



Arlington Heights Police Department
200 E. Sigwalt Street, Arlington Heights, Illinois 60005
COMPLAINT RECEIPT FORM

Case Report Number: 23-006255 Date: 03/27/2023 Time: 1444 hours

Complainant: Personal information Sex: M Race: B DOB: Personal information

Address: Private Information

City: Private Information State: Privat Zip: Private

Home Phone: () Work Phone: () Cell Phone: Private Information

Complaint Received By: Sgt Plawer # 577 Date: 03/27/2023 Time: 1445 hours

Manner Complaint Taken: In Person ☒ Telephone: ☐ Letter: ☐

Location of Incident: Euclid and Wilke Rd

Date of Incident: 12/30/2022 Time of Incident: 1229 hours

Accused Member:	<u>Detective Filipek</u>	<u># 346</u>	Unit Assigned:	<u>1425</u>
Accused Member:	<u>Ofc. Dinov</u>	<u># 358</u>	Unit Assigned:	<u>1307</u>
Accused Member:	<u>Ofc. Croon</u>	<u># 286</u>	Unit Assigned:	<u>1108</u>
Accused Member:	<u>Ofc. White</u>	<u># 380</u>	Unit Assigned:	<u>1116</u>
Accused Member:	<u>Sgt. Gacek</u>	<u># 578</u>	Unit Assigned:	<u>1191</u>

Complainant alleges that: Nature of the complaint is outlined in a typed and notarized document provided by the complainant. The complainant agreed to attaching the document to this receipt to insure accuracy of the complaint in it's entirety.

Complainant Signature: Refused. Date: 3/27/2023

Receiving Supervisor's Signature: Private Information 577 Date: 3/27/2023

- You will be contacted by the supervisor assigned to investigate your complaint, who will also keep you advised of the status. A more in-depth interview may be required of you.*
- Upon the completion of the investigation, you will be notified of the outcome.*

Original: Complainant Copy: Internal Affairs File (Forward to Administrative Deputy Chief)

Office Use Only:

Internal Affairs # Complaint Type: ☐ Procedural ☐ Criminal (Check One)



ARLINGTON HEIGHTS POLICE DEPARTMENT

REPORT OF INQUIRY / PRELIMINARY INVESTIGATION

Type of Complaint: Unlawful Arrest	Date & Time Received: 03/27/2023, 1450 Hrs
Case Report Number: 22-029031	Internal Affairs Number (Assigned by Administrative Deputy Chief):

Complainant alleges that: Detective Filipek made an unlawful arrest, Officer Dinov and Officer Croon unlawfully searched the offender's vehicle, offender was "dragged out of jail" by Sergeant Gacek and Officer White.

☒ See Narrative

Complainant Information:

Name: [REDACTED] Personal information within public records Sex: M Race: B

Address: (include Street, City, State, Zip) [REDACTED] Personal information within public records

Telephone Numbers

Home: () Work: () Cell: [REDACTED] Personal information

Manner Complaint Received (check all that apply)

☒ In Person ☐ Telephone ☐ Letter ☐ Anonymous

Complaint Received by: Sergeant Adam Plawer

Star / I.D. #: 577

Location of Incident:

W. Euclid Ave. At N. Wilke Rd., Arlington Heights, IL

Date: 12/30/2022

Time: 1229

Accused Officer (s) / Employee (s):

Name: Detective Douglas Filipek Star / I.D. #: 346

Name: Officer Steven Dinov Star / I.D. #: 358

Name: Officer Thomas Croon Star / I.D. #: 286

Name: Sergeant Piotr Gacek Star / I.D. #: 578

Witness Information:

Name: None	Address:	Home Telephone: ()	Work Telephone: ()
Name:	Address:	Home Telephone: ()	Work Telephone: ()
Name:	Address:	Home Telephone: ()	Work Telephone: ()

Report of Inquiry / Preliminary Investigation – Continuation

Name:

Address:

Home Telephone:

()

Work Telephone:

()

