



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 12, 2023

PUBLIC ACCESS OPINION 23-010
(Request for Review 2023 PAC 76670)

FREEDOM OF INFORMATION ACT:
Police Reports Concerning Both a
Juvenile Offender and Adult Offender
are Exempt from Disclosure under
the Juvenile Court Act of 1987

Mr. Bob Skolnik
Riverside-Brookfield Landmark
141 South Oak Park Avenue
Oak Park, Illinois 60302

Ms. Maureen Rush
Management Analyst
Village of La Grange
53 South La Grange Road
La Grange, Illinois 60525

Dear Mr. Skolnik and Ms. Rush:

This binding opinion is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2022)). For the reasons discussed below, this office concludes that the Village of La Grange (Village) did not violate the requirements of FOIA by withholding police reports involving both an adult arrestee and a minor arrestee in response to Mr. Bob Skolnik's FOIA request.

BACKGROUND

On May 3, 2023, Mr. Skolnik submitted a FOIA request to the Village on behalf of the *Riverside-Brookfield Landmark* newspaper seeking:

Mr. Bob Skolnik
Ms. Maureen Rush
July 12, 2023
Page 2

copies of any and all police reports in possession of the police department of the Village of LaGrange that pertain to any and all incidents that occurred on May 1, 2023 at or in the vicinity of the Lyons Township High School North Campus which is located at 100 S. Brainard Ave. LaGrange, Illinois. This includes any initial incident reports and any follow [up] reports completed on or after May 1, 2023. This includes any [reports] pertaining to any and all fights, altercations and/or attacks involving a student or students who are currently enrolled at Lyons Township High School.^[1]

On May 12, 2023, the Village responded² by providing copies of an "Arrest Information Sheet,"³ an "Arrest Card,"⁴ and a "CABS Mugshot Report"⁵ for an 18-year-old arrestee, but denied the remaining records pursuant to sections 7(1)(a), 7(1)(b), 7(1)(c), 7(1)(d)(iv), and 7.5(bb) of FOIA.⁶ On May 19, 2023, Mr. Skolnik submitted a Request for Review to the Public Access Counselor via e-mail contesting the partial denial.⁷ He stated:

I am requesting a review of the partial denial of my request for police incident reports of an altercation that resulted in the significant injury to a student at Lyons Township High School located in LaGrange, Illinois on May 1, 2023.

This incident is a matter of much public interest, [citation], and the only record that was provided to me was a mug shot and an arrest card. While I understand that the names of juveniles are not

¹E-mail from Bob Skolnik, Riverside Brookfield Landmark Newspaper, to Paul Saladino Village Clerk, Village of LaGrange (May 3, 2023).

²Letter from [Maureen Rush], FOIA Officer, Village of La Grange, to Bob Skolnik, Riverside Brookfield Landmark Newspaper (May 11, 2023).

³Arrest Information Sheet, La Grange Police Department, Officer Cassiberry, Case No. 2023-00006601, May 3, 2023, 2:09 p.m.

⁴Arrest Card, Arresting Agency: IL0165700, Case No. 2023-6601, May 3, 2023.

⁵CABS Mugshot Report, Arresting Agency: La Grange, Case No. 2023-6601, May 5, 2023.

⁶5 ILCS 140/7(1)(a), (1)(b), (1)(c), (1)(d)(iv) (West 2022); 5 ILCS 140/7.5(bb) (West 2022).

⁷E-mail from Bob Skolnik, Riverside Brookfield Landmark Newspaper, to Public Access Counselor, Illinois Attorney General (dated May 12, 2023; transmitted May 19, 2023).

