



12 South Center Street
Bensenville, IL 60106

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July 13, 2016

Mr. Edel Ruiz
210 East Pine Avenue
Bensenville, Illinois 60106

Re: July 11, 2016 FOIA Request

Dear Mr. Ruiz:

I am pleased to help you with your July 11, 2016 Freedom of Information Act ("FOIA"). Your request was received by the Village of Bensenville on July 11, 2016. You requested copies of the items indicated below:

"Police Report No. 2002-9000."

After a search of Village files, the following documents are enclosed to fulfill your request:

- 1) Village of Bensenville Incident Report No. 2002-9000. (7 pgs.)

These are all of the documents that can be discovered responsive to your request.

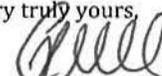
Section 7(1)(b) of FOIA provided that "private information" is exempt from disclosure. "Private information" is defined in FOIA as, "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when complied without possibility of attribution to any person." 5ILCS 140/2(c-5). Consequently, certain unique identifiers have been redacted from the records being provided.

Section 7(1)(c) of FOIA provides that, "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion per person privacy" is exempt from disclosure. Consequently, a birthdate and other personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, including a victim's name and identifying information, and the race of an individual, have been redacted from the records being provided.

Pursuant to Section 9 of the FOIA, 5 ILCS 140/9, I am required to advise you that I, the undersigned Freedom of Information Officer, reviewed and in consultation with an attorney for the Village, made the foregoing determination to deny a portion of your FOIA Request as indicated. Should you believe that this Response constitutes an improper denial of your request, you may appeal such by filing a request for review within sixty (60) days of the date of this letter with the Public Access Counselor of the Illinois Attorney General's Office, Public Access Bureau, 500 South Second Street, Springfield, Illinois 62706; telephone 1-887-299-FOIA; e-mail: publicaccess@atg.state.il.us. You may also have a right of judicial review of the denial under Section 11 of FOIA, 5 ILCS 140/11.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,


Corey Williamsen
Freedom of Information Officer
Village of Bensenville

Date: Jul 13, 2016
Time: 8:20:18 AM



BENSENVILLE
Incident Report



Page No 1
PrmCir 10/04

RD #: 2002-9000

2002-9000 Incident Summary Information

Incident Date..... 07/17/02
Incident Time..... 21:30
Nature/Description..... **CRIMINAL SEXUAL ASSAULT (0260)**
Location..... [REDACTED]
Disposed as..... **0260 - CRIMINAL SEXUAL ASSAULT**

2002-9000 Incident Detail Record #1

Offense UCR..... **0260 - CRIMINAL SEXUAL ASSAULT**
Attempted/Completed..... **C_Completed**
Offense Status..... **03 - Cleared By Adult Arrest**
Status Date..... 07/17/02
Date From..... 07/17/02
Time From..... 20:00
Date To..... 07/17/02
Time To..... 21:30
Location..... [REDACTED]
Offender Used..... **Not Applicable**
Weapon Used..... **40 - Personal Weapons (hands-feet-teeth-etc.)**
Crime Bias Code..... **No Bias**
Location Code..... **Residence - Private**
Circumstance..... **09 - Other Circumstances**

2002-9000 Incident Complainant Detail Record #1

Complainant Name..... [REDACTED]
Complainant Address..... [REDACTED] Bensenville IL 60106
Date of Birth..... [REDACTED]
Home Phone..... [REDACTED]
Residence Code..... **1 - Yes**
Height..... **507**
Weight..... **182**
Hair Color..... **BLK - Black**
Eye Color..... **BRO - Brown**
Age..... **32**
Driver's License Number..... [REDACTED]
Driver's License State..... [REDACTED]
Social Security Number..... **0**
Employer..... [REDACTED]
Employer's Address..... [REDACTED] Bensenville Il. 60106
Employer's Phone..... [REDACTED]
Screen Test..... **0 - None**

2002-9000 Incident Victim Detail Record #1

Victim Type..... **I - Individual**
Victim Name..... [REDACTED]

Date: Jul 13, 2016
Time: 8:20:19 AM



BENSENVILLE Incident Report



Page No 2
PrmCir 10/04

RD #: 2002-9000

Victim Address..... ██████████ Bensenville IL 60106
Home Phone..... ██████████
Residence Code..... 1 - Yes
Injury Code..... N - None
Height..... 410
Weight..... 65
Hair Color..... BLK - Black
Eye Color..... BRO - Brown
Social Security Number..... Unknown
Employer..... None
Screen Test..... 0 - None

