



# City of Chicago



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APRIL 2022

# FIRST QUARTER REPORT 2022

CITY OF CHICAGO  
OFFICE OF INSPECTOR GENERAL



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**TO THE MAYOR, CITY COUNCIL, CITY CLERK, CITY TREASURER,  
AND COMMUNITY MEMBERS OF THE CITY OF CHICAGO:**

Enclosed for your review is the public report on the operations of the City of Chicago Office of Inspector General (OIG) during the first quarter of 2022, filed with City Council pursuant to Section 2-56-120 of the Municipal Code of Chicago.

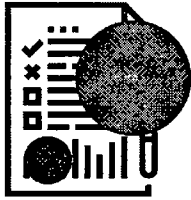
Respectfully,

A handwritten signature in black ink, appearing to read "W. Marback".

William Marback  
Interim Inspector General  
City of Chicago

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## FIRST QUARTER 2022 HIGHLIGHTS

**835**COMPLAINTS  
RECEIVED

OIG concluded investigations regarding:

- Assault
- Discourteous Treatment of Members of the Public
- Discrimination
- Failure to Perform Duty
- False Statements
- Fraudulent Use of Leave
- Unauthorized Secondary Employment

**222**CASES  
CONCLUDED

OIG published reports including:

- Advisory Concerning the City's Data Quality
- Audit of the City's Compliance with the TIF Sunshine Ordinance and TIF Surplus Executive Order
- Follow-Up on the Chicago Department of Transportation's Traffic Signal Planning
- Race- and Ethnicity-Based Disparities in the Chicago Police Department's Use of Force

**4**OIG REPORTS  
PUBLISHED**2**OIG  
NOTIFICATIONS

OIG published notifications regarding:

- City policies on how to test and discipline employees for being under the influence of alcohol while on duty
- Ward superintendents reusing old ticket numbers for new weed cutting requests

This quarterly report provides an overview of the operations of the Office of Inspector General (OIG) during the period from January 1, 2022 through March 31, 2022. The report includes statistics and narrative descriptions of OIG's activity as required by the Municipal Code of Chicago (MCC).

## I. MISSION OF THE OFFICE OF INSPECTOR GENERAL

The mission of OIG is to promote economy, effectiveness, efficiency, and integrity in the administration of programs and operation of City government.<sup>1</sup> OIG accomplishes its mission through investigations, audits, and other reviews. OIG issues summary reports of investigations to the appropriate authority, management officials, and/or the Mayor, with investigative findings and recommendations for corrective action and discipline. Narrative summaries of sustained administrative investigations, i.e., those typically involving violations of the City's Personnel Rules, Debarment Rules and Ethics Ordinance—and the resulting department or agency actions—are released in quarterly reports. OIG's investigations resulting in criminal or civil recovery actions are summarized in quarterly reports following public action (e.g., indictment) and updated in ensuing quarterly reports as court developments warrant. OIG's audit reports and advisories are directed to the appropriate agency authority or management officials for comment and then are released to the public on the [OIG website](#). OIG's department notifications are sent to the appropriate agency authority or management officials for attention and comment, and are summarized, along with any management response, in the ensuing quarterly report. Finally, OIG issues reports as required by the Hiring Plan and as otherwise necessary to carry out its compliance functions.

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<sup>1</sup> "City government" includes the City of Chicago and any sister agency which enters into an intergovernmental agreement with the City for the provision of oversight services by OIG.

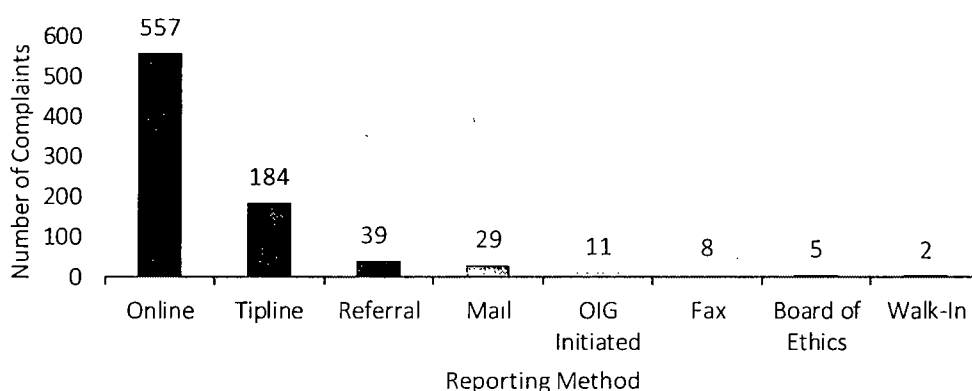
## II. INVESTIGATIONS

The Investigations section conducts both criminal and administrative investigations into the conduct of government officers, employees, departments, functions, and programs, either in response to complaints or on OIG's own initiative.

### A. COMPLAINTS RECEIVED THIS QUARTER

OIG received 835 complaints this quarter. The following chart breaks down the complaints received during the past quarter by the method in which the complaint was reported.

CHART 1 – COMPLAINTS BY REPORTING METHOD



Among other factors, OIG evaluates complaints to gauge the investigative viability and potential magnitude or significance of the allegations—both individually and programmatically.<sup>2</sup> The following table outlines the actions OIG has taken in response to these complaints.

TABLE 1 – COMPLAINT ACTIONS

Status	Number of Complaints
Opened Investigation	27
Pending <sup>3</sup>	93
Referred to Department/Sister Agency	427
Declined	288
<b>Total</b>	<b>835</b>

<sup>2</sup> OIG's complaint intake process allows it to assess the substance of a complaint prior to processing and, after thorough review, to filter out complaints that lack sufficient information or clarity on which to base additional research or action, or are incoherent, incomprehensible, or factually impossible

<sup>3</sup> Pending means the complaint is under review in the complaint intake process and a final determination of whether OIG is going to open a case, refer, or decline the complaint has not been made.

## B. PRIOR QUARTER COMPLAINTS

This quarter, OIG acted on 52 prior complaints that were pending at the end of last quarter. Two complaints are still pending further review. The following table provides details on the status and number of all prior pending complaints.

TABLE 2 – PRIOR PENDING COMPLAINTS

Status	Number of Complaints
Opened Investigation	11
Pending	2
Referred to Department/Sister Agency	17
Declined	24
<b>Total</b>	<b>54</b>

## C. NEWLY OPENED MATTERS<sup>4</sup>

This quarter, OIG opened 230 matters. The following table provides details on the subjects and number of investigations and referrals for newly opened matters.

TABLE 3 – SUBJECT OF INVESTIGATIONS AND REFERRALS

Subject of Investigations and Referrals	Number of Investigations and Referrals
Employees	170
Contractors, Subcontractors, and Persons Seeking Contracts	3
Elected Officials	8
Appointed Officials	2
Licensees	8
Other	39
<b>Total</b>	<b>230</b>

## D. CASES CONCLUDED THIS QUARTER<sup>5</sup>

This quarter, OIG concluded 222 opened matters. The following table provides details on the status and number of cases concluded.

<sup>4</sup> On February 14, 2022, OIG officially implemented a new case management system, Column Case Management System (CCMS). In the past, matters referred to other departments or agencies were assigned OIG case numbers and referred out as “cases.” Under the new CCMS, these referral matters are no longer assigned OIG case numbers prior to their referral, and thus are not included among the “Newly Opened Matters” above. Instead, these matters are referred out under the original complaint number they are assigned when received by OIG. As such, the total number of Newly Opened Matters in Section C and Table 3 above reflects complaints received by OIG prior to February 14, 2022, but not those received after the implementation of CCMS.

<sup>5</sup> As discussed in footnote 4, under OIG’s new CCMS, matters referred to outside departments or agencies are no longer assigned OIG case numbers prior to their referral, and thus are not included among the “Cases Concluded This Quarter” above. Instead, these matters are referred out under the original complaint number they are assigned

TABLE 4 – CASES CONCLUDED THIS QUARTER

Status	Number of Cases
Referred to a City Department	170
Referred to a Sister/External Agency	25
Sustained <sup>6</sup>	4
Not Sustained <sup>7</sup>	18
Closed Administratively <sup>8</sup>	5
<b>Total</b>	<b>222</b>

## E. PENDING MATTERS

At the close of this quarter, OIG had a total of 175 pending matters, including investigations opened during the quarter.

### ILLINOIS V. CHICAGO, CONSENT DECREE PARAGRAPH 481 INVESTIGATIONS

Under collective bargaining agreements between the City of Chicago and certain ranks of Chicago Police Department (CPD) members, OIG may only investigate allegations of misconduct concerning an incident or event which occurred five years prior to the date of the complaint or allegation if the CPD superintendent authorizes the investigation in writing. Under paragraph 481 of the consent decree entered in *Illinois v. Chicago*, if OIG requests the superintendent's authorization to open such an investigation, the superintendent must respond within 30 days.

During this quarter, OIG requested the superintendent's authorization in one case. In that case, the superintendent responded within 30 days of OIG's written request.

## F. INVESTIGATIONS OPEN OVER TWELVE MONTHS

Under MCC § 2-56-080, OIG must provide quarterly statistical data on pending investigations open over 12 months. Of the 175 pending matters, 70 investigations have been open for at least 12 months. Most cases remain pending due to being complex or resource intensive investigations that may involve difficult issues or multiple subjects (unless otherwise noted) or may be the subject of criminal investigation being conducted jointly with law enforcement investigative or prosecutorial partners at the federal, state, or local level.

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when received by OIG. As such, the total number of Cases Concluded This Quarter in Section D and Table 4 above reflects complaints received by OIG prior to February 14, 2022, but not those received after the implementation of CCMS.

<sup>6</sup> A case is sustained when the evidence sufficiently establishes that either an administrative or criminal violation has occurred, or the case identifies a particular problem or risk that warrants a public report or notification to a department.

<sup>7</sup> A case is not sustained when OIG concludes that the available evidence is insufficient to prove a violation under applicable burdens of proof.

<sup>8</sup> A case is closed administratively when, in OIG's assessment, it has been or is being appropriately treated by another agency or department, the matter was consolidated with another investigation, or, in rare circumstances, OIG determined that further action was unwarranted.

