

# *The Bulletin*



*Publication of the Illinois Firefighter's Association, Inc.*

**Volume 72, Number 3**

**May - June 2018**

**FIRE LINE - DO NOT CROSS FIRE LINE - DO NOT CROSS FIRE LINE - DO NOT CROSS FIRE LINE - DO NOT CROSS**

## **FIRE SERVICE LEGISLATIVE DAY**



**Fire Service officials meet with Governor Bruce Rauner in the Governor's office.**



**Leaders from Illinois Fire Services organizations, State Fire Marshal Perez, Representatives Kathleen Willis, John Cavaletto, Carol Sente join fire officials from across the state to kick off Fire Official Lobby Day on April 11th**

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## Table of Contents

Annual Memorial Service.....	9
Chaplain's Corner.....	16
Uninsured Motorist Coverage .....	8
Legal Issues - Emails on Private Devices Subject to FOIA .....	17
Legislative Update .....	4
New Conference Sponsors .....	13
OSFM - Requesting Resources. 12	
President's Message .....	3
State Fair Help Needed .....	13

## Index of Advertisers

Alexis.....	6
California Casualty .....	9, 17, 20
Conference Sponsors.....	21
Discount Drug Card.....	14
IFA Rebate App .....	15
NIFSAB .....	10
SCBAS.....	7
VFIS.....	5
Zeal Financial Group .....	20

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## Mission Statement

Dedicated to the advancement of the Fire Service by providing leadership. The Association will proudly support the community of firefighters in Illinois through education, training, benefits and information networking at the local, state and national levels.

## President's Message



Dear Fellow Firefighters

We're fast on our way towards summer and June Fire College is approaching very soon. I hope everyone that wanted to attend was able to register and are able to take the classes that they wanted to take. Its always been an issue getting your registration in early if you wanted to get certain class. The costs for attending Fire College with travel, housing and tuition has put a burden on many departments around this State. Hopefully, next year, we can receive more funding for Fire College and the Explorer/Cadet training program. Remember nothing is free, besides the Down & Dirty training this fall at our Conference and that is not totally free, it is paid for by this Association. We pay 2/3 of the cost of the tuition and the Cornerstone Program picks up on the rest of the costs. Looking forward, if the Budget gets passed this year and the Fire Marshal's Office gets fully funded, we may see some assistance to reduce some of these costs.

On another note, I just came back from the Medal of Honor Ceremony in Springfield last week. It was a very enlightening event. It started at the Firefighter's Memorial at the Capitol with a Ceremony reflecting on the Fire Service and those who made the ultimate sacrifice. Many of our representatives and elected officials were present. Our Governor highlighted the Ceremony with his support of the Fire Service and gave thanks to all of us and those who made the ultimate sacrifice. I took photos and video of some of the Ceremony, some of which is in this Bulletin. Remember, this is the 200th Anniversary of this state, along with that a Fire Muster was held at the same time. There were Fire apparatus, old and new, displayed for everyone's enjoyment along side the Capitol grounds.

This year of all years, is the time to get committment from our legislators and Governors Office, if we want to see more support for the Fire Service. We must make them accountable for our safety and the people we protect around this State. Last year, the legislature swept 10 million dollars out of the Fire Prevention Fund. That took a big hit on our programs that were able to be funded through the Fire Marshal's Office. I plan on sending out positional letters out to the candidates for Governor. I expect a response on their position in fully supporting the Fire Service and not sweeping the Fire Prevention Fund and programs that we need so dearly. If it was General Revenue Funds that would be one thing, but stripping funds that help protect us and the people we serve sends a message. We are the sleeping giant, if all of us were to respond appropriately at the polls, we would make a difference. One of the things some candidates may forget, its not only the firefighter that goes to the polls, its their families, friends and the rest of thier community that supports their Fire Department. I will be getting back to you later this year on the response we get back from those positional letters.

In closing, we all want to return from the next emergency call safely. To do that, we must stand on our training and education and look out for our fellow firefighter.

