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CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

JOSEPH M. FERGUSON, INSPECTOR GENERAL FOR THE CITY OF CHICAGO

THIRD QUARTER REPORT 2020

JOSEPH M. FERGUSON INSPECTOR GENERAL

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**TO THE MAYOR, MEMBERS OF THE CITY COUNCIL, CITY CLERK, CITY
TREASURER, AND RESIDENTS 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 third quarter of 2020, filed with City Council pursuant to Section 2-56-120 of the Municipal Code of Chicago.

This report, as with all quarterly reports, looks back on concluded matters. Unlike most such reports, however, it is issued at a moment when attention is and should be singularly focused on meeting daunting challenges of the present that will have profound impact on our future. We therefore release this report with the hope that it, as well as prior published work—whether quarterly reports, audits, advisories, evaluations, and still relevant budget options reports issued during the depths of the City’s last cycle of profound, fiscal challenges, all posted on our website—are of service to both City officials and the public in the search for sustainable solutions.

Respectfully,

Joseph M. Ferguson Inspector General City of Chicago

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THIRD QUARTER REPORT

OCTOBER 15, 2020

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THIRD QUARTER 2020 HIGHLIGHTS

COMPLAINTS RECEIVED

411

MATTERS CONCLUDED

OIG concluded investigations regarding:

- Benefits fraud and forgery
- Bribery, preferential treatment, and retaliation
- Employee intimidation and harassment
- Failure to report misconduct and false statements
- Threat of violence and possession of a firearm in the workplace
- Theft of City property
- Theft and mismanagement of City funds

\$11,000

DISALLOWED CAMPAIGN FINANCE CONTRIBUTIONS

OIG published reports regarding:

- Department of Streets and Sanitation's Weed Cutting Program
- Compliance with the City of Chicago's Video Release Policy for Use-of-Force Incidents
- Civilian Office of Police Accountability's Practice of Administratively Terminating Disciplinary Investigations

PUBLISHED REPORTS

OIG published notifications regarding:

- Contributions to Political Fundraising Committees
- Equal Employment Opportunity Obligations and Workplace Culture at the Department of Transportation
- Gap in the Conflict of Interest Policy for Building Inspectors

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This quarterly report provides an overview of the operations of the Office of Inspector General (OIG) during the period from July 1, 2020, through September 30, 2020. 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.¹ 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. Summaries of sustained investigations and the resulting department or agency actions are released in quarterly reports. 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 hiring oversight functions. As of last quarter, these functions are now fulfilled by OIG's Diversity, Equity, Inclusion, and Compliance section.

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¹ "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.

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II. INVESTIGATIONS

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

A. COMPLAINTS RECEIVED THIS QUARTER

OIG received 724 complaints this quarter. The following chart breaks down the complaints OIG received during the past quarter by the method in which the complaint was reported.

CHART #1 - COMPLAINTS BY REPORTING METHOD

25

45



Online Tipline OIG Referral Mail Fax Board of
Initiated Ethics

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

² 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

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TABLE #1 - COMPLAINT ACTIONS

Status ■ ■ ■ ■	NumRer of Complaints
Opened Investigation	31
Pending ³	129
Referred to Department/Sister Agency	271
Declined	299
Total	730

B. PRIOR QUARTER COMPLAINTS

This quarter, OIG acted on 158 of the 160 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 COMPLAI NTS

Opened Investigation	19
Pending	2
Referred to Department/Sister Agency	89
Referred to Hiring Oversight	3
Declined	47

Total 160

C. NEWLY OPENED MATTERS

This quarter, OIG opened 422 matters. The following table provides details on the subjects and number of investigations and referrals for newly opened matters.⁴

TABLE #3 - SUBJECT OF INVESTIGATE N'S AND REFERRALS

Employees	332
Contractors, Subcontractors, and Persons Seeking Contracts	13
Elected Officials	15
Appointed Officials	3
Licensees	11

³ 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.

⁴ More than one case may be opened on the same complaint, accounting for discrepancies between the total number of complaints opened as investigations and the total number of cases opened this quarter.

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Persons Seeking Certification of Eligibility	1
Other	47
Total	422

D. CASES CONCLUDED THIS QUARTER

This quarter, OIG concluded 411 opened matters. The following table provides details on the status and number of cases concluded.

TABLE #4- CASES CONCLUDED THIS QUARTER

Referred to a City Department	313
Referred to a Sister/External Agency	52
Sustained ⁵	9
Not Sustained ⁶	22
Closed Administratively ⁷	15
Total	411

E. PENDING MATTERS

At the close of this quarter, OIG had a total of 177 pending matters, including investigations opened

during the quarter.

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 177 pending matters, 52 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).

⁵ 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.

⁶ A case is not sustained when OIG concludes that the available evidence is insufficient to prove a violation under applicable burdens of proof

⁷ 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.

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TABLE #5-INVESTIGATIONS OPEN OVER TWELVE MONTHS, THIRD QUARTER

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 ⁸	Pending federal criminal investigation of bribery.
18-0525	Criminal investigation of MBE fraud.
18-0646	City employee's false impersonation of a police officer and failure to properly document an incident by police officers.
18-0679 ⁹	Criminal investigation of MBE fraud and false billing by a City contractor.
18-0680 ¹⁰	False statements by a City vendor.
18-0715	Criminal investigation of MBE fraud.
18-0802	Residency violation.
18-0904	Bribery investigation.
19-0006	Filing false reports with the City.
19-0036 ¹¹	Unauthorized secondary employment and false statements submitted to the City by a City employee.
19-0065	Criminal investigation of theft of City grant money.
19-0114	Duty disability fraud.
19-0118	Pending federal criminal investigation of bribery and theft.
19-0150	Medical leave fraud.

19-0178 Criminal investigation concluded without charge and resumed for administrative investigation of distribution of steroids to City employees.
19-0180¹² False information submitted to a bank by a City employee.
19-0183 Criminal investigation of bribery and theft.
19-0202 Criminal investigation of theft of a City check.
19-0206¹³ Residency violation.
19-0300 Criminal investigation of WBE fraud.

^sOn hold, in order not to interfere with another ongoing investigation ⁹ Extended due to other higher-risk, time sensitive investigations [■] Extended due to other higher-risk, time sensitive investigations ¹¹ Extended due to other higher-risk, time sensitive investigations.

Extended due to other higher-risk, time sensitive investigations ¹³ Extended due to other higher-risk, time sensitive investigations

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' Case Number	General Nature of Allegations
19-0303	False information submitted to the City.
19-0313	Pending federal criminal investigation of bank fraud.
19-0411	False information submitted to the City.
19-0412	FMLA fraud.
19-0413	Criminal investigation of contract steering and collusion.
19-0487 ¹⁴	Jury duty leave fraud.
19-0488 ¹⁵	Preferential treatment.
19-0506 ¹⁵	False information submitted to the City.
19-0515	Preferential treatment.
19-0516	Unauthorized use of City equipment, time fraud, and submission of false documentation.
19-0528	Failure to follow department rules in course of an investigation.
19-0546	FMLA fraud.
19-0605 ¹⁷	Prohibited interest in City business.
19-0608 ¹⁸	Improper access to a City facility.
19-0609	False information submitted to the City.
19-0633 ¹⁹	Falsified a City document.
19-0637	Sexual harassment.
19-0714 ²⁰	Improper use of City resources.
19-0715	Residency violation.
19-0788 ²¹	Improper use of City resources.
19-0791	False information submitted to the City.
19-0792	Duty disability fraud.
19-083? ²	Residency violation.
19-0878 ²³	Inefficiency of City policy.

¹⁴ Extended due to other higher-risk, time sensitive investigations

¹⁵ Extended due to other higher-risk, time sensitive investigations

¹⁶ Extended due to other higher-risk, time sensitive investigations

¹⁷ Extended due to other higher-risk, time sensitive investigations

- 18 Extended due to other higher-risk, time sensitive investigations
- 19 Extended due to other higher-risk, time sensitive investigations.
- 20 Extended due to other higher-risk, time sensitive investigations
- 21 Additional complaints were added during the course of the investigation
- 22 Extended due to other higher-risk, time sensitive investigations.
- 23 Extended due to other higher-risk, time sensitive investigations

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Case Number	- General Nature of Allegations ,*J
19-0906 ²⁴	Preferential treatment.
19-0907 ²⁵	Preferential treatment.
19-0958	Improper use of City resources.
19-0960	Retaliation.
19-0961 ²⁵	Residency violation.

G. ■ ETHICS ORDINANCE COMPLAINTS

This quarter, OIG received 39 Ethics Ordinance complaints. OIG declined 28 complaints because they lacked foundation, opened 1 for investigation, referred 2 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 one investigation opened.

²⁴ Additional complaints were added during the course of the investigation

²⁵ Extended due to other higher-risk, time sensitive investigations

²⁶ Extended due to other higher-risk, time sensitive investigations

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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 investigation²⁷-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 Office of the Mayor, 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's 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.²⁸ 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 resolved two campaign finance violation matters that involved \$11,000 in disallowed contributions. Details of the cases are provided in the table below.

²⁷ 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."

²³ 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.

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TABLE #6-CAMPAIGN FINANCE ACTIVITY

Case Number	Donation Amount (Year)	Donation Source	Amount of Funds Returned
18-0508	\$10,500 (2017)	Company doing business with the City	\$9,000
18-0508	\$3,500 (2017)	Company doing business with the City	\$2,000

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 and inform OIG of what action the department intends to take. Departments must follow strict protocols, set forth in the City's Personnel Rules, Procurement Rules, and/or applicable collective bargaining agreements, prior to imposing disciplinary or corrective action.³⁰

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 the cases for public reporting purposes and thus may not contain all allegations and/or findings for each case.

