

CHAPTER 2-56
OFFICE OF INSPECTOR GENERAL

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2-56-010 Establishment - Composition.

There is hereby established an office of the municipal government to be known as the office of inspector general, which shall include an inspector general and such deputies, assistants and other employees as may be required to implement the powers and duties stated herein. The appropriations available to pay for the expenses of the office of inspector general during each fiscal year shall be not less than fourteen hundredths of one percent (0.14%) of the annual appropriation of all funds contained in the annual appropriation ordinance, as adjusted. For purposes of this section, "as adjusted" means subtracting, before applying the percentage: (i) all funds for services to sister agencies pursuant to intergovernmental agreement as provided in Section 2-56-030, and (ii) all funds appropriated for pension payments above those amounts set forth in the appropriation ordinance for fiscal year 2014.

(Prior code § 19-1; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 3-18-15, p. 103771, § 1; Amend Coun. J. 10-5-16, p. 34471, § 5)

2-56-020 Inspector general - Qualifications, appointment and authority.

(a) Qualifications for appointment.

1. In considering a candidate for the position of Inspector General, the appointing authority shall evaluate and consider any and all qualifications that are relevant to the position of Inspector General, including, but not limited to:

- i. The candidate's integrity;
- ii. The candidate's potential for strong leadership;
- iii. The candidate's demonstrated experience and/or ability in accounting, auditing, finance, law, management analysis, public administration, investigation, criminal justice administration, or other closely related fields;
- iv. The candidate's demonstrated experience and/or ability in working with local, state and federal law enforcement agencies and the judiciary; and
- v. Any other qualifications deemed relevant by the appointing authority.

2. The appointing authority's decision to appoint a particular candidate shall not under any circumstances be based in any part upon the candidate's age, gender, race, sexual orientation, religious affiliation or political affiliation.

3. A qualified candidate for Inspector General shall be a person who:

- i. Holds a bachelor's degree from an accredited institution of higher education;
- ii. Possesses demonstrated knowledge, skills, abilities and experience in conducting audits, investigations, inspections, and performance reviews; and
- iii. Has at least five years of experience in any one, or a combination, of the following fields:

As an Inspector General;

As a federal law enforcement officer;

As a federal or state court judge;

As a licensed attorney with experience in the areas of audit or investigation of fraud, mismanagement, waste, corruption, or abuse of power;

As a senior-level auditor or comptroller; or

As a supervisor in an Office of Inspector General or similar investigative agency.

4. A highly qualified candidate shall be a qualified candidate who:

i. Has managed and completed complex investigations involving allegations of fraud, waste, abuse, illegal acts, theft, public corruption, deception or conspiracy; or

ii. Holds an advanced degree in law, accounting, public administration, or other relevant field.

(b) *Appointment and authority.* The inspector general shall be appointed for a term of four years, in accordance with the procedures set forth in this section, and shall have responsibility for the operation and management of the office of inspector general.

(c) *Reappointment.* The mayor may reappoint an incumbent inspector general term, subject to approval of the city council, without seeking a recommendation of the Selection Committee described in subsection (d) of this section. Not less than 45 days prior to the end of the inspector general's term, the mayor shall notify the city council whether he will reappoint the then incumbent inspector general.

(d) *Selection process.* A Selection Committee consisting of five members, three of whom shall be selected by the mayor and two of whom shall be selected by the city council, shall be responsible for identifying potential candidates and proposing potential candidates to the mayor. The mayor's selection must be confirmed by the city council.

Within 15 days of an actual or expected vacancy in the position of inspector general because of death, resignation, removal, or the mayor's decision not to reappoint an incumbent inspector general, the Selection Committee shall identify a national executive search firm (the "Search Firm") to perform executive search services and to create a pool of the 20 most qualified candidates for the position of Inspector General, produced by the search (the "Pool"). The Search Firm shall perform its services and submit the identities of the candidates which comprise the Pool, including resumes, qualifications, and statements detailing each member of the Pool's credentials for the appointment of Inspector General, to the Selection Committee.

The Selection Committee shall review the credentials of Pool members, and shall recommend one or more qualified persons to the mayor, by concurrence of at least four Committee members. The mayor may appoint any person recommended by the Committee, subject to approval of the city council. If the mayor rejects all candidates recommended by the Selection Committee, the Committee shall solicit and screen additional potential candidates in the same manner, repeating the process until the mayor appoints a recommended person, subject to approval of the city council. The term of the inspector general shall commence upon on the city council's approval of the mayor's appointment, and shall extend for a period of four years.

(Prior code § 19-2; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 2-13-13, p. 46730, § 3; Amend Coun. J. 2-10-16, p. 19348, § 1)

2-56-025 Definitions.

Whenever used in this chapter:

(a) "City employee" shall include any individual employed or appointed by:

(1) the city of Chicago; or

(2) any committee of the Chicago city council or bureau or other service agency of the city council; or

(3) any member of the city council, whether part-time or full-time, including an individual retained as an independent contractor.