With that being said, ***"Train Smart, Be Safe"***

***God Bless***

*John Swan President IFA*





# Legislative update

By Margaret Vaughn, IFA Legislative Lobbyist

## **ANNUAL FIRE OFFICIALS LEGISLATIVE DAY**

IFA Board members John Swan, Mitch Althoff and Bill Offerman came to Springfield April 11<sup>th</sup> to join other fire service organizations for Annual Fire Officials Legislative Day. Co-hosts included the IL Fire Safety Alliance, the IL Fire Chiefs Association, the IL Association of Fire Protection Districts and

the Northern IL Alliance of Fire Protection Districts.

During the day, fire officials visited their legislators at the Capitol and met the Governor in his office. Fire officials mingled with their legislators further at the evening legislative reception at the Abraham Lincoln Hotel.



## **FIREWORKS LEGALIZATION BILLS DO NOT ADVANCE**

Rep. Dave Severin (R-Benton) HB 5630 and Rep. Dave Welter (R-Morris), HB 5637 decided not to advance their legislation to legalize fireworks. Special thanks to all the fire officials who contacted their offices to voice their opposition to these measures. Special thanks to Springfield Fire Marshal Chris Richmond who joined me in visiting with these legislators to educate them on the dangerous pitfalls of fireworks expansion to the general public.

## **BILL to MANDATE VOLUNTEER FIRE DEPTS PAY INTO CAREER FIREFIGHTERS PENSION FUNDS DOES NOT ADVANCE**

IFA was adamantly opposed to SB 1335, legislation targeted at Two-Hatters, which would mandate that if career firefighter volunteers or is a POC at another department, that other department would have to pay a percentage to the pension fund to the firefighter's career department. The sponsor of the bill Sen. Melinda Bush (D-Grayslake), whose husband was a volunteer firefighter, was very sympathetic to our concerns and did not advance the bill.

## **HB 4345 - FIREFIGHTER MENTAL HEALTH DAY**

Provides that the third Friday of May each year is designated as "First Responder Mental Health Awareness Day", to be observed throughout the State as a day to honor firefighters, police officers, and other first responders who have lost their lives due to and suffer from post-traumatic stress disorder, depression, and other mental health issues. **Status: Passed both Chambers**

## **SB 2297: RESCUE SQUAD DISTRICTS-REVENUE**

Sponsored by Sen. Althoff and Rep. Reick. This legislation amends the Rescue Squad Districts Act to provide that a rescue squad district's board of trustees may certify a question to the voters of the district requesting to levy a special tax at a rate not to exceed 0.40% of the value of all taxable property within the district as equalized or assessed by the Department of Revenue for providing an ambulance service or supporting an existing ambulance service. **Status: Passed Both Chambers**

## **SB 2471 - VOLUNTEER EMERGENCY WORKER**

Sponsored by Sen. Holmes and Rep. Cavaletto, Amends the Volunteer Emergency Worker Job Protection Act. This is a Fire Caucus bill to bring the state definition of volunteer emergency worker more in line with federal guidelines. Provides that "volunteer emergency worker" means a person who serves as a member of a fire department of a fire protection district, municipality, or other unit of government on other than a full-time career basis and who meets the requirements for volunteer status under the Code of Federal Regulations and Opinion Letters from the United States Department of Labor. Provides that "volunteer emergency worker" also means, including, but not limited to, a person who serves on a volunteer basis and is licensed under the Emergency Medical Services (EMS) Systems Act as an Emergency Medical Responder (EMR)(First Responder), Emergency Medical Technician (EMT), Emergency Medical Technician-Intermediate (EMT-I), Advanced Emergency Medical Responder (A-EMT), or Paramedic (EMT-P), or a volunteer ambulance driver or attendant, and the person does not work in one of these capacities for another fire department, fire protection district, or governmental entity on a full-time career basis. **Status: Passed Senate, awaiting final passage in the House.**