Description of attached documents: ☐ NONE

1. Arlington Heights Police Department Complaint Receipt Form
2. Document authored, and provided by, **Persona** titled "COMPLAINT AGAINST THE ARLINGTON HEIGHTS POLICE DEPARTMENT"
3. Email sent to Cmdr. Milutinovic, from **Persona** (dated 03-27-2023, 3:57 PM)
4. Incident/ Offense Report #AHP22-029031
5. Chicago Police Department CLEAR Booking Report
6. Body Worn Camera footage can be viewed on Axon Evidence.com
7. Post-arrest transport (interior squad car footage) can be viewed on Axon Evidence.com

Complainant satisfied with resolution: (explain below) ☐ YES ☐ NO

On 03-31-2023, at approximately 1530 hours, I left a voicemail for **Person** regarding the outcome of this investigation. I did not receive a return call. On 04-01-2023, I made an additional attempt to contact **Persona** and left a second voicemail. I did not receive a return call.

I will notify **Person** of the outcome of this investigation if/when he returns my call.

- Disposition:** ☐ This complaint involves "criminal misconduct" which requires automatic referral to the Deputy Chief of the Administrative Services Division.
- ☐ This complaint involves "procedural misconduct" that cannot be resolved at the line supervisory level and requires referral to the Deputy Chief of the Administrative Services Division.
- ☒ This complaint involves "procedural misconduct" which has been resolved and is being submitted with the following recommendation for final disposition:
- | | | |
|--|--|--|
| <input type="checkbox"/> Unfounded Complaint | <input checked="" type="checkbox"/> Proper Conduct | <input type="checkbox"/> Insufficient Evidence |
| <input type="checkbox"/> Improper Conduct | <input type="checkbox"/> Policy Failure | |

FOR USE BY THE DEPUTY CHIEF OF THE ADMINISTRATIVE SERVICES DIVISION ONLY

- ☒ Disposition and Resolution Approved as Submitted ☐ For formal investigation
- ☐ Referred to **Private Information: 717 04/10/2023** ☐ For informal inquiry

Report Completed by:

TIMOTHY S. JASPER

Rank/Title:

COMMANDER

Report of Inquiry / Preliminary Investigation – Continuation

Signature:

Personal information within public records

Date: 04-01-2023

Accused Officer (s) / Employee (s): (CON'T)

Officer Joshua White Star 380

NARRATIVE:

On 03-27-2023, at approximately 1450 hours, complainant [redacted] presented himself at the Arlington Heights Police Department, for purposes of filing this complaint. [redacted] spoke with Sergeant Adam Plawer, and provided Sgt. Plawer with a typed document titled "COMPLAINT AGAINST THE ARLINGTON HEIGHTS POLICE DEPARTMENT". The document listed 45 individual items (numbered 1 – 45) and was notarized by Notary Public Rebecca A. Hume (Village Clerk, Village of Arlington Heights).

Sgt. Plawer accepted the document and completed an Arlington Heights Police Department Complaint Receipt Form. [redacted] refused to sign the Complaint Receipt Form. [redacted] was provided a photocopy of the Complaint Receipt Form. Sgt. Plawer did not ask [redacted] any questions related to his complaint.

Sgt. Plawer and I reviewed the "COMPLAINT AGAINST THE ARLINGTON HEIGHTS POLICE DEPARTMENT" document. The complaint alleged wrongdoing on the part of Sergeant Piotr Gacek. Due to the allegation against a Sergeant, I advised Sgt. Plawer I would handle this Report of Inquiry / Preliminary Investigation. I notified Deputy Chief Shawn Gyorke of this complaint.

The following line items listed in the document titled "COMPLAINT AGAINST THE ARLINGTON HEIGHTS POLICE DEPARTMENT", are actual complaints, alleging wrongdoing on the part of Arlington Heights Police Department Police Officers:

1. [redacted] alleges Det. Filipek (identified in the complaint as "Officer Douglas Filipek") "unlawfully pulled [redacted] off the road on 12-30-2022".
2. [redacted] alleges he was "unlawfully charged with the following 625 ILCS 3-703, 625 ILCS 3-707, and 625 ILCS 5/6-112."
10. [redacted] alleges he "was ordered to step out of my car and had my body unlawfully searched by Officers Filipek and Dinov."
12. [redacted] alleges "I was unlawfully arrested by Officer Filipek without a warrant."
13. [redacted] states "I was not read my rights by Officer Filipek."
14. [redacted] alleges "My automobile was unlawfully searched by Officers Dinov and Croon."
15. [redacted] alleges "My automobile was unlawfully seized by Officer Croon."

