

19CH1583

Initial case management set for
2/13/2020 **at: 9:00 a.m.**

government activity that affect the conduct of government and the lives of the people. 5 ILCS 140/1.

3. Under FOIA Section 1.2, “[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt. 5 ILCS 140/1.2.”

4. Under FOIA Section 11(h), “except as to causes the court considers to be of greater importance, proceedings arising under [FOIA] shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.” 5 ILCS 140/11(h).

PARTIES

5. Plaintiff EDGAR COUNTY WATCHDOGS (“ECW”) is the FOIA requester in this case. ECW is a non-profit organization comprised of investigative reporters whose purpose is to foster accountability, truth, and transparency in our local governing bodies.

6. Defendant WILL COUNTY SHERIFF’S OFFICE (“WCSO”) is a public body located in Will County, Illinois.

AUGUST 7, 2019 FOIA REQUEST

7. On August 7, 2019, ECW submitted a FOIA request to WCSO seeking: [1] “[c]opy of any 911 calls or any call made for help/assistance from an officer or police presence for wellness checks, disturbance or theft, at the Wesley Rivals Township Park for June 1 through June 30, 2019 – it is on Rivals Road;” [2] “[c]opy of any 911 calls or any other call made for help/assistance relating to anything at Rivals Park on August 6, 2019;” and [3] “[c]opy of any reports, notes, statements, etc. relating to anything at Wesley Township and/or Rivals Park for/on August 6, 2019.” Exhibit A.

8. On August 13, 2019, WCSO partially granted the request by producing Address Activity Reports for the requested dates and a copy of incident report (2019-005455) with extensive information redacted. WCSO denied the request for all 911 calls made for help relating to anything at Wesley Rivals Township Park on August 6, 2019 in its entirety. WCSO denied the request for all 911 calls seeking assistance at Wesley Rivals Township Park from the month of June for being unduly burdensome and told ECW to “feel free to narrow” the scope of the request. Exhibit B.

9. On August 13, 2019, ECW requested that WCSO remove its blanket redaction of the narrative section of the incident report. ECW also narrowed the 911 calls request to seven specific incidents, five from June 2019 and two from August 2019. Exhibit C.

10. On August 13, 2019, WCSO refused to remove its blanket redaction of the narrative section of the incident report. Exhibit D.

11. On August 21, 2019, WCSO denied the narrowed request for seven specific 911 calls in its entirety. Exhibit E.

12. The requested records are not exempt.

13. As the date of this filing, WCSO has not produced all records responsive to the request.

AUGUST 8, 2019 FOIA REQUEST

14. On August 8, 2019, ECW submitted a FOIA request to WCSO for “[c]opy of any 911 calls or any call made for help/assistance from an officer or police presence for anything at the Wesley Rivals Township Park for August 8, 2019 – it is on Rivals Road” and “[c]opy of any reports, notes, statements, etc. relating to anything at Wesley Township and/or Rivals Park for/on August 8, 2019.” Exhibit F.

15. On August 13, 2019, WCSO partially granted the request by providing an Address Activity Report for the requested date and a copy of incident report (2019-008025) with extensive information redacted. The redactions included the narrative section of the report.

Exhibit G

16. WCSO denied the request for 911 calls in its entirety. Exhibit G.

17. The requested records are not exempt.

18. As the date of this filing, WCSO has not produced all records responsive to the request.

COUNT I – AUGUST 7, 2019, FAILURE TO PRODUCE RECORDS

11. The above paragraphs are incorporated by reference.

12. WCSO is a public body under FOIA.

13. The records sought in ECW's FOIA request are non-exempt public records of WCSO.

14. WCSO violated FOIA by failing to produce the records responsive to the requests.

COUNT II – AUGUST 7, 2019, FAILURE TO PERFORM AN ADEQUATE SEARCH

15. The above paragraphs are incorporated by reference.

16. WCSO is a public body under FOIA.

17. WCSO bears the burden of proving beyond material doubt that it performed an adequate search for responsive records.

18. WCSO has failed to come forward with sufficient evidence to carry this burden.

19. WCSO has violated FOIA by failing to adequately search for responsive records.

COUNT III – AUGUST 7, 2019, WILLFUL AND INTENTIONAL VIOLATION OF FOIA

- 20. The above paragraphs are incorporated by reference.
- 21. WCSO is a public body under FOIA.
- 22. The records sought in ECW's FOIA request are non-exempt public records of WCSO.
- 23. WCSO willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

COUNT IV – AUGUST 8, 2019, FAILURE TO PRODUCE RECORDS

- 24. The above paragraphs are incorporated by reference.
- 25. WCSO is a public body under FOIA.
- 26. The records sought in ECW's FOIA request are non-exempt public records of WCSO.
- 27. WCSO violated FOIA by failing to produce records responsive to the FOIA requests.

