



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

Lisa Madigan  
ATTORNEY GENERAL

January 21, 2011

Mr. Paul A. Castiglione  
Executive Assistant State's Attorney for Policy  
69 West Washington St.  
Suite 3200  
Chicago, IL 60602

RE: FOIA Preauthorization Request 2011 PAC 11841

Dear Mr. Castiglione:

The Office of the Public Access Counselor has received and reviewed the written notice from the Cook County State's Attorney's Office (SAO) of its intention to deny in part a request for documents submitted by Mr. Angelo Del Marto based on Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). Section 7(1)(f) exempts from disclosure "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies and actions are formulated." 5 ILCS 140/7(1)(f).

Mr. Del Marto sought from the SAO documents relating to the investigation of a specified Rosemont police officer and the decision not to prosecute the officer. The SAO intends to provide some of the requested information, but it seeks authorization to withhold under Section 7(1)(f) an internal memorandum drafted by an Assistant State's Attorney and the notes of two Assistant State's Attorneys reflecting the mental impressions and work product of those attorneys. The SAO asserts that the memorandum and notes were part of the office's deliberative process regarding how it should proceed with respect to the allegations against the officer. We agree with the State's Attorney's contention that these types of intra-agency predecisional and deliberative documents fall within the scope of Section 7(1)(f). *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247-48 (2003). The request to withhold the memorandum and notes is therefore approved.

If you have any questions, please feel free to contact me at 312-814-2770. This correspondence will serve to close the matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:



John Schmidt  
Assistant Attorney General

cc: Mr. Angelo Del Marto  
Storino, Ramello & Durkin  
9501 West Devon Ave.  
Suite 800  
Rosemont, Illinois 60018

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