TABLE 5 – INVESTIGATIONS OPEN OVER TWELVE MONTHS, FIRST QUARTER

OIG Case Number	General Nature of Allegations
13-0270	Pending federal criminal investigation of delegate agency fraud.
16-0526	Pending federal criminal investigation of bribery.
17-0321	City employee receiving funds through a City contract.
18-0163 <sup>9</sup>	Pending federal criminal investigation of bribery.
19-0178	Criminal investigation concluded without charge and resumed for administrative investigation of distribution of steroids to City employees.
19-0303 <sup>10</sup>	False information submitted to the City.
20-0071	Pending federal criminal investigation of bribery.
20-0385	Residency violation.
20-0708	False records submitted to City.
20-0780	Violence in the workplace.
20-0838	Retaliation.
20-0842	WBE/MBE fraud.
20-0844 <sup>11</sup>	FMLA fraud.
20-0876 <sup>12</sup>	Falsification/improper use of City resources.
20-0878 <sup>13</sup>	Residency violation.
20-0882 <sup>14</sup>	Failure to follow department rules regarding COVID-19 quarantine.
20-0918 <sup>15</sup>	Building permit fraud.
20-0989	Bribery.
20-1128	Time fraud and submission of false documentation.
20-1155	Duty disability fraud.
20-1161	FMLA fraud.
20-1162	Bribery.
20-1275	Residency violation.
20-1334	Failure to follow department rules in course of an investigation.
20-1335	Unauthorized outside employment/residency violation.
20-1373	Bribery.

<sup>9</sup> On hold, in order not to interfere with another ongoing investigation.

<sup>10</sup> Extended due to higher-risk, time sensitive investigations.

<sup>11</sup> Extended due to higher-risk, time sensitive investigations.

<sup>12</sup> Extended due to higher-risk, time sensitive investigations.

<sup>13</sup> Extended due to higher-risk, time sensitive investigations.

<sup>14</sup> Extended due to higher-risk, time sensitive investigations.

<sup>15</sup> Extended due to higher-risk, time sensitive investigations.

OIG Case Number	General Nature of Allegations
20-1375	Failure to follow department rules in course of an investigation.
20-1376	False statements/violation of department rules.
20-1561	Improper use of City resources/violation of department rules.
20-1588	Duty disability fraud.
20-1589	Retaliation.
20-1590	Pending federal criminal investigation.
20-1646	Retaliation.
21-0026	Bribery.
21-0027	Improper use of City resources.
21-0082	Theft.
21-0084	Residency violation.
21-0134	Procurement fraud.
21-0135 <sup>16</sup>	False records submitted to City.
21-0136	Improper use of City resources.
21-0191	Retaliation.
21-0219	Failure to follow department rules regarding COVID-19 quarantine.
21-0220	Bribery.
21-0241	Post-employment violation.
21-0340	Falsification/improper use of City resources.
21-0341	Residency violation.
21-0342	Duty disability fraud.
21-0411	Pending federal criminal investigation of program fraud.
21-0449	Program fraud.
21-0450	Pending federal criminal investigation of program fraud.
21-0451	Pending federal criminal investigation of program fraud.
21-0452	Pending federal criminal investigation of program fraud.
21-0453	Program fraud.
21-0454	Program fraud.
21-0455	Program fraud.
21-0457	Program fraud.
21-0458	Program fraud.
21-0459	Program fraud.

<sup>16</sup> Extended due to higher-risk, time sensitive investigations.

OIG Case Number	General Nature of Allegations
21-0460	Program fraud.
21-0461	Program fraud.
21-0462	Program fraud.
21-0463	Program fraud.
21-0464	Program fraud.
21-0465	Program fraud.
21-0466	Program fraud.
21-0468	MBE fraud.
21-0470	Retaliation.
21-0511	Bribery.
21-0533	Residency violation.
21-0535	Bribery.

## G. ETHICS ORDINANCE COMPLAINTS

This quarter, OIG received 30 Ethics Ordinance complaints. OIG declined 15 complaints because they lacked foundation, opened 2 for investigation, referred 5 to the appropriate City department, and 8 are pending.

## H. PUBLIC BUILDING COMMISSION COMPLAINTS AND INVESTIGATIONS

This quarter, OIG received one complaint related to the Public Building Commission and currently has no open investigations.

### III. ADMINISTRATIVE CASES

OIG investigations may result in administrative sanctions, criminal charges, or both. Investigations leading to administrative sanctions involve violations of City rules, policies or procedures, and/or waste or inefficiency. For sustained administrative cases, OIG produces summary reports of investigation<sup>17</sup>—a summary and analysis of the evidence and recommendations for disciplinary or other corrective action. OIG sends these reports to the appropriate authority, including the Mayor’s Office, the corporation counsel, and the City departments affected by or involved in the investigation. When officials are found to be in violation of campaign finance regulations, the law affords them the opportunity to cure the violation by returning excess funds.

#### A. CAMPAIGN FINANCE INVESTIGATIONS

The Municipal Code of Chicago (MCC) bans City vendors, lobbyists, and those seeking to do business with the City from contributing over \$1,500 annually to any elected City official or candidate’s political campaign. Potential violations of the cap are identified through complaints or independent OIG analysis of campaign finance data. Other rules and regulations such as Executive Order 2011-4 place further restrictions on donations. Once a potential violation is identified, OIG notifies the donor and the donation recipient of the violation and, in accordance with the MCC, provides the individual or entity 10 days to challenge the determination or cure the violation by returning the excess donation.<sup>18</sup> If the excess donation is returned in a timely manner, or it is determined that a violation did not occur, OIG closes the matter administratively. In the event the matter is not cured or rightfully challenged, OIG will sustain an investigation and deliver the case to the Board of Ethics for adjudication.

This quarter, OIG did not close any campaign finance matters.

#### B. SUSTAINED ADMINISTRATIVE INVESTIGATIONS

The following are brief synopses of administrative investigations completed and eligible to be reported as sustained investigative matters. A matter is not eligible for reporting until, pursuant to the MCC, the relevant City department has had 30 days (with the potential for an extension of an additional 30 days) to respond to OIG findings and recommendations<sup>19</sup> and inform OIG of what action the department intends to take. Departments must follow strict protocols, set forth

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<sup>17</sup> Per MCC § 2-56-060, “Upon conclusion of an investigation the inspector general shall issue a summary report thereon. The report shall be filed with the mayor, and may be filed with the head of each department or other agency affected by or involved in the investigation.”

<sup>18</sup> If the donor and/or recipient was already aware that the excess donation was a violation at the time the donation was made, then they may not be entitled to notice and opportunity to cure the violation and avoid a fine.

<sup>19</sup> The Public Building Commission (PBC) has 60 days to respond to a summary report of investigation by stating a description of any disciplinary or administrative action taken by the Commission. If PBC chooses not to take action or takes an action different from that recommended by OIG, PBC must describe that action and explain the reasons for that action.

in the City's Personnel Rules, Procurement Rules, and/or applicable collective bargaining agreements, prior to imposing disciplinary or corrective action.<sup>20</sup>

In addition to OIG's findings, each synopsis includes the action taken by the department in response to OIG's recommendations. These synopses are intended to illustrate the general nature and outcome of cases for public reporting purposes and thus may not contain all allegations and/or findings for each case.

**TABLE 6 – OVERVIEW OF CASES COMPLETED AND REPORTED AS SUSTAINED MATTERS**

OIG Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
21-1856	Streets and Sanitation	Discharge and designate as ineligible for rehire	Retired in lieu of discharge
21-1483	Water Management	Discipline up to and including discharge	29-day suspension
21-1140	Streets and Sanitation	Discharge and designate as ineligible for rehire	29-day suspension
21-0413	Water Management	Discipline up to and including discharge	3-day suspension
20-1277	Transportation	Discharge and designate as ineligible for rehire	5-day suspension
20-1158	Streets and Sanitation	Discipline up to and including discharge	15-day suspension
20-0442	Public Safety Administration	Discharge and designate as ineligible for rehire	Discharged and designated as ineligible for rehire
20-0441	Fire, Water Management, and Buildings	Fire, Subject 1: Discharge and designate as ineligible for rehire	Discharged
		Water Management, Subject 1: Concur with findings and designate as ineligible for rehire	Concurred with findings and designated as ineligible for rehire

<sup>20</sup> In some instances, OIG may defer the reporting of a matter against an individual until the conclusion of investigation of other individuals connected to the same misconduct, so as to preserve investigative equities and to assure that the administrative due process rights of those subject to the continuing investigation are protected.

OIG Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
		Water Management, Subject 2: Discipline up to and including discharge	Written reprimand
		Buildings, Subject 1: Discipline up to and including discharge; issue notice of revocation for licenses and ban future licensing of individuals and contractor	29-day suspension; issued notices of revocation for licenses and permanent ban for future licenses
19-1128	Civilian Office of Police Accountability	Discipline up to and including discharge	10-day suspension, reduced to 6 days after grievance
19-0515 19-0516 19-0528	Police	Police, Subject 1: Concur with findings, revoke retirement credentials, and designate as ineligible for rehire	Concurred with findings; clarified that no retirement credentials were issued; designated as ineligible for rehire
		Police, Subject 2: Concur with findings, revoke retirement credentials, and designate as ineligible for rehire	Concurred with findings; declined to revoke retirement credentials or designate as ineligible for rehire
		Police, Subject 3: Concur with findings, revoke retirement credentials, and designate as ineligible for rehire	Concurred with findings; declined to revoke retirement credentials or designate as ineligible for rehire
19-0487	Emergency Management and Communication	Discipline up to and including discharge	25-day suspension

1. Discrimination and Discourteous Treatment (#21-1856)

An OIG investigation established that a Department of Streets and Sanitation (DSS) ward superintendent, while on-duty and in a City facility, made an anti-Semitic remark on a voicemail message that they left for a resident. Specifically, after reaching out to the resident regarding City services, the ward superintendent failed to hang up their phone, continued speaking to an unknown party, and made an anti-Semitic remark—which was captured on the resident’s voicemail. OIG obtained an audio recording of the voicemail and the employee confirmed to OIG that they were the speaker on the voicemail.

OIG recommended that DSS discharge the ward superintendent and refer them for placement on the ineligible for rehire list maintained by the Department of Human Resources (DHR).

In response, DSS agreed with OIG’s findings. However, prior to the implementation of discipline, the ward superintendent retired in lieu of discharge.

2. Discourteous Treatment of Members of the Public and Incompetence in the Performance of Duties (#21-1483)

An OIG investigation established that a Department of Water Management (DWM) construction laborer, while on duty, entered private property and, without permission, removed the property owners’ Black Lives Matter sign from the ground and threw it face down. This conduct was captured on video and the construction laborer admitted to their conduct to OIG, noting that they did not have reason and were not authorized to inspect the area of the private property where the owners had placed the sign.

OIG recommended that DWM discipline the construction laborer, up to and including discharge, commensurate with the gravity of the violations, past disciplinary record, and any other relevant considerations.

In response, DWM suspended the construction laborer for 29 days.