### **SB 2619 CLEAN UP to APPOINTMENT OF FIRE CHIEF QUALIFICATIONS**

Sponsored by Sen Anderson and Rep Willis, this is a clean up to legislation passed last year defining qualifications for the appointment of fire chiefs to make the certifications more consistent with NFPA standards. This does not apply to volunteer departments and provides that an individual may be selected as a fire chief that is responsible for day-to-day operations of a fire department for greater than 180 days if he or she possess an Office of the State Fire Marshal Basic Operations Firefighter Certification (rather than a Firefighter Basic Certification) or an Office of the State Fire Marshal Firefighter II Certification; an Office of the State Fire Marshal Advanced Fire Officer Certification or Office of the State Fire Marshal Fire Officer II Certification (rather than Fire Officer I and II Certifications); and an associate degree in fire science or a bachelor's degree from an accredited university or college. Provides that a fire chief may additionally be selected as a fire chief that is responsible for day-to-day operations of a fire department for greater than 180 days if he or she possess either of the following: (i) a current certification from the International Fire Service Accreditation Congress or Pro Board Fire Service Professional Qualifications System that meets the National Fire Protection Association standard NFPA 1001, Standard for Fire Fighter Professional Qualifications, Level I job performance requirements; a current certification from the International Fire Service Accreditation Congress or Pro Board Fire Service Professional Qualifications System that meets the National Fire Protection Association standard NFPA 1021, Standard for Fire Officer Professional Qualifications, Fire Officer II job performance requirements; and an associate degree in fire science or a bachelor's degree from an accredited university or college; or (ii) qualifications that meet the National Fire Protection Association standard NFPA 1001, Standard for Fire Fighter Professional Qualifications, Level I job performance requirements; qualifications that meet the National Fire Protection Association standard NFPA 1021, Standard for Fire Officer Professional Qualifications, Fire Officer II job performance requirements; and an associate degree in fire science or a bachelor's degree from an accredited university or college. **Status: The bill passed the Senate and awaiting final passage in the House**

### **SB 2620 – STATE AGENCY BUILDING CODE NOTIFICATIONS to the CAPITAL DEVELOPMENT BOARD**

Sponsored by Sen. Castro and Rep. Willis, this legislation requires the Capital Development Board to maintain a link to all applicable state building codes and requires state agencies to notify the Capital Development Board prior to starting the JCAR process for if they are updating any statewide construction code so that it can be posted on the CDB website and become a one stop centralized shop for code enforcement officials to keep track of state building codes and their changes. **Status: The bill passed the Senate and is awaiting final passage in the House**



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## Uninsured Motorist Coverage: Why You Need It

Look around you. As you sit at the next stop sign or stoplight, odds are at least one or two of the drivers next to you are either uninsured or underinsured.

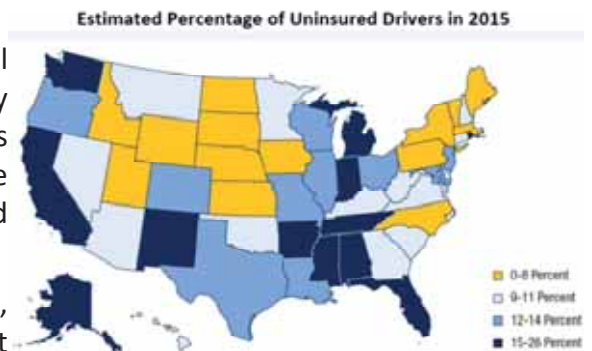
Without uninsured motorist coverage, you may not be protected if one of them rear-ends or sideswipes your car.

The latest study from the [Insurance Research Council](#) (IRC) estimates that **13 percent of drivers** in the U.S., or one in eight, are now driving without insurance, including almost [14 percent](#) of Illinois drivers who don't have any insurance coverage.

### Underinsured Drivers are a Risk

But there is another concern. More drivers are now behind the wheel with minimal insurance coverage. These underinsured drivers may be lowering the uninsured motorist statistics, but their coverages may not include enough property damage to pay for your vehicle or their personal injury protection could leave you with unpaid medical bills in a serious crash.

Going to the casinos for a weekend of gambling might be fun, but gambling on your financial future with someone who's not responsible enough to have auto insurance isn't. If they hit you, you could be stuck with more bills than your bank account can handle.