2002-9000 Incident Victim Detail Record #2

Victim Type..... 1 - Individual
Victim Name..... ██████████ - M/W ██████████
Victim Address..... ██████████ Bensenville IL 60106
Sex..... M - Male
Race..... W - White
Date of Birth..... ██████████
Home Phone..... NONE
Residence Code..... 1 - Yes
Injury Code..... N - None
Height..... 407
Weight..... 70
Hair Color..... BLK - Black
Eye Color..... BRO - Brown
Age..... 5
Driver's License Number..... None
Social Security Number..... Unknown
Employer..... None
Screen Test..... 0 - None

2002-9000 Incident Offender Detail Record #1

Name..... Hernandez, Antonio Jr - M/F ██████████
Address..... ██████████
Home Phone..... ██████████
Sex..... M - Male
Race..... H - Hispanic
Date of Birth..... ██████████
Residence Code..... 1 - Yes
Injury Code..... N - None
Height..... 505
Weight..... 160
Hair Color..... AUB - Auburn
Eye Color..... BRO - Brown

Date: Jul 13, 2016
Time: 8:20:19 AM



BENSENVILLE Incident Report



Page No 3
PrmCir 10/04

RD #: 2002-9000

Age..... 32
Driver's License Number..... [REDACTED]
Driver's License State..... [REDACTED]
Social Security Number..... [REDACTED]
Employer..... Unemployed
Employer's Phone..... [REDACTED]
Screen Test..... 0 - None

2002-9000 Incident Witness Detail Record #1

Contact Date..... 07/17/02
Contact Time..... 12:00 AM
Witness Name..... Roque, Crisantema - F/W [REDACTED]
Witness Address..... [REDACTED] Bensenville IL 60106
Home Phone..... [REDACTED]
Driver's License Number..... None
Social Security Number..... None
Employer..... Unemployed
Screen Test..... 0 - None

2002-9000 Incident Narrative Detail Record #1

Narrative By..... Smuskiewicz, Andrew
Narrative Date..... 07/17/02
Narrative Type..... CASE REPORT
Description..... CASE REPORT - CHILD ABUSE

Narrative:

ON 07-17-02 AT APPROXIMATELY 2127 HOURS, THE R/O WAS DISPATCHED TO [REDACTED] FOR THE REPORT OF CRIMINAL SEXUAL ABUSE TO A CHILD. UPON ARRIVAL, THE R/O SPOKE TO THE COMPLAINANT/FATHER OF JUVENILE #1 [REDACTED]. M/W [REDACTED] STATED THAT ON 07-17-02 AT APPROXIMATELY 2000 HOURS, HE LEFT JUVENILE #1 AT [REDACTED]. WHILE HE WENT TO THE STORE. [REDACTED] STATED THAT HE LEFT JUVENILE #1 AT [REDACTED] SO HE COULD PLAY WITH JUVENILE # 2 WHO RESIDES AT [REDACTED]

[REDACTED] STATED THAT ON 07-17-02 AT APPROXIMATELY 2100 HOURS HE RETURNED TO RETRIEVE HIS SON AT [REDACTED]. [REDACTED] STATED THAT AS HE AND JUVENILE # 1 WERE WALKING BACK TO THEIR RESIDENCE, JUVENILE # 1 STATED THAT HE AND JUVENILE #2 WERE SEXUALLY ABUSED BY THE SUSPECT, HERNANDEZ, ANTONIO JR. M/W DOB [REDACTED]

THE R/O ADVISED [REDACTED] AND THE MOTHER OF JUVENILE #2, ROQUE, CRISANTEMA F/W DOB [REDACTED] TO BRING THEIR CHILDREN TO THE BENSENVILLE POLICE DEPARTMENT FOR QUESTIONING.

THE R/O TRANSPORTED HERNANDEZ TO THE BENSENVILLE POLICE DEPARTMENT FOR QUESTIONING.

ONCE AT THE BENSENVILLE POLICE DEPARTMENT, THE CASE WAS TURNED OVER TO DET. HERNANDEZ AND THE DUPAGE COUNTY CHILDREN'S SEXUAL ABUSE COUNSELOR.

NOTHING FURTHER.

