



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

October 3, 2024

Via electronic mail

[REDACTED]

RE: FOIA Request for Review – 2024 PAC 83177

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 this Request for Review is unfounded.

On September 5, 2024, you submitted a FOIA request to the Village of Skokie (Village) seeking body camera footage and other records relating to an August 16, 2024, meeting between two police officers. On September 17, 2024, the Village provided you with records with redactions under sections 7(1)(b) and (c) of FOIA (5 ILCS 140/7(1)(b), (1)(c) (West 2023 Supp.), as amended by Public Act 103-605, effective July 1, 2024); the Village's response did not specifically address body camera footage. On September 23, 2024 you submitted the above-referenced Request for Review contesting the withholding of body worn camera footage of the face to face meeting between the two officers.

While not raised in the Village's response, section 7.5(cc) of FOIA¹ exempts from disclosure "[r]ecordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act." Section 10-20(b) of the Body Camera Act² provides, in relevant part:

¹5 ILCS 140/7.5(cc) (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.

²50 ILCS 706/10-20(b) (West 2022).

Recordings made with the use of an officer-worn body camera **are not subject to disclosure under the Freedom of Information Act**, except that:

- (1) if the subject of the encounter has a reasonable expectation of privacy, at the time of the recording, any recording which is flagged, due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:
 - (A) the subject of the encounter captured on the recording is a victim or witness; and
 - (B) the law enforcement agency obtains written permission of the subject or the subject's legal representative;
- (2) except as provided in paragraph (1) of this subsection (b), any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm shall be disclosed in accordance with the Freedom of Information Act; and
- (3) upon request, the law enforcement agency shall disclose, in accordance with the Freedom of Information Act, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the officer or his or her legal representative. (Emphasis added.)

Thus, the Body Camera Act prohibits the disclosure of body camera footage pursuant to a FOIA request, unless one of the three above-described exceptions apply.

On September 26, 2024, a Senior Assistant Attorney General in the Public Access Bureau contacted the Village's FOIA Officer regarding the body camera footage you requested. The FOIA Officer explained that the Village withheld the footage because you are not the subject of the encounter it depicts and because the footage was not flagged for any of the reasons in section 10-20(b)(2) of the Body Camera Act.

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Because you are not authorized to obtain the requested body camera footage under any of the exceptions that permit disclosure in section 10-20(b) of the Body Camera Act, the Village did not improperly withhold the footage pursuant to section 7.5(cc) of FOIA. Accordingly, this office has determined that this Request for Review is unfounded.

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,

MATTHEW C. ROGINA
Senior Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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