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Rank/Title: COMMANDER

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16. [Person] states “I a Man was not told on the scene of my right to an administrative hearing for the seizure of my car by any police officer.”
17. [Person] alleges “I a Man was unlawfully held in jail for 3 hours against my will.”
21. [Personal] alleges “I a Man was denied my right to go before a judge.”
22. [Personal] alleges “I a Man was dragged out of jail by Officers Gacek and Joshua White.”
23. [Personal] alleges “Officer Filipek falsely claimed I left jail voluntarily on the police incident report.”
24. [Person] alleges “I a Man was forced out into the cold minus my scarf and thermo cap which were taken from my body by Officer Filipek and not returned to me which was a cruel and unusual punishment.”

Additionally, Criminal Investigations Bureau Commander Petar Milutinovic provided me with a copy of an email he received from [Personal information within public]. The email was sent, from [Person] to Cmdr. Milutinovic, on Monday, March 27, 2023 at 3:57 PM. The email alleged Det. Filipek “put in the police incident report that I left jail voluntarily. This is blatantly false. I was dragged out of jail by AHPD. I request that this false statement be corrected and I receive a proper police incident report. [Personal information within public records]

The remaining line items listed in the 45-item complaint do not include allegations of wrongdoing against any Arlington Heights Police Department Police Officers. They consist of statements and rhetoric commonly used by persons whom identify themselves as members of the “sovereign citizen” movement.

The Federal Bureau of Investigation (FBI) describes sovereign citizens as “anti-government extremists who believe that even though they physically reside in this country (United States of America), they are separate or ‘sovereign’ from the United States. As a result, they believe they don’t have to answer to any government authority, including courts, taxing entities, motor vehicle departments, or law enforcement.”

(Source: https://archives.fbi.gov/archives/news/stories/2010/april/sovereigncitizens_041310/domestic-terrorism-the-sovereign-citizen-movement).

Additionally, The Southern Poverty Law Center states “sovereign citizens believe they are not under the jurisdiction of the federal government and consider themselves exempt from U.S. law. They use a variety of conspiracy theories and falsehoods to justify their beliefs and their activities, some of which are illegal and violent. They clog up the courts with indecipherable filings and, when cornered, many of them lash out, retaliating through acts of paper terrorism and, in the most extreme cases, acts of deadly violence – usually directed against government officials.” (Source: <https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement>).

I reviewed Arlington Heights Police Department Incident / Offense Report AHP22-029031, authored by Det. Filipek. The report, dated 12/30/2022 at 12:29 PM, was approved by Criminal Investigations Bureau Sergeant Michael Orlando. The report indicated (in summary) that Det. Filipek initiated a traffic stop on [Personal] vehicle, after observing a fictitious placard affixed to the vehicle, where a license plate would normally be affixed. The placard was not issued by any State or Territory (in violation of 625 ILCS 5/3-703, a class C misdemeanor). Det. Filipek indicated he recognized the placard to contain verbiage or symbolism consistent with the sovereign citizen ideology.

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The driver (sole occupant – later identified as [Person] of the vehicle refused to produce a driver's license or proof of insurance for the vehicle (in violation of 625 ILCS 5/6-112, 625 ILCS 5/6-101(a) and 625 ILCS 5/3-707(a)). Due to the fact that [Person] refused to identify himself, refused to produce a driver's license or proof of insurance, and was operating a vehicle displaying a fictitious registration placard, [Person] was arrested. [Person] person was subsequently searched. [Person] vehicle was inventoried and towed from the scene. [Person] was transported to the Arlington Heights Police Department.

[Person] identity was ultimately confirmed. He refused to be fingerprinted and photographed. [Person] refused to leave the Arlington Heights Police Department lock-up facility, after being issued a Recognizance Bond (I-Bond). [Person] left lock-up at approximately 1730 hours.