### The Solution

So, what can you do? When California Casualty signed on as a partner with the IFA, we took on the challenge to protect you and your family. That's why it's so important that you have uninsured/underinsured motorist coverage with adequate medical and property damage limits. Uninsured motorist coverage is a good investment, often costing less than a dollar a day.

In general, uninsured motorist insurance pays medical expenses from injuries caused from a collision with a driver with no insurance, up to the limits you choose.

Underinsured motorist coverage pays the difference if you or a passenger is injured in a crash but the at-fault driver doesn't have enough liability to cover your medical expenses. For example, medical costs are \$150,000 but the other driver only has a \$50,000 liability limit. If you have enough uninsured/underinsured motorist coverage, **your insurance will pay the \$100,000 in uncovered medical bills.**

Uninsured/underinsured motorist property damage coverage will help pay for damage to your vehicle if the person who hits you doesn't have enough insurance.

### Are You Underinsured?

As a proud partner with the IFA, California Casualty is ready to help with any auto or home insurance questions or issues. If you don't have uninsured/underinsured motorist coverage, or don't know how much you have, please contact an advisor today at [www.calcas.com/IFA](http://www.calcas.com/IFA) or call 1.800.800.9410. You'll feel more confident next time you're at a stop light with a group of other motorists that you are covered – even if the other drivers aren't.

Sources for this article:

<https://www.insurance-research.org/sites/default/files/downloads/UMNR1005.pdf>

<https://www.iii.org/fact-statistic/facts-statistics-uninsured-motorists>

This article furnished by California Casualty, providing auto and home insurance to firefighters since 1974 and to IFA members since 2012. Get more information at 800.800.9410 or [www.calcas.com/IFA](http://www.calcas.com/IFA).



## Annual Memorial Program



Each year, in conjunction with the annual training conference, the IFA holds a Memorial Service honoring those firefighters that have passed on. We honor *ALL firefighters*, not just IFA members. If you know of a firefighter

that has passed, they can be honored at the memorial service if you send their name to the memorial committee. Please send any names of firefighters that have passed between September 1, 2017 through September 1, 2018 to [memorial@illinoisfirefighters.org](mailto:memorial@illinoisfirefighters.org).



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## Photos from the Medal of Honor Ceremony







## *Office of the State Fire Marshal*

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### **REQUESTING NEEDED RESOURCES THAT MUTUAL AID CAN'T PROVIDE:**

Have you ever questioned how to request needed resources during an emergency that mutual aid agreements can't provide? Some emergencies, such as tornados, floods, hazardous material releases, can task fire districts and municipalities to the max. How do you request needed resources? What is the proper procedure for doing such? Whom do you contact for the needed resources?

During these emergencies, the first contact for requesting OSFM services such as emergency fire inspections of structures, inspections of above and underground chemical storage tank facilities, boiler and pressure vessel inspections, and elevator safety issues should be your local Emergency Management Agency (EMA), either municipal or county. Notify them of what has happened, where the event is and what the issues are. If you have eyes on the incident, send EMA a picture if possible.

If the local EMA isn't available or it is after their operating hours, you should call the Illinois Emergency Management Agency's (IEMA) hotline. The IEMA hotline phone number is 1-800-252-2947. This is the same phone number as the Arson Hotline. This call center is manned 24/7. They can forward your request to the correct agency for handling and notify your local EMA. The call center will notify the Office of the Illinois State Fire Marshal (OSFM) of all fire related emergencies.

When notifying your local EMA or IEMA, remember to give them the "Who, What, When, and Where". Some items of concern might include:

**Who:** who is calling, give them a valid contact phone number so you can be reached, agencies involved in response?

**What:** what has happened, are there injuries or fatalities, are chemicals involved, how large is the area affected, what do you think you need?

**When:** when did the emergency occur, when did you receive the call, when do you need the resources?

**Where:** where is the location of the emergency, can you provide GPS coordinates, where is incident command located, where do you have the staging area, where do you want resources delivered?

Remember when requesting needed resources, contact your local EMA, if unavailable or after hours, then contact IEMA with your situation and request. IEMA will notify your local EMA and forward your request for resources to the correct agencies.

