

From: John Kraft

October 5, 2014

To: Joshua M. Jones
Assistant Attorney General
Public Access Bureau
500 South Second Street
Springfield, Illinois 62706

Re: FOIA Request for Review – 2014 PAC 31285

Mr. Jones:

I will respond below to the excuses provided by the Glen Ellyn Police Department in their October 1, 2014 letter in response to this request for review.

In Section 1 of the Freedom of Information Act (5 ILCS 140/1) it states in part that all persons are entitled to full and complete information regarding the affairs of government... and that it is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible in compliance with this Act... and that the General Assembly recognizes that this Act imposes fiscal obligations on public bodies to provide adequate staff and equipment to comply with its requirements...and that providing records...is a primary duty of public bodies to the people of this State...

Section 3(g) describes the procedure for denying records deemed to be categorical requests or declared unduly burdensome. It specifically states that before invoking this exemption... If the public body responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the public body. Such a response shall be treated as a denial of the request for information.

The Glen Ellyn Police Department failed to comply with the requirements of Section 3(g) by not specifying why it would be unduly burdensome and the extent to which compliance would burden the operations of the public body. I do not believe that my place of residence being 194 miles away from the municipality is a legitimate reason for denying this request. Not even once, in their attempt to reduce the request to manageable proportions, did they state how many records were involved, which gave me the impression the intent was to deny any compromise I presented.

The Glen Ellyn Police Department states that it would unreasonable to expect the department to produce the reports in any reasonable amount of time, let alone five working days.

Sections 3(d), (e), and (f) describe the process for allowing additional days to respond to requests for records. The Glen Ellyn Police Department made no attempt at requesting additional time to respond.

This is the end of anything applicable to this request for review, and any other excuses made by this public body should not be considered. However, in the interest of correcting some of the statements made by the Glen Ellyn Police Department on matters not applicable to this request for review, I will continue responding to their frivolous and offensive comments below.

- The Glen Ellyn Police Department and Patricia Taves continues their assault on the Freedom of Information Act by talking about another requester that is “affiliated” with the same organization that I am “affiliated” with, even going so far as saying that each of this other person’s requests involved more records than the prior request. What Taves failed to tell you was that they provided no records in response to any of his most recent requests:
 - o Taves denied a request for any 10 prosecuted DUI arrest reports in the last 6 months
 - o Taves denied a request for the last 10 prosecuted DUI arrest reports
 - o Taves denied a request for any 10 most recent DUI arrest reports
 - o Taves denied a request for 10 DUI arrest reports that had already been prosecuted from 2013
 - o Taves denied a request for 10 DUI arrest reports that had already been prosecuted from 2012

- Taves continues attacking the requester with offensive remarks about the article written, quoting parts of some of the responses to it, and falsely equating respondent comments with public interest. She was obviously interested enough to read it and certainly did not respond to it in her own name. She has no way of knowing how many people read the article, how many commented on it thru social media, nor how many responded thru email. Using her false logic, no newspaper ever printed and no television news broadcast in the entire history of the world would ever qualify for public interest simply because no one left a public message in relation to an article or news segment.

- Taves had no problems refusing a request from a previous requester for the 10 most recent DUI arrest reports by pointing to the same website and claiming a substantial likelihood the arrestees would be deprived of a fair trial because of him previously posting arrest reports of Erin Birt (2014 PAC 30441). I wonder if they do a background check on every FOIA requester.

Please consider the above information in your determination and please notify me in the event that the Glen Ellyn Police Department is afforded the opportunity to further respond to the request for review or to any of my comments above,

Electronic communication is preferred.

Thanks for your consideration of these matters of great public interest,

John Kraft

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