(b) "Ultimate jurisdictional authority" shall mean the following:

(1) for any city officer (elected or appointed), city employee, contractor/vendor or lobbyist with respect to a violation of the Governmental Ethics Ordinance (Chapter 2-156 of this Code), the city Board of Ethics;

(2) for all other matters affecting any city employee: the mayor and, as appropriate, the head of each affected department or agency;

(3) for all other matters affecting a city contractor, vendor, or bidder seeking a city contract: the mayor and, as appropriate, the head of each affected department or agency;

(4) for all other matters affecting a city licensee or entity seeking city certification: the mayor and, as appropriate, the head of each affected department or agency;

(5) for all other matters related to the city council: the chairman of the city council committee on committees, rules and ethics.

(Added Coun. J. 2-10-16, p. 19348, § 1)

2-56-030 Inspector general - Powers and duties.

In addition to other powers conferred herein, and subject to subsection 2-56-050(a)(2), the inspector general shall have the following powers and duties:

- (a) To receive and register complaints and information concerning misconduct, inefficiency and waste within the city government;
- (b) To investigate the performance of governmental officers, employees, functions and programs, either in response to complaint or on the inspector general's own initiative, in order to detect and prevent misconduct, inefficiency and waste within the programs and operations of the city government;
- (c) To promote economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the city government by reviewing programs, identifying any inefficiencies, waste and potential for misconduct therein, and recommending to the mayor and/or the city council policies and methods for the elimination of inefficiencies and waste, and the prevention of misconduct;
- (d) To report to the ultimate jurisdictional authority concerning results of investigations, audits and program reviews undertaken by the office of inspector general;
- (e) To request information related to an investigation, audit or program review from any employee, elected or appointed officer, department, agency, contractor, subcontractor, agent or licensee of the city, and every applicant for certification of eligibility for a city contract or program;
- (f) To conduct public hearings, at his discretion, in the course of any activity conducted pursuant to this chapter an investigation hereunder;
- (g) To administer oaths and to examine witnesses under oath;
- (h) To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication. Issuance of subpoenas shall be subject to the restrictions contained in Section 2-56-040;
- (i) To exercise any of his powers or duties specified in this Code with respect to any sister agency, as that term is defined in Section 1-23-010, pursuant to an intergovernmental agreement that the city may enter into with such sister agency as authorized by the city council, and as such power or duty may be modified by such agreement;
- (j) For the purpose of assisting in the investigation and prosecution of matters within the jurisdiction of the inspector general as specified in this chapter, to engage in activities that are both authorized by and carried out under the direction of the Illinois Attorney General, the Cook County State's Attorney, the United States Department of Justice and other agencies authorized to investigate and prosecute violations of criminal law. The inspector general shall undertake such training and certification as necessary and appropriate to engage in such activities. Provided, however, employees of the office of inspector general shall not, in the performance of their official duties under the code: (i) arrest, commit for examination or detain in custody any person, or (ii) carry a firearm or other weapon;
- (k) To promulgate rules and regulations for the conduct of investigations and public hearings consistent with the requirements of due process of law and equal protection under the law.
- (l) To select, subject to the approval of the City Council, and supervise the Deputy Inspector General for Public Safety established by Sections 2-56-200 through 2-56-280 of this Chapter.

(Prior code § 19-3; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 10-8-14, p. 92142, § 1; Amend Coun. J. 3-18-15, p. 103772, § 1; Amend Coun. J. 2-10-16, p. 19348, § 1; Amend Coun. J. 10-5-16, p. 34471, § 5)

2-56-035 Monitoring employment actions.

(a) *Definitions.* As used in this section:

"Hiring plan" means the hiring plan adopted by the City of Chicago in 2014 and approved, on June 16, 2014, by the Court in *Shakman, et al. v. City of Chicago, et al*, Case Number 69 C 2145 (N.D. Ill.), setting forth the governing principles for city hiring, and other employment actions concerning both internal and external applicants and candidates and requirements for contractors. As used in this section, references to the hiring plan shall include the plan as amended from time to time.

"Employment action(s)" includes, but is not limited to, hiring, firing, promotion, demotion, lay-off, reinstatement, re-employment, transfer, reclassification, overtime, and/or any job assignment.

(b) *Powers and duties.* The inspector general shall have the authority to monitor, audit and review employment actions under the hiring plan and related policies and procedures. In addition, the inspector general shall have the authority to review or investigate allegations of non-compliance with the hiring plan and related policies and procedures. Complaints concerning employment actions and related policies and procedures, including claims of unlawful political discrimination, shall be made to the inspector general.

(c) *Reporting on monitoring of employment actions.* Notwithstanding anything to the contrary, the inspector general shall issue reports as required by the hiring plan and as otherwise necessary to carry out his functions under this section. These reports will be considered public records and will be posted, with personal identifying information stricken, on the inspector general's website.

The inspector general shall also issue quarterly and annual reports that include statistics on the number of escalations (as that term is defined in the hiring plan) newly initiated, pending, closed with investigation, and closed without investigation. The quarterly and annual reports shall also include a description of the outcomes, findings, recommendations, and actions taken on the recommendations of any investigation of an escalation.

The inspector general shall redact the personal identifying information prior to publicly disseminating such reports.

(Added Coun. J. 5-12-10, p. 92409, § 5; Amend Coun. J. 2-10-16, p. 19348, § 1)

2-56-040 Subpoena issuance and contents - Objections.

The inspector general shall issue subpoenas only if (a) he is conducting an investigation authorized by this chapter; and (b) the investigation relates to misconduct within the programs and operation of the city government by any person described in Section 2-56-050; and (c) the inspector general has a reasonable belief that such misconduct has occurred; and (d) the testimony of the witness or the documents or items sought by the subpoena are relevant to the investigation. A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas.

A subpoena issued under this chapter shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents or other items described in the subpoena. In no event shall the date for examination or production be less than seven days after service of the subpoena.

No later than the time for appearance or production required by the subpoena, the person to whom the subpoena is directed may object to the subpoena, in whole or in part. The objection shall be in writing, delivered to the inspector general, and shall specify the grounds for the objection. For seven days after receipt of a timely objection to a subpoena, the inspector general shall take no action to enforce the subpoena or to initiate prosecution of the person to whom the subpoena is directed. During this seven-day period, the inspector general shall consider the grounds for the objection and may attempt to resolve the objection through negotiation with the person to whom the subpoena is directed. The seven-day period may be extended by the inspector general in order to allow completion of any negotiations. The extension shall be in writing addressed to the person to whom the subpoena is directed, and shall specify the date on which the negotiation period will end. Negotiations may include such matters as the scope of the subpoena and the time, place and manner of response thereto. The filing of an objection to a subpoena, and negotiations pursuant to an objection, shall not constitute refusal to comply with the subpoena, or interference with or obstruction of an investigation.

(Prior code § 19-4; Added Coun. J. 10-4-89, p. 5726)

2-56-045 Complaints concerning aldermen; confidentiality.

(a) The inspector general may not undertake an investigation of any alderman except pursuant to a complaint that (1) names the alderman; and (2) states the facts underlying the complaint; and (3) is signed by the person making the complaint. A city officer or city employee may be a signatory to a complaint.

(b) The identity of the person making a complaint described in subsection (a) of this section shall be confidential and shall not be disclosed by the inspector general except as required by law.

(Added Coun. J. 2-10-16, p. 19348, § 1)

2-56-050 Conduct of city officers, employees and other entities.

(a) (1) The powers and duties of the inspector general shall extend to the conduct of the following: (1) all elected officers and appointed officers of the city government in the performance of their official duties; (2) all city employees in the performance of their

official duties; (3) lobbyists engaged in the lobbying of elected or appointed city officers or employees; (4) all contractors and subcontractors in the providing of goods or services to the city, the city council, any city council committee or bureau or other service agency of the city council pursuant to a contract; (5) persons seeking contracts or certification of eligibility for contracts with the city, the city council, any city council committee or bureau or other service agency of the city council; and (6) persons seeking certification of eligibility for participation in any city program. Nothing in this section shall preclude the inspector general from referring a complaint or information to the appropriate local, state or federal inspector general, the appropriate sister agency, or the appropriate federal, state or local law enforcement authorities.

(2) The powers and duties of the inspector general relative to the city council, any member of the city council, and any city employee defined as such under subsection 2-56-025(a)(2) or (a)(3), shall be limited to investigating allegations that such person has violated Chapter 2-156 or any other law, order or rule/regulation applicable to such person in the performance of his duties or the discharge of his responsibilities.

(b) (1) Notwithstanding any other provision in this chapter to the contrary, if the office of the inspector general receives a complaint alleging a violation of Chapter 2-156 against any elected or appointed city officer, city employee or any other person subject to Chapter 2-156, the inspector general, after reviewing the complaint, may only: (i) decline to open an investigation if he determines that the complaint lacks foundation or does not relate to a violation of Chapter 2-156; or (ii) refer the matter to the appropriate authority if he determines that the potential violation is minor and can be resolved internally as a personnel matter; or (iii) open an investigation. The board of ethics shall promulgate, in consultation with the investigating authorities, rules setting forth the criteria to determine whether a potential violation of Chapter 2-156 is minor.

(2) Notwithstanding any other provision in this chapter to the contrary, at any point during an investigation that the inspector general conducts on matters pertaining to violations of Chapter 2-156, the inspector general may only: (i) dismiss the matter and close the investigation based on a finding that the alleged violation is not sustained; or (ii) refer the matter to the appropriate law enforcement authority, if he reasonably believes that the alleged misconduct would violate a criminal statute; or (iii) request a probable cause finding in accordance with Section 2-156-385.

(3) The inspector general shall conclude his investigation of any violation of Chapter 2-156 under his jurisdiction no later than two years from the date of initiating the investigation; provided, however, that any time period during which the person under investigation has taken affirmative action to conceal evidence or delay the investigation, shall not count towards the two-year period. Notwithstanding any tolling or suspension of time applied, governmental ethics investigations by the inspector general under this Chapter are subject to an absolute four-year time limit from the date of initiation.

(c) Before the inspector general interviews a person subject to investigation or a subpoena in relation to a complaint under his jurisdiction, he shall inform the person of that person's right to be represented by counsel at the interview.

