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January 14, 2019

Via Email Only

S. Piya Mukherjee
Assistant Attorney General
Public Access Bureau
100 W. Randolph Street
Chicago, Illinois, 60601
Smukherjee@atg.state.il.us

**Re: FOIA Request for Review – 2018 PAC 55731
Christopher Hansen**

Dear Ms. Mukherjee:

I am attaching all unredacted records you requested for your confidential review. After reviewing the Request for Review, I determined the only disputed record is the videotaped interview by Sgt. Bradley Krauel and Jennifer Ryan. This interview was withheld in its entirety pursuant to 5 ILCS 140/7(1)(c).

Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. “Unwarranted invasion of personal privacy” means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

FOIA was enacted to provide all persons access to information regarding the affairs of the government. It should be construed toward this end and not used to violate an individual’s privacy. The application of exemption 7(1)(c) involves a fact specific, case-by-case

inquiry. *Chicago Journeymen Plumbers' Local Union 130, U.A. v. Department of Public Health*, 327 Ill.App.3d 192, 196 (2001). The resolution of a personal privacy exemption claim requires balancing the public interest in disclosure of the specific information against the involved individual's interests in privacy. (PAC Opinion 16-009) This determination is made by considering and weighing four factors:

1. The requestor's interest in disclosure.
2. The public's interest in disclosure.
3. The degree of invasion of personal privacy.
4. The availability of alternate means of obtaining the requested information.

National Ass'n of Criminal Defense Lawyers v. Chicago Police Department, 399 Ill.App.3d 1, 13 (1st Dist. 2010).

1. The requestor's interest in disclosure.

The requestor believes the Champaign Police Department is "corrupt, violent, and incompetent". The county jail is "savagely and malignant". News agencies are "willfully negligent". A close friend of the past Mayor of Champaign is "malicious". The requestor claims this close friend of the past Mayor "concealed the truth, and in her actions put a completely innocent person in jail, destroying his reputation". Additionally, the above public entities denied the fulfillment of FOIA requests and the Attorney General was "inattentive" in upholding the denials. "Warnings were ignored and "multiple preventable deaths followed thereafter". *This information is available on requestor's public blog CorruptCU.com.*

The requestor's interest in disclosure is strong.

2. The public's interest in disclosure.

The requestor claims that the interview "contains details of a falsely reported crime, the legitimate public interest is very high in this case, and clearly outweighs privacy concerns". The public does have a legitimate interest in the decisions of the Champaign Police Department. Courts have given great weight to the public's interest when the requested information would inform the public about proven violations of public trust. See, e.g., *Columbia Packing Co., Inc. v. Department of Agriculture*, 563 F.2d 495, 499 (1st Cir. 1977). One court observed, there is an "obvious public interest in a full and thorough airing of ...serious abuses that did in fact occur, in the hope that such abuses will not occur in the future." *Tax Reform Research Group v. IRS*, 419 F.Supp. 415, 418 (D.D.C. 1976). This request does not involve "proven allegations" or "abuses that did in fact occur". Sgt. Krauel was unable to determine whether the victim's report of the crime was false. Charges were never filed, and the case was closed. The bare assertion that the requestor requires the information to expose "this insanity" "From the Attorney General to the various investigators involved-there is a long list of people that chose to keep their mouths shut in order to protect their own jobs and make their own lives simpler" should be given little weight in the balancing process. Such assertions of "public interest" are "too uncertain, indirect and remote" to properly factor into the balance. *Brown v. FBI*, 658 F.2d 71, 76 (2nd Cir. 1981). Requestor's statements may be found on his blog, *CorruptCU.com*.

The public's interest in this request is slight.

3. The degree of invasion of personal privacy.

The purpose of the privacy exemption to FOIA is to protect individuals from injury and embarrassment that might result from the unnecessary disclosure of highly personal information. *Chicago Tribune Co. v. Dupage Airport Authority*, 23 *Med.L.Rep.* 1605, 1606 (2nd Dist. 1995) (*unpublished decision*). This interview would be difficult to redact in any meaningful way. Respecting the victim's privacy would prevent the requestor from posting the interview on his blog and YouTube. The squad car videos have already been edited and posted there. He would be able alter, edit, comment, ridicule. etc., the video to serve his purpose. Every troll will be able to weigh in with their nasty opinions which typically have nothing to do with the issue and everything to do with her gender.

The degree of invasion of personal privacy is substantial.

4. The availability of an alternate means of obtaining the information.

The requestor received Sgt. Krauel's report summarizing the investigation and his interview with the victim.

In this request and with these facts, the City has met its burden of proof that the disclosure of this video would constitute a clearly unwarranted invasion of personal privacy.

Sincerely,



Laura J. Hall
Assistant City Attorney

LJH/sjg
Enclosures