



CITY OF ROCKFORD

Freedom of Information Response Letter

To: Rickie Traeger

On 10/19/2022, the City of Rockford received your written request for inspection or copying of certain City public records (“Your Request”).

1. Approval, Denial or Partial Denial of Request

- Your Request is hereby approved.
- Your Request is hereby approved in its entirety, however no such records exist.
- Your Request is hereby denied in its entirety. The reason(s) for denial are stated in Section 9 below.
- Your Request has been denied in part and approved in part. The records you have requested are identified below, along with an indication of which records have been denied and which have been approved. The reasons for this partial denial are stated in Section 9 below.

This response pertains to the following records listed below (The “Specified Records”)

Records Requested

Approved/Denied

<p>Court Docket 2022-DT-0000661, Police Report RP22-028006: Prior to responding to this FOIA request from you a check of the Circuit Clerks Court Records revealed the criminal case is still pending. Your request is therefore partially denied under Section 7(1)(d)(i) of FOIA (5 LCS 140/7(1)(d). Section 7(1)(d) exempts from disclosure “records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would: (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request; (ii) interfere with active administrative enforcement proceedings by the City (vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request. “Disclosure of the records requested will also create a substantial likelihood that the individual charged with the criminal offenses will be deprived of a fair trial.</p>	<p><u>Partial Denial</u></p>
--	------------------------------

Therefore, the requested records are exempt from disclosure pursuant to section 7(1)(d)(iii). (iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing; Rule 3.6 (a) of the Illinois Rule of Professional Conduct states the following: Rule 3.6: Trial Publicity (a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extra judicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and would pose a serious and imminent threat to the fairness of an adjudicative proceeding in the matter. In the comments section for the Rule, the following is provided for clarification: [5] There are, on the other hand certain subjects that would pose a serious and imminent threat to the fairness of a proceeding, particularly when they refer to a civil matter triable to a jury a criminal matter, or any other proceeding that would result in incarceration. These subjects related to [5] information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and that would, if disclosed, create a substantial risk of prejudicing an impartial trial; Rule 3.8(f) of the Illinois Rules of Professional Conduct states the following: Rule 3.8: Special Responsibilities of a Prosecutor – The duty of a public prosecutor is to seek justice not merely to convict. The prosecutor in a criminal case shall: (f) except for statements that are necessary to inform the public of the nature and extent of the prosecutor’s action and that service a legitimate law enforcement purpose, refrain from making extrajudicial comments that pose a serious and imminent threat of heightening public condemnation of the accused and exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule. In the comments section for the Rule, the following is provided for clarification: [6] Like other lawyers, prosecutors are subject to Rules 5.1 and 5.3, which relate to responsibilities regarding lawyers and nonlawyers who work for or are associated with the lawyer’s office. Paragraph (f) reminds the prosecutor of the importance of these obligations in connection with the unique dangers of improper extrajudicial statements in a criminal case. In addition, paragraph [f] requires a

<p>prosecutor to exercise reasonable care to prevent persons assisting or associated with the prosecutor from making improper extrajudicial statements, even when such persons are not under the direct supervision of the prosecutor. Ordinarily the reasonable care standard will be satisfied if the prosecutor issues the appropriate cautions to law enforcement personnel and other relevant individuals. Therefore, as demonstrated by the comments to the Rule, the police department is also equally bound by the prosecutor’s ethical obligations.</p> <p>:</p>	

2. Availability of Records

- Copies available at _____
- E-mailed to
- Available for review at _____
- Mailed to
- Faxed to

3. Appointment for Inspection or Pick-up

The Specified Records will be made available for inspection or pick-up at _____. You must call the Freedom of Information Liaison Officer at City of Rockford at _____ to schedule an appointment for inspection or pick up of the Specified Records.

- If, within five Business Days after the date of this Notice of Approval, you have not made an appointment to inspect or pick up the Specified Records, then the Specified Records will be re-filed and will be made available to you only upon the filing of a new Request for records.
- Pursuant to Sections 2(c-10) and 3.1 of the Illinois Freedom of Information Act, 5 ILCS 140/2(c-10) and 140/3.1, the City has determined that Your Request is a request made for commercial purposes. The Specified Records will be available for inspection or pick-up on or after _____ (the “Availability Date”). If, within five Business Days after the Availability Date, you have not made an appointment to inspect or pick up

the Specified Records on or before the fifth Business Day after the Availability Date, then the Specified Records will be re-filed and will be made available to you only upon the filing of a new Request for records.