(Prior code § 19-5; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 5-12-10, p. 92409, § 3; Amend Coun. J. 2-13-13, p. 46730, § 3; Amend Coun. J. 11-18-15, p. 14398, § 2; Amend Coun. J. 2-10-16, p. 19348, § 1)

2-56-055 Functions with respect to sister agencies.

Nothing provided in this chapter shall be construed to prohibit the inspector general from providing any service or undertaking any function with respect to a sister agency within the scope of an intergovernmental agreement entered into pursuant to Section 2-56-030(i).

(Added Coun. J. 10-8-14, p. 92142, § 1)

2-56-060 Investigation reports.

Upon conclusion of an investigation the inspector general shall issue a summary report thereon. The report and supporting materials shall be filed solely with the designated ultimate jurisdictional authority as defined in Section 2-56-025(b). The report shall include the following:

- (a) A description of any complaints or other information received by the inspector general pertinent to the investigation;
- (b) A description of any illegal conduct, inefficiencies or waste observed or discovered in the course of the investigation;
- (c) Recommendations for correction of any illegal conduct, inefficiencies or waste described in the report;
- (d) Such other information as the inspector general may deem relevant to the investigation or resulting recommendations.

Disclosure of reports and materials respecting disciplinary investigations concerning personnel of the City Council as defined in Section 2-56-025(a)(2) and (3) is hereby expressly limited to the ultimate jurisdictional authorities for such matters as set forth in

Section 2-56-025(b), unless the matter concerns misconduct involving both personnel of the City Council as defined in Section 2-56-025(a)(2) and (3) and non-City Council personnel as otherwise defined in this chapter, in which case the report and all relevant information materials, including that concerning the subject City Council personnel shall be provided to all appropriate ultimate jurisdiction authorities as defined in Section 2-56-025(b).*

(Prior code § 19-6; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 2-10-16, p. 19348, § 1)

***Editor's note** - Coun. J. 2-10-16, p. 19348, § 1, read "...as defined in Section -025(b)."

2-56-065 Response to recommendations by the inspector general.

(a) Except as provided in subsection (b) of this section, if the inspector general issues a recommendation for discipline or other administrative action in a summary report, the ultimate jurisdictional authority must respond to that recommendation within 30 days with a written response to the inspector general. This response must include either (1) a description of any disciplinary or administrative action the ultimate jurisdictional authority has taken with respect to the employee in question or (2) a request for a 30-day extension of the 30-day decision period if additional time is needed by the ultimate jurisdictional authority to review the recommendation. If the ultimate jurisdictional authority did not take any disciplinary or administrative action, or took a different disciplinary or administrative action than that recommended by the inspector general, the ultimate jurisdictional authority must describe the different action and explain the reasons for the different action in the written response. This response must be submitted to the inspector general within the 30-day decision period. The inspector general may approve a request for an extension of this 30-day decision period for a period of time not to exceed 30 days if additional time is needed by the ultimate jurisdictional authority to review the recommendation of discipline.

(b) If the inspector general issues a report to the chairman of the city council committee on committees, rules and ethics, the chairman shall, within 14 days, forward the report and any attached records to the appropriate person with authority to take action recommended in the report, and provide notice to the inspector general when such action is taken. Upon receipt of the report by the person with authority to take action, that person shall review the report and recommendations and within 30 days provide a written response to the inspector general. Provided, however, that if action by the chairman of the committee on committees, rules and ethics is required, the written response to the inspector general must be made within 60 days of receipt of the report. If no action is taken on the inspector general's recommendation, or different disciplinary or administrative action is taken, the person with authority to take action must describe the different action and explain the reasons for taking that action in a written response. This response must be submitted to the inspector general within the applicable 30 or 60-day decision period. The inspector general may approve only one 60-day extension.

(Added Coun. J. 5-12-10, p. 92409, § 6; Amend Coun. J. 2-10-16, p. 19348, § 1)

2-56-070 Confidentiality of informants - Exceptions.

The summary report shall not mention the name of any informant, complainant, witness or person investigated, except in the following instances:

(a) Where the copy of the report given to the ultimate jurisdictional authority of any department or entity recommends disciplinary action against one of their employees under the control of that authority;

(b) Where the copy of the report given to the ultimate jurisdictional authority or the chief procurement officer makes recommendations concerning any contractor, subcontractor, applicant for a contract, or person seeking certification of eligibility for a contract;

(c) Where the copy of the report given to the ultimate jurisdictional authority of any department or entity makes recommendations concerning a person seeking certification of eligibility for a program administered by the department or entity;

(d) Where the copy given to the mayor recommends disciplinary action against the head or any employee of any department or entity;

(e) Where the copy of the report is given to the board of ethics or a hearing officer in compliance with a probable cause finding or a hearing on the merits or as otherwise provided in Chapter 2-156.

If complainants or informants request that their identity remain confidential, they will be notified in the event that disclosure of their identity is required by law.

(Prior code § 19-7; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 7-19-00, p. 38206, § 1; Amend Coun. J. 2-13-13, p. 46730, § 3; Amend Coun. J. 2-10-16, p. 19348, § 1)

2-56-080 Investigations not concluded within twelve months.