Mr. Bob Skolnik
Ms. Maureen Rush
July 12, 2023
Page 3

typically released I would like you to review the refusal to release the incident report without names.^[8]

In this submission, Mr. Skolnik cited a news article he wrote, dated May 11, 2023.⁹ The article stated that "[a] juvenile was arrested on May 10 and charged with attempted first-degree murder in connection with an attack on a Lyons Township High School student last week that left victim severely injured."¹⁰ The article also noted that there was an adult arrestee charged with misdemeanor battery—the 18-year-old whose arrest information he received in response to his FOIA request—and, according to a Village press release, "[t]he incident involved an altercation involving several juveniles and an adult, which resulted in the injury of two juveniles, one of whom was injured severely[.]"¹¹

On May 25, 2023, the Public Access Bureau sent a copy of the Request for Review to the Village. Along with a copy of the Request for Review, the Public Access Bureau sent the Village a letter requesting unredacted copies of the withheld records for this office's confidential review, and a detailed written explanation of the legal and factual bases for the asserted exemptions.¹² The letter also asked the Village to "please address the extent to which the information about the adult arrestee is segregable from any information concerning the investigation of, arrest of, or charges against a minor."¹³

⁸E-mail from Bob Skolnik, Riverside Brookfield Landmark Newspaper, to Public Access Counselor, Illinois Attorney General (dated May 12, 2023; transmitted May 19, 2023).

⁹Bob Skolnik, *Juvenile charged with attempted murder in LTHS attack*, RIVERSIDE-BROOKFIELD LANDMARK (May 11, 2023), <https://www.rblandmark.com/2023/05/11/juvenile-charged-with-attempted-murder-charge-in-lths-attack/>.

¹⁰Bob Skolnik, *Juvenile charged with attempted murder in LTHS attack*, RIVERSIDE-BROOKFIELD LANDMARK (May 11, 2023), <https://www.rblandmark.com/2023/05/11/juvenile-charged-with-attempted-murder-charge-in-lths-attack/>.

¹¹Bob Skolnik, *Juvenile charged with attempted murder in LTHS attack*, RIVERSIDE-BROOKFIELD LANDMARK (May 11, 2023), <https://www.rblandmark.com/2023/05/11/juvenile-charged-with-attempted-murder-charge-in-lths-attack/> (citing Press Release, Village of La Grange, Arrest Made in Case Regarding Altercation at LTHS North Campus (May 11, 2023), *available at* <https://www.villageoflagrange.com/CivicAlerts.aspx?AID=940&ARC=2463> (last visited June 20, 2023)).

¹²Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to Maureen Rush, Management Analyst, Village of La Grange (May 25, 2023), at 2.

¹³Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to Maureen Rush, Management Analyst, Village of La Grange (May 25, 2023), at 2.

Mr. Bob Skolnik
Ms. Maureen Rush
July 12, 2023
Page 4

On June 2, 2023, the Village's outside counsel provided this office with those materials,¹⁴ including both a complete version of the Village's written answer for this office's confidential review and a redacted version for forwarding to Mr. Skolnik.¹⁵ The Village maintained that its partial denial was proper under sections 1-7(A), 1-7(C), and 5-905 of the Juvenile Court Act of 1987 (JCA),¹⁶ among other reasons. In particular, the Village argued that the JCA prohibits disclosure of the reports in their entirety because they concern a juvenile arrestee and juvenile suspects, even though the reports also contain information concerning the investigation and arrest of an adult who cannot be subject to juvenile court proceedings.¹⁷ On June 5, 2023, this office forwarded a copy of the Village's answer to Mr. Skolnik and notified him of his opportunity to reply to that answer.¹⁸ On June 14, 2023, Mr. Skolnik replied, arguing:

[T]he Village of LaGrange should be able to provide any * * * police reports about the incident while redacting the names of any juveniles involved. Just releasing a mug shot and arrest card tells the public little about what happened. A police report would reveal much more information about a matter that is of considerable public interest. There is assuredly an extensive police report about the incident. The LaGrange Patch and the Riverside Brookfield Landmark have reported about this incident but few to no details have been released by the LaGrange Police Department or Lyons Township High School. The public has a right to know what happened, to the extent possible.^[19]

¹⁴Letters from Benjamin L. Schuster, Elrod Friedman LLP, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, [Office of the Attorney General] (June 2, 2023).

¹⁵See 5 ILCS 140/9.5(d) (West 2022) ("The 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.").

¹⁶705 ILCS 405/1-7(A), (C) (West 2022); 705 ILCS 405/5-905 (West 2022).

