

Subject: Request For Review - Bus video/report
From: Reed Sutman <reed@decaturvote.com>
Date: 10/24/23, 13:19
To: Public Access <Public.Access@ilag.gov>

On August 29th, 2023, I sent a FOIA Request to Decatur Public School District #61, to Melissa Bradford <MBradford@dps61.org>. On September 6th, I received an extension letter. On September 13th, I received a response. I am requesting review of the response, regarding the items detailed below. I have attached the initial request email, the full email thread, the extension letter, the response letter, and documents received with the response.

Item #1

Requested: "Any and all video footage from the incident"
Received: "There is no document responsive to this request."

I am requesting review because:

A: The District did not provide the requested footage.

B: 5 ILCS 140/2(c) defines public records: (c) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.

C: Alltown Bus Service provides bussing for the School District

D: Alltown Bus Service has bus footage. In the attached document "Emails re Bus on 08.23.23.pdf", Superintendent Dr. Clark writes "At this time, we are still waiting on the police, Alltown and the District to review the bus video and confirm what actually took place."

E. Footage held by Alltown Bus Service, relating to transportation of DPS students, is a "Public Record" "pertaining to the transaction of public business", "having been prepared by or for" the School District

F. A September 20th email from DPS61 Communications Officer Denise Swarhout advised me "Your request would need to go directly to Alltown, as they are the owners of any bus camera video, not DPS."

G. On September 20th, I contacted Alltown via their online form to request the footage, and never received a response from Alltown.

Item #3

Requested: "Any and all reports on the incident created by DPS staff or DPS partners/contractors"

Received: "There is no document responsive to this request"

I am requesting review because:

A: In the attached document "Emails re Bus on 08.23.23.pdf", Superintendent Dr. Clark writes "At this time, we are still waiting on the police, Alltown and the District to review the bus video and confirm what actually took place." This statement suggests the District would be preparing a report on the incident, and that reports would be received from police & from Alltown.

Item #9

Requested: "All texts and emails of those individuals returned by #8, from 2:00pm August 23 to 7:00pm August 23"

Received: Document titled "Emails re Bus on 08.23.23"

I am requesting review because:

A: I did not receive any text messages, nor any denial reason regarding text messages.

B: Public Access Opinion No. 11-006 states "Electronic records relating to the transaction of public business are "public records" subject to disclosure under section 2(c) of FOIA notwithstanding that they are generated on public officials' private equipment and/ or maintained on personal electronic accounts.

Thanks,
Reed Sutman

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Mx. Reed Sutman (they/them)
DecaturVote.com
217-413-9202

Attachments:

RequestEmail.pdf	27.8 KB
EmailThread.pdf	32.3 KB
ExtensionLetter.pdf	968 KB
ResponseLetter.pdf	1.2 MB
Accident IL Citation Wilbur Felton Bus 16 05.19.23-Redacted.pdf	693 KB
Accident Paperwork Alltown Wilbur Felton 05.19.23-Redacted.pdf	1.2 MB
Alltown - Seniority List.pdf	587 KB
Email Admin at Scene on 08.23.23.pdf	136 KB

Emails re Bus on 08.23.23.pdf

199 KB