



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

March 11, 2022

Via electronic mail

Ms. Demetria Kalodimos
Executive Producer
Nashville Banner
[REDACTED]

RE: FOIA Request for Review – 2022 PAC 70082; FOIA RR-81-2022

Dear Ms. Kalodimos:

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2020)). For the reasons set forth below, the Public Access Bureau concludes that no further action is warranted in this matter.

On January 31, 2022, you submitted a FOIA request to the Town of Normal (Town) stating:

A recent Freedom of Information request by another party revealed the existence of numerous documents relevant to the investigation of the [REDACTED] cold case. This offices response reads....."The document retrieval in relation to misconduct by member(s) of the Normal Police Department relating to the case number P75-1942 returned a preliminary estimate of approximately 3,500 pages" I would like clarification on this: Are there truly 3500 pages of misconduct reports? If so, I would like to know more about the individual officers and representatives cited with misconduct in relation to this case, and request information on the largest files and most serious matters that resulted in findings and or penalty. In previous documents supplied to me, it has been revealed that the murder weapon in this case was taken out of custody and brought to a University for some period of time. I suspect this matter is one that is described in misconduct reports. If so, that particular occurrence [*sic*] is of interest and needs to be

thoroughly explored. According to Attorney General Kwame Raoul's office, the statewide Professional Conduct Database information is restricted, however such reports remain an open record in the individual police stations including Normal P.D.^[1]

On February 4, 2022, the Town denied your request, stating that it did not maintain a record that would satisfy your request and that it was not required to answer your questions. On February 28, 2022, this office received the materials necessary to complete your Request for Review.

FOIA applies only to requests for public records. 5 ILCS 140/3(a) (West 2020) ("Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Sections 7 and 8.5 of this Act."). FOIA "is not intended to compel public bodies to interpret or advise requesters as to the meaning or significance of the public records." 5 ILCS 140/3.3 (West 2020). A FOIA request "must reasonably identify a public record and not general data, information, or statistics." *Chicago Tribune Co. v. Dep't of Financial & Professional Regulation*, 2014 IL App (4th) 130427, ¶33, 8 N.E.3d 11, 19 (2014). A public body is not required to answer questions or to generate new records in response to a FOIA request. *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (4th Dist. 1989).

Rather than asking for copies of public records, your communication to the Town asked questions, made statements, and sought the Town's interpretation of the "most serious matters that resulted in findings and or penalty."² Because the Town was not required to respond to your questions, this office will take no further action at to this matter.³ You may wish to submit a new FOIA request to the Town that clearly describes the specific records or files you seek.

¹Request #RR-81-2022 (January 31, 2022).

²Request #RR-81-2022 (January 31, 2022).

³In your Request for Review, you reference a FOIA response you received on February 7, 2022, that "mischaracterized the records as private and then denied their very existence." You did not provide this office with copies of that response or related FOIA request. Letter from Demetria Kalodimos, Executive Producer, the Nashville Banner, to Public Access Bureau, Office of the Attorney General (undated).

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This letter closes this file. If you have any questions, you may contact me at
Laura.Harter@illinois.gov.

Very truly yours,



LAURA S. HARTER
Deputy Bureau Chief
Public Access Bureau

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cc: *Via electronic mail*
The Honorable Angelia Huonker
Town Clerk
Town of Normal
11 Uptown Circle
P.O. Box 589
Normal, Illinois 61761
ahuonker@normal.org