4. Copying and Certification Fees

No copies or certified copies of the Specified Records will be provided to you until the following applicable fees have been paid. Fees must be paid in cash, by cashier's or certified check, or by money order.

8½ x 11 or 8½ x 14 Black and White Copy Cost:

First 50 Pages: Free

Additional Pages: \$.15 per page

Reproduction of Electronic Medium Cost: \$_____

Outside Vendor Cost: \$_____ (see attached invoice)

Other Actual Reproduction Cost: \$_____ (see attached invoice)

Cost as Fixed by Statute: \$_____

Total Fee: \$_____

The following provisions marked with an "x" apply to your request:

- There were no fees for this request.
- Your fees have been paid in full.
- Your request for a fee waiver or reduction has been approved in the following amount: \$_____
- Your request for a fee waiver or reduction has been denied.
- You have previously deposited the following amount: \$_____
- A balance is now due in the following amount: \$_____

5. Mailing of Records

- Your request that the City mail the Specified Records to you has been denied on the basis that you have not shown that it would be unduly burdensome for you to arrange to pick up the Specified Records.
- Your request that the City mail the Specified Records to you has been approved. However, before the City will mail the Specified Records, you must pay the balance, if any, indicated in Section IV above and the following additional amount to cover the cost of postage: \$_____.

6. Responsible Official

The City's Freedom of Information Officer is the official responsible for this response.

7. Notice of the Right to Review by Illinois Attorney General

If your request is denied and or partially denied, you have the right to file a request for your request to be reviewed by the Public Access Counselor of the Office of the Illinois Attorney General. The Public Access Counselor may be contacted at:

Sarah Pratt
Acting Public Access Counselor
Public Access Bureau
Office of the Attorney General
500 S. 2nd Street
Springfield, IL 62706
Publicaccess@atg.state.il.us
(put Sarah Pratt's name in the subject field)

8. Notice of Right to Judicial Review

Under Section 11 of the Illinois Freedom of Information Act, 5 ILCS 140/11, you have the right to seek judicial review if your request is denied. The City cannot advise or represent you in this matter. You should consult your own legal counsel.

9. Justification for Denial

Your Request is being denied or partially denied with respect to the Specified Records because the Specified Records are exempt from disclosure pursuant to the Illinois Freedom of Information Act for the following reason or reasons (references are to sections of the Act):

- The Specified Records are neither prepared by or for the City, nor have the Specified Records been or are being used by, or received by, the City. § 1, § 2(c)
- The Specified Records are not within the City's possession or control, nor are the Specified Records related to a governmental function and in the possession of a party with whom the City has contracted to perform that governmental function on behalf of the City. § 1, § 2(c), § 7(2)
- The Specified Records are Chronologically maintained arrest or criminal history information, the disclosure of which would interfere with pending

or actually and reasonably contemplated law enforcement proceedings.
§ 2.15(c)

- The Specified Records are Chronologically maintained arrest or criminal history information, the disclosure of which would endanger the life or physical safety of any person. § 2.15(c)
- The Specified Records are Chronologically maintained arrest or criminal history information, the disclosure of which would compromise the security of a correctional facility. § 2.15(c)
- Your Request, couched in categorical terms, is unduly burdensome because the burden on the City of complying with Your Request outweighs the public interest in providing the Specified Records, and efforts to reduce Your Request to manageable proportions have been unsuccessful. § 1, § 3(g)
- Your Request is unduly burdensome because you have repeatedly requested the Specified Records or similar public records, which records are unchanged or identical to records previously provided or properly denied pursuant to the Act. § 3(g)
- Disclosure of the Specified Records is specifically prohibited by the following Federal or State law, rule, or resolution: Illinois Rule of Professional Conduct. § 7(1)(a)
- The Specified Records are private information. § 2(c-5), § 7(1)(b)
- The Specified Records are maintained by one or more law enforcement agencies and are specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects. § 7(1)(b-5)
- Disclosure of the Specified Records would constitute a clearly unwarranted invasion of personal privacy. § 7(1)(c)
- The Specified Records were created in the course of administrative enforcement proceedings, or for law enforcement purposes, and disclosure would:
 - interfere with a pending or actually and reasonably contemplated law enforcement proceeding by the City. § 7(1)(d)(i)
 - interfere with active administrative enforcement proceedings by the City. § 7(1)(d)(ii)
 - unavoidably disclose the identity of a confidential source or confidential information provided by the confidential source, or the

identity of persons who file complaints with or provide information to administrative, investigative, law enforcements or penal agencies. § 7(1)(d)(iv)

