



**ILLINOIS STATE POLICE**  
*Office of the Director*

JB Pritzker  
*Governor*

Brendan F. Kelly  
*Director*

September 24, 2021

Albert Winfrey  
119296-92244434@requests.muckrock.com

Re: FOIR #21-2835 Response

Dear Mr. Winfrey:

Thank you for writing the Illinois State Police (“ISP”) with your request for information pursuant to the Illinois Freedom of Information Act (“FOIA”), 5 ILCS 140/1 *et seq.* The ISP acknowledges receipt of your FOIA request dated August 14, 2021. (*See attached request*).

The ISP is denying your request for the reasons outlined below:

“Law enforcement operations have little hope of being effective if conducted in full public view ... Without the grant of confidentiality, the public is less likely to cooperate with an investigation and wrongdoing will go undetected or unsolved.” *The Copley Press, Inc. v. City of Springfield*, 266 Ill. App. 3d 421, 424 (4th Dist. 1994).

**Section 7(1)(d)(i) of FOIA**

“(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would: (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;” (5 ILCS 140/7(1)(d)(i)).

**Section 7(1)(d)(iii) of FOIA**

“(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

... (iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;” (5 ILCS 140/7(1)(d)(iii)).

### **Section 7(1)(d)(vii) of FOIA**

“(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would: ... (vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.” (5 ILCS 140/7(1)(d)(vii)).

The Illinois State Police is still actively investigating this case. Releasing the information at this time could compromise the investigation. The ISP continues to identify witnesses, analyze evidence and prepare reports. Once the initial investigation has been completed, the case file must be submitted to the State’s Attorney for review. Even after submission to the State’s Attorney, ISP may be asked to conduct follow up interviews and conduct further investigation. Releasing the case file before the review and before formal criminal proceedings are concluded would significantly impact the outcome of the case and would deprive involved parties of their due process and fair trial.

The release of information would allow witnesses and/or the defendant to collude so that their testimony matches (or contradicts) statements and/or evidence already collected by the ISP. It could also inhibit witnesses from coming forward, jeopardizing their willingness to cooperate with the investigation. Also, there may be additional witnesses who have not yet come forward and need to be interviewed. The recollection of the witnesses could be influenced by the requested information if it is released. The testimony of the involved parties may then be influenced by what they see in these preliminary reports, which means it would be prejudiced or biased. Finally, the release of this information at this time would serve to taint a jury pool, by allowing the potential jury pool to form an opinion as to a person's guilt or innocence prior to trial. Thus, the accused would be prevented from receiving a fair trial for all of the above reasons.

We invite you to resubmit your FOIA request at a later date when the ISP is able to release the records you are seeking. You may also want to consider contacting the ISP Public Information Office (“PIO”) regarding this matter. The most efficient way to contact the PIO is by sending an email to [ISP.PIO.Personnel@illinois.gov](mailto:ISP.PIO.Personnel@illinois.gov).

*Standard Reservation of rights. The ISP reserves all rights to assert additional exemptions set forth in FOIA, 5 ILCS 140/1 et. seq. and other applicable federal or state laws or rules and regulations, to withhold these records. It also reserves the right to provide supplement factual information in support of the claimed exemption or any further exemptions that may be claimed. Certain records may be withheld in their entirety due to applicable exemptions. Finally, the ISP reserves the right to withhold records based on another law enforcement agency’s claimed exemptions.*

*Standard Requirements - A reasonable search for the requested records was conducted using the provided search terms. The ISP has provided all responsive records that were located unless*

*otherwise cited above. Please be aware the ISP only maintains records that it creates or receives. The ISP FOIA unit will not be able to answer questions concerning any records provided. Per section 3.3 of FOIA, the ISP is not compelled to interpret or advise requesters as to the meaning or significance of the public records. The FOIA unit: David Catlin – Executive II, Tina Cordova – Office Specialist, Rhiann Martynowski – Office Specialist, Dawn Beckman – Office Coordinator, Jessica Marcolini – Office Coordinator, and Porcia Sledge – Office Coordinator (5 ILCS 140/9(a)).*

You have the right to have the decision of the ISP reviewed by the Public Access Counselor (“PAC”) at the Office of the Attorney General (5 ILCS 140/9.5(a)). You can file your Request for Review by writing the PAC at:

500 South 2<sup>nd</sup> Street  
Springfield, Illinois 62706  
(877) 299-3642

You also have the right to seek judicial review of the decision of the ISP by filing a lawsuit in the State circuit court (5 ILCS 140/11).

Sincerely,

Illinois State Police  
Freedom of Information Unit