End Narrative

Date: Jul 13, 2016
Time: 8:20:19 AM



BENSENVILLE
Incident Report



Page No 4
PrmCir 10/04

RD #: 2002-9000

2002-9000 Incident Narrative Detail Record #2

Narrative By..... Hernandez, Maria
Narrative Date..... 07/18/02
Narrative Type..... SUPPLEMENTAL
Description..... SUPPLEMENTAL - CRIMINAL SEXUAL ASSAULT
Narrative:

ON 07/18/02 AT ABOUT 2200 HOURS, R/I WAS CALLED OUT TO THE STATION FOR A CRIMINAL SEXUAL ASSAULT, SPANISH SPEAKING ONLY, INVESTIGATION.

AT ABOUT 2305 HOURS, R/I MET WITH OFC. SMUSKIEWICZ WHO BRIEFED R/I OF THE INCIDENT.

R/I MET WITH VICTIM #1'S FATHER, [REDACTED] L (M/H, DOB [REDACTED]), BENSENVILLE, IL 60106 TX [REDACTED] IN THE CONFERENCE OFFICE, WHO REPORTED THE FOLLOWING. HIS SON, VICTIM #1, WAS PLAYING OUTSIDE WITH CHILDREN IN THE AREA. VICTIM #1 REMAINED AT [REDACTED] AS HE OFTEN DOES, AND [REDACTED] LEFT HIS RESIDENCE TO RUN AN ERRAND, LEAVING VICTIM #1 AT THAT ADDRESS. UPON RETURNING, ABOUT 30-40 MINUTES LATER HE LEARNED HIS WIFE, MESA, NALLELI (F/H, DOB [REDACTED] LIVES WITH [REDACTED] SPOKE WITH THE RESIDENT AT [REDACTED] ROQUE, CRISANTEMA (F/H, DOB [REDACTED] TX [REDACTED] ABOUT AN INCIDENT THAT OCCURRED AT ABOUT 1700 HOURS, TODAY INVOLVING HER SON; VICTIM #1 AND ROQUE'S SON; VICTIM #2. ROQUE TOLD MESA THAT ROQUE'S HUSBAND'S LIVE IN BOYFRIEND'S BROTHER IN LAW, OFFENDER, HERNANDEZ, ANTONIO (M/H, DOB [REDACTED] BENSENVILLE) LURED BOTH CHILDREN DOWN INTO ROQUE'S BASEMENT WHERE HE FONDLED THE CHILDREN, MADE THEM PERFORM ORAL SEX AND HERNANDEZ INSERTED HIS PENIS IN THE ANUS OF BOTH CHILDREN. ROQUE TOLD MESA SHE DID NOT WITNESS THE INCIDENT BUT LEARNED ABOUT IT THROUGH THE CHILDREN. [REDACTED] ADVISED ALSO PRESENT AT HIS RESIDENCE WAS HERNANDEZ WHO DENIED THE INCIDENT AND INSISTED [REDACTED] BEAT HIM UP, IF [REDACTED] FELT THERE WAS ANY LEGITIMACY TO WHAT HAD HAPPENED. [REDACTED] STATED HE BECAME FURIOUS AND LOCATED VICTIM #1 SCARED, CRYING AND HIDING UNDER HIS BED. [REDACTED] WENT ON BY SAYING, HE TOLD HERNANDEZ HE BELIEVES HIS SON, HE DID NOT WANT TO FIGHT, TOLD HIM TO LEAVE THE RESIDENCE AND HE WAS GOING TO THE POLICE. [REDACTED] SPOKE WITH VICTIM #1 WHO TOLD HIM THAT HERNANDEZ PLACED HIS PENIS IN VICTIM #1'S MOUTH, FONDLED HIM AND PLACED HIS PENIS IN VICTIM #1'S ANUS. [REDACTED] TOLD R/I VICTIM #1, HAS NOT CHANGED HIS CLOTHES, HAS NOT HAD ANYTHING TO EAT AND HE HAS NOT GONE TO THE BATHROOM SINCE THEN. [REDACTED] STATED HERNANDEZ'S WIFE ELISA CARES FOR VICTIM #1 ON OCCASION, HOWEVER, HE BELIEVES THIS IS THE FIRST TIME SOMETHING OF THIS NATURE HAS OCCURRED. [REDACTED] AGREED TO HAVING VICTIM #1 SUBMIT TO AN ILLINOIS STATE POLICE, SEXUAL ASSAULT EVIDENCE COLLECTION KIT.

AT ABOUT 1140 HOURS, R/I MET WITH BOB HOUGLIN & BETH MOSS WHO ARRIVED TO THE POLICE DEPARTMENT. R/I BRIEFED HOUGLIN, AND HOUGLIN BEGAN HIS INVESTIGATION WITH VICTIM #1 (SEE HOUGLIN'S SUPPLEMENTAL REPORT).