- disclose unique or specialized investigative techniques other than those generally used and known, and disclosure would result in demonstrable harm to the City. § 7(1)(d)(v)
- endanger the life or physical safety of any person. § 7(1)(d)(vii)
- obstruct or interfere with an active or ongoing criminal investigation by the City. § 7(1)(d)(viii)
- The Specified Records relate to the security of correctional institutions or detention facilities. § 7(1)(e)
 - Records requested by a person committed to the Department of Corrections or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility. § 7(e-8)
 - Records requested by a person in a county jail or committed to the Department of Corrections containing personal information pertaining to the person's victim or the victim's family, including but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number or any other identifying information, except as may be relevant to a requester's current or potential case or claim. § 7(e-9)
 - Law enforcement records of other persons requested by a person committed to the Department of Corrections or a county jail, including, but not limited to arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requestor's current or potential case or claim. § 7(e-10)
- The Specified Records are preliminary drafts, notes, recommendations, memoranda, or other records in which opinions are expressed or policies or actions are formulated. § 7(1)(f)
- The Specified Records contain trade secrets or commercial or financial information furnished to the City under a claim that they are proprietary, privileged, or confidential, and disclosure would cause competitive harm to the furnisher of the information. § 7(1)(g)

- The Specified Records constitute proposals or bids for a contract, grant, or agreement that has not been awarded or for which a final selection has not been made, and disclosure would either frustrate the City's procurement procedures, or give an advantage to any person who may submit a proposal or bid. § 7(1)(h)
- The Specified Records constitute information prepared by or for the City in preparation of a bid solicitation for which no award or final selection has been made. § 7(1)(h)
- The Specified Records are valuable formulae, computer geographic systems, designs, drawings, or research data obtained or produced by the City, and disclosure could reasonably be expected to produce private gain or public loss. § 7(1)(i)
- The Specified Records contain the following types of information pertaining to specified educational matters that are exempt from disclosure:
 - test questions, scoring keys and other examination data used to administer an academic examination. § 7(1)(j)(i)
 - information concerning a school or university's adjudication of student disciplinary cases, and disclosure would unavoidably reveal the identity of the student. § 7(1)(j)(iii)
 - course materials or research materials used by faculty members. § 7(1)(j)(iv)
- Disclosure of the Specified Records would compromise the security of a project constructed with public funds. § 7(1)(k)
- The Specified Records are plans, technical submissions or other construction related technical documents for projects not constructed in whole or in part with public funds. § 7(1)(k)
- The Specified Records are minutes of closed meetings of the City and are not subject to public inspection pursuant to the Open Meetings Act. § 7(1)(l)
- The Specified Records constitute or reflect communications between the City and an attorney or auditor that are not subject to discovery in litigation. § 7(1)(m)
- The Specified Records were prepared or compiled at the request of an attorney advising the City in anticipation of criminal, civil, or administrative proceedings. § 7(1)(m)

- The Specified Records were prepared or compiled with respect to an internal audit of the City. § 7(1)(m)
- The Specified Records relate to adjudication of an employee grievance or disciplinary case, and do not constitute the final outcome of a case in which discipline was imposed. § 7(1)(n)
- Disclosure of the Specified Records would jeopardize the security of a data processing system, of the data contained therein, or of other related data processing materials. § 7(1)(o)
- The Specified Records relate to employee collective bargaining matters and do not constitute a final collective bargaining agreement. § 7(1)(p)
- The Specified Records are test questions, scoring keys, or other examination data used to determine employment or license qualifications. § 7(1)(q)
- The Specified Records relate to pending negotiations for the purchase or sale of real estate. § 7(1)(r)
- The Specified Records relate to pending or actually and reasonably contemplated eminent domain proceedings and are not subject to discovery pursuant to the rules of the Illinois Supreme Court. § 7(1)(r)
- The Specified Records are proprietary information related to the operation of an intergovernmental risk management association, self-insurance pool, or jointly self-administered health and accident cooperative or pool. § 7(1)(s)
- The Specified Records are insurance or self-insurance records. § 7(1)(s)
- The Specified Records are information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures. § 7(1)(u)
- The Specified Records concern vulnerability assessments, security measures, or response policies or plans designed to identify, protect, or respond to potential attacks on a community's population or systems, facilities, or installations, and disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of any person. § 7(1)(v)
- The Specified Records are maps or other records regarding the location or security of utility or power generator facilities. § 7(1)(x)

