



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 19, 2020

Via electronic mail

Ms. Betsy Smith
Freedom of Information Officer
METCAD
1905 East Main Street
Urbana, Illinois 61801
foiometcad@champaignil.gov

RE: FOIA Request for Review – 2020 PAC 62969
Requester: Mr. Christopher Hansen
Date of FOIA Request: April 21, 2020

Dear Ms. Smith:

The Public Access Bureau has received the attached Request for Review of the response by the City of Champaign (City) to a Freedom of Information Act (FOIA) request submitted by Mr. Christopher Hansen. We have determined that further action is warranted.

On April 21, 2020, Mr. Hansen submitted a FOIA request to METCAD seeking copies of documents and recordings relating to the arrest of a named person that occurred on April 10, 2020. On April 24, 2020, METCAD denied Mr. Hansen's request, stating that the records were exempt from disclosure under section 7(1)(d) of FOIA (5 ILCS 140/7(1)(d) (West 2018), as amended by Public Acts 101-434, effective January 1, 2020; 101-452, effective January 1, 2020; 101-455, effective August 23, 2019). On May 11, 2020, Mr. Hansen submitted the above-captioned Request for Review disputing that denial. He alleges that the County sanctioned the playing of a 9-1-1 recording concerning the incident during the April 27, 2020, Urbana City Council meeting.

As required under section 9.5(c) of FOIA (5 ILCS 140/9.5(c) (West 2018)), please provide unredacted copies of the requested records for this office's confidential review, and a detailed written explanation of the factual and legal basis for the applicability of any of the

Ms. Betsy Smith
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seven exemptions set out in section 7(1)(d) of FOIA. In your response, please address any role METCAD has played in the disclosure of records responsive to this request to the public.

This information must be submitted to our office within seven (7) business days after receipt of this letter. Under FOIA, "[t]he Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. The requester may, but is not required to, respond in writing[.]" 5 ILCS 140/9.5(d) (West 2018). **If you claim that any portion of your written response is confidential, please send two versions of your response letter: a complete copy for this office's confidential review and a redacted version suitable for this office to forward to the requester.**

Please contact me at (312) 814-4461 or jsternecky@atg.state.il.us if you have questions or would like to discuss this matter. Thank you.

Very truly yours,



JANE STERNECKY
Assistant Attorney General
Public Access Bureau

Attachment

cc: *Via electronic mail*
Mr. Christopher Hansen
corruptcu@gmail.com

Dunham, Lorraine

62969

From: Sanchez, Lidia
Sent: Tuesday, May 12, 2020 1:15 PM
To: Public Access
Subject: 62969 Initial Docs
Attachments: Fwd: Metcad FOIA Request - Aleyah Lewis incident; Fwd: Metcad FOIA Request - Aleyah Lewis incident

Please combine both emails. Thanks

Thanks,

Lidia Sanchez
Paralegal II
Public Access Bureau
Illinois Attorney General's Office
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601
Ph: 312-814-2770
FOIA Hotline: 877-299-3642
paccess@atg.state.il.us
lsanchez@atg.state.il.us

Dunham, Lorraine

From: Christopher Hansen <corruptcu@gmail.com>
Sent: Monday, May 11, 2020 11:12 PM
To: Public Access
Subject: Fwd: Metcad FOIA Request - Aleyah Lewis incident
Attachments: FOIA denial.Hansen 042420.pdf

Dear Public Access Counselor Pratt,

I am writing to appeal the attached FOIA response from Champaign County Metcad. The County has denied the documents, claiming that providing them would interfere with an ongoing investigation. I find this response to be disingenuous because the County has already partially released some of the documents to the public. During the April 27th Urbana City Council meeting, Police Chief Bryant Seraphin, along with State's Attorney Julia Rietz, played the 911 call related to the incident, and selectively released a number of other details. This release was done with the permission of, and under the supervision of, the Champaign County State's Attorney. It does not make any sense that the same governmental entity would now deny a "clean" version of the same documents to the public.

The State's Attorney partially released the documents in the way that she did, in the overwhelming opinion of the public, to control and sway the image and reputation of the Urbana Police Department and Champaign County. At this point, having the entirety of the documents available is critical, as right now, the only version that has been put forth is the tainted and narrated version presented by Julia Rietz and Chief Seraphin.

The actions of the County up to this point have substantially damaged the possibility of a fair trial in this case. Releasing an untainted copy of the documents would bring things back into balance.

Thank you,
Christopher Hansen

----- Forwarded message -----
From: FOIOMetcad <FOIOMetcad@champaignil.gov>
Date: Fri, Apr 24, 2020 at 2:07 PM
Subject: Re: Metcad FOIA Request - Aleyah Lewis incident
To: Christopher Hansen <corruptcu@gmail.com>

Mr. Hansen, Our response to your recent FOIA request is attached. Thank you.