TABLE #7 - OVERVIEW OF CASES COMPLETED AND REPORTED AS SUSTAINED MATTERS

Table

20-0633	Administrative Hearings	Discharge and designate as ineligible for rehire	Retired in lieu of discharge; designated as ineligible for rehire
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²³ 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

³⁰ 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

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Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
19-1345	Streets and Sanitation	Discharge and designate as ineligible for rehire	Discharged; designated as ineligible for rehire; appeal pending

19-1129	Police	Officer (P.O.) under the influence- Discipline commensurate with the gravity of violations Initial responding officers (PPOs) - Discipline commensurate with the gravity of violations Additional responding officers (P.O.s)-Discipline commensurate with the gravity of violations Sergeant-Discipline commensurate with the gravity of violations Lieutenant- Discharge and designate as ineligible for rehire 'Commander- Discipline commensurate with the gravity of violations	7-day suspension 1-day suspension 7-day suspension 14-day suspension 21-day suspension 28-day suspension
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Case Number	Department Agency	OIG Recommendation	Department or Agency Action
19-0877	Transportation	Discipline commensurate with the gravity of violations	10-day suspension
19-0509	Streets and Sanitation	Discipline commensurate with the gravity of violations, up to and including discharge	Discharged; designated as ineligible for rehire
19-0302	Aviation	Designate as ineligible for rehire and place OIG summary report in employee's personnel file	Employee retired after OIG interview; designated as ineligible for rehire and summary report placed in personnel file
19-0119	Streets and Sanitation	Discharge and designate as ineligible for rehire	Discharged; designated as ineligible for rehire
18-0821	Transportation	Discharge and designate as ineligible for rehire	Resigned in lieu of termination; designated as ineligible for rehire
18-0736	Aviation	Discharge and designate as ineligible for rehire	Retired in lieu of termination; designated as ineligible for rehire
18-0717	Aviation	Discipline commensurate with the gravity of violations; additional counseling for the foreman	Painter-No disciplinary action taken Foreman-Counseling
18-0716	Finance	Director-Discharge and designate as ineligible for rehire Finance officer- Discipline commensurate with the gravity of violations	Discharged; designated as ineligible for rehire 14-day suspension

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Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
18-0645	Water Management	Discharge and designate as ineligible for rehire	DWM agreed that the evidence established the employee's violations and initiated the disciplinary process. However, after reviewing the case, DOL determined discharge was not appropriate and issued a 10-day suspension
18-0166	Assets, Information and Services	Foreman and electrician- Discharge and designate as ineligible for rehire MTD -Discharge and designate as. ineligible for rehire Six electricians- Discipline commensurate with the gravity of violations, up to and including discharge MTD-Discipline commensurate with the gravity of violations, up to and including discharge Department- Ensure adequate training concerning City and departmental policies	Discharged; designated as ineligible for rehire Discharged; designated as ineligible for rehire; appeal pending 5-day suspension for five electricians; 10-day suspension for one electrician 10-day suspension No response

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Case ; Number	Department or Agency	OIG 'n' Recommendation	Department or Agency Action
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17- 051 18- 095	Aviation	Deputy commissioner- Issue a formal determination on the sustained violations; designate as ineligible for rehire; and place OIG's summary report in employee's personnel file Airport manager A- Discharge and designate as ineligible for rehire Airport manager B- Discharge and designate as ineligible for rehire MTD foreman- Discharge and designate as ineligible for rehire Plumbing manufacturer- Debar and prohibit use of the plumbing manufacturer's products	Resigned in lieu of termination; designated as ineligible for rehire and summary report placed in personnel file Resigned in lieu of termination; designated as ineligible for rehire No disciplinary action taken Discharged; designated as ineligible for rehire; appeal pending Debarment proceedings currently pending
17-0414	Library	Head library clerk- Designate as ineligible for rehire Branch manager- Discipline commensurate with	Resigned under inquiry; designated as ineligible for rehire 3-day suspension

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Case #	Department or Agency	OIG Recommendation	Department or Agency Action
17-0284	Buildings	the gravity of violations, up to and including discharge Department- Review cash handling procedures Discharge and designate as ineligible for rehire	Developed new cash handling policies and procedures Resigned in lieu of termination; designated as ineligible for rehire

1. Residency Violation (#20-0633)

An OIG investigation established that a Department of Administrative Hearings (DOAH) senior administrative law officer lived in Evanston, Illinois (the "Evanston property"), in violation of MCC § 2-152-050, requiring City employees to reside in Chicago. OIG obtained documents that revealed the employee owns and maintains the Evanston property, and regularly commuted to work from Evanston. The employee's deed, mortgage, driver's license, property tax bills, and electricity bills list the Evanston property as the employee's home address. The employee is also registered to vote in Evanston and has consistently voted in Evanston while employed by the City. The employee's Chicago Transit Authority (CTA) records further revealed that on the days the employee worked, 96.2% of the employee's CTA transactions occurred at an Evanston Purple line station. OIG conducted multiple surveillances and observed the employee commute to and from Evanston on the Purple line.

OIG recommended that DOAH take action consonant with the residency ordinance, which mandates discharge, and refer the employee for placement on the ineligible for rehire list maintained by the Department of Human Resources (DHR).

In response, DOAH issued the employee a notice of termination. The employee then submitted a letter of retirement, advancing a previously planned retirement. DOAH placed the employee on the ineligible for rehire list.

2. Threat of Violence and Possession of a Firearm in the Workplace (#19-1345)

An OIG investigation established that a Department of Streets and Sanitation (DSS) sanitation laborer, after having been issued a disciplinary suspension, made a verbal threat similar to, "When I come back on Monday, Pop! Pop! Pop!" DSS employees heard the threat, and DSS notified the Chicago Police Department (CPD). The

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following day, CPD officers arrived at the DSS facility to investigate, and when they asked if the sanitation laborer was carrying a weapon, the sanitation laborer—who had a valid Concealed Carry License—refused to answer, in violation of the requirements of the Illinois Firearm Concealed Carry Act. CPD officers searched the employee and found a loaded 9mm handgun in the employee's bag and an extra clip of ammunition on the employee's person. The employee was not authorized to possess the firearm during work or while on City property.

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

In response, DSS discharged the employee and placed the employee on the ineligible for rehire list. The employee appealed the decision, and a hearing was held on September 1, 2020. A final decision on the employee's appeal remains pending.

3. Driving Under the Influence; Incompetent DUI Investigation and Response; Failure to Report Misconduct; False Statements (#19-1129)

The following relates to conduct arising from an incident set forth in further detail in OIG's 2020 Second Quarter Report,³ which provides a narrative summary of the investigation respecting the primary subject in that underlying incident. OIG issued a report of its findings and recommendations regarding the primary subject in November 2019 and held in abeyance the summary public reporting until the conclusion of the investigation regarding the remaining subjects. The matters described below are the product of that ensuing, second stage of investigation of the remaining subjects, for which OIG issued its findings and recommendations in May 2020. The superintendent communicated his decisions on July 28, 2020 (following a request for, and OIG's conferral of, a 30-day extension to respond as permitted under the Municipal Code). In October 2020, OIG learned that those members had not yet been notified of the superintendent's decision; as of this writing, CPD reports this to have been rectified.

a) Driving Under the Influence (#19-1129)

An OIG investigation established that in the evening hours of October 16, 2019, a CPD officer consumed alcohol before using a City vehicle and drove a City vehicle while under the influence of alcohol. The police officer consumed several large servings of rum while at a restaurant with the CPD superintendent. The police officer later drove home in their City vehicle. The officer's actions violated the Illinois Compiled Statutes, CPD's Rules and Regulations, and the Department of Fleet and Facility Management Vehicle and Equipment Policy.

³¹ Published July 16, 2020. See <https://iqchicago.org/wp-content/uploads/2020/07/OIG-Second-Quarter-2020-Report.pdf>.

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OIG recommended that CPD discipline the officer commensurate with the gravity of the conduct, with consideration of the context and circumstances under which it transpired, as well as their work record and disciplinary record.

In response, CPD issued a seven-day suspension.

b) Incompetent DUI Investigation and Response; Failure to Report Misconduct; False Statements
(#19-1129)

OIG's investigation further established that in the early morning hours of October 17, 2019, multiple sworn CPD personnel failed to effectively carry out their duties in compliance with policy in the handling and aftermath of the above-referenced incident, when the CPD superintendent was found sleeping at the wheel of his idling CPD vehicle after consuming several large servings of rum with a police officer who was also a member of his security detail. CPD officers arrived in the area shortly after a member of the public called 911.

OIG's investigation established that the officers who initially responded to the scene- both probationary patrol officers- failed to gather the evidence necessary to determine whether the superintendent was fit to drive his vehicle and, therefore, failed to conduct a competent investigation. Body-worn camera footage from the officer who was on the driver's side of the vehicle shows that the superintendent had his window rolled down approximately two inches. The initial responding officers did not ask the superintendent where he was coming from or whether he had been drinking, questions which would have been appropriate in a situation involving a call of an individual slumped over the wheel who is suspected to be intoxicated. OIG found that the officers' conduct violated Rules 2,3, and 11 of CPD's Rules and Regulations.

OIG also found that two additional responding officers who responded to the scene- both patrol officers- allowed the superintendent to drive his vehicle, knowing he was unfit to drive. Although one of the officers claimed that the superintendent looked normal, the officers' actions suggest otherwise in that they decided to follow the superintendent's vehicle to his home, apparently out of concern that he would not get home safely. By allowing the superintendent to drive home despite concern for his condition, the officers failed to promote CPD's goal of protecting the public and brought discredit on CPD, specifically, because their actions created the impression of giving the superintendent preferential treatment. In doing so, the officers were incompetent in the performance of their duties and violated Rules 2,3, and 11 of CPD's Rules and Regulations.

OIG also found that a responding on-scene sergeant allowed the superintendent to drive home knowing he was unfit to drive. In an OIG interview, the sergeant said they

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were concerned about the superintendent's condition, given his medical history, and because, upon leaving 34th and Aberdeen, the superintendent traveled in the wrong direction, away from his residence. Even so, the sergeant allowed the superintendent to drive his CPD vehicle home. In doing so, the sergeant was incompetent in the performance of their duties and brought discredit on CPD, specifically, because their actions created the impression that the superintendent received preferential treatment. The sergeant's conduct violated Rules 2, 3, and 11 of CPD's Rules and Regulations.

Additionally, OIG found that the lieutenant supervising the initial responding officers watched footage recorded by one of their body-worn cameras and, in violation of Department policy, the lieutenant recorded it on their cell phone. The lieutenant then sent the cell phone recording to the district commander. OIG further found that the lieutenant made false statements and material omissions about these actions in an interview with OIG. Specifically, the lieutenant denied having sent any follow-up emails, texts, or communications regarding the incident, despite having sent their cell phone video-an unauthorized, unsecure, and non-authenticated copy of body-worn camera footage-by text message to the district commander. Finally, OIG's investigation found that the district commander failed to report the lieutenant's policy violation in creating an unauthorized recording of the body-worn camera footage.

OIG recommended that CPD impose discipline against the two initially responding probationary patrol officers, the two additionally responding patrol officers, the on-scene sergeant, and the district commander commensurate with the gravity of their violations, past disciplinary record, and any other relevant considerations. For the lieutenant's violation of CPD Rule 14, OIG recommended that CPD discharge the lieutenant and refer them for placement on the ineligible for rehire list maintained by DHR.

In his response on July 28, 2020, the current superintendent communicated his decision to suspend the initial responding probationary patrol officers for 1 day each, the additional responding patrol officers for 7 days each, the sergeant for 14 days, and the district commander for 28 days. In addition to OIG's recommended violations, CPD further determined that the four responding officers, the on-scene sergeant, and the district commander violated Rule 6 of CPD's Rules and Regulations for their respective failures to report possible misconduct (a violation of General Order G08-01-02), and the on-scene sergeant and the district commander's respective failures to adequately supervise (a violation of Special Order S03-03-06). CPD disagreed with OIG's recommendation with respect to the lieutenant, concluding that there was insufficient evidence to prove by a preponderance of the evidence that the lieutenant willfully failed to disclose making a copy of the body-worn camera footage during

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their initial OIG interview. CPD did, however, conclude that the lieutenant violated CPD Rule 3 for their omission and Rule 6 for creating a recording of body-worn camera footage. CPD issued the lieutenant a 21-day suspension.

