



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 16, 2020

Via electronic mail

Mr. Curt Borman
Assistant City Attorney
City of Urbana
400 South Vine Street
Urbana, Illinois 61801
c/o CityClerk@urbanaininois.us

RE: FOIA Request for Review – 2020 PAC 63421; Urbana File No. 2020-F-276
Requester: Mr. Christopher Hansen
Date of FOIA Request: May 15, 2020

Dear Mr. Borman:

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

On May 15, 2020, Mr. Hansen submitted a FOIA request to the City seeking records pertaining to certain incidents, e-mails involving a specific individual, and an unredacted copy of the police department policies. On June 16, 2020, the City provided an assessment of fees for records responsive to the request. Mr. Hansen contests the fees.

As required under section 9.5(c) of FOIA (5 ILCS 140/9.5(c) (West 2018)), please provide a written response addressing the allegations in Mr. Hansen's Request for Review. Specifically, please clarify whether the bases for the fees are the same as the bases described in the City's response to 2020 PAC 63412; Urbana File No. 2020-F-269. If so, this office will incorporate the arguments in 2020 PAC 63412 to this Request for Review. If not, please provide a detailed explanation of the legal and factual bases for the fees in this matter, together with any relevant documentation supporting that basis.


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

Mr. Curt Borman
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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 tlim@atg.state.il.us if you have questions or would like to discuss this matter. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Teresa Lim". The signature is written in black ink and is positioned above the typed name.

TERESA LIM
Assistant Attorney General
Public Access Bureau

Attachment

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

Dunham, Lorraine

63421

From: Public Access
Sent: Wednesday, June 17, 2020 10:56 AM
To: Public Access
Subject: FW: Response to FOIA Request 2020-F-276

RECEIVED
ATTORNEY GENERAL

JUN 16 2020

FOIA/OMA

63421 - Initial Docs

Thanks,

Lidia Sanchez
Paralegal II
Public Access Bureau
Illinois Attorney General's Office
lsanchez@atg.state.il.us

From: Christopher Hansen <corruptcu@gmail.com>
Sent: Tuesday, June 16, 2020 3:16 PM
To: Public Access <PAccess@atg.state.il.us>
Subject: Fwd: Response to FOIA Request 2020-F-276

Public Access Counselor Pratt,

I am seeking your help in regards to a FOIA request that I sent to the City of Urbana. The City's response is below, and I will forward my original request immediately after sending my appeal.

The City has assessed numerous fees for this request. This is a practice never before seen by the City of Urbana, nor have I seen this practice from other public bodies in my area. Is it legal for the City to assess fees in a non-uniform (discriminatory) fashion?

My reading of the FOIA indicates that the fee structure for digital files was designed for text documents, not for video. The City has assessed a \$100 fee multiple times for a set of related videos. This is absurd, and I have never before seen a public body assess such a fee on a video, much less multiple \$100 fees on a set of videos.

Since Urbana has never assessed such fees before (for myself, or any other requester that I'm aware of), this appears to be a purely retaliatory response. Such a response is entirely contrary to the intent of the FOIA law.

Thank you,
Christopher Hansen

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

From: Meharry, Kay <lkmeaharry@urbanaininois.us>
Date: Tue, Jun 16, 2020 at 12:59 PM
Subject: Response to FOIA Request 2020-F-276
To: Christopher Hansen <corruptcu@gmail.com>

Dear Mr. Hansen:

The City of Urbana (City) hereby tenders its response to your FOIA request, dated May 15, 2020, and designated as number 2020-F-276.

The estimated fee for the City's response to your request is \$778.60. This fee has been determined as follows:

Part 1 of request: Any and all documents related to an incident that occurred on April 11, 2020 around 5:45pm involving a UPD response to individuals disturbing private property in the area of the 300 block of W Illinois St. Officers Kaufman, Jeffers, and Marquez initially responded. I called and spoke to Officer Osric Hayes about an additional related altercation that occurred immediately after the first group of officers had left. Then on April 13 around 6pm there was an additional related altercation wherein Officers Links and Hewkin (and other officers - I think Hale too) responded. All of these events were

related to Daniel Weiskamp and his friends. I am requesting all documents, video, and audio related to this string of related events. I suspect, since all of these events were related, that UPD may have documented them as such.

<u>Item</u>	<u>Cost</u>
Dispatch tickets and report: 0.0656 megabytes in PDF format	\$20
Body worn camera video (Jeffers): 1,810 megabytes in non-PDF format	\$100
Body worn camera video (Kaufman): 2,400 megabytes in non-PDF format	\$100
Body worn camera video (Links): 755,210 megabytes in non-PDF format	\$100
Body worn camera video (Hewkin): 701,870 megabytes in non-PDF format	\$100
Body worn camera video (Hale): 1,100 megabytes in non-PDF format	\$100
Dashcam video (Jeffers/Kaufman): 298 megabytes in non-PDF format	\$100
Dashcam video (Hale): 1, 110 megabytes in non-PDF format	\$100
USB flash drive	\$7.97
DVD (7 at \$0.38 each)	\$2.66
Part 1 total	<u>\$730.63</u>

Part 2 of request: All emails to/from Vacellia Clark from Sept 1, 2019 through Dec 31, 2019. Clark seems to have at least two email addresses (vpclark@urbanaininois.us and hro@urbanaininois.us).

On June 16, 2020, you narrowed this request to include only the month of December 2019.

Item

Cost

Miscellaneous responsive records: 5 megabytes in PDF format
Part 2 total

\$20

\$20

Part 3 of request: A copy of the Urbana Police Department Policies. I understand there are versions posted on the City website. I am asking for unredacted versions. I see no reason why citizens would not be allowed to view the policies of their own police department.