3. Assault, Discourteous Treatment, and Conduct Unbecoming (#21-1140)

An OIG investigation established that a DSS refuse collection coordinator (RCC) verbally threatened a member of the public for taking pictures of the RCC in a DSS vehicle parked in a bike lane. The RCC used their assigned City vehicle to chase the member of the public down multiple streets and confronted the member of the public for taking the pictures. At one confrontation that occurred on a public street, the RCC exited the City vehicle and used profanity by shouting and calling the member of the public “a little bitch” and a “fucking pussy.” As the member of the public walked away, the RCC returned to the City vehicle and began following them again. The RCC initiated another confrontation on a side street and threatened to follow the member of the public. The RCC stated, “I’m going to follow you home,” and, “Let’s see where you live.” Additionally, during the RCC’s OIG interview, the RCC provided false, inaccurate, and deliberately incomplete statements when questioned about the incident.

OIG recommended that DSS discharge the RCC and refer them for placement on the ineligible for rehire list maintained by DHR.

In response, DSS suspended the RCC for 29 days.

4. Violence in the Workplace (#21-0413)

An OIG investigation established that a DWM plumber engaged in a verbal and physical altercation with a resident in violation of state law and the City Personnel Rules. The confrontation occurred at the resident's home while the plumber was on-duty and responding to an emergency call about a leak at the resident's neighbor's home, which was causing flooding in the resident's basement. OIG reviewed video footage and witness statements about the altercation. While both the plumber and the resident used profanity towards each other, the confrontation escalated into a physical altercation after the plumber slapped the resident's cell phone from their hand.

OIG recommended that DWM discipline the plumber, up to and including discharge, commensurate with the gravity of the violations, past disciplinary record, and any other relevant considerations.

In response, DWM suspended the employee for three days.

5. Discourteous Treatment During a Road Rage Incident (#20-1277)

An OIG investigation established that a Chicago Department of Transportation (CDOT) motor truck driver (MTD), during a road rage incident, while on duty and driving a City vehicle, engaged in discourteous treatment of members of the public and engaged in conduct unbecoming a City employee. Specifically, the MTD verbally abused the driver of a non-City vehicle during a traffic altercation, verbally abused the minor passenger of that vehicle, made physical contact with that vehicle, used profanities during the altercation, and gestured rudely with their middle finger.

OIG recommended that CDOT discharge the MTD and refer them for placement on the ineligible for rehire list maintained by DHR.

In response, CDOT suspended the MTD for five days, noting that the MTD did not have a previous disciplinary record, and that there was a need for the discipline to be consistent with corrective actions CDOT had taken with previous similar incidents.

6. False Statements on Secondary Employment Forms and Failure to Obtain Authorization for Secondary Employment (#20-1158)

An OIG investigation established that a DSS sanitation laborer provided false statements in 2017, 2018, and 2020 on their outside employment forms despite being self-employed and having business interests since 2014. In addition, the sanitation laborer failed to disclose and obtain authorization for their secondary employment while they were on duty disability leave from the City when, in fact, they were earning money running a landscaping and snow removal business.

OIG recommended that DSS discipline the sanitation laborer, up to and including discharge, commensurate with the gravity of the violations, past disciplinary record, and other relevant considerations.

In response, DSS held a disciplinary hearing, after which the sanitation laborer was suspended for 15 days.

7. Attempted Retail Theft, Preferential Treatment, and Telephonic Harassment (#20-0442)

An OIG investigation established that an Office of Public Safety Administration (OPSA) employee committed attempted retail theft, on City time, when they went on a personal shopping trip to a Walgreens store. The employee removed makeup and other products from the shelves and concealed them on their person. After store staff caught the employee shoplifting, they called the Chicago Police Department (CPD). During the police investigation, the employee improperly attempted to gain preferential treatment and avoid arrest by telling the officers that they worked for the Office of Emergency Management & Communications (OEMC) and displaying their City ID. Furthermore, the employee committed telephone harassment by threatening and intimidating Walgreens staff that had detained the employee during the shoplifting incident. Specifically, both on the day of the incident and the following day, while on duty, the employee called the store at least 15 times, pretending to be an attorney, threatening the staff with litigation, and subjecting them to profanity and other harassing statements that caused Walgreens staff to fear for their safety.

OIG recommended that OPSA discharge the employee and refer them for placement on the ineligible for rehire list maintained by DHR.

In response, OPSA discharged the employee and referred them for placement on DHR's ineligible for rehire list.

8. False Statements, Fraudulent Electrical Permits, Conflict of Interest, and Unauthorized Secondary Employment (#20-0441)

An OIG investigation established that a Chicago Fire Department (CFD) firefighter, a DWM electrical mechanic, a DWM hoisting engineer, and a Department of Buildings (DOB) electrical inspector engaged in interrelated misconduct surrounding the permitting and inspections of various electrical jobs. Specifically, since March 2017, the firefighter illegally operated an electrical contractor business using the electrical license information of their deceased father. Since March 2017, the firefighter fraudulently obtained at least 50 electrical permits using their deceased father's personal supervising electrician license number and renewed the license yearly, maintaining the deception that their father was still alive. The firefighter had previously twice failed the supervising electrician licensing exam.

Further, upon the request of the DWM electrical mechanic—who, while working for the City, engaged in unauthorized secondary employment performing electrical work—the firefighter

obtained electrical permits from DOB for jobs that the electrical mechanic was, in fact, performing. The electrical mechanic did not have a supervising electrician license, and told City inspectors that they were an employee of the firefighter's electrical contractor business when no such employment relationship existed. When the electrical mechanic needed an inspection for the completed work, they bypassed the DOB online system by calling the DOB electrical inspector's personal cell phone directly in order to schedule the inspection, in violation of DOB rules and procedures. The electrical inspector inspected at least six of the projects that the electrical mechanic worked on under the fraudulent permits. OIG's investigation also established that a DWM hoisting engineer engaged in unauthorized secondary employment as the owner of a general contracting company that utilized the electrical mechanic for some of its projects.

Accordingly, OIG recommended that CFD discharge the firefighter and refer them for placement on the ineligible for rehire list maintained by DHR. OIG recommended that DOB permanently revoke the electrical contractor license for the firefighter's company, permanently revoke the supervising electrician license for the firefighter's deceased father, revoke and rescind any electrical permits obtained by the firefighter from March 2017 to the present, and permanently bar the firefighter from obtaining a supervising electrician license in the future.

OIG would have recommended that DWM discharge the electrical mechanic, however, they resigned before OIG completed its investigation. Accordingly, OIG recommended that DWM: 1) find that the evidence established the foregoing violations, 2) place the OIG report and evidentiary files in the electrical mechanic's personnel file, and 3) refer the electrical mechanic for placement on the ineligible for rehire list maintained by DHR. Additionally, OIG recommended that DOB permanently bar the electrical mechanic from obtaining a supervising electrician license in the future. OIG also recommended that DWM impose discipline against the hoisting engineer, commensurate with the gravity of the violations, past disciplinary record, and any other relevant considerations.

OIG further recommended that DOB discipline the electrical inspector, up to and including discharge, commensurate with the gravity of the violations, past disciplinary record, and any other relevant considerations.

In response, CFD agreed with OIG's recommendations and moved to discharge the firefighter and refer them for placement on the ineligible for rehire list. The firefighter entered lay up (medical leave) status prior to the implementation of discipline, however, and their discharge will become effective upon their return from lay up. In addition, DOB agreed with OIG's recommendations, issued a notice of revocation for the electrical contractor license used by the firefighter, and permanently barred the firefighter from obtaining any future contractor or trade license from DOB.

DWM agreed with OIG's recommendations and changed the electrical mechanic's status to "resigned under inquiry," and requested that the electrical mechanic be placed on the ineligible for rehire list. In addition, DOB agreed with OIG's recommendations, and will move to permanently bar the electrical mechanic from obtaining any future contractor or trade license

from DOB. DWM also agreed with OIG's recommendations regarding the hoisting engineer and issued a written reprimand.

Finally, DOB agreed with OIG's recommendations, suspended the electrical inspector for 29 days, and issued a notice of revocation of the license of the contractor company used by the electrical inspector.

9. Failure to Disclose a Conflict of Interest and Improper Access to a Case Management System (#19-1128)

An OIG investigation established that a Civilian Office of Police Accountability (COPA) investigator failed to disclose a conflict of interest and improperly accessed a COPA case management system. The investigator failed to inform COPA, in writing, as required by the COPA conflict of interest policy, that their ex-spouse was a CPD member. Further, upon receiving a telephone call from the CPD member ex-spouse, the COPA investigator searched for the CPD member's pending case in COPA's case management system.

OIG recommended that COPA impose discipline up to and including discharge against the investigator, commensurate with the gravity of the violations, past disciplinary record, and other relevant considerations.

In response, COPA held a disciplinary hearing, after which the investigator was issued a 10-day suspension. The investigator subsequently filed a union grievance and COPA agreed to reduce the suspension to six days.

10. Time Theft, Failure to Perform Duty, and Improper Dissemination of Information (#19-0515, #19-0516, and #19-0528)

An OIG investigation established that a CPD sergeant misused their assigned CPD vehicle, attended to personal matters during work shifts, and fraudulently submitted time reports. The investigation further established that a CPD deputy chief violated CPD rules and directives by failing to have the sergeant submit to a required breathalyzer test, and that a CPD commander improperly divulged an investigatory document request from COPA to the sergeant and the sergeant's attorney. OIG's investigation followed the death of a CPD member from a single gunshot wound in 2019. While OIG did not conduct an investigation into the cause of the member's death, in the aftermath of the shooting, and the subsequent investigations by both CPD and COPA, OIG opened investigations concerning allegations of misconduct by the sergeant, the deputy chief, and the commander.

The decedent CPD member had spent their evening with the sergeant, who drove the member home to the member's apartment. As the sergeant was maneuvering the vehicle into the garage, there was a gunshot. The sergeant called 911 twice, reporting that the member had shot themselves. Body-worn camera (BWC) footage from the first responding officers captured exchanges with the sergeant, who was uncooperative. The Cook County Medical Examiner's Office subsequently ruled the cause of death to be suicide.

OIG's investigation established that the sergeant misused their assigned CPD vehicle during numerous regular and overtime shifts, attended to personal matters during work shifts, and fraudulently submitted overtime/compensatory time reports for hours in which the sergeant was not working—resulting in the sergeant receiving thousands of dollars of unentitled compensation. The sergeant was not authorized to take home the assigned CPD vehicle or to use it for non-police purposes, yet they frequently used the vehicle to drive outside of their assigned CPD district to go their home and to other residences, including that of the deceased CPD member, for extended periods of time. The stops occurred during both regular shifts and shifts for which the sergeant submitted overtime/compensatory time reports. OIG conducted a data analysis and determined that from January 1, 2018 to February 2, 2019, the sergeant spent at least 167 hours outside of their assigned district on non-police matters while receiving regular and overtime pay, resulting in unearned compensation of at least \$9,892.45. The sergeant also failed to cooperate with OIG's investigation by not appearing for interviews despite being given numerous opportunities to do so.

