



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 16, 2024

Via electronic mail



RE: FOIA Request for Review – 2024 PAC 83945

Dear 

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 explained below, this office has determined that no further action is warranted in this matter.

On October 3, 2024, you submitted a FOIA request to the Chicago Police Department (CPD) seeking School Absentee Reports filed from May 1, 2024, to September 30, 2024. On October 10, 2024, CPD denied your request in its entirety pursuant to section 7.5(bb) of FOIA (5 ILCS 140/7.5(bb) (West 2023 Supp.)), as amended by Public Acts 103-592, effective June 7, 2024; 103-605, effective July 1, 2024; 103-636, effective July 1, 2024; 103-786, effective August 7, 2024; 103-859, effective August 9, 2024; 103-991, effective August 9, 2024; 103-1049, effective August 9, 2024). On November 18, 2024, you submitted the above-referenced Request for Review contesting the denial of your request. Specifically, you argued that you are only seeking the portions pertaining to CPD activity and that the records could be redacted to remove information identifying minors. You also noted that CPD has previously provided School Absentee Reports covering earlier dates.

Although CPD previously furnished similar records, 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." Section 5-905(1) of the Juvenile Court Act of 1987 (JCA) (705 ILCS 405/5-905(1) (West 2023 Supp.)), as amended by Public Act 103-1037, effective August 9, 2024) provides:

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Inspection 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 the minor's 18th birthday shall be restricted to the following and when necessary for the discharge of their official duties[.] (Emphasis added.)

Furthermore, section 3-4 of the JCA (705 ILCS 405/3-4(g) (West 2023 Supp.)), which concerns circumstances in which a police officer takes a minor into only limited custody, provides:

The taking of a minor into limited custody under this Section is not an arrest nor does it constitute a police record; and the records of law enforcement officers concerning all minors taken into limited custody under this Section shall be maintained separate from the records of arrest and **may not be inspected by or disclosed to the public except by order of the court.** (Emphasis added.)

Thus, the JCA unambiguously prohibits disclosure of records concerning minors taken into custody or limited custody by law enforcement officers except when ordered by a court or to authorized individuals, which do not include FOIA requesters.

CPD Special Order S06-04-08 outlines guidelines for officers in dealing with school absentees, including the filing of School Absentee Reports. The order specifies: "If there is no valid reason for the absence and no crime has been committed, the member will take the school absentee into custody[.]"¹ Thus, even when a CPD officer stops a minor in relation to absenteeism without suspicion that the minor is engaged in criminal activity, the minor is taken into custody or limited custody. Because the JCA prohibits disclosure of law enforcement records that relate to a minor taken into custody, CPD did not improperly deny your request pursuant to section 7.5(bb) of FOIA. Accordingly, the Public Access Bureau concludes that no further action is warranted in this matter.

¹Special Order S06-04-08, Chicago Police Department (June 7, 2017), *available at* <https://directives.chicagopolice.org/#directive/public/6459> (last visited November 22, 2024).


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This letter serves to close this matter. If you have any questions, please contact me at (773) 590-7878 or benjamin.silver@ilag.gov.

Very truly yours,


BENJAMIN J. SILVER
Supervising Attorney
Public Access Bureau

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cc: *Via electronic mail*
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