



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 20, 2010

City of Champaign Legal Department  
Trisha Crowley  
102 N. Neil Street  
Champaign, IL 61820

Re: Pre-authorization request – 2010 PAC 11121

Dear Ms. Crowley:

We have received the City of Champaign Police Department's notice of intention to deny disclosure of certain information in response to Robert Kirchner's request for records under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. Mr. Kirchner requested various records maintained by the Department's ARMS computerized recordkeeping system. The Department requested pre-approval pursuant to Section 7(1)(c) (5 ILCS 140/7(1)(c)) to withhold all records regarding Robert Frazier, Dennis Toeppen, Lex Express, Inc., and/or Illini Express; and Suburban Express Ltd., and/or Allerton Charter Coach, Inc.

Information in public records is exempt if disclosure would "constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). An "[u]nwarranted invasion of personal privacy" is 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.*

We have reviewed copies of the records, which note the time, date and classifications of police contacts with individuals and responses to business addresses. The Department uses six classifications for police contacts: 1) Arrested; 2) Offender; 3) Reporting Person; 4) Witness; 5) Victim and 6) Other. Deputy Chief Holly Nearing has explained that "arrested" applies to individuals who were taken into custody or issued tickets or citations. "Offender" refers to individuals who were suspected of committing a crime, but not arrested. "Reporting person" refers to individuals who reported crimes, accidents or other incidents. "Witness" refers to individuals who witnessed crimes, accidents or other incidents. "Victim" refers to victims of

crimes, accidents or other incidents. "Other" is a catch-all term for other circumstances in which individuals came into contact with police.

**Determination**

The Department's request for pre-approval to withhold records in which individuals are identified as crime victims, witnesses or un-arrested suspects is **approved**. Such information is highly personal by its very nature. The privacy rights of crime victims, witnesses and un-arrested suspects outweigh any legitimate public interest in disclosure. In addition, the Department may redact the entry for Report No. C93-01883. That entry contains information that is highly personal by its very nature. A subject's right to privacy outweighs any legitimate public interest in the disclosure of this type of information.

The Department's request for pre-approval to redact the remaining information regarding individuals is **denied**. Individuals who had contact with police in connection with accidents and individuals who had contact with police in connection with crimes -- but who were not victims, witnesses or un-arrested suspects -- have privacy interests which do not outweigh the legitimate public interest in disclosure. Disclosure of information regarding such contacts with police would not constitute a highly unwarranted invasion of personal privacy. We also determined in 2010 PAC 8210 that information identifying an arrestee is not exempt from disclosure under Section 7(1)(c).


The Department's request to withhold information regarding police contacts at business addresses also is **denied**. Those records consist of listings of various incidents which do not identify any individuals. No personal privacy rights would be compromised by disclosure of those records.

This letter shall serve to close this matter. If you have any questions, please feel free to contact me at 312-814-6756 or [ssilverman@atg.state.il.us](mailto:ssilverman@atg.state.il.us).

Sincerely,

Cara Smith  
Public Access Counselor

By:

  
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