



# Office of the City Clerk

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

Enclosed for your review is the public report on the operations of the City of Chicago Office of Inspector General (OIG) during the first quarter of 2021, filed with City Council pursuant to Section 2-56-120 of the Municipal Code of Chicago.

Respectfully,

Joseph M. Ferguson Inspector  
General City of Chicago

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## FIRST QUARTER 2021 HIGHLIGHTS

# 701

### COMPLAINTS RECEIVED

OIG concluded investigations regarding:

- False statements
- Secondary employment
- Public indecency
- Sexual harassment

# 456

MATTERS CONCLUDED

OIG REPORTS PUBLISHED

OIG published reports including:

- Follow-ups on CDPH's air pollution enforcement, DWM's overtime monitoring, and CPD's "Gang Database"
- Chicago's Response to George Floyd Protests and Unrest
- Urgent Recommendations on CPD's Search Warrant Policies
- Fourth Annual Progress Report on the Procurement Reform Task Force

OIG

#### NOTIFICATIONS

OIG published notifications regarding:

- Diversity and Equal Opportunity Policy for City Employees' Sexual Harassment of Members of the Public
- Data Quality of Personnel Records and Enforcement of Leave of Absence Policies

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#### FIRST QUARTER REPORT

This quarterly report provides an overview of the operations of the Office of Inspector General (OIG) during the period from January 1, 2021, through March 31, 2021. The report includes statistics and narrative descriptions of OIG's activity as required by the Municipal Code of Chicago (MCC).

## MISSION OF THE OFFICE OF INSPECTOR GENERAL

The mission of OIG is to promote economy, effectiveness, efficiency, and integrity in the administration of programs and operation of City government.<sup>1</sup> OIG accomplishes its mission through investigations, audits, and other reviews. OIG issues summary reports of investigations to the appropriate authority, management officials, and/or the Mayor, with investigative findings and recommendations for corrective action and discipline. 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 diversity, equity, inclusion, and compliance functions.

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

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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 701 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

500 450 400 350 300 250 200 150 100 50 0

OIG Initiated

Board of Ethics

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

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

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TABLE #1 - COMPLAINT ACTIONS

Complaint Action	Number of Complaints
Opened Investigation	33
Pending <sup>3</sup>	99
Referred to Department/Sister Agency	316
Declined	253
<b>Total</b>	<b>701</b>

## B. PRIOR QUARTER COMPLAINTS

This quarter, OIG acted on 187 prior complaints that were pending at the end of last quarter. One complaint is still pending further review. The following table provides details on the status and number of all prior pending complaints.

TABLE #2 - PRIOR PENDING COMPLAINTS

Complaint Action	Number of Complaints
Opened Investigation	17
Pending	1
Referred to Department/Sister Agency	111
Declined	59

<b>Total</b>	<b>188</b>
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## C. NEWLY OPENED MATTERS

This quarter, OIG opened 477 matters. The following table provides details on the subjects and number of investigations and referrals for newly opened matters.<sup>4</sup>

TABLE #3 - SUBJECT OF INVESTIGATIONS AND REFERRALS

Object of Investigation and Referrals	Number of Investigations and Referrals
Employees	390
Contractors, Subcontractors, and Persons Seeking Contracts	12
Elected Officials	11
Appointed Officials	4
Licensees	12
Persons Seeking Certification of Eligibility	1
Other	47
<b>Total</b>	<b>477</b>

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

<sup>4</sup> 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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## D. CASES CONCLUDED THIS QUARTER

This quarter, OIG concluded 456 opened matters. The following table provides details on the status and number of cases concluded.

TABLE #4 - CASES CONCLUDED THIS QUARTER

Status	Number of Cases
Referred to a City Department	371
Referred to a Sister/External Agency	55
Sustained <sup>5</sup>	6
Not Sustained <sup>6</sup>	20
Closed Administratively <sup>7</sup>	4
<b>Total</b>	<b>456</b>

## E. PENDING MATTERS

At the close of this quarter, OIG had a total of 180 pending matters, including investigations opened during the quarter.

## ILLINOIS V. CITY CONSENT DECREE PARA. 481 INVESTIGATIONS

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

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

## F. INVESTIGATIONS OPEN OVER TWELVE MONTHS

Under MCC § 2-56-080, OIG must provide quarterly statistical data on pending investigations open over 12 months. Of the 180 pending matters, 44 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).

<sup>5</sup> A case is sustained when the evidence sufficiently establishes that either an administrative or criminal violation has occurred, or the case identifies a particular problem or risk that warrants a public report or notification to a department.

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

<sup>7</sup> A case is closed administratively when, in OIG's assessment, it has been or is being appropriately treated by another agency or department, the matter was consolidated with another investigation or, in rare circumstances, OIG determined that further action was unwarranted.

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

idasfH... General Nature of Allegations

##### ■. Number

13-0270	Pending federal criminal investigation of delegate agency fraud.
16-0526	Pending federal criminal investigation of bribery.
17-0321	City employee receiving funds through a City contract.
18-0163 <sup>8</sup>	Pending federal criminal investigation of bribery.
19-0006	Filing false reports with the City.
19-0114	Duty disability fraud.
19-0118	Pending federal criminal investigation of bribery and theft.
19-0178	Criminal investigation concluded without charge and resumed for administrative investigation of distribution of steroids to City employees.
19-0202	Criminal investigation of theft of a City check.
19-0206 <sup>9</sup>	Residency violation.
19-0303 <sup>10</sup>	False information submitted to the City.
19-0313	Pending federal criminal investigation of bank fraud.
19-0413	Criminal investigation of contract steering and collusion.



19-0487 <sup>11</sup>	Jury duty leave fraud.
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.
19-0715	Residency violation.
19-0788 <sup>12</sup>	Improper use of City resources.
19-0831 <sup>13</sup>	Residency violation.
19-0958	Improper use of City resources.
19-0960	Retaliation.
19-0961 <sup>14</sup>	Residency violation.
19-1034 <sup>15</sup>	Failure to comply with rules regarding outside employment.
19-1039	Campaign Finance.

<sup>8</sup> On hold, in order not to interfere with another ongoing investigation.

<sup>9</sup> Extended due to other higher-risk, time sensitive investigations.

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

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

<sup>12</sup> Additional complaints were added during the course of the investigation.

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

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

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

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## Case Number^

^General^Nature of Allegations

19-1083	Campaign Finance.
19-1128	Domestic battery and failure to report conflict of interest.
19-1159	Contract fraud.
19-1323	Providing false information.
19-1344 <sup>16</sup>	Residency violation.
19-1346	Criminal investigation of bribery.
20-0003	Failure to follow department rules in the course of an investigation.
20-0008	Failure to provide appropriate care.
20-0025	Pending federal criminal investigation of theft.
20-0071	Pending federal criminal investigation of bribery.
20-0103	Improper use of City resources.
20-0109	Firearms in the Workplace Policy violation.
20-0110	Campaign Finance.
20-0166	Unauthorized use of City license.
20-0195	Misuse of confidential information.
20-0257	Pending federal criminal investigation of bribery.
20-0318	Preferential treatment.
20-0319	Contract fraud.
20-0385	Residency violation.

## **G. ETHICS ORDINANCE COMPLAINTS**

This quarter, OIG received 35 Ethics Ordinance complaints. OIG declined 26 complaints because they lacked foundation, opened 3 for investigation, referred 1 to the appropriate City department, and 5 are pending.

## **H. PUBLIC BUILDING COMMISSION COMPLAINTS AND INVESTIGATIONS**

This quarter, OIG received one complaint related to the Public Building Commission and . currently has two investigations opened.

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 investigation<sup>17</sup>-a summary and analysis of the evidence and recommendations for disciplinary or other corrective action. OIG sends these reports to the appropriate authority, including the 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.

