



April 10, 2019

**VIA E-MAIL**

Mr. Joshua Opdycke  
Benjamin & Shapiro, Ltd.  
[REDACTED]

RE: 19-FOIA-094 [REDACTED] Arrest on 2018-06-20

Dear Mr. Opdycke:

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 March 27, 2019, we received your request for any and all documents, Metra Police reports, incident reports, physical evidence, photographs, audio recordings, dispatch call/recordings, dash-cam video, and videos related to the arrest and detainment of [REDACTED] on June 20, 2018 (“Request”). Your Request is denied.

**II. Denial**

Attorney Keith Pardonnet has determined that your Request for documents concerning the above-referenced incident are exempt from disclosure in their entirety under Sections 7(1)(d)(i) and (vii) of FOIA, which states in part:

[r]ecords in the possession of any public body created in the course of . . . any law enforcement . . . agency for law enforcement purposes, but only to the extent that disclosure would . . .

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement . . . agency that is the recipient of the request and . . .

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient[.]

5 ILCS 140/7(d)(i) and (vii).

Metra Police Department has advised that this is an ongoing investigation. As such, any Metra Police reports, incident reports, physical evidence, photographs, audio recordings, dispatch call/recordings, dash-cam video, or videos related to the arrest and detainment of [REDACTED] on June 20, 2018 is not available for release 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](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 partial 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 partial 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,



Angela K. Ollie  
Freedom of Information Officer  
[FOIA@metrarr.com](mailto:FOIA@metrarr.com)  
FOIA Hotline #312-663-3642