Illinois Official Reports

Appellate Court

Calloway v. Chicago Police Department, 2022 IL App (1st) 210090

Appellate Court Caption	WILLIAM CALLOWAY, Plaintiff-Appellee, v. THE CHICAGO POLICE DEPARTMENT, Defendant-Appellant.
District & No.	First District, Fourth Division No. 1-21-0090
Filed	March 24, 2022
Decision Under Review	Appeal from the Circuit Court of Cook County, No. 19-CH-11308; the Hon. Pamela McLean Meyerson, Judge, presiding.
Judgment	Affirmed in part and reversed in part; cause remanded.
Counsel on Appeal	Celia Meza, Corporation Counsel, of Chicago (Myriam Zreczny Kasper, Elizabeth Mary Tisher, Suzanne M. Loose, and Tara D. Kennedy, Assistant Corporation Counsel, of counsel), for appellant. Joshua Burday, Matthew Topic, Merrick Wayne, and Shelley Geiszler, of Loevy & Loevy, of Chicago, for appellee.

Panel JUSTICE ROCHFORD delivered the judgment of the court, with opinion.
Presiding Justice Reyes and Justice Lampkin concurred in the judgment and opinion.

OPINION

¶ 1 Plaintiff-appellee, William Calloway, brought this suit against defendant-appellant, the Chicago Police Department (CPD), seeking disclosure of certain records related to the 2019 officer-involved fatal shooting of 17-year-old M.E., pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2018)).

¶ 2 The circuit court granted plaintiff's motion for partial summary judgment and denied CPD's cross-motion for summary judgment, ruling that certain confidentiality provisions applicable to the law enforcement records of minors contained in the Juvenile Court Act of 1987 (Act) (705 ILCS 405/1-1 *et seq.* (West 2018)) did not apply to deceased minors. CPD appeals, and for the following reasons we reverse in part, affirm in part, and remand for further proceedings.

¶ 3 On February 16, 2019, 17-year-old M.E. was fatally shot by a CPD officer while M.E. attempted to flee from a vehicle that had crashed after failing to stop in response to an attempted traffic stop. On February 18, 2019, plaintiff submitted a FOIA request to CPD for "all dash cam, surveillance, and body cam video, and audio, police reports collected as part of the investigation into the fatal officer involved shooting of [M.E.]." On February 27, 2019, CPD denied this request in writing.

¶ 4 In its denial letter, CPD noted that section 7(1)(a) of FOIA exempts from disclosure "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law" (5 ILCS 140/7(1)(a) (West 2018)), and further asserted that the Act "strictly restricts the disclosure of law enforcement records that pertain to a juvenile's arrest, charge, or investigation." CPD specifically relied on sections 1-7(C) and 5-905(5) of the Act (705 ILCS 405/1-7(C), 5-905(5) (West 2018)), specifically noting that section 1-7(C) provides that "[t]he records of law enforcement officers *** concerning all minors under 18 years of age must be maintained separate from the records of arrests and may not be open to public inspection or their contents disclosed to the public." *Id.* § 1-7(C).

¶ 5 On September 5, 2019, this court issued a decision in *NBC Subsidiary (WMAQ-TV) LLC v. Chicago Police Department*, 2019 IL App (1st) 181426, ¶ 4, in which we concluded that "FOIA's disclosure exemption for information prohibited from disclosure by state law did not apply to a request for records related to the investigation of police officers who fatally shot a minor" because such records did not fall within the confidentiality provisions of the Act. Interpreting a prior, preamended version of FOIA, this court concluded that

> "the plain language of sections 1-7 and 5-905 of the Act in effect prior to the December 20, 2018, amendments governs the confidentiality of law enforcement records that focus on a minor as the subject of an investigation, arrest, or custodial detention rather than reports created to assess the conduct of public employees or officials." *Id.* ¶ 31.

This court therefore concluded that the trial court properly ordered CPD to release records "concerning the investigation of the police shooting of [the minor]," as those records did "not relate to the investigation, arrest or custodial detention of a minor within the meaning of the Act's confidentiality requirements." *Id.*

¶ 6 On September 20, 2019, plaintiff requested in writing that CPD provide a revised response to his FOIA request considering the *NBC* decision. CPD did not respond to this request.