## **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.<sup>18</sup> If the excess donation is returned in a timely manner, or it is determined that a violation did not occur, OIG closes the matter administratively. In the event the matter is not cured or rightfully challenged, OIG will sustain an investigation and deliver the case to the Board of Ethics for adjudication.

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

## SUSTAINED ADMINISTRATIVE INVESTIGATIONS

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

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

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

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

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

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

#### TABLE #6 - OVERVIEW OF CASES CO

OIG Case Number	Department or Agency	Completed and Reported as Sustained Matters	Department or Agency Action
20-1424	Assets, Information and Services	Discipline commensurate with the gravity of violations	Resigned in lieu of discharge
20-0803	Water Management	Discharge and designate as ineligible for rehire	Discharged and designate ineligible for rehire; appeal pending

19-1282	Streets and Sanitation	Discharge and designate as ineligible for rehire Ensure that all employees are trained on City and departmental policies regarding the prohibition of soliciting or accepting a bribe	Discharged and designated as ineligible for rehire; appeal pending No departmental response
19-1198	Fire	CFD lieutenant-Discharge and designate as ineligible for rehire CFD battalion chief-Discipline commensurate with the gravity of violations	Discharged and designated as ineligible for rehire; appeal pending Written reprimand sexual harassment re-train
19-1130	Animal Care and Control	Discharge and designate as ineligible for rehire	Resigned in lieu of discharge designated as ineligible for

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

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OIG Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
19-0792	Water Management	Designate as ineligible for rehire	Resigned in lieu of inquiry; designated as ineligible for rehire
19-0605	Fire	Probable cause of violations and impose appropriate sanctions	Sustained finding of violations; \$500 fine
18-0646	Police	Discharge	Pursuing discharge

## 1. Secondary Employment (#20-1424)

An OIG investigation established that a Department of Assets, Information and Services (AIS) director of facilities management failed to disclose and obtain authorization for their secondary employment when, in fact, the director was earning thousands of dollars running an online clothing and merchandise store. In addition, the director's social media pages advertising the online store included at least one post containing a racist image that was uploaded while the director was clocked into work for AIS.

OIG recommended that AIS impose discipline against the director, commensurate with the gravity of their violations, past disciplinary record, and any other relevant considerations.

In response, AIS agreed with OIG's findings and recommendations. However, twelve days after OIG sent the summary of investigation to AIS, and before the Department took any action, the director provided formal notice of their intent to resign. The director subsequently resigned.

## 2. Public Indecency and False Statements (#20-0803)

An OIG investigation established that a Department of Water Management (DWM) motor truck driver (MTD), while on duty, exposed themselves and masturbated inside of a DWM truck. The MTD performed these acts in the daytime while parked in a residential neighborhood. The MTD's public indecency was observable to nearby members of the public, as indicated by a video an individual recorded which showed the MTD masturbating. Moreover, during an OIG interview, the MTD provided multiple misleading and untruthful statements, including statements that the MTD had spilled a drink on themselves and, later, that the MTD was urinating into a bottle.

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

In response, DWM discharged the employee and referred the employee for placement on the ineligible for rehire list. Subsequently, the MTD filed an appeal with the Human Resources Board. That appeal is currently pending.

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### 3. Bribery and Official Misconduct (#19-1282)

An OIG investigation established that a Department of Streets and Sanitation (DSS) laborer solicited and accepted a monetary bribe to collect and carry away a homeowner's garbage. While the laborer was working their route, they observed carpet scraps in a resident's garbage bin; instead of reporting the matter to their supervisor, the laborer solicited money from the homeowner and was paid \$10 in exchange for removing the carpet scraps. After removing the scraps, the laborer attempted to solicit another \$10 from the homeowner.

After the laborer bribed the homeowner, a DSS refuse collection coordinator arrived on scene and the homeowner's spouse immediately made a complaint to the refuse collection coordinator. The refuse collection coordinator contacted their supervisor, an assistant district superintendent, to assist them with investigating the spouse's complaint. While they attempted to speak to the homeowner's spouse, a retired City laborer and field representative for Laborers' Union Local 1001 arrived at the residence and interfered with the interview, and intimidated the spouse in an attempt to have the complaint dropped.

OIG recommended that DSS discharge the laborer and refer the laborer for placement on the ineligible for rehire list. OIG also recommended that DSS ensure that it has adequately trained all its employees on City and departmental policies regarding the prohibition of accepting money or trade of goods in exchange for performing their duties or any actions that can be construed as a bribe. OIG further recommended that DSS ensure that all of its supervisors are properly trained on how to receive and handle complaints from City residents, particularly complaints regarding allegations of employees soliciting or accepting a bribe.

In response, DSS agreed with OIG's recommendation and discharged the employee and placed the employee on the ineligible for rehire list. The laborer appealed the termination. DSS response to OIG's recommendation to ensure adequate training for its employees and supervisors remains pending.

4. Sexual Harassment and Mishandling of Sexual Harassment Allegations (#19-1198)

An OIG investigation established that a Chicago Fire Department (CFD) lieutenant, while on duty and in uniform, repeatedly sexually harassed a restaurant employee. For months, the lieutenant frequented the restaurant numerous times a week. While at the restaurant, the lieutenant singled out the employee and made unwanted and inappropriate comments, saying that the victim was "pretty," calling the victim "baby" and "sweetie," stating "I'm gonna marry you someday" and "Are you going to make my food with love?" The unwanted attention and harassment caused the employee to move to the kitchen area whenever the lieutenant entered the restaurant. The sexual harassment culminated one afternoon when the lieutenant approached the restaurant employee and kissed them on the cheek without consent or invitation.

The lieutenant also repeatedly lied to CFD's Internal Affairs Division and OIG about their actions toward the restaurant employee during official investigations into the misconduct. OIG's

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investigation also established that the lieutenant's supervisor, a CFD battalion chief, conducted an impromptu and unsanctioned investigation into the allegation of the lieutenant's misconduct despite the close personal relationship between the battalion chief and the lieutenant. The battalion chief also made inappropriate remarks to other CFD personnel upon learning of the complaint against lieutenant, including, "No one better talk to the media about this or I'll kick their teeth in."

OIG recommended that CFD discharge the lieutenant and refer them for placement on the ineligible for rehire list. OIG also recommended that CFD impose discipline against the battalion chief, commensurate with the gravity of the violations, past disciplinary record, and any other relevant considerations.

In response, CFD discharged the lieutenant and referred the employee for placement on the ineligible for rehire list. CFD issued a written reprimand to the battalion chief. In addition, CPD provided sexual harassment re-training for the battalion chief as well as all other CFD members assigned to the Quinn Fire Academy (where the two members involved were assigned). The lieutenant appealed the discharge, and that appeal is currently pending.

5. Sexual Harassment (#19-1130)

An OIG investigation established that a Chicago Animal Care and Control (CACC) animal control inspector (ACI) sent unprovoked communications to a fellow CACC coworker's spouse in order to harass the coworker, on three occasions. Specifically, the ACI directed an associate, who is unaffiliated with the City, to mail an anonymous envelope to the spouse at the coworker's residence. That envelope contained a letter alleging that the coworker was having an affair with another CACC employee. In addition, the ACI was involved in sending an anonymous email alleging the affair, alongside a LinkedIn request associated with an escort service, to the spouse's work email address. The ACI was in a position of trust that requires credibility and sound judgment in all facets of their duties, including writing reports and testifying at administrative hearings. By engaging in threatening conduct and going to great lengths to conceal their involvement in such conduct, the ACI demonstrated they were unfit to continue in their City employment.

OIG recommended that CACC discharge the ACI and refer them for placement on the ineligible for rehire list.

In response, CACC issued the employee a notice of investigation as required by their collective bargaining agreement, and the employee resigned in lieu of discharge. CACC referred the employee for placement on the ineligible for rehire list.

6. False or Fraudulent Statements - Workers' Comp (#19-0792)

An OIG investigation established that a former DWM laborer-apprentice made a false or fraudulent material statement or representation in an application for workers' compensation benefits submitted to the City by knowingly seeking workers' compensation for a pre-existing

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injury that they did not sustain while on duty. Specifically, the laborer-apprentice filed a claim with the Committee on Finance, Workers' Compensation Division, certifying that the information given was correct and that the injuries were sustained in the course of their employment. The laborer-apprentice's duty disability claim was denied in February 2020 and the laborer-apprentice neither returned to work nor submitted a leave of absence application by the required deadline, causing DWM to implement an automatic resignation.

Had the laborer-apprentice still been employed by the City, OIG would have recommended discharge based on the fraudulent application for workers' compensation benefits. Thus, OIG recommended that DWM find that the evidence established the violations and request that DHR designate the laborer-apprentice as ineligible for rehire.

In response, DWM updated the laborer-apprentice's end of employment reason to "Resignation - Under Inquiry" and referred the employee for placement on the ineligible for rehire list.

7. City Employee with a Financial Interest in a City Contract - Ethics (#19-0605)

An OIG investigation established that a CFD firefighter violated the City's Governmental Ethics Ordinance by having a financial interest, from December 2016 through December 2018, by way of principal ownership in a company that served as a subcontractor on a Public Building Commission of Chicago contract to renovate a children's library. That subcontract, and the prime contract, were paid with funds belonging to or administered by the City.

OIG requested that the City of Chicago Board of Ethics (BOE) issue a finding of probable cause to believe the firefighter violated the Ethics Ordinance and impose appropriate sanctions.

In response, BOE, at its February 2021 meeting, voted unanimously to make a preliminary finding that there was probable cause to conclude the firefighter had violated the Ethics Ordinance. At its March 2021 meeting, BOE sustained a finding that the firefighter had violated the Ethics Ordinance and entered into a settlement agreement with the firefighter, which was executed by the parties on March 16, 2021. As part of the agreement, the firefighter agreed to pay a fine of \$500 and acknowledged that, although the company they

own can contract with the City's sister agencies as a general matter, any contract or subcontract in which the company is a party on any project that is to be paid with funds belonging to or administered by the City, is subject to the restrictions in the Ethics Ordinance.

8. False Statements in an Official Investigation and Falsification of Records (#18-0646)

An OIG investigation established that an off-duty CFD firefighter/EMT called 911 to report that they suspected a member of the public was attempting to break into the firefighter/EMT's personal vehicle. The firefighter/EMT held the member of the public at gunpoint before Chicago Police Department (CPD) members arrived on the scene. Two responding CPD officers detained the member of the public in handcuffs while they questioned him, searched the trunk of his car, and determined whether to arrest him for attempted theft. The member of the public was not

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ultimately arrested. In violation of CPD policy, the officers failed to complete an Investigatory Stop Report (ISR) to document their interaction. When interviewed by OIG about their failure to complete an ISR, the accused officers made false statements. Specifically, the officers both falsely reported that one of them drafted an ISR regarding the incident. Records from the CPD contractor which maintains ISR data showed that the officer did not draft an ISR regarding the incident. The officer who purported to have drafted the ISR made additional false statements in a memorandum to a CPD commander, in which the officer reported that they had submitted an ISR regarding the incident but that it disappeared because of a computer issue. The CPD officers' conduct violated Rules 3, 11, and 14 of CPD Rules and Regulations.

With respect to the conduct of the involved CFD member, there was insufficient evidence to support any allegations of misconduct.

OIG recommended that CPD discharge both officers from the Department and refer them for placement on the ineligible for rehire list maintained by DHR. CPD agreed with OIG's recommendation and is pursuing discharge of the officers before the Chicago Police Board.



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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.<sup>21</sup>

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

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

The following table summarizes ongoing criminal cases that relate to closed OIG cases and provides the current status of the criminal proceedings. In the 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 #7 -	DEVELOPMENTS IN PRIOR CHARGED CRIMINAL CASES
OIG Case ,	Criminal Case Charged Summary * Status ; '
Number,	Cite

14-0165	USA v. Joseph Garcia, 19 CR 270 (N.D. IL)	3/21/2019	Garcia, a former Housing inspector, pleaded guilty to wire fraud and one count of wire fraud. Sentencing of false reports rescheduled for he had inspected 6/25/2021. and repair work to be completed, contractor would receive payment from the McClendon, own 11/20/2020: of McClendon Ho McClendon plead indicted on federal charges, guilty to one count of wire
15-0419 17-0267	USA v. John McClendon, 19 CR 100 (N.D. IL)	2/5/2019	

<sup>21</sup> 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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			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.	fraud. Sentencing is scheduled for 4/6/2021.
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 the withdrawal of funds from the administrative agency's account using forged withdrawal slips.	5/12/2021: Status hearing.
17-0518-09	USA v. William Helm, 203/5/2020 (N.D. IL)	203/5/2020	Helm, a former Chicago Department of Aviation deputy commissioner, was indicted for bribery related to a federal program, based on his offer to pay Illinois State Senator and Chairman of the Senate Transportation Committee Martin Sandoval, in order to influence the Illinois Department of Transportation's award of work to a particular contractor.	5/28/2021: Status hearing.

19-0019	USAv. Edward Burke et al, 19 CR322 (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	7/29/2021: Status hearing.
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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.

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

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

### **1. Fraudulent Use of Sick Time (#18-0506)**

As reported in the first quarter of 2020, an OIG investigation established that an Office of Emergency Management and Communications (OEMC) police communication operator II used four days of paid sick leave to go on a seven-day Caribbean cruise in July and August 2014. During the trip, the employee drank alcohol, went to clubs, attended a concert, and went sightseeing. OIG recommended OEMC impose discipline up to and including discharge.

In response, OEMC discharged the employee. The employee filed a grievance challenging the discharge and the City and union scheduled an arbitration hearing. Before the hearing, however, the union withdrew the grievance, allowing the discharge to stand.

### **2. Theft of City Property (#18-0166)**

As reported in the third quarter of 2020, an OIG investigation established that a crew of ten Fleet and Facility Management (now known as the Department of Assets, Information and Services) 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 the sale of the wire. Specifically, after the crew removed the burned copper wire, an electrician and motor truck driver (MTD), while clocked into work, loaded the copper wire into a

personal truck, drove to a scrapyard 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.

OIG recommended that AIS<sup>22</sup> discharge the foreman of electrical mechanics, the electrician, and MTD who sold the stolen wire, and refer them for placement on the ineligible for rehire list. For

<sup>22</sup> In 2020, the Department of Fleet and Facility Management merged with the Department of Innovation Technology to form AIS.

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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, 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 the Department of Human Resources (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. 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.

The MTD who sold the stolen wire appealed the discharge to the HRB. Following a full evidentiary hearing, the HRB affirmed the MTD's termination, and the MTD remains discharged and on the ineligible for rehire list.

### 3. Contractor Fraud and Falsified Certified Payrolls (#17-0652)

As reported in the fourth quarter of 2020, an OIG investigation established that a City of Chicago contractor knowingly made false statements and submitted false claims to the City of Chicago when it submitted weekly certified payrolls falsely claiming be in compliance with Chicago's Residency Ordinance during the life of four contracts worth over \$162,000,000. The contractor's misconduct violated the Municipal Code of Chicago, City of Chicago Debarment Rules, and Illinois law on public contractor misconduct.

OIG recommended that the Department of Procurement Services (DPS) debar the contractor and the contractor's president. In response, DPS proposed to permanently debar both the contractor and the contractor's president and on February 10, 2021, DPS submitted a Notice of Proposed Debarment. On March

12, 2021, the contractor and contractor's president provided DPS with a response to the Notice of Proposed Debarment in which they requested a settlement in the matter.

#### 4. Fraudulent Use of Sick and FMLA Leave (#17-0597)

An OIG investigation established that an Office of Emergency Management and Communications (OEMC) police communications operator II fraudulently used paid sick leave and Family Medical Leave Act (FMLA) leave. On July 14, 2017, the employee misused paid sick leave to take the day off in order to fly to Puerto Rico for a vacation and on July 18, 2017, half of a paid sick day for the

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first half of their shift upon return. In October 2017, the employee further fraudulently used FMLA leave while on vacation in southern California.

OIG recommended that OEMC discharge the employee, and refer the employee for placement on the ineligible for rehire list maintained by DHR. In response, OEMC discharged the employee and placed the employee on the ineligible for rehire list. The employee appealed the decision but withdrew the appeal in January of 2021, and the employee remains discharged and on the ineligible for rehire list.

#### 5. Solicitation and False Statements (#17-0519)

As reported in the third quarter of 2020, an OIG investigation established that a former Chicago Department of Aviation (CDA) deputy commissioner and MTD foreman coerced subordinates to engage in political activity for the former 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 election precincts on election days. The former deputy commissioner and the MTD foreman also solicited and received money from subordinates within the training section of CDA's vehicle services section for the former deputy commissioner's personal trips and gifts. The former deputy commissioner also utilized subordinate employees as private couriers, sending them off the worksite while on duty to run personal and political errands for the former deputy commissioner. Moreover, during the OIG interview, the MTD foreman made multiple false, inaccurate, and deliberately misleading statements regarding the allegations of misconduct.

The day after receiving notification of a scheduled interview with OIG, the former deputy commissioner submitted finalized retirement paperwork to CDA and did not appear for the interview. Because the former 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 the 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 the former deputy commissioner for placement on the ineligible for rehire list.

OIG also recommended that CDA discharge the MTD foreman and refer the employee for placement on the

ineligible for rehire list maintained by DHR. In response, 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 with the HRB.

After a two-day hearing, an HRB hearing officer found that the City met its evidentiary burden of proof on all but one of the charges against the MTD foreman and recommended that the MTD foreman's discharge be upheld. Subsequently, the HRB agreed with the hearing officer's recommendation and upheld the MTD foreman's discharge.

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## C. RECOVERIES

This quarter, there was one report of a financial recovery related to OIG investigations.

TABLE #8 - OVERVIEW OF COST RECOVERY ACTIONS

OJG Case Number	Date	Source	Amount
19-0605	1/22/2021	Fine paid to the Board of Ethics	\$500

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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 two reports APR released this quarter.

1. Department of Water Management Overtime Monitoring Audit Follow-Up (#20-1268)<sup>23</sup>

In October 2020, OIG inquired about the status of corrective actions taken by the Department of Water Management (DWM) in response to its March 2020 audit of overtime monitoring, and followed up again as the Department took further corrective action in December 2020 and January 2021. OIG concluded that DWM had made progress on the audit's recommendations, fully implementing 7 of 13 corrective actions related to the audit findings, substantially implementing 3, and partially implementing 3.

The purpose of the 2020 audit was to determine if DWM effectively monitored overtime to prevent waste and abuse. Our audit found that DWM had policies and tools to manage overtime but did not use the resources consistently. Also, DWM management could not ensure overtime was offered in accordance with collective bargaining agreements and established practices because it was unaware of the full range of overtime processes in use across the Department, did not provide robust oversight, and did not consistently retain overtime records. Our follow-up found that DWM had updated and begun distributing its overtime policy; begun operationalizing a new overtime reporting tool; standardized some overtime call-out processes; and made improvements to its transfer request form design, processing, and retention.

We urge the Department to distribute its revised overtime policy to all employees; fully catalog its various overtime call-out processes from beginning to end, in order to streamline or consolidate such processes; complete its update of document retention policies; and provide additional guidance to employees on the transfer request process as needed.

2. Chicago Department of Public Health Air Pollution Enforcement Audit Follow-Up (#20-1167)<sup>24</sup>

OIG completed a follow-up to its September 2019 audit of the Chicago Department of Public Health's (CDPH) Air Pollution Enforcement. Based on the Department's responses, OIG concluded that CDPH fully implemented 10 out of 14 corrective actions, substantially implemented 2, and partially implemented 2.

<sup>23</sup> Published February 25, 2021. See

<https://igchicago.org/2021/02/25/departement-of-water-managment-overtime->monitoring-audit-follow-up/>.

<sup>24</sup> Published January 7, 2021. See

<https://igchicago.org/2021/01/07/chicago-department-of-public-health-air->pollution-enforcement-follow-up/>.

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The purpose of the 2019 audit was to determine if CDPH met its air quality inspection frequency goals, ensured that applicable facilities maintained a valid Certificate of Operations (COO), responded to air-quality complaints within 24 hours, and maintained complete and accurate records on the City's Data Portal. Our audit found that the Department was not meeting its internal goals for air-quality inspection frequency, was not consistently categorizing facilities based on their potential to emit pollution, and was not ensuring that facilities annually renew their required COO. We also determined that the Department did not ensure that violations identified by inspectors were resolved.

Our follow-up found that CDPH conducted a comprehensive review of its permit data and removed inactive records. The Department also developed an inspection priority index and dashboard to track progress towards these priorities. The priority index is based on factors such as a facility's history of COO compliance, emission level potential, and the pollution burden of the nearby community. CDPH also changed the date of COO renewal for all facilities to January 1, developed a dashboard that tracks the COO status of permitted facilities, and sends monthly notices to facilities whose renewals are overdue.

We urge CDPH to continue working towards developing inspection frequency goals for all permitted facilities based on the inspection priorities it has developed, issuing refunds to permit holders who overpaid for their annual COO, and updating its Inspection Manual to reflect the many policy changes the Department has made.



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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 two advisories this quarter.

1. Applicability of the Diversity and Equal Employment Opportunity Policy to City Employees' Sexual Harassment of Members of the Public (#19-1198)

As detailed earlier in this report, OIG established that a Chicago Fire Department (CFD) member, while on duty and in uniform, repeatedly sexually harassed a restaurant employee. The CFD member singled out the employee and made unwanted and inappropriate comments to her for weeks before finally kissing her on the cheek without her consent or invitation. That same day, the restaurant employee went to the nearby CFD facility and filed a sexual harassment complaint against the CFD member. The restaurant employee also filed a police report with the Chicago Police Department.

If the victim had been a City employee, the CFD member's conduct would have been a clear violation of the Equal Employment Opportunity (EEO) Policy, given the sexual nature of the conduct and the resulting interference with the victim's work performance and the creation of a hostile work environment. However, despite the egregious nature of the CFD member's sexual harassment, OIG was unable to sustain violations of the City's EEO Policy or the corresponding Personnel Rule XVIII, section 1, subsection 42(a), due to prior interpretations of the EEO Policy by the Department of Law (DOL).

DOL had previously stated that a City employee does not violate the EEO Policy if the victim of the misconduct is a member of the public who is not receiving or attempting to receive any City services at the time of the misconduct. That interpretation of the EEO Policy creates a loophole in a number of cases like the current matter, whereby a City employee escapes a violation of the very policy that seeks to hold them accountable for the type of sexual harassment committed by the CFD member-or even greater misconduct-simply due to the status of the victim not receiving or attempting to receive City services.

Accordingly, OIG notified the Department of Human Resources (DHR) of the ambiguity within the EEO Policy

as applied to OIG's recent investigation into the CFD member's misconduct as well as similar past cases involving City employees and members of the public. Given the seriousness of the types of misconduct implicated by the EEO Policy and the detrimental effects arising out of the noted ambiguity, OIG recommended that DHR, in consultation with DOL, amend the City's EEO Policy to encompass as violations situations wherein a City employee or vendor commits sexual harassment against a member of the public who may or may not be in receipt of City services.

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In response, DHR stated that the current EEO Policy is intended to address complaints from members of the public regarding the conduct of City employees. However, DHR responded, it is currently revising the EEO Policy to clarify this point:

[W]e agree that revised language could add clarity about the responsibility of City employees in all situations involving members of the public, regardless of whether the member of the public is seeking or receiving city services. We are in the process of addressing this and other unrelated revisions and have recently submitted a draft of an updated EEO Policy to the Department of Law (DOL) for review. As we go through the review and revision process, we will ensure that the policy language ... referenced in your letter, is addressed.

DHR also agreed to make necessary revisions to the City's Personnel Rules to conform to any revisions of the EEO Policy.

#### 2. Data Quality of Personnel Records Appearing in the Chicago Integrated Personnel and Payroll Systems and Enforcement of Leave of Absence Policies (#19-0878)

OIG notified DHR of a concern regarding data quality and data management for the employee records appearing in the Chicago Integrated Personnel and Payroll Systems (ChIPPS). ChIPPS is the City's human resources information system that serves as the backbone for maintaining employee records and payroll processing. However, through OIG's ongoing work on its public facing Information Portal providing analysis of City employee demographic data, OIG identified several areas of poor data quality, including apparent inaccuracies, omissions, and outdated information.

OIG's analysis of ChIPPS data reflects that as of August 2020, a significant number of employees are listed as on a leave of absence with no explanation as to the type of leave or are listed in a leave status prohibited by the City's Personnel Rules. As of August 2020, ChIPPS records for 1,885 employees-5.3% of the City of Chicago's 35,235 employees-included an assignment status showing they were on a leave of absence. Approximately 63% of those marked as on a leave of absence were listed as on leave due to duty disability or personal disability, predominantly in CFD, the Chicago Police Department (CPD), and Department of Streets and Sanitation. However, 13% or 241 of those out on leave are missing information stating the basis for the leave or showing a reason that is not authorized under the Personnel Rules. Notably, 116 of the 241 employees work at DHR.

Additionally, ChIPPS data reflected that numerous employees had been on a leave of absence for longer than 12 months, contrary to the City's Personnel Rules. As of August 26, 2020, 41 City employees had been on personal leave for longer than a year, and 20 City employees had been on personal leave for over 10 years. In a review of historical ChIPPS data, for the 16-year time period of January 1/2004, through August 26, 2020, OIG identified 371 instances of a leave of absence for personal business that lasted longer than one year. It should be noted that 315 of

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these instances were in CPD. In 141 of those instances, the employee returned to active duty or was still on leave as of August 26, 2020.

OIG further identified three CPD members and one Department of Water Management employee who during this time period were on leave from their City positions for years-marked as on personal business leaves of absence-to work in county and state government, including as elected representatives. In each of the CPD examples, the officer was permitted to take leave for years to work in county or state government before returning to CPD, in apparent violation of the City's Personnel Rules.

Additionally, OIG identified the following data entry and quality issues:

- Employees on leave of absence assignment status who are likely no longer active, including employees listed in departments that no longer exist. These employees are also outliers when calculating age and years of service.
- Employees without gender or race information.
- Employees without bargaining unit information.
- Employees showing invalid City of Chicago zip codes and who do not appear on the limited list of employees with a residency waiver at the beginning of employment.
- Lack of consistency with data entry of employee addresses. Sometimes addresses are not valid due to typos in the data.

These data quality issues appear to be the result of several factors. One explanation is the integration of legacy data from the prior Mainframe system into the ChIPPS system, causing known data quality issues that result in NULL values for leave of absence reason descriptions and codes. Another factor is the lack of ongoing data quality assurance across many City departments to ensure departmental human resources liaisons and other personnel input the data correctly and provide updates and corrections as appropriate.

The lack of accurate and complete employee information within the City's centralized database makes it difficult for DHR and others to make well-informed personnel decisions at an enterprise level, provide employee services, identify potential hiring inequities, and ensure that City employees are held to the leave restrictions established by the City's Personnel Rules.

OIG recommended that DHR take the necessary steps to address the data and recordkeeping issues identified in ChIPPS. OIG recommended DHR regularly audit and correct inaccuracies through the establishment of a quality assurance process, involving the possible development of regular reports, which would allow DHR to identify any missing data, apparent inaccuracies and anomalies, and to improve data quality. OIG further recommended DHR work closely with departmental human resources liaisons to ensure they are well-trained and accountable for the completeness and accuracy of department employee data. DHR's regular review and audit of this data, would serve the dual purpose of ensuring Citywide consistency and accuracy in employee data as well as ensuring consistent and appropriate compliance with City employee policies.

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In response, DHR reported that it is currently working with City departments to ensure that the leave of absence records are correct and to ensure compliance with the Personnel Rules. DHR routinely notifies departments prior to the expiration of a leave of absence so the department can in turn work with the employee on their options for returning to work, extending their leave, or ending their employment, depending on the specific circumstances. DHR reported that it will begin providing monthly reports directly to the department head notifying them of instances where any employee is still in a leave status that is not in compliance with the Personnel Rules.

DHR further reported that in response to OIG's notification, it has established an audit process to ensure that data entry errors are caught, including errors related to mis-keying addresses and other information. DHR will continuously audit ChIPPS data to ensure that errors are being caught. DHR noted that demographic information may continue to have missing information as providing that information is voluntary, which is in line with best practice in this area.

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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. Fourth Annual Progress Report on the Procurement Reform Task Force<sup>25</sup>

OIG published its fourth annual Progress Report on the activities of the Chicago Procurement Reform Task Force (PRTF). Mayor Rahm Emanuel convened PRTF on May 27, 2015, to identify opportunities for the City and its sister agencies (collectively, the Participating Members) to implement best practices for awarding, managing, and overseeing public contracts. On November 17, 2015, PRTF reported its findings and made recommendations grouped into five categories representing the essential principles of government procurement: competition, efficiency, transparency, integrity, and uniformity.

In June 2020, a committee of representatives from each Participating Member issued the 2019 Annual Report, indicating that the Members had fully addressed 27 recommendations and partially addressed the remaining 4. With the caveat that the unique challenges presented by the COVID-19 pandemic limited our ability to undertake the full and rigorous review taken in past years, we tentatively confirmed the Committee's assessment. In 2021, OIG-consulting, as necessary, with our colleagues from the offices of the IGs of the Participating Members-will endeavor to address the remaining recommendations in a comprehensive manner. These recommendations, in significant part, relate to information system and technology upgrades and reforms aimed at development and implementation of a unified platform across the City and its Sister Agencies for procurement and contract programming, management, and enforcement.

<sup>25</sup> Published December 23, 2020. See <<https://igchicago.org/wp-content/uploads/2020/12/PTRF-2020-ProKress->Report.pdf>>.

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## VIII. PUBLIC SAFETY

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

### A. EVALUATIONS AND REVIEWS

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

#### 1. Report on Chicago's Response to George Floyd Protests and Unrest (#20-0754)<sup>26</sup>

In June 2020, OIG and the Independent Monitoring Team (IMT) overseeing the consent decree entered in *Illinois v. Chicago* launched a joint inquiry into the City of Chicago's response to demonstrations and unrest in late May and early June, following the killing of George Floyd by the Minneapolis, Minnesota police. OIG reported on its in-depth review of the period of May 29 through June 7, both chronologically and analytically. The report aimed to present, to the extent possible based on the information and material available, a comprehensive account of the facts, including how involved parties—members of the public, CPD's rank-and-file, and CPD's command staff, among others—experienced the protests and unrest. A number of City departments beyond CPD, as well as partner law enforcement agencies, played critical roles in the City's overall response. OIG sought out information and perspectives from representatives of these City departments and external partner agencies. OIG's chronology, analysis, and findings were supported by an array of primary and secondary sources, including interviews, video footage, radio traffic recordings, official reports and other documents, and quantitative analysis of CPD datasets.

