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City of Chicago

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June 18, 2012

VIA EMAIL & HAND DELIVERY

Marla M. Kaiden
Chief Administrative Officer
Committee on Finance
City Hall—Room 302
Chicago, IL 60602

Re: IG Request for Access to Duty Disability Database

Dear Ms. Kaiden:

Thank you for your recent reply to our request for access to the database used to manage the City's duty disability programs. However, five weeks after our initial oral request, your letter dated June 6, 2012 raises no specific legal or practical bar to IGO access.

Instead, your letter offers a vague reference to "differing jurisdictional boundaries established by the Municipal Code." The IGO's May 18, 2012 letter made explicit that our request would not be used for an IGO investigation of misconduct by City Council members or staff. I again acknowledge that such an investigation is beyond the IGO's statutory jurisdiction, and is instead entrusted to the Legislative Inspector General (LIG) pursuant to 2-55 of the Municipal Code.

To the extent I understand your letter, you seem to have conflated the specific prohibition of personal jurisdiction by the IGO over City Council members and employees into a blanket prohibition of IGO access to the underlying data and records related to a significant and costly City program wherein Council staff are involved in data entry and management. That is not an accurate read of the IGO Ordinance, a point I believe you implicitly concede in failing to point to any specific legal bar. Moreover, your reference to the LIG ignores its extraordinarily limited jurisdiction. The LIG has no jurisdiction to review City funded or administered programs to identify operational waste and inefficiency, and promote economy, effectiveness and efficiency in future operations. And even if he had the jurisdiction, the LIG has not been given the resources to do such a review.

Your suggestions that we instead rely on "certain information" the Committee provides to City departments or in the public records and that our request be "more focused" are non-starters. You have acknowledged the limited nature of this information in our telephonic exchanges regarding our request, and I have confirmed that point in discussions with other City officials.

Incomplete and partial data would constitute an inadequate foundation for any meaningful program review and analysis. Not only are those records insufficient for our purposes, the IGO has no obligation to exhaust all other derivative and non-original sources before receiving access to records to which it is legally entitled.

Unless we have access by June 25, 2012, I will consider your June 6, 2012 letter to be a final denial of our request and proceed accordingly. Consistent with our practice to inform the public where our jurisdictional authority is being improperly limited, we will publish this correspondence and related explanatory material on our website.

Respectfully,



Joseph M. Ferguson
Inspector General
City of Chicago

cc: Mayor Rahm Emanuel
Alderman Edward Burke
Chair, City Council Committee on Finance
Alderman Patrick J. O'Connor
Chair, City Council Workforce Development and Audit Committee
Stephen Patton, Corporation Counsel
Matt Hynes, Director, Office of Legislative Counsel and Government Affairs