¹⁷Letter from Benjamin L. Schuster, Elrod Friedman LLP, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, [Office of the Attorney General] (June 2, 2023), at 3-4.

¹⁸Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to Bob Skolnik, Riverside Brookfield Landmark Newspaper (June 5, 2023).

¹⁹E-mail from Bob Skolnik, Landmark Newspaper, to [Joshua] Jones [Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (June 14, 2023).

Mr. Bob Skolnik
Ms. Maureen Rush
July 12, 2023
Page 5

ANALYSIS

Section 1 of FOIA (5 ILCS 140/1 (West 2022)) declares that "it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government." Under FOIA, "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt." 5 ILCS 140/1.2 (West 2022).

Section 7.5(bb) of FOIA exempts from disclosure "[i]nformation which is or was prohibited from disclosure by the Juvenile Court Act of 1987." Subsection 1-7(A) of the JCA restricts the disclosure of "juvenile law enforcement records" as follows:

All **juvenile law enforcement records** which have not been expunged are confidential and may never be disclosed to the general public or otherwise made widely available. Juvenile law enforcement records may be obtained only under this Section and Section 1-8 and Part 9 of Article V of this Act, when their use is needed for good cause and with an order from the juvenile court, as required by those not authorized to retain them. Inspection, copying, and disclosure of juvenile law enforcement records maintained by law enforcement agencies or records of municipal ordinance violations maintained by any State, local, or municipal agency that relate to a minor who has been investigated, arrested, or taken into custody before his or her 18th birthday shall be restricted to the following[.] (Emphasis added.)

The parties authorized to access juvenile law enforcement records, such as a parent, guardian, or counsel for the minor who is the subject of the juvenile law enforcement record, and court, law enforcement, and school officials,²⁰ are then enumerated. Those authorized parties do not

²⁰705 ILCS 405/1-7(A)(0.05) (0.10), (A)(1), (A)(2), (A)(3), (A)(8) (West 2022).

Mr. Bob Skolnik
Ms. Maureen Rush
July 12, 2023
Page 6

include members of the media or otherwise encompass Mr. Skolnik.²¹ Subsection 1-3(8.2) of the JCA²² defines "juvenile law enforcement record" to include:

records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records or documents maintained by any law enforcement agency relating to a minor suspected of committing an offense, and records maintained by a law enforcement agency that identifies a juvenile as a suspect in committing an offense, but does not include records identifying a juvenile as a victim, witness, or missing juvenile and any records created, maintained, or used for purposes of referral to programs relating to diversion as defined in subsection (6) of Section 5-105.

Subsection 1-7(I) of the JCA²³ adds that "[w]illful violation of this Section is a Class C misdemeanor and each violation is subject to a fine of \$1,000." As to "delinquent minors" (minors who before their 18th birthday have violated or attempted to violate any federal, State, county or municipal law or ordinance),²⁴ section 5-905(1) of the JCA is similar to section 1-7(A) in providing that "[i]nspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been investigated, arrested, or taken into custody before his or her 18th birthday shall be restricted to the following and when necessary for the discharge of their official duties[.]" Again, the enumerated authorized parties do not include members of the media, or otherwise apply to Mr. Skolnik.

At the outset of its non-confidential answer in this matter, the Village noted that it "provided the Requester with the arrest information sheet, arrest card, and mug shot report of the Adult Offender[.]" as "[t]hese documents do not contain any information related to the Juvenile

²¹Subsection 1-7(C), which the Village also cited, provides, in relevant part:

The records of law enforcement officers, or of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, concerning all minors under 18 years of age must be maintained separate from the records of arrests and may not be open to public inspection or their contents disclosed to the public.

²²705 ILCS 405/1-3(8.2) (West 2022).

²³705 ILCS 405/1-7(I) (West 2022).

²⁴705 ILCS 405/5-105(3) (West 2022).