INTERVIEWED OFFICERS:

The following is a summary of my interviews with accused Police Officers:

Detective Douglas Filipek #346

I spoke to Det. Filipek about the incident. Det. Filipek reported he initiated a traffic stop on [Person] vehicle, after observing a violation of the Illinois Vehicle Code (IVC). Det. Filipek issued 3 citations to [Person] based on probable cause [Person] committed those specific violations. Det. Filipek ordered [Person] out of his vehicle, to facilitate his custodial arrest, based on probable cause he committed a misdemeanor offense. Det. Filipek did not read [Person] his Miranda Warning, because he did not conduct a custodial interrogation of [Person]. Det. Filipek indicated [Person] left the jail voluntarily because [Person] did not resist Sgt. Gacek or Ofc. White when they ordered him to leave the jail. To the best of Det. Filipek's knowledge, all property [Person] had on him when he was taken to the Police Department was returned to him when he was released from custody. Det. Filipek was not present during [Person] release from custody.

Det. Filipek's interactions with [Person] were captured on Det. Filipek's department issued body worn camera (BWC).

Officer Steven Dinov #358

I spoke to Ofc. Dinov about the incident. Ofc. Dinov reported he responded to the location of Det. Filipek's traffic stop, after Det. Filipek radioed for assistance. Ofc. Dinov briefly assisted Det. Filipek with a search of [Person] person, incident to [Person]'s arrest. Ofc. Dinov conducted an inventory search of [Person] vehicle, prior to the vehicle being towed. During the inventory search, Ofc. Dinov located documents pertaining to [Person]'s identity.

Ofc. Dinov's interactions with [Person] were captured on Ofc. Dinov's department issued body worn camera (BWC).

Officer Thomas Croon #286

I spoke to Ofc. Croon about this incident. Ofc. Croon stated he recalled briefly assisting with the inventory search of [Person] vehicle. Ofc. Croon stated he arranged for [Person] vehicle to be towed, in accordance with department policy. Ofc. Croon stated he had no interaction with [Person].

Ofc. Croon's involvement in this incident was captured on Ofc. Croon's department issued body worn camera (BWC).

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Sergeant Piotr Gacek #578

I spoke to Sgt. Gacek about the incident. Sgt. Gacek recalled receiving information regarding [Person] whom was arrested during the previous shift. Sgt. Gacek learned [Person] had already been issued a Recognizance Bond and was refusing to leave the lock-up. Sgt. Gacek advised he was going to give [Person] one final opportunity to leave the jail, or he would be escorted out by officers. Sgt. Gacek asked [Person] if he would leave on his own. [Person] refused. Sgt. Gacek entered the Holding Cell with Ofc. White and Ofc. DiLorenzo. Sgt. Gacek grasped [Person]'s right arm and escorted him from the Holding Cell, to the Bond exit. [Person] offered no resistance. Sgt. Gacek did not apply any force, other than grasping [Person] right arm with his hands.

Sgt. Gacek's interaction with [Person] was captured on Sgt. Gacek's department issued body worn camera (BWC).

Officer Joshua White #380

I spoke to Ofc. White about the incident. Ofc. White recalled being summoned by Sgt. Gacek, to assist with removing an uncooperative arrestee from a cell in lock-up. Ofc. White was informed that the arrestee was free to leave, but was refusing to do so. Ofc. White followed Sgt. Gacek into the Holding Cell. Ofc. White grasped [Person]'s left arm, about the wrist and elbow, while both of [Person]'s arms were raised above his head. [Person] raised his hands above his head on his own; he was not ordered to do so by Police. Ofc. White and Sgt. Gacek escorted [Person] from the Holding Cell, down the Bond area hallway, to the Bond exit. [Person] offered no resistance and said nothing. Ofc. White did not apply any force, other than grasping [Person] left arm with his hands.

Ofc. White's interaction with [Person] was captured on Ofc. White's department issued body worn camera (BWC).

BODY WORN CAMERA (BWC) FOOTAGE REVIEW

I reviewed all relevant body worn camera footage, as well as footage from the interior of the squad car utilized to transport [Person] from the scene of his arrest, to the Arlington Heights Police Department. No footage substantiated any of [Person] complaints. The footage was consistent with Det. Filipek's Incident / Offense Report and accused Officer's recollections of the events. The footage did not reveal any of the accused Officers engaging in criminal or procedural misconduct.

