



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 14, 2010

Ms. Trisha Crowley
Deputy City Attorney
Legal Department, City of Champaign
102 N. Neil Street
Champaign, Illinois 601820

RE: FOIA Pre-Authorization Request—2010 PAC 6167

Dear Ms. Crowley:

We have received and reviewed the documents that our Office requested on March 15, 2010 in order to determine if your pre-authorization request was properly asserted under Section 7(1)(f) of the Freedom of Information Act (FOIA) 5 ILCS 140/1 *et. seq.*, as amended.

██████████ submitted a FOIA request to the City of Champaign (City) on February 25, 2010 seeking copies of all the following:

1. Police department documents for the years 2005-2009
2. Citizen complaint and intake forms and affidavits
3. Citizen complaint and investigative reports
4. Related police incident or arrest reports.
5. Letters notify complainants of the results of investigations.
6. Any documents related to disciplinary action taken as a result of the complaints
7. Annual use of force reports
8. List of all department employees

On March 5, 2010 the City submitted a pre-authorization request to our Office, asserting that the internal investigation and recommendation for personnel actions portion of the citizen complaint process is exempt under Section 7(1)(f) of FOIA. On March 15, 2010, our Office initiated a further inquiry with the City and requested it provide us with copies of the reports and a detailed analysis as to why Section 7(1)(f) applies to the documents being requested. On March 25, 2010, the City complied with our request and submitted a detailed analysis as to why Section 7(1)(f) applies along with three sample internal investigation reports.

Section 7(1)(f) exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies are

formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.” 5 ILCS 140/7(1)(f).

Determination


The City’s use of the Section 7(1)(f) exemption is hereby approved. In its letter, the City described the citizen complaint process as a four-tiered process that is an aspect of the City’s disciplinary system regarding police officers. The City seeks to use the Section 7(1)(f) exemption only to the second tier of the process in which investigations are made and recommendations for personnel actions are formed.

In this instance, the three sample reports provided to us by the City contain interview notes and opinions by police officers concerning citizen complaints against police officers. These notes express opinions gathered to formulate an action by the City and fall within the confines of the preliminary draft exemption in Section 7(1)(f). Additionally, there is no evidence that this information has been publicly cited or identified by the head of the public body. 5 ILCS 140 7(1)(f).

Therefore, the City has met its burden of demonstrating that the investigative reports are exempt from disclosure under 7(1)(f). If you have any questions concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



Matthew C. Rogina
Assistant Public Access Counselor

cc:

