

APRIL 2020

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

FIRST QUARTER REPORT 2020





JOSEPH M. FERGUSON
INSPECTOR GENERAL

CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL
740 NORTH SEDGWICK STREET, SUITE 200
CHICAGO, ILLINOIS 60654
TELEPHONE: (773) 478-7799
FAX: (773) 478-3949

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 2020, filed with City Council pursuant to Section 2-56-120 of the Municipal Code of Chicago.

At the end of this quarter, the City of Chicago faces a mounting and complex challenge with the spread of COVID-19. OIG intends to meet our obligations in ways that are mindful of both our mandate and the public's evolving needs, reporting on government operations through a variety of audits, reviews, and administrative and criminal investigations. In our ongoing commitment to accountability, our Audit and Program Review (APR) section completed three follow-up inquiries on the following topics: the City's Process for Evaluating and Setting User Fees; the Operations of the Chicago Board of Election Commissioners; and the Chicago Police Department's (CPD) Overtime Controls. These follow-up inquiries are critical mechanisms for holding City departments accountable, evaluating compliance 6-9 months after our audit findings and recommendations. While departments often agree with OIG's recommendations, actual implementation requires us to engage once again, to establish a tangible commitment and series of actions that improve government services in the long-term.

Similarly, our commitment to improving the economy and transparency of government services can be reflected in this quarter's publication of the Department of Water Management Overtime Monitoring Audit, which concluded that the Department had developed policies and tools to manage overtime but did not utilize these resources consistently. In the spirit of transparency, our City of Chicago Data Portal Advisory speaks to obligations to strengthen open data processes that achieve full transparency and accountability, while our Notification Prohibiting Recording of Public Aldermanic Meetings reaffirms that the First Amendment be upheld when it comes to interactions with the public.

Additionally, during the 1st Quarter, multiple OIG sections made contributions in service of the City's goal of enhancing public safety and increasing the public's confidence in the system. APR's Audit of the Juvenile Intervention and Support

Center found that the City cannot determine whether a program intended to divert youth away from the juvenile justice system has created positive or negative outcomes for more than 3,000 youth processed in the past 14 years, nor measure the return on its \$5 million annual investment. Our Public Safety section also released an advisory on CPD's predictive risk models, a \$3.8 million, federal grant funded program designed to predict the likelihood an individual would become a "party to violence" (PTV), i.e. the victim or offender in a shooting. Ultimately, the Department decommissioned the models, but OIG provided important recommendations should CPD intend to revisit predictive models in the future. The OIG

Investigations section also contributed to public safety through its conclusion of officer misconduct cases, which included a CPD member who on numerous occasions used a personal recording device to improperly audio and video record members of the public without their knowledge or consent. In these recordings, the officer verbally harassed individuals, recorded people in their homes and in lock-up, and made sexually suggestive and racially insensitive remarks, violating state law and multiple CPD General Orders and Rules and Regulations.

OIG will focus on where our work is needed most, supporting public interest and the communities most adversely impacted by the current crisis. With our independent oversight, we will continue to mitigate any fraud or abuse at the public's expense. We ask that you reach out to us—via phone, email, social media, or our website—to let us know where government services may be falling short, where fraud may be taking place, and where OIG can continue to support the City of Chicago and its many communities.

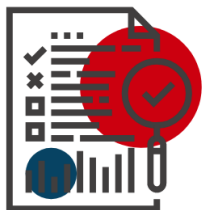
Respectfully,

A handwritten signature in blue ink, appearing to read 'J. Ferguson', is positioned above the printed name.

Joseph M. Ferguson
Inspector General
City of Chicago

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FIRST QUARTER 2020 HIGHLIGHTS

620

COMPLAINTS
RECEIVED

323

MATTERS
CONCLUDED

\$54,500

DISALLOWED
CAMPAIGN
FINANCE
CONTRIBUTIONS

8

PUBLISHED
REPORTS

28

HIRING
SEQUENCES
AUDITED



An OIG notification advised the Committee on Ethics and Government Oversight to inform all aldermen to confer with the Department of Law before taking any steps to prohibit or limit the recording of their interactions with the public



An OIG notification recommended that the Chicago Fire Department implement new procedures for “manning” requirements, which may have discouraged members from reporting incidents of misconduct to the Equal Employment Opportunity officer



Topics of OIG cases closed this quarter:

- Improper recording of members of the public without their knowledge or consent
- Fraudulent use of FMLA and sick leave
- Racial slur and harassment
- Sexual harassment
- Solicitation of money and attempted bribery



OIG published two audits and three follow-ups:

- Department of Water Management Overtime Monitoring Audit
- Chicago Police Department and Department of Family & Support Services' Administration of the Juvenile Intervention and Support Center Audit
- The City's Process for Evaluating and Setting User Fees Follow-Up
- Operations of the Chicago Board of Election Commissioners Follow-Up
- Chicago Police Department Overtime Controls Follow-Up

This quarterly report provides an overview of the operations of the Office of Inspector General (OIG) during the period from January 1, 2020 through March 31, 2020. The report includes statistics and narrative descriptions of OIG's activity as required by the Municipal Code of Chicago (MCC).