No later than the fifteenth day of January, April, July and October of each year, the inspector general shall submit to the mayor a report, accurate to the last day of the preceding month, indicating (1) the number of current investigations pending for more than twelve months; (2) the general nature of the allegations giving rise to each such investigation; and (3) the reason(s) why each such investigation is still pending.

(Prior code § 19-8; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 5-12-10, p. 92409, § 7)

2-56-090 Duty to cooperate.

It shall be the duty of every elected or appointed officer, employee, department, agency, contractor, subcontractor, agent or licensee of the city, and every applicant for certification of eligibility for a city contract or program, to cooperate with the inspector general in any inquiry undertaken pursuant to this chapter. Each department's premises, equipment, personnel, books, records and papers shall be made available as soon as practicable to the inspector general. Every city contract and every bid, proposal, application or solicitation for a city contract, and every application for certification of eligibility for a city contract or program shall contain a statement that the person understands and will abide by all provisions of this chapter.

(Prior code § 19-9; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 5-12-10, p. 92409, § 8; Amend Coun. J. 2-10-16, p. 19348, § 1)

2-56-100 Retaliation prohibited.

No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the inspector general in the performance of his office.

(Prior code § 19-10; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 5-12-10, p. 92409, § 9)

2-56-110 Files and reports confidential - Public statements authorized when.

Except as otherwise provided herein, all investigatory files and reports of the office of inspector general shall be confidential and shall not be divulged to any person or agency, except to the United States Attorney, the Illinois Attorney General or the State's Attorney of Cook County, or as otherwise provided in this chapter or Chapter 2-156. The inspector general is authorized to issue public statements in the following circumstances: (a) upon written request by (i) a person publicly known to have been under investigation that exonerates that person; or (ii) an elected official publicly known to have been under investigation that results in a not-sustained finding; (b) if an investigation, audit or review concerns inefficient or wasteful management; and (c) in a public summary of each investigation resulting in sustained findings of misconduct. The public summary shall briefly state, without disclosing the name of any individual who was the subject of such investigation, (i) the nature of the allegation or complaint; (ii) the specific violations resulting in sustained findings; (iii) the inspector general's recommendation for discipline or other corrective measures; and (iv) the ultimate jurisdictional authority's response to and final decision on the inspector general's recommendation.

(Prior code § 19-11; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 5-12-10, p. 92409, § 10; Amend Coun. J. 2-13-13, p. 46730, § 3; Amend Coun. J. 2-10-16, p. 19348, § 1)

2-56-120 Quarterly reports to city council.

No later than the fifteenth day of January, April, July and October of each year, the inspector general shall file with the city council a report, accurate as of the last day of the preceding month, indicating: the number of investigations initiated since the date of the last report; the number of investigations concluded since the last report; the number of investigations pending as of the reporting date; the number of investigations that were declined in accordance with subsection (b) of section 2-56-050 and the reasons for such declination, the number of complaints initiated but discontinued and the reasons for such discontinuations, the number of self-initiated complaints investigated by the inspector general, and the number of complaints referred to other agencies pursuant to subsection (a) of section 2-56-050 and the name of such agencies. Provided, however, that if all of the following three circumstances are present with regard to a complaint referred to another agency by the inspector general, then he may delay including in his report any information related to that complaint until after the conclusion of the investigation associated with that complaint: (i) the complaint addresses potential criminal conduct and has been referred to a state or federal law enforcement agency, and (ii) the investigation of the conduct at issue is ongoing, and (iii) in the judgment of the inspector general, public disclosure of the referral would compromise the effectiveness of the investigation. The report shall also include the number of investigations of the conduct of employees; the number of investigations of the conduct of appointed officials; the number of investigations of the conduct of elected officials; the number of investigations of the conduct of contractors, subcontractors and persons seeking city contracts; the number of investigations of the conduct of persons seeking certification of eligibility for city contracts or other city programs; the number of investigations involving alleged misconduct; the number of investigations involving alleged waste or inefficiency.

(Prior code § 19-12; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 2-13-13, p. 46730, § 3)

2-56-130 Inspector general - Conditions for removal from office.

The inspector general may be removed prior to the expiration of his term only for cause and in accordance with the provisions of this section. The mayor shall give written notice (a) to the city council of his intent to remove the inspector general; and (b) to the inspector general of the cause of his intended removal. Within ten days after receipt of the notice, the inspector general may file with the city council a request for hearing on the cause for removal. If no such request is made within ten days, the inspector general shall be deemed to have resigned his office as of the tenth day after receipt of the notice of intended removal. If such a request is made, the city council shall convene a hearing on the cause for removal of the inspector general, at which the inspector general may appear, be represented by counsel and be heard. The hearing shall be convened within ten days after receipt of the request therefor and conclude within 14 days thereafter. The mayor's notice of intended removal shall constitute the charge against the inspector general. Removal of the inspector general for cause after the hearing shall require the affirmative vote of a majority of the members of the city council then holding office.

(Prior code § 19-13; Added Coun. J. 10-4-89, p. 5726)

2-56-140 Obstructing or interfering with investigations - Penalty.

No person shall wilfully refuse to comply with a subpoena issued by the inspector general, or otherwise knowingly interfere with or obstruct an investigation authorized by this chapter and conducted by an announced investigator of the office of inspector general. Any person who wilfully violates the provisions of this section shall be subject to a fine of not less than \$300.00 and not more than \$500.00 for each such offense, or imprisonment for a period of not less than 30 days and not more than six months, or both a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended.

(Prior code § 19-14; Added Coun. J. 10-4-89, p. 5726)

2-56-145 False claims - Penalty.

Any person who makes a false statement, material to the issue or point in question, which he does not believe to be true, in any complaint relating to an investigation conducted by the inspector general shall be guilty of knowingly furnishing false statements or misleading information. Any person who violates this section shall be subject to a fine of not less than \$1,000.00 and not more than \$2,000.00 for each such offense, and/or imprisonment for a period not exceeding six months. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended.

(Added Coun. J. 2-13-13, p. 46730, § 3)

2-56-150 Political activities prohibited.

(a) No inspector general or employee of the office of the inspector general may, during his term of appointment or employment: (i) hold, or become a candidate for, any other elected or appointed public office except for appointments to governmental advisory boards or study commissions or as otherwise expressly authorized by law; or (ii) actively participate in any campaign for any elective office.

(b) The inspector general shall pledge in writing, at the time of his appointment, that, for two years after the termination of his appointment for any reason, the inspector general shall not: (i) become a candidate for any elected public office which includes the City of Chicago in its geographic jurisdiction; or (ii) hold any elected public office which includes the City of Chicago in its geographic jurisdiction.

(c) Neither the inspector general nor any employee of the office of inspector general shall engage in any political activity as defined in Chapter 2-156 of the Municipal Code.

(d) This section shall not apply to the inspector general or any employee of the inspector general to the extent that it is inconsistent with any law or regulation of the United States or the State of Illinois that preempts home rule.

(Prior code § 19-15; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 2-13-13, p. 46730, § 3)

2-56-155 Statute of limitations on ethics investigations.

An investigation of any violation of Chapter 2-156 may not be initiated more than two years after the most recent act of alleged misconduct.

(Added Coun. J. 2-13-13, p. 46730, § 3)

2-56-160 Violation - Penalty - Discharge or other discipline.

Any employee or appointed officer of the city who violates any provision of this chapter shall be subject to discharge (or such other discipline as may be specified in an applicable collective bargaining agreement) in addition to any other penalty provided in this chapter.

(Prior code § 19-16; Added Coun. J. 10-4-89, p. 5726)

2-56-170 Severability.

If any provision, clause, section, part or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein. Nothing contained in this chapter is intended otherwise to alter or amend the rights or obligations of the city or any person affected by this ordinance.

(Prior code § 19-17; Added Coun. J. 10-4-89, p. 5726)

2-56-180 Transition.

In addition to the rights and powers conferred by this amendatory ordinance of 2016, the inspector general and the office of inspector general shall assume, respectively, all rights and powers of the former legislative inspector general and the office of the legislative inspector general. All books, records, property and funds relating to the former office of the legislative inspector general and such rights and powers are transferred to the office of inspector general.

The inspector general shall succeed the former legislative inspector general in administering and investigating pending matters under the jurisdiction of the former legislative inspector general.

(Added Coun. J. 2-10-16, p. 19348, § 4)

2-56-200 Public safety deputy - Definitions.

The following terms wherever used in Sections 2-56-200 through 2-56-280 shall have the following meanings unless a different meaning appears from the context:

"Office" means the Civilian Office of Police Accountability established in Chapter 2-78.

"Police Board" means the Police Board established in Chapter 2-84.

"Police Department" means the Chicago Department of Police established in Chapter 2-84.

"Public Safety Deputy" means the Deputy Inspector General for Public Safety established in this chapter.

"Superintendent" means the Superintendent of Police or the Superintendent's designee.

(Added Coun. J. 10-5-16, p. 34471, § 6)

2-56-205 Public safety deputy - Establishment - Composition.

There is hereby established within the Office of the Inspector General a section to be known as the Office of the Deputy Inspector General for Public Safety, which shall include the Public Safety Deputy and such assistants and other employees as may be required to implement the Public Safety Deputy's powers and duties as set forth in Sections 2-56-200 through 2-56-280. The Public Safety Deputy shall be appointed pursuant to Section 2-56-220, and may be removed from office only for cause pursuant to Section 2-56-280.

(Added Coun. J. 10-5-16, p. 34471, § 6)

2-56-210 Purpose.

The mission of the Office of the Deputy Inspector General for Public Safety is to initiate reviews and audits of the Police Department, the Office and the Police Board with the goal of enhancing the effectiveness of the Police Department, the Office and the Police Board; increasing public safety, protecting civil liberties and civil rights; and ensuring the accountability of the police force, thus building stronger police-community relations.

2-56-220 Public safety deputy - Qualifications and appointment.

(a) *Qualifications.* The Public Safety Deputy shall have the following minimum qualifications:

- (i) An attorney with substantial experience in criminal, civil rights, and/or labor law, or corporate and/or governmental investigations; or an individual with substantial experience in law enforcement oversight, preferably with a graduate degree.
- (ii) Knowledge of law enforcement, particularly of internal investigations of wrongdoing and use of force.
- (iii) A commitment to and knowledge of the need for and responsibilities of law enforcement, as well as the need to protect basic constitutional rights of all affected parties.
- (iv) Demonstrated integrity, professionalism, sound judgment, and leadership.
- (v) The ability to work with diverse groups and individuals.

The Public Safety Deputy shall not be a current or former employee of the Police Department, the Independent Police Review Authority, the Civilian Office of Police Accountability, or the Police Board.

(b) *Selection process.* Within 15 days of the effective date of this Ordinance, and thereafter within 15 days of an actual or expected vacancy in the position of Public Safety Deputy because of death, resignation, removal, or the Inspector General's decision not to reappoint an incumbent Public Safety Deputy, the Inspector General is authorized to, and shall, engage a nationally recognized organization with expertise in government oversight to perform a nationwide search and to create a pool of no less than ten of the most qualified candidates for the position of Public Safety Deputy. The organization shall submit the identities of these candidates, including resumes, qualifications, and statements detailing each candidate's credentials, to the Inspector General.

The Inspector General shall select and nominate the most qualified candidate for approval by the City Council. If the City Council rejects the candidate, the Inspector General shall select and nominate another candidate from the pool, until the candidate selected and nominated by the Inspector General is approved by the City Council.

(c) *Term.* The term of the Public Safety Deputy shall commence upon his approval by the City Council, and shall continue for the remaining term of the incumbent Inspector General. Thereafter, the Public Safety Deputy's term shall be coterminous with the term of the appointing Inspector General. At the conclusion of a term, the incumbent Public Safety Deputy may be reappointed by a reappointed Inspector General, subject to approval by the City Council. If the incumbent Public Safety Deputy is not reappointed, the Inspector General shall select a new Public Safety Deputy pursuant to the process set forth in this section, subject to the approval of the City Council. The Public Safety Deputy shall continue to serve until a successor Public Safety Deputy is approved by the City Council.

2-56-230 Public safety deputy - Powers and duties.

The Public Safety Deputy shall have the following powers and duties:

- (a) To conduct periodic analysis and evaluation of the results of all closed disciplinary investigations conducted by the Office and the Police Department to identify trends and summarize the number and results of such investigations, and to issue an annual report concerning such analysis and evaluation, and the performance of the police disciplinary system more generally;
- (b) To conduct reviews and audits of particular policies, procedures or practices of the Police Department, the Office, and the Police Board with respect to police disciplinary investigations and hearings, and to make findings and recommendations based on those findings to inform and improve future investigations and hearings;
- (c) To review and audit individual closed Office and Police Department disciplinary investigations, and to make findings and recommendations based on those findings: (i) to inform and improve future investigations and ensure that they are complete, thorough, objective, and fair; and (ii) if it finds a deficiency that it concludes materially affected the outcome of the investigation, recommend that the investigation be reopened;
- (d) To review and audit the Police Department's policies, practices, programs and training (i) with respect to constitutional policing, discipline and use of force, or (ii) that affect the Police Department's integrity, transparency, and relationship with City residents; and to make recommendations to the Superintendent and the Chairman of the City Council Committee on Public Safety to address problems or deficiencies or make improvements in such policies, practices, programs and training;

(e) To review, audit and analyze civil judgments and settlements of claims against members of the Police Department, and to issue recommendations based on its findings to inform and improve or correct deficiencies in the conduct, or operation of the Police Department;

(f) To review and audit all sustained findings, disciplinary recommendations, and decisions made by the Police Department, the Office, and the Police Board, and any subsequent arbitration decisions, for the purpose of assessing trends and determining whether discipline is consistently and fairly applied, and determining whether final disciplinary decisions are being carried out;

(g) To address community groups and inform the public on the mission, policies and ongoing operations of the Public Safety Deputy;

(h) Subject to applicable law, to have full access to all information in the possession or control of the Police Department, the Office, the Police Board, and any other City department or agency in order to conduct, any review or audit within the Public Safety Deputy's jurisdiction; and

(i) To set minimum qualifications and appropriate screening procedures for all persons to be considered for employment by the Office of the Deputy Inspector General for Public Safety, and to set appropriate staffing levels to carry out the powers and duties set forth herein.

The Public Safety Deputy shall have the authority to make recommendations, based on its reviews and audits, to the Police Department, the Police Board and the Office with respect to changes in policies, procedures, practices, operations, directives, training and equipment to address any deficiencies or problems or implement any improvements identified by its reviews and audits. The Public Safety Deputy is also authorized to make recommendations to other City departments and agencies that it determines are necessary or helpful to effect its recommendations as to the Police Department, the Police Board, and the Office.

(Added Coun. J. 10-5-16, p. 34471, § 6)

2-56-240 Public safety deputy - Reports.

(a) *Reporting the results of individual reviews or audits.* Upon concluding a review or audit, the Public Safety Deputy shall issue a written report setting forth its findings and conclusions and recommendations to the entity or entities that were the subject of the review or audit (i.e. the Police Department, the Police Board, and/or the Office). The report shall include:

(1) A description of the scope of the review or audit, the categories of information collected in connection with the review or audit, and the method of conducting the review or audit;

(2) The Public Safety Deputy's findings and conclusions, including findings or conclusions with respect to any problems, deficiencies, or improvements observed or discovered in the course of the review or audit;

(3) The Public Safety Deputy's recommendations for addressing any problems or deficiencies, or implementing any improvements, described in the report; and

(4) Such other information as the Public Safety Deputy may deem relevant to the review or audit, or its findings, conclusions, and recommendations.

