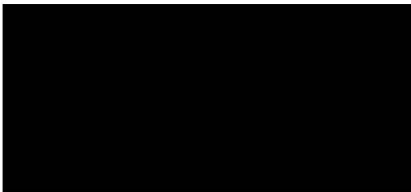


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

March 27, 2025

Via electronic mail



Via electronic mail

Ms. Amanda Melone
Deputy City Clerk
City of Elmhurst
209 North York Street
Elmhurst, Illinois 60126
FOIA@elmhurst.org

RE: FOIA Request for Review – 2023 PAC 75318

Dear [REDACTED] and Ms. Melone:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2023 Supp.)). For the reasons stated below, the Public Access Bureau concludes that the City of Elmhurst (City) did not improperly deny [REDACTED] FOIA request.

On November 21, 2022, [REDACTED] submitted a FOIA request to the City seeking a copy of report number ELPC2204120. On November 30, 2022, the City denied [REDACTED] request in its entirety pursuant to section 7.5(bb) of FOIA (5 ILCS 140/7.5(bb) (West 2022)). In her Request for Review, [REDACTED] contested the denial because the incident involved her son.

On February 27, 2023, this office forwarded a copy of the Request for Review to the City and asked it to provide to this office for our confidential review copies of the withheld

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Individuals with hearing or speech disabilities can reach us by using the 7-1-1 relay service.

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records along with a detailed written explanation of the factual and legal bases for withholding those records pursuant to section 7.5(bb) of FOIA. On March 8, 2023, the City provided the withheld incident report for this office's confidential review, and furnished a written response, which noted that [REDACTED] is the mother of the juvenile victim. Subsequently, this office forwarded a copy of the City's written response to [REDACTED]; she did not reply.

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 [(JCA)]." Section 1-7(A) of the JCA (705 ILCS 405/1-7(A) (West 2022) provides:

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 class of persons who are permitted access to those records are then enumerated, and while a minor who is the subject of the investigation, arrest, or custodial detention along with that minor's parents are among the statutorily authorized parties who may receive the records, the exceptions to this confidentiality provision do not include the minor victim of a crime or the minor victim's parents.¹ Accordingly, the JCA does not authorize a minor who is an alleged victim, or the alleged victim's parents, to receive juvenile law enforcement records when the suspect or perpetrator is also a minor.

This office's confidential review of the withheld records confirms that incident report number ELPC2204120 is a juvenile law enforcement record, that [REDACTED] child is listed as the victim in the report, and that another minor is included in the report as the subject of

¹See *NBC Subsidiary (WMAQ-TV) LLC v. Chicago Police Department*, 2019 IL App (1st) 181426 (deciding that the JCA "governs the confidentiality of law enforcement records that focus on a minor as the subject of an investigation, arrest, or custodial detention."). See also Ill. Att'y Gen. PAC Req. Rev. Ltr. 74728, issued January 25, 2023, at 2 (the JCA does not authorize a minor victim, or the victim's parents, to receive juvenile law enforcement records when the suspect or perpetrator is also a juvenile); Ill. Att'y Gen. PAC Req. Rev. Ltr. 84341, issued January 3, 2025, at 2 (records that relate to minors who have been investigated, arrested, or taken into custody are confidential and cannot be disclosed to a parent of a victim without an order from the juvenile court).

[REDACTED]
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the investigation and arrest. Because the JCA specifically prohibits the City from disclosing the report to the parent of the victim where the suspect or perpetrator is also a minor, the City did not improperly withhold the report in response to [REDACTED] FOIA request.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This file is closed. Please contact me at (312) 814-5201 or at the Chicago address on the first page of this letter if you have questions.

Very truly yours,

[REDACTED]

EDIE STEINBERG
Senior Assistant Attorney General
Public Access Bureau

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