OIG's investigation also established that on the night of the CPD member's death, a deputy chief improperly, and against CPD rules and directives, failed to have the sergeant submit to a breathalyzer test. The deputy chief was the highest ranking and commanding officer on the scene of the shooting and was in charge of the investigation that night. During the immediate aftermath of the member's death, COPA investigators repeatedly asked the deputy chief to have the sergeant submit to a breathalyzer test. COPA investigators also made an express, affirmative allegation to the deputy chief that the sergeant was intoxicated, which alone constituted a sufficient basis for the administering of a breathalyzer test according to CPD orders. However, even after receiving that allegation, the deputy chief dismissed the CPD Bureau of Internal Affairs call-out supervisor who was present to administer the breathalyzer test and falsely told the supervisor that there were no allegations of intoxication against the sergeant.

OIG's investigation further established that in March 2019, the commander, who was also the sergeant's commanding officer, received a formal document request from COPA seeking the sergeant's time records for the period of January 1, 2018 to February 2, 2019. Rather than immediately complying with the request, the commander informed both the sergeant and the sergeant's attorney about the request. The commander also provided the sergeant and the sergeant's attorney with possible bases to object to the request. The commander then personally called COPA, objected to the request, and admitted to the COPA investigator that they had alerted the sergeant and the sergeant's attorney to the perceived problems with the request.

OIG would have recommended that CPD discharge the sergeant, deputy chief, and commander in light of the seriousness of the misconduct each committed. However, because the sergeant, deputy chief, and commander all retired before the completion of OIG's investigation, OIG recommended that CPD: 1) find that the evidence established the foregoing violations, 2) place the OIG summary reports and evidentiary files in each member's personnel file, 3) revoke any retirement credentials given to the members at their retirement from CPD, and 4) refer all three members for placement on the ineligible for rehire list maintained by DHR.

In response, CPD agreed that OIG had provided sufficient evidence to prove the violations against the sergeant, deputy chief, and commander, and agreed to place OIG's report and evidence in their personnel files. CPD confirmed that the sergeant was not given retirement credentials upon leaving the Department. However, CPD did not agree to revoke the deputy chief or commander's retirement credentials. Finally, CPD referred the sergeant—but not the deputy chief or commander—for placement on the ineligible for rehire list.

11. Fraudulent Use of Jury Duty Leave (#19-0487)

An OIG investigation established that an OEMC fire communications officer I (FCO) inappropriately used jury duty leave while they were not serving jury duty, but in fact, were vacationing in Florida. Specifically, OIG developed evidence showing that the FCO informed OEMC that they were empaneled on a jury for a 33-day period, but failed to mention that they were planning to be in Florida on vacation for the final 4 days of that time period. After returning to OEMC following their vacation, the FCO again failed to tell OEMC that they had been in Florida for part of the time that they were supposed to be serving on the jury. Consequently, jury duty leave was entered for two of the days the FCO spent in Florida. The FCO's misuse of jury duty leave violated City Personnel Rules regarding failure to disclose information and providing false or misleading information on City documents.

OIG recommended that OEMC impose discipline up to and including discharge against the FCO, commensurate with the gravity of the violations, past disciplinary record, and any other relevant considerations.

In response, OEMC agreed with OIG's recommendations and imposed a 25-day suspension.

## IV. CRIMINAL CASES, ADMINISTRATIVE APPEALS, GRIEVANCES, AND RECOVERIES

Criminal investigations may uncover violations of local, state, or federal criminal laws, and may be prosecuted by the U.S. Attorney's Office, the Illinois Attorney General's Office, or the Cook County State's Attorney's Office, as appropriate. For the purposes of OIG quarterly summaries, criminal cases are considered concluded when the subject(s) of the case is publicly charged by complaint, information, or indictment.<sup>21</sup>

In administrative cases, a City employee may be entitled to appeal or grieve a departmental disciplinary action, depending on the type of corrective action taken and the employee's classification under the City's Personnel Rules and/or applicable collective bargaining agreements. OIG monitors the results of administrative appeals before the Human Resources Board (HRB) and grievance arbitrations concerning OIG's disciplinary recommendations.

### A. SYNOPSES AND DEVELOPMENTS IN CHARGED CRIMINAL CASES

The following table summarizes ongoing criminal cases that relate to closed OIG cases and provides the current status of the criminal proceedings. In the initial quarter after a case is indicted, a detailed summary will appear in this section. Please note that charges in an indictment are not evidence of guilt. The defendant is presumed innocent and entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

TABLE 7 – DEVELOPMENTS IN PRIOR CHARGED CRIMINAL CASES

OIG Case Number	Criminal Case Cite	Charged	Summary	Status
19-0019	USA v. Edward Burke et al, 19 CR 322 (N.D. IL)	4/11/2019	Burke, an alderman and former chairman of the City Council Committee on Finance, was indicted on multiple counts of bribery, extortion, and interference with commerce by threat, along with Peter Andrews, an employee of Burke's ward office, and Charles Cui, a managing member of an LLC that owned property in the City. The charges against Burke stem from various incidents in	4/14/2022: Status hearing

<sup>21</sup> OIG may issue summary reports of investigation recommending administrative action based on criminal conduct prior to, during, or after criminal prosecution.

			which he used or threatened to use his authority as a City elected official to secure business for his private law firm.	
17-0519 18-0738 18-0952	USA v. William Helm, 20 CR 00141 (N.D. IL)	3/5/2020	Helm, a former Chicago Department of Aviation deputy commissioner, was indicted for bribery related to a federal program, based on his offer to pay Illinois State Senator and Chairman of the Senate Transportation Committee Martin Sandoval, in order to influence the Illinois Department of Transportation's award of work to a particular contractor.	5/16/2022: Status hearing
19-0313	USA v. Patrick D. Thompson, 21-CR-279 (N.D. IL)	4/29/2021	Thompson, an alderman and an attorney, was indicted on five counts of filing false income taxes and two counts of knowingly making a false statement to the Federal Deposit Insurance Corporation. The charges stem from an allegation that Thompson received \$219,000 from Chicago-based Washington Federal Bank for Savings but then stopped making repayments, failed to pay interest, and falsely represented on five years of income taxes that he paid interest on money he received. On February 14, 2022, a jury found Thompson guilty on all counts.	7/6/22: Sentencing hearing
18-0163	USA v. Austin et al, 21-CR-408 (N.D. IL)	7/1/2021	Austin, an alderman, was indicted on charges of federal bribery and making false statements to an FBI agent, while Chester Wilson, Austin's	4/19/2022: Status hearing

			chief of staff, was indicted on charges of federal bribery and theft of government funds. The charges against Austin and Wilson allege that each were provided with personal benefits by the owner of the construction company and other contractors in an effort to influence them in their official capacities, and that Wilson engaged in a separate scheme to purchase Supplemental Nutrition Assistance Program (SNAP) benefits at a discount despite the fact that he is ineligible for SNAP benefits due to his City of Chicago salary.	
19-0313	USA v. William Mahon, 19-CR-226 (N.D. IL)	12/17/21	Mahon, a Department of Streets and Sanitation deputy commissioner, was indicted on one count of conspiracy to falsify bank records and to deceive and obstruct the Office of the Comptroller of the Currency, and six counts of willfully filing a false income tax return. The charges stem from allegations that Mahon, a board member of Chicago-based Washington Federal Bank for Savings, conspired to obstruct regulators and falsify bank records and that he filed numerous false tax returns.	5/5/2022: Status hearing

## B. SYNOPSES AND RESULTS OF ADMINISTRATIVE APPEALS, GRIEVANCES, OR OTHER ACTIONS

OIG has been notified of one update regarding appeals to HRB or an arbitrator, or other actions this quarter regarding discipline imposed or other actions resulting from OIG investigations.

1. Notification Regarding a Failure to Comply with Municipal Code of Chicago Requirements to Publish Reports (#21-0139)

As reported in the fourth quarter of 2021, OIG issued a notification to the City Council Office of Financial Analysis (COFA) concerning its failure to comply with requirements in the Municipal Code of Chicago (MCC) that it conduct certain reviews and analyses and that it publish those reports to COFA's website. OIG recommended that COFA post the completed reports and analyses to its website. OIG further reminded COFA of its legal responsibility to complete quarterly reports and annually analyze the City's budget, and to post that material to its website in a timely manner. OIG recommended that COFA comply with those requirements. Finally, OIG recommended that if COFA had prepared required reports or analyses that it neither posted to its website nor provided to OIG, that it post that material to its website for public viewing.

OIG previously reported on COFA's initial response to the notification, wherein COFA stated that all published reports were on its website. COFA did not address OIG's findings that it had not completed ordinance-mandated reports or analyses or posted those materials to its website.

COFA followed its initial response with a second response. COFA noted that its chief administrative officer was appointed by City Council in May 2020 during the COVID-19 pandemic and civil unrest. COFA faced the immediate challenge of transitioning to working remotely and staffing shortages, while addressing 2020 pandemic budget shortfalls a month before the launch of the 2021 budget season. COFA stated that it made a diligent effort to meet its MCC requirements but fell short. COFA also stated that, in contrast to 2020, in 2021 it was able to meet its MCC requirements, while still being understaffed, facing hiring delays, and battling with budget constraints instigated by a conflict of interest with the Office of Budget and Management. COFA provided a table of reports published to its website in October and December 2021 and a table enumerating its MCC reporting requirements and the frequency with which it must make those reports.

## C. RECOVERIES

This quarter, there were no reports of financial recoveries related to an OIG investigation.

## V. AUDITS AND FOLLOW-UPS

In addition to OIG's confidential disciplinary investigations, the Audit and Program Review (APR) section produces a variety of public reports including independent and objective analyses and evaluations of City programs and operations with recommendations to strengthen and improve the delivery of City services. These engagements focus on the integrity, accountability, economy, efficiency, and effectiveness of each subject. The following summarizes two reports APR released this quarter.

1. Chicago Department of Transportation Traffic Signal Planning Audit Follow-Up (#21-2195)<sup>22</sup>

The City of Chicago Office of Inspector General (OIG) completed a follow-up to its June 2020 audit of the Chicago Department of Transportation's (CDOT) traffic signal planning practices. Based on the Department's responses, OIG concluded that CDOT fully implemented one of three corrective actions related to the audit finding, substantially implemented another, and partially implemented the third.