In recognition of their different sources and scopes of authority and jurisdiction, and in the interest of avoiding the duplication of efforts, OIG and the IMT undertook fact gathering jointly, but reporting separately, with different areas of focus. OIG's report was issued pursuant to its City-spanning jurisdiction and mandate to, among other things, promote effectiveness and integrity in City operations, and to study policies, practices, programs, and training specific to CPD and Chicago's police accountability agencies. OIG's report focused on matters implicating violations of existing City policies, variance between CPD's then-existing policies and the conduct of its members, and the involvement of non-CPD City actors.<sup>27</sup>

<sup>26</sup> Published February 18, 2021. See:

<<https://iRchicago.org/wp-content/uploads/2021/02/OIG-Report-on-Chicafios->Response-to-Georfie-Flovvd-Protests-and-Unrest.pdf>.

<sup>27</sup> As of this writing, the IMT's report has not been issued.

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OIG and the IMT requested and reviewed thousands of documents and conducted more than 70 interviews with CPD officials, rank-and-file CPD members, officials at other City departments, representatives of County and State entities, and members of the public. Perspectives from members of the public were also gathered as part of the record in *Illinois v. Chicago* during two days of listening sessions held by the Court. OIG further reviewed and analyzed data on CPD's arrests and reported uses of force during the days at issue, and reviewed over one hundred hours of body-worn camera footage and recorded radio transmissions.

OIG presented findings on operational failures and shortcomings during the response, with broad implications for CPD's policies and practices going forward. CPD had already undertaken numerous policy revisions in the months since the events at issue in the report, sometimes in consultation with the IMT, as required by the consent decree. OIG was not a party to these consultations and was not made privy to the method, manner, and means through which they were conducted. Other improvements are underway and may be matters of consent decree compliance within the monitoring province of the IMT. Once new policies are in place and operational, OIG, through the regular work of its Public Safety section, will monitor developments and assess whether there remain policy and operational issues that warrant future evaluative inquiry and reporting. Meanwhile, in light of the urgency of public concern and the rapidly shifting policy-landscape, OIG published its narrative accounting and accompanying findings without specific recommendations, but with the intention that it inform corrective actions and reforms to CPD's policies and practices.

#### 2. Follow-Up Inquiry on the Chicago Police Department's "Gang Database" (#20-0196)<sup>28</sup>

In April 2019, the Public Safety section published a report on CPD's so-called "gang database," reporting that CPD captured, reported, and visualized gang data and gang affiliation designations in at least 18 different forms, records, and systems of records. OIG found that CPD's Gang Arrest Cards, one of the Department's largest repositories of gang information, evidenced wide-reaching data quality concerns. OIG also found in 2019 that CPD:

- had no mechanism for informing individuals that they had been designated as a gang member;

- did not have processes for individuals to contest or appeal gang designations;
- did not have processes to regularly review or purge outdated or faulty designations; and
- had no internal mechanism to amend inaccurate gang information.

OIG's analysis of Gang Arrest Card data found that Black or African American and Latinx persons comprised 95% of the 134,242 individuals designated as gang members during arrest, were

<sup>28</sup> Published March 31, 2021. See: <<https://iRchicago.org/wp-content/uploads/2021/03/OIG-Follow-Up-Inquiry-on->the-Chicago-Police-Departments-Gang-Database.pdf>>.

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designated at both younger and older ages, and were issued more Gang Arrest Cards per person than White gang designees.

OIG issued 27 recommendations to CPD in its original report; CPD agreed to fully implement most, partially implement some, and declined to implement one. At the center of CPD's response was the proposal for a new system for storing gang information and gang affiliation designations; CPD published a new draft General Order to govern the administration of that system.

The Public Safety section's follow-up report provided an update on the status of CPD's collection and maintenance of gang data, as well as CPD's progress on the commitments formally made in response to OIG's April 2019 recommendations. Specifically, the objectives of the follow-up were:

- To determine the current status of CPD's planned gang intelligence database, now known in CPD's draft General Order G10-01-03 as the "Criminal Enterprise Information System" (CEIS).
- To assess CPD's progress toward fully articulating the strategic purpose and value of collecting and storing information on individuals presumed to be involved in gangs.
- To evaluate the extent of CPD's community engagement in planning the launch of the CEIS and the extent of CPD's responsiveness to community concerns.

In the follow-up, OIG found:

- CPD had made minimal progress toward an operational CEIS.
- CPD had not clearly and specifically articulated the strategic value of its proposed system for collecting gang affiliation information.
- CPD had taken some measures to adopt community feedback on its gang data collection, but its current public-facing description of the CEIS may be misleading with respect to a key policy concern.

With respect to CPD's lack of progress toward an operational CEIS, OIG noted the lack of a clear timeline for completion; the absence of clear managerial responsibility for its development; confusion within CPD over the



drafting status of G10-01-03; critical policy decisions remaining unresolved or underdeveloped; and CPD continuing to rely on old systems and sources for gang data.

On the issue of the strategic value of CPD's gang information, in April 2019, OIG cited interviews in which CPD members observed that the Department's gang designation information often becomes inaccurate as soon as it is documented. At that time, OIG made recommendations that would have clarified the strategic purpose and value of CPD's gang data collection efforts. Specifically, OIG recommended that CPD should add a clearly defined "purpose" section to its CEIS directive and "provide regular, formal refresher training updates to officers on the evolving

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nature of gangs in Chicago." CPD agreed with both of these recommendations at the time. The follow-up report found, though, that nearly two years later, CPD had not implemented these recommendations. Nor had CPD in any other way provided a clear statement of how its proposed system for collecting gang data will remain more up-to-date and accurate-and therefore, more useful for crime fighting purposes-than the prior version.

Finally, the follow-up spoke to CPD's community engagement efforts from April 2019 to the present and how they have influenced the development of the CEIS. OIG found that CPD's most significant community engagement effort took place immediately after the release of OIG's April 2019 report, when CPD held a public comment period on draft General Order G10-01-03 and received 421 public comments. CPD incorporated some of these comments into the two subsequent versions of the draft directive and conducted some in-person community meetings, although further scheduled meetings were derailed by the onset of the COVID-19 pandemic. The most significant failing of CPD's public engagement on the topic of the CEIS is that CPD has left an outdated version of draft General Order G10-01-03 (from February 2020) publicly posted on its website and had failed to provide the successor draft (updated July 2020) to the public. The more recent draft significantly broadened the circumstances under which district law enforcement officers may enter an individual's information into the CEIS by eliminating the restriction that district law enforcement may only make an entry during the completion of an Automated Arrest Report. The prospect of individuals being identified as gang members without having committed any criminal offense was a concern for multiple community members who provided public comments.

In late March 2021, CPD identified two members to whom it has newly assigned managerial responsibility for the CEIS, and notified OIG that the technological buildout of the new system was nearing completion. In a written response to a draft of the follow-up report, CPD reported that that system would be built by September 2021, and that it would begin to train its personnel on use of the system at that time.

In sum, OIG concluded that, in the absence of any new system in operation, CPD had fallen critically short of meeting the commitments it made in response to OIG's April 2019 findings and recommendations

### 3. Urgent Recommendations on the Chicago Police Department's Search Warrant Policies (#19-1180)<sup>29</sup>

The Public Safety section is engaged in an inquiry into CPD's execution of search warrants, focusing on the accuracy of the addresses at which they are located. That inquiry is a long-term one and remains ongoing. In light of the urgent need to prevent serious harm to Chicagoans in the execution of search warrants at the wrong addresses, and in recognition of pressing public concern around these issues, OIG issued preliminary findings and recommendations to CPD while the larger programmatic inquiry continues.