Additionally, OIG's investigation revealed gaps in officer training and potential shortcomings in partner assignments. Of the six officers and one sergeant who responded to the call involving the superintendent, only one activated their body-worn camera. While the CPD members on the scene could not have known at the time that the superintendent had consumed the equivalent of approximately 10 alcoholic beverages, the evidence shows that the superintendent had done so, and not a single member detected any signs of impairment or pursued a number of routine investigative steps likely to reveal evidence of alcohol impairment. Additionally, the initial responding officers were partnered that evening despite the fact that, at the time, they both were probationary police officers with only three years of experience between them, and with

no prior field experience handling a possible DUI.

OIG recommended that CPD provide the responding officers with additional training regarding the use of body-worn cameras and the detection of alcohol impairment. OIG further recommended that CPD review officer assignments and explore pairing junior officers with more senior officers, in order to ensure calls and investigations are handled competently, and to strengthen understanding and expectation that situations involving possible legal infractions by sworn personnel be met with the same rigor and standard of care as those involving members of the public.

In response, the Department stated that it would provide OIG's recommendations to the CPD Education and Training Division for review and possible inclusion in future programming. CPD further stated it would consider assigning more senior officers with younger members in future assignments.

4. Employee Intimidation and Harassment (#19-0877)

An OIG investigation established that a Department of Transportation (CDOT) laborer violated the City of Chicago Violence in the Workplace Policy by visiting the home of a Department of Finance (DOF) employee, at night and uninvited, to question the employee regarding the denial of the laborer's workers' compensation claim. When the laborer knocked on the DOF employee's front door, the employee's spouse opened the door, and the laborer complained that the DOF employee had denied the laborer's claim. The laborer's visit caused the DOF employee and the employee's spouse to fear for their safety.

OIG recommended that CDOT impose discipline up to and including discharge against the employee, commensurate with the gravity of the employee's violations,

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past disciplinary record, and any other relevant considerations-including that as a part of any non-discharge disposition, the employee receive training on the City's Violence in the Workplace Policy to ensure that the employee does not intimidate or harass other City employees in the future.

In response, CDOT suspended the employee for 10 days. CDOT did not respond to OIG's recommendation that the employee receive training on the City's Violence in the Workplace Policy.

5. Misuse of Sick Leave (#19-0509)

An OIG investigation established that a DSS sanitation laborer impermissibly requested and received sick days when the laborer did not in fact have a bona fide medical illness. Specifically, after being arrested on federal drug charges, the laborer was held in federal custody at the Metropolitan Correction Center in Chicago for 12 days. While in custody, the laborer did not inform DSS about the arrest and instead requested and received two sick days or "WS" call-in days, which DSS rules mandate are to be used only in the event of actual medical illness. In addition, the laborer simply failed to attend work or offer any excuse for absences on four of the days in which the laborer was in the correction center.

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

In response, DSS agreed with OIG's recommendation, discharged the employee, and placed the employee on the ineligible for rehire list.

6. Residency Violation (#19-0302)

An OIG investigation established that a Chicago Department of Aviation (CDA) executive administrative assistant I lived in Evergreen Park, Illinois (the "Evergreen Park property"), in violation of MCC § 2-152-050, requiring City employees to reside in Chicago. In the course of the investigation, OIG gathered multiple documents, analyzed records, and conducted interviews and surveillances that all indicated the employee lives at the Evergreen Park property. During the OIG interview, the employee claimed to have lived in Chicago since starting City employment. However, during five separate surveillances of the Evergreen Park property owned by the employee, OIG observed the employee leaving the property in the morning before swiping in to work. In addition, the employee's vehicle was registered to the Evergreen Park property, and the employee received mail at the address. The employee had listed the Evergreen Park property as their previous address on DHR forms, but the evidence showed the employee never abandoned that home and

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never established a permanent Chicago residence. The employee resigned five days after their interview with OIG.

OIG recommended that CDA request that DHR designate the employee as ineligible for rehire and place OIG's report and evidentiary file in the employee's personnel file.

In response, CDA requested that DHR designate the employee as ineligible for rehire and placed OIG's report and the evidentiary file in the employee's personnel file.

7. State Benefits Fraud and Forgery (#19-0119)

An OIG investigation established that a DSS general laborer repeatedly provided forged paystubs and false information on wage verification forms and state child care assistance applications, in order to fraudulently obtain child care assistance from a nonprofit contracted with the State of Illinois to provide assistance to families in need. In 2013, 2017, and 2019, the general laborer reported a lesser hourly pay rate than their true pay rate on wage verification forms and forged paystubs in order to qualify for childcare assistance based on a lower annual income. From March 2013 through May 2014, and from October 2017 until December 2018, the general laborer received approximately \$22,329.04 in improper childcare benefits.

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

In response, DSS initiated the discharge process, and after a pre-disciplinary hearing, the employee resigned in lieu of discharge. DSS placed the employee on the ineligible for rehire list.

8. Residency Violation (#18-0821)

An OIG investigation established a CDOT motor truck driver (MTD) lived in Fox Lake, Illinois (the "Fox Lake property"), in violation of MCC § 2-152-050, requiring City employees to reside in Chicago. The MTD further submitted a forged lease

agreement to the City and made false statements in their OIG interview to support their contention they had a City residence. In fact, the evidence showed that the employee, after selling their City residence, purchased the Fox Lake property and moved there with their family. While the employee had a verbal agreement to stay at a friend's house in the City, the employee continued to regularly stay in the Fox Lake property with their spouse and child, pay taxes, hold a mortgage, register their vehicle at the property, and keep personal possessions and pets at the home. Additionally, OIG's investigation established the MTD performed outside employment without prior departmental approval.

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Accordingly, for all of the MTD's actions, including violation of the residency ordinance, which mandates discharge, OIG recommended that CDOT discharge the employee and refer the employee for placement on the ineligible for rehire list maintained by DHR.

CDOT agreed with OIG's recommendation and initiated the discharge process. The employee subsequently resigned, and DHR placed them on the ineligible for rehire list.

9. Misuse of Aviation Police Department Badge, Discourteous Treatment (#18-0736)

An OIG investigation established that a former CDA landside operation manager had unauthorized possession of a decommissioned City of Chicago Aviation Police Department (APD) star and used it without authorization on at least one occasion. Specifically, the landside operation manager displayed the APD star to a member of the public during an off-duty road rage incident. By presenting the APD star, the landside operation manager assumed an appearance of law enforcement authority that they did not have. Through the unauthorized use of the APD star, the landside operation manager led a member of the public to believe that they were a police officer. The landside operation manager's use of the star, purportedly to defuse a fraught situation, demonstrated extremely poor judgment and reflected poorly on the City. Though the landside operation manager was off duty, the evidence showed that the manager was still wearing CDA and City identification during the incident. The landside operation manager was a representative of the City who interacted directly with members of the public as part of their duties, and their behavior was discourteous, highly inappropriate, and unprofessional.

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

In response, CDA agreed that the evidence established the employee's violations and initiated the disciplinary process. The employee subsequently retired, and DHR designated the employee as ineligible for rehire.

10. Sexual Harassment and Failure to Report Misconduct (#18-0717)

An OIG investigation established that a CDA painter engaged in inappropriate conduct and sexually harassed an individual who worked for a City of Chicago contractor. The painter made unwelcome, discourteous sexual comments and gestures toward the contractor's employee. OIG's investigation also revealed that the contractor's employee called the painter's supervisor, the foreman of painters, to complain about the painter's behavior. Therefore, the foreman was

aware, or

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reasonably should have been aware, of the painter's conduct but still failed to report it to either DHR's equal employment office or CDA's equal employment opportunity liaison in violation of City of Chicago Personnel Rules.

OIG recommended that CDA, at its discretion, impose discipline against the painter up to and including discharge commensurate with gravity of the violations, the painter's position of authority, disciplinary and work history, department standards, and any other relevant considerations. OIG also recommended that CDA, at its discretion, impose discipline against the foreman of painters, commensurate with the gravity of the violations, the foreman's position of authority, disciplinary and work history, department standards, and any other relevant considerations. In addition, OIG recommended CDA provide retraining or counseling to the foreman as to their responsibilities under the Equal Employment Opportunity (EEO) Policy concerning their duty to report violations.

In response, CDA declined to impose discipline based on OIG's recommendations. CDA determined that a non-disciplinary counseling the painter received regarding the City's EEO Policy prior to the conclusion of OIG's investigation was sufficient to address the painter's actions. While CDA agreed with OIG's recommendation to provide the foreman with counseling, it has not yet done so as the foreman is currently on a leave of absence.

11. Passport Fraud and Public Notarial Misconduct (#18-0716)

An OIG investigation established that a DOF director of accounting committed forgery and passport fraud and made false statements on federal documents in order to renew their child's passport. In 2018, the director drafted a power of attorney purportedly from the child's other parent authorizing the director to apply for the child's passport. The director forged the parent's signature and presented the power of attorney to a Chicago Department of Public Health (CDPH) finance officer who was a licensed Illinois notary. The finance officer illegally notarized the forged power of attorney after witnessing the director forge the co-parent's signature and without verifying any identity. The director subsequently submitted the forged power of attorney, a copy of the co-parent's expired driver's license, and their child's passport application to the U.S. State Department.

OIG recommended that DOF discharge the director and refer the employee for placement on the ineligible for rehire list maintained by D.H.R. OIG further recommended that CDPH impose discipline against the finance officer, commensurate with the gravity of the finance officer's violations, past disciplinary record, and any other relevant considerations.

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In response, DOF agreed with OIG's recommendation and discharged the director and placed the director on the ineligible for rehire list. CDPH also agreed with OIG's recommendation and suspended the finance officer for 14 days.

12. Racist, Sexist, and Discourteous Behavior (#18-0645)

An OIG investigation established that a Department of Water Management (DWM) MTD was verbally abusive and used misogynistic and racist slurs to refer to a female Black security guard working for a firm contracted by the City. Specifically, the MTD engaged in a verbal altercation with the security guard when she asked the MTD to present a City ID to enter a DWM worksite. In response to the guard's legitimate request, the MTD grew irate and directed unprofessional, discourteous, racist, and highly offensive comments, including use of the term "black bitch" toward the security guard.

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

In response, DWM agreed that the evidence established the employee's violations and initiated the disciplinary process. However, after reviewing the case, the Department of Law (DOL) determined that discharge was not appropriate in this matter based on its analysis of OIG's investigation and comparable cases. DWM agreed with DOL's analysis and issued the employee a 10-day suspension.

13. Theft of City Property (#18-0166)

An OIG investigation established that a Department of Fleet and Facility Management crew often employees tasked with replacing burned copper electrical wire at a Chicago Public Library branch stole the scrap copper wire and personally profited \$4,445 from its sale of the wire. Specifically, after the crew removed the burned copper wire, an electrician and MTD, while clocked into work, loaded the copper wire into a personal truck, drove to a scrapyards in the suburbs, and sold the wire for \$4,445. The electrician and MTD returned to the library and gave the money to the supervising foreman of electrical mechanics, who kept some of the money and distributed the remaining cash to the electrician and MTD who sold the wire, and six other electricians and another MTD who had all worked on the emergency electrical project. No crewmember reported the illegal sale or receipt of the ill-gotten proceeds to management.

