



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

February 3, 2026

Via electronic mail
Mr. Kevin Mathewson
Editor/Investigative Journalist
Kenosha County Eye
620 56th Street
Kenosha, Wisconsin 53140
kevin@kenoshacountyeye.com

RE: FOIA Request for Review – 2026 PAC 91731

Dear Mr. Mathewson:

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 has determined that no further action is warranted in this matter.

On January 7, 2026, you submitted a FOIA request to the Village of Antioch (Village) seeking, in relevant part, a copy of body camera footage of when police served a named person with a restraining order in a matter in which you are the petitioner. On January 14, 2026, the Village denied that body camera footage pursuant to section 10-20(b) of the Law Enforcement Officer-Worn Body Camera Act (Body Camera Act) (50 ILCS 706/10-20(b) (West 2024)) because the footage was not flagged and you were not the subject captured on the recording.

Later that same day you submitted the above-referenced Request for Review challenging the Village's response to your request. You argued that the Village misapplied the Body Camera Act because "[t]he statute does not require that a requester be physically present or visually depicted on camera to qualify as a subject of the encounter, particularly where the

¹5 ILCS 140/9.5(c) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

encounter was undertaken on the requester's behalf and for their protection."²

Section 7.5(cc) of FOIA³ 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 Act provides, in relevant part:

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.)

²E-mail from Kevin Mathewson to Leah Bartelt, Public Access Counselor, Office of the Illinois Attorney General (January 14, 2026).

³5 ILCS 140/7.5(cc) (West 2024), as amended by Public Acts 104-010, effective June 16, 2025; 104-018, effective June 30, 2025; 104-417, effective August 15, 2025; 104-428, effective August 18, 2025.

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Under these provisions of the Body Camera Act, "the subject of the encounter captured on the recording" may obtain a copy of an officer-worn body camera recording, to the extent that the footage is not otherwise exempt from disclosure under a FOIA exemption. Ill. Att'y Gen. Pub. Acc. Op. No 19-001, issued January 9, 2019, at 10. The Public Access Bureau has previously determined that "the subject of the encounter" means a person who appeared in the recording and "interacted with a law enforcement officer in the course of a law enforcement activity."⁴ You were not the subject of the encounter captured on the requested body camera footage because you were not present. Accordingly, you are not entitled to obtain a copy of the footage under section 10-20(b)(3) of the Body Camera Act. Moreover, the Village confirmed that the footage is not flagged for any of the reasons identified in sections 10-20(b)(1) and (b)(2) of the Body Camera Act, and you did not provide information to the contrary. Therefore, the Village was prohibited from disclosing the requested recording(s) to you.

For the reasons stated above, the Public Access Bureau has determined that no further action is warranted in this matter. This file is closed. If you have questions, please contact me at the Chicago address on the bottom of the first page of this letter.

Very truly yours,



KATIE GOLDSMITH
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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⁴Ill. Att'y Gen. PAC Req. Rev. Ltr. 48793, issued August 31, 2017, at 4.