



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 28, 2018

Via electronic mail

The Honorable Devon M. Reid
City Clerk and FOIA Officer
City of Evanston
2100 Ridge Avenue
Evanston, Illinois 60201
FOIA@cityofevanston.org

RE: FOIA Request for Review – 2018 PAC 51892; Evanston No. 17-935
Requester: Mr. Austin Spillar
Date of FOIA Request: December 20, 2017

Dear Mr. Reid:

The Public Access Bureau has received the attached Request for Review of the response by the City of Evanston (City) to a Freedom of Information Act (FOIA) request submitted by Mr. Austin Spillar. We have determined that further action is warranted.

On December 20, 2017, Mr. Spillar submitted a FOIA request to the City seeking certain documentation for each person in the City's gang database. Specifically, Mr. Spillar stated that "there is a form that is filled out that requires" the City's police department "to check a series of boxes and report the reasoning behind putting that individual in the list."¹ On December 26, 2017, the City denied the request pursuant to sections 7(1)(f) and 7(1)(d)(vi) of FOIA (5 ILCS 140/7(1)(f), (1)(d)(vi) (West 2016), as amended by Public Acts 100-026, effective August 4, 2017; 100-201, effective August 18, 2017). On February 26, 2018, Mr. Spillar submitted the above-captioned Request for Review contesting the City's denial. He stated that he is "not looking for names[]" and is "more interested in the boxes that were checked and the reasons that were cited for putting each person on the gang database."²

As required under section 9.5(c) of FOIA (5 ILCS 140/9.5(c) (West 2016)),

¹FOIA request from Austin Spillar to Whom it May Concern (December 20, 2017).

²E-mail from Austin Spillar to Public Access (February 23, 2018).

The Honorable Devon M. Reid
February 28, 2018
Page 2

please provide this office with unredacted copies of the responsive records, or, if not feasible, a representative sample thereof, together with a written explanation of the legal and factual bases for the City's denial. In particular, please explain how the completed forms are predecisional, and whether identifying information can be redacted in a manner that would allow relevant factors to be disclosed without jeopardizing anyone's life or safety.

This information must be submitted to our office within seven (7) business days after receipt of this letter. Under FOIA, "[t]he Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. The requester may, but is not required to, respond in writing[.]" 5 ILCS 140/9.5(d) (West 2016). **If you claim that any portion of your written response is confidential, please send two versions of your response letter: a complete copy for this office's confidential review and a redacted version suitable for this office to forward to the requester.**

Please contact me at (312) 814-8413 or jjones@atg.state.il.us if you have questions or would like to discuss this matter. Thank you.

Very truly yours,



JOSHUA M. JONES
Supervising Attorney
Public Access Bureau

Attachment

cc: *Via electronic mail*
Mr. Austin Spillar
1135 South Delano Court East
Apartment 802E
Chicago, Illinois 60605
austintspillar@gmail.com

Public Access

51892

From: Austin Spillar <austintspillar@gmail.com>
Sent: Monday, February 26, 2018 3:26 PM
To: Public Access
Subject: Re: FOIA - Request for review by PAC
Attachments: Screen Shot 2018-02-26 at 3.19.44 PM.png; Screen Shot 2018-02-26 at 3.20.45 PM.png

Secure | https://evanston.nextrequest.com/requests/17-935

Request #17-935

CLOSED

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act (5 KCS 140/1 to 111) I hereby request the following records:
As the November town hall meeting with the Evanston Police Department about drugs, gangs, and unsolved homicides, it was stated by an SPD officer on the panel that there are approximately 400-450 people currently on the gang database kept by the Evanston Police Department. He went on to state that there is a form that is filled out that requires them to check a series of boxes and report the reasoning behind putting that individual on the list. I am interested in obtaining this documentation for each person currently on the gang database.