COUNT V – AUGUST 8, 2019, FAILURE TO PERFORM AN ADEQUATE SEARCH

- 28. The above paragraphs are incorporated by reference.
- 29. WCSO is a public body under FOIA.
- 30. WCSO bears the burden of proving beyond material doubt that it performed an adequate search for responsive records.

- 31. WCSO has failed to come forward with sufficient evidence to carry this burden.

COUNT VI – AUGUST 8, 2019, WILLFUL AND INTENTIONAL VIOLATION OF FOIA

- 32. The above paragraphs are incorporated by reference.
- 33. WCSO is a public body under FOIA.

34. The records sought in ECW's FOIA request are non-exempt public records of WCSO.

35. WCSO willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

WHEREFORE, ECW asks that the Court:

- i. in accordance with FOIA Section 11(f), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way;
- ii. declare that WCSO has violated FOIA;
- iii. order WCSO to produce the requested records;
- iv. enjoin WCSO from withholding non-exempt public records under FOIA;
- v. order WCSO to pay civil penalties;
- vi. award ECW reasonable attorneys' fees and costs; and
- vii. award such other relief the Court considers appropriate.

Dated: October 25, 2019

RESPECTFULLY SUBMITTED,

/s/ Joshua Hart Burday

Attorneys for Plaintiff
EDGAR COUNTY WATCHDOGS

Matthew Topic
Joshua Burday, ARDC# 6320376
Merrick Wayne
LOEVY & LOEVY
311 North Aberdeen, 3rd Floor
Chicago, IL 60607
312-243-5900
foia@loevy.com

From: [John Kraft](#)
To: szobel@willcosheriff.org; foia@willcosheriff.org
Bcc: [Kirk Allen](#)
Subject: FOIA Request (Will County Sheriff) - 8-7-2019
Date: Wednesday, August 07, 2019 12:23:00 PM

On behalf of the Edgar County Watchdogs, Inc., and in accordance with the Freedom of Information Act I am requesting the following.

If you are not the FOIA officer, please forward to the FOIA officer as required by statute.

Electronic copies requested.

1. **Copy of any 911 calls or any call made for help/assistance from an officer or police presence for wellness checks, disturbance or theft, at the Wesley Rivals Township Park for June 1 through June 30, 2019 – it is on Rivals Road.**
2. **Copy of any 911 calls or any other call made for help/assistance relating to anything at Rivals Park on August 6, 2019.**
3. **Copy of any reports, notes, statements, etc relating to anything at Wesley Township and/or Rivals Park for/on August 6, 2019.**

Electronic copies are requested.

This is not a commercial request.

This is also a request for fee waiver, should any fees be imposed, as this information bears on the public business of the local and state governments in Illinois and will be used to inform citizens of the actions of their public officials, of their rights and responsibilities, of news and current or passing events, and for articles of opinion or features of interest to the public. The principal purpose of this request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit

I, and the organizations I represent, qualify as both media and non-profit under the definitions in Section 2 (c-10) ("Commercial purpose"), Section 2 (f) ("News media"), Section 2 (g) ("Recurrent requester"), and Section 2 (h) ("Voluminous request") of the Freedom of Information Act, for the purposes of being exempt to the provisions of Section 3.1 (Requests for commercial purposes), Section 3.2 (Recurrent requesters), Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees). Additionally, I, and the organizations I represent, qualify as "news media" under the Illinois Vehicle Code, Section 1-148.5.