AT ABOUT 2345 HOURS, R/I MET WITH ROQUE IN THE CONFERENCE ROOM WHO REPORTED THE FOLLOWING. TODAY AT ABOUT 1700 HOURS, SHE OBSERVED HER CHILD, VICTIM #2 PLAYING OUTSIDE WITH VICTIM #1 AND OTHER CHILDREN IN THE AREA, WHILE SHE STOOD OUTSIDE OF HER HOME. ROQUE STATED SLIGHTLY BEFORE 1900 HOURS, SHE OVER HEARD VICTIM #1 & VICTIM #2'S CONVERSATION WHILE SHE WAS FEEDING THEM DINNER. BOTH CHILDREN WERE DISCUSSING ACTS THAT WERE PERFORMED ON THEM BY HERNANDEZ WHEN HE MADE THEM GO DOWN TO THE BASEMENT OF HER RESIDENCE. ROQUE ASKED THE CHILDREN TO ELABORATE ON THE INCIDENT AND SHE MET WITH HERNANDEZ WHO WAS STILL IN THE HOME.

IT SHOULD BE NOTED ROQUE WAS LIVING WITH HERNANDEZ (HERNANDEZ IS ROQUE'S LIVE IN BOYFRIEND'S-DELGADO, TERASMO, M/H, DOB [REDACTED] -BROTHER IN LAW) AT [REDACTED] AND SHE MOVED INTO [REDACTED] ABOUT 3 DAYS AGO. ROQUE STATED SHE DOES NOT KNOW WHY HERNANDEZ WAS IN HER

Date: Jul 13, 2016
Time: 8:20:19 AM



BENSENVILLE
Incident Report



Page No 5
PrmCir 10/04

RD #: 2002-9000

HOME, HE DOES NOT HAVE PERMISSION TO ENTER HER HOME AND UPON SPEAKING WITH HIM HERNANDEZ TOLD HER HE WAS IN HER BASEMENT LOOKING FOR HIS PERSONAL BELONGINGS. ROQUE ADVISED SHE DOES NOT POSSESS ANYTHING THAT MAY BELONG TO HIM AND IT IS STILL UNCERTAIN TO HER AS TO WHY HE WAS AT HER HOME.

WHILE SPEAKING WITH HER SON, VICTIM #2 WHO TOLD ROQUE THAT HERNANDEZ SENT HER SMALLEST CHILD AWAY TO PLAY AND HE ASKED BOTH HE AND VICTIM #1 TO GO TO THE BASEMENT. HERNANDEZ PULLED VICTIM#2'S PANTS DOWN, BENT HIM OVER AND HERNANDEZ INSERTED HIS PENIS IN VICTIM#2'S ANUS. VICTIM #2 TOLD ROQUE HERNANDEZ STUCK HIS PENIS IN HIS (VICTIM #2'S) MOUTH AND IN VICTIM #1. VICTIM #2 ALSO STATED TO ROQUE THAT HERNANDEZ FONDLED THEM. TOOK THE CHILDREN OVER TO HERNANDEZ AND ASKED HIM ABOUT WHAT SHE LEARNED. HERNANDEZ TOLD ROQUE THAT THE CHILDREN WERE LYING. ROQUE TOLD R/I SHE THEN TOOK BOTH CHILDREN TO ██████████ FAMILY TO SPEAK WITH THEM AND HERNANDEZ FOLLOWED HER THERE. ROQUE ADVISED WHILE SPEAKING WITH THE ██████████ RESIDENCE HERNANDEZ CONTINUED TO DENY THE INCIDENT CALLING THE CHILDREN LIARS. ROQUE ADVISED SHE LEARNED THROUGH FAMILY THAT HERNANDEZ MAY HAVE DONE THIS IN THE PAST TO A 7 YEAR OLD NIECE; THE INCIDENT WHICH HAD GONE UNREPORTED TO THE POLICE. ROQUE ADVISED IT WAS AT THIS TIME ██████████ INITIATED POLICE INTERVENTION. ROQUE STATED VICTIM #2 ATE CANDY, HE HAS NOT USED THE BATHROOM AND HE HAS NOT CHANGED HIS CLOTHES. ROQUE AGREED TO HAVING VICTIM #2 SUBMIT TO AN ILLINOIS STATE POLICE SEXUAL ASSAULT EVIDENCE COLLECTION KIT.

