



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

August 12, 2024

Via electronic mail

[REDACTED]

RE: FOIA Request for Review – 2024 PAC 82387

Dear [REDACTED]

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2023 Supp.)). For the reasons set forth below, the Public Access Bureau has determined that no further action is warranted.

On July 29, 2024, you submitted a FOIA request to the Illinois Law Enforcement Training and Standards Board (Board) seeking copies of any files pertaining to complaints and investigations against two specified officers. On July 30, 2024, the Board denied your request pursuant to sections 7(1)(d-6) and 7.5(bbb) of FOIA.¹ The Board asserted that reports of misconduct against officers are maintained in its Professional Conduct Database and that the Illinois Police Training Act (50 ILCS 705/1 *et seq.* (West 2022)) prohibits it from disclosing records that are maintained in that database.

Section 7.5(bbb) of FOIA exempts from disclosure "[i]nformation that is prohibited from disclosure by the Illinois Police Training Act and the State Police Act." Section 7(1)(d-6) of FOIA further exempts from disclosure "[r]ecords contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board."

¹5 ILCS 140/7(1)(d-6) (West 2023 Supp.), as amended by Public Act 103-605, effective July 1, 2024; 5 ILCS 140/7.5(bbb) (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.

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Section 6.3(c) of the Illinois Police Training Act (Act) (50 ILCS 705/6.3(c) (West 2022)) requires certain individuals and agencies to notify the Board of specified violations and provides that any persons may also notify the Board of any officer conduct that they believe to constitute one of those violations. Section 9.2(a) of the Act (50 ILCS 705/9.2(a) (West 2022)) similarly provides that "[a]ll law enforcement agencies and the Illinois State Police shall notify the Board of any final determination of a willful violation of department, agency, or the Illinois State Police policy, official misconduct, or violation of law within 10 days" when it meets certain other conditions enumerated in that provision.

Section 9.2(c) of the Act (50 ILCS 705/9.2(c) (West 2022)) establishes an Officer Professional Conduct Database. Specifically, the provision states that "[t]he Board shall maintain a database readily available to any chief administrative officer, or the officer's designee, of a law enforcement agency and the Illinois State Police" concerning the officer violations. The database must include, among other information, "any notice of violation it receives"² and "each sustained instance of departmental misconduct that lead to a suspension at least 10 days * * *" or any other reported violation, the nature of the violation, the reason for the final decision of discharge or dismissal, and any statement provided by the officer[.]"³ Section 9.2(c) of the Act restricts access to the contents of the Officer Professional Conduct database:

(1) This database shall also be accessible to the State's Attorney of any county in this State and the Attorney General for the purpose of complying with obligations under *Brady v. Maryland* (373 U.S. 83) or *Giglio v. United States* (405 U.S. 150). This database shall also be accessible to the chief administrative officer of any law enforcement agency for the purposes of hiring law enforcement officers. **This database shall not be accessible to anyone not listed in this subsection.**

* * *

(3) The database, documents, materials, or other information in the possession or control of the Board that are obtained by or disclosed to the Board under this subsection **shall be confidential by law and privileged**, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action when sought from the Board. * * * **The Board shall not disclose the database or make such documents, materials, or other information it has obtained or that has been disclosed to it to the public.** (Emphasis added.)

²50 ILCS 705/6.3(e)(5) (West 2022).

³50 ILCS 705/9.5(c) (West 2022).

Under the plain language of the above provisions, any records and information maintained in the Officer Professional Conduct Database are confidential, except to certain authorized parties. Members of the general public are not among those authorized parties. The plain language of section 7(1)(d-6) of FOIA likewise restricts the disclosure of records contained in this database. The Board is required to maintain a publicly accessible database with certain discrete information about investigations related to officers who were decertified, including "any sustained complaint of misconduct that resulted in decertification and the date thereof." 50 ILCS 705/9.2(d) (West 2022). The Board's website, however, indicates that the officers named in your request are currently certified.⁴

The available information indicates that the records you requested—complaints and investigations concerning alleged misconduct by two officers identified by name—would be maintained in the Board's Officer Professional Conduct Database. Materials in the possession of the Board pertaining to those complaints are confidential, except to authorized individuals. Because the Illinois Police Training Act prohibits the disclosure of records maintained in the database to members of the general public, the Board did not improperly deny your request pursuant to sections 7(1)(d-6) and 7.5(bbb) of FOIA. Accordingly, this office has determined that no further action is warranted.

This letter serves to close this file. If you have questions, please contact me at the Chicago address on the bottom of the first page of this letter.

Very truly yours,

TERESA LIM
Supervising Attorney
Public Access Bureau

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cc: *Via electronic mail*
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⁴The Board also is required to maintain a publicly accessible database containing additional information about completed investigations related to decertification, but must "redact or withhold such information as necessary to prevent the disclosure of the identity of an officer." 50 ILCS 705/9.2(e) (West 2022).