



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 15, 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 12207

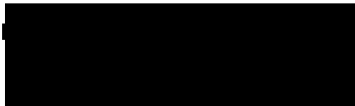
Dear Mr. Castiglione:

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 Ms. Joy Roberts 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).

Ms. Roberts sought records relating to an investigation that the SAO conducted regarding criminal charges that Rosemont police officers brought against a specified individual. The SAO intends to provide some of the requested information, but it seeks authorization to withhold 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 under Section 7(1)(f). 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,



John Schmidt
Assistant Public Access Counselor

cc: Ms. Joy A. Roberts
Rosenthal Murphey Coblenz & Donahue
30 North LaSalle Street
Suite 1624
Chicago, Illinois 60602-3388

12207 pre-auth al 7(1)(f) notes county