



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

March 2, 2021

Via electronic mail

Ms. Karen Agoranos
Freedom of Information Officer
Village of Mount Prospect
50 South Emerson Street
Mount Prospect, Illinois 60056
clerksoffice@mountprospect.org

RE: FOIA Request for Review – 2021 PAC 67101

Requester: Mr. David Sutherland, Organizer, Northwest Side Coalition Against
Racism & Hate

Date of FOIA Request: February 5, 2021

Dear Ms. Agoranos:

The Public Access Bureau has received the attached Request for Review of the response by the Village of Mount Prospect (Village) to a Freedom of Information Act (FOIA) request submitted by Mr. David Sutherland, Organizer, Northwest Side Coalition Against Racism & Hate. We have determined that further action is warranted.

On February 5, 2021, Mr. Sutherland submitted a FOIA request to the Village seeking copies of:

Any and all written records (including but not limited to hard-copy documents, memos, emails, word processor documents, PDF documents, PowerPoint Files, etc.) between January 1, 2021 and the date this request is processed (inclusive of those dates) which contain one or more of the following words, terms, or phrases (case-insensitive):

- "blue lives matter"
- "blue lives"
- "thin blue line"
- "police lives matter"
- "all lives matter"

- "black lives matter"
- "BLM"
- "TBL"^[1]

On that same date, the Village responded that it believed it had already answered the request. Later on that same date, Mr. Sutherland replied that although the request was similar to one submitted on October 22, 2020, the timeframe of records created since January 1, 2021, is different. Mr. Sutherland stated: "Community members have submitted multiple communications regarding the thin blue line to the village. During the village board meeting [citation], the Mayor mentioned receiving comments from two dozen officers with a majority of officers writing in favor of the symbol. Those documents will pertain to this request."² On February 17, 2021, Mr. Sutherland e-mailed the Village noting that he was still waiting on a response to his request and specifying that his request included both the police officers' survey responses and e-mails to and from the Village regarding the thin blue line patch. On February 19, 2021, the Village denied the police officers' survey responses pursuant to section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f) (West 2018), as amended by Public Acts 101-434, effective January 1, 2020; 101-452, effective January 1, 2020; 101-455, effective August 23, 2019), and stated that it would follow up regarding the e-mails. On February 26, 2021, the Village provided Mr. Sutherland with copies of certain responsive e-mails, but redacted information pursuant to section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b) (West 2018), as amended by Public Acts 101-434, effective January 1, 2020; 101-452, effective January 1, 2020; 101-455, effective August 23, 2019).

On March 1, 2021, Mr. Sutherland submitted the above-referenced Request for Review contesting several aspects of the Village's handling of his request. He alleges: (1) the Village improperly withheld police officers' survey responses because the Village's mayor publicly cited and identified those records during an open meeting on February 2, 2021; (2) the Village's response to his request was late; (3) the Village's production of e-mails is incomplete based on a comparison with the submissions the mayor read aloud during the February 2, 2021, meeting; and (4) the Village's redactions are seemingly random and unexplained.

As required under section 9.5(c) of FOIA (5 ILCS 140/9.5(c) (West 2018)), please provide unredacted copies of all of the responsive records for this office's confidential review. Additionally, please provide a detailed written answer to Mr. Sutherland's allegations, addressing: (1) the legal and factual bases for the applicability of the section 7(1)(f) exemption, addressing whether the mayor publicly cited and identified the police officers' survey responses; (2) whether the Village's response to the request was timely; (3) how the Village construed and searched for records responsive to the request, explaining the recordkeeping system(s) searched,

¹FOIA request from Northwestside Coalition to Whom It May Concern (February 5, 2021).

²Message from Northwestside Coalition to Karen [Agoranos] (February 5, 2021).

Ms. Karen Agoranos
March 2, 2021
Page 3

how they were searched, and who was consulted; and (4) what information the Village redacted from the e-mails it provided to Mr. Sutherland and why.