# Help needed at 2018 Illinois State Fair

Each year, the IFA sponsors a day in the Illinois Fire Services Association tent at the state fair. Help is needed staffing the tent on Saturday, August 18. It takes a lot of help for all of the people that go through the tent. If you or any other members of your department are available to work that day, please contact Chairman Bob Reason at least 45 days prior to the day for the IFA day at the State Fair, August 18, at the phone numbers or email below, so that he can get enough parking passes and admission tickets mailed to you prior to the work date.

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## NEW CONFERENCE SPONSORS FOR 2018

The IFA has partnered with 2 new sponsors this year. State Farm is sponsoring the Vehicle Machinery Operations class. We have also partnered with RE;ACT, a suicide awareness organization for first responders. Check out their website at [www.react4ryan.com](http://www.react4ryan.com).





## Illinois Firefighters Association

### Prescription Assistance Program / Community Health Initiative

- You are likely overpaying for your prescriptions even if you have a low insurance co-pay. The Illinois Firefighters Association offers you the opportunity to purchase your prescription at the guaranteed lowest price by comparing your insurance co-pay price to a negotiated discount price through the Discount Drug Network (DDN). *Pricing examples are on the back of this page.*
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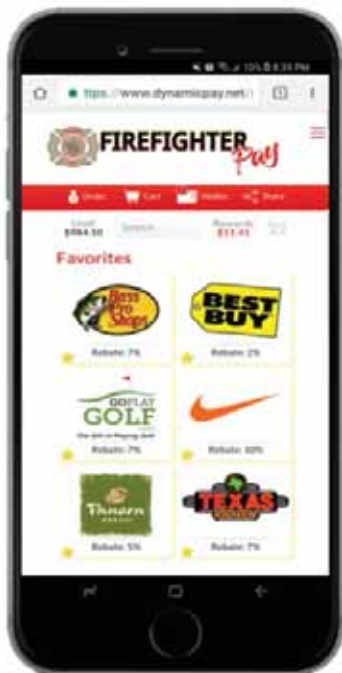
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# Chaplain's Corner

## Firefighter Suicide – Exposing The Liar and The Lies

Another firefighter has committed suicide. We are shocked, saddened, confused. We rehearse the victim's recent history. We look for what warning signs may have been noticed or missed. We reach out and support the family and the fire department. We embrace and we pray. And we update the mounting statistics. All of which – and more – is necessary and will hopefully lead to greater awareness and resources to prevent, manage, and reverse the disturbing and heartbreaking trend of firefighter suicide. But we need to also recognize that firefighter suicide is at its core a spiritual battle – that means it has everything to do with what we believe – our faith.

A firefighter who is contemplating suicide is at a very dark place. There may be trauma, stress, loss, grief, broken relationships, health problems, addiction, isolation, depression, and more – or any combination thereof. And in the midst of the pressure and confusion a spiritual enemy comes to him/her speaking lies – that enemy, of course, is Satan or the devil. Jesus himself identified him plainly: *“He was a murderer from the beginning, not holding to the truth, for there is no truth in him. When he lies, he speaks his native language, for he is a liar and the father of lies”*. Notice this enemy's two character traits – murdering and lying. For reasons of which I will not try to explain here, Satan is able to suggest, whisper, and/or implant lies into vulnerable souls that, if believed, can make suicide look like the only or the most viable option to a hurting firefighter. Although he certainly tailors his lies to a firefighter's specific circumstances, they will generally fall into several main categories such as the following:

**LIE: God does not exist...or...God has abandoned you.** Don't believe it! This is a devastating lie that seems so real when your soul is in a dark place. But it is at just such a place and time that you must call out to Him in desperate faith and let the power of His presence and goodness into your heart's awareness. Call out to Jesus in faith – just call upon His name – and let His light expose this lie. God does exist...He is near to you...He loves you and will never abandon you.

