



June 18, 2019

VIA E-MAIL

Mr. William J. McMahon

Hoey & Farina, P.C.

Email: wcmahon@hoeyfarina.com

RE: 19-FOIA-150 Incident re [REDACTED] on 2018-02-28

Dear Mr. McMahon:

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 June 5, 2019, we received your request for copies of the whole / complete file related to an incident / allegation of sexual assault involving [REDACTED] on February 28, 2019, including any documents, reports, statement, photographs, and investigative records (“Request”). Your Request is denied.

II. Denial

The documents and information you requested are exempt from disclosure in their entirety under Sections 7(1)(d)(i) and (vii) of FOIA, which states in pertinent part:

Records in the possession of any public body created in the course of . . . 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; [and]

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

5 ILCS 140/7(d)(i) and (vii).

Metra’s Police Department advises that this matter is an ongoing criminal investigation. As such, Attorney Keith Pardonnet has determined that any documents and/or information related to this matter and in Metra’s possession are exempt from disclosure based on the above-referenced FOIA provision and will not be released at this time.

III. Right of Review

You have the right to have the 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:

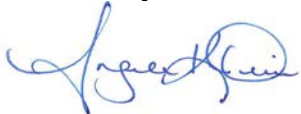
Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us.

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 denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

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

Sincerely,



Angela K. Ollie
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642