I. MISSION OF THE OFFICE OF INSPECTOR GENERAL

The mission of OIG is to promote economy, effectiveness, efficiency, and integrity in the administration of programs and operation of City government.¹ OIG accomplishes its mission through investigations, audits, and other reviews. OIG issues summary reports of investigations to the appropriate authority, management officials, and/or the Mayor, with investigative findings and recommendations for corrective action and discipline. Summaries of sustained investigations and the resulting department or agency actions are released in quarterly reports. OIG's audit reports and advisories are directed to the appropriate agency authority or management officials for comment and then are released to the public on the [OIG website](#). OIG's department notifications are sent to the appropriate agency authority or management officials for attention and comment, and are summarized, along with any management response, in the ensuing quarterly report. Finally, OIG issues reports as required by the Hiring Plan and as otherwise necessary to carry out its hiring oversight functions.

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

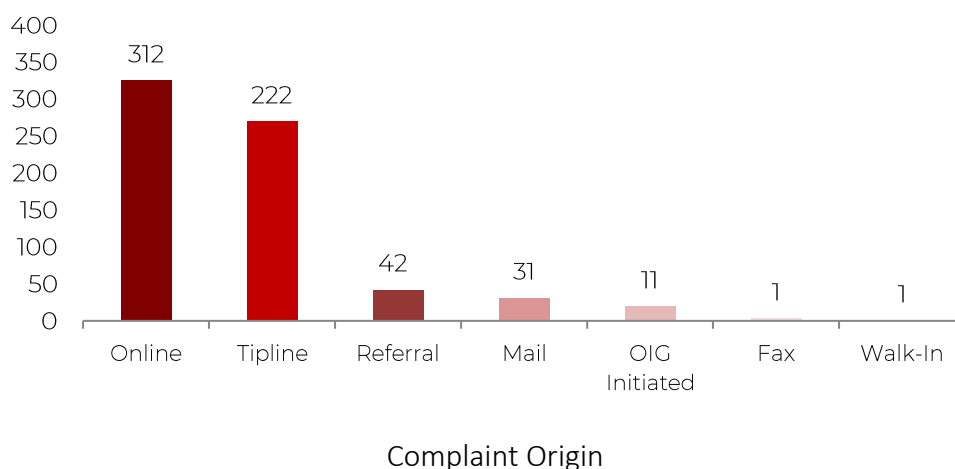
II. INVESTIGATIONS

The OIG 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 620 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



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

TABLE #1 – COMPLAINT ACTIONS

Status	Number of Complaints
Opened Investigation	17
Pending	152
Referred to Department/Sister Agency	234
Declined	217
Total	620

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

B. PRIOR QUARTER COMPLAINTS

This quarter, OIG took action on 124 complaints that were still pending at the end of the prior quarter. The following table provides details on the status and number of all prior pending complaints.

TABLE #2 – PRIOR PENDING COMPLAINTS

Status	Number of Complaints
Opened Investigation	13
Pending	10
Referred to Department/Sister Agency	54
Referred to Hiring Oversight	1
Referred to Public Safety	1
Declined	45
Total	124

C. NEWLY OPENED MATTERS

This quarter, OIG opened 325 matters. The following table provides details on the subjects and number of investigations and referrals for newly opened matters.³

TABLE #3 – SUBJECT OF INVESTIGATIONS AND REFERRALS

Subject of Investigations and Referrals	Number of Investigations and Referrals
Employees	240
Contractors, Subcontractors, and Persons Seeking Contracts	14
Elected Officials	12
Persons Seeking Certification of Eligibility	1
Appointed Officials	3
Licensees	12
Other	43
Total	325

D. CASES CONCLUDED THIS QUARTER

This quarter, OIG concluded 323 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
--------	-----------------

³ 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.

Referred to a City Department	239
Referred to a Sister/External Agency	49
Sustained ⁴	9
Not Sustained ⁵	12
Closed Administratively ⁶	14
Total	323

E. PENDING MATTERS

At the close of this quarter, OIG had a total of 204 pending matters, including investigations opened during the quarter.

F. INVESTIGATIONS NOT CONCLUDED IN TWELVE MONTHS

Under MCC § 2-56-080, OIG must provide quarterly statistical data on pending investigations open for more than 12 months. Of the 204 pending matters, 80 investigations have been open for at least 12 months. The following table shows the general reasons that these investigations remain active.

TABLE #5 – REASONS INVESTIGATIONS WERE NOT CONCLUDED IN TWELVE MONTHS

Reason	Number of Investigations
Complex or resource-intensive investigation, which may involve difficult issues or multiple subjects	62
Extended due to higher-risk, time-sensitive investigations	16
On hold, so as not to interfere with another ongoing investigation	2
Total	80

G. ETHICS ORDINANCE COMPLAINTS

⁴ 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.

⁵ A case is not sustained when OIG concludes that the available evidence is insufficient to prove a violation under applicable burdens of proof.

⁶ 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.

This quarter, OIG received 29 Ethics Ordinance complaints. OIG declined 19 complaints because they lacked foundation, opened 2 for investigation, referred 2 to the appropriate City department, and 6 are pending.

H. PUBLIC BUILDING COMMISSION COMPLAINTS AND INVESTIGATIONS

This quarter, OIG received no complaints related to the Public Building Commission.

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 investigation⁷—a summary and analysis of the evidence and recommendations for disciplinary or other corrective action. OIG sends these reports to the appropriate authority, including the Office of the Mayor, the Corporation Counsel, and the City departments affected by or involved in the investigation. When officials are found to be in violation of campaign finance regulations, the law affords them the opportunity to cure the violation by returning excess funds.

A. CAMPAIGN FINANCE INVESTIGATIONS

The 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 and OIG analysis. 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.⁸ If the excess donation is returned in a timely manner, or it is determined that a violation did not occur, OIG closes the matter administratively. In the event the matter is not cured or rightfully challenged, OIG will sustain an investigation and deliver the case to the Board of Ethics for adjudication. This quarter OIG resolved 14 campaign finance violation matters that involved \$54,500 in disallowed contributions. Details of the cases are provided in the following.

TABLE #6 – CAMPAIGN FINANCE ACTIVITY

Case #	Donation Amount (Year)	Donation Source	Amount of Returned Funds
19-1057	\$3,500 (2018)	Company doing business with the City	\$2,000
19-1058	\$2,750 (2018)	Company doing business with the City	\$1,250
19-1059	\$2,500 (2018)	Company doing business with the City	\$1,000
19-1060	\$2,500 (2018)	Company doing business with the City	\$1,000
19-1060	\$2,000 (2018)	Company doing business with the City	\$500
19-1061	\$6,500 (2018)	Company doing business with the City	\$5,000
19-1061	\$5,000 (2018)	Company doing business with the City	\$3,500

⁷ 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.”

⁸ 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 have the opportunity to cure the violation and avoid a fine.

19-1061	\$3,000 (2018)	Company doing business with the City	\$1,500
19-1061	\$3,000 (2018)	Company doing business with the City	\$1,500
19-1061	\$11,500 (2018)	Company doing business with the City	\$10,000
19-1062	\$2,500 (2018)	Company doing business with the City	\$1,000
19-1065	\$2,500 (2018)	Company doing business with the City	\$1,000
19-1067	\$2,250 (2018)	Company doing business with the City	\$750
19-1070	\$5,000 (2018)	Company doing business with the City	\$3,500

B. SUSTAINED ADMINISTRATIVE INVESTIGATIONS

The following are brief synopses of administrative investigations completed and reported as sustained investigative matters. 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.

In addition to OIG's findings, each synopsis includes the action taken by the department in response to OIG's recommendations. City departments have 30 days to respond to OIG recommendations.⁹ This response informs OIG of what action the department intends to take. Departments must follow strict protocols, set forth in the City's Personnel Rules, Procurement Rules, and/or applicable collective bargaining agreements, prior to imposing disciplinary or corrective action.

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

Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
#19-0447	Streets and Sanitation	Find that the evidence established violations and designate as ineligible for rehire	Employee resigned after OIG interview; designated as ineligible for rehire
#19-0195	Police	Discipline commensurate with the gravity of violations	5-day suspension; appeal pending
#18-0789	Police	Officers – discharge and designate as ineligible for rehire Sergeant – discipline commensurate with the gravity of violations	Resigned in lieu of discharge 10-day suspension; appeal pending

⁹ 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.

Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
#18-0757	Aviation	Place OIG summary report and Department's response in employee's personnel file	Employee retired after OIG interview; summary report placed in personnel file
#18-0684 and #19-0299	Finance	Discharge and designate as ineligible for rehire	60-day suspension
#18-0682	Housing	Discipline up to and including discharge	Discharged
#18-0506	Emergency Management & Communications	Discipline up to and including discharge	Discharged; awaiting grievance arbitration
#18-0280	Streets and Sanitation	Discharge and designate as ineligible for rehire	Resigned in lieu of discharge; designated as ineligible for rehire
#18-0230	City Contractor	No recommendation provided in lieu of termination	Employment terminated by contractor
#18-0220	Transportation	Discharge and designate as ineligible for rehire	Laborer – 7-day suspension Foreman and assistant general superintendent – 3-day suspension
#17-0597	Emergency Management & Communications	Discharge and designate as ineligible for rehire	Discharged; designated as ineligible for rehire
#17-0596	Emergency Management & Communications	Discharge and designate as ineligible for rehire	Resigned in lieu of discharge

1. Solicitation of Money by a Sanitation Laborer (#19-0447)

An OIG investigation established that a sanitation laborer with the Department of Streets and Sanitation (DSS) solicited money from a homeowner to empty the homeowner's garbage bins. Subsequently, the sanitation laborer also solicited and received money from an undercover OIG investigator in exchange for removing construction debris and other garbage from an alley and residential property, which was captured on video surveillance. The sanitation laborer made these solicitations while working an assigned refuse collection route and while utilizing City equipment. During the OIG interview, the sanitation laborer admitted to soliciting the

homeowner and the OIG investigator for money and divulged that the sanitation laborer had solicited other homeowners in the past.

The sanitation laborer resigned six days after the interview with OIG. Absent the resignation, OIG would have recommended that DSS discharge the sanitation laborer. Accordingly, OIG recommended that DSS find that the evidence established the sanitation laborer's personnel rule violations and refer the sanitation laborer for placement on the ineligible for rehire list maintained by the Department of Human Resources (DHR).

In response, DSS agreed with OIG's recommendations, placed the OIG report in the employee's personnel file, and referred the employee for placement on the ineligible for rehire list.

2. Improper Conduct by a CPD Detective (#19-0195)

An OIG investigation established that a City of Chicago Police Department (CPD) detective—who is also a licensed attorney—brought discredit upon the Department in violation of the CPD Rules of Conduct, when the detective inserted themselves into an active criminal matter. The detective sent an email, using an alias, to the former significant other of a fellow officer, requesting the return of the officer's hard drive and money for damage the former significant other was alleged to have caused to the officer's personal property. The detective threatened civil or criminal litigation if the former significant other did not comply.

OIG recommended that CPD impose discipline against the detective, commensurate with the gravity of the detective's violations, past disciplinary record, and any other relevant considerations.

In response, CPD imposed a five-day suspension. The employee is appealing the suspension.

3. Unauthorized Recordings, Improper Conduct Bringing Discredit Upon CPD, Unnecessary Display of Weapon, and Failure to Report Misconduct (#18-0789)

An OIG investigation established that a CPD officer, on numerous occasions and while on-duty, used a personal recording device to improperly audio and video record members of the public without their knowledge or consent. In addition, the officer improperly recorded themselves and other CPD members while on duty in the performance of their duties. The recordings show the officer verbally harassing individuals, recording people in their homes and in lock-up, making sexually suggestive remarks to a crime victim, making racially insensitive remarks, and delaying response to a call. The recordings further show that on two occasions the officer unnecessarily displayed their service weapon, once when the officer "danced" with it in the squad vehicle and once when the officer pulled out a taser and service weapon in the dark while playacting. The officer's actions violated state law and multiple CPD General Orders and Rules and Regulations.

The investigation further established that a second officer—the first officer's CPD partner—was aware of, and participated while on-duty, in the other officer's video and audio recordings. Recordings show the second officer mocking a female, African American complainant, delaying

response to a call, using the N-word, and flipping a coin to determine whether to arrest someone. The recordings further show that the second officer unnecessarily displayed a service weapon while playing with it in an empty, dark lot.

Finally, the investigation established that the officers' sergeant was incompetent in the performance of their duties, having failed to adequately supervise the first officer and report the first officer's misconduct. The sergeant was aware of the officer's unauthorized video and audio recordings, and the sergeant neither reported the misconduct, nor ensured that the officer discontinued the practice of recording.

OIG recommended that CPD discharge both officers and refer them for placement on the ineligible for rehire list maintained by DHR. With respect to the sergeant, OIG recommended that CPD impose discipline commensurate with the gravity of the violations, past disciplinary record, and any other relevant considerations.

In response, CPD agreed with OIG's recommendation and began the discharge process for the officers. Both officers resigned before charges could be filed with the Chicago Police Board. CPD moved to suspend the sergeant for 10 days. The sergeant is appealing the suspension.

4. Use of a Racial Slur (#18-0757)

An OIG investigation established that an operating engineer with the Chicago Department of Aviation (CDA) used a racial slur to reference African Americans, in violation of the City's Personnel Rules and the City's Diversity and Equal Employment Opportunity Policy.

Because the employee retired after the OIG interview, but before OIG's investigation was complete, OIG recommended that CDA issue a formal determination on the violation and place OIG's summary report of investigation, along with the Department's response, in the employee's personnel file for consideration in the event the employee applies for re-employment with the City.

In response, CDA placed OIG's summary report of investigation in the employee's personnel file.

5. Sexual Harassment and Inappropriate Conduct (#18-0684 & #19-0299)

An OIG investigation established that a parking enforcement aide (PEA) with the Department of Finance (DOF), while on duty, engaged in inappropriate conduct and sexually harassed a Chicago Public Schools special education teacher, whom the PEA had encountered while ticketing near a Chicago Public School. A separate OIG investigation established that the PEA additionally engaged in inappropriate conduct by soliciting donations related to the PEA's City employment through a GoFundMe. Specifically, the employee identified themselves as a PEA and gave the appearance of soliciting donations in return for not ticketing in donors' areas. Accordingly, in both investigations, OIG recommended that DOF discharge the PEA and refer the PEA for placement on the ineligible for rehire list maintained by DHR.

In response, DOF agreed with OIG's recommendations and requested that the Department of Law (DOL) initiate proceedings to discharge the PEA. Based on DOL's review, DOL recommended that the violations did not warrant a discharge and a 60-day suspension was issued.

6. Sexual Harassment (#18-0682)

An OIG investigation established that a supervising rehabilitation construction specialist (RCS) with the Department of Planning and Development (DPD)—now under the Department of Housing (DOH)—engaged in inappropriate conduct and sexually harassed an individual while processing the individual's application for home repair assistance from the City, through serial, persistent, and harassing text messages and phone calls, over an extended period of time.

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

DHR's Diversity and Equal Employment Opportunity (EEO) Division conducted a separate investigation within the same time frame and determined that there was sufficient evidence to support that the RCS had also sexually harassed two DPD employees. DHR EEO recommended that the employee receive disciplinary action commensurate with the employee's disciplinary record and work history.

In response, DOF discharged the employee.

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

OIG concluded an investigation which established that a police communication operator II with the Office of Emergency Management and Communications (OEMC) 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 that OEMC impose discipline up to and including discharge.

In response, OEMC discharged the employee. The employee filed a grievance challenging the discharge and is awaiting arbitration.

8. Residency Violation (#18-0280)

An OIG investigation established that a DSS pool motor truck driver (PMTD) lived in Lansing, Illinois, (the "Lansing property") in violation of Municipal Code of Chicago (MCC) § 2-152-050, requiring its employees to reside in Chicago. OIG gathered documents including the deed, the mortgage, and water and electrical utility bills for the Lansing property, all of which were in the PMTD's name. OIG conducted multiple surveillances at the Lansing property, and on six occasions observed the employee driving to work from the Lansing property. The PMTD was not observed at all during two surveillances of the employee's claimed Chicago property.

OIG recommended that DSS take action consonant with the residency ordinance, which mandates discharge, and refer the employee for placement on the ineligible for rehire list maintained by DHR.