**LIE: Your situation is hopeless.** Wrong...it's a murderous lie! A sense of utter hopelessness is the enemy's ultimate deceptive dark doorway to death. But it's all smoke and mirrors. Sure, when you've tried to resolve your pain, depression, and difficulties through a variety of channels to no avail – or if you've hidden your pain from others so as not to be exposed as weak – then you are certainly vulnerable to the lie of hopelessness. It is in the face of this lie that you must put your hope in the Lord. He sees you...He knows your situation...His power and resources are unlimited...He has already defeated your lying spiritual enemy and has personal hope and healing plans for your future. You and your situation can never be hopeless when you place yourself in His hands through faith.

**LIE: Your family would be better off without you.** False! Lie! Such a blatant lie can only originate with the father of lies. Families – and friends and fire departments – are devastated by suicide...every time, no exception. Don't let this lie sink any roots into your heart or mind. Yes, family relationships can be difficult and even painful at times. But family is God's design and He can heal your family. There is yet love and forgiveness and restoration for you and your family as you turn to Jesus in faith.

Jesus' promise to firefighters is this: *“The thief comes only to steal and kill and destroy; I have come that they may have life, and have it to the full.”* My heart goes out to those families and fire departments that have experienced the suicide of a loved one. This brief article is not intended to provide an explanation for the devastation and loss you have experienced, but to bring the gift of faith to the table for the prevention of firefighter suicide in the future. My fellow firefighters, don't believe the lies or the liar! Call upon the Lord in faith and let His light and truth dispel the darkness. If needed, the National Suicide Prevention Hotline is 1-800-273-TALK (8255).

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# Emails on private devices may be subject to FOIA disclosure

by William R. Thomas  
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The Illinois Freedom of Information Act (FOIA) is becoming a bigger net for catching records that need to be disclosed because they deal with public business. There have been several issues recently decided at the appellate and circuit court levels, along with binding opinions from the Illinois Attorney General's Public Access Counselor (PAC), dealing with FOIA requests for communications on private devices. In some situations, private texts and emails may require disclosure to the public.

The PAC recently issued a binding opinion based upon a FOIA request from CNN dealing with emails related to the Laquan McDonald shooting death, where the news network sought emails from twelve named Chicago Police Department (CPD) police officers. An analysis of the PAC's binding opinion in comparison to the Illinois Appellate Court's opinion in the *City of Champaign v. Madigan*, 2013 IL App (4th) 120662, has called into question whether texts and emails sent on an employee's or public official's private device are subject to disclosure based upon a FOIA request. These cases determined that whether public disclosure is required depends on how the personal devices were used, specifically relating to public business.

In *City of Champaign*, the court analyzed a FOIA request seeking copies of electronic communications that were sent and received by city council members and the Mayor during their city council meeting. The City denied the FOIA request, explaining that personal communications transmitted on privately-owned devices were not within the scope of FOIA, even though they may have related to city business. Not satisfied with that response, the requestor sought an administrative review of the City's denial from the PAC. Its binding opinion found that texts and emails sent or received from a council member's personal electronic device during a public meeting and concerning city business fell under the definition of public records, making them subject to FOIA disclosure. The City sought a review of that decision with the Fourth District Appellate Court.

In discussing the background of the matter, the appellate court noted that although the request from the Champaign News-Gazette was fairly broad in seeking "all electronic communications," it did not explicitly seek any personal communications. The underlining facts were not in dispute; there were obviously some identifiable actions by city council members or the Mayor at this public meeting, such as using or tapping on a personal device during the meeting, which apparently caught a reporter's attention. The reporter then tried to discover what the public officials were secretly discussing.

To render its decision, the appellate court found it necessary to delve into the public policy and definitions of FOIA. The court highlighted Section 1 of the Act, which states:

- "[A]ll 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."
- [T]he General Assembly hereby declares it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government."
- "This Act is not intended to cause unwarranted invasion of personal privacy, or to disrupt the duly-undertaken work of any public body independent of the fulfillment of any of the fore-mentioned rights of the people to access information."