This information must be submitted to this 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 2018). **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
Deputy Bureau Chief
Public Access Bureau

Attachment

cc: *Via electronic mail*
Mr. David Sutherland
Organizer
Northwest Side Coalition Against Racism & Hate
dave@nwscoalition.com

Re: Your Request for Review re: Mount Prospect

David Sutherland <dave@nwscoalition.com>

Mon 3/1/2021 12:34 PM

To: Jones, Joshua <JJones@atg.state.il.us>;

Hello Josua,

After our conversation on Friday I promised to give you a headsup when Mount Prospect finally provided resulting records to our request. They did so the same day and after reviewing the records we found more anomalies we hope you can review. You can find the complete timeline and resulting records on Muckrock* as well as in the attached .zip file.

*<https://www.muckrock.com/foi/mount-prospect-8189/thin-blue-line-blue-lives-matter-1-2021-107822/#>

1) Our original request for review by your office was spurred by this communication:

"The Village is denying the request for the above referenced documents pursuant to FOIA 5 ILCS 140/7 (f):

"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 (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents"

Please note this denial is currently under PAC review."

We believe the communications with the police department regarding this issue that were cited by the Mayor in a public meeting should be available to the public as described in FOIA 5 ILCS 140/1.

"Such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest. "

Now that they have provided final documents we also would like to note:

2) They did not fulfill their obligation to fulfill this request in a prompt manner as described in FOIA 5 ILCS 140/3 (d) as "5 business days". They promised records by 5 days after February 8th and then February 22nd. We didn't receive records until the 26th after I called to inquire. We are sensitive to the strain our current crisis imposes but no communication was sent to come to a mutual understanding regarding the missed deadlines.

3) The resulting records are incomplete. Some records are completely missing from this request. We know this to be true through review by members of the community and comparing the records publicly read aloud by the Mayor which are not included in the PDF. Examples from one Village Board meeting alone (on 02-02-2021 <<https://play.champds.com/mtprospectil/event/48>>) include:

- A communication from Kenneth Brey read aloud by the Mayor is incomplete in the resulting record. [*timestamp 0:20:13]
- A communication from Joey Carbone read aloud by the Mayor is missing in the resulting record. [*timestamp 0:23:40]

- A communication from Rev. Clyde Brooks read aloud by the Mayor is missing in the resulting record. [*timestamp 0:26:16]
- A communication from Gweynne Ryan read aloud by the Mayor is missing in the resulting record. [*timestamp 0:28:50]
- A communication from Cathy Dunnington read aloud by the Mayor is missing in the resulting record. [*timestamp 0:31:47]

This leads us to believe there are many more missing.

4) Whiteout redaction was confusing and seemingly random with no explanation as to why some things were redacted.

Thanks for your attention to this matter. Please feel free to give me a call if you need further clarification.

Cheers,
:David Sutherland

David Sutherland, Organizer
Northwest Side Coalition Against Racism & Hate

On Feb 26, 2021, at 11:01 AM, Jones, Joshua <JJones@atg.state.il.us> wrote:

Good morning Mr. Sutherland,

Do you have a moment today or early next week to discuss the attached Request for Review? If so, please let me know your number and some good times to talk for you.

Very truly yours,
Joshua Jones
Deputy Bureau Chief, Public Access Bureau
Office of the Attorney General
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601
<67101 Initial docs.pdf>

MAYOR
Arlene A. Juracek

TRUSTEES
William A. Grossi
Eleni Hatzis
Paul Wm. Hoefert
Richard F. Rogers
Colleen E. Saccotelli
Michael A. Zadel



VILLAGE MANAGER
Michael J. Cassidy

VILLAGE CLERK
Karen Agoranos

Phone: 847/392-6000
Fax: 847/392-6022
www.mountprospect.org

Village of Mount Prospect

50 South Emerson Street, Mount Prospect, Illinois 60056

RESPONSE TO REQUEST FOR PUBLIC RECORDS

February 26, 2021

107822-00079996@requests.muckrock.com

Thank you for writing to the Village of Mount Prospect with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140, et seq. On February 23, 2021, you requested the following documents:

- The survey/responses of police officers regarding the thin blue line/patch publicly cited and identified by head of the public body Mayor Arlene Juracek during the village board meeting on 02-02-2021 (timestamp: 1:49:03 <https://play.champds.com/mtprospectil/event/48>) *As previously indicated, this request is currently under PAC review.*
- Emails to and from the village regarding the thin blue line/patch dated between January 1, 2021 and the date of processing (including through this date of February 17) - **Please see attached documents. Please note that under FOIA Private information exemption 7 (1)(b) 2(c-5) personal identifiers (phone numbers and email addresses) have been redacted.**

If I can be of further assistance, please feel free to contact me.