¶ 7 On September 30, 2019, plaintiff filed this lawsuit in the circuit court reiterating this history and alleging that CPD had willfully and intentionally violated FOIA by failing to perform an adequate search and by failing to provide records responsive to his FOIA request, asserting that those records were nonexempt from disclosure. Plaintiff requested that the circuit court declare that CPD violated FOIA, order CPD to produce the requested records, enjoin CPD from withholding nonexempt records, and order CPD to pay civil penalties and award attorney fees and costs. CPD answered the complaint, denying it had violated FOIA by withholding the requested records or by failing to perform an adequate search.

¶ 8 Plaintiff filed a motion for partial summary judgment asserting that it was entitled to the requested records and that they should be immediately released. Therein, plaintiff argued that the records were not exempt from disclosure either because (1) this court's decision in *NBC* held otherwise or (2) the confidentiality provisions of the Act do not apply *at all* when the records in question involve a minor that is deceased. Plaintiff's motion was supported by a copy of orders entered by another circuit court judge in a separate FOIA case seeking records related to a fatal shooting of a minor, in which the judge found that the Act's privacy provisions simply did not apply at all to deceased minors. *Mari v. Chicago Police Department*, No. 18-CH-07141 (Cir. Ct. Cook County, Feb. 25, 2019); *Mari v. Chicago Police Department*, No. 18-CH-07141 (Cir. Ct. Cook County, May 29, 2019).

¶ 9 CPD responded with a cross-motion for summary judgment in which it contended that M.E. was shot after he exited the vehicle with a handgun. The records regarding this incident were inventoried under two separate Records Division (RD) case numbers. The first, RD number JC155452, contained records related to the investigation into the police involvement with M.E.'s death and had purportedly already been provided to plaintiff. The second, RD number JC155274, concerned "the CPD investigation into ME as a suspect and offender." CPD contended that these records were exempt from disclosure without an order from the juvenile court under the express language of the Act and the decision in *NBC*. CPD's contentions were supported by the affidavit executed by Peter Edwards, the commanding officer of CPD's FOIA unit, who generally averred to the accuracy of these contentions.

¶ 10 Plaintiff responded to CPD's motion by contending that Edwards's affidavit was insufficient to establish that the contents of RD number JC155274 were exempt from disclosure, where the affidavit contained only conclusory statements. Plaintiff also continued to press its argument that the Act's privacy provisions simply did not apply to the records of a deceased minor.

¶ 11 On November 13, 2020, the circuit court entered a written order granting plaintiff's motion for partial summary judgment, denying CPD's cross-motion for summary judgment, and requiring plaintiff to produce all the requested records by December 21, 2020. In the report of proceedings for that day, the circuit court explained that it was persuaded by the reasoning contained in the orders entered by the circuit court judge in the *Mari* case holding that "the Juvenile Court Act exemption ceases upon the minor's death."

¶ 12 On December 18, 2020, CPD filed a motion noting that issues regarding attorney fees and costs remained pending and asking for the entry of an order finding no just reason for delaying appeal, allowing for an interlocutory appeal pursuant to Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016). The motion also sought a stay of the order requiring production of the requested records pending the outcome of an appeal. An order granting that motion was entered on January 4, 2021, and CPD filed a notice of appeal on January 27, 2021.

¶ 13 Summary judgment may be entered where "the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." 735 ILCS 5/2-1005(c) (West 2020).

> "Although the filing of cross-motions for summary judgment does not necessarily establish the lack of an issue of material fact or obligate a court to render summary judgment, it does indicate that the parties agree that the case involves a question of law and that they invite the court to decide the issues based on the record." *Shared Imaging, LLC v. Hamer*, 2017 IL App (1st) 152817, ¶ 13.

We conduct a *de novo* review of a ruling on a motion for summary judgment. *Bank of New York Mellon v. Wojcik*, 2019 IL App (1st) 180845, ¶ 19.