The purpose of the 2020 audit was to determine whether CDOT's traffic signal planning met industry best practices as defined by the Federal Highway Administration (FHWA). Our audit found that CDOT did not have a traffic signal management plan for the 2,834 signalized intersections it manages across the city. Additionally, CDOT had not established program objectives or performance measures connecting traffic signal planning, operations, and maintenance activities to broader Department and City goals related to traffic safety, equity, and mobility.

OIG recommended that CDOT develop a traffic signal management plan aligned with FHWA recommendations, including clear goals and objectives, performance measures, and a strategy to transition toward more proactive signal maintenance and retiming work. OIG also recommended that the Department conduct an analysis to determine its staffing needs related to traffic signals and work with the Office of Budget and Management to meet those needs.

In December 2021, OIG inquired about the corrective actions taken by CDOT in response to the audit. Based on the Department's follow-up response, OIG concluded that CDOT collaborated with relevant divisions (Traffic Safety, Electrical Operations, and Engineering) to develop a traffic signal management plan which it intends to publish in 2022. The Department has not yet performed a formal staffing analysis, however. CDOT performed a limited staffing review in 2021, but plans on performing a formal staffing analysis on a yearly basis starting this year.

Once fully implemented, OIG believes the corrective actions reported by CDOT may reasonably be expected to resolve the finding noted in the audit. We urge the Department to publish its traffic signal management plan and complete its staffing analysis for the traffic signal program.

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<sup>22</sup> Published March 9, 2022. See <https://igchicago.org/2022/03/09/chicago-department-of-transportation-traffic-signal-planning-audit-follow-up/>.

2. Audit of the City's Compliance with the TIF Sunshine Ordinance and TIF Surplus Executive Order (#19-1047)<sup>23</sup>

OIG evaluated whether the City was compliant with the Tax Increment Financing (TIF) Sunshine Ordinance and the TIF Surplus Executive Order. The audit had two objectives:

- To determine if the Department of Planning and Development (DPD) met the requirements of the TIF Sunshine Ordinance, Municipal Code of Chicago § 2-45-155, which requires the City to make certain data related to TIF projects and districts publicly available.
- To determine if DPD and the Office of Budget and Management (OBM) complied with Executive Order 2013-3, Declaration of TIF Surplus Funds in TIF Eligible Areas, which requires the City to annually declare at least 25% of the City's unallocated TIF balance as "surplus" to be remitted to taxing bodies affected by TIF.

OIG found that DPD did not provide the public with all of the data required by the TIF Sunshine Ordinance. The City hosted three separate websites that contained publicly available data on TIF projects and districts. These included the *Citywide TIF Map and Project Locations* website, which was substantially updated over the course of the audit. However, none of the websites contained all the data required by the ordinance. Regarding surplus declaration, in 2020, the City declared a TIF surplus in compliance with the TIF Surplus Executive Order. There was room for improvement, however. The City limited the amount of funds to be considered for surplus declaration because of budgetary recording errors, lack of project close-out review, and unspent infrastructure funds. Additionally, because the City's timeline for vetting TIF projects can vary significantly, some funds were held year over year for projects that may not be executed.

OIG recommended that that DPD upload the missing items required by the TIF Sunshine Ordinance and make all TIF data available on a single website, develop a reliable system for managing project progress and documentation, and ensure that staff responsible for uploading data have access to the system. We also recommended that OBM and DPD regularly review planned TIF expenses with the requesting departments and consider developing a deadline system to prevent funding for anticipated projects from being withheld indefinitely. Finally, OIG recommended that OBM and DPD develop guidelines for what expenses may be considered project commitments and release an annual TIF surplus statement describing surplus sources and calculations in detail. The departments agreed with our findings, and DPD stated that it has already uploaded many of the missing records and overhauled its TIF project tracking system.

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<sup>23</sup> Published January 27, 2022. See <https://igchicago.org/2022/01/27/audit-of-the-citys-compliance-with-the-tif-sunshine-ordinance-and-tif-surplus-executive-order/>.

## VI. ADVISORIES AND DEPARTMENT NOTIFICATION LETTERS

Advisories and department notification letters describe management problems observed by OIG in the course of other activities including audits and investigations. These are problems that OIG believes it should apprise the City of in an official manner. OIG completed one advisory and two notifications this quarter.

### 1. Advisory Concerning the City of Chicago's Data Quality (#21-1035)

Through our audit and investigations work, OIG has observed many issues impacting data objectivity, utility, and integrity. Local governments fulfill a wide variety of missions by managing people, capital assets, and money. These tasks generate large amounts of data, which the chief data officer (CDO) helps City departments understand and use. The inconsistent quality of the City's data hinders it from effectively allocating resources, measuring performance, and achieving objectives. To support the CDO's role in improving decision-making and management through data analysis, OIG summarized our past observations of data quality issues in this advisory.

OIG encouraged the CDO to work with departments to develop a proactive culture of data quality management. For example, a uniform data quality framework could encourage departments to consider what their data needs will be and whether the quality of their current data is sufficient. Such a framework could also guide departmental trainings, policies, and processes for monitoring and improving data quality. As part of these efforts, the CDO could help identify interdepartmental data needs and facilitate requests from one department to another.

OIG further encouraged the CDO to engage with departments and provide direction regarding the development of their data quality plans. Finally, we encouraged the CDO to work with departments to provide public information on the quality of their data and its limitations to users.

In response, the CDO shared the City's progress on addressing data quality issues as well as its 2021 Information Technology Strategic Plan. OIG's Audit and Program Review section has also developed a new process to communicate data quality issues encountered during our work to the CDO.

### 2. Notification Regarding Ward Superintendents Reusing Ticket Numbers (#20-1372)

OIG issued a notification to the Chicago Department of Streets and Sanitation (DSS) related to a complaint made to OIG concerning two ward superintendents who admitted to reusing previously created ticket numbers for new weed cutting requests, when in fact, new tickets should have been issued.

During the course of OIG's investigation, DSS conducted a Citywide audit to determine whether other ward superintendents reused old ticket numbers. DSS discovered that other ward superintendents did, in fact, reuse old ticket numbers for new weed cutting requests. As a result,

all ward superintendents from the district in question were counseled to stop using old ticket numbers to create new services requests. DSS informed OIG that it considered the counseling to be a “verbal warning” for those ward superintendents, and that DSS has not had issues with reuse of ticket numbers since the counseling.

Because DSS investigated and took corrective action prior to the completion of OIG’s investigation, OIG did not issue additional disciplinary recommendations related to this matter and administratively closed its investigation. However, OIG reviewed the personnel files of the two ward superintendents initially flagged for reusing ticket numbers and found that those files did not reflect DSS’ verbal warning. OIG recommended that DSS ensure that the personnel files of all ward superintendents DSS verbally warned for reusing weed cutting ticket numbers reflect that discipline, in accordance with the City’s Personnel Rules.

DSS agreed with OIG’s recommendation and reported it would place copies of the verbal warnings in the personnel files of all the affected employees.

3. Notification Regarding an Employee Driving Under the Influence While on Duty (#20-0841)

OIG issued a notification to the Chicago Department of Aviation (CDA) and the Department of Human Resources (DHR) concerning inconsistent practices and understandings regarding how to test and discipline employees for the use of alcohol while on duty. OIG’s notification stemmed from an investigation which established that a CDA airport operations supervisor I (AOS) had an accident, while on-duty and in a City-owned vehicle, during an overnight snow event on a runway at Midway International Airport in February 2020. According to the other driver, also a City employee in a City-owned vehicle, the AOS’ vehicle did not have its lights on when the two vehicles collided. The accident resulted in damage to the vehicles in excess of \$10,000. In a subsequent OIG interview, the AOS admitted to consuming multiple alcoholic beverages approximately three to four hours before the start of their overnight shift. Both drivers involved in the accident took drug and alcohol tests approximately two-and-a-half hours after the accident. Both drivers tested negative for drugs, but the AOS’ breathalyzer tests showed a blood alcohol concentration (BAC) between 0.039 and 0.045. The portion of the alcohol testing form for a positive test was completed and submitted to CDA’s Human Resources section.

While it is DHR’s responsibility to notify an employee’s department of a positive alcohol test, DHR considers a City employee to test positive for alcohol only when there is a confirmed BAC of 0.08 or above. However, Illinois’ Driving Under the Influence of Alcohol (DUI) provision also permits a DUI finding when evidence establishes an individual only as being under the influence of alcohol. In addition, guidance from the Illinois Secretary of State declares that an individual with a BAC below 0.08 may be convicted of DUI if additional evidence shows the driver was impaired. Likewise, the City Personnel Rules prohibit “[r]eporting for work under the influence of alcohol or drugs” and contain a Drug and Alcohol Testing Policy, which defines “under the influence” as “[a]ny mental, emotional, sensory or physical impairment due to the use of drugs or alcohol.” The rules require termination for any employee who tests “positive” for alcohol use,

but do not define a “positive” test. Employees who test positive for alcohol in violation of the policy are subject to disciplinary action up to and including discharge.

DHR acknowledged that the Personnel Rules do not define what constitutes a positive alcohol test. DHR nonetheless concluded that only a BAC of 0.08 or above would constitute a positive alcohol test, based on its interpretation of the state’s DUI provision as well as applicable collective bargaining agreements for City employees. However, OIG determined that none of the guidance cited by DHR as the basis for the 0.08 BAC standard explicitly mandates that only a BAC of 0.08 constitutes driving under the influence, nor do they limit a positive breathalyzer threshold to instances involving a BAC of 0.08 or above. OIG determined that DHR’s interpretation unnecessarily narrows the ability of the City to discipline employees for being under the influence of alcohol while on duty and therefore, a department would not be informed of a positive alcohol test for their employees unless the test registered a BAC above 0.08.

OIG recommended that DHR: ensure that the Personnel Rules and Drug and Alcohol Policy align; define what constitutes a “positive” alcohol test in the Personnel Rules and Drug and Alcohol Policy; and make use of the language already available in the policies, state law, and collective bargaining agreements, which allow for the discipline of employees who are “impaired by” or “under the influence of” alcohol, but who do not test “positive” for alcohol per the 0.08 BAC standard. OIG recommended that CDA institute a lower BAC threshold for drivers on the airfield and, if necessary, work with the relevant unions to achieve that goal.

In response from DHR on behalf of both departments, DHR agreed with OIG’s recommendations. DHR stated that it would work to make any necessary changes to the Drug and Alcohol Policy to clarify what constitutes a “positive” test result. DHR would also make changes to the City’s Personnel Rules to ensure that it aligns with the City’s Drug and Alcohol Policy. In addition, while those changes are pending, DHR will notify departments of any BAC result above a 0.02 so that a department can determine if disciplinary action should be pursued based on the current language in the City’s policy. Finally, DHR will work with CDA on instituting a lower BAC standard for drivers who work on the airfield.