In response, DSS initiated the discharge process. After DSS presented the employee with a statement of charges, the employee resigned in lieu of discharge, and DSS referred the employee for placement on the ineligible for rehire list.

9. Attempted Bribery by City Contractor (#18-0230)

An OIG investigation established that a legal administrator working for a debt collection law firm contracted by DOF solicited a bribe from an individual in exchange for erasing the individual's debts to the City and releasing the individual's car from impound. Specifically, when the individual contacted the debt collection firm in order to arrange a payment plan, the legal administrator suggested that the individual's fees could be erased and their vehicle could be released if the individual would meet in person and give the administrator \$400 in cash. The administrator continued to communicate with the individual over text message on their private cell phones. The individual declined to pay the bribe and instead reported the incident to an attorney, who reported the incident to OIG. The legal administrator's conduct constituted commercial bribery under the Illinois Criminal Code, 720 ILCS 5/29A-2.

On the same date that OIG interviewed the legal administrator as part of the investigation, the DOF contractor terminated the legal administrator's employment. OIG provided DOF with the evidence and records establishing the sustained findings against the DOF contractor's legal administrator and did not recommend any further action.

10. Time Falsification, Assault, Failure to Report Misconduct, and Conduct Unbecoming a City Employee (#18-0220)

An OIG investigation established that a laborer with the City of Chicago Department of Transportation (CDOT) left work early without authorization to attend a Chicago Cubs game. While driving home before the game and still clocked into work, the laborer was involved in a "road rage" traffic altercation in which the laborer brandished a firearm and fired one shot while using lewd language against a fellow driver. The laborer then swiped out of work at an unauthorized location, drove home, and was met by CPD officers who arrested the laborer.

Following the arrest, a CDOT foreman and the assistant general superintendent—the laborer's direct and secondary supervisors—knowingly sought to subvert an OIG investigation by failing to report the laborer to OIG, scheduling a disciplinary hearing for the laborer in which they alleged that laborer had only left work early, and signing off on a false edit sheet for the laborer's time off the clock.

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

In response, CDOT stated that it consulted with DOL regarding OIG's recommendation of discharge. DOL conducted a review of the case and an additional investigation. Based on its

review, DOL advised against proceeding with the recommended discharge and CDOT agreed. CDOT imposed a seven-day suspension against the laborer and three-day suspensions against the foreman and the assistant general superintendent.

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

An OIG investigation established that a police communications operator II with OEMC fraudulently used half a day of paid sick leave and one day of intermittent Family Medical Leave Act (FMLA) leave to accommodate a vacation in Puerto Rico. 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.

12. Fraudulent Use of Sick and FMLA Leave (#17-0596)

An OIG investigation established that a former police communications operator I with OEMC fraudulently used FMLA leave to take five days off in order to vacation with friends at a beach resort in the Dominican Republic.

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 initiated the discharge process, and the employee resigned in lieu of discharge.

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.¹⁰

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 OF CRIMINAL CASES

This quarter, there were no criminal cases to report.

B. DEVELOPMENTS IN PRIOR CHARGED CRIMINAL CASES

This quarter, there were no developments in previously reported criminal cases.

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

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

1. Residency Violation (#18-0695)

As reported in the third quarter of 2019, an OIG investigation established that a DSS motor truck driver (MTD) lived in Matteson, Illinois (the "Matteson property") in violation of MCC § 2-152-050, requiring its employees to reside in Chicago. OIG recommended that DSS discharge the MTD and refer the MTD for placement on the ineligible for rehire list maintained by DHR. In response, DSS discharged the MTD.

The MTD appealed the discharge to HRB. The MTD later settled the appeal with the City by agreeing to resign in lieu of discharge.

¹⁰ OIG may issue summary reports of investigation recommending administrative action based on criminal conduct prior to, during, or after criminal prosecution.

2. Attempted Fraud by a City Contractor (#18-0437)

As reported in the third quarter of 2019, an OIG investigation that established that the president of a former City contractor attempted to perpetrate a fraud on the City by asking a subcontractor to falsely represent to the City that the contractor had made a \$168,285.25 payment to the subcontractor that they had not actually made. The president provided the subcontractor with a copy of a false check and asked the subcontractor to present it to the City as evidence of the purported payment. To their credit, the subcontractor refused to participate in the fraud. In addition, the contractor and its president refused to cooperate with OIG's investigation of the attempted fraud, a violation of the MCC.

OIG recommended that the Department of Procurement Services (DPS) permanently debar the contractor and its president.

In response, DPS sent the contractor an initial notice and granted the contractor thirty days to respond. The contractor and its president responded that they were invoking the Fifth Amendment right to remain silent. DPS issued the contractor and president a notice of proposed debarment, and the proceeding remains pending.

3. Residency Violation (#17-0633)

As reported in the second quarter of 2019, an OIG investigation established that an automotive machinist with the Department of Fleet and Facility Management (2FM) lived in Blue Island, Illinois, in violation of MCC § 2-152-050, requiring its employees to reside in Chicago. OIG recommended that 2FM take action consonant with the residency ordinance and discharge the employee and refer the employee for placement on the ineligible for rehire list maintained by DHR. In response, 2FM discharged the employee and placed the employee on the ineligible for rehire list.

The employee appealed their discharge to the HRB. After hearing the evidence, HRB upheld the employee's discharge.

