



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

June 25, 2010

David Leggans
Howard, Leggans, Piercy and Howard LLP
P.O. Box 1810
Mount Vernon, Illinois 62864

Beth Hundsdorfer
Belleville News-Democrat
120 S. Illinois Street
P.O. Box 427
Belleville, Illinois 62222

RE: FOIA Request for Review – 2010 PAC 7546

Dear Mr. Leggans and Ms. Hundsdorfer:

This letter serves to memorialize the June 24 agreement between the City of Mount Vernon (City) and the Belleville News Democrat regarding the newspaper's May 17, 2010 Freedom of Information Act (FOIA) request.

Specifically, Beth Hundsdorfer of the Belleville News Democrat filed a Freedom of Information Act (FOIA) request on May 17, 2010 requesting 78 sexual assault reports from the City of Mount Vernon that span an eight-year-period. In its pre-authorization request to our Office, the City agreed to release partially redacted copies of the 15 arrest reports but denied Ms. Hundsdorfer's request for copies of the remaining 63 incident reports, asserting that these reports contain personal information about the suspect(s), victim(s) and witness(es) and is exempt under Section 7(1)(c) of FOIA.

On May 28, 2010, our Office sent a further inquiry letter to the parties and requested a representative sample of the reports.

On June 24, 2010, our Office had separate conversations with Ms. Hundsdorfer and Mount Vernon City Attorney David Leggans about an agreement pursuant to which the City would agree to disclose reports that deal exclusively with sexual assaults and not child abuse. The parties also agreed on what types of information contained in the arrest and incident reports shall be redacted, and what shall be disclosed.

With regard to any alleged sexual assault arrest reports, the parties agree to the following:

1. The narrative portion of the reports shall be disclosed
2. The name and home address of the arrestee shall be disclosed.
3. The name and home address of the arrestee if the arrestee was a juvenile at the time of the offense shall be redacted.
4. The names of the victim and any witnesses, victim statements, witness statements, personal information about the witness and victims and any other information that could possibly identify the witness or the victim shall be redacted.
5. The location and address of the alleged sexual assault, if the alleged assault took place at a location other than the residence of the victim or witness, shall be disclosed. In the event the alleged assault took place at the residence of the victim or a witness, the City shall redact the address and substitute this address with a general location of where the alleged assault took place.
6. Dates of birth of the witness and victim shall be redacted.
7. Personal identifiers of the witness and victim including, but not limited to, social security numbers, driver's license numbers and telephone numbers, shall be redacted.

With regard to any alleged sexual assault incident reports where no arrests were made, the parties agree to the following:

1. The narrative portion of the reports shall be disclosed.
2. The name and address of the suspect, statements made by the suspect and any personal information about the suspect shall be redacted.
3. The names of the victim, any witnesses, witness statements, victim statements, personal information about the victim and witness and any other information that could possibly identify the victim or witness shall be redacted.
4. The location and address of the alleged sexual assault, if the assault took place at a location other than the residence of the victim, suspect or witness, shall be disclosed. In the event the alleged assault took place at the residence of the victim, suspect or witness, the City shall redact the address and substitute this address with a general location of where the alleged assault took place.
5. Dates of birth of the witnesses, victims and suspect shall be redacted.
6. Personal identifiers of the witness, victim and suspect including, but not limited to, social security numbers, driver's license numbers and telephone numbers, shall be redacted.

Thank you both for your cooperation in this matter. This correspondence shall serve to close this file. If you have any questions, please feel free to contact me at 312-814-5383.

Sincerely,

Cara Smith
Public Access Counselor

By: 

Matthew C. Rogina
Assistant Public Access Counselor