¶ 14 The parties' contentions regarding the relevant provisions of FOIA and the Act also present a question of statutory interpretation, which we similarly review *de novo*. *Millennium Park Joint Venture, LLC v. Houlihan*, 241 Ill. 2d 281, 294 (2010). The rules applicable to this task are well established and were summarized in *Hendricks v. Board of Trustees of the Police Pension Fund*, 2015 IL App (3d) 140858, ¶ 14:

> "The fundamental rule of statutory interpretation is to ascertain and give effect to the intent of the legislature. [Citation.] The most reliable indicator of that intent is the language of the statute itself. [Citation.] In determining the plain meaning of statutory language, a court will consider the statute in its entirety, the subject the statute addresses, and the apparent intent of the legislature in enacting the statute. [Citations.] If the statutory language is clear and unambiguous, it must be applied as written, without resorting to further aids of statutory interpretation. [Citation.] A court may not depart from the plain language of the statute and read into it exceptions, limitations, or conditions that are not consistent with the express legislative intent."

¶ 15 Here, FOIA itself expressly declares the statute's public policy and the legislature's intent. Section 1 provides that "it is declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of this Act." 5 ILCS 140/1 (West 2020). Section 1 goes on to explain that "[s]uch access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest." *Id.* As such, section 1 provides that "[i]t is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible in compliance with this Act." *Id.* Indeed, section 1.2 of FOIA provides that "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt." *Id.* § 1.2.

¶ 16 Specific exemptions from this required disclosure are provided in section 7 of FOIA. *Id.* § 7; see also *id.* § 3(a) ("Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Sections 7 and 8.5 of this Act."). However,

> "[r]estraints on access to information, to the extent permitted by this Act, are limited exceptions to the principle that the people of this State have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of government and the lives of any or all of the people." *Id.* § 1.

Based upon the legislature's clear expression of public policy and intent, our supreme court has held that FOIA is to be generally accorded liberal construction, while its exemptions are to be construed narrowly. *Southern Illinoisan v. Illinois Department of Public Health*, 218 Ill. 2d 390, 416 (2006). Therefore, " 'when a public body receives a proper request for information, it must comply with that request unless one of the narrow statutory exemptions set forth in section 7 of the Act applies.' " *Id.* at 417 (quoting *Illinois Education Ass'n v. Illinois State Board of Education*, 204 Ill. 2d 456, 463 (2003)).

¶ 17 An individual who has been denied access to records may file an action in the circuit court for injunctive or declaratory relief. *Chicago Tribune Co. v. Department of Financial & Professional Regulation*, 2014 IL App (4th) 130427, ¶ 23 (citing 5 ILCS 140/11(a) (West 2010)). The public body then has the burden to prove, by clear and convincing evidence, that the requested records fall within an exemption. 5 ILCS 140/11(f) (West 2020).

¶ 18 As relevant here, FOIA provides that "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law" are exempt from disclosure under FOIA. *Id.* § 7(1)(a). FOIA more specifically provides that "[i]nformation which is or was prohibited from disclosure by the Juvenile Court Act of 1987" shall be exempt from disclosure. *Id.* § 7.5(bb).

¶ 19 Turning to the Act, the legislature has explicitly stated that the

> "purpose of this Act is to secure for each minor subject hereto such care and guidance, preferably in his or her own home, as will serve the safety and moral, emotional, mental, and physical welfare of the minor and the best interests of the community; to preserve and strengthen the minor's family ties whenever possible, removing him or her from the custody of his or her parents only when his or her safety or welfare or the protection of the public cannot be adequately safeguarded without removal." 705 ILCS 405/1-2 (West 2020).

Article V of the Act more specifically pertains to delinquent minors who have violated or attempted to violate the law. *Id.* § 5-101(1). It is intended to promote a juvenile justice system to deal with the problem of juvenile delinquency that will protect the community, impose accountability on juveniles for violations of the law, and equip them to live responsibly and productively. *Id.* To effectuate this intent, the Act's purposes include protecting citizens from crime, holding juvenile offenders accountable for their actions, individually assessing the juveniles to prevent further delinquent behavior, and providing due process. *Id.*

¶ 20 To effectuate these purposes and goals, the Act contains the privacy provisions at issue here. The Act defines "juvenile law enforcement record" to include

> "records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records or documents maintained by any law enforcement agency relating to a minor suspected of committing an offense, and records maintained by a law enforcement agency that identifies a juvenile as a suspect in committing an offense, but does not include records identifying a juvenile as a victim, witness, or missing juvenile and any records created, maintained, or used for purposes of referral to programs relating to diversion as defined in subsection (6) of Section 5-105." *Id.* § 1-3(8.2).