OIG recommended that the Department of Assets, Information and Services (AIS)³² discharge the foreman of electrical mechanics and the electrician and MTD who sold

³² In 2020, the Department of Fleet and Facilities Management merged with the Department of Innovation and Technology to form the Department of Assets, Information and Services.

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the stolen wire and refer them for placement on the ineligible for rehire list maintained by DHR. For the additional six electricians and one MTD who accepted the proceeds from the stolen wire and failed to report the incident, OIG recommended that AIS impose discipline up to and including discharge, commensurate with the gravity of their violations, past disciplinary records, or any other relevant considerations, respectively. OIG further recommended that AIS ensure that it has adequately trained its staff on City and departmental policies, including its recycling and auctioning of all scrap, waste, and recyclables from City projects and sites, as well as the strict prohibition on City employees from using City materials and resources, including scrap, waste, excess, recyclables, or garbage, for personal use.

In response, AIS initiated the discharge process for the foreman of electrical mechanics, and the electrician and MTD who sold the stolen wire. The foreman of electrical mechanics and the electrician subsequently resigned. AIS discharged the MTD who helped sell the stolen wire and placed all three on the ineligible for rehire list maintained by DHR. AIS also agreed with OIG's recommendation for the remaining six electricians and one MTD, and imposed five-day suspensions on five electricians, a ten-day suspension on the sixth electrician, and a ten-day suspension on the MTD. The other MTD, who was discharged, has since appealed the discharge and that appeal remains pending. AIS did not respond to OIG's recommendation that AIS ensure that its staff is adequately trained on the strict prohibition on City employees using City materials and resources for personal use.

14. Bribery, Preferential Treatment, and Retaliation (#17-0519 and #18-0952)

An OIG investigation established that a CDA deputy commissioner, along with the co-president and a strategic account manager of a global plumbing manufacturing company, engaged in a bribery scheme to circumvent the City's procurement procedures. In exchange for the deputy commissioner's influence and assistance in ensuring that CDA continued and increased its use of the plumbing manufacturer's fixtures and supplies in O'Hare International Airport, the strategic account manager, with the knowledge and support of the co-president, provided the deputy commissioner and their associates with numerous gifts paid for by the plumbing manufacturer valued in excess of \$20,000, including over thirty complimentary tickets to local sporting events, dozens of free meals and alcoholic beverages, golf outings, and complimentary trips to Arizona in 2016, 2017, and 2018 for Cubs Spring Training. CDA airport manager A also assisted the strategic account manager by giving preferential treatment to the plumbing manufacturer in exchange for free meals and Cubs playoff tickets.

As a result of the aid from the deputy commissioner and airport manager A, CDA installed the plumbing manufacturer's then newly released combination sink, soap dispenser, and hand dryer in various mother's rooms and restrooms in the terminals

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as well as in the vehicle services facility at O'Hare International Airport. The strategic account manager also provided numerous complimentary trips, meals, and tickets to several local politicians and public employees (including a former Cook County commissioner and the commissioner's chief of staff) introduced by the CDA deputy commissioner, in an attempt to garner additional business opportunities for the plumbing manufacturer.

Additionally, the deputy commissioner and a CDA MTD foreman coerced subordinates to engage in political activity for the deputy commissioner's desired political candidate in exchange for overtime opportunities and preferential treatment. The political activity included obtaining signatures on petitions and using paid time off to "volunteer" at various polling stations and precincts on election days. The deputy commissioner and MTD foreman solicited and received money from subordinates within CDA's vehicle services training section for the deputy commissioner's personal trips and gifts. The deputy commissioner also utilized subordinate employees as private couriers, sending them to run personal and political errands.

A second investigation established that after OIG began its investigation into the deputy commissioner's misconduct, the deputy commissioner, airport manager A, and airport manager B retaliated against a CDA MTD for communicating and cooperating with OIG. Airport manager A, using information and recommendations from airport manager B and the

deputy commissioner, charged the cooperating MTD with three separate personnel rule violations for minor and unsubstantiated infractions that had allegedly occurred months apart from each other: These alleged infractions did not occur until after the MTD had cooperated with OIG. The deputy commissioner, airport manager A, and airport manager B attempted to suspend the MTD for a combined 30 days for the three minor infractions, even though the MTD had no prior disciplinary history and CDA had no prior history of disciplining other employees in like manner.

The day after receiving notification of a scheduled interview with OIG, the deputy commissioner submitted finalized retirement paperwork to CDA and did not appear for the interview. Because the deputy commissioner retired before the completion of OIG's investigation, OIG recommended that CDA issue a formal determination on the sustained violations, refer the deputy commissioner for placement on the ineligible for rehire list maintained by DHR, and place OIG's report along with the Department's response and designation in the former deputy commissioner's personnel file.

In response, CDA concurred with OIG's sustained findings against the former deputy commissioner, placed the OIG report in the former deputy commissioner's personnel file, and referred them for placement on the ineligible for rehire list.

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OIG also recommended that CDA discharge airport manager A, airport manager B, and the MTD foreman and refer them for placement on the ineligible for rehire list maintained by DHR. In response, CDA determined that airport manager A should be discharged for the sustained violations, however, airport manager A resigned prior to discharge. CDA referred airport manager A for placement on the ineligible for rehire list. Regarding airport manager B, CDA responded:

Based on discussions with the User section, consultation with the Department of Law and a review of the information provided in the OIG report, the CDA has made a determination [airport manager B] should not be terminated nor disciplined because the facts of the matter presented and discussed do not rise to the level of termination or of any disciplinary action being taken.

CDA discharged the MTD foreman and referred the employee for placement on the ineligible for rehire list. The MTD foreman filed an appeal of the discharge. That appeal is currently pending.

Finally, OIG recommended that the Department of Procurement Services (DPS) debar the plumbing manufacturer and prohibit all City vendors from utilizing the plumbing manufacturer's products in the fulfillment of a City contract. In response, DPS sent a letter to the plumbing manufacturer and provided the plumbing manufacturer with 30 days to respond to OIG's investigation. The proceedings against the plumbing manufacturer are currently pending.

15. Theft and Mismanagement of City Funds (#17-0414)

An OIG investigation established that a Chicago Public Library (CPL) head library clerk stole approximately \$6,222 from their assigned library branch, and the branch manager failed to appropriately supervise the head library clerk and manage the library's cash handling. The head library clerk maintained sole responsibility for

the branch's accounting, and on at least three separate occasions in June and July of 2017, without authorization, took cash collected through fines and fees from the branch's lockbox. The head library clerk used the cash for personal expenses such as gasoline, rent, utilities, children's school fees, and other household expenses. When CPL determined in early August 2017 that the branch had not deposited the fees and fines for June and July, and failed to submit accounting reports to CPL's accounting department, the library's branch manager inaccurately represented to CPL that the money was in the branch safe when, in fact, the branch manager did not know the money's whereabouts. The branch manager subsequently contacted the head library clerk, who admitted that they had taken the library lockbox home. The branch manager had previously reprimanded the head library clerk for taking library funds home but continued to allow the head library clerk to maintain sole responsibility for

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the branch's accounting and provided little to no supervision of cash handling. Shortly after CPL learned that the funds were missing, the head library clerk returned \$6,222 to CPL and resigned.

OIG recommended that CPL refer the former head library clerk for placement on the ineligible for rehire list maintained by DHR, and impose discipline up to and including discharge against the branch manager, commensurate with the gravity of the branch manager's violations, past disciplinary record, and any other relevant considerations. OIG further recommended that CPL review its cash handling procedures and the cashiering system weaknesses that OIG identified in order to determine if any additional adjustments may be necessary to further reduce risk of theft or mismanagement.

In response, CPL agreed with OIG's recommendations and placed the former head library clerk on the ineligible for rehire list and suspended the branch manager for three days. CPL also developed new cash handling policies and procedures in conjunction with the implementation of its fine-free system in September 2019, with the amount of cash handled at each branch significantly decreased since CPL's elimination of fines.

16. Bribery; Conflict of Interest; Unauthorized Secondary Employment (#17-0284)

An OIG investigation established that a Department of Buildings (DOB) building/construction inspector engaged in a scheme in which they inspected properties on behalf of DOB, then referred the property owners to the inspector's own business associates for permitting and construction work to cure the violations. In several instances, the inspector personally drew the necessary architectural plans for a fee and then had a licensed architect sign off on the final work submitted to the City for approval. The investigation uncovered at least two properties for which the inspector conducted the DOB inspections, issued violations, referred the owners to the inspector's business partners, and later received payment in the inspector's capacity as a private contractor. At a third property, the inspector attempted this same scheme but was stopped after property owners complained and OIG initiated its investigation.

In addition, the investigation established that the inspector received a \$5,000 bribe from the owner of a medical clinic that the inspector inspected on behalf of DOB. In exchange for the bribe, the inspector improperly "complied" the property, despite the fact that it had uncorrected building code violations. Finally, the investigation established that the inspector failed to disclose and obtain authorization for the inspector's secondary employment and falsely reported that they did not receive more than \$1,000 from secondary employment on 2016, 2017, and 2018 Statements of

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Financial Interest, when in fact the inspector was earning thousands of dollars performing architectural work.

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

In response, DOB agreed with OIG's recommendation and began the discharge process. However, the employee resigned from DOB prior to the implementation of discipline. DOB also referred the employee for placement on the ineligible for rehire list.

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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.³³

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 first 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 #8-DEVELOPMENTS IN PRIOR CHARGED CRIMINAL CASES

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1 B	p
14-0165 USA v. Joseph Garcia, 19 CR 270 (N.D. IL)	3/21/2019 Garcia, a former Department of Housing inspector, was indicted for telephonic status wire fraud and lying to the FBI, as a result of his submission of false reports representing that he had inspected construction and repair work that had not been completed, so that 11^0/2020: hearing

³³ OIG may issue summary reports of investigation recommending administrative action based on criminal conduct prior to, during, or after criminal prosecution

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14-0190	USA v. Ramon Vargas, 19 CR 677 (N.D. IL)	8/27/2019	the contractor would receive payment from the City. Vargas, a former Department of Buildings electrical inspector, was charged with conspiracy, possession with intent to distribute, and distribution of one kilogram or more of heroin.	11/10/2020: Sentencing hearing
15-0419	17-USA v. John McClendon, 19 CR100 (N.D. IL)	2/5/2019	McClendon, owner and president of McClendon Holdings LLC, was indicted on federal criminal charges, including four charges of wire fraud for defrauding the City of Chicago, by falsifying price increases in two City contracts that were secured in 2014 and 2015.	11/23/2020: Change of plea hearing
16-0334	State v. Alyssa Cornejo, 18 CR 291201 (Cook)	3/16/2018	Cornejo, a bank employee and an associate of the former director of a City Special Service Area administrative agency, was charged with multiple counts of theft, misappropriation, and financial crimes related to her withdrawal of funds from the administrative agency's account using forged withdrawal slips.	11^9/2020: Status hearing
17-0518-07-18-09	USA v. William Helm, 20 CR 07(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	12/7/2020: Status hearing

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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.

