, that the public body shall not be required to disclose the information which it asserts is exempt; and

(ii) A statement of the exemption or exemptions claimed for each such deletion or withheld document.

(f) In any action considered by the court, the court shall consider the matter de novo, and shall conduct such in camera examination of the requested records as it finds appropriate to determine if such records or any part thereof may be withheld under any provision of this Act. The burden shall be on the public body to establish that its refusal to permit public inspection or copying is in accordance with the provisions of this Act. Any public body that asserts that a record is exempt from disclosure has the burden of proving that it is exempt by clear and convincing evidence.

(g) In the event of noncompliance with an order of the court to disclose, the court may enforce its order against any public official or employee so ordered or primarily responsible for such noncompliance through the court's contempt powers.

(h) Except as to causes the court considers to be of greater importance, proceedings arising under this Section shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(i) If a person seeking the right to inspect or receive a copy of a public record prevails in a proceeding under this Section, the court shall award such person reasonable attorneys' fees and costs. In determining what amount of attorney's fees is reasonable, the court shall consider the degree to which the relief obtained relates to the relief sought. The changes contained in this subsection apply to an action filed on or after the effective date of this amendatory Act of the 96th General Assembly.

(j) If the court determines that a public body willfully and intentionally failed to comply with this Act, or otherwise acted in bad faith, the court shall also impose upon the public body a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence. In assessing the civil penalty, the court shall consider in aggravation or mitigation the budget of the public body and whether the public body has previously been assessed penalties for violations of this Act. The changes contained in this subsection apply to an action filed on or after the effective date of this amendatory Act of the 96th General Assembly.