Kind regards,

Karen Agoranos
Freedom of Information Officer
Telephone No.: 847.818.5333

If your request for records has been denied in full or in part, you have the right to appeal the denial of the records you have requested to the Public Access Counselor by submitting a written notice of appeal to: Public Access Counselor, Illinois Attorney General's Office, 500 South Second Street, Springfield, Illinois 62701; (877)299-3642 or (217) 782-1396. You also have the right to judicial review pursuant to Section 11 of the Freedom of Information Act.

Sanchez, Lidia

From: Public Access
Sent: Tuesday, February 23, 2021 9:51 AM
To: Public Access
Subject: FW: Request for Review NWS Coalition
Attachments: 67101.pdf

67101 Initial Docs

From: David Sutherland [mailto:dave@nwscoalition.com]
Sent: Friday, February 19, 2021 4:17 PM
To: Public Access <PAccess@atg.state.il.us>
Subject: Request for Review NWS Coalition

Hello,

I represent an affinity group called the Northwest Side Coalition Against Racism & Hate based in the NW side of Chicago and nearby suburbs.

We have two FOIA requests that we are requesting for review.

1. **Vacations During Jan 2020 and 2021 (Morton Grove Police Department)**
2. **Thin Blue Line Blue Lives Matter 1-2021 (Village of Mount Prospect)**

1) **Vacations During Jan 2020 and 2021 (Morton Grove Police Department)**

<https://www.muckrock.com/foi/morton-grove-8179/vacations-during-jan-2020-and-2021-morton-grove-police-department-107080/>

Files attached: VacationsDuringJan2020and2021_MortonGrovePoliceDepartment.zip

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

Records sufficient to show the names, star numbers, respective dates, and the type of time off of all police officers and/or employees who requested any personal time off, vacation days, personal days, furlough days, or any other time off for the dates of, on, or between Jan 1, 2021 and January 8, 2021 AS WELL AS the dates of, on, or between Jan 1, 2020 and January 8, 2020.

Ideally, please provide the records in an excel spreadsheet.

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,

Northwestside Coalition

We seek to understand what law enforcement officers were attending the 1/6/2021 coup on the Capitol. All local PDs were transparent with their resulting records except for Morton Grove who blacked out ALL of the spreadsheets in entirety citing Section 7(1)(v) which states:

Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

We deserve to know if any of our local law enforcement officers could possibly be involved with this attack on our country and therefore be a threat to our communities

2) Thin Blue Line Blue Lives Matter 1-2021 (Village of Mount Prospect)

<https://www.muckrock.com/foi/mount-prospect-8189/thin-blue-line-blue-lives-matter-1-2021-107822/>

Files attached: ThinBlueLineBlueLivesMatter1-2021_VillageofMountProspect.zip

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

Any and all written records (including but not limited to hard-copy documents, memos, emails, word processor documents, PDF documents, PowerPoint files, etc.) between January 1, 2021 and the date this request is processed (inclusive of those dates) which contain one or more of the following words, terms, or phrases (case-insensitive):

- "blue lives matter"
- "blue lives"
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- "police lives matter"
- "all lives matter"
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- "BLM"
- "TBL"

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,

Northwestside Coalition

The residents of the Village of Mount Prospect have been embroiled in a bitter battle against a symbols of white supremacy for years. The local police department has doubled down on using this against the wishes of the most vulnerable escalating tensions in the community. A previous FOIA regarding "thin blue line" resulted in ZERO documents. That was hard enough to believe but a new request regarding a renewed complaint against the thin blue line patch has garnered a denial citing Section 7(f):

"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 (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents"

Note, the documents we are requesting were publicly cited by Mayor Arlene Juracek during the village board meeting on 02-02-2021 timestamp: 1:49:03 <https://play.champds.com/mtprospectil/event/48>

They did mention these were under PAC review but we wanted to be included with this review process.

Thank you very much for your attention to this matter.

Cheers,
:David Sutherland