To assist in fulfilling this request, I have attached a couple links to give you a better idea of what I am looking for:

- 1. https://www.druginfo.com/photos/2017/01/1505842220-309849/original.jpg
 - 2. https://twitter.com/search?f=tweets&geo=&lang=en#q=NYC%20gangs%20database&tyid
- The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not. Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,
Austin Spillar

Read less

Received: December 20, 2017 via web
Department: Police
Requester: Austin Spillar
austint@ic.edu
512-417-8206
The Calumet Network of Protection
View email history

Documents

Public (pending) 0 (none)
Requester Only (none)

Staff

Point of Contact: Eduardo Gomez

External Message

Dear Mr. Gomez,

It's a stretch to consider this document that I am requesting is a note, draft, or recommendation. These are to be completed. People don't just get put on a gang database because of a recommendation, draft, or note. It's or recommendations that is problematic.

Furthermore, this document was mentioned by an SPD police officer at the town hall meeting. The chief of pd to speak on the panel about gangs in Evanston. The chief of police was in attendance at this town hall meeting statement, and thus accepts responsibility for that statement.

Furthermore, you cite immediate harms. Please use your redaction software to remove personal information the boxes that were checked and the reasons that were cited for putting each person on the gang database. The names of the people I want to know why. Please re-open this FOIA request.

Thank you,
Austin Spillar

(5 ILCS : 40/7) from Ch. 115, par. 207
Sec. 7. Exemptions.

- (1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure, but also contains information that is not exempt from disclosure, the public body may elect to redact exempt information. The public body shall make the remaining information available for inspection and copying, subject to the following: (a) Preliminary drafts, notes, recommendations,

memoranda and other records in which opinions are expressed, or policies or actions are formulated; (b) records or relevant portion of a record shall not be exempt when the record is publicly accessible to the head of the public body. The exemption provided in this paragraph (1) extends to all those agencies of the General Assembly that pertain to the preparation of legislative documents.

December 26, 2017, 4:11 pm by the requester

Request Closed

Denial of Request

Your Request is hereby Denied in its entirety. The reason(s) for denial are stated below:

The request for documents has been denied. The City denies the request for certain document(s) which are internal opinion or memoranda that were not cited publicly by the head of the public body and therefore are under Section 7(1)(B) of the Illinois FOIA law. The documents are further being denied because the disclosure place the individuals identified on the list at risk of immediate harm and are therefore exempt from disclosure. You have the right to file a request for review of the response by contacting the Public Access Counselor at 600 South 2nd Street, Springfield, Illinois 62706, or by telephone at (217) 558-0484. In addition, you have the right to file a lawsuit.

December 26, 2017, 12:20pm by Eduardo Gomez, Deputy City Clerk

Department Assignment

Police
December 20, 2017, 10:56pm

Request Opened

Request received via web
December 20, 2017, 10:04pm

I have attached screenshots of the FOIA request as it appears on Evanston's NextRequest system. Please let me know if you need anything else.

Best regards,
Austin Spillar

On Mon, Feb 26, 2018 at 9:17 AM, Public Access <PAccess@atg.state.il.us> wrote:

Mr. Spillar,

If you would like to file a Request for Review with our office, we will need a complete copy of the FOIA request you submitted to Evanston and a complete copy of its response. We need to send the date it was sent, to whom it was sent, etc.

Thanks,

Mary Jo Vail

Administrative Secretary

Illinois Attorney General

100 West Randolph Street

Chicago, Illinois 60601

312-814-5607

mvail@atg.state.il.us

E-MAIL CONFIDENTIALITY NOTICE: This message, including all attachments, is for the intended recipient(s) only and may contain information that is confidential, legally privileged or otherwise protected or exempt from disclosure under applicable law. If you are not a named recipient or if you are named and believe you were named in error, please notify the sender immediately by telephone or return e-mail and promptly delete this e-mail and all attachments and each copy thereof from your system. If you are not an intended recipient, please be aware that any copying, dissemination, disclosure or other use of this e-mail and any attachments is unauthorized and prohibited. Your receipt of this message is not intended to waive any applicable privilege or claim of confidentiality, and any disclosure is not binding upon the sender or the Office of the Illinois Attorney General or any entity or interest represented by the Office of the Illinois Attorney General. Thank you for your cooperation.