Mr. Bob Skolnik
Ms. Maureen Rush
July 12, 2023
Page 7

Offender and include the information the Village is generally required to provide the public under Section 2.15 of FOIA about adult offenders (the police blotter information)."²⁵ Indeed, section 2.15 of FOIA²⁶ provides, in relevant part:

(a) Arrest reports. The following chronologically maintained arrest and criminal history information maintained by State or local criminal justice agencies shall be furnished as soon as practical, but in no event later than 72 hours after the arrest, notwithstanding the time limits otherwise provided for in Section 3 of this Act: (i) information that identifies the individual, including the name, age, address, and photograph, when and if available; (ii) information detailing any charges relating to the arrest; (iii) the time and location of the arrest; (iv) the name of the investigating or arresting law enforcement agency; (v) (blank); and (vi) if the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the arresting agency's custody.

* * *

(c) Information described in items (iii) through (vi) of subsection (a) may be withheld if it is determined that disclosure would: (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency; (ii) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility.

(d) The provisions of this Section do not supersede the confidentiality provisions for law enforcement or arrest records of the Juvenile Court Act of 1987.

Under the plain language of section 2.15, criminal justice agencies must disclose certain information about the arrests of adults, but not minors.

²⁵Letter from Benjamin L. Schuster, Elrod Friedman LLP, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, [Office of the Attorney General] (June 2, 2023), at 1.

²⁶5 ILCS 140/2.15 (West 2022).

Mr. Bob Skolnik
Ms. Maureen Rush
July 12, 2023
Page 8

The Village argued that, in contrast to the arrest information that exclusively pertains to the adult suspect, it properly withheld the police reports because they are "juvenile law enforcement records" subject to the protections of the JCA. Specifically, the Village stated, "[t]he Police Report is a record that is maintained by the Village's police department and documents an investigation and arrest of a minor that is suspected of committing an offense."²⁷ The Village's attorney confirmed to this office that the minor is not being charged as an adult.²⁸ The Village asserted that it cannot disclose the police reports to Mr. Skolnik, with or without redactions, unless he obtains an order from the juvenile court authorizing disclosure. Emphasizing that "the definition of 'juvenile law enforcement record' does not exclude police reports that document an investigation into both a minor and an adult[,]" the Village argued that construing the JCA to permit disclosure of portions of police reports about adult arrestees would contravene the plain language of the statute.²⁹

The Village, citing two non-binding determination letters issued by the Public Access Bureau³⁰ and the "Public Access Counselor's FOIA Guide for Law Enforcement,"³¹ further stated:

In the past, the PAC has taken the position that, in situations where a single police report documents the investigation of both minor suspects and an adult, the law enforcement agency is not permitted to withhold the entire police report under the JCA. [Citations.] Rather, the PAC has determined that a law enforcement agency must redact the information about the minor and provide the remainder of the record to the requester.

²⁷Letter from Benjamin L. Schuster, Elrod Friedman LLP, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, [Office of the Attorney General] (June 2, 2023), at 3.

²⁸Teleconference between Benjamin L. Schuster, Elrod Friedman LLP, and Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General (May 26, 2023).

²⁹Letter from Benjamin L. Schuster, Elrod Friedman LLP, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, [Office of the Attorney General] (June 2, 2023), at 3.

³⁰Ill. Att'y Gen. PAC Req. Rev. Ltr. 74799, issued April 13, 2023; Ill. Att'y Gen. PAC Req. Rev. Ltr. 45410, issued March 15, 2017.

³¹FOIA Guide for Law Enforcement, pgs. 23-24 (last revised June 2017), https://foiাপac.ilag.gov/content/pdf/lawenfguide/FOIA_Guide_for_Law_Enforcement.pdf ("If a record such as a police report contains information about both adults and minors investigated or charged with crimes, the information relating to the adults may not be withheld under the JCA." (citing Ill. Att'y Gen. PAC Req. Rev. Ltr. 31178, issued March 19, 2015, at 4)).