4. Misuse of Confidential Information for Personal Gain, False Statements (#17-0026)

As reported in the fourth quarter of 2019, an OIG investigation established that a former investigator in the now-defunct Independent Police Review Authority (IPRA), (1) concealed material information regarding a police-involved shooting under IPRA's jurisdiction, (2) visited and repeatedly communicated with the family of a police shooting victim and failed to inform IPRA, and (3) sought to refer and receive a referral fee for connecting the shooting victim's family with an attorney. Specifically, following a fatal, police-involved shooting of a civilian on November 23, 2016, a responding CPD officer provided information and photographs to the then-IPRA investigator regarding the shooting on November 25, 2016. On the same date, the investigator provided the victim's home address to an acquaintance at the National Attorney Referral Service, then arranged and attended a meeting between that representative, an attorney, and the victim's family. The then-investigator never informed anyone at IPRA of

contact with the attorney referral service or the victim's family, waited four days to inform IPRA of the information received from the CPD officer, and repeatedly called members of the victim's family after their meeting. During the investigation, the former investigator lied or omitted material information in statements to IPRA, the Federal Bureau of Investigation, and OIG.

OIG recommended that CPD discharge the former IPRA investigator—who had by that point become employed as a CPD civilian member—and refer the member for placement on the ineligible for rehire list maintained by DHR. In response, CPD discharged the employee and placed the employee on the ineligible for rehire list. The individual filed a grievance challenging the discharge and scheduled an arbitration hearing with the City.

In January 2020, the individual entered into a settlement agreement with the City that would have permitted the individual to resign in lieu of discharge, provided that the individual submit a resignation letter prior to January 29, 2020. However, the individual failed to submit a resignation letter and therefore remains discharged from CPD.

5. Submission of Forged and False Documents (#14-0165)

As reported in the fourth quarter of 2019, an OIG investigation established that a DOH rehabilitation construction specialist (RCS)—while working in the same capacity for DPD in 2014—submitted fraudulent and forged final payment authorizations (known as paying agent forms or PAFs) pertaining to seven porch construction projects. The seven porch construction projects were part of the City's Emergency Housing Assistance Program, which provided select City residents with new porches after a detailed application process. DPD required finalized PAFs before a contractor was paid for a completed porch rehabilitation project.

The RCS submitted false PAFs to DPD stating that the RCS had inspected and approved of seven completed porch replacement projects in February 2014. In reality, the contractor hired by the City to complete the residential porch replacements had not completed the seven porch projects, and for five of the seven, had not even begun construction. Due to the RCS' fraudulent submissions, DPD paid the contractor more than \$118,000 for those seven porch projects even though the work had not been completed. Once DPD supervisors became aware of the RCS' misrepresentations about the seven porch projects, the RCS and the contractor attempted to conceal their deception by swiftly completing all seven projects between March 25, 2014, and March 31, 2014. OIG recommended that DOH discharge the RCS and refer the RCS for placement on the ineligible for rehire list maintained by DHR. In response, DOH discharged the employee and referred the employee for placement on the ineligible for rehire list.

The employee, through the American Federation of State, County, and Municipal Employees union, grieved the discharge. The parties later entered into a settlement agreement whereby DOH allowed the employee to resign in lieu of discharge and the union agreed to withdraw the grievance. The employee's name remains on the ineligible for rehire list.

OIG delayed the reporting of the investigation to avoid interfering with the federal criminal investigation into the RCS' conduct related to the porch projects. On July 16, 2019, the U.S. District Court for the Northern District of Illinois unsealed a criminal indictment returned against the RCS by a federal grand jury in March 2019. The two-count indictment charges the RCS with wire fraud (18 U.S.C. § 1343) and making false statements to special agents of the Federal Bureau of Investigation (18 U.S.C. § 1001). On July 16, 2019, the RCS was arraigned on those charges. The federal charges against the RCS are currently pending.

D. RECOVERIES

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

V. AUDITS, FOLLOW-UPS, AND REVIEWS

In addition to confidential disciplinary investigations, OIG 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 the five reports released this quarter.

1. Follow-Up on OIG's Audit of the City's Process for Evaluating and Setting User Fees (#19-1246)¹¹

OIG has completed a follow-up to our June 2018 audit of the City's process for evaluating and setting user fees. The purpose of the audit was to determine whether the City complied with its Financial and Budgetary Policies and followed national best practices embodied in the recommendations of the Government Finance Officers Association (GFOA). OIG found that the City did not adhere to its own policies or GFOA recommendations. We also found that the City did not perform accurate full-cost analyses. This created the risk that the City may not identify operational efficiencies because department leadership and City Council have no basis for knowing the actual cost of providing services to the public. OIG recommended that the Office of Budget and Management (OBM) develop a fee policy in line with GFOA recommendations, begin regular review of all City fees, enhance public transparency, perform full-cost analyses, and consider developing an alternative Cost Allocation Plan, among other actions.

In its response to the audit, OBM described corrective actions it would take related to several of OIG's recommendations. However, it disagreed with the recommendations to enhance public transparency, support fee proposals with full-cost analyses, and consider developing an alternative Cost Allocation Plan to support future full-cost analyses.

In November 2019, OIG inquired about the status of corrective actions taken by OBM. Based on the Office's follow-up response, OIG concludes that it has fully implemented four corrective actions, partially implemented two, and not implemented two. Specifically, OBM developed a fee policy and practices that align with GFOA recommendations; developed a master list of fees and a periodic review schedule; ensured that fee analyses accurately account for direct and indirect costs by developing its cost information template; developed a Citywide indirect cost rate for use in fee analyses; and added language to its fee policy requiring annual updates to this rate and allowing the use of more detailed indirect cost rates when necessary.

