



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 30, 2018

Via electronic mail

RE: FOIA Request for Review – 2018 PAC 52318

Dear [REDACTED]:

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2016)). For the reasons set forth below, the Public Access Bureau has determined that this Request for Review is unfounded.

On March 5, 2018, you submitted a FOIA request to the McHenry County Sheriff's Office (Sheriff's Office) seeking records relating to case number 18-006752. On March 12, 2018, the Sheriff's Office provided you with the crash report but denied other responsive records pursuant to section 7(1)(a) of FOIA (5 ILCS 140/7(1)(a) (West 2016), as amended by Public Acts 100-26, effective August 4, 2017; 100-201, effective August 18, 2017). In connection with section 7(1)(a), the Sheriff's Office cited, among other statutes, the Juvenile Court Act of 1987 (JCA) (705 ILCS 405/1-1 *et seq.* (West 2016)). In your Request for Review, submitted on March 21, 2018, you allege that the Sheriff's Office improperly withheld records responsive to your FOIA request.

On March 28, 2018, Ms. Gail Bruens, the Sheriff's Office's FOIA officer, informed an Assistant Attorney General in the Public Access Bureau by telephone that the individual arrested for the incident at issue was a minor. Later that day, Ms. Bruens sent this office unredacted records for this office's confidential review, which confirmed that the arrested individual was a minor.

Section 7(1)(a) of FOIA exempts from disclosure "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal

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or State law."¹ Section 1-7(A) of the JCA (705 ILCS 405/1-7(A) (West 2016), as amended by Public Act 100-285, effective January 1, 2018) provides:

All juvenile records which have not been expunged ***are sealed and may never be disclosed to the general public or otherwise made widely available.*** Sealed records may be obtained only under this Section and Section 1-8 and 5-915 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. (Emphasis added.)

Section 1-7(A) further provides: "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 his or her 18th birthday *shall be restricted* to the following[.]" (Emphasis added.) The classes of persons who are permitted access to those records are then enumerated; neither a FOIA requester nor a victim of the offense documented in the records is included among the authorized parties.² Similarly, section 5-905(1) of the JCA (705 ILCS 405/5-905(1) (West 2016)), which pertains specifically to "delinquent minors,"³ provides that the "[i]nspection 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 his or her 18th birthday *shall be restricted to the following and when necessary for the discharge of their official duties[.]*" (Emphasis added.) Again, the authorized parties do not include a FOIA requester or a victim of the crime documented in the records.

The responsive records concern the arrest of a minor and therefore are subject to the confidentiality restrictions of the JCA, which prohibit the Sheriff's Office from disclosing them to an unauthorized party. You are not a person authorized by the JCA to receive law enforcement records of the minor who was arrested in this case. Rather, you state that you are seeking the records to submit to your insurance company following damage to your property.

¹Additionally, section 7.5(bb) of FOIA (5 ILCS 140/7.5(bb) (West 2016), as amended by Public Acts 100-020, effective July 1, 2017; 100-022, effective January 1, 2018; 100-201, effective August 18, 2017; 100-373, effective January 1, 2018; 100-464, effective August 28, 2017; 100-465, effective August 31, 2017) exempts from disclosure: "Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987."

²Such as local, state, and federal law enforcement agencies, prosecutors, probation officers and social workers, military personnel, mental health professionals, school officials, and prisoner review boards. 705 ILCS 405/1-7(A) through (A)(9) (West 2016), as amended by Public Act 100-285, effective January 1, 2018).

³"Delinquent minor" is defined as "any minor who prior to his or her 18th birthday has violated or attempted to violate, regardless of where the act occurred, any federal, State, county or municipal law or ordinance." 705 ILCS 405/5-105 (West 2016).


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Because sections 7(1)(a) and 7.5(bb) of FOIA exempt from disclosure information prohibited from disclosure by the JCA, the Public Access Bureau has determined that this Request for Review is unfounded.

This office notes, however, that you have the option of seeking a court order that would permit the records to be disclosed to you "when their use is needed for good cause." 705 ILCS 405/1-7(A) (West 2016), as amended by Public Act 100-285, effective January 1, 2018.

This letter closes this file. If you have any questions, please contact me at the Chicago address listed on the bottom of the first page of this letter.

Very truly yours,


S. PIYA MUKHERJEE
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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