

March 23, 2016

VIA E-MAIL

Ms. Dorothy M. Tucker

CBS 2 / WBBM-TV

Email: dmtucker@cbs.com

RE: 16-FOIA-061 Info - Excessive Force Y2013 - Y2016 to Date

Dear Ms. Tucker:

We are in receipt of your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (“FOIA”).

I. Background

On March 9, 2016, we received your request for the following information covering Y2013 – Y2016 to date:

1. The number of Metra police officers who were reprimanded, disciplined and/or fired for excessive use of force for the requested dates;
2. Of those officers dismissed or disciplined for excessive use of force, what are their ages, race, gender and rank; and
3. Any summary about each incident for the years requested

(“Request”). Your Request is granted in part and denied in part.

II. Responsive Information

In response to your Request, Metra’s Police Department is providing you with the information below:

1. One (1) Metra police officer was dismissed for excessive use of force between Y2013 – Y2016 to date;
2. The officer dismissed for excessive use of force was male and a patrol officer;
3. In summary, the officer knocked an intoxicated individual to the ground. A subsequent investigation of the matter resulted in the dismissal of the officer.

III. Partial Denial

While FOIA requires public bodies to provide access to public records generally, FOIA also authorizes units of government to withhold certain information. Therefore, Attorney Thomas Stuebner has determined that the age and race of the above-referenced officer is exempt from disclosure under Section 7(1)(c) of FOIA. Section 7(1)(c) exempts “personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy....” Section 7(1)(c) goes on to say that, “‘Unwarranted invasion of personal privacy’ means the disclosure of

information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information.” It has been determined that the aforementioned data falls squarely within that definition and its exemption is appropriate under FOIA.

IV. Right of Review

You have the right to have the partial denial of your Request reviewed by the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us.

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this partial denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this partial denial letter when filing a Request for Review with the PAC.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,



Kathleen E. Haton
Freedom of Information Officer
FOIA@metrarr.com