All relevant body worn camera footage was categorized (flagged) as "formal complaint", for extended retention purposes, pursuant to the Law Enforcement Officer-Worn Body Camera Act (50 ILCS 706/10-20).

INVESTIGATORY CONCLUSION:

Due to the complexity of [Person] complaint, I will address each accusation individually, in the order they were originally listed in the Narrative section of this Report of Inquiry / Preliminary Investigation.

1. Alleges Det. Filipek conducted an unlawful traffic stop. **This allegation is unfounded**, as Det. Filipek stopped [Person] vehicle pursuant to probable cause established after observing a violation of 625 ILCS 5/3-703(a).
2. Alleges complainant was unlawfully charged with 3 separate violations. **This allegation is unfounded**, as all 3 violations were charged based on probable cause. A fictitious placard was displayed on [Person] vehicle, in violation of 625 ILCS 5/3-703, [Person] refused to produce a driver's license upon demand of Det. Filipek, in violation of 625 ILCS

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5/6-112, and refused to produce proof of insurance for his vehicle, upon demand of Det. Filipek, in violation of 625 ILCS 3/707. All three violations were captured on Det. Filipek's body worn camera.

10. Alleges complainant was unlawfully ordered out of his vehicle and his person was unlawfully searched by Det. Filipek and Ofc. Dinov. This **allegation is unfounded**. Det. Filipek ordered **Personal** to exit his vehicle after informing **Personal** he was under arrest. **Personal** person was searched, incident to his arrest.

725 ILCS 5/108-1, gives peace officers (Police Offices) the authority to search a person, (1) When a lawful arrest is effected a peace officer may reasonably search the person arrested and the area within such person's immediate presence for the purpose of:

- (a) Protecting the officer from attack; or
- (b) Preventing the person from escaping; or
- (c) Discovering the fruits of the crime; or
- (d) Discovering any instruments, articles, or things which may have been used in the commission of, or which may constitute evidence of, an offense.

12. Alleges complainant was unlawfully arrested by Det. Filipek without a warrant. This **allegation is unfounded**. Det. Filipek made an arrest based on probable cause, which, in the State of Illinois, is sufficient to make a custodial arrest.

"Probable cause exists when a reasonably prudent person, having knowledge possessed by the officer at the time of the arrest, would believe that the defendant committed the offense."

People v. Montes, 192 Ill.App.3d 874, 140 Ill.Dec.49, 549 N.E.2d 700 (1990)

Personal display of a fictitious placard, in lieu of a legitimate vehicle registration, as well as his refusal to identify himself to Det. Filipek amounted to probable cause for **Persona** arrest.

13. **Persona** states Det. Filipek did not read him his rights (Miranda Warnings). For purpose of this Report of Inquiry / Preliminary Investigation, this statement will be interpreted as a complaint. While it is true, Det. Filipek did not inform **Personal** of his Miranda Warnings, it is also true that **Person** was not subjected to a custodial interrogation; therefore, the Miranda Warnings were unnecessary.

14. Alleges complainant's vehicle was unlawfully searched by Ofc. Croon and Ofc. Dinov. This **allegation is unfounded**.

"Three requirements must be satisfied for a valid warrantless inventory search of a vehicle:

- (1) the original impoundment of the vehicle must be lawful (*South Dakota v. Opperman* (1976), 428 U.S. 364, 96 S.Ct. 3092, 49 L.Ed.2d 1000);
- (2) the purpose of the inventory search must be to protect the owner's property and to protect the police from claims of lost, stolen, or vandalized property and to guard the police from danger (*Opperman*, 428 U.S. 364, 96 S.Ct. 3092, 49 L.Ed.2d 1000);
- and (3) the inventory search must be conducted in good faith pursuant to reasonable standardized police procedures and not as a pretext for an investigatory search (*Colorado v. Bertine* (1987), 479 U.S. 367, 107 S.Ct. 738, 93 L.E.d.2d 739)."