Item
Police Department policies: 4.98 megabytes in PDF format
USB flash drive
Part 3 total

Cost
\$20
\$7.97

\$27.97

Estimated total fee

\$778.60

You must pay the estimated fee before the City begins copying the requested records. Payment is due no later than Tuesday, June 23, 2020. To make this payment, please mail a check or money order to the City Clerk's Office, 400 S. Vine Street, Urbana, Illinois 61801 and include the City's FOIA request number with your payment. If you fail to remit the estimated fee, the City may deny this request. However, if the City processes this request and you subsequently fail to accept or collect the responsive records, the City may still charge you for its response pursuant to Section 6 of FOIA. Further, your failure to pay will be considered a debt due and owing to the City and may be collected in accordance with applicable law.

Portions of the records you have requested may be exempt from disclosure under FOIA. These portions will be redacted from the records being released to you. The redactions will increase the size of electronic records, which may result in an additional fee. In this case, the City will provide you with an accounting of the final fee. You must pay the final fee before the City will release the records. When retrieving your records, you must present a government-issued photo identification document (ID).

The City will respond to parts 1, 2, and 3 of your FOIA request not more than 21 business days from the date the City receives your full payment of the estimated fee.

Part 4 of request: Any and all documents related to an incident that occurred on May 14, 2020 around 2:50pm involving UPD (Vogt and Rich were on scene, and I think there were others) response to W Elm & S Cedar. I am requesting all documents, video, and audio. I am requesting all documents be provided in digital format.

Part 4 of your request is denied. Section 7(1)(d)(iii) of FOIA exempts from inspection and copying law enforcement records to the extent that disclosure would "create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing." 5 ILCS 140/7(d)(iii). The records you have requested in part 4 are law enforcement records for a case currently pending in the Champaign County Circuit Court. Premature public disclosure of the records may taint any potential juror and create a significant potential for witness intimidation, expose actual or prospective witnesses to undue influence or retaliation, and deter their cooperation, thereby depriving the defendant of a fair trial. Therefore, these records are exempt from disclosure. The person responsible for the denial is Freedom of Information Officer Curt Borman.

If you believe any records you are seeking have been wrongfully withheld or redacted, you are entitled to a review of this decision by the Public Access Counselor of the Office of the Illinois Attorney General. To file a "request for review," you may write to the Public Access Bureau at 500 S. Second Street, Springfield, Illinois 62701, or you may phone 877-299-FOIA (877-299-3642). Any person denied access to inspect or copy any public record also may file suit for injunctive or declaratory relief, in accordance with 5 ILCS 140/11.

Sincerely,

L. Kay Meharry

Assistant City Clerk
400 S. Vine St, Urbana, IL 61801
217-384-2362
cityclerk@urbanaininois.us



Dunham, Lorraine

6342

RECEIVED
ATTORNEY GENERAL

JUL 6 2020

From: Public Access
Sent: Monday, July 6, 2020 12:00 PM
To: Public Access
Subject: FW: Urbana FOIA Request - Danny Weiskamp incident, VC 2019 emails, UPD policies, May 14 UPD Vogt/Rich Incidnet (PAC 63421)

FOIA/OMA

63421 - Initial Docs (2)(FOIA)

Thanks,

Lidia Sanchez
Paralegal II
Public Access Bureau
Illinois Attorney General's Office
lsanchez@atg.state.il.us

From: Christopher Hansen <corruptcu@gmail.com>
Sent: Sunday, July 5, 2020 2:04 PM
To: Public Access <PAccess@atg.state.il.us>
Subject: Fwd: Urbana FOIA Request - Danny Weiskamp incident, VC 2019 emails, UPD policies, May 14 UPD Vogt/Rich Incidnet (PAC 63421)

Below, please find the original FOIA request in regards to PAC 63421

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

From: Christopher Hansen <corruptcu@gmail.com>
Date: Fri, May 15, 2020 at 4:44 PM
Subject: Urbana FOIA Request - Danny Weiskamp incident, VC 2019 emails, UPD policies, May 14 UPD: Vogt/Rich Incidnet
To: !City Clerk <CityClerk@urbanainllinois.us>

Please supply the following records:

1) Any and all documents related to an incident that occurred on April 11, 2020 around 5:45pm involving a UPD response to individuals disturbing private property in the area of the 300 block of W Illinois St. Officers Kaufman, Jeffers, and Marquez initially responded. I called and spoke to Officer Osric Hayes about an additional related altercation that occurred immediately after the first group of officers had left. Then on April 13 around 6pm there was an additional related altercation wherein Officers Links and Hewkin (and other officers - I think Hale too) responded. All of these events were related to Daniel Weiskamp and his friends. I am requesting all documents, video, and audio related to this string of related events. I suspect, since all of these events were related, that UPD may have documented them as such.

2) All emails to/from Vacellia Clark from Sept 1, 2019 through Dec 31, 2019. Clark seems to have at least two email addresses (vpclark@urbanainllinois.us and hro@urbanainllinois.us).

3) A copy of the Urbana Police Department Policies. I understand there are versions posted on the City website. I am asking for unredacted versions. I see no reason why citizens would not be allowed to view the policies of their own police department.

4) Any and all documents related to an incident that occurred on May 14, 2020 around 2:50pm involving UPD (Vogt and Rich were on scene, and I think there were others) response to W Elm & S Cedar. I am requesting all documents, video, and audio.

I am requesting all documents be provided in digital format.