



HUMAN RELATIONS OFFICE STAFF REPORT

384-2456

November 01, 2012

TO: Mayor and City Council

FROM: Todd Rent, Human Relations Officer

RE: Public Disclosure of CPRB Complaints under the Illinois Freedom of Information Act

Background

On October 6, 2012, Alderman Bowersox forwarded a query to the Mayor, City Clerk, and City staff asking whether and under what circumstances names of Urbana Police Officers are publicly disclosed in response to Illinois Freedom of Information Act (FOIA) requests of Urbana Civilian Police Review Board (CPRB) complaints.

Response

In response to the two most recent FOIA requests (for names of police officers against whom CPRB complaints had been filed), the City released the names of all officers whose complaints had completed the administrative process. Consequently, the only circumstances under which names of officers were not disclosed were those that were (1) under investigation, (2) subject to appeal or (3) adjudicated by the CPRB (where the officer's conduct was not found to be improper). In the first and second instance, such disclosures are exempted by FOIA because the disclosures would potentially interfere with the investigative/administrative process as outlined in 5 ILCS 140/7(1)(d). Once the investigative/administrative process is complete however, the information no longer exempted and subject to disclosure. The third category is exempt because Illinois FOIA allows public bodies to withhold the names of officers against whom complaints have been filed, when that complaint has been adjudicated and the officer was not disciplined. 5 ILCS 140/7(1)(n). Presumably, this exception exists to protect the identity of officers where an adjudicative body, in this case the CPRB, has determined that their conduct was not improper. In sum, the only officer names not released by the City were those clearly exempted by Illinois FOIA.

It should be noted that, pursuant to 5 ILCS 140/7(1)(d), the names of complainants and witnesses participating in the CPRB process (i.e. an administrative process) were also redacted. The rationale underlying this exemption appears to be that public disclosure of the identities of complainants and witnesses may discourage some individuals from filing administrative complaints.

Please feel free to contact me with any questions or concerns.