



January 19, 2017

VIA E-MAIL

Mr. Raul A. Moreno

WBBM-TV Chicago

Email: wbbmtvdesk@cbs.com

RE: 17-FOIA-006 Metra Police Shooting

Dear Mr. Moreno:

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 January 9, 2017, we received your request for all documents, records, 911 Calls, and surveillance videos related to a fatal police shooting in Deerfield, on the Metra Milwaukee District North Line on Friday 1/6/17 at around 10:30 p.m. (“**Request**”).

I spoke to you by phone on January 13 and explained that your Request for “all documents and records,” would require that we canvas the building for such records. I asked if you would consider narrowing your Request to Metra police reports, but advised that since the Metra Police Department was not the primary agency investigating this incident, any records they would have would be limited. Additionally, you were advised that 9-1-1 calls would have been routed to local law enforcement in the county where the incident occurred, as Metra no longer maintains a 9-1-1 call center; and surveillance videos of the incident do not exist, as cameras are only in locomotives and cab cars at this time. You indicated that you were not interested in having us canvas the building for records, and acknowledged that 9-1-1 calls and surveillance videos were not available. You then agreed to narrow your Request to only Metra police reports. Your Request is denied.

Please note the primary agency investigating this incident is the Illinois State Police. You may submit your request for records to:

Ms. Nancy Easum
Illinois State Police
Freedom of Information Officer
801 South 7th St., Ste. 1000-S
Springfield, IL 62703
E-mail: FOIA_Officer@isp.state.il.us

II. Denial

We are denying your Request under Section 7(1)(f) of FOIA, which states records that are, “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are

expressed, or policies or actions are formulated . . . [.]” are exempt from disclosure. 5 ILCS 140/7(1)(f). The Metra Police Department has started a draft report of the incident, which is unlikely to be completed prior to the investigation’s closure. As such, since this report is currently in draft form, Attorney Jamie Harrmann has determined that the requested police report is properly denied from disclosure at this time.

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.

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
FOIA Hotline #312-663-3642