<sup>29</sup> Published January 22, 2021. See: <<https://igchicago.org/wp-content/uploads/2021/01/OIG-Urgent->Recommendations-on-Search-Warrant-Policies.pdf>.

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Specifically, OIG found that CPD's directive on search warrants leaves gaps in CPD members' obligations to verify and corroborate the information upon which they rely in seeking a search warrant. Further, OIG found that the circumstances under which a CPD supervisor must initiate a disciplinary investigation following a problematic search warrant execution are too narrow.

Consequently, OIG recommended that CPD modify its directive on search warrants to require verification and corroboration of information in all circumstances, and broaden the circumstances in which supervisors must initiate an investigation to determine whether discipline is necessary and appropriate when a search warrant execution goes wrong.

In response, CPD Superintendent David Brown accepted both of OIG's recommendations and indicated that CPD's policies "should be amended to require a CPD member investigate and verify the information used to substantiate a search warrant." Superintendent Brown further stated that CPD "intends to amend its order to expand the circumstances where officers are required to open a [disciplinary] investigation." Superintendent Brown noted that he has formed a "Search Warrant Committee" and "will engage with the community to listen to their concerns" about CPD's search warrant practices.

On March 3, 2021, Mayor Lori Lightfoot and Superintendent Brown announced a new proposed revision to CPD's directive on search warrants which reflected both of OIG's recommendations.

## B. INSPECTION OF CLOSED DISCIPLINARY INVESTIGATIONS

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

This quarter, the Inspections Unit examined 219 closed disciplinary cases and opened 31 for in-depth review.

TABLE #9 - DISCIPLINARY CASES REVIEWED

Agency	Cases Screened	Disciplinary Cases
BIA	114	12
COPA	105	19
<b>Total</b>	<b>219</b>	<b>31</b>

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## RECOMMENDATIONS TO REOPEN CLOSED DISCIPLINARY INVESTIGATIONS

This quarter, OIG found that four COPA investigation and one BIA investigations contained deficiencies which materially affected their outcome and recommended that they be reopened. Two of those investigations and recommendations are detailed below. Additionally,

- OIG has not yet received a response to two recommendations made to COPA in the first quarter of 2021; one of these recommendations is related to a case which COPA allowed to reach a final disciplinary decision before responding to OIG, and it is reported in further detail below.
- OIG received a response to recommendations on three investigations (one issued in the fourth quarter of 2020 and one issued in the first quarter of 2021), which are still in the Command Channel Review process.
- BIA accepted one recommendation to reopen an investigation in order to address all allegations raised in the complaint. That investigation remains open.
- BIA accepted two recommendations to reopen investigations made in the fourth quarter of 2020; both of those cases remain under investigation following reopening.

TABLE #10 - RESPONSES PENDING WITH AGENCIES

OIG Case Number	Investigating Agency	Date Recommendation Sent to Agency	Was
#21-0044 <sup>30</sup>	COPA	1/25/21	
#21-0004	COPA	1/20/21	

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

1. Recommendation to Reopen to Conduct a Complete Use of Force Analysis and Investigate All Reported Allegations (#21-0044)

CPD's Force Review Unit (FRU) conducted an automatic review of a use of force during a traffic stop, based on the reporting of open hand strikes on a CPD tactical response report (TRR). FRU determined that the incident required further investigation due to indications of potentially excessive force and potentially improper

approval of the associated TRRs by a CPD supervisor. FRU forwarded the matter to COPA for a complete investigation.

Body-worn camera (BWC) video of the incident captured a CPD tactical team conducting a traffic stop of a 21-year-old Black male who was driving alone and was allegedly not wearing a seatbelt. The driver told the CPD member who conducted the stop that he did not have his driver's license on him and was actively searching his wallet for his state identification card when the CPD member ordered him out of the vehicle. The driver stated he did not want to exit the vehicle because there were three CPD members present and because the officer conducting the stop

<sup>30</sup>COPA has, to date, failed to respond to OIG's January 25, 2021 recommendation. This investigation has, however, reached a Closed/Final status, and is therefore detailed in this report.

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was gripping his handgun and pointing his taser through the driver's side window. The driver was otherwise compliant with instructions to turn off his vehicle and kept his hands raised for most of the interaction with CPD members.

BWC video captured the three CPD members forcibly removing the driver from his vehicle. One CPD member pulled the driver's arm and wrist while another positioned himself partially on top of the driver, gripping and applying pressure to the driver's neck and strikes to the driver's upper body. The BWC video captured one officer with his hand in the area of the driver's neck while the driver asked for the officer's name and stated, "I can't breathe." The driver's voice sounds comparatively strained at this point in the video than it did when he spoke earlier in the encounter.

COPA served allegations of excessive force for two of the involved CPD members and issued findings of Not Sustained for each allegation. COPA did not serve any allegations related to the improper supervisory approval of the TRRs. OIG's preliminary review of the investigation determined that COPA's documented legal analysis did not include an evaluation of each element required by CPD's use of force policy. Specifically, although COPA's summary report of investigation documented an evaluation of whether the force used was a permissible response to the driver's resistance, it did not document any evaluation or findings regarding whether the use of force was objectively reasonable, necessary, and proportional under the totality of the circumstances, as required by policy. Additionally, OIG's preliminary review determined that COPA did not document an application of the appropriate standards of evidence associated with each of the available investigative findings and did not properly apply findings of documented credibility assessment to its overall analysis.

OIG recommended that COPA reopen the investigation to account for the full evidentiary record, appropriately consider all provisions in the relevant CPD directives, apply the prescribed standard of evidence for each of the available investigative findings in its legal analysis, and pursue all allegations reported to COPA by FRU.

COPA failed to respond to OIG's recommendations before a final disciplinary decision was made and has not responded as of this writing.

2. Recommendation to Reopen to Correct Data Entry Errors (#21-0163)

OIG reviewed a COPA investigation in which COPA sustained allegations against two of three accused CPD members. However, COPA's Case Management System (CMS) listed two CPD members who were not at all involved in the incident as the accused members. OIG recommended that COPA reopen its investigation to correct the error to ensure accurate disciplinary histories for both the correct accused and the uninvolved CPD members. COPA corrected its error.

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## **IX. DIVERSITY, EQUITY, INCLUSION, AND COMPLIANCE**

The Diversity, Equity, Inclusion, and Compliance (Compliance) section uses quantitative and qualitative data and information correlated to internal culture, operations, and impact of service provision to monitor trends and patterns across City departments 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. The Compliance section also issues guidance, training, and program recommendations to City departments on a broad and complex array of employment-related actions; monitors human resources activities which include hiring and promotion; performs legally-mandated and discretionary audits; reviews the City's hiring and employment practices to ensure compliance with the various City Employment Plans,<sup>31</sup> and publicly reports findings and analysis on diversity and inclusion issues.

### **A. HIRING PROCESS REVIEWS**

1. Contacts by Hiring Departments

OIG tracks all reported or discovered instances where hiring departments contacted the Department of Human Resources (DHR) or the Chicago Police Department Human Resources (CPD-HR) to lobby for or advocate on behalf of actual or potential applicants or bidders for covered positions or to request that specific individuals be added to any referral or eligibility list. During this quarter, OIG 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 attempt to affect any hiring decisions for any covered position or other employment actions. During this quarter, OIG did not receive notice of any political contacts.

<sup>31</sup> On June 24, 2011, the City of Chicago filed the 2011 City of Chicago Hiring Plan (General Hiring Plan). The General Hiring Plan, which was agreed to by the parties and approved by the Court on June 29, 2011, replaced the 2007 City of Chicago Hiring Plan, which was previously in effect. This Hiring Plan was refiled, though not amended, on May 15, 2014. The City of Chicago also filed an amended Chicago Police Department Hiring Plan for Sworn Titles (CPD Hiring Plan) and an amended Chicago Fire Department Hiring Plan for Uniformed Positions (CFD Hiring Plan) on May 15, 2014, which were approved by the Court on June 16, 2014. Collectively, the General Hiring Plan, the CPD Hiring Plan, and the CFD Hiring Plan will be referred to as the "City's Hiring Plans."

