



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 27, 2011

Trooper Kerry Sutton  
FOIA Officer  
801 S. Seventh Street  
P.O. Box 19462  
Joliet, IL 60431

Re: Pre-authorization request – 2010 PAC 11062

Dear Trooper Sutton:

We have received from the Illinois State Police (ISP) a notice of intention to deny disclosure of certain information in response to [REDACTED] request for records under the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested records regarding ISP forensic scientist William Demuth's analysis of evidence related to Cook County Case No. 2003-CR-860801. ISP requested pre-approval to redact the victim's name and the name of a second suspect pursuant to Section 7(1)(c) (5 ILCS 140/7(1)(c)).

We denied the request for pre-approval to redact the victim's name pursuant to Section 7(1)(c), and determined that further inquiry was warranted with respect to the name of the second suspect listed in the report. [REDACTED] was convicted in Cook County Case No. 2003-CR-860801. We requested that ISP clarify whether the second suspect was arrested or convicted in connection with the crime for which [REDACTED] was convicted.

ISP responded that it did not investigate [REDACTED] criminal case and therefore did not have information regarding the second suspect. However, the Cook County Circuit Clerk's Office has confirmed that the second suspect was convicted in connection with the crime for which [REDACTED] was convicted in Cook County Case No. 2003-CR-860801.

**Determination**

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.*

The request by ISP for pre-authorization to redact the name of the second suspect under Section 7(1)(c) is **denied**. Disclosure of information that identifies an individual as a suspect of a crime for which he or she was arrested and convicted does not constitute an unwarranted invasion of personal privacy. Accordingly, the name of the second suspect in the records requested by [REDACTED] is not exempt from disclosure under Section 7(1)(c).

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,

Amalia Rioja  
Acting Public Access Counselor

By:

[REDACTED]  
Steve Silverman  
Assistant Public Access Counselor

cc:

[REDACTED]