IN SPEAKING WITH BOTH ██████████ AND ROQUE IT WAS UNDETERMINED TO R/I IF THERE WAS EJACULATION BY HERNANDEZ. R/I RELAYED THIS INFORMATION TO HOUGLIN WHO ALSO INTERVIEWED VICTIM #2.

AT ABOUT 0046HOURS, R/I TRANSPORTED VICTIM#1 WITH HIS FATHER, AND VICTIM#2 WITH HIS MOTHER AND HER LIVE IN BOYFRIEND TO ELMHURST HOSPITAL. ELMHURST HOSPITAL SOCIAL WORKER, BEVERLY DOMALECZNY, MET WITH BOTH PARTIES AND MADE A REPORT TO DCFS. DR. OWN PERFORMED THE ISP KIT ON VICTIM #2 AT APPROXIMATELY 0554 HOURS AND AN ISP KIT ON VICTM #1 AT APPROXIMATELY 0625HOURS. BOTH KITS WERE SURRENDERED TO R/I. R/I TRANSPORTED ALL TO THE POLICE DEPARTMENT AND AT ABOUT 0830 HOURS, R/I PLACED BOTH KITS INTO EVIDENCE.

ON 07/19/02 AT ABOUT 1615HOURS, R/I AND DET. JOHNSON ATTEMPTED TO PHOTOGRAPH THE SCENE WITH NEGATIVE RESULTS (NO ANSWER AT DOOR).

ON 08/01/02 R/I RECEIVED A NOTICE FROM DCFS STATING THEIR SCR#958106-A WAS INDICATED, THE DEPARTMENT DID NOT TAKE TEMPORARY PROTECTIVE CUSTODY OF THE CHILDREN & THE DEPARTMENT DID NOT REFER THIS MATTER TO THE SA'S OFFICE.

ON 08/29/02 R/I RECEIVED A NOTICE FROM THE DUPAGE CO. CHILDREN'S CENTER, WHICH INDICATED THEY HAVE COMPLETED AN INVESTIGATION WITH OUR CASE.

ON 09/25/02 R/I RECEIVED A NOTICE FROM THE DUPAGE CO. CRIME LAB, FORENSIC BIOLOGY TESTING REPORT; 02-02092-1 OF 2 SEXUAL ASSAULT EVIDENCE COLLECTION KIT.

NOTHING FURTHER.

End Narrative

2002-9000 Incident Narrative Detail Record #3

Narrative By..... Franczyk, Marc
Narrative Date..... 07/18/02

Date: Jul 13, 2016
Time: 8:20:19 AM



BENSENVILLE
Incident Report



Page No 6
PrmCir 10/04

RD #: 2002-9000

Narrative Type..... SUPPLEMENTAL
Description..... SUPPLEMENTAL -
Narrative:

ON 07-18-02, AT APPROXIMATELY 0630 HOURS, R/O TRANSPORTED HERNANDEZ TO THE DUPAGE COUNTY JAIL.
R/O HAS NOTHING FURTHER.

End Narrative

2002-9000 Incident Arrest Detail Record #1

Arrest Date..... 07/17/02
Arrest Time..... 21:30
Arrest Type..... V - On-view Arrest
Disposition..... 87 - Arrested Held For Prosecution
Arrestee Name..... Hernandez, Antonio Jr M/H [REDACTED]
Arrestee Address.....
Sex..... M - Male
Race..... H - Hispanic
Date of Birth..... [REDACTED]
Age at time of Arrest..... 32
Height..... 505
Weight..... 160
Hair Color..... AUB - Auburn
Eye Color..... BRO - Brown
Driver's License Number..... [REDACTED]
Driver's License State..... [REDACTED]
Social Security Number..... [REDACTED]
County Code..... D - Dupage
Intoxicated..... N - No
Arrest Location..... 100 N Church
Arrested By..... Hernandez, Maria #74
Booked By..... Linkowski, Michael #20
Booking Date..... 07/17/02
Finger Printed..... Y - Yes
Photo By..... Linkowski, Michael #20
Photo Number..... 02-0750
Searched By..... Smuskiewicz, Andrew #39
Transported By..... Smuskiewicz, Andrew #39
Transport Time..... 21:30
Bond Type..... NO - No Bond

Charges:
Description Counts
0260 - CRIMINAL SEXUAL ASSAULT 3

No Forms Found.

End of Incident 2002-9000

Date: Jul 13, 2016
Time: 8:20:19 AM



BENSENVILLE
Incident Report



Page No 7
PrmCir 10/04

RD #: 2002-9000