19-0019	USA v. Edward Burke etal, 19CR322 (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 which he used or threatened to use his authority as a City elected official to secure business for his private law firm.	2/5/2021: Status hearing. Court is holding May, June, and July 2021 for trial. Trial date will be set by next status hearing.
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B. SYNOPSES AND RESULTS OF ADMINISTRATIVE APPEALS, GRIEVANCES, OR OTHER ACTIONS

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

1. Fraudulent Statements of Financial Interest (#19-1202)

As reported in the second quarter of 2020, an OIG investigation established that a former Chicago Department of Aviation (CDA) deputy commissioner filed fraudulent statements of financial interest in violation of the City's Governmental Ethics Ordinance. Specifically, the former deputy commissioner failed to disclose ownership of a consulting company through which the former deputy commissioner derived

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income in excess of \$1,000 in both the 2017 and 2018 calendar years, which should have been reported on 2018 and 2019 Statements of Financial Interests. OIG's investigation established that the former deputy commissioner incorporated the consulting company in 2017, opened a checking account for the business, and made over \$48,000 in deposits in 2017 and over \$72,000 in 2018 to the account, reflecting payments from approximately five different client firms.

OIG requested the City of Chicago Board of Ethics (BOE) issue a finding of probable cause to believe the former deputy commissioner violated the Governmental Ethics Ordinance and impose appropriate sanctions. BOE, at its May 2020 board meeting, found there was probable cause to believe the former deputy commissioner violated the Ethics Ordinance. BOE sent notice of the probable cause finding, and underlying evidence, to the former deputy commissioner for a response.

After the former deputy commissioner presented BOE with a written response to the probable cause finding, BOE determined, at its July 13, 2020 meeting, that the former deputy commissioner committed two ordinance violations by knowingly failing to disclose outside income on 2018 and 2019 Statements of Financial Interests. BOE imposed the maximum fine of \$2,000 for each violation, for total fines of \$4,000. The former deputy commissioner may pay the fine or

contest BOE's finding before an administrative law judge.

2. Ethics Violations, Conflict of Interest and Post-Employment Restrictions, Contractor Misconduct, and False Statements (#17-0486)

As reported in the fourth quarter of 2019, an OIG investigation established that a former Chicago Fire Department (CFD) employee violated the City's Governmental Ethics Ordinance post-employment and conflict of interest restrictions, and further disclosed confidential information gained through their CFD employment. More specifically, the CFD employee, while employed by the City, drafted a Request for Proposals (RFP) while at the same time negotiating and securing employment with a company that responded to the RFP and was eventually awarded the contract. After retiring from City employment, the former CFD employee was actively involved in the City contract as an employee of the City contractor both before and after the City officially awarded the contract.

OIG recommended that BOE find probable cause to believe the former CFD employee violated the Ethics Ordinance and impose appropriate sanctions. OIG further recommended that the Department of Procurement Services (DPS) initiate debarment proceedings against the City contractor for the purpose of determining appropriate remedial action.

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In response, BOE made a preliminary finding of probable cause at its October 29, 2019 meeting. BOE authorized a settlement for a \$2,000 fine with the former CFD employee at its August 2020 meeting. BOE determined that the former CFD employee committed four ordinance violations, two of which were the post-employment restrictions. However, one BOE member dissented as to one of those findings, stating that there simply had been no violation of the permanent prohibition on future work on a contract for which the employee had held contract management authority. BOE imposed the minimum fine of \$500 for each violation, for a total of \$2,000, noting as a mitigating factor, that even after the employee's retirement, CFD had asked the former employee for assistance with the contract.

OIG's investigation further established that the City contractor violated Municipal Code of Chicago § I-21-010(a), the terms of its City contract and the City's debarment rules. More specifically, the City contractor submitted false statements in its RFP bid when it provided "Not applicable" in the section inquiring about conflicts of interest, and in an Economic Disclosure Statement when asked whether any current employees were a City employee in the preceding twelve months, to which it responded, "None." Furthermore, the City contractor violated conflict of interest provisions of its City contract by failing to screen a former City employee from involvement in a City contract due to the former employee's access to confidential information. OIG recommended that DPS initiate debarment proceedings against the City contractor for the purpose of determining appropriate remedial action.

In response, DPS sent the City contractor an initial notice that it was the subject of a sustained OIG report and later provided the City contractor a copy of OIG's report, after it signed a confidentiality agreement. On December 16, 2019, DPS received a copy of the City contractor's response, which is currently under review.

C. RECOVERIES

This quarter, there were two reports of financial recoveries related to OIG investigations.

TABLE #9-OV	REVIEW OF COST RECOVERY ACTIONS	Source	Amount
IC'se Number	Date		
19-1202	7/13/2020	Fine paid to the Board	\$4,000
17-0486	7/13/2020	Fine paid to the Board	\$2,000

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V. AUDITS AND FOLLOW-UPS

In addition to 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 one report APR released this quarter.

1. Department of Streets and Sanitation's (DSS) Weed Cutting Program Audit (#19-0525)³⁴

OIG conducted an audit of DSS' weed-cutting program. DSS is responsible for cutting weeds that have grown higher than ten inches on the public way, as well as City-owned and private vacant land. DSS ward superintendents manage this process by visually surveying their wards, responding to complaints, and providing direction to weed-cutting contractors.

Based on the audit results, OIG concluded that DSS does not meet its goals for timely weed cutting. As a starting point, because there is no reliable list of City-owned properties that require mowing, DSS cannot effectively manage City-owned vacant property. Moreover, the Department cannot accurately assess its performance in responding to weed-cutting complaints, because its data system is insufficient to ensure that important information is consistently and accurately captured.

In response to our audit findings and recommendations, DSS has begun providing the contractor with weekly lists of City-owned lots to mow and continues to issue tickets to private properties in violation of the ordinance. DSS plans to work with the Departments of Law and Planning and Development to help improve the City lot list by, for example, having ward superintendents provide other departments with information about vacant properties to aid in the ownership verification process. DSS stated it is in the process of shortening its complaint response goal from 42 days to 21 days and will communicate the change to staff. Finally, before the 2021 weed cutting season, the Department plans to improve its data collection systems and processes.

^{3A} Published July 23, 2020 See <https://ziqchicago.org/wp-content/uploads/2020/07/DSS-Weed-Cutting-Program-Audit.pdf>.

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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 three notifications this quarter.

1. Notification regarding EEO Obligations and Workplace Culture at the Chicago Department of Transportation (#19-0201)

OIG notified the Chicago Department of Transportation (CDOT) of a concern regarding workplace culture after OIG completed two investigations involving CDOT employees. In the first investigation, OIG observed that CDOT supervisors failed to follow up on a complaint regarding a CDOT hoisting engineer who used the n-word and threatened to shoot a coworker. CDOT supervisors transferred the hoisting engineer but did not address the misconduct allegations. The CDOT general foreman never asked the complainant about the allegations and did not refer the complaint to anyone else for investigation.

A second OIG investigation revealed that a CDOT construction laborer sent social media messages replete with racial slurs and violent rhetoric regarding protest activity in Chicago to members of the public. Although the laborer sent the messages while off duty, the messages were shared and observed by several CDOT employees who work with the laborer, some of whom expressed concerns about continuing to work with the laborer and asserted that the laborer's actions exacerbated existing racial tensions. The investigation further revealed the existence of the possible intentional racial segregation of work crews. Furthermore, during these investigations and others, OIG observed that many CDOT employees were not willing to speak with OIG regarding what they witnessed due to fear of retaliation.

These investigations highlighted what is likely a larger cultural problem at CDOT, which OIG recommended be addressed promptly. In order to ensure that CDOT employees of all backgrounds are treated with respect, OIG recommended that employees receive additional training regarding the City's Equal Employment Opportunity (EEO) Policy, which expressly prohibits discrimination and harassment based on race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, and military service or discharge status. In addition, OIG recommended CDOT employees be reminded that the City's EEO Policy and Personnel Rules, in addition to the Illinois Whistleblower Act (740 ILCS 174/1), the Illinois Human Rights Act (775 ILCS 5/6-101), and the City's Governmental Ethics Ordinance (MCC § 2-156-019) prohibit retaliation for opposing or

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disclosing discrimination and/or harassment. OIG further recommended that CDOT provide training for supervisors regarding their responsibility under the City's EEO Policy to report any "discriminatory, harassing, or retaliatory conduct," and make clear that the failure to report such conduct that the supervisor "is aware of, or reasonably should be aware of," could lead to discipline.

In response, CDOT stated that it will pursue EEO policy training for CDOT supervisors. CDOT noted that COVID-19 concerns and challenges may delay full completion of such training, but the Department is working with DHR to execute this training.

2. Notification Regarding Restrictions on Contributions to Political Fundraising Committees (#18-0508)

OIG notified the City Council Chairman of the Committee on Ethics and Government Oversight of existing legal restrictions on the receipt of certain contributions to political fundraising committees, should the committees spend more than 50% of their annual receipts for the benefit of a single candidate or elected official. This issue arose during a recent campaign finance investigation, which revealed an alderman had received over \$13,550 in improper contributions that exceeded the lawful limit from donors doing business or seeking to do business with the City.

OIG's investigation determined that an alderman ended up receiving campaign contributions that exceeded the lawful limit, even though these contributions were made to a ward-based political fundraising committee that was not the alderman's official candidate committee. The contributions were improper because, although the fundraising committee was not established solely to benefit the alderman's reelection, the majority of the fundraising committee's annual receipts were, in fact, used to support the alderman. Based on OIG's investigation, well over 50% of the generic political fundraising committee's annual receipts were used to support one alderman in their election bid for City Council. The expenses funded by the generic committee included: marketing expenses, staffing for the alderman's campaign golf fundraiser, salary payments to aldermanic office staff, and direct payments or transfers to the alderman's official political fundraising committee.

According to MCC § 2-156-445(c), if a political fundraising committee uses more than 50% of its total annual receipts to support a single elected official or candidate, all of that committee's received contributions are deemed by law to be contributions made directly to the elected official or candidate. Accordingly, as soon as a political fundraising committee's expenditures on behalf of one candidate or elected official exceed 50% of its annual receipts, all aggregated, annual contributions exceeding \$1500 from an entity that has done or is seeking to do business with the City, as defined in the City's Ethics Ordinance, are excessive and thus in violation of the MCC. In determining whether a restricted donor has made annual donations exceeding

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\$1500, contributions to both the elected official's personal fundraising committee and to any generic political fundraising committee that spent over 50% of its receipt to benefit the elected official must be counted.

When OIG questioned the alderman about the campaign finance violations, the alderman said they were aware of the \$1500 limit for their own political fundraising committee, but they were not aware of the restrictions for political fundraising committees that were not created for their own re-election but nonetheless spent more than 50% of their receipts on the alderman. Since the imposition of financial penalties for campaign finance violations requires that the violations be

committed knowingly, OIG alerted the alderman and afforded them 10 days to cure the violations, as required by law. MCC § 2-156-445(d).