People v. Hundley, 156 Ill. 2d 135, 138, 619 N.E.2d 744, 745 (1993)

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15. Alleges complainant's vehicle was unlawfully seized by Ofc. Croon. This **allegation is unfounded.**

Person's vehicle was towed pursuant to General Order 66.2 – *Towing Procedures*

Section I. Authority to Remove and Tow Vehicles

"The Chief of Police or his/her designee is authorized by law to immediately and without prior notice, as well as with duly documented notice for such action, tow away or cause to be towed away, any vehicle that is on any public street, public or private place providing the vehicle meets the following criteria:

3. The vehicle was used by an individual who was arrested for a violation of Illinois Criminal Statutes, Illinois Vehicle Code or similar Local Ordinance.

16. Person states he was not told, on the scene, of his right to an administrative hearing for the seizure of his car. There is no such hearing.

17. Alleges complainant was unlawfully held in jail for 3 hours against his will. This **allegation is unfounded.** Person was transported to the Arlington Heights Police Department for purposes of temporary detention, pursuant to his arrest, and the related arrest processing procedures. He entered the lock-up facility at 12:41 hours. At 15:15 hours, Det. Filipek informed Person the business of the arrest had concluded and Person was to be released from custody on his own recognizance (I-Bond).

It was Person himself, whom made the conscious decision to delay the business of the arrest, by refusing to be fingerprinted and photographed. This created a delay in confirming Person's identity. Furthermore, when Det. Filipek attempted to release Person from custody, Person refused to leave, choosing instead to remain in lock-up. Person was afforded a number of opportunities to leave lock-up and refused to do so each time. Person was eventually escorted from lock-up, at approximately 17:19 hours; approximately 2 hours and 4 minutes after he was first informed he was free to leave.

21. Alleges complainant was denied his right to see a judge. This **allegation is unfounded.** Person was issued a court date, upon his release from custody. Person appeared at his required court date, in front of a judge, at the Circuit Court of Cook County, Third Municipal District.

22. Alleges complainant was "dragged out of jail by Officers Gacek and Joshua White." This **allegation is unfounded.** Person was escorted out of the Holding Cell, to the Bond Exit, by Sgt. Gacek and Ofc. White. Person did not offer any resistance and no force, other than physical contact via grasping Person's arms, was used. Person walked out of the lock-up under his own power; at no point in time was he "dragged" by the Officers.

23. Alleges Det. Filipek falsely claimed Person left jail voluntarily in the police report. This **allegation is unfounded.** Person followed verbal direction and offered no physical resistance when he was escorted from lockup.

24. Alleges complainant was subjected to cruel and unusual punishment and forced into the cold without a scarf and hat. This **allegation is unfounded.** Person was released from custody with the same clothing he was wearing upon his initial arrival at the Police Department.

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The general principles that the United States Supreme Court relies on to decide whether or not a particular punishment was cruel and unusual were determined by Justice William Brennan, in *Furman v. Georgia*, 408 U.S. 238.

1. That a punishment must not by its severity be degrading to human dignity.
2. A severe punishment that is obviously inflicted in wholly arbitrary fashion.
3. A severe punishment that is clearly and totally rejected throughout society.
4. A severe punishment that is patently unnecessary.

Personal release from custody on his own recognizance is not “cruel and unusual”, nor was **Person informati** subjected to any severe, degrading, arbitrary or unnecessary punishment.

After reviewing **Personal** complaint, reviewing the original Incident / Offense Report, viewing applicable body worn camera footage and interviewing the accused Officers, I determined Detective Douglas Filipek, Officer Joshua White, Officer Steven Dinov, Officer Thomas Croon and Sergeant Piotr Gacek all conducted themselves within the bounds of Arlington Heights Police Department policy, and the law.

This complaint alleges “procedural misconduct”, which has been resolved. This Report of Inquiry / Preliminary Investigation is being submitted with the following recommendation for final disposition: **PROPER CONDUCT**.

Personal information
within public records

717 04/10/2023

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Redaction Log

Reason	Page (# of occurrences)	Description
Personal information within public records	1 (2)	This information is personal, and if disclosed would constitute a clearly unwarranted invasion of personal privacy. Exempt per 5 ILCS 140/7(1)(c).
	2 (3)	
	3 (6)	
	4 (15)	
	5 (10)	
	6 (28)	
	7 (22)	
	8 (8)	
	9 (20)	
	10 (4)	
Private Information	1 (6)	This information contains unique identifiers. It is exempt per 5 ILCS 140/7(1)(b).
	3 (1)	
	4 (1)	