



County of Union, Illinois  
Office of the Chief Information Officer  
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October 31, 2014

*[sent via email]*

RE: FOIA Request for Review- 2014 PAC 31732

Shari L. West  
Assistant Attorney General  
Public Access Bureau

swest@atg.state.il.us

Ms. West:

Please consider this our response to your enclosed FOIA Request for Review dated October 21, 2014 and received by my office on October 24, 2014.

Per your request, please find the following record enclosed without redaction:

- Union County Sheriff's Office incident report #2013-003379 documenting the arrest of Mr. Anthony J. Garcia

This is the only item responsive to this request for which the Union County State's Attorney, the Union County Sheriff's Office or Union County 9-1-1 is the custodian of record.

Our assertion of Section 7(1)(d)(i) of FOIA (5 ILCS 140/7(1)(d)(i)) with regards to the above record is based upon our understanding that there is a pending investigation by the Illinois State Police and the City of Omaha Police Department connected to the referenced arrest. As the Illinois State Police were the lead agency following the arrest, we believe we would be interfering with their investigation and the subsequent City of Omaha Police Department investigation by releasing any related records to a third party.

Our assertion of Section 7(1)(d)(iii) of FOIA (5 ILCS 140/7(1)(d)(iii)) with regards to the above record is based upon our understanding that there is a pending trial in the Fourth Judicial District Court of Nebraska connected to the referenced arrest. As such, we believe that our release of any related records to a third party would circumvent the proper discovery process and therefore interfere with Mr. Garcia's right to a fair trial or impartial hearing.

As recommended in your request, please find the items below also enclosed that may assist your inquiry. We do not feel they are responsive to the original request in question but in an effort to be completely transparent and as helpful as possible, we are providing them for your review.

- A hand-written note from 9-1-1 Coordinator Jana Fear indicating that she finds no recordings involving Mr. Garcia's arrest on the recording equipment.
- Union County Sheriff's Office arrest card #L73745494
- 2013-DT-71 and related tickets and police reports
- 2013-MR-108 and included documents
- 2013-MR-107 and included documents
- 2013-MR-101 and included documents

Additionally, please find these additional items attached which we feel demonstrate our efforts to be as transparent and helpful as possible while remaining within the bounds of the FOIA process.

- An email to Alison Motta explaining that I am not a party to the court order she submitted to me and directing her to check with Sergeant Chad Brown with the Illinois State Police who was the lead investigator for the Illinois portion of this investigation
- An email to Alison Motta explaining that I was responding to the Attorney General's request and recommending that she pursue the records she seeks through the normal discovery process with the Douglas County Attorney
- An email to Illinois State Police personnel and Douglas County prosecutors involved in the Garcia case with an attachment containing all records related to Mr. Garcia so that said records can be provided through the discovery process

Per your letter, we wish to specify that we believe the one responsive record—incident report #2013-003379—is exempt from release via the FOIA process. We also believe the additional records provided are FOIA exempt. As such, we request that nothing outside this response letter be released to anyone.

It is our desire that Mr. Garcia have all documents needed for a proper defense. As we have indicated in a phone call to Ms. Motta, if she has any problems obtaining these records via the discovery process we would gladly provide them in response to a subpoena.

We feel with completes our response to your request for review. If we may assist any further, please do not hesitate to contact my office or the Union County State's Attorney's office.

Sincerely,



Rollie Hawk, Chief Information Office

Enclosure

Cc: Tyler Edmonds, State's Attorney