



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 25, 2010

Mr. Kerry Partridge
FOIA Officer
Rockford Police Department
425 East State Street
Rockford, Illinois 61104

RE: Pre-Authorization Request – 2010 PAC 5701

Dear Mr. Partridge:

We have reviewed the documents that our Office requested on February 11, 2010 with respect to your notice of intention to withhold certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et. seq.*, as amended.

Specifically, on January 27, 2010, [REDACTED] filed a FOIA request to the Rockford Police Department (Department) and requested copies of police reports 06-014586, 06-016321, and 06-016698 (Reports). The Reports involve three home invasions and two sexual assaults committed by Maurice Ford between February 1, 2006 and February 21, 2006.

On February 11, 2010, our Office sent the Department a further inquiry letter requesting copies of the Reports. On February 18, 2010, the Department supplied us with the Reports.

Section 7(1)(c) of FOIA exempts from inspection and copying “[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). The exemption defines “[u]nwarranted invasion of personal privacy” as “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.” *Id.*

Determinations

The Department's request for approval of its decision to withhold a portion of information from the Reports is approved. After a one-month investigation by the Rockford Police Department, Mr. Ford was arrested for home invasion, armed robbery, vehicle theft and aggravated sexual assault with a deadly weapon. Mr. Ford was convicted of two Class X counts of aggravated sexual assault with a deadly weapon and is now serving two consecutive 25-year-sentences at Menard Correctional Facility.

It is our determination that the names of the victims, the information about the injuries to the victims, the dates of birth of the victims and witnesses and personal information about the victims may be properly withheld under Section 7(1)(c). In this instance, the privacy rights of the victims and witnesses as to these matters outweigh the public's legitimate interest in obtaining the information. 5 ILCS 140/7(1)(c).

Based on a June 23, 2010 conversation with our Office, [REDACTED] and the Department reached an agreement where the Department would disclose the Reports but redact the narrative detailing the February 4 and February 5, 2006 sexual assaults and the names, statements and personal information about the witnesses.

Please be advised that your pre-authorization request with our Office only applies to Section 7(1)(c). The names of the witnesses may properly be redacted under 7(1)(d)(iv) and any references to personal identifiers of the victims and witnesses such as social security numbers, home addresses, phone numbers and license plate numbers may properly be redacted under Section 7(1)(b).

Based on this analysis and the agreement between the two parties, the Department may redact the information specified above and should release the remainder of the Reports.

If you have any questions, please contact me at (312) 814-5383. This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

[REDACTED]
Matthew Rogina
Assistant Public Access Counselor

cc: [REDACTED]