(b) *Annual report.* The Public Safety Deputy shall publish an annual report that summarizes its reviews and audits conducted during the prior calendar year, and that reports on the Public Safety Deputy's analysis of information, including patterns and trends, during the prior calendar year, the outcomes of individual reviews or audits, and its recommendations during the prior calendar year. The annual report shall also report on the status of the Police Department's, the Police Board's, the Office's, and any other City departments or agency's adoption of the Public Safety Deputy's previous recommendations.

The Public Safety Deputy shall make all reports prepared under this section publicly available in accordance with Section 2-56-250.

(Added Coun. J. 10-5-16, p. 34471, § 6)

2-56-241 Appearance before committee.

Within 45 days of issuance of the annual report required in Section 2-56-240(b), the Public Safety Deputy or his designee shall appear at a hearing of the City Council Committee on Public Safety to respond to questions concerning such report.

(Added Coun. J. 10-5-16, p. 34471, § 6)

2-56-245 Response to recommendations by the public safety deputy.

If the Public Safety Deputy's report includes recommendations concerning the Police Department, the Police Board, the Office, or another City department or agency, that entity must submit a written response to such recommendation within 60 days of its receipt of the Public Safety Deputy's report. The response shall include either (1) a description of any corrective or other actions taken or to be taken in response to the recommendation, (2) the basis for rejecting the recommendation in whole or in part, or (3) a request for a 30-day extension for making its response if additional time is needed by the entity to respond to the recommendation. In addition, at the request of at least three aldermen, the Chairman of the City Council Committee on Public Safety shall request that the head of the department or agency in question, or their designee, appear at a hearing of the Committee on Public Safety to explain and respond to questions concerning such response.

(Added Coun. J. 10-5-16, p. 34471, § 6)

2-56-250 Publication of the public safety deputy's reports and responses to the public safety deputy's recommendations.

Upon receipt of the response(s) to its reports and recommendations, the Public Safety Deputy shall promptly post the report and recommendations and all responses thereto on the Public Safety Deputy's website for public review and serve copies on the Mayor or his designee and the Chairman of the City Council Committee on Public Safety, except to the extent that information contained therein has been redacted because it is exempted from disclosure by the Illinois Freedom of Information Act or any other applicable law.

Neither the Public Safety Deputy nor the Police Department, the Police Board or the Office shall publicly disclose any recommendations or responses provided in Section 2-56-240(a) and Section 2-56-245 before the processes set forth in Section 2-56-245 are completed.

(Added Coun. J. 10-5-16, p. 34471, § 6)

2-56-260 Public safety deputy - Cooperation in reviews or audits.

It shall be the duty of every officer, employee, department, and agency of the City to cooperate with the Public Safety Deputy in any review or audit undertaken pursuant to Sections 2-56-200 through 2-56-280.

(Added Coun. J. 10-5-16, p. 34471, § 6)

2-56-270 Public safety deputy - Retaliation, obstruction or interference prohibited - Penalty.

(a) *Retaliation.* No person shall retaliate against, punish, intimidate, discourage, threaten or penalize any other person for providing information, testimony or documents to, or otherwise cooperating with or assisting the Public Safety Deputy in the performance of his duties.

(b) *Obstruction or interference.* No person shall knowingly interfere with or obstruct a review or audit authorized by this chapter and conducted by an announced employee of the Public Safety Deputy.

(c) *Penalty.* Any person who willfully violates this section shall be subject to a fine of not less than \$1,000.00 and not more than \$5,000.00 for each such offense, or imprisonment for a period of not less than 30 days and not more than six months, or both a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, 65ILCS 5/1-2-1.1.

(Added Coun. J. 10-5-16, p. 34471, § 6)

2-56-280 Public safety deputy - Conditions for removal from office.

Prior to serving a complete term, the Public Safety Deputy may be removed only for cause and in accordance with this section. The Inspector General shall give written notice to the Mayor, the Chairman of the City Council's Committee on Public Safety, and the Public Safety Deputy of his intent to remove the Public Safety Deputy and stating the reasons for the proposed removal. Within ten days after receipt of the notice, the Public Safety Deputy may file with the Mayor and the Chairman of the City Council's Committee on Public Safety a request for hearing on the cause for removal. If no such request is made within ten days, the Public Safety Deputy shall be deemed to have resigned his or her office as of the tenth day after receipt of the notice of intended removal. If such a request is made, the Chairman of the City Council's Committee on Public Safety shall convene a hearing on the cause for removal of the Public Safety Deputy, at which the Public Safety Deputy may appear, be represented by counsel, and be heard. The hearing shall be convened within 21 days after receipt of the request for the hearing and conclude within 35 days thereafter. The Inspector General's notice of intended removal shall constitute the charge against the Public Safety Deputy. Removal of the Public Safety Deputy for cause after the hearing shall require the approval of the City Council.