OIG's investigation also raised concerns that candidates and elected officials may use general political fundraising committees to skirt the MCC's \$1500 limit on contributions from entities that have done or are seeking to do business with the City. MCC § 2-156-445 (a). In the case described above, the alderman had received prior notices that their personal political fundraising committee had received contributions exceeding the \$1500 limit from companies that do business with the City, were alerted of the violations, and cured the violations by returning the amounts they received exceeding the \$1500 limit. However, within days of the alderman returning the contributions, those same companies made political contributions in the same amount as the refunds to the ward-based political fundraising committee that spent the majority of its funds in support of the same alderman. Knowingly or unknowingly, by redirecting the excess campaign contributions to a political fundraising committee that spends the majority of its annual receipts on their re-election, the alderman ran afoul of the City's campaign finance limits. Moreover, the timing and amount of the contributions created the appearance of an effort to thwart the City's campaign finance restrictions.

In addition to providing a reminder to candidates and elected officials regarding the MCC restrictions on contributions to generic political fundraising committees that spend an excess of 50% of their annual receipts in support of one City elected official for City elected office, OIG's notification served as notice to City Council going forward, that such violations, if they show a knowing acceptance of excess funds, will be forwarded to the Chicago Board of Ethics for adjudication. To that end, OIG recommended that the notification be distributed to all City Council members.

In response, the Chairman of the Committee on Ethics and Government Oversight forwarded OIG's notification to members of the City Council.

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3. Notification Regarding Cap in Conflict of Interest Policy for Building Inspectors (#17-0284)

OIG notified the Department of Buildings (DOB) about a concern regarding the inadequacy of written policies and procedures to effectively prevent DOB inspectors from engaging in activities that constitute a conflict of interest, as prohibited by the City of Chicago Ethics Ordinance. An OIG investigation established that a DOB building/construction inspector engaged in a variety of misconduct, including referring individuals whose properties the inspector inspected to specific contractors, expeditors, and architects-with whom the inspector had preexisting business relationships-to perform the work necessary to cure the property's violations. OIG identified two properties for which the inspector conducted the DOB inspections, issued violations, referred the owners to the inspector's own business partners, and later received payment in the inspector's capacity as a private contractor. At a third property, the inspector attempted this same scheme but was stopped after property owners complained, and OIG initiated an investigation. While DOB's preexisting conflict of interest policy contained (1) a prohibition on inspecting one's own properties or those of friends and relatives, (2) a prohibition on performing inspections while off-duty, (3) a zero-tolerance gift policy, and (4) restrictions on secondary employment, the policy did not discuss, restrict, or contemplate DOB inspectors referring individuals whose properties they inspect to specific contractors.

OIG recommended that DOB amend its departmental conflict of interest policy to ensure that inspectors are told explicitly and in writing that they may not identify, recommend, or refer specific contractors to property owners.

In response, DOB revised its conflict of interest section in its policies and procedures. Specifically, DOB added language to the policy stating that all employees "owe a fiduciary and an ethical duty to the City of Chicago, and as such are prohibited from making any referrals to or recommendations of design professionals, contractors, expeditors, or other third parties to any property owner, residential or business tenant, or a representative of the foregoing regardless of whether the employee receives any compensation or other benefit from a referral or recommendation."

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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 was one additional report.

1. APR 2021 Draft Audit Plan⁵

On September 30, 2020, APR's 2021 Draft Audit Plan was posted for public comment. The APR Draft Audit Plan includes information on audits that OIG is currently considering for 2021, follow-up audits that are scheduled to occur, ongoing projects, and audits completed year to date. OIG is soliciting comments from City Council, City Hall, and the public until November 15th. OIG will consider all comments in finalizing its 2021 Audit Plan. The Draft Audit Plan sets forth intended subjects for audit but will not provide an order of priority. Work contemplated by the Audit Plan will remain fluid, with audits added and adjusted according to a variety of factors such as new events and information as well as resources available.

We encourage members of the public to review and comment on the Plan by taking a quick survey online: www.surveymonkey.com/r/PYP7LFF. We want to hear from individuals about which issues resonate with their communities and which topics have yet to be identified.

³⁵ Published September 30, 2020 See <https://iqchicago.org/wp-content/uploads/202.0/09/OIG-2021-APR-Draft-Audit-Plan.pdf>.

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VIII. DIVERSITY, EQUITY, INCLUSION, AND COMPLIANCE

The Diversity, Equity, Inclusion, and Compliance (DEIC) 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-to identify equity and inclusion deficiencies and provide recommendations, with specific authority to review the actions of the Chicago Police Department for potential bias, including racial bias. DEIC 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 Plans³⁶; and publicly report findings and analysis on diversity and inclusion issues.

HIRING PROCESS REVIEWS

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 did not receive any reports of direct contacts.

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

⁶On 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."

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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 contacted DHR to inquire about the status of a candidate for the covered position of firefighter.
- An alderman contacted Chicago Fire Department human resources representatives about the status of a candidate for the covered position of firefighter.
- An alderman contacted DHR to inquire about the status of a candidate for the covered position of hoisting engineer.

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 69 exempt appointments.

4. Senior Manager Hires

OIG reviews hires pursuant to Chapter VI covering the Senior Manager Hiring Process. OIG received notice of 13 senior manager hires this quarter. Due to the ongoing COVID-19 pandemic, OIG has suspended its in-process reviews of these hires.

5. Written Rationale

When no consensus selection is reached during a consensus meeting, a written rationale must be provided to OIG for review.³⁷ 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 MCC § 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

³⁷ 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.

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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.

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.³⁸

The table below details contracts and internship opportunities OIG reviewed this quarter.

TABLE #10-CONTRACT AND INTERNSHIP OR VOLUNTEER OPPORTUNITY NOTIFICATIONS

	Contractor, Agency, Program, or Other Organization	Duration of Contract/Agreement
Human Resources (CPD)	PSI Services, LLC	Ongoing
Human Resources (CFD)	PSI Services, LLC	Ongoing
Law	Personal services contractor	Two weeks
Mayor's Office	1 nte r ns/vo 1 u ntee rs	Ongoing
Planning and Development	AECOM	Ongoing
Planning and Development	AREA	Ongoing
Planning and Development	McGuire Iglesias & Associates	Ongoing
Planning and Development	Site Design LTD	Ongoing
Public Health	Sunbelt Staffing temporary service - clerk IV	25 weeks
Public Health	Sunbelt Staffing temporary service - finance officer	25 weeks

Chapter X.B.6 of the General Hiring Plan.

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Contracting Department	Contractor, Agency, Program, or Other Organization	Duration of Contract/Agreement
Public Health	Sunbelt Staffing temporary service - social worker II	1 year
Public Health	Sunbelt Staffing temporary service - project manager	1 year

Public Health	Sunbelt Staffing temporary service - communicable disease control investigator.	1 year
Public Health	Sunbelt Staffing temporary service - epidemiologist III	1 year
Public Health	Sunbelt Staffing temporary service - public health administrator II	1 year
Public Health	Sunbelt Staffing temporary service - public health administrator III	1 year
Public Health	Personal services contractor	1 year
Public Health	Personal services contractor	1 year
Public Health	Personal services contractor	1 year

B. HIRING PROCESS AUDITS

1. Modifications to Class Specifications,³⁹ 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 three titles within the following departments: Office of Public Safety Administration and Department of Family & Support Services. OIG reviewed each of the proposed changes to minimum qualifications and had no objections.

²⁹ "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.

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2. Referral Lists ¹

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. Due to the ongoing COVID-19 pandemic, OIG has suspended its quarterly audit of testing sequences.

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 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. Due to the ongoing COVID-19 pandemic, OIG has suspended its quarterly audit of hiring sequences.

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. Due to the ongoing COVID-19 pandemic, OIG has suspended its quarterly 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 conducts audits of DOL hire packets on a biannual basis and will conduct its next audit in the fourth quarter of 2020.

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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. Due to the ongoing COVID-19 pandemic, OIG has suspended its quarterly audit of GPD assignment sequences.

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. Due to the ongoing COVID-19 pandemic, OIG has suspended its quarterly audit of CFD assignment sequences.

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 1 intake meeting, 3 sets of interviews, and 3 consensus meetings. The table below shows the breakdown of monitoring activity by department.⁴⁰

⁴⁰ If a department is not included in this table, OIG did not monitor any elements of that department's hiring sequence(s)

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TABLE #11 -OIG MONITORING ACTIVITIES THIS QUARTER

Department	Intake Meetings Monitored	Tests Monitored	Interview Sets Monitored	Consensus Meetings Monitored
Aviation			1	
Finance	1		2	1
Police				1
Transportation				1

10. Acting Up⁴¹

OIG audits the City's compliance with Chapter XI of the General Hiring Plan and the Acting Up Policy. OIG received notice of two DHR-approved waiver requests to the City's 90-Day Acting Up limit this quarter.⁴²

TABLE #12-ACTING UP WAIVERS THIS QUARTER

Hmfl	BBB	IIIS	l x:pj atjb:hof
	RI		WMnii
			'.SHI

Public Health	Public health administrator II	1	7/20/2020	Effective 7/12/2020 for an additional 90 days
Transportation	Painter j	1	9/25/2020	End of 2020 construction season

a) Audit of CPD's Acting Up Practices

In the second quarter of 2020, DEIC concluded an audit of CPD's acting up practices. Pursuant to the City's Acting Up Policy (the Policy), acting up is a temporary assignment and no employee may act up for more than 90 days due to a budgeted vacancy or a long-term leave of the position's incumbent without an approved waiver from DHR. The Policy requires departments to report all acting up into covered titles to DHR on a monthly basis, regardless of the duration and whether it is paid or

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

^{A2} 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.

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unpaid. Each department must report acting up for a given month by the 15th of the following month.⁴³

The Policy's recordkeeping consistency section provides that when acting up results in additional pay for an employee, the department's payroll division must classify this additional pay as acting up in the City's payroll records. Any failure to properly classify acting up is considered a violation of the Policy, and it is the responsibility of every department to ensure that it is in compliance.

To audit CPD's compliance with the Policy, OIG compared the 2017 Acting Up Reports CPD submitted to DHR each payroll cycle with acting up data extracted from CPD's Overtime Database through the use of a SQL query provided by CPD (CPD Query).⁴⁴ CPD's Acting Up Reports indicated that CPD personnel acted up into the following grades: D-2 canine handler, D-2 evidence technician, D-2 field training officer, D-2A detective, D-3 explosives technician, D-3 security specialist, D-3 dead body removal, D-4 lieutenant, and D-6 exempt commander.

OIG compared CPD's Acting Up Reports to the CPD Query results to assess consistency between information reported to DHR and the records maintained in CPD's own database. OIG compared these two datasets to the 2017 acting up waivers approved by DHR. OIG also compared the CPD Query results to the results of its independently developed OIG Query to check for discrepancies.