The Act then contains the following privacy provisions with respect to such law enforcement records related to minors.

¶ 21 First, the Act provides that:

> "All juvenile law enforcement records which have not been expunged are confidential and may never be disclosed to the general public or otherwise made widely available. Juvenile law enforcement records may be obtained only under this Section and Section 1-8 [as to juvenile court records] and Part 9 of Article V of this Act, when their use is needed for good cause and with an order from the juvenile court, as required by those not authorized to retain them." *Id.* § 1-7(A).

The Act further provides that the "records of law enforcement officers *** concerning all minors under 18 years of age must be maintained separate from the records of arrests and may not be open to public inspection or their contents disclosed to the public." *Id.*§ 1-7(C). "In determining whether the records should be available for inspection, the court shall consider the minor's interest in confidentiality and rehabilitation over the moving party's interest in obtaining the information." *Id.*§ 1-7(C)(3).

¶ 22 Article V of the Act, which again pertains specifically to delinquent minors, contains similar confidentiality provisions. Section 5-905(1) of the Act states in relevant part that "[i]nspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been investigated, arrested, or taken into custody before his or her 18th birthday shall be restricted to [various parties not at issue here]." *Id.* § 5-905(1). It goes on to provide that "[t]he records of law enforcement officers *** concerning all minors under 18 years of age must be maintained separate from the records of adults and may not be open to public inspection or their contents disclosed to the public except by order of the court or [other circumstances not relevant here]." *Id.* § 5-905(5). For purposes of article V, "court" is defined as "the circuit court in a session or division assigned to hear proceedings under this Act, and includes the term Juvenile Court." *Id.* § 5-105(1.5).

¶ 23 Finally, the Act provides at least one additional confidentiality provision relevant to our discussion. Section 5-915(0.1)(a) of the Act provides, subject to limitations not applicable here, that:

> "The Illinois State Police and all law enforcement agencies within the State shall automatically expunge, on or before January 1 of each year, all juvenile law enforcement records relating to events occurring before an individual's 18th birthday if:
>
> (1) one year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records;

(2) no petition for delinquency or criminal charges were filed with the clerk of the circuit court relating to the arrest or law enforcement interaction documented in the records; and

(3) 6 months have elapsed since the date of the arrest without an additional subsequent arrest or filing of a petition for delinquency or criminal charges whether related or not to the arrest or law enforcement interaction documented in the records." *Id.* § 5-915(0.1)(a)(1).

" 'Expunge' means to physically destroy the records and to obliterate the minor's name from any official index, public record, or electronic database." *Id.* § 1-3(7.03).[1]

¶ 24 Considering the above statutory language, the circuit court's conclusion that the Act's privacy provisions simply do not apply *at all* to the law enforcement records of a deceased minor was incorrect. Here, the Act clearly provides that juvenile law enforcement records "are *confidential* and may *never be disclosed* to the general public or otherwise made widely available." (Emphases added.) *Id.* § 1-7(A). Such records may *only* be obtained "when their use is needed for good cause and with an order from the juvenile court, *as required* by those not authorized to retain them." (Emphasis added.) *Id.* The Act further provides that such records "*must* be maintained separate from the records of arrests and *may not* be open to public inspection or their contents disclosed to the public." (Emphases added.) *Id.* § 1-7(C). Similar provisions are contained in article V of the Act. *Id.* § 5-905(1), (5). Finally, section 5-915(0.1)(a) of the Act, subject to limitations not applicable here, provides for the annual *automatic destruction* of such records where—as is the case here—the minor's arrest or law enforcement interaction was not followed by criminal or delinquency proceedings. *Id.* § 5-915(0.1)(a)(1).

¶ 25 None of these privacy provisions contain *any language* explicitly or implicitly limiting the scope of these protections where the records at issue involve a minor that is deceased. Again, the fundamental rule of statutory interpretation is to ascertain and give effect to the intent of the legislature, the most reliable indicator of that intent is the language of the statute itself. *Hendricks*, 2015 IL App (3d) 140858, ¶ 14. If the statutory language is clear and unambiguous it must be applied as written, and this court may not depart from the plain language of the statute and read into a statute exceptions, limitations, or conditions that are not consistent with the express legislative intent. *Id.* To read an exception for the law enforcement records of deceased minors into these privacy provisions would impermissibly violate these well-established rules of statutory construction.

¶ 26 Our reading of these provisions is also supported by this court's decision in *NBC*, 2019 IL App (1st) 181426. It is true that the precise issue raised here—whether the Act's privacy provisions simply do not apply *at all* to the law enforcement records of a deceased minor—was not *explicitly* raised or addressed in that decision. However, that case did similarly involve CPD's denial of a request for records regarding the fatal shooting of a minor by a CPD officer. *Id.* ¶ 1. And, as made clear in our opinion in that case, the clear applicability of the privacy provisions of the Act to at least *some* of CPD's records regarding the fatal shooting of a

[1]This case would arguably be moot had the records at issue here been destroyed pursuant to these sections. However, neither party has indicated this has happened and the Act specifically provides for the retention of such records for two years for the purposes of use in civil litigation against a public body. 705 ILCS 405/5-915(0.4) (West 2020).

deceased minor was recognized and accepted by the public access counselor of the Illinois Attorney General's office in a nonbinding determination letter, the circuit court in its order ruling on cross-motions for summary judgment, and this court in our opinion affirming the circuit court's order. *Id.* ¶¶ 7-8, 10-11, 31, 35. At the *very least*, our decision in *NBC* contains an *implicit* recognition and acceptance that the privacy provisions of the Act are applicable to records regarding a deceased minor.

¶ 27 In addition, a similar conclusion was previously reached in a separate, binding opinion issued in another case by the public access counselor of the Illinois Attorney General's office, in compliance with section 9.5(f) of FOIA. 5 ILCS 140/9.5(f) (West 2012); see 2012 Ill. Att'y Gen. Pub. Access Op. No. 12-012, at 7-8, https://foiapac.ilag.gov/content/pdf/opinions/2012/12-012.pdf [https://perma.cc/LQY7-V4BZ]. The *only* contrary reading of the privacy provisions of the Act with respect to the records of deceased minors appears to have been made by the circuit court both here and in the *Mari* case.

¶ 28 In reaching our conclusion that the Act applies to deceased minors, we reject two specific arguments raised by plaintiff on appeal. First, we reject plaintiff's contention that such a reading of the Act would frustrate the public policy of FOIA and run afoul of the rule that FOIA is to be generally accorded liberal construction, while its exemptions are to be construed narrowly. *Southern Illinoisan*, 218 Ill. 2d at 416. As this court has recognized, "while FOIA serves to promote transparency in government actions [citation], even FOIA recognizes that there are exceptions to this rule." *King v. Cook County Health & Hospitals System*, 2020 IL App (1st) 190925, ¶ 45. The exception at issue here is but one of the numerous exceptions contained in section 7 of FOIA. See 5 ILCS 140/7 (West 2020). Furthermore, our reading of the Act does not construe this exception to FOIA broadly. Rather, we simply apply the clear and unambiguous language of the Act as written.

¶ 29 We also reject plaintiff's argument that applying the Act's privacy protections to the records of deceased minors would be absurd, where the Act's concerns regarding confidentiality or rehabilitation could not possibly be served where the minor in question is deceased. The Act clearly allows for the disclosure of certain law enforcement records related to a minor only when their use is needed for good cause and only with an order from the juvenile court. 705 ILCS 405/1-7(A) (West 2020). The Act also clearly provides that in "determining whether the records should be available for inspection, the court shall consider the minor's interest in confidentiality and rehabilitation over the moving party's interest in obtaining the information." *Id.* § 1-7(C)(3). It may well be that the Act's concerns regarding confidentiality or rehabilitation may be lessened or even eliminated in circumstances where the minor in question is deceased. The point is that, under the plain language of FOIA and the Act, it is only the *juvenile court* that is permitted to make that determination and order release of otherwise protected records.