## VII. OTHER REPORTS AND ACTIVITIES

As an expert in government oversight and as part of its mission to promote economy, effectiveness, efficiency, and integrity, OIG may periodically participate in additional activities and inquiries in the service of improving accountability in City government. During this quarter, there were no additional reports.

## VIII. PUBLIC SAFETY

The Public Safety section supports the larger OIG mission of promoting economy, efficiency, effectiveness, and integrity by conducting independent, objective evaluations and reviews of the Chicago Police Department (CPD), the Civilian Office of Police Accountability (COPA), and the Police Board, as well as inspections of closed disciplinary investigations conducted by COPA and CPD's Bureau of Internal Affairs (BIA).

### A. EVALUATIONS AND REVIEWS

The Public Safety section conducts program and systems-focused evaluations and reviews of CPD, COPA, and the Police Board. Based on these audit-based inquiries, OIG makes recommendations to improve the policies, procedures, and practices of those entities. The following summarizes one Public Safety section report released this quarter.

1. Report on Race- and Ethnicity-Based Disparities in the Chicago Police Department's Use of Force (#19-1181)<sup>24</sup>

In the first quarter of 2022, the Public Safety section published the results of an evaluation of race- and ethnicity-based disparities in CPD's use of force. With a few exceptions delineated in policy, CPD members are required to document all takedowns, manual strikes, uses of less-lethal weapons, and uses of lethal force on a Tactical Response Report (TRR). The TRR collects a wide range of officer-reported information about use-of-force incidents, including: demographic information about the officer and the subject; the time and location of the incident; the "type of activity" that led to the incident, such as an investigatory stop, traffic stop, mental health related incident, or pursuit or arrest of a subject; information about the subject's actions; and information about efforts the CPD member took to limit the need for use of force ("force mitigation efforts"), such as giving verbal direction, strategic positioning, and the use of "time as a tactic."

OIG analyzed CPD's TRR data and other, complementary CPD-generated data from October 17, 2017 through February 28, 2020. The objective of this evaluation was to assess whether there was any evidence of race- or ethnicity-based disparities in use-of-force encounters in this period. OIG construed this objective broadly and used the available data to evaluate evidence of disparities across several phases of use-of-force encounters: (1) disparity in the likelihood of being stopped; (2) disparity in the likelihood of facing a use of force after having been stopped; (3) disparity in the level of force deployed in use-of-force encounters; (4) disparity in the number of uses of force deployed in use-of-force encounters; and (5) disparity in the number of force mitigation efforts deployed in use-of-force encounters.

OIG found evidence of disparities in some but not all of its separate analyses. Where disparities were identified, they consistently disadvantaged Black people and consistently advantaged

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<sup>24</sup> Published March 1, 2022 See: <https://igchicago.org/wp-content/uploads/2022/02/Use-of-Force-Disparities-Report.pdf>.

White people. The results were mixed for Hispanic people, and the other racial/ethnic groups represented in CPD's TRR data—Asian/Pacific Islanders and Native Americans/Alaskan Natives—appear in the data in numbers too small to support strong conclusions about disparities in use of force. The disparities disadvantaging Black people were most pronounced and supported by the strongest evidence with respect to the earliest phases of a use of force interaction: who gets stopped by the police and who gets subjected to a use of force of any type. OIG found that Black people were far more likely to be stopped by the police than non-Black people in investigatory stops and traffic stops. This result was consistent across CPD Districts, and the disparity cannot be explained entirely by different patterns of officer behavior in the Districts that CPD defines as "high crime" Districts (i.e., CPD's "Tier 1" Districts). Separately, OIG found that, once stopped in an investigatory stop or traffic stop, Black people were more likely than non-Black people to face use of force. This result was also consistent across CPD Districts.

OIG separately analyzed TRR data for evidence of race- or ethnicity-based disparities in the *level* of force CPD members apply to a subject in use-of-force encounters. Again, OIG found evidence of disparities disadvantaging Black people. OIG used TRR reporting of subject action and officer force level used to compare the levels of force deployed against people of different racial and ethnic groups who engaged in similar actions. This analysis showed that, while CPD was more likely to use lower levels of force against all people, Black people generally had higher odds of facing higher-level force options than non-Black people across levels of subject resistance. Among subjects who were reported to have used deadly force, Hispanic people were more likely to face a higher-level force option than non-Hispanic people. Meanwhile, White people were almost never more likely to face a higher-level use of force than non-White people.

OIG found no evidence of race- or ethnicity-based disparities in force mitigation efforts as reported by officers, nor did OIG find evidence of race- or ethnicity-based disparities in the frequency of application of multiple uses of force against individual subjects in a single incident.

CPD's response to OIG's report described use-of-force-related trainings offered before, during, and after the period of analysis, as well as trainings planned for the future. Specifically, CPD's response stated, "since [OIG's period of analysis], the Department has made great strides in Use of Force and Procedural Justice training and has revised numerous policies including, but not limited to, the entire Use of Force suite of orders. In fact, the Department has achieved preliminary compliance on the use of force paragraphs in the Consent Decree." CPD also described its creation of the Force Review Division, "which reviews individual reports of force and makes recommendations for training opportunities, refers incidents for accountability review if necessary and reports out" on its work and findings.

In responding to the substance of the report, CPD posed several critical points. First, CPD stated that the report "represents a quantitative analysis of data and does not reflect the factual complexities and situational uniqueness of each use of force incident." Second, CPD stated that OIG's "report as written suggests that any population's disproportionate representation in a broad, quantitative review of stops, searches, and/or seizures, standing alone, was the result of improper or bias-based policing practices." OIG disagrees with this reading of its report. As

described above, this report does not reach the question of the causes of the disparities observed. Third, CPD asserted that OIG's report "looks solely at population data rather than suspect data, crime data, etc." While CPD's reply letter does not name any specific data sources or analyses that CPD believes OIG neglected, it is not correct to state that OIG's report only contextualizes use-of-force disparities with population data. In looking at disparities in stops by District, OIG relied on CPD's own "Tiers" system, which ranks police Districts into groups based on their level of "public violence." When looking at disparities in the level of severity of force applied in use-of-force incidents, OIG controlled for the level of resistance exhibited by the subject, as reported by the officer. Finally, CPD alleges that OIG "incorrectly presumes that all ISRs [Investigatory Stop Reports] resulted from self-initiated, 'on-view' *Terry* stops" instead of a myriad of other ways in which officers may have received information giving rise to reasonable suspicion or probable cause. OIG's report makes no such presumption, however. The report simply notes that not all police encounters will be documented in ISRs and refers readers to CPD's own policies to describe the circumstances under which an ISR must be completed.

## B. INSPECTION OF CLOSED DISCIPLINARY INVESTIGATIONS

The Public Safety section reviews individual closed disciplinary investigations conducted by COPA and BIA. OIG may make recommendations to inform and improve future investigations, and, if it finds that a specific investigation was deficient such that its outcome was materially affected, may recommend that it be reopened. Closed investigations are selected for in-depth review based on several criteria, including, but not limited to, the nature and circumstances of the alleged misconduct and its impact on the quality of police-community relationships; the apparent integrity of the investigation; and the frequency of an occurrence or allegation. The closed investigations are then reviewed in a process guided by the standards for peer review of closed cases developed by the Council of Inspectors General on Integrity and Efficiency. OIG assesses sufficiency across several categories, including timeliness, professional standard of care, interviews, evidence collection and analysis, internal oversight, and case disposition.

This quarter, the Inspections Unit examined 208 closed disciplinary cases and opened 14 for in-depth review.

TABLE 8 – DISCIPLINARY CASES REVIEWED

Agency	Cases Screened	Cases Opened
BIA	134	5
COPA	74	9
<b>Total</b>	<b>208</b>	<b>14</b>

### RECOMMENDATIONS TO REOPEN CLOSED DISCIPLINARY INVESTIGATIONS

This quarter, OIG found that one COPA investigation and one BIA investigation contained deficiencies which materially affected their outcome and recommended that they be reopened. BIA's investigation is detailed below. OIG has not yet received a response to its recommendation to COPA.

- OIG has not yet received a response to one recommendation made to COPA in the third quarter of 2021 and two recommendations made to COPA in the fourth quarter of 2021;
- BIA reopened two investigations based on OIG's recommendations—one made in the third quarter of 2021 and one in the fourth quarter of 2021.

TABLE 9 – RESPONSES PENDING WITH AGENCIES

OIG Case Number	Investigating Agency	Date Recommendation Was Sent to Agency
21-0916	COPA	7/29/21
21-1899	COPA	10/27/21
21-2194	COPA	12/17/21
C2022-43840 <sup>25</sup>	COPA	3/10/22

OIG will publish further details on these investigations once the investigating agency has responded to our recommendations or once a final decision has been made by an agency.

1. Recommendation to Reopen to Ensure a Fair and Consistent Investigative Outcome (#21-2193)

COPA investigated an allegation that a complainant was detained without justification during a traffic stop. During the detention, two CPD officers conducted a pat-down on the complainant. COPA determined that the traffic stop and the detention were justified because the evidence showed that the complainant committed a traffic offense. However, COPA raised allegations against one of the officers—and only one of the officers—for failing to document the detention in an ISR and for failing to provide the complainant with an Investigatory Stop Receipt. COPA sustained both allegations against the single officer and recommended a seven-day suspension.

CPD Special Order S04-13-09: Investigatory Stop System requires CPD members to complete an ISR following a pat-down or search and to provide the subject of the police action with a receipt documenting the incident. The Special Order does not place the responsibility of completing the ISR or providing the Investigatory Stop Receipt on a particular member. Instead of assigning those responsibilities, the Special Order states that “sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report,” and “upon completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt.”

In this case, it was undisputed that both officers conducted a pat-down on the complainant. It is also undisputed that no ISR was completed and no Investigatory Stop Receipt was provided. In other investigations reviewed by OIG, COPA has sustained allegations for failing to complete an ISR and for failing to provide an Investigatory Stop Receipt against multiple CPD members

<sup>25</sup> On February 14, 2022, OIG implemented a new case management system, which accounts for the new case number format.

involved in single incident. In this case, COPA's investigative file contained no explanation for why allegations were only brought against one of the officers involved in the investigatory stop. COPA elected to interview the second officer as a witness, rather than serve them with allegations. OIG recommended that COPA reopen this investigation to determine whether the second officer failed to adhere to the applicable CPD directive, and, in turn, to ensure a fair and consistent outcome. In its recommendation, OIG cited previous COPA findings that sought discipline for multiple members in similar incidents.<sup>26</sup>

COPA declined to accept OIG's recommendation, writing that it "does not have the resources necessary to reopen a two-year-old investigation to serve a single allegation involving a failure to complete an administrative task."

