



September 4, 2019

**VIA E-MAIL**

Mr. Robert J. Evola

SL Chapman LLC

Email: [RobertE@SLChapman.com](mailto:RobertE@SLChapman.com); [AshleyO@slchapman.com](mailto:AshleyO@slchapman.com)

RE: 19-FOIA-237 Info - [REDACTED]

Dear Mr. Evola:

Metra's FOIA Department ("FOIA Department") is responding to your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("FOIA").

**I. Background**

On August 20, 2019, the FOIA Department received your request for "copies of any [and] all materials that [Metra has] related to the incident, including but not limited to documents, reports or recordings (whether date, still, video, and/or audio, or otherwise) that show or describe the facts and circumstances related to incident, the scene, or investigation of the incident where [REDACTED] was killed" ("Request"). Your Request is denied.

**II. Denial**

Attorney Aruj Chaudhry has determined that your Request for documents concerning the above-referenced incident are exempt from disclosure in their entirety under the following subsections of Section 7(1)(d) of FOIA, which states in pertinent part:

[r]ecords in the possession of any public body created in the course of . . . any law enforcement . . . agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement . . . agency that is the recipient of the request; and

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

5 ILCS 140/7(d)(i) and (vii).

The Metra Police Department has declared this incident as an ongoing investigation. Release of any records related to incident would therefore "interfere with pending . . . law enforcement proceeding" and "obstruct an ongoing criminal investigation." As such, any records regarding this matter are not available for release at this time.

### **III. Right of Review**

You have the right to have the denial of your Request reviewed by the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor  
Office of the Attorney General  
500 South 2nd Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us).

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

Sincerely,



Freedom of Information Officer

[foia@metrarr.com](mailto:foia@metrarr.com)

FOIA Hotline #312-663-3642