



December 12, 2016

**VIA E-MAIL**

Ms. Claudia O. Acevedo  
Docket Specialist, Litigation  
Dentons US LLP  
Email: [claudia.acevedo@dentons.com](mailto:claudia.acevedo@dentons.com)

RE: 16-FOIA-297 MPD Report Incident on 7/31/2016

Dear Ms. Acevedo:

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 November 28, 2016, we received your request for a Metra police report relating to the detention of a juvenile on July 31, 2016 (“Request”). 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 Juvenile Court Act of 1987, in pertinent part, specifically 705 ILCS 405/5-905, states that the:

- (1) Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been investigated, arrested or taken into custody before his or her 18<sup>th</sup> birthday” shall be restricted to the following . . . :

.....

- (c) The minor, the minor’s parents or legal guardian and their attorneys, but only when the juvenile has been charged with an offense. (705 ILCS 405/5-905(c)).

Because the juvenile in question was not charged with an offense, Attorney Jamie Harrmann has determined the report is exempt from disclosure under Section 7(1)(a).

**III. Right of Review**

You have the right to have the 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](mailto: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 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

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

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,



Kathleen E. Haton  
Freedom of Information Officer  
[foia@metrarr.com](mailto:foia@metrarr.com)  
FOIA Hotline #312-663-3642