## 2. Recommendation to Reopen to Correct Disciplinary History (#21-2023)

OIG reviewed a BIA investigation into allegations against a single officer regarding their behavior while responding to a call for service and while interacting with other CPD members assigned to assist on that call. BIA sustained an allegation for conduct unbecoming against the accused member and recommended a 10-day suspension. Included in the case file was the accused member's disciplinary history—dated more than 10 months prior to the conclusion of the investigation—which indicated that the accused had not been the subject of any sustained allegations in any disciplinary investigation during the applicable timeframe prescribed by the relevant collective bargaining agreement.

Through its review, OIG became aware of two other investigations that resulted in sustained allegations against the accused member that should have appeared in a complete and accurate record of their disciplinary history. Because CPD directives require investigators to give appropriate consideration to the applicable disciplinary history of an accused CPD member when making penalty recommendations, OIG recommended that BIA reopen this investigation to include a complete and accurate accounting of the accused member's disciplinary history in the file and to ensure that it was given appropriate consideration in penalty recommendations.

BIA concurred with OIG's request and reopened the investigation in order to update the member's disciplinary history in the investigative file, but did not change the recommended discipline.

## 3. Recommendation to Reopen to Account for All Possible Rule Violations (#21-1700)

OIG reviewed a COPA investigation into a fatal shooting. COPA found the shooting to be within policy; however, COPA brought and sustained allegations that the CPD member underloaded their carbine rifle and failed to have a valid Firearm Owners Identification (FOID) card at the time

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<sup>26</sup> By way of one example, COPA reached sustained findings against four officers in an incident in where no ISR was completed, writing that each individual member "failed to ensure" that the necessary "Investigatory Stop Reports were completed"

of the incident, in violation of CPD Rules of Conduct, Rule 6-Disobedience of an order or directive, whether written or oral.

During a preliminary investigation of the shooting, a CPD evidence technician, as a matter of routine, processed the CPD member's weapon that was used in the shooting. It was during this process the CPD member stated that they underloaded their weapon and that they did not have their FOID card on them as they had switched wallets. COPA's investigation later revealed that the CPD member's FOID card was expired at the time of the shooting; however, COPA investigators never asked the CPD member whether they knew their FOID card was expired at the time of the fatal shooting at issue or, in fact, when they learned that it was expired.

Although COPA sustained allegations that the CPD member failed to possess a valid FOID card on the date of the incident, there was no contemplation that the CPD member may have violated Rule 14 in that they falsely reported their FOID card was in another wallet, while in fact being aware that their FOID card was expired.

OIG recommended that COPA reopen its investigation to gather additional available evidence regarding the status of the CPD member's FOID card at various relevant times, the member's knowledge thereof, and to perform an analysis of whether statements made to the evidence technician on the scene of a fatal officer-involved shooting constituted a false report.

COPA declined to reopen their investigation citing that the statement made to the evidence technician was "hearsay," that COPA found the CPD member's account of the shooting incident to be credible, and that reopening the case would not be an efficient use of COPA resources.

#### 4. Recommendation to Reopen to Promote Transparency and Ensure a Complete Evidentiary Record (#21-1138)

COPA completed an investigation originally initiated by the Independent Police Review Authority (IPRA) concerning allegations against three officers, related to an incident that occurred in March 2017, during which one of the accused members discharged their Taser at an injured individual who was unwilling to accept transport to a hospital.<sup>27</sup> COPA served allegations against all three of the involved officers, ultimately sustaining allegations against two of the three. OIG's review of records outside of COPA's investigative file revealed that COPA engaged Hilliard Heintze, an investigative and security risk management firm, as a consultant for this investigation and that Hilliard Heintze provided COPA with a written report of its analysis and recommendations. However, COPA's investigative file contained no record of Hilliard Heintze's analysis, no accounting for why and how COPA's conclusions differed from it, and no indication that a third-party consultant was engaged in the matter. Notably, Hilliard Heintze recommended that certain findings of misconduct be not sustained, and without any accounting for or mention of that recommended finding, COPA sustained the allegations. OIG recommended that COPA reopen its

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<sup>27</sup> The investigation was initiated under IPRA, which was replaced by COPA on September 15, 2017.

investigation to complete the evidentiary record and to include all relevant reports, documents, and analyses in its investigative file.<sup>28</sup>

COPA declined to reopen the investigation and stated that it “did not retain Hilliard Heintze as an expert consultant as part of its role in this case. Rather, COPA retained them to assist in reviewing and analyzing evidence and drafting the summary report of investigation.” COPA asserted that Hillard Heintze’s memorandum was left out of the file because it was a draft and that “there is no indication of new evidence that could materially affect the outcome of [the investigation] or that its closure resulted in a gross miscarriage of justice.”

5. Recommendation to Reopen to Correct the Investigative File and Investigate All Accused Members (#21-0890)

OIG reviewed an investigation into allegations that various CPD members covered their names and star numbers during the civil unrest that occurred in June 2020. Allegations were made against several unknown CPD members based on a video recording, posted to various social media websites, and brought to CPD’s attention by a news reporter. BIA identified one CPD member in the investigation and sustained the allegations.

BIA’s investigative file contained an affidavit override request approved by the COPA chief administrator.<sup>29</sup> The override request form listed the names of three CPD members. However, those officers were not investigated. Instead, BIA sustained allegations against a CPD member not named in the affidavit override memo. Also, the affidavit override request referenced an internal memo that outlined supporting evidence for the override, but BIA failed to include the memo in the investigative file. Based on a preliminary review, OIG recommended that BIA reopen the investigation to:

- add the memo supporting the affidavit override request to the investigative file,
- determine whether the affidavit override provided an appropriate basis upon which to investigate the CPD member who received a sustained finding for their involvement, and
- determine whether the allegations against the three CPD members named in the affidavit override were ever investigated.

BIA accepted OIG’s recommendation to reopen the investigation, addressed the issues identified by OIG, and completed an investigation of three CPD members, which resulted in sustained findings.

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<sup>28</sup> Notably, OIG has reviewed other investigations in which COPA engaged Hillard Heintze but did contain reports of Hillard Heintze’s analysis.

<sup>29</sup> Under the collective bargaining agreement in effect at the time of this investigation, most complaints against a CPD member had to be supported by a sworn affidavit. In the absence of an affidavit, the investigating agency could obtain an affidavit override, which was written authorization from the head of a counterpart police misconduct investigating agency to complete an investigation when there was objective, verifiable evidence to support the allegations.

## IX. COMPLIANCE

The Compliance section uses quantitative and qualitative data and information correlated to internal culture, operations, and impact of service provision to monitor trends and patterns across City departments. The Compliance section also issues guidance, training, and program recommendations to City departments on a broad and complex array of employment-related actions; monitors human resources activities, which include hiring and promotion; performs legally-mandated and discretionary audits; reviews the City's hiring and employment practices to ensure compliance with the various City Employment Plans,<sup>30</sup> publicly reports findings, and analysis on diversity and inclusion issues.

### A. HIRING PROCESS REVIEWS

#### 1. Contacts by Hiring Departments

OIG tracks all reported or discovered instances where hiring departments contacted the Department of Human Resources (DHR) or the Chicago Police Department Human Resources (CPD-HR) to lobby for or advocate on behalf of actual or potential applicants or bidders for covered positions or to request that specific individuals be added to any referral or eligibility list. During this quarter, OIG received one report of a direct contact:

- A Business Affairs and Consumer Protection employee contacted DHR to inquire about an applicant for the covered title of television production specialist.

#### 2. Political Contacts

OIG tracks all reported or discovered instances where elected or appointed officials of any political party or any agent acting on behalf of an elected or appointed official, political party, or political organization contact the City attempting to affect any hiring for any covered position or other employment actions.

Additionally, City employees often report contacts by elected or appointed officials that may be categorized as inquiries on behalf of their constituents but not an attempt to affect any hiring decisions for any covered position or other employment actions. During this quarter, OIG received notice of three political contacts:

- An alderman contact DHR to inquire about the status of a City employee's request for a reasonable accommodation.

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<sup>30</sup> On June 24, 2011, the City of Chicago filed the 2011 City of Chicago Hiring Plan (General Hiring Plan). The General Hiring Plan, which was agreed to by the parties and approved by the Court on June 29, 2011, replaced the 2007 City of Chicago Hiring Plan, which was previously in effect. This Hiring Plan was refiled, though not amended, on May 15, 2014. The City of Chicago also filed an amended Chicago Police Department Hiring Plan for Sworn Titles (CPD Hiring Plan) and an amended Chicago Fire Department Hiring Plan for Uniformed Positions (CFD Hiring Plan) on May 15, 2014, which were approved by the Court on June 16, 2014. Collectively, the General Hiring Plan, the CPD Hiring Plan, and the CFD Hiring Plan will be referred to as the "City's Hiring Plans."

- An alderman contacted DHR on behalf of three City employees related to the COVID-19 vaccine mandate.
- An alderman's staff member contacted DHR to inquire about a candidate for the covered title of police officer.

### 3. Exemptions

OIG tracks all reported or discovered *Shakman* Exempt appointments and modifications to the Exempt List on an ongoing basis. During this quarter, OIG received notification of 76 exempt appointments.

Additionally, DHR added one title to the *Shakman* Exempt list this quarter within the Chicago Department of Public Health.

### 4. Senior Manager Hires

OIG reviews hires pursuant to Chapter VI covering the Senior Manager Hiring Process. During this quarter, OIG received notice of four senior manager hires.

### 5. Written Rationale

When no consensus selection is reached during a consensus meeting, a written rationale must be provided to OIG for review.<sup>31</sup> During this quarter, OIG did not receive any written rationales for review.

### 6. Emergency Appointments

OIG reviews circumstances and written justifications for emergency hires made pursuant to the Personnel Rules and Municipal Code of Chicago § 2-74-050(8). During this quarter, the City did not report any emergency appointments.

### 7. Review of Contracting Activity

OIG is required to review City departments' compliance with the City's Contractor Policy (Exhibit C to the City's Hiring Plan). Per the Contractor Policy, OIG may choose to review any solicitation documents, draft agreements, final contract, or agreement terms to assess whether they are in compliance with the Contractor Policy. This review includes analyzing the contract for common-law employee risks and ensuring the inclusion of *Shakman* boilerplate language.

Under the Contractor Policy, departments are not required to notify OIG of all contract or solicitation agreements or task orders. However, all contract and solicitation agreements that OIG receives notice of will be reviewed. In addition, OIG will request and review a risk-based sample of contract documents from departments.

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<sup>31</sup> A "consensus meeting" is a discussion that is led by the DHR recruiter at the conclusion of the interview process. During the consensus meeting, the interviewers and the hiring manager review their respective interview results and any other relevant information to arrive at a hiring recommendation.