From: FOIOMetcad <FOIOMetcad@champaignil.gov>
Sent: Tuesday, April 21, 2020 5:19 PM
To: Christopher Hansen <corruptcu@gmail.com>
Subject: Re: Metcad FOIA Request - Aleyah Lewis incident

Thank you.

From: Christopher Hansen <corruptcu@gmail.com>
Sent: Tuesday, April 21, 2020 5:12 PM
To: FOIOMetcad <FOIOMetcad@champaignil.gov>
Subject: Re: Metcad FOIA Request - Aleyah Lewis incident

Non commercial

On Tue, Apr 21, 2020, 2:08 PM FOIOMetcad <FOIOMetcad@champaignil.gov> wrote:
Mr. Hansen, We have received your FOIA request. Is this request for a commercial or non-commercial use?

From: Christopher Hansen <corruptcu@gmail.com>
Sent: Tuesday, April 21, 2020 12:44 AM
To: FOIOMetcad <FOIOMetcad@champaignil.gov>
Subject: Re: Metcad FOIA Request - Aleyah Lewis incident

Just to clarify, this was the incident that occurred around 4:30pm and was handled by the Urbana Police Department.

On Tue, Apr 21, 2020 at 12:43 AM Christopher Hansen <corruptcu@gmail.com> wrote:
I need any and all documents and recordings related to the Aleyah Lewis arrest that occurred on the afternoon or early evening of April 10 2020.

I prefer to receive the documents by email.

CITY OF CHAMPAIGN
DENIAL OF FREEDOM OF INFORMATION ACT REQUEST

TO: Mr. Christopher Hansen
ADDRESS: n/a
EMAIL: corruptcu@gmail.com
FROM: Betsy Smith, FOIO
Date: April 24, 2020

Your request dated 4/21/20 is denied
IN FULL IN PART

The detailed factual basis of the denial is as follows:

This investigation is still outstanding, and the criminal case pending is still in discovery stages.

The statutory exemption providing the basis for the denial is:

5 ILCS 140/7 Exemptions.

- (1) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law. (5 ILCS 140/7(1)(a))
- (2) Private information. (5 ILCS 140/7(1)(b))
- (2) Invasion of personal privacy. (5 ILCS 140/7(1)(c))
- (3) Records created in the course of administrative enforcement proceedings or any law enforcement agency for law enforcement purposes, to the extent that disclosure would interfere with active administrative enforcement proceedings or disclose the identity of a person who filed complaints with or provided information to administrative, investigative, or law enforcement or endanger the life or physical safety of any person; or obstruct an ongoing criminal investigation by the agency that is the recipient of the request.
(5 ILCS 140/7(1)(d))
- (4) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that or where disclosure of the trade secrets or commercial or financial information would may cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested. (5 ILCS 140/7(1)(g))
- (5) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. (5 ILCS 140/7 (1)(i))
- (6) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds (5 ILCS 140/7 (1)(k))
- (7) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation; and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies. (5 ILCS 140/7 (1)(m))

- (8) Records relating to a public body's adjudication of employee grievances or disciplinary case except for the final outcome of cases in which discipline is imposed. (5 ILCS 140/7 (1)(n))
- (9) Records relating to collective negotiating matters. (5 ILCS 140/7(1)(p))
- (10) Your request is being denied because the responsive records have previously been provided to you. (5 ILCS 140/3)

You have a right to request review of this denial by the Illinois Public Access Counselor:

Public Access Bureau
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
(217) 558-0486
publicaccess@atg.state.il.us

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9(a).

You may also file suit for injunctive or declaratory relief in the Circuit Court of Champaign County Illinois. (5 ILCS 140/11)

cc: City Clerk

Dunham, Lorraine

From: Christopher Hansen <corruptcu@gmail.com>
Sent: Monday, May 11, 2020 11:12 PM
To: Public Access
Subject: Fwd: Metcad FOIA Request - Aleyah Lewis incident

Below, please find the original FOIA request relating to the appeal which I've just sent.

----- Forwarded message -----

From: **Christopher Hansen** <corruptcu@gmail.com>
Date: Tue, Apr 21, 2020 at 12:43 AM
Subject: Metcad FOIA Request - Aleyah Lewis incident
To: FOIOMetcad <foiometcad@champaignil.gov>

I need any and all documents and recordings related to the Aleyah Lewis arrest that occurred on the afternoon or early evening of April 10 2020.

I prefer to receive the documents by email.