- The Specified Records are records of proposals, bids, or negotiations related to the procurement of electric power that have been determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission. § 7(1)(y)
- The Specified Records are library circulation or order records identifying library uses with specific materials, as provided in the Library Records Confidentiality Act. § 7.5(b)
- The Specified Records are held by an authorized representative of the Illinois Department of Public Health and relate to known or suspected cases of sexually transmissible disease, or other information the disclosure of which is prohibited under the Illinois Sexually Transmissible Disease Control Act. § 7.5(d)
- The Specified Records concern an enforcement proceeding under the City's ethics regulations. § 7.5(h)
- The Specified Records are information contained in a local emergency energy plan submitted to the City pursuant to an ordinance adopted under Section 11-21.5-5 of the Illinois Municipal Code. § 7.5(i)
- The Specified Records concern the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act. § 7.5(j)
- The Specified Records are law enforcement identification information or driver identification information compiled pursuant to Section 11-212 of the Illinois Vehicle Code. § 7.5(k)
- The Specified Records are records or information provided to a residential health care facility resident sexual assault and death review team under the Abuse Prevention Review Act. § 7.5(l)
- The Specified Records constitute defense budget and petitions for certifications of compensation and expenses for court-appointed trial counsel under Sections 10 and 15 of the Capital Crimes Litigation Act. § 7.5(n)
- The Specified Records relate to security portions of system safety program plans, reports, and other information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act. § 7.5(p)
- Disclosure of the Specified Records is prohibited by the Personnel Records Review Act. § 7.5(q)

Disclosure of the Specified Records is prohibited by the Illinois School Student Records Act. § 7.5(r)

Other: _____

Dated 10/26/2022.

CITY OF ROCKFORD, ILLINOIS

By: Angela L. Hammer, Freedom of Information Officer

STATE OF ILLINOIS)
) SS.
COUNTY OF WINNEBAGO)

PROOF OF SERVICE

I, Darrell Erdman, being duly sworn on oath, state that on this 26th day of October, 2022, before the hour of 5:00 PM, I personally delivered or mailed the foregoing document entitled "**Freedom of Information Response Letter**" by:

- Personally handing it to the person to whom it is addressed.
- E-mailing it to the following e-mail address: rockfordscanner@gmail.com
- Faxing it to:
- Placing it in an envelope addressed to the person to whom it is addressed at the address to which it is addressed and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at 557 S New Towne Drive, Rockford, IL 61108.

Signed:



Subscribed and sworn to before me this
____ day of _____, 20__.

NOTARY PUBLIC

Rockford Police Department

Case No: RP22-028006



557 S. New Towne Dr.
Rockford, IL 61108
Arrest Date: 10/16/2022 19:27:00
Arresting Officer: Dreger, Adam RP1951

1

Page 1 of 2

Arrest Report

Event

Case Number: **RP22-028006** Report Number: **RPARR2204238** Arrest Date/Time: **10/16/2022 19:27:00**

Arrest Type: **On-View Arrest (apprehension without a warrant or previous incident report)**

Address: **Montague Rd / S Springfield Ave** Apartment No: CSZ: **Rockford, Illinois 61102**

Multiple Arrest Segments: Juvenile: **No** MID Number:

Charge

DUI - Under the Influence of Alcohol : 2411

UCR/NIBRS Code: **90D DRIVING UNDER THE INFLUENCE** NCIC Code: State Code:

Counts: Attempted/Completed: **Completed** Warrant Number:

Charge Disposition: Disposition: Disposition Date:

7728 Improper turning

UCR/NIBRS Code NCIC Code: State Code:

Counts: Attempted/Completed: **Completed** Warrant Number:

Charge Disposition: Disposition: Disposition Date:

MUND, MICHAEL E

Address: [REDACTED]

Apartment No:

CSZ: [REDACTED], [REDACTED]

Resident:

Res. County: [REDACTED]

Res. State: [REDACTED]

Age: [REDACTED]

Race: [REDACTED]