OIG's audit found that CPD was not in compliance with the City's Acting Up Policy for certain positions. OIG's review also revealed more recent anecdotal examples of ongoing non-compliance. OIG's key findings include the following:

- CPD did not provide DHR with all relevant pools of eligible employees and supporting documentation for the acting up titles described in the Acting Up Reports,⁴⁵ as required on an annual basis by the City's Acting Up Policy.⁴⁶
DHR

⁴³ See "Reporting of Acting Up" section of the Policy, pages 5-6

https://www.chicago.gov/content/dam/city/depts/dhr/supp_info/ShakmanSettlement/ACTING_UP

http://www.chicago.gov/content/dam/city/depts/dhr/supp_info/ShakmanSettlement/ACTING_UP POLI CY_FINAL_ pdf.

⁴⁴ CPD's 2017 Acting Up activity is captured in thirteen reports tied to the police payroll cycles (January 1, 2017 through January 6, 2018), as opposed to twelve monthly reports

⁴⁵ A relevant pool is a list of eligible employees in a bargaining unit and their seniority dates. In addition to the relevant pool, departments must also submit signed acceptance and declination forms, as well as an explanatory narrative stating how the department manager selected which employees to place in the pool, and how the pool will be rotated. Alternatively, departments may use a pre-qualified candidate or promotional eligibility list as the relevant pool upon receiving approval from DHR ^{ic}. See "Acting Up for Bargaining Unit Positions" section of the Policy, page 4

https://www.chicago.gov/content/dam/city/depts/dhr/supp_info/ShakmanSettlement/ACTING_UP_POLI_CY_FINAL_ pdf

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*advised that CPD does not generally provide this documentation on a consistent basis.*⁴⁷ [

- OIG identified a significant number of discrepancies between information contained in CPD's Acting Up Reports and data retrieved from CPD's Overtime Database, which the Department uses to track acting up internally. There were discrepancies with respect to the number of officers and days of acting up. For instance, CPD's Acting Up Reports indicate that 349 officers acted up in 2017, while the data retrieved from the Overtime Database indicates that 402 officers acted up. These discrepancies resulted in some officers exceeding the 90-day limit on acting up and redundant entries for some officers in the overtime database.
- OIG identified 26 shift entries in CPD's Overtime database that were missing information regarding officer pay grades needed to determine whether the shifts actually constituted acting up.
- Instead of hiring new police forensic investigators, CPD routinely uses evidence technicians to act up as police forensic investigators, a title that CPD has not posted for hire/promotion since 2005.

Based on these findings, OIG made four recommendations to CPD regarding its acting up practices. OIG's recommendations and CPD's responses to those recommendations are summarized below:

RECOMMENDATION 1: CPD should begin regularly submitting relevant pools and required supporting documentation to DHR for each of its acting up titles.

DEPARTMENT RESPONSE: CPD agreed to provide DHR with relevant acting up pools and promotional lists (where applicable) at the beginning of each year. CPD will work with DHR on developing a shared drive/spreadsheet to ensure that DHR receives timely communication of this information.

RECOMMENDATION 2: CPD should implement some manner of data validation (e.g., automated checks) for the overtime table in order to ensure that all necessary database fields have been completed, duplicate entries have been resolved, and data input is consistent.⁴⁸

^{A7} For instance, in 2019, CPD provided DHR with a list of officers eligible to act up as field training officers but did not provide a pool for any other titles. OIG obtained physical copies of the supporting documentation (i.e., acceptance and declination forms).

^{~a} In response to a report from OIG's Audit and Program Review section (#15-0198), CPD reported that it is in the process of overhauling its systems for requesting, approving, and tracking of overtime data. However, as of February 2020, CPD advised that no changes had been made with respect to how its acting up data has been stored and tracked.

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DEPARTMENT RESPONSE: CPD stated that it would like to continue its dialogue with OIG to ensure that necessary data points and validations are being accounted for and that a technological solution to assist in these efforts continues to be developed. CPD noted that it had already begun efforts to address the discrepancies and errors in the Acting Up Reports and Overtime Database entries. During the audit, CPD indicated that a "Time Sheet Application" was in development to improve overtime tracking and that it could be applied to acting up data as well.

RECOMMENDATION 3: CPD should modify its acting up reporting practices to ensure that DHR receives prompt notice of changes to acting up records that contradict information previously submitted to DHR in cycle-based Acting Up Reports.

DEPARTMENT RESPONSE: CPD agreed to work with DHR and IT personnel to create, utilize, or modify software solutions to provide acting up reports in a more streamlined and accurate fashion.

RECOMMENDATION 4: CPD should hire additional police forensic investigators to offset the number of evidence technicians acting up into that title.

RESPONSE: CPD agreed to engage DHR and the Office of Budget and Management to review the police forensic investigator (PFI) title to determine if the creation of additional full time employees would limit the acting up required by evidence technicians, based on the arbitrator's ruling cited in OIG's audit findings. CPD will conduct an audit to analyze the crime trends and fiscal implications of creating enough PFI positions to offset the acting up requirement and reduce the evidence technician acting up assignments. CPD will then weigh the costs associated with creating additional positions. CPD committed to conducting the analysis and reviewing the preliminary results of that analysis with OIG within 120 days.

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 received notice of four settlement agreements which resulted in employment actions from DHR.

C. REPORTING OF OTHER OIG DEIC ACTIVITY

1. Update to OIG Employment Procedures

On February 7, 2006, the federal judge in the case of Shakman v. City of Chicago signed a court order authorizing the Office of Inspector General to follow hiring

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procedures that make the Office independent from the rest of City government. The OIG Employment Procedures apply only to the Office of Inspector General, and provide a method of hiring and promoting employees that maximizes the independence of the Office and ensures that its employees are nonpartisan and free from conflicts of interest.

OIG posted notification of the amended changes on its website from August 7, 2020 through September 21, 2020 (45 days) and did not receive any comments or questions. The OIG Employment Procedures were officially updated on September 22, 2020.⁴⁹

2. Escalations j

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 received notice of two new escalations. One escalation has been resolved and is summarized below. OIG has one escalation pending. OIG will report on its findings for the pending escalation and the department's response in a future quarterly report.

a. Chicago Fire Department

On August 26, 2020, a DHR deputy commissioner escalated a commander hiring sequence to OIG. OIG completed its review of the sequence and made the following recommendations to both CFD and DHR:

- The CFD commissioner should provide a more detailed justification memo requesting to repost. Specifically, the redrafted justification memo should provide a rationale for reposting the position and address why each ranked prequalified candidate should not fill the position.
- Once an adequate justification memo has been provided, DHR should repost the commander sequence.
- CFD needs to draft new interview questions to be approved by DHR prior to the interviews. j

Additionally, OIG recommended that the CFD commissioner consider taking a more active role and therefore, suggested that the commissioner be included as an

⁴⁹ Published September 22, 2020 See <https://iqchicaaooq/careers/employment-procedures/>
<<https://iqchicaaooq/careers/employment-procedures/>>.

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interviewer for this sequence. In response, CFD provided an updated justification memorandum and DHR will repost the commander sequence. OIG will monitor the interviews and consensus meeting for the reposted commander position.

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 14 complaints and had 2 pending complaints from the prior quarter. The table below summarizes the disposition of these complaints.

TABLE #13- DEIC COMPLAINTS RECEIVED THIS QUARTER

Pending from Previous Quarter	2
Received This Quarter	15
Opened Investigation	3
Declined	6
Referred to Department	2
Complaints Pending as of End of Quarter	6

DEIC closed 10 cases this quarter. The table below summarizes the disposition of these complaints, as well as those pending from the previous quarter.

TABLE #14- DEIC CASES THIS QUARTER

Case Status	Number of Cases
Pending from Previous Quarter	15
Opened This Quarter	3
Referred	1

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Closed Not Sustained ⁵⁰	2
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Closed Not Sustained with Recommendation	1
Closed Sustained	3
Closed Administratively	3
Cases Pending as of End of Quarter	10

1. Department of Aviation, Sustained (#19-1224)

On October 21, 2019, OIG received an anonymous complaint alleging that the Chicago Department of Aviation (CDA) hired a candidate for the covered title of director of planning research and development, despite the candidate's failure to meet the stated minimum qualifications for the position. The complainant characterized this action as a "political hire" and further alleged that a CDA deputy commissioner involved in the hiring sequence, formerly a DHR recruiter, had been involved in numerous "fraudulent" hires.

OIG found that the selected candidate did not meet the minimum qualifications for the position and that the DHR recruiter assigned to this hiring sequence should not have referred them for an interview. OIG did not find sufficient evidence to conclude that CDA's hiring decision was the result of political or other improper considerations.

Following its review of the hiring sequence, OIG sent a recommendation memorandum to DHR. OIG reiterated recommendations made in connection with a prior case (#18-0818) in which OIG found that the same former recruiter improperly referred a candidate for a different CDA vacancy. DHR declined to implement the recommendations with respect to the prior case. OIG's reiterated recommendations are detailed below:

- Institute stronger controls, or a second layer of review to referral lists, to ensure referred candidates meet established minimum qualifications or equivalences.
- Implement consistent recruiter training regarding the critical functions of the position, including written guidelines regarding screening and referral lists.

In this case, DHR agreed with OIG's conclusion that the selected candidate did not meet the minimum qualifications for the position based on the application materials provided at the time of application. DHR stated that the recruiter assigned to this hiring sequence failed to follow the Department's standard practices regarding the collection of information about the candidate's education and experience. The recruiter had "researched" elements of the candidate's work experience, as opposed

⁵⁰ The case closed not sustained with recommendation is currently pending a response from the relevant department OIG will report on the recommendation and the department's response in a future quarterly report

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to receiving additional materials from the candidate directly. DHR advised that the recruiter would have been issued progressive discipline if the recruiter were still employed by DHR.

With respect to OIG's first recommendation, DHR again declined to implement stronger controls or a second layer of referral list review to ensure that referred candidates meet established minimum qualifications or equivalencies. DHR indicated that this would impose a strain on already limited resources and minimize accountability for recruiters exercising

their professional judgment. DHR also noted that, when recruiters start employment with DHR, their referral lists are subject to secondary review for a limited period of time in order to ensure that they are screening applicants and candidates correctly.

With respect to OIG's second recommendation, DHR indicated that it wanted to revise its position on creating a "handbook," instead preferring an "electronic toolkit," which would serve as a collection of authoritative and adaptable resources for recruiters that will enable them to learn about issues and identify approaches for addressing them. As part of the toolkit, DHR will include links to various documents and forms and provide necessary updates as time goes on. DHR advised that it had already started this process by reviewing the process flows in its recruiting management software (Taleo) in order to eliminate inconsistencies in how recruiters have been using the system. DHR plans to build on this project so that it encompasses other areas of the recruiter's job duties. DHR intends to solicit feedback from OIG as it develops the toolkit.

2. Chicago Police Department, Sustained (#20-0159)

OIG received complaints which highlighted a recurring theme of human resources professionals in public safety departments not reporting political contacts to OIG as mandated by Chapter II.C.4 of applicable Hiring Plans. The complaints included information suggesting that entry level position applicants for CPD and CFD have difficulty obtaining status updates about their pending applications and background checks without aldermanic intervention. Chapter II.C.4 of the City of Chicago Hiring Plan, the CPD Hiring Plan for Sworn Titles, and the CFD Hiring Plan for Uniformed Position's require that all contacts by elected and appointed officials be reported to OIG. The plans state that all contacts from any elected or appointed official, or any agent acting on their behalf, attempting to affect any hiring for a covered position or other employment actions shall be reported to OIG within 48 hours. Timely reporting of political contacts allows OIG time to deter political influence and consideration of improper factors in the hiring process or other employment actions.

OIG did not receive these mandated notifications regarding aldermanic contacts from either CPD or CFD. It was only after a specific OIG request that CPD-HR and

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CFD-HR reported several political contacts. CFD-HR admitted to losing count of the number of unreported political contacts. CPD-HR did provide those subsequent reports weeks or months after the actual political contacts occurred, which is in clear violation of the City Hiring Plans.

Following its review, OIG sent recommendations to the Office of Public Safety Administration (OPSA). To ensure compliance, OIG recommended that all OPSA employees be provided with training to highlight compliance with the various Hiring Plans, including the political contact reporting requirement. Additionally, OIG recommended CPD-HR and CFD-HR consider utilizing current tools within the City's electronic applicant tracking system to communicate status updates to candidates. Alternatively, OPSA could consider the creation of an online candidate information portal to electronically provide candidates meaningful, real time updates about their application status

In response to OIG's recommendations, OPSA stated the department is "fully committed to ensuring that [OPSA] employees comply with the Hiring Plans in place." OPSA also agreed to provide City of Chicago Hiring Plan training and political contact reporting training to all of its human resources staff. Lastly, OPSA agreed to work with DHR to explore

options within Taleo, as well as other communication tools, to communicate status updates to candidates.

3. Chicago Police Department, Not Sustained with Recommendations (#16-0285)

OIG received complaints regarding the psychological assessment for the CPD positions of police officer and detention aide. The allegations were related to misplaced or lost paperwork, candidate identity errors, and interviewer bias during the psychological assessments.

While OIG's review of these allegations did not substantiate the allegations, our analysis highlighted a processing disparity between candidates applying for police officer and detention aide. The selection process for both titles requires successfully passing a psychological assessment but only police officer candidates can appeal their unsuitability rating on the psychological assessment. This gap in procedural policy raised concern that the process may unnecessarily eliminate candidates and undermine fairness within the hiring process. OIG recommended that CPD consider implementing an appeal process for other positions that require a psychological assessment, including detention aide.

Following its review, OIG sent a recommendation memorandum to CPD-HR. In response, CPD requested an additional 60-day extension to continue researching the issue. CPD cited that it wanted to research best practices across other law

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enforcement agencies with similar positions and engage the CPD psychological vendors regarding the psychological examinations for the detention aide role. OIG will report on CPD's additional response and any action(s) taken in a future quarterly report.

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IX. 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), the Police Board, and 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.

1. Review of Compliance with the City of Chicago's Video Release Policy for Use-of-Force Incidents (#17-0697)⁵¹

The Public Safety section conducted a compliance evaluation of the City of Chicago's release of materials pursuant to its Video Release Policy ("Policy"). The Policy requires that the City publicly release, within 60 days of incident, "videotape and audiotape and certain specified police reports" related to specified types of use-of-force incidents—certain types of firearms discharges, taser discharges resulting in death or great bodily harm, and use-of-force against individuals in police custody resulting in death or great bodily harm involving CPD members.

COPA is responsible for identifying all use-of-force incidents governed by the Policy and publicly releasing the related materials. CPD's Crime Prevention and Information Center (CPIC) is responsible for notifying COPA of

all such use-of-force incidents. COPA relies on other agencies, notably CPD and the Office of Emergency Management and Communications (OEMC), to provide it with video and audio files subject to disclosure under the Policy.

OIG's evaluation found that COPA fails to release all video, audio, and police documents in the timeframe required by the policy and exercises inadequately guided discretion in the release of materials other than those mandated for release by the Policy. OIG was also unable to verify that CPIC has notified COPA of all relevant use-of-force incidents.

⁵¹ Published September 15, 2020. See <https://www.chicagopolice.org/wp-content/uploads/2020/09/OIG-Review-of-Compliance-with-the-City-of-Chicago-Video-Release-Policy-for-Use-of-Force-Incidents.pdf>

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OIG recommended several modifications to the City's Video Release program. COPA should improve internal processes and collaborate with OEMC and the Mayor's Office to develop interagency processes that support the timely delivery of material COPA requests from OEMC. COPA and CPIC should develop clear, binding notification guidelines and train CPIC staff to execute them. Finally, OIG recommended that the Mayor's Office, the Department of Law (DOL), and COPA review the Policy's criteria for release of video and related materials, and that DOL update the Policy accordingly.

COPA, CPD, OEMC, and the Mayor's Office all agreed with OIG's recommendations. CPD additionally noted that the Department will work with COPA to develop clear guidelines for notifying COPA. The Mayor's Office stated that it will work with each involved agency to address the identified issues and recommendations.

2. Review of COPA Employees' Statements Regarding Their Duty to Report (#20-1222)⁵²

In the course of two separate disciplinary investigations, COPA employees reported to OIG either uncertainty about whether they are obligated to report misconduct by CPD members, or the belief that they are not obligated to do so. In light of the legal obligations of all City employees and COPA employees specifically, and given COPA's critical role in Chicago's police accountability system, OIG recommended that COPA provide refresher training to its employees on their duty to report misconduct by CPD members. COPA agreed to do so.

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.

⁵² Published September 25, 2020. See- <https://iqchicago.org/wp-content/uploads/2020/09/OIG-Advisorv-Concerning-COPAs-Dutv-to-Report.pdf>.

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This quarter, the Inspections Unit examined 170 closed disciplinary cases and opened 27 for in-depth review.

TABLE #15- DISCIPLINARY CASES REVIEWED	
Agency	Cases Screened ; Cases Opened
BIA	98 14
COPA	72 13
Total	170 27

RECOMMENDATIONS TO REOPEN CLOSED DISCIPLINARY INVESTIGATIONS

OIG found that five COPA investigations contained deficiencies which materially affected their outcome and recommended that they be reopened. One of those investigations is detailed below. Of the remaining four:

- COPA agreed with one recommendation to reopen for the purposes of referring an investigation to BIA on July 13, 2020. COPA referred the investigation to BIA on October 6, 2020.
- COPA declined one recommendation; the outcome of the underlying investigation is pending review after the superintendent's decision.
- COPA accepted one recommendation to clarify documents relied upon in an investigation, and BIA provided updated records; the outcome of the underlying investigation is pending the superintendent's decision.
- As of this writing, COPA has not responded to one recommendation, issued July 9, 2020.

OIG will publish further details on each investigation recommended for reopening at the conclusion of the associated disciplinary processes. OIG did not recommend the reopening of any cases investigated by BIA.

1. Recommendation to Reopen Based on a Failure to Complete an Investigation into an Officer-Involved Shooting (#20-0440 and #20-0439)

On October 1, 2015, the Independent Police Review Authority (IPRA), COPA's predecessor agency, initiated an investigation based on a mandatory notification from CPD of an officer-involved shooting following a pursuit, in which no one was hit. The following year, IPRA had contact with the subject of that pursuit, and subsequently initiated a second investigation into the same incident, based on a complaint made by the subject of the pursuit. IPRA then closed the notification-based investigation, and consolidated it into the complaint-based notification.

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Ultimately, the subject of the pursuit declined to sign a sworn affidavit in support of the complaint, and IPRA closed the consolidated investigation for that reason. IPRA's original, notification-based investigation could have proceeded without a sworn affidavit from a complainant. By consolidating the notification-based investigation into the complaint-based investigation, then closing the complaint-based investigation because the subject declined to provide a sworn affidavit in support of the complaint, IPRA foreclosed meaningful investigation of an officer-involved shooting. On April 8, 2020, OIG recommended that COPA reopen the notification-based investigation to properly complete an investigation into the officer-involved shooting.

COPA declined OIG's recommendation, citing the section of its enabling ordinance which describes the circumstances under which COPA may reopen a closed investigation. COPA identified two conditions which permit reopening and argued that neither of them applied, writing that "the passage of time and the unlikelihood of discovering previously unavailable material evidence [...] does not appear to have resulted in a gross miscarriage of justice." COPA omitted from its response, however, the third condition under which it may reopen a closed investigation, which is that it may do so pursuant to a recommendation from OIG. COPA further argued that IPRA's policy was to not investigate officer-involved shootings in which no one was hit, despite IPRA's ordinance in effect at the time required it to "conduct investigations into all cases in which a department member discharges his or her firearm [...] in a manner which potentially could strike an individual, even if no allegation of misconduct is made."⁵³

OIG asked that COPA clarify its response, based on the language of COPA and IPRA's ordinances. COPA acknowledged the omitted provision of its ordinance, but persisted in declining to reopen, stating that its review of IPRA's work led to the conclusion that IPRA found the accused officer's conduct to be within CPD policy, despite IPRA not having issued any report or finding to that effect.

RECOMMENDATIONS TO INFORM AND IMPROVE FUTURE INVESTIGATIONS

1. Advisory Concerning COPA's Practice of Administratively Terminating Disciplinary Investigations (#20-0314)

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Based on its review of closed disciplinary investigations, and in the interest of informing and improving future investigations, OIG released an advisory to COPA regarding its practice of administratively terminating disciplinary investigations short of an investigative finding. OIG found that administrative termination is ill-defined

¹⁷ MCC §2-57-040(c)

¹⁸Published September 15, 2020 See <https://iqchicago.org/wp-content/uploads/2020/09/OIG-Advisory-Concerning-COPAs-Practice-of-Administratively-Terminating-Disciplinary-Investigations.pdf>

[//iqchicago.org/wp-content/uploads/2020/09/OIG-Advisory-Concerning-COPAs-Practice-of-Administratively-Terminating-Disciplinary-Investigations.pdf](https://iqchicago.org/wp-content/uploads/2020/09/OIG-Advisory-Concerning-COPAs-Practice-of-Administratively-Terminating-Disciplinary-Investigations.pdf)

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and frequently misapplied, and therefore each investigation in which it is used represents a risk that an allegation of police misconduct is improperly disposed of without ensuring either accountability or vindication for a CPD member. OIG recommended that COPA:

- ensure that all potentially appropriate dispositions are considered and refrain from administratively terminating

investigations based solely on the age of the complaint or to increase case closure capacity;

- ensure that the chief administrator's approval is sought when appropriate; and
- review investigations recently closed by administrative termination to ensure their dispositions were appropriate.

Although COPA agreed with many of OIG's recommendations and acknowledged that, "[i]n the past, operating practices were not as systematic and consistent as those to which we aspire," its written response to OIG contradicted, in places, the statements of its employees and its own internal documents, underscoring the need to clarify and codify the requirements surrounding the application of administrative termination.

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