*Thanks,
John Kraft*

Exhibit A





Will County Records Division
16911 W. Laraway Rd. Suite 101
Joliet, IL 60433
Phone (815) 727-4738 Fax (815) 727-5295

08-13-2019

John Kraft

Thank you for writing to the Will County Sheriff's Office with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

On 08-07-2019, you requested the following documents: Copy of any 911 calls or any call made for help/assistance from an officer or police presence for wellness checks, disturbance of theft, at the Wesley Rivals Township Park for June 1 through June30, 2019. Copy of any 911 calls or any other call made for help/assistance relating to anything at Rivals Park on August 6, 2019. Copy of any reports, notes, statements, etc relating to anything at Wesley Township and/or Rivals Park for/on August 6, 2019.

Your request is granted in part and denied in part for the following reasons:

The Will County Sheriff's Office is providing Address Activity Reports for the requested dates. Also included is a redacted copy of incident 2019-005455. Victim/Suspect/Witness names, personal identifiers and statements were removed for the exemptions stated below. Also, you requested the 911 calls. The 911 calls are denied in full for the exemptions stated below. Lastly, you asked for ANY call made for help/assistance at the Wesley Rivals Township Park. The Will County Sheriff's Office searches for 911 calls that were dispatched (CAD). I requested the call volume from that zone through the Laraway Communication Center. From 06-01-2019 to 06-30-2019 there were 4136 calls. The only way to confirm if any of these incidents involved the park, would be to listen to each call. Please feel free to narrow your scope for this portion of your request.

The Will County Sherriff's Office strives to protect the personal privacy of victims/ witnesses/ 911 callers. The 911 calls you are requesting contain home/personal phone numbers. The goal of this office is to remain transparent and follow the laws of FOIA. No arrests nor were any press conferences held pertaining to the requested material.

Under 5 ILCS 140/7(1)(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

Exhibit B



Will County Records Division
16911 W. Laraway Rd. Suite 101
Joliet, IL 60433
Phone (815) 727-4738 Fax (815) 727-5295

Also, 5 ILCS 140/7(1)(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order. "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. In addition, there are people's voices recorded on the 911 call. With the invention of voice activated protected devices, a person's speech is a password or access code that could unlock their private devices.

Lastly, 5 ILCS 140/7 (d) (iv) exempts from disclosure records in the possession of any public body created in the course of administrative enforcement proceedings, and in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would unavoidably disclose the identity a person who files complaints with or provides information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and recue reports... The 911 calls do not involve traffic accident maters and the disclosure of the recorded calls is exempt from disclosure for the reasons stated aforesaid.

Under 5 ILCS 140/3(g) unduly burdensome. You may narrow your scope to a manageable proportion. This exemption only applies to the 4136 calls that were received for the requested zone.

You have a right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 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

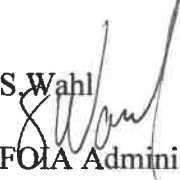
You also have the right to seek judicial review of your denial by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

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.



Will County Records Division
16911 W. Laraway Rd. Suite 101
Joliet, IL 60433
Phone (815) 727-4738 Fax (815) 727-5295

S. Wahl


FOIA Administrator
Will County Sheriff's Office
16911 W. Laraway Road
Joliet, IL. 60433

Will County Sheriff's Office Address Activity Report

Date Range: 6/1/2019 12:31:01PM - 6/30/2019 12:31:07PM

Address: %35149%rivals%

CAD Incidents from 1999 to 11/5/2014

| CAD # | Incident time | IncTypeCdDesc | Report#/Deputy |
|-------|---------------|---------------|----------------|
|-------|---------------|---------------|----------------|

Dispos:

CAD Incidents from 11/5/2014 to current

| IncidentId | IncidentDate | IncidentTyp | LocationName | LocationDescription | Report#/Deputy |
|--|------------------|-------------|---------------------|---------------------|-------------------|
| 35149 S RIVALS RD | | | | WILMINGTON | |
| 00041095 | 6/1/19 7:15 pm | XUNWANT | RIVALS LOOKOUT PARK | | mstarceovich02295 |
| <u>Dispo Codes:</u> 0006 - Peace Restored, 9039 - OTHER PUBLIC SERVICE | | | | | |
| 00041095 | 6/1/19 7:15 pm | XUNWANT | RIVALS LOOKOUT PARK | | awalter02367 |
| <u>Dispo Codes:</u> 0006 - Peace Restored, 9039 - OTHER PUBLIC SERVICE | | | | | |
| 00041575 | 6/3/19 3:18 pm | XTHEFT | RIVALS LOOKOUT PARK | | W1-19-0005455 |
| <u>Dispo Codes:</u> 0010 - Report to be Filed, 9356 - SUSPICIOUS CIRCUMSTANCES | | | | | jfialko02279 |
| 00041575 | 6/3/19 3:18 pm | XTHEFT | RIVALS LOOKOUT PARK | | W1-19-0005455 |
| <u>Dispo Codes:</u> 0010 - Report to be Filed, 9356 - SUSPICIOUS CIRCUMSTANCES | | | | | fschwartz01384 |
| 00047312 | 6/21/19 10:39 pm | XWELFAR | RIVALS LOOKOUT PARK | | kmcdonald02514 |
| <u>Dispo Codes:</u> 0002 - No Contact, 9798 - WELFARE CHECK | | | | | |
| 00047312 | 6/21/19 10:39 pm | XWELFAR | RIVALS LOOKOUT PARK | | rkoncel02272 |
| <u>Dispo Codes:</u> 0002 - No Contact, 9798 - WELFARE CHECK | | | | | |
| 00048957 | 6/27/19 8:04 am | XEXTRA | RIVALS LOOKOUT PARK | | jfialko02279 |
| <u>Dispo Codes:</u> 0004 - No Police Service Necessary, 9026 - PATROL: TWO-MAN MARKED UNIT | | | | | |
| 00049349 | 6/28/19 10:42 am | XCDP | RIVALS LOOKOUT PARK | | egabrielson01716 |
| <u>Dispo Codes:</u> 0013 - Advised to Seek Legal Counsel, 9150 - CIVIL MATTER | | | | | |

Will County Sheriff's Office Address Activity Report

Date Range: 8/6/2019 12:31:01PM - 8/7/2019 12:31:07PM

Address: %35149%rivals%

CAD Incidents from 1999 to 11/5/2014

| <u>CAD #</u> | <u>Incident time</u> | <u>IncTypeCdDesc</u> | <u>Report#/Deputy</u> |
|--------------|----------------------|----------------------|-----------------------|
|--------------|----------------------|----------------------|-----------------------|

Dispos: _____

CAD Incidents from 11/5/2014 to current

| <u>IncidentId</u> | <u>IncidentDate</u> | <u>IncidentType</u> | <u>LocationName</u> | <u>LocationDescription</u> | <u>Report#/Deputy</u> |
|--|---------------------|---------------------|---------------------|----------------------------|-----------------------|
| 35149 S RIVALS RD | | | | WILMINGTON | |
| 00061032 | 8/6/19 2:55 pm | XTRESP | RIVALS LOOKOUT PARK | | |
| <u>Dispo Codes:</u> 0015 - Enforcement Action if Called, 1330 - CRIMINAL TRESPASS PROPERTY | | | | | jschultz01625 |
| 00061032 | 8/6/19 2:55 pm | XTRESP | RIVALS LOOKOUT PARK | | |
| <u>Dispo Codes:</u> 0015 - Enforcement Action if Called, 1330 - CRIMINAL TRESPASS PROPERTY | | | | | mschlottman01664 |
| 00061253 | 8/7/19 10:15 am | XEXTRA | RIVALS LOOKOUT PARK | | |
| <u>Dispo Codes:</u> 0004 - No Police Service Necessary, 9025 - PATROL: ONE MAN MARKED UNIT | | | | | jfialko02279 |

16909 W Laraway Rd
Joliet, IL 60433
(815) 727-8575

Approved By: BURNETTE, JAMES 01584
Approved On: 6/5/2019 6:31:00 AM

INCIDENT SUMMARY

Subject: S-Fialko-Suspicious Circumstances-Original
Occurred On: 6/3/2019 9:00:00 AM
Monday
Occurred Address: 35149 S Rivals Rd ,
WILMINGTON, IL 60481

Reported On: 6/3/2019 3:18:52 PM
Or Between: Monday 6/3/2019 3:00:00 PM

Location Name: RIVALS LOOKOUT PARK

Report Type:
Disposition: ADMINISTRATIVELY CLOSED
Reporting Officer: FIALKO, JUSTIN 02279
Assisted By:

Beat: W1S5

Juvenile Report: N - No

| OFFENSE | HATE BIAS | COMPLETED |
|---------------------------------|-----------|-----------|
| 9356 - SUSPICIOUS CIRCUMSTANCES | | Yes |

| | | | |
|---------------------------------|----------------------------|----------------------------------|----------------------------|
| Name: | LEADS #: | | |
| Alias | | DOB: | Age: 66 |
| Sex: Female | Race: White | Hair: Blond or Strawberry | Eye: Green |
| Height: 5' 5" | Weight: 200 | DLN # | DLN State: Illinois |
| SSN #: | Occupation / Grade: | | |
| Employee / School: | City / State / Zip | | |
| Address Type | Address | | |
| H - Home/Residence | | | |
| Phone Type | Phone | | |
| M - Mobile/Cell | | | |
| Scar / Mark / Tattoo | SMT Location | Description | |
| Attire: | | | |
| SUSPECTED OF | | | |
| Offense | # of Charges | | |
| 9356 - SUSPICIOUS CIRCUMSTANCES | 0 | | |

| | | | |
|---|--------------------|-------------|----------------|
| Victim Type: Individual | LEADS #: | | |
| Victim Of: 9356 - SUSPICIOUS CIRCUMSTANCES | | | |
| Name / Entity Name: | | | |
| Individual Information | | | |
| Alias: | | | |
| Sex: Female | Race: White | DOB: | Age: 30 |

6/17/2019 3:20 PM

| | | | |
|---------------------------------|---------------------|----------------------------|----------------------------|
| Height: 5' 5" | Weight: 200 | Hair: Brown | Eye: Brown |
| SSN #: 324-84-6082 | | DLN # [REDACTED] | DLN State: Illinois |
| Employer / School: PETRO | | Occupation / Grade: | |
| Address Type | Address | City / State / Zip | |
| H - Home/Residence | [REDACTED] | | |
| Phone Type | Phone # | | |
| M - Mobile/Cell | [REDACTED] | | |
| M - Mobile/Cell | [REDACTED] | | |
| Attire: | | | |
| Injuries / Weapons | | | |
| Offense | Injury | Injury Weapon | |
| Offender Relationships | | | |
| Offender | Relationship | Offense | |

NARRATIVE

On 06/03/2019 at approximately 1518 Hrs I Dep Flalko was dispatched to Rivals Lookout Park 35149 S Rivals Rd Wilmington, IL 60481 In reference to a past tense theft of fire wood.

Upon arrival I was met by [REDACTED]

I provided [REDACTED] with case #19-5455 and advised her to call back if she has any further information on this incident.

Nothing Further

End of Report

6/17/2019 3:20 PM

From: [John Kraft](#)
To: [Shannon Wahl](#)
Subject: RE:
Date: Tuesday, August 13, 2019 1:20:00 PM

Also,

Please un-redact the Narrative in incident report W1-19-0005455-001

The entire paragraph is redacted and you are limited to redacting only names, phone numbers, addresses, etc...not the entire paragraph.

Thanks.

John Kraft


From: Shannon Wahl <szobel@willcosheriff.org>
Sent: Tuesday, August 13, 2019 1:08 PM
To: John Kraft [REDACTED]
Subject:


From: [John Kraft](#)
To: [Shannon Wahl](#)
Subject: RE:
Date: Tuesday, August 13, 2019 1:17:00 PM

I will narrow my request for the 911 and telephone calls to the following:

IncidentID: 00041095
IncidentID: 00041575
IncidentID: 00047312
IncidentID: 00048957
IncidentID: 00049349
IncidentID: 00061032
IncidentID: 00061253

Thanks,
John Kraft



From: Shannon Wahl <szobel@willcosheriff.org>
Sent: Tuesday, August 13, 2019 1:08 PM
To: John Kraft 
Subject:

From: [Shannon Wahl](#)
To: [John Kraft](#)
Subject: RE:
Date: Tuesday, August 13, 2019 2:00:59 PM

I stand by my original response.

Thank you

From: John Kraft [REDACTED]
Sent: Tuesday, August 13, 2019 1:21 PM
To: Shannon Wahl <szobel@willcosheriff.org>
Subject: RE:

Also,

Please un-redact the Narrative in incident report W1-19-0005455-001
The entire paragraph is redacted and you are limited to redacting only names, phone numbers, addresses, etc...not the entire paragraph.

