



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 28, 2011

Trisha Crowley
Deputy City Attorney
City of Champaign Legal Department
102 North Neil Street
Champaign, Illinois 61820

RE: Pre-Authorization Request — 2010 PAC 7079

Dear Ms. Crowley:

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

On April 22, 2010, Mr. Mike Howie, editor for the *News-Gazette*, submitted a FOIA request to the Department, seeking the following information pertaining to Officer Daniel Norbits of the Champaign Police Department:

“all records of all complaints about his performance as a police officer; all records of all investigations that resulted from complaints or concerns about his performance; and all records of any discipline imposed against him, including records of any appeals of the imposition of discipline.”

“a copy of the three-dimensional simulation of the Kiwane Carrington incident referenced in the Firearms Discharge Review Board, in a memo from Officer Ahsell to Deputy Chief Murphy dated April 10, 2010.”

“a copy of the digital audio file of the master digital recording referenced in the memo from Officer Ahsell to Deputy Chief Murphy referenced in the Firearms Discharge Review Board.”

In its written notice, the Department asserts that the document containing the deliberations of the Firearm Discharge Review Board is exempt from disclosure pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

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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." 5 ILCS 140/7(1)(f).

Determination

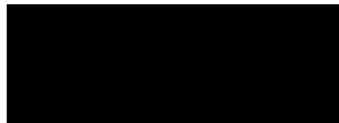
The Department's use of Section 7(1)(f) with regard to the deliberations of the Firearm Discharge Review Board is approved. We have determined that this document contains opinions and recommendations that were relied upon in formulating a decision regarding a particular matter. Furthermore, there is no indication that this document has been publicly cited by the head of the Department. Accordingly, the Department has met its initial burden of demonstrating that the withheld information is exempt from disclosure under Section 7(1)(f) of FOIA.

As such, the Department may issue a partial denial letter directly to Mr. Howie and release the other records to him if it has not already done so. If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Amalia Rioja
Acting Public Access Counselor

By:



Tola Sobitan
Assistant Public Access Counselor

cc: Mike Howie
News-Gazette
mhowie@news-gazette.com