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### 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 47 exempt appointments.

### 4. Senior Manager Hires

OIG reviews hires pursuant to Chapter VI covering the Senior Manager Hiring Process. OIG received notice of six 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.<sup>32</sup> During this quarter, OIG did not receive any written rationales for review.

### 6. Emergency Appointments

OIG reviews circumstances and written justifications for emergency hires made pursuant to the Personnel Rules and 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 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.<sup>33</sup>

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

<sup>32</sup> A "consensus meeting" is a discussion that is led by the DHR recruiter at the conclusion of the interview process.

During the consensus meeting, the interviewers and the hiring manager review their respective interview results and any other relevant information to arrive at a hiring recommendation.

<sup>33</sup> Chapter X.B.6 of the General Hiring Plan.

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#### TABLE #11 - CONTRACT AND INTERNSHIP ("Y NOTIFICATIONS VOLUNTEER OPPORTUNI"

Contracting Department	Contractor, Agency, or Organization *	Duration of Contract/Agreement
City Clerk	University of Chicago	10 weeks
Cultural Affairs and Special Events	Volunteer	1 year
Family and Support Services	Sunbelt Staffing	1 year
Family and Support Services	Sunbelt Staffing	17 weeks
Human Resources	Volunteer	1 year
Human Resources	Morris & McDaniel	1 year
Human Resources	10 Solutions	1 year
Mayor's Office	Chicago Park District	2 months
Mayor's Office	Greater Chicago Food Depository	12 years
Planning and Development	Rensselaer Polytechnic Institute	1 year
Planning and Development	Johnson Research	Task order end date: 12/31/2021
Planning and Development	Johnson Research	Task order end date: 12/31/2022
Public Health	Personal Services Contractors	1 year
Public Health	Sunbelt Staffing	6 months
Public Health	Sunbelt Staffing	5 months
Public Health	Sunbelt Staffing	27 weeks
Public Health	Sunbelt Staffing	26 weeks
Public Health	Sunbelt Staffing	26 weeks

## B. HIRING PROCESS AUDITS

### 1. Modifications to Class Specifications<sup>34</sup>, Minimum Qualifications, and Screening and Hiring Criteria

OIG reviews modifications to Class Specifications, minimum qualifications, and screening and hiring criteria. This quarter, OIG received notifications that DHR changed the minimum qualifications for two titles within the following departments: Family and Support Services and the Office of Public Safety Administration. OIG

reviewed each of the proposed changes to minimum qualifications and had no objections.

<sup>34</sup> "Class Specifications" are descriptions of the duties and responsibilities of a class of positions that distinguish one class from another. They are, in effect, the general descriptions utilized to determine the proper level to which a position should be assigned, and they include the general job duties and minimum qualifications of the position. Class Specifications shall include sufficient detail so as to accurately reflect the job duties.

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### 2. Referral Lists

OIG audits lists of applicants/bidders who meet the predetermined minimum qualifications generated by DHR for City positions. OIG examines a sample of referral lists and notifies DHR when potential issues are identified. This quarter, OIG audited five 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 second quarter of 2021.

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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 CPD 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 five sets of interviews and one consensus meeting. The table below shows the breakdown of monitoring activity by department.<sup>35</sup>

<sup>35</sup> 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 #12 - OIG MONITORING ACTIVITIES THIS QUARTER

Department	Iri'takeMeetings Monitored	Tests Monitored	Interview Sets Monitored -	Consensus . Meetings' Monitored
Public Health	1			
Human Resources			1	1

#### 10. Acting Up<sup>36</sup>

OIG audits the City's compliance with Chapter XI of the General Hiring Plan and the Acting Up Policy. This quarter, OIG did not receive notice of any DHR-approved waiver requests to the City's 90-Day Acting Up limit.<sup>37</sup>

#### FOLLOW-UP TO PRIOR AUDIT OF CPD ACTING UP PRACTICES

In the third quarter of 2020, the Compliance section reported its findings and recommendations, as well as CPD's responses, to the Audit of CPD Acting Up Practices. This quarter, CPD provided an update on its response with regard to the acting up of evidence technicians as police forensic investigators (PFIs).

OIG previously found that, instead of hiring new PFIs-a title that CPD has not posted for hire or promotion since 2005-CPD was routinely using evidence technicians to act up as PFIs. OIG recommended that CPD hire additional PFIs to offset the number of evidence technicians acting up into that title.<sup>38</sup>

CPD's updated response advised that the Department had engaged its audit division to "review costs associated with each role [evidence technician and PFI] and the Acting Up time that was being utilized currently." CPD also "looked at the number of vacancies (5) in the PFI title and what impact, if any, filling these positions would have on Acting Up." CPD concluded that the addition of five PFIs "would have very little impact on Acting Up costs" and "based on current crime trends which include homicides, the number of cases is too high for the hiring of PFI's to have an impact on Acting Up." CPD also noted that, due to financial challenges faced by the City and the department, all remaining PFI vacancies were lost to budget cuts and are no longer available to be filled in 2021.

<sup>36</sup> "Acting Up" means an employee is directed or is held accountable to perform, and does perform, substantially all the responsibilities of a higher position.

<sup>37</sup> Pursuant to the Acting Up Policy, no employee may serve in an acting up assignment in excess of 90 days in any

calendar year unless the department receives prior written approval from DHR. The department must submit a waiver request in writing signed by the department head at least 10 days prior to the employee reaching the 90-day limitation. If "the department exceeds 90 days of Acting Up without receiving a granted waiver request from DHR, the department is in violation of the Policy.

<sup>38</sup> While the duties and responsibilities of evidence technicians and PFI's are similar, PFIs are primarily responsible for processing crime scenes related to homicides and police-involved shootings. Pursuant to an arbitration ruling, evidence technicians receive increased pay (D-3 grade pay v. D-2 grade pay) whenever they are assigned to crime scenes involving homicides or police-involved shootings and perform more than two hours of work.

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### 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 one settlement agreement which resulted in employment actions from DHR.

## C. REPORTING OF OTHER OIG COMPLIANCE ACTIVITY

### 1. Escalations

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

### 2. 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 two complaints and had one pending complaint from the prior quarter. The table below summarizes the disposition of these complaints.

TABLE #13 - COMPLIANCE COMPLAINTS RECEIVED THIS QUARTER	
Complaint Status	Number of Complaints
Pending from Previous Quarter	1
Received This Quarter	2

Complaints Pending as of End of Quarter 3

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

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TABLE #14 - COMPLIANCE CASES THIS QUARTER

ICSSs^Status '	Number of Cases ' -
Pending from Previous Quarter	16
Closed Sustained	1
Cases Pending as of End of Quarter	15

1. Department of Water Management, Sustained with Recommendations (#19-1042)

On May 2, 2019, OIG received a referral from the DHR Equal Employment Opportunity Division regarding a grievance alleging that two Department of Water Management (DWM) construction laborers were being given preferential treatment by acting outside of their title and performing office work.

OIG's review found that one of the construction laborers was performing duties that fall substantially outside the duties listed under the relevant job description of their position and recommended that the employee be returned to construction laborer duties. Additionally, OIG recommended a referral to DHR's Classification and Compensation Unit to conduct a desk audit of the other construction laborer and 15 other DWM construction laborers, to determine if they are acting out of title.

DWM agreed with OIG's finding. DWM also agreed to work with DHR to reclassify the positions into the appropriate job titles and ensure that the construction laborers perform duties within their job descriptions.

