



July 8, 2019

VIA E-MAIL

Ms. Julie Kelly
Kelly & Ignoffo Law Group P.C.
Email: julie@kellyignoffo.com

RE: 19-FOIA-169 All Video - MP-18-00055645

Dear Ms. Kelly:

We are in receipt of your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (“FOIA”).

I. Background

On June 24, 2019, we received your request for all video connected with the subject incident report (MP-18-00055645) for the specific time of 18:00:00 – 18:20:00 (“Request”).

After performing a diligent search of Metra’s records, we have been unable to locate any video records responsive to your Request pertaining to the location of the subject incident. Metra’s Mechanical Department advised no train video for this incident was obtainable. Metra’s Police Department advised there are only building *interior* cameras at the station located at 7100 S. Yates in Chicago. These cameras show the doorway entrance to the train station and do not show the sidewalk, street or tracks and no interior video was saved for the date requested.

We sent you an email on June 26, asking if your firm was representing the subject of the requested video and if so, to please provide us with a copy of your letter of representation. To date, we have not received a response from you. Your Request is denied.

II. Denial

While FOIA requires public bodies to provide access to public records generally, Section 7(1)(a) of FOIA authorizes units of government to withhold, “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). The body camera video contains a witness statement and is exempt from disclosure under the Law Enforcement Officer-Worn Body Camera Act 50 ILCS 706/10-20, which states in pertinent part:

- (11)(1) if the subject of the encounter has a reasonable expectation of privacy, at the time of the recording, any recording which is flagged, due to... resulting death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:

* * *

- (B) the law enforcement agency obtains written permission of the subject or the subject's legal representative

Metra does not have the witness' written permission to release the statement on this video and as such, Attorney Keith Pardonnet has determined that the denial of this video is appropriate under Section 7(1)(a) of FOIA and the Law Enforcement Officer-Worn Body Camera Act 50 ILCS 706/10-20.

III. Right of Review

You have the right to have the partial denial of your Request reviewed by the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: 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 partial denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this partial denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your partial denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

If we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,



Kathleen E. Haton
Freedom of Information Officer
FOIA@metrarr.com