Sex: **MALE**

Ethnicity: [REDACTED]

Height: [REDACTED]

Weight: [REDACTED]

DOB: [REDACTED]

AKA:

Eye Color: **Hazel**

Hair Color: **Gray Or Partially Gray**

Attire:

Arrestee Armed With: [REDACTED]

Weapon Make/Model:

Weapon Automatic:

SSN:

DLN:

DLN State:

Misc. ID Type:

Misc. ID State:

Misc. ID Number:

Home Phone: [REDACTED]

Mobile Phone:

Email Address:

Occupation/Grade:

Scars, Marks, Tattoos

Rockford Police Department

Case No: RP22-028006



557 S. New Towne Dr.
Rockford, IL 61108
Arrest Date: 10/16/2022 19:27:00
Arresting Officer: Dreger, Adam RP1951

2

Page 2 of 2

Employer Information

Narrative

See original report

Officer

Date: **10/16/2022**

Involvement Type: **Arresting**

Officer Name: **Dreger, Adam RP1951**

Date: **10/18/2022**

Involvement Type: **Approving**

Officer Name: **Lee, David RP0232**



557 S. New Towne Dr.
Rockford, IL 61108
Report Date: 10/16/2022 18:40:49
Reporting Officer: Dreger, Adam RP1951

Incident Report

Event

Subject: **Driving Under The Influence Of Alcohol - S Springfield Ave At Montague Rd**

Location: **Montague Rd / S Springfield Ave**

Area: **RP04B**

Occurred on: **10/16/2022** and between

Date Entered: **10/16/2022**

Reporting Officer: **Dreger, Adam RP1951**

Case Report Status:

Internal Incident Status:

Disposition:

Domestic Incident: **No**

Exceptional Clearance Reason: **Not Applicable (not cleared exceptionally)** Exceptional Clearance Date

Date Approved: **10/18/2022**

Approved By: **Lee, David RP0232**

[Redacted content]



557 S. New Towne Dr.
Rockford, IL 61108
Report Date: 10/16/2022 18:40:49

[Redacted content]

Rockford Police Department

Report No: RP22-028006.0



557 S. New Towne Dr.
Rockford, IL 61108
Report Date: 10/16/2022 18:40:49

3

Page 3 of 6

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Rockford Police Department

Report No: RP22-028006.0



557 S. New Towne Dr.
Rockford, IL 61108
Report Date: 10/16/2022 18:40:49

4

Page 4 of 6

[REDACTED]

[REDACTED]

Business Involved ()

Offenses (2)

Offense Details: DUI - Under the Influence of Alcohol : 2411

IBR Code: **90D Driving Under The Influence** Location: **Highway/Road/Alley/Street/Sidewalk**

Using: **Alcohol** Offenses Completed: **Completed** Hate/Bias: **NIBRS CODE**

Criminal Activity: Weapons/Force:

No. Prem. Entered: Entry Method:

Offense Details: 7728 Improper turning

IBR Code: **999 Nibrs No Crime** Location: **Highway/Road/Alley/Street/Sidewalk**

Using: **Alcohol** Offenses Completed: **Completed** Hate/Bias: **NIBRS CODE**

Criminal Activity: Weapons/Force:

No. Prem. Entered: Entry Method:

[REDACTED]



[Redacted text block containing multiple lines of blacked-out information]

Incident Narrative

Narrative Author: Dreger, Adam RP1951

INCIDENT WAS RECORDED ON BODY CAMERA:X60A10299 AND DASH CAMERA VEHICLE: 74

OFFICER DID NOT REVIEW BODY CAMERA FOOTAGE PRIOR TO AUTHORIZING REPORT

THIS REPORT IS A SUMMARY OF EVENTS AND MAY NOT NECESSARILY BE VERBATIM OR CHRONOLOGICAL

On Sunday, October 16, 2022 at approximately 1840 hours, dispatch advised there was a serious accident at S Springfield Ave and Montague Rd. [Redacted address]

Rockford Police Department



557 S. New Towne Dr.
Rockford, IL 61108
Report Date: 10/16/2022 18:40:49

Report No: RP22-028006.0

6

Page 6 of 6

[REDACTED]

Officer

Date: **10/16/2022**

Involvement Type: **Reporting**

Officer Name: **Dreger, Adam RP1951**

Date: **10/18/2022**

Involvement Type: **Approving**

Officer Name: **Lee, David RP0232**