Mr. Bob Skolnik
Ms. Maureen Rush
July 12, 2023
Page 9

[Citations.] We respectfully request that the PAC reconsider its prior interpretations[.]^[32]

The Village contended that these prior determinations have placed law enforcement agencies in the "untenable position" of facing potential criminal and civil liability under the JCA for improperly disclosing juvenile law enforcement records, or, "if public bodies ignore the PAC's nonbinding determinations," undergoing an "increased risk of litigation for potentially violating FOIA."³³

In the two non-binding determination letters the Village cited, neither public body disclosed arrest reports or similar documents for the adult arrestees,³⁴ despite the requirements of section 2.15 of FOIA and in stark contrast with the Village's disclosure of such records in this matter. In the other non-binding determination letters this office issued concerning police reports about both adult and minor alleged offenders, the public bodies did not disclose the adults' arrest documentation either. Ill. Att'y Gen. PAC Req. Rev. Ltr. 28463, issued December 28, 2018, at 1, 3; Ill. Att'y Gen. PAC Req. Rev. Ltr. 31178, issued March 19, 2015, at 4; Ill. Att'y Gen. PAC Req. Rev. Ltr. 37903, issued October 25, 2017, at 7-8. Nonetheless, these determination letters went beyond asking public bodies to disclose adult arrestees' arrest reports; they also requested that the public bodies disclose the segregable portions of police reports that solely concern adults. In contrast, in the one previous Request for Review involving both a minor arrestee and an adult arrestee in which the public body did disclose the items enumerated in section 2.15(a) of FOIA about the adult arrestee, this office concluded that the public body was not required to disclose the police reports with redactions, though that determination also rested on the fact that the request named the involved minors and thus disclosure of the reports would have unavoidably revealed information about the minors. Ill. Att'y Gen. PAC Req. Rev. Ltr. 45781, issued March 20, 2017, at 3.

During the timeframe of these non-binding determination letters, the General Assembly strengthened the already robust protections in the JCA for records involving the investigation, arrest, or charging of minors. Public Act 100-285, which took effect January 1, 2018, added the first two sentences to section 1-7(A) of the JCA about the sealing of juvenile law enforcement records and added the criminal penalty for unlawful disclosure under section 1-7(I),

³²Letter from Benjamin L. Schuster, Elrod Friedman LLP, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, [Office of the Attorney General] (June 2, 2023), at 2.

³³Letter from Benjamin L. Schuster, Elrod Friedman LLP, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, [Office of the Attorney General] (June 2, 2023), at 3.

³⁴Ill. Att'y Gen. PAC Req. Rev. Ltr. 74799, issued April 14, 2023, at 7-8; Ill. Att'y Gen. PAC Req. Rev. Ltr. 45410, issued March 15, 2017, at 1, 4.

Mr. Bob Skolnik
Ms. Maureen Rush
July 12, 2023
Page 10

among other confidentiality enhancements. Additionally, Public Act 100-1162, which took effect December 20, 2018, added the definition of "juvenile law enforcement record" quoted above as part of a package of reforms facilitating the expungement of juvenile records. The JCA, however, has remained silent on police reports that concern both an adult arrestee and one or more minors who were investigated, arrested, or charged with an offense. It is not evident that disclosure of portions of police reports that solely concern adult arrestees would offend the JCA's rehabilitative purpose of securing for a minor subject "such care and guidance * * * as will serve the safety and moral, emotional, mental, and physical welfare of the minor and the best interests of the community[.]"³⁵

Nonetheless, in *Calloway v. Chicago Police Dep't*, 2022 IL App (1st) 210090, 202 N.E.3d 1050 (2022), the Illinois Appellate Court found the language of sections 1-7(A) and 5-905(1) of the JCA prohibit disclosure of records that meet the definition of "juvenile law enforcement record," regardless of whether withholding the specific record at issue is necessary to further the JCA's stated rehabilitative goals. Just as "[n]one of [the JCA's] privacy provisions contain *any language* explicitly or implicitly limiting the scope of these protections where the records at issue involve a minor that is deceased," *Calloway*, 2022 IL App (1st) 210090, ¶25, 202 N.E.3d at 1058 (emphasis in original), the JCA contains no language limiting the scope of its protections for police reports that include both juvenile and adult arrestees. *See also, e.g., People ex rel. Ryan v. Agpro, Inc.*, 214 Ill. 2d 222, 234 (2005) (court could not consider policy arguments because statutory language was clear and unambiguous). Notably, a requester such as Mr. Skolnik may seek disclosure of juvenile law enforcement records and juvenile court records by petitioning the juvenile court, as expressly provided in sections 1-7(A) and 1-8(A) of the JCA.³⁶ As the Village stated in its response to this office, "while this routine and statutorily mandated process may place an extra burden on a FOIA requester, it is, nevertheless, the law and available to the Requester if he believes that there is good cause for him to obtain the Police Report."³⁷

This office's review of the withheld police reports confirmed that they are all "juvenile law enforcement records" as defined in the JCA because they concern the investigation of multiple minors and the arrest and charging of one of the minors. Therefore, the JCA prohibits the Village from disclosing the police reports to Mr. Skolnik, and those records are

³⁵705 ILCS 405/1-2 (West 2022).

³⁶705 ILCS 405/1-8(A) (West 2022) ("Sealed juvenile court records may be obtained only under this Section and Section 1-7 and Part 9 of Article V of this Act, when their use is needed for good cause and with an order from the juvenile court.").

³⁷Letter from Benjamin L. Schuster, Elrod Friedman LLP, to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, [Office of the Attorney General] (June 2, 2023), at 8.

Mr. Bob Skolnik
Ms. Maureen Rush
July 12, 2023
Page 11

exempt from disclosure in their entirety under section 7.5(bb) of FOIA. Although Mr. Skolnik argued that the public interest in the incident warrants disclosure, the section 7.5(bb) exemption does not take the public interest in disclosure into consideration as certain other FOIA provisions do;³⁸ the JCA prohibits disclosure of juvenile law enforcement records in whole or in part regardless of the reasons why an unauthorized party such as a member of the media seeks them. When a single police report concerns both an adult arrestee and a minor arrestee or suspect, the plain language of the JCA does not permit disclosure of any portion of the police report to an unauthorized party, regardless of the extent to which a portion of the report focuses on an adult arrestee. Nevertheless, section 2.15 of FOIA requires a public body that withholds such a report to disclose the adult arrestee's arrest report and/or similar records that solely concern the arrest of the adult. The Village's disclosure of the adult arrestee's "Arrest Information Sheet," "Arrest Card," and "CABS Mugshot Report," and its withholding of the police reports, complied with the requirements of both section 2.15 of FOIA and the JCA.

FINDINGS AND CONCLUSIONS

After full examination and giving due consideration to the information submitted, the Public Access Counselor's review, and the applicable law, the Attorney General finds that:

1) On May 3, 2023, Mr. Bob Skolnik submitted a FOIA request to the Village of La Grange on behalf of the *Riverside-Brookfield Landmark* newspaper seeking copies of police reports from two days earlier on May 1, 2023, concerning fights, altercations, and/or attacks involving one or more Lyons Township High School students.

2) On May 12, 2023, the Village responded by providing copies of an "Arrest Information Sheet," an "Arrest Card," and a "CABS Mugshot Report" for an 18-year-old arrestee who was charged with battery, but denied the police reports pursuant to sections 7(1)(a), 7(1)(b), 7(1)(c), 7(1)(d)(iv), and 7.5(bb) of FOIA.

3) In an e-mail transmitted on May 19, 2023, Mr. Skolnik submitted a Request for Review contesting the Village's denial of the police reports. The Request for Review was timely filed and otherwise complies with the requirements of section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2022)).

4) On May 25, 2023, the Public Access Bureau sent a copy of the Request for Review to the Village and requested unredacted copies of the withheld records for this office's

³⁸See 5 ILCS 140/3(g) (West 2022) (records denied as unduly burdensome subject to disclosure if the public interest in disclosure outweighs the public body's burden of compliance with the request); 5 ILCS 140/7(1)(c) (West 2022) (records denied on the basis that disclosure would constitute a clearly unwarranted invasion of personal privacy are not exempt if the public interest in disclosure outweighs the subjects' right to privacy).

Mr. Bob Skolnik
Ms. Maureen Rush
July 12, 2023
Page 12

confidential review, and a detailed written explanation of the legal and factual bases for the asserted exemptions.

5) On June 2, 2023, the attorney for the Village provided this office with the requested materials, including both a complete version of its written answer for this office's confidential review and a redacted version for forwarding to Mr. Skolnik.

6) On June 5, 2023, this office forwarded a copy of the Village's non-confidential answer to Mr. Skolnik and notified him of his opportunity to reply. On June 14, 2023, Mr. Skolnik submitted a reply.

7) Section 7.5(bb) of FOIA exempts from disclosure "[i]nformation which is or was prohibited from disclosure by the Juvenile Court Act of 1987." Sections 1-7(A) and 5-905(1) of the Juvenile Court Act (JCA) prohibit disclosure of law enforcement records maintained by law enforcement agencies that relate to a minor who has been investigated, arrested, or taken into custody before his or her 18th birthday, except to certain authorized parties. The authorized parties do not include members of the media and do not otherwise encompass Mr. Skolnik.

8) The withheld police reports concern an adult arrestee, a minor arrestee, and one or more other juveniles investigated for potential offenses. None of the withheld police reports solely concerns the adult arrestee.

9) The JCA clearly and unambiguously requires that a police report in which a minor is investigated, arrested, or charged with an offense be kept confidential. Although an adult cannot be subject to a juvenile court proceeding, the plain language of the JCA does not permit disclosure, to an unauthorized individual, of the parts of a police report that concern an adult arrestee when the police report also concerns a minor suspect.

10) The Village properly disclosed the adult arrestee's arrest records in accordance with section 2.15 of FOIA.

Therefore, it is the opinion of the Attorney General that the Village of La Grange did not violate the requirements of FOIA by denying disclosure of the police reports responsive to Mr. Bob Skolnik's Freedom of Information Act request.

This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law. 735 ILCS 5/3-101 *et seq.* (West 2022). An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review with the Circuit Court of Cook or Sangamon County within

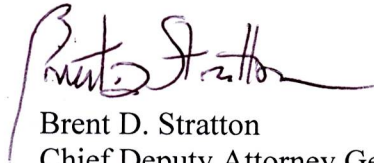
Mr. Bob Skolnik
Ms. Maureen Rush
July 12, 2023
Page 13

35 days of the date of this decision naming the Attorney General of Illinois and Village of La Grange as defendants. *See* 5 ILCS 140/11.5 (West 2022).

Very truly yours,

KWAME RAOUL
ATTORNEY GENERAL

By:



Brent D. Stratton
Chief Deputy Attorney General

cc: Mr. Benjamin L. Schuster
Elrod Friedman LLP
325 North LaSalle Street, Suite 450
Chicago, Illinois 60654

CERTIFICATE OF SERVICE

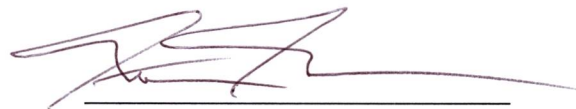
Steve Silverman, Bureau Chief, Public Access Bureau, hereby certifies that he has served a copy of the foregoing Binding Opinion (Public Access Opinion 23-010) upon:

Mr. Bob Skolnik
Riverside-Brookfield Landmark
141 South Oak Park Avenue
Oak Park, Illinois 60302
bobskolnik@aol.com

Ms. Maureen Rush
Management Analyst
Village of La Grange
53 South La Grange Road
La Grange, Illinois 60525
mrush@lagrangeil.gov

Mr. Benjamin L. Schuster
Elrod Friedman LLP
325 North LaSalle Street, Suite 450
Chicago, Illinois 60654
Benjamin.Schuster@ElrodFriedman.com

by causing a true copy thereof to be sent electronically to the addresses as listed above and by causing to be mailed a true copy thereof in correctly addressed, prepaid envelopes to be deposited in the United States mail at Chicago, Illinois on July 12, 2023.



Steve Silverman
Bureau Chief

Steve Silverman
Bureau Chief
Public Access Bureau
Office of the Attorney General
100 West Randolph Street
Chicago, Illinois 60601
(312) 814-6756