



October 21, 2016

VIA E-MAIL

Ms. Deborah Tramel Owen
Investigator
Texas Education Agency
Email: Deborah.Owen@tea.texas.gov

RE: 16-FOIA-254 Report re [REDACTED] 05-18-14

Dear Ms. Owen:

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 October 7, 2016, we received your request for copies of all offense, incident, and investigative reports, including witness statements, audio/photographs and confessions regarding an incident involving [REDACTED] on May 18, 2014 (“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 405/1-7, states that the:

(A) 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 18th birthday” shall be restricted to the following:

.....

[T]he minor, the minor’s parents or legal guardian and their attorneys, but only when the juvenile has been charged with an offense. (705 ILCS 405/1 -8(A)).

As to the requested record, one of the subjects of the requested report is a juvenile under the age of 18 and had been placed under arrest by authorities. Furthermore, you do not fall into any of the categories of persons to whom a juvenile arrest report may be released to, as stated above. Thus, these records fall within the exemption found in Section 7(1)(a) of FOIA, and per Attorney Thomas Stuebner, your Request is hereby denied. Please note, however, that these records may be available through the local prosecuting attorney for the county in which the incident occurred.

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,



Sonserese Hatch
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642