OBM declined to ask departments to perform full-cost analyses, but did require them to provide complete direct and indirect cost information through a uniform template each time a fee is up for review. OBM also declined to undertake long-term forecasting, but addressed some of the related risks by establishing a periodic fee review schedule. Finally, OBM did not begin a pilot

¹¹ Published March 10, 2020. See <https://igchicago.org/wp-content/uploads/2020/03/User-Fees-Follow-Up.pdf>.

program for department-performed, full-cost analyses and did not provide additional public information or opportunities for public feedback regarding fees.

2. Audit of the Operations of the Chicago Board of Election Commissioners Follow-Up Inquiry (#19-0899)¹²

OIG conducted a follow-up to its January 2019 audit of the financial and human resource operations of the Chicago Board of Election Commissioners (CBOEC). Per the Illinois Election Code, CBOEC is responsible for conducting all elections within the City of Chicago. The Code further requires the City and Cook County to fund the Board. The purpose of our 2019 audit was to determine whether CBOEC employed sufficient financial controls to prevent waste, fraud, and abuse; whether its human resources program was designed to support its mission; and whether it maintained a contingency plan to ensure continuity of operations in the event of attack or disaster.

OIG's audit found significant gaps in CBOEC's financial administration related to vendor payments, cost allocations, budgeting, employee reimbursements, payroll, contract procurement, and cash management. CBOEC did not fulfill its obligations under the Patient Protection and Affordable Care Act, budget accurately for its personnel needs, have transparent hiring or promotional practices, or have succession plans for leadership and other critical positions. Lastly, CBOEC did not have a contingency plan to maintain continuity of operations in the event of attack or disaster. OIG made recommendations aimed at improving CBOEC's fiscal administration, bringing its hiring, compensation, and employee succession programs into alignment with best practices, and establishing plans to ensure the safety and reliability of elections in the event of catastrophe. CBOEC provided a set of preliminary responses to the audit's recommendations in January 2019 and committed to providing a final response by May 31, 2019. However, OIG never received a final response from the Board.

In September 2019, OIG inquired about corrective actions taken by CBOEC. The Board provided a response to OIG's inquiry in October, but did not respond to our subsequent requests for clarification until February 2020.

Based on CBOEC's responses, OIG concluded that the Board fully implemented 5 of the 19 audit recommendations, substantially implemented 5, partially implemented 5, and did not implement 4.

Regarding its financial practices, CBOEC has acquired access to the City's electronic financial system; returned unused grant funds to the State of Illinois; discontinued the practice of allowing its commissioners to accrue vacation time; and has begun reporting its executive director's vacation time to the County. Additionally, CBOEC has begun reconciling its transaction logs and regularly depositing revenue; started using proper appropriation codes in its budget requests; received a refund from the County for an hourly payroll miscalculation; created an initial

¹² Published March 30, 2020. See <https://igchicago.org/wp-content/uploads/2020/03/CBOEC-Follow-Up.pdf>.

inventory of its contracts; and improved its purchasing rules. CBOEC also stated that it has segregated its internal payroll duties and reduced its reliance on sole source procurements. Additionally, regarding its human resources program, the Board stated it has analyzed its obligations under the Affordable Care Act and chosen to end its practice of employing hourly workers. CBOEC also updated its employee handbook, developed an employee performance management program with criteria for salary increases, and committed to finalizing job descriptions for “key/critical positions.” Finally, CBOEC created a detailed contingency plan and inventory of its IT hardware and software.

3. Chicago Police Department Overtime Controls Audit Follow-Up Inquiry (#19-0590)¹³

OIG completed a follow-up to its audit of CPD overtime controls. Based on the Department’s responses, OIG concluded that CPD has initiated a systemwide overhaul of its overtime system, but that reform is still a substantial work in progress. CPD has fully or substantially implemented 4 corrective actions, while 7 have been partially implemented, and 2 remain unimplemented.

OIG’s 2017 audit found that CPD’s operational controls did not adequately prevent unnecessary overtime, deter abuse of minimum time provisions, or ensure that overtime was paid in compliance with policies and procedures. We also found that CPD management controls did not adequately prevent officer fatigue, control costs, or detect and prevent fraud, waste, and abuse. OIG made several recommendations to improve CPD’s timekeeping and overtime controls, including,

- work with the Office of Budget and Management to implement an automated timekeeping system that includes controls to ensure that timekeeping records are accurate, verifiable, and complete;
- ensure that all CPD members, timekeepers, and supervisors are trained on and familiar with timekeeping policies, as well as following these policies with the proper tools;
- establish clear expectations for management responsibilities, including accountability for unjustified overtime; and
- ensure that all timekeeping directives are consistent and up to date, as well as routinely reviewed to confirm they conform with obligations under current bargaining agreements and CPD processes.

CPD described corrective actions it would take regarding most audit recommendations but disagreed with OIG’s recommendation that the Department limit the number of hours officers may work, including second jobs.

¹³ Published February 3, 2020. See <https://igchicago.org/wp-content/uploads/2020/01/CPD-OT-Follow-Up-Report-Final.pdf>.