The General Assembly acknowledged that technology moves faster than the ability to pass laws, as FOIA further states and "recognizes that technology may advance at a rate that outpaces its ability to address those advances legislatively. To the extent that this Act may not expressly apply to those technological advances, this Act should nonetheless be interpreted to further the declared policy of the Act that public records shall be made available upon request except when denial of access furthers the public policy underlying a specific exemption." 5 ILCS 140/1.

An important aspect of this analysis includes FOIA's definition of "public records," which is defined as "all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electric 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*

## The Bulletin

*or being used by, received by, in the possession of, or under the control of any public body.*" 5 ILCS 140/2(c) (emphasis added). The *City of Champaign* court held that a matter is a public record if it pertains to the transaction of public business and had to be prepared, used, received, possessed, or controlled by, or for, a public body. The court noted that public business is not defined under the FOIA statute.

The appellate opinion also considered whether FOIA pertains to *members* of the public body, since the Act only references the "public body" itself. This distinction was also analyzed in the PAC's binding opinion for *Champaign* and in *Quinn v. Stone*, 211 Ill. App. 3d 809 (1st Dist. 1991), addressing the issue of whether an individual board member was a "public body" for purposes of FOIA. The appellate court considered whether someone can individually conduct business for the public body, and whether a public body can except through its individual members.

Similarly, the appellate court considered the nature of the device used to send and receive these communications. It appears to be broadly accepted that if the device was issued by or is under the control of the public body, any use of that device to transmit communications would be subject to FOIA. On the other hand, the court provided an example of an individual council member receiving a message from a citizen on his personal electronic device while at home. They concluded that this would not be subject to FOIA but posed hypothetically that if the communication was forwarded to enough members of the Council to create a quorum, this would become a public record regardless of the device from which it was sent.

Ultimately, in the *Champaign* matter, that FOIA request was narrowly tailored so that the appellate court did not need to consider these tangential issues. The court simply ruled that personal electronic communications are subject to FOIA if public business is involved. The court stated that reaching any other conclusion would allow members of the public body to "subvert the Open Meetings Act and FOIA requirements simply by communicating about city business during a city council meeting on a personal electronic device." The appellate court encouraged local units of governments to draft their own rules that would prohibit any use of personal electronic devices by members during meetings.

The more recent FOIA issue stems from CNN's FOIA's request to CPD on the Laquan McDonald case. A representative of CNN issued a FOIA request to CPD seeking "all emails relating to the Laquan McDonald police department email accounts and personal email accounts where business was discussed," specifically naming 12 individual CPD officers over a certain time period. CNN was not pleased with the initial responses from CPD and sought further review from the PAC.

The PAC issued Public Access Opinion 16-006, finding that the CPD violated the requirements of FOIA. The PAC decided that CPD did not demonstrate a reasonably adequate search of officers' email accounts to see if emails pertaining to the transaction of public business were sent or received on personal email accounts of the officers. The PAC directed CPD to take immediate and appropriate action to comply with its opinion. CPD sought administrative review from the Circuit Court of Cook County, which issued an Order on September 20, 2017 affirming the PAC's binding opinion.

This CPD situation shows that individual employees—including firefighters, police officers, city council members, aldermen, and mayors—and their communications from personal devices may be subject to disclosure pursuant to a FOIA request. The court acknowledged that a key dispute in that case was the extent to which individual employees can act on behalf of the city. The court agreed with CNN and the PAC, stating that while some employees or officials—like fire district trustees—can only act collectively, police officers—or firefighters—act for the "public body" whenever they individually perform some kind of "public business." In balancing individual privacy rights against the broad public policy concerns of FOIA, the circuit judge found that the CNN request was both limited in time, scope, participant public employees and found it to be both reasonable and acceptable.

As a result of the blurring of the line between public and personal communications in public employment, it may be appropriate for local units of government to be proactive and potentially avoid or eliminate the confusing analysis above by issuing clear policies on communications for their employees, contractors, volunteers, and trustees. There appears to be no dispute that the use of the public device and its communications will always be subject to disclosure in some respect, unless it narrowly fits in one of the limited exemptions of FOIA disclosure. Absent further clarification from the Illinois legislature, anticipate continued analysis by the courts over FOIA requests for private communications.

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