In addition to contracts, pursuant to Chapter X of the Hiring Plan, OIG must receive notification of the procedures for using volunteer workers at least 30 days prior to implementation. OIG also receives additional notifications of new interns and/or volunteer workers for existing programs.<sup>32</sup> The table below details contracts and internship opportunities OIG reviewed this quarter.

TABLE 10 – CONTRACT AND INTERNSHIP OR VOLUNTEER OPPORTUNITY NOTIFICATIONS

[illegible]

Throughout the pandemic, the Chicago Department of Public Health has brought on temporary assistance through a contract with Sunbelt Staffing, LLC to help manage operations. The Department has requested extensions on many of these temporary engagements; some of these engagements will go past the current one-year limit that is in the City's Contractor Policy. Given

<sup>32</sup> Chapter X.B 6 of the General Hiring Plan.

that the pandemic is ongoing, DHR agreed to waive that one-year limitation and extend the agreements until June 30, 2022 and December 31, 2022.

Likewise, due to additional grant funding received by the Department of Family and Support Services from the American Rescue Plan Act of 2021, they have requested to extend their use of temporary services past one year. Given the circumstances, DHR approved the request.

## B. HIRING PROCESS AUDITS

### 1. Modifications to Class Specifications,<sup>33</sup> Minimum Qualifications, and Screening and Hiring Criteria

OIG reviews modifications to class specifications, minimum qualifications, and screening and hiring criteria. This quarter, OIG received notifications that DHR changed the minimum qualifications for 10 titles within the following departments: Assets, Information and Services, Aviation, Budget Management, Family and Support Services, Library, Police and Water Management. OIG reviewed each of the proposed changes to minimum qualifications and had no objections.

### 2. Referral Lists

OIG audits lists of applicants/bidders who meet the predetermined minimum qualifications generated by DHR for City positions. OIG examines a sample of referral lists and notifies DHR when potential issues are identified. This quarter, OIG audited two referral lists and did not find any errors.

### 3. Testing

The Hiring Plan requires that OIG conduct an audit of DHR test administrations and scoring each quarter. This quarter, OIG did not complete an audit of test administrations but will resume the audit in a forthcoming quarter.

### 4. Selected Hiring Sequences

Each quarter, the Hiring Plan requires OIG to audit at least 10% of in-process hiring sequences and at least 5% of completed hiring sequences conducted by the following departments or their successors: Assets, Information and Services; Aviation; Buildings; Streets and Sanitation; Transportation; Water Management; and six other City departments selected at the discretion of OIG.

Auditing the hiring sequence requires an examination of the hire packets, which include all documents and notes maintained by City employees involved in the selection and hiring process

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<sup>33</sup> "Class Specifications" are descriptions of the duties and responsibilities of a class of positions that distinguish one class from another. They are, in effect, the general descriptions utilized to determine the proper level to which a position should be assigned, and they include the general job duties and minimum qualifications of the position. Class Specifications shall include sufficient detail so as to accurately reflect the job duties.

for a particular position. As required by the Hiring Plan, OIG examines some hire packets during the hiring process and examines other packets after the hires are completed. This quarter, OIG did not complete an audit of hire packets but will resume the audit in a forthcoming quarter.

#### 5. Hiring Certifications

OIG audits the City's compliance with Chapter XII.C.5 of the General Hiring Plan. A Hiring Certification is a form completed by the selected candidate(s) and all City employees involved in the hiring process to attest that no political reasons or factors or other improper considerations were taken into account during the applicable process. This quarter, OIG did not complete an audit of hiring certifications.

#### 6. Selected Department of Law Hiring Sequences

Pursuant to Section B.7 of the Department of Law (DOL) Hiring Process, OIG has the authority to audit DOL hiring files. Hiring files include assessment forms, notes, documents, written justifications, and hire certification forms. In 2018, DOL became the repository for all documentation related to the hiring sequences for the titles covered by the DOL Hiring Process. OIG will conduct an audit of DOL hire packets in the second quarter and will report on its findings in a forthcoming quarter.

#### 7. Selected Chicago Police Department Assignment Sequences

Pursuant to Chapter XII of the CPD Hiring Plan for Sworn Titles, OIG has the authority to audit other employment actions, including district or unit assignments, as it deems necessary to ensure compliance with this Hiring Plan. Generally, OIG audits assignments that are not covered by a collective bargaining unit and which are located within a district or unit.

Assignment packets include all documents and notes maintained by employees involved in the selection processes outlined in Appendix D and E of the CPD Hiring Plan. On a quarterly basis, OIG selects a risk-based sample of assignment packets for completed process review after selections have been made and the candidates have begun their assignments. This quarter, OIG did not complete an audit of CPD assignments but will resume the audit in a forthcoming quarter.

#### 8. Selected Chicago Fire Department Assignment Sequences

Pursuant to Chapter X of the CFD Hiring Plan for Uniformed Positions, OIG has the authority to audit other employment actions, including assignments, "as it deems necessary to ensure compliance with [the] CFD Hiring Plan." Assignment packets include all documents utilized in a specialized unit assignment sequence, including, but not limited to, all forms, certifications, licenses, and notes maintained by individuals involved in the selection process. OIG selects a risk-based sample of assignment packets for completed process review after CFD issues unit transfer orders and candidates have begun their new assignments. OIG will audit CFD assignment sequences in the second quarter and will report on its findings in a forthcoming quarter.

## 9. Monitoring Hiring Sequences

In addition to auditing hire packets, OIG monitors hiring sequences as they progress by attending and observing intake meetings, interviews, tests, and consensus meetings. The primary goal of monitoring hiring sequences is to identify any gaps in internal controls. However, real-time monitoring also allows OIG to detect and address compliance anomalies as they occur.

OIG identifies the hiring sequences to be monitored based on risk factors such as past errors, complaints, and historical issues with particular positions. This quarter, OIG monitored three intake meetings, two sets of interviews, and three consensus meetings. The table below shows the breakdown of monitoring activity by department.<sup>34</sup>

**TABLE 11 – OIG MONITORING ACTIVITIES THIS QUARTER**

Department	Intake Meetings Monitored	Tests Monitored	Interview Sets Monitored	Consensus Meetings Monitored
Fire	3		1	1
Human Resources				1
Police			1	1

## 10. Acting Up<sup>35</sup>

OIG audits the City's compliance with Chapter XI of the General Hiring Plan and the Acting Up Policy. This quarter, OIG did not receive notice of any DHR-approved waiver requests to the City's 90-Day Acting Up limit.<sup>36</sup>

## 11. Arbitrations and Potential Resolution of Grievances by Settlement

Chapter XII.C.7 of the City's Hiring Plan requires OIG to audit grievance settlement decisions that may impact procedures governed by the Hiring Plan. This quarter, OIG did not receive notice of any settlement agreement which resulted in employment actions from DHR.

<sup>34</sup> If a department is not included in this table, OIG did not monitor any elements of that department's hiring sequence(s).

<sup>35</sup> "Acting Up" means an employee is directed or is held accountable to perform, and does perform, substantially all the responsibilities of a higher position.

<sup>36</sup> Pursuant to the Acting Up Policy, no employee may serve in an acting up assignment in excess of 90 days in any calendar year unless the department receives prior written approval from DHR. The department must submit a waiver request in writing signed by the department head at least 10 days prior to the employee reaching the 90-day limitation. If the department exceeds 90 days of Acting Up without receiving a granted waiver request from DHR, the department is in violation of the Policy.

## C. REPORTING OF OTHER OIG COMPLIANCE ACTIVITY

### 1. Escalations

Recruiters and analysts in DHR and CPD-HR must escalate concerns regarding improper hiring by notifying OIG. In response to these notifications, OIG may take one or more of the following actions: investigate the matter, conduct a review of the hiring sequence, refer the matter to the DHR commissioner or appropriate department head for resolution, or refer the matter to the OIG Investigations section. This quarter, OIG did not receive notice of any new escalations.

### 2. Compliance Reviews

OIG did not conduct any compliance reviews this quarter.

### 3. Processing of Complaints

OIG receives complaints regarding the hiring process, including allegations of unlawful political discrimination and retaliation and other improper considerations in connection with City employment. All complaints received by OIG are reviewed as part of OIG's complaint intake process. Hiring-related complaints may be resolved in several ways, depending upon the nature of the complaint. If there is an allegation of a Hiring Plan violation or breach of a policy or procedure related to hiring, OIG may open a case into the matter to determine if such a violation or breach occurred. If a violation or breach is sustained, OIG may make corrective recommendations to the appropriate department or may undertake further investigation. If, after sufficient inquiry, no violation or breach is found, OIG will close the case as not sustained. If, in the course of an inquiry, OIG identifies a non-hiring-related process or program that could benefit from a more comprehensive audit, OIG may consider a formal audit or program review.

This quarter, OIG received 8 complaints and had 3 pending complaints from the prior quarter. The table below summarizes the disposition of these complaints.

**TABLE 12 – COMPLIANCE COMPLAINTS RECEIVED THIS QUARTER**

Complaint Status	Number of Complaints
Pending from Previous Quarter	3
Received This Quarter	8
Declined or Referred	10
Opened	1
Complaints Pending as of End of Quarter	0

The Compliance section closed 11 cases this quarter. The table below summarizes the disposition of these cases, as well as those pending from the previous quarter.

TABLE 13 – COMPLIANCE CASES THIS QUARTER

Case Status	Number of Cases
Pending from Previous Quarter	18
Opened	4
Closed Administratively	4
Not Sustained Notification	6
Referred	5
Cases Pending as of End of Quarter	7

The City of Chicago Office of Inspector General (OIG) is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, effectiveness, and integrity in the administration of programs and operations of City government. OIG achieves this mission through,

- administrative and criminal investigations by its Investigations section;
- performance audits of City programs and operations by its Audit and Program Review section;
- inspections, evaluations and reviews of City police and police accountability programs, operations, and policies by its Public Safety section; and
- compliance audit and monitoring of City hiring and human resources activities by its Compliance section.

From these activities, OIG issues reports of findings and disciplinary or other recommendations to assure that City officials, employees, and vendors are held accountable for violations of laws and policies; to improve the efficiency and cost-effectiveness of government operations; and to prevent, identify, and eliminate waste, misconduct, fraud, corruption, and abuse of public authority and resources.

OIG's authority to produce reports of its findings and recommendations is established in the City of Chicago Municipal Code §§ 2-56-030(d), -035(c), -110, -230, and -240.

#### **PUBLIC INQUIRIES**

Communications: (773) 478-8417 | [communications@igchicago.org](mailto:communications@igchicago.org)

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