In June 2019, OIG inquired about corrective actions taken by CPD. Based on the Department's follow-up response, its overtime overhaul includes requiring all members to swipe in and swipe out during their regular tour of duty shift using an automated time and attendance system, as well as moving from a paper-based system to an electronic system. However, additional reform—with a focus on swiping compliance, providing appropriate training and tools to help supervisors identify and address patterns of waste or abuse, and implementing a policy limiting total hours and secondary employment—is still needed.

4. Audit of the Chicago Police Department and Department of Family and Support Services' Administration of the Juvenile Intervention and Support Center (#18-0087)¹⁴

OIG conducted an audit of the Juvenile Intervention and Support Center (JISC), a partnership between CPD and the Department of Family and Support Services (DFSS) implemented to divert youth arrested for low-level offenses away from the juvenile justice system and into social service case management. The objectives of the audit were to determine whether JISC is designed according to best practices for law enforcement-based youth diversion and whether its administration of diversion programming is consistent with its goals, including reducing youth recidivism.

OIG found that the JISC program partners cannot reliably assess the case management program's effect on youth recidivism due to poor record-keeping and insufficient interagency communication. JISC lacks a charter or governing board and does not have reliable data on its performance. As a result, the City cannot determine whether it has created positive or negative outcomes for the over 3,000 youth processed in each of the past 14 years, nor measure the return on its \$5 million annual investment in the program. OIG also found that because JISC is not designed according to best practices for youth diversion programs, it subjects youth to a negative experience that does not encourage their success and may actually retraumatize youth or increase their likelihood of reoffending. Lastly, OIG found that while the existence of JISC is probably not leading officers to arrest more juveniles than they otherwise would, there are demographic inequities with regard to which arrestees have been diverted from further involvement in the justice system.

OIG recommended that CPD and DFSS improve their record-keeping procedures and collaboration, including creating accountability mechanisms for JISC's case management contractor and establishing partnerships with external agencies. We recommended that the departments should engage with community organizations, subject-matter experts, and criminal justice system stakeholders to bring JISC's design into accordance with best practices for diversion programs and to provide a more trauma-informed experience for youth. OIG also recommended that CPD select and train its JISC staff in accordance with best practices and implement review mechanisms to prevent inconsistent or inequitable outcomes for youth. CPD

¹⁴ Published February 25, 2020. See <https://igchicago.org/wp-content/uploads/2020/02/OIG-JISC-Audit.pdf>.

and DFSS agreed with nearly all our recommendations and began some corrective actions during the audit.

5. Department of Water Management Overtime Monitoring Audit (#17-0664)¹⁵

OIG completed an audit of the Department of Water Management's (DWM) overtime monitoring. The objective of the audit was to determine if DWM effectively monitored overtime to prevent waste and abuse. OIG concluded that DWM had developed policies and tools to manage overtime but did not utilize these resources consistently. We could not assess whether DWM appropriately distributed overtime because its records did not clearly identify the order in which the Department offered extra hours to employees. Instead, OIG found that "call-out" processes across DWM were neither standardized nor transparent, creating a climate where employees might perceive the overtime system as unfair—potentially undermining morale and triggering grievances. DWM managers at all levels had limited awareness of the full range of the Department's overtime processes, had not exercised robust oversight, and had not consistently maintained overtime records. OIG also identified inconsistencies in DWM's crew transfer process.

OIG recommended that DWM update and distribute its overtime policies, use monitoring tools to inform operational decisions, and continue efforts to develop internal reporting tools that provide a real-time view of overtime usage. We also recommended that DWM improve the consistency, transparency, and fairness of the overtime process by 1) identifying, documenting, and standardizing overtime call-out processes, 2) retaining overtime records, and 3) updating its existing transfer documentation. DWM agreed with the audit findings and committed to make better use of overtime monitoring tools. The Department also agreed to revise some call-out procedures and to update its transfer request form and retention policy, and directed all bureaus to provide transparency by posting their call-out lists for employees to see.

¹⁵ Published March 25, 2020. See <https://igchicago.org/wp-content/uploads/2020/03/DWM-Overtime-Audit.pdf>.

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 3 advisories and 2 notifications this quarter.

1. OIG Advisory Concerning the City of Chicago Data Portal (#19-1029)¹⁶

An OIG advisory determined that the City does not comply with the requirements of Executive Order No. 2012-2, which governs the administration of the Chicago Data Portal. Over the course of several OIG projects, we had observed multiple issues with the Portal's completeness, accuracy, and usability, which prevent users from accessing relevant City information and reaching accurate conclusions about City initiatives and resources.

OIG encouraged the City to meet its existing obligations and strengthen its open data processes. As the City reengages with its open data strategy via the newly created Department of Assets, Information and Services (AIS) and the movement of senior technology officers to the Mayor's Office, it should take steps to comply with the current executive order, including publication of the required annual Open Data Compliance Report. The City should also improve the Portal's functionality, consistency, and accuracy by standardizing its open data planning, documentation, and staffing practices, and by conducting a review of existing City data websites to identify opportunities for consolidation.

The City agreed with and committed to address all of OIG's suggestions. The City stated that it plans to "build on previous efforts to establish a first-class data program not only in open data but also in governance, privacy and protection, access and sharing," acknowledging that it will "achieve full transparency and accountability only when [its] data is accurate, comprehensive, usable, and clearly communicated." The City also noted that the results of its own evaluation of the City's Open Data Program were in line with OIG's observations and suggestions.

2. OIG Notification Regarding Prohibiting Recording of Public Aldermanic Meetings (#19-1202)

In December 2019, OIG notified