¶ 30 Having concluded that the circuit court incorrectly concluded that the Act did not apply at all to the records in question here because M.E. was deceased, we must still determine if the circuit court properly granted plaintiff's motion for partial summary judgment and properly denied CPD's cross-motion for summary judgment. To the extent that the circuit court reached these holdings based on its blanket conclusion that the Act simply did not apply, and plaintiff was therefore entitled to the records as a matter of law, those holdings were made in error. Ultimately, we conclude that the circuit court improperly granted plaintiff's motion for partial summary judgment and properly denied CPD's cross-motion for summary judgment because

there remain issues of material fact with respect to which exact CPD records regarding the shooting death of M.E. that may be disclosed. *Monson v. City of Danville*, 2018 IL 122486, ¶ 12 ("The purpose of summary judgment is not to try an issue of fact but to determine whether one exists.").

¶ 31 Considering our holding in this opinion, FOIA entitles plaintiff only to those records related to the incident involving M.E. that are not exempt pursuant to the Act, and it was CPD's burden to prove, by clear and convincing evidence, that the requested records fall within FOIA's exemption for such records. 5 ILCS 140/11(f) (West 2020). This burden is only met when the public agency " 'provide[s] a detailed justification for its claim of exemption, addressing the requested documents specifically and in a manner allowing for adequate adversary testing.' " (Emphasis omitted.) *Illinois Education Ass'n*, 204 Ill. 2d at 464 (quoting *Baudin v. City of Crystal Lake*, 192 Ill. App. 3d 530, 537 (1989)). Section 11(f) of FOIA (5 ILCS 140/11(f) (West 2020)) requires the circuit court to review the request for documents *de novo* and conduct an *in camera* examination of the requested records as it finds appropriate to determine if the records, or any part thereof, may be withheld under any provision of the Act. *Southern Illinoisan*, 218 Ill. 2d at 418. However, an *in camera* inspection is not necessary "where the public body meets its burden of showing that the statutory exemption applies by means of affidavits." *Illinois Education Ass'n*, 204 Ill. 2d at 469 (citing *Williams v. Klincar*, 237 Ill. App. 3d 569, 572-73 (1992)).

¶ 32 Here, we agree with plaintiff that CPD failed to meet this burden below. The affidavit provided by CPD was brief and superficial, only identifying the records at issue in broad conclusory language as being filed under two different RD numbers, one of which purportedly contained records exempt under the Act. There was no discussion of the individual records filed under each RD number, or whether or to what extent portions of certain records could be disclosed in a redacted form. See *Illinois Education Ass'n*, 204 Ill. 2d at 469 ("affidavits will not suffice if the public body's claims are conclusory, merely recite statutory standards, or are too vague or sweeping"); *Stern v. Wheaton-Warrenville Community Unit School District 200*, 233 Ill. 2d 396, 412 (2009) ("the mere 'commingling' of exempt and nonexempt material does not prevent a public body from disclosing the nonexempt portion of the record").

¶ 33 Therefore, given the inadequacy of CPD's affidavit, the lack of an *in camera* review of the records below, and the fact that the records in question have not been included in the record on appeal for our own review, we are compelled to conclude that the court had an insufficient basis to grant either parties' motion for summary judgment and this cause must be remanded for the circuit court to conduct further proceedings to determine whether the records in question are exempt from disclosure under the Act. On remand, the circuit court shall determine what, if any, portions of the requested records may be disclosed notwithstanding the confidentiality provisions applicable to the law enforcement records of minors contained in the Act. *Illinois Education Ass'n*, 204 Ill. 2d at 469-70; *In re Appointment of Special Prosecutor*, 2017 IL App (1st) 161376, ¶ 68, *aff'd*, 2019 IL 122949. Any records that are exempt under the Act may not be disclosed pursuant to plaintiff's FOIA request, and plaintiff will have to obtain those records—if at all—pursuant to an order entered by the juvenile court.

¶ 34 For the foregoing reasons, the circuit court's order granting partial summary judgment in favor of plaintiff is reversed and its order denying CPD's cross-motion for summary judgment is affirmed. This matter is remanded for further proceedings consistent with this opinion.

¶ 35 Affirmed in part and reversed in part; cause remanded.