



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 12, 2011

Tpr. Kerry Sutton
FOIA Officer
Illinois State Police
801 S. Seventh Street
Suite 1000-S
Springfield, IL 62794

RE: Pre-Authorization Request – 2010 PAC 11572

Dear Trooper Sutton:

We have received the written notice from the Illinois State Police (ISP) of its intention to deny disclosure of certain emails pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, on December 16, 2010, Mr. Chris Southwood submitted a FOIA request to ISP, seeking the following information:

Copies of all e-mail correspondence from the dates of December 7, 2010 through December 15, 2010 from Master Sergeant Dan Likens to the Illinois State Police Crime Scene Command, including but not limited to Captain Jill Rizzs and Lieutenant Carol Jaross, and their responses to those e-mails for the same period of time concerning the Crime Scene Technicians switching days off which is the subject matter of a grievance filed by Crime Scene Technician/Sergeant Robert Deel, I.D. 3599.”

In its written notice, ISP asserts that certain portions of the requested email correspondence are being withheld from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

Determination

Section 7(1)(f) of FOIA exempts from inspection and copying “[p]reliminary” drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions 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.”

ISP’s use of the Section 7(1)(f) exemption with regard to the withheld email correspondence is approved. We have determined that the withheld emails constitute pre-decisional materials

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solicited, obtained, and utilized by ISP in its decision-making process regarding a specific matter. Accordingly, ISP has met its initial burden of demonstrating that the withheld email correspondence are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Sobitan
Assistant Public Access Counselor

cc: Chris Southwood
1st Vice President
Troopers Lodge #41
5880 S. Sixth Street Rd
Springfield, IL 62703

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