Thanks.
John Kraft

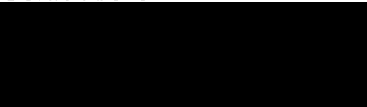
From: Shannon Wahl <szobel@willcosheriff.org>
Sent: Tuesday, August 13, 2019 1:08 PM
To: John Kraft [REDACTED]
Subject:



Will County Records Division
16911 W. Laraway Rd. Suite 101
Joliet, IL 60433
Phone (815) 727-4738 Fax (815) 727-5295

08-21-2019

John Kraft



Thank you for writing to the Will County Sheriff's Office with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

On 08-13-2019, you narrowed your request for the 911 and telephone calls to the following:

Incident 00041095

Incident 00041575

Incident 00047312

Incident 00048957

Incident 00049349

Incident 00061032

Incident 00061253

Your request is denied for the following reasons:

The 911 calls/telephone calls are denied in full for the exemptions stated below. The Will County Sheriff's Office strives to protect the personal privacy of victims/ witnesses/ 911 callers. The goal of this office is to remain transparent and follow the laws of FOIA. Arrest reports are public under FOIA. Please be aware that no arrests nor were any press conferences held pertaining to the requested materials. Incident 00048957 and 00061253 were self-dispatched. No recordings exist for those events.

Under 5 ILCS 140/7(1)(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

Exhibit E



Will County Records Division
16911 W. Laraway Rd. Suite 101
Joliet, IL 60433

Phone (815) 727-4738 Fax (815) 727-5295

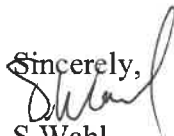
Also, 5 ILCS 140/7(1)(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order. "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. In addition, there are people's voices recorded on the 911 call. With the invention of voice activated protected devices, a person's speech is a password or access code that could unlock their private devices.

Lastly, 5ILCS 140/7(d)(iv) exempts from disclosure records in the possession of any public body created in the course of administrative enforcement proceedings, and in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would unavoidably disclose the identity a person who files complaints with or provides information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports...the 911 calls do not involve traffic accident matters and the disclosure of the recorded calls is exempt from disclosure for the reasons stated aforesaid.

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

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

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.

Sincerely,

S. Wahl
FOIA Administrator
Will County Sheriff's Office
16911 W. Laraway Road
Joliet, IL. 60433
815-774-6255

From: [John Kraft](#)
To: ["szobel@willcosheriff.org"](mailto:szobel@willcosheriff.org); ["foia@willcosheriff.org"](mailto:foia@willcosheriff.org)
Bcc: [Kirk Allen](#)
Subject: FOIA Request (Will County Sheriff) - 8-8-2019
Date: Thursday, August 08, 2019 2:50:00 PM

On behalf of the Edgar County Watchdogs, Inc., and in accordance with the Freedom of Information Act I am requesting the following.

If you are not the FOIA officer, please forward to the FOIA officer as required by statute.

Electronic copies requested.

1. **Copy of any 911 calls or any call made for help/assistance from an officer or police presence for anything at the Wesley Rivals Township Park for August 8, 2019 – it is on Rivals Road.**
-
2. **Copy of any reports, notes, statements, etc relating to anything at Wesley Township and/or Rivals Park for/on August 8, 2019.**

Electronic copies are requested.

This is not a commercial request.

This is also a request for fee waiver, should any fees be imposed, as this information bears on the public business of the local and state governments in Illinois and will be used to inform citizens of the actions of their public officials, of their rights and responsibilities, of news and current or passing events, and for articles of opinion or features of interest to the public. The principal purpose of this request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit

I, and the organizations I represent, qualify as both media and non-profit under the definitions in Section 2 (c-10) ("Commercial purpose"), Section 2 (f) ("News media"), Section 2 (g) ("Recurrent requester"), and Section 2 (h) ("Voluminous request") of the Freedom of Information Act, for the purposes of being exempt to the provisions of Section 3.1 (Requests for commercial purposes), Section 3.2 (Recurrent requesters), Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees). Additionally, I, and the organizations I represent, qualify as "news media" under the Illinois Vehicle Code, Section 1-148.5.

Thanks,
John Kraft

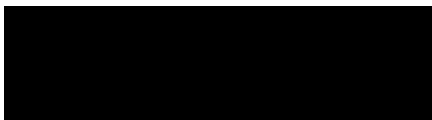


Exhibit F

[REDACTED]



Will County Records Division
16911 W. Laraway Rd. Suite 101
Joliet, IL 60433
Phone (815) 727-4738 Fax (815) 727-5295

08-13-2019

John Kraft

Thank you for writing to the Will County Sheriff's Office with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

On 08-08-2019, you requested the following documents: Copy of any 911 calls or any call made for help/assistance from an officer or police presence for anything at the Wesley Rivals Township Park for August 8, 2019. Copy of any reports, notes, statements, etc relating to anything at Wesley Township and or Rivals Park for/on August 8, 2019.

Your request is granted in part and denied in part for the following reasons:

The Will County Sheriff's Office is providing an Address Activity Report for the requested date. Also included is a redacted copy of incident 2019-008025. Victim/Suspect/Witness names, personal identifiers and statements were removed for the exemptions stated below. Also, you requested the 911 calls. The 911 calls are denied in full for the exemptions stated below.

The Will County Sherriff's Office strives to protect the personal privacy of victims/ witnesses/ 911 callers. The 911 calls you are requesting contain home/personal phone numbers. The goal of this office is to remain transparent and follow the laws of FOIA. No arrests nor were any press conferences held pertaining to the requested material.

Under 5 ILCS 140/7(1)(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

Also, 5 ILCS 140/7(1)(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order. "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to

Exhibit G



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any person. In addition, there are people's voices recorded on the 911 call. With the invention of voice activated protected devices, a person's speech is a password or access code that could unlock their private devices.


Lastly, 5 ILCS 140/7 (d) (iv) exempts from disclosure records in the possession of any public body created in the course of administrative enforcement proceedings, and in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would unavoidably disclose the identity a person who files complaints with or provides information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and recue reports... The 911 calls do not involve traffic accident maters and the disclosure of the recorded calls is exempt from disclosure for the reasons stated aforesaid.

You have a right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 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

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

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.


S. Wahl
FOIA Administrator
Will County Sheriff's Office
16911 W. Laraway Road
Joliet, IL. 60433

Will County Sheriff's Office Address Activity Report

Date Range: 8/7/2019 1:36:44PM - 8/9/2019 1:36:49PM

Address: %35149%RIVALS%

CAD Incidents from 1999 to 11/5/2014

| <u>CAD #</u> | <u>Incident time</u> | <u>IncTypeCdDesc</u> | <u>Report#/Deputy</u> |
|--------------|----------------------|----------------------|-----------------------|
|--------------|----------------------|----------------------|-----------------------|

Dispos:

CAD Incidents from 11/5/2014 to current

| <u>IncidentId</u> | <u>IncidentDate</u> | <u>IncidentType</u> | <u>LocationName</u> | <u>LocationDescription</u> | <u>Report#/Deputy</u> |
|---|---------------------|---------------------|---------------------|----------------------------|-----------------------|
| 35149 S RIVALS RD | | | | WILMINGTON | |
| 00061592 | 8/8/19 11:32 am | XSUSP | RIVALS LOOKOUT PARK | | W1-19-0008025 |
| Dispo Codes: 0010 - Report to be Filed, 9356 - SUSPICIOUS CIRCUMSTANCES | | | | | jfiako02279 |
| 00061592 | 8/8/19 11:32 am | XSUSP | RIVALS LOOKOUT PARK | | W1-19-0008025 |
| Dispo Codes: 0010 - Report to be Filed, 9356 - SUSPICIOUS CIRCUMSTANCES | | | | | fschwartz01384 |

16909 W Laraway Rd
Joliet, IL 60433
(815) 727-8575

Approved By:
Approved On:

INCIDENT SUMMARY

Subject: S-Fialko-SUSPICIOUS CIRCUMSTANCE-Original

Occurred On: 8/8/2019 11:32:00 AM
Thursday

Occurred Address: 35149 S Rivals Rd ,
WILMINGTON, IL 60481

Reported On: 8/8/2019 11:32:44 AM

Or Between: Thursday 8/8/2019 11:45:00 AM

Location Name: RIVALS LOOKOUT PARK

Report Type:

Disposition: ADMINISTRATIVELY CLOSED

Reporting Officer: FIALKO, JUSTIN 02279

Assisted By:

SCHWARTZ, FREDERICK 01384

Beat: W155

Juvenile Report: N - No

OFFENSE**HATE BIAS****COMPLETED**

9356 - SUSPICIOUS CIRCUMSTANCES

No

SUSPECT

Name: [REDACTED]

Alias: [REDACTED]

Sex: Male

Race: White

Height: 5' 11"

Weight: 210

SSN #:

Employee / School:

Address Type

Address

City / State / Zip

OT - Other

H - Home/Residence

Phone Type

LEADS #:

DOB: [REDACTED]

Age: 47

Hair: Brown

Eye: Blue

DLN #: [REDACTED]

DLN State: Illinois

Occupation / Grade:

M - Mobile/Cell

M - Mobile/Cell

Scar / Mark / Tattoo

SMT Location

Description

Attire:

SUSPECTED OF

Offense

of Charges

9356 - SUSPICIOUS CIRCUMSTANCES

0

VICTIM

Victim Type: Individual

LEADS #:

Victim Of: 9356 - SUSPICIOUS CIRCUMSTANCES

Name / Entity Name: [REDACTED]

Individual Information:

Alias: [REDACTED]
Sex: Male **Race:** White **DOB:** [REDACTED] **Age:** 54
Height: 6' 3" **Weight:** 150 **Hair:** Brown **Eye:** Blue
SSN #: [REDACTED] **DLN #:** [REDACTED] **DLN State:** Illinois
Employer / School: WESLEY TOWNSHIP **Occupation / Grade:** ROAD COMMISSIONER
Address Type **Address** **City / State / Zip**
H - Home/Residence [REDACTED]
Phone Type **Phone #**
M - Mobile/Cell [REDACTED]
M - Mobile/Cell [REDACTED]
Attire: [REDACTED]

Injuries / Weapons

| Offense | Injury | Injury Weapon |
|----------------|---------------|----------------------|
|----------------|---------------|----------------------|

Offender Relationships

| Offender | Relationship | Offense |
|-----------------|----------------------|---------------------------------|
| S - [REDACTED] | RELATIONSHIP UNKNOWN | 9356 - SUSPICIOUS CIRCUMSTANCES |

WITNESS

Name: [REDACTED] **LEADS #:** [REDACTED]
Alias: [REDACTED]
Sex: Female **Race:** White **DOB:** [REDACTED] **Age:** 43
Height: 5' 7" **Weight:** 225 **Hair:** Blond or Strawberry **Eye:** BLU - Blue
SSN #: [REDACTED] **DLN #:** [REDACTED] **DLN State:** [REDACTED]
Employer / School: [REDACTED] **Occupation / Grade:** [REDACTED]
Address Type **Address** **City / State / Zip**
H - Home/Residence [REDACTED]
Phone Type **Phone #**
M - Mobile/Cell [REDACTED]
M - Mobile/Cell [REDACTED]
Attire: [REDACTED]

WITNESS

Name: [REDACTED] **LEADS #:** [REDACTED]
Alias: [REDACTED]
Sex: Male **Race:** White **DOB:** [REDACTED] **Age:** 59
Height: 6' 2" **Weight:** [REDACTED] **Hair:** Grey **Eye:** BLU - Blue
SSN #: [REDACTED] **DLN #:** [REDACTED] **DLN State:** Illinois
Employer / School: [REDACTED] **Occupation / Grade:** [REDACTED]
Address Type **Address** **City / State / Zip**
H - Home/Residence [REDACTED]
Phone Type **Phone #**
H - Home/Residence [REDACTED]

Attire:

NARRATIVE

On 08/08/2019 at approximately 1132 Hrs I Dep Fialko was dispatched to Rivals Lookout Park in reference to a suspicious circumstance of a person that mooned another person.

Upon arrival I spoke to [REDACTED] who stated the following in summary: [REDACTED]

I spoke to [REDACTED] who stated [REDACTED]

I spoke to [REDACTED] who advised the following: [REDACTED]

I then spoke to [REDACTED] who advised the following in summary: [REDACTED]

It should be noted that the Westley Township Board and a lot of citizens have had disagreements and have been calling the police much more frequently in recent months.

This report was generated at the request of the initial caller for documentation only.

Nothing Further

End of Report