From: Austin Spillar [mailto:austintspillar@gmail.com]

Sent: Friday, February 23, 2018 6:37 PM

To: Public Access <PAccess@atg.state.il.us>
Subject: FOIA - Request for review by PAC

Name: Austin Spillar

Street Address: 1135 S. Delano Ct. E, Apt 802E, Chicago, IL 60605

Email: austintspillar@gmail.com (my preferred contact method)

Phone: 512-917-8206

Name of the Public Body: Evanston Police Department

Date Denied: December 26, 2017

Copy of my FOIA request:

<https://evanston.nextrequest.com/requests/17-935>

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 to 11), I hereby request the following records:

At the November town hall meeting with the Evanston Police Department about drugs, gangs, and unsolved homicides, it was stated by an EPD officer on the panel that there are approximately 400-450 people currently on the gang database kept by the Evanston Police Department. He went on to state that there is a form that is filled out that requires them to check a series of boxes and report the reasoning behind putting that individual on the list. I am interested in obtaining this documentation for each person currently on the gang database.

To assist in fulfilling this request, I have attached a couple links to give you a better idea of what I am looking for:

1. <https://assets.dnainfo.com/photo/2017/9/1505842220-309889/original.jpg>
2. <https://twitter.com/search?f=tweets&q=%40keeganNYC%20gang%20&src=typd>

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Austin Spillar

Reason for denial from the Evanston Police Department:

Your Request is hereby Denied in its entirety. The reason(s) for denial are stated below:

The request for documents has been denied. The City denies the request for certain document(s) which are either draft documents or internal opinion or memoranda that were not cited publicly by the head of the public body and therefore exempt from disclosure under Section 7(1)(f) of the Illinois FOIA law. The documents are further being denied because the disclosure of such documents would place the individuals identified on the list at risk of immediate harm and are therefore exempt from disclosure under Section 7(1)(d)(vi).

You have the right to file a request for review of the response by contacting the Public Access Counselor of the Illinois Attorney General at 500 South 2nd Street, Springfield, Illinois 62706, or by telephone at (217) 558-0486. In addition, you have the right to seek judicial review of this denial.

December 26, 2017, 12:20pm by Eduardo Gomez, Deputy City Clerk

Additional notes for PAC review:

These documents that I am requesting do not seem to fit the category of a note, draft, or recommendation. These are forms that are required to be completed. Furthermore, this document was mentioned by an EPD police officer at the town hall meeting in November 2017. See <https://dailynorthwestern.com/2017/11/10/city/evanston-police-officers-discuss-drugs-gangs-town-hall/>. The chief of police designated this agent to speak on the panel about gangs in Evanston. The chief of police was in attendance at this town hall meeting and likely heard the statement, and thus accepts responsibility for that statement.

Furthermore, the EPD cited immediate harms in its denial of my FOIA request. It seems reasonable for them to use their redaction software to remove personal information. Plus, I am not looking for names. I am more interested in the boxes that were checked and the reasons that were cited for putting each person on the gang database. Because the EPD stated that there was between 400-450 people on the gang database, it seems reasonable to get that number of forms back in response to my FOIA request.

Thank you for your attention to this matter and I look forward to the PAC response.

Sincerely,

Austin Spillar

austintspillar@gmail.com

512-917-8206

Request #17-935

CLOSED

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 to 140/11) I hereby request the following records:
 At the November town hall meeting with the Evanston Police Department about drugs, gangs, and unhelped homicides, it was stated by an EPD officer on the panel that there are approximately 400-450 people currently on the gang database kept by the Evanston Police Department. He went on to state that there is a form that is filled out that requires them to check a series of boxes and report the requesting behind putting that individual on the list. I am interested in obtaining this documentation for each person currently on the gang database.
 To assist in fulfilling this request, I have attached a couple links to give you a better idea of what I am looking for:
 1. <https://assets.dnainfo.com/photos/2017/09/15/059842220-30980870694612.jpg>
 2. <https://www.evanston.il.gov/egov/egov20170915059842220-30980870694612.jpg>
 The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are any fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filed electronically, by e-mail attachment if available or CD-ROM if not.
 Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.
 Sincerely,
 Austin Spiller

— Escalated

Received December 20, 2017 via web

Department Police

Requester Austin Spiller
 ✉ aspiller@uic.edu
 ☎ 512.911.8206
 ☑ The Citizens Network of Protection

YONKIND@POLICE

DOCUMENTS

Public (pending)	None
Requester Only	None
Staff	
Point of Contact	Eduardo Gomez

External Message

Dear Mr. Gomez,
 It's strange to consider this document that I am requesting is a note, draft, or recommendation. These are forms that are required to be completed. People don't just get put on a gang database because of a recommendation, draft, or note, if they are just notes, drafts, or recommendations that is problematic.
 Furthermore, this document was mentioned by an EPD police officer at the town hall meeting. The chief of police designated this agent to speak on the panel about gangs in Evanston. The chief of police was in attendance at this town hall meeting and likely heard the statement, and thus accepts responsibility for that statement.
 Furthermore, you use immediate terms. Please use your redaction software to remove personal information. I am more interested in the boxes that were checked and the reasons that were cited for putting each person on the gang database. I am less concerned with the names of the people. I want to know why. Please re-open this FOIA request.
 Thank you.
 Austin Spiller
 65 ILCS 140/7 (from Ch. 116, par. 307)
 Sec. 7. Exemptions:
 (1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:
 (a) Preliminary 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. The exemption provided in this paragraph (1) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

December 26, 2017, 4:11pm by the requester

Request Closed Details

December 26, 2017, 12:20pm by Eduardo Gomez, Deputy City Clerk

Department Assignment Police

December 20, 2017, 10:06pm

Request Opened

Request received via web

December 20, 2017, 10:06pm

Public Access

From: Austin Spillar <austintspillar@gmail.com>
Sent: Friday, February 23, 2018 6:37 PM
To: Public Access
Subject: FOIA - Request for review by PAC

Name: Austin Spillar
Street Address: 1135 S. Delano Ct. E, Apt 802E, Chicago, IL 60605
Email: austintspillar@gmail.com (my preferred contact method)
Phone: 512-917-8206
Name of the Public Body: Evanston Police Department
Date Denied: December 26, 2017

Copy of my FOIA request:

<https://evanston.nextrequest.com/requests/17-935>

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 to 11), I hereby request the following records:

At the November town hall meeting with the Evanston Police Department about drugs, gangs, and unsolved homicides, it was stated by an EPD officer on the panel that there are approximately 400-450 people currently on the gang database kept by the Evanston Police Department. He went on to state that there is a form that is filled out that requires them to check a series of boxes and report the reasoning behind putting that individual on the list. I am interested in obtaining this documentation for each person currently on the gang database. To assist in fulfilling this request, I have attached a couple links to give you a better idea of what I am looking for:

1. <https://assets.dnainfo.com/photo/2017/9/1505842220-309889/original.jpg>
2. <https://twitter.com/search?f=tweets&q=%40keeganNYC%20gang%20&src=typd>

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,
Austin Spillar

Reason for denial from the Evanston Police Department:

Your Request is hereby Denied in its entirety. The reason(s) for denial are stated below:

The request for documents has been denied. The City denies the request for certain document(s) which are either draft documents or internal opinion or memoranda that were not cited publicly by the head of the public body and therefore

exempt from disclosure under Section 7(1)(f) of the Illinois FOIA law. The documents are further being denied because the disclosure of such documents would place the individuals identified on the list at risk of immediate harm and are therefore exempt from disclosure under Section 7(1)(d)(vi).

You have the right to file a request for review of the response by contacting the Public Access Counselor of the Illinois Attorney General at 500 South 2nd Street, Springfield, Illinois 62706, or by telephone at (217) 558-0486. In addition, you have the right to seek judicial review of this denial.

December 26, 2017, 12:20pm by Eduardo Gomez, Deputy City Clerk

Additional notes for PAC review:

These documents that I am requesting do not seem to fit the category of a note, draft, or recommendation. These are forms that are required to be completed. Furthermore, this document was mentioned by an EPD police officer at the town hall meeting in November 2017. See

<https://dailynorthwestern.com/2017/11/10/city/evanston-police-officers-discuss-drugs-gangs-town-hall/>. The chief of police designated this agent to speak on the panel about gangs in Evanston. The chief of police was in attendance at this town hall meeting and likely heard the statement, and thus accepts responsibility for that statement.

Furthermore, the EPD cited immediate harms in its denial of my FOIA request. It seems reasonable for them to use their redaction software to remove personal information. Plus, I am not looking for names. I am more interested in the boxes that were checked and the reasons that were cited for putting each person on the gang database. Because the EPD stated that there was between 400-450 people on the gang database, it seems reasonable to get that number of forms back in response to my FOIA request.

Thank you for your attention to this matter and I look forward to the PAC response.

Sincerely,
Austin Spillar
austintspillar@gmail.com
512-917-8206

Public Access

51892

From: Austin Spillar <austintspillar@gmail.com>
Sent: Monday, February 26, 2018 8:21 PM
To: Public Access
Subject: Re: FOIA - Request for review by PAC
Attachments: Screen Shot 2018-02-26 at 8.18.02 PM.png

Request Closed [Hide](#) Public
Denial of Request
Your Request is hereby Denied in its entirety. The reason(s) for denial are stated below:

The request for documents has been denied. The City denies the request for certain document(s) which are either draft documents or internal opinion or memoranda that were not cited publicly by the head of the public body and therefore exempt from disclosure under Section 7(1)(f) of the Illinois FOIA law. The documents are further being denied because the disclosure of such documents would place the individuals identified on the list at risk of immediate harm and are therefore exempt from disclosure under Section 7(1)(d)(vi).

You have the right to file a request for review of the response by contacting the Public Access Counselor of the Illinois Attorney General at 500 South 2nd Street, Springfield, Illinois 62706, or by telephone at (217) 558-0486. In addition, you have the right to seek judicial review of this denial.

December 26, 2017, 12:20pm by Eduardo Gomez, Deputy City Clerk

Department Assignment Public
Police
December 20, 2017, 10:08pm

Request Opened Public
Request received via web
December 20, 2017, 10:08pm

The Evanston response is on the pictures that I attached in previous emails. Here is a close up.

Best,
Austin Spillar

On Mon, Feb 26, 2018 at 4:34 PM, Public Access <PAAccess@atg.state.il.us> wrote:

We are still missing the response you received from Evanston.

From: Austin Spillar [<mailto:austintspillar@gmail.com>]
Sent: Monday, February 26, 2018 3:26 PM
To: Public Access <PAAccess@atg.state.il.us>
Subject: Re: FOIA - Request for review by PAC

Request #17-935

CLOSED

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 to 11), I hereby request the following records: As the November town hall meeting with the Evanston Police Department about drugs, gangs, and unresolved homicides, it was stated by an EPD officer on the panel that there are approximately 400-500 people currently on the gang database kept by the Evanston Police Department. He went on to state that there is a form that is filed out that requires them to check a series of boxes and report the reasoning behind putting that individual on the list. I am interested in obtaining this documentation for each person currently on the gang database.

To assist in fulfilling this request, I have attached a couple links to give you a better idea of what I am looking for:

1. <https://www.cityofevanston.com/nextrequest/2017/11/05/842229-30688/Original.jpg>
 2. <https://www.cityofevanston.com/nextrequest/2017/11/05/842229-30688/Original.jpg>
- The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the fees charges in advance of fulfilling my request. I would prefer the request filed electronically, by e-mail attachments if available or CD-ROM if not. Thank you in advance for your structured cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,
Austin Spillar

- **Read Less**

Received: December 26, 2017 via web
 Department: Police
 Requester: Austin Spillar
 @ aspillar@atg.edu
 % 512-917-8206
 @ The Current Network of Protection
 You are logged in as **you**

Documents

Public (viewing) 0 (none)
 Requester Only (none)

Staff

Point of Contact: Eduardo Gomez

External Message

Dear Mr. Gomez,

It's a stretch to consider this document that I am requesting as a note, draft, or recommendation. These or be compiled. People don't just get put on a gang database because of a recommendation, draft, or note or recommendations that is problematic.

Furthermore, this document was mentioned by an EPD police officer at the town hall meeting. The chief of police on the panel about gangs in Evanston. The chief of police was in attendance at this town hall meeting, and thus accepts responsibility for that statement. Furthermore, you cite immediate harm. Please use your redaction software to remove personal information that were checked and the reasons that were cited for putting each person on the gang database the names of the people, I want to know why. Please reopen this FOIA request.

Thank you,

Austin Spillar

5 ILCS 140/7 (from Ch. 116, par. 307)
 Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure, but also contains information that is not exempt from disclosure, the public body may elect to redact the exempt information. The public body shall make the remaining information available for inspection and copying. Subject to paragraph (2), the following shall be exempt from inspection and copying:

(f) Preliminary drafts, notes, recommendations,

memoranda and other records in which opinions are expressed, or policies or actions are proposed for a specific record or relevant portion of a record shall not be exempt when the record is public; the head of the public body. The exemption provided in this paragraph (f) extends to all those agencies of the General Assembly that pertain to the preparation of legislative documents.

December 26, 2017, 4:11 pm by the requester

Request Closed - DENIED

Denial of Request

Your Request is hereby Denied in its entirety. The reason(s) for denial are stated below:

The request for documents has been denied. The City denies the request for certain document(s) which are internal opinion or memoranda that were not cited publicly by the head of the public body and therefore under Section 7(1)(f) of the Illinois FOIA law. The documents are further being denied because the disclosure place the individuals identified on the list at risk of immediate harm and are therefore exempt from disclosure. You have the right to file a request for review of the response by contacting the Public Access Counselor at 500 South 2nd Street, Springfield, Illinois 62706, or by telephone at (217) 558-0466. In addition, you have review of this denial.

December 26, 2017, 12:20 pm by Eduardo Gomez, Deputy City Clerk

Department Assignment

Police

December 26, 2017, 10:08 am

Request Opened

Request received via web

December 20, 2017, 10:08 am

I have attached screenshots of the FOIA request as it appears on Evanston's NextRequest system. Please let me know if you need anything else.

Best regards,

Austin Spillar

On Mon, Feb 26, 2018 at 9:17 AM, Public Access <PAccess@atg.state.il.us> wrote:

Mr. Spillar,

If you would like to file a Request for Review with our office, we will need a complete copy of the FOIA request you submitted to Evanston and a complete copy of its response. We need to send the date it was sent, to whom it was sent, etc.

Thanks,

Mary Jo Vail

Administrative Secretary

Illinois Attorney General

100 West Randolph Street

Chicago, Illinois 60601

312-814-5607

mvail@atg.state.il.us

E-MAIL CONFIDENTIALITY NOTICE: This message, including all attachments, is for the intended recipient(s) only and may contain information that is confidential, legally privileged or otherwise protected or exempt from disclosure under applicable law. If you are not a named recipient or if you are named and believe you were named in error, please notify the sender immediately by telephone or return e-mail and promptly delete this e-mail and all attachments and each copy thereof from your system. If you are not an intended recipient, please be aware that any copying, dissemination, disclosure or other use of this e-mail and any attachments is unauthorized and prohibited. Your receipt of this message is not intended to waive any applicable privilege or claim of confidentiality, and any disclosure is not binding upon the sender or the Office of the Illinois Attorney General or any entity or interest represented by the Office of the Illinois Attorney General. Thank you for your cooperation.

From: Austin Spillar [mailto:austintspillar@gmail.com]

Sent: Friday, February 23, 2018 6:37 PM

To: Public Access <PAccess@atg.state.il.us>

Subject: FOIA - Request for review by PAC

Name: Austin Spillar

Street Address: 1135 S. Delano Ct. E, Apt 802E, Chicago, IL 60605

Email: austintspillar@gmail.com (my preferred contact method)

Phone: 512-917-8206

Name of the Public Body: Evanston Police Department

Date Denied: December 26, 2017

Copy of my FOIA request:

<https://evanston.nextrequest.com/requests/17-935>

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 to 11), I hereby request the following records:

At the November town hall meeting with the Evanston Police Department about drugs, gangs, and unsolved homicides, it was stated by an EPD officer on the panel that there are approximately 400-450 people currently on the gang database kept by the Evanston Police Department. He went on to state that there is a form that is filled out that requires them to check a series of boxes and report the reasoning behind putting that individual on the list. I am interested in obtaining this documentation for each person currently on the gang database.

To assist in fulfilling this request, I have attached a couple links to give you a better idea of what I am looking for:

1. <https://assets.dnainfo.com/photo/2017/9/1505842220-309889/original.jpg>
2. <https://twitter.com/search?f=tweets&q=%40keeganNYC%20gang%20&src=typd>

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Austin Spillar

Reason for denial from the Evanston Police Department:

Your Request is hereby Denied in its entirety. The reason(s) for denial are stated below:

The request for documents has been denied. The City denies the request for certain document(s) which are either draft documents or internal opinion or memoranda that were not cited publicly by the head of the public body and therefore exempt from disclosure under Section 7(1)(f) of the Illinois FOIA law. The documents are further being denied because the disclosure of such documents would place the individuals identified on the list at risk of immediate harm and are therefore exempt from disclosure under Section 7(1)(d)(vi).

You have the right to file a request for review of the response by contacting the Public Access Counselor of the Illinois Attorney General at 500 South 2nd Street, Springfield, Illinois 62706, or by telephone at (217) 558-0486. In addition, you have the right to seek judicial review of this denial.

December 26, 2017, 12:20pm by Eduardo Gomez, Deputy City Clerk

Additional notes for PAC review:

These documents that I am requesting do not seem to fit the category of a note, draft, or recommendation. These are forms that are required to be completed. Furthermore, this document was mentioned by an EPD police officer at the town hall meeting in November 2017. See <https://dailynorthwestern.com/2017/11/10/city/evanston-police-officers-discuss-drugs-gangs-town-hall/>. The chief of police designated this agent to speak on the panel about gangs in Evanston. The chief of police was in attendance at this town hall meeting and likely heard the statement, and thus accepts responsibility for that statement.

Furthermore, the EPD cited immediate harms in its denial of my FOIA request. It seems reasonable for them to use their redaction software to remove personal information. Plus, I am not looking for names. I am more interested in the boxes that were checked and the reasons that were cited for putting each person on the gang database. Because the EPD stated that there was between 400-450 people on the gang database, it seems reasonable to get that number of forms back in response to my FOIA request.

Thank you for your attention to this matter and I look forward to the PAC response.

Sincerely,

Austin Spillar

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512-917-8206