



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

January 8, 2025

Via electronic mail

[REDACTED]

RE: FOIA Request for Review – 2024 PAC 84605; FOIA P010798-122424

Dear [REDACTED]

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA).¹ For the reasons set forth below, the Public Access Bureau concludes that no further action is warranted in this matter.

On December 24, 2024, you submitted a FOIA request to the Chicago Police Department (CPD) seeking a copy of the juvenile criminal history report and related records for a named individual, who you indicated is deceased. On December 26, 2024, CPD denied your request in its entirety pursuant to section 7(1)(a) of FOIA.² In connection with section 7(1)(a), CPD cited section 1-7 of the Juvenile Court Act (JCA),³ indicating that the records are exempt in their entireties because they involve a juvenile. On December 31, 2024, you submitted the above-referenced Request for Review contesting the denial of your request.

¹5 ILCS 140/9.5(c) (West 2023 Supp.).

²5 ILCS 140/7(1)(a) (West 2023 Supp.), as amended by Public Act 103-605, effective July 1, 2024.

³5 ILCS 405/1-7 (West 2023 Supp.).

Although CPD cited section 7(1)(a) in its letter to you, section 7.5(bb) of FOIA is the more precise exemption.⁴ 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 1-7(A) of the JCA (705 ILCS 405/1-7(A) (West 2023 Supp.)) provides:

All juvenile 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 the minor's 18th birthday shall be restricted to the following[.] (Emphasis added.)

The classes of persons who are permitted access to records concerning the investigation, arrest, or custodial detention of minors are then enumerated, and they do not include FOIA requesters; rather, they include official parties such as probation officers, the Department of Children and Family Services, and appropriate school officers.⁵

Your FOIA request sought juvenile criminal records; the JCA specifically prohibits a police department from disclosing to the general public any portion of records concerning the investigation, arrest, or custodial detention of minors, even if all information identifying the minors is redacted. Further, this office has previously concluded that the JCA applies to records of minors even after they are deceased. Ill. Att'y Gen. PAC Req. Rev. Ltr. 50793, issued March 13, 2018, at 5 ("JCA's definition of a 'minor' does not specifically exclude deceased minors and no other provision of the JCA states that law enforcement records concerning a minor under the age of 18 who was investigated and is now deceased are subject to public release."). Accordingly, the Public Access Bureau has determined that no further action is warranted in this matter.

⁴5 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.

⁵705 ILCS 405/1-7(A)(2), (A)(7), (A)(8) (West 2023 Supp.).

[REDACTED]
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This file is closed. If you have any questions, please contact me at (217) 843-0564 or laura.harter@ilag.gov. Thank you.

Very truly yours,

[REDACTED]
LAURA S. HARTER
Deputy Bureau Chief
Public Access Bureau

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