



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

April 29, 2019

Via electronic mail
Ms. Holly M. Ryan
Eisenberg Law Offices, S.C.
308 East Washington Avenue
P.O. Box 1069
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RE: FOIA Request for Review – 2019 PAC 57749

Dear Ms. Ryan:

This determination 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 no further action is warranted as to this matter.

On March 21, 2019, you submitted a FOIA request to the Illinois State Police (ISP) seeking data concerning all traffic stops in Boone County, Illinois between January 1, 2013, and January 1, 2018, sorted by the race of the driver. In particular, your FOIA request sought the reason for the stop, whether a search was conducted, the reason for the search, whether contraband was found in the search, the type of contraband found, and the outcome of the search, and information concerning the officer conducting the stop. On April 18, 2019, the ISP responded by denying your request pursuant to section 7.5(k) of FOIA (5 ILCS 140/7.5(k) (West 2017 Supp.), as amended by Public Acts 100-646, effective July 31, 2018; 100-863, effective August 14, 2018; 100-887, effective August 14, 2018). On April 18, 2019, the Public Access Bureau received your Request for Review contesting the denial of your FOIA request.

Section 7.5(k) of FOIA exempts from inspection and copying "law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code." Section 11-212(a) of the Illinois Vehicle Code (625 ILCS 5/11-212(a) (West 2016)) states:

Whenever a State or local law enforcement officer issues a uniform traffic citation or warning citation for an alleged violation of the Illinois Vehicle Code, he or she shall record at least the following:

- (1) the name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race shall be selected from the following list: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, or White;
- (2) the alleged traffic violation that led to the stop of the motorist;
- (3) the make and year of the vehicle stopped;
- (4) the date and time of the stop, beginning when the vehicle was stopped and ending when the driver is free to leave or taken into physical custody;
- (5) the location of the traffic stop;
- (5.5) whether or not a consent search contemporaneous to the stop was requested of the vehicle, driver, passenger, or passengers; and, if so, whether consent was given or denied;
- (6) whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, passenger, or passengers; and, if so, whether it was with consent or by other means;
- (6.2) whether or not a police dog performed a sniff of the vehicle; and, if so, whether or not the dog alerted to the presence of contraband; and, if so, whether or not an officer searched the vehicle; and, if so, whether or not contraband was discovered; and, if so, the type and amount of contraband;
- (6.5) whether or not contraband was found during a search; and, if so, the type and amount of contraband seized; and
- (7) the name and badge number of the issuing officer.

Section 11-212(f) of the Illinois Vehicle Code (625 ILCS 5/11-212(f) (West 2016)) further provides that:

Any law enforcement officer identification information and driver or pedestrian identification information that is compiled by any law enforcement agency or the Illinois Department of Transportation pursuant to this Act for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as

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provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section. (Emphasis added.)

The plain language of section 11-212(f) of the Illinois Vehicle Code prohibits the disclosure of driver and law enforcement officer identification information compiled by a law enforcement agency when complying with that section. Your FOIA request sought the driver identification information data compiled by ISP for all traffic stops in Boone County over a five year period. Section 11-212(f) of the Illinois Vehicle Code and section 7.5(k) of FOIA specifically prohibit the disclosure of the data that you have requested. Accordingly, this office has determined that no further inquiry is warranted in this matter.

This file is closed. If you have any questions, you may contact me at (217) 782-9054, mhartman@atg.state.il.us, or the Springfield address listed on the first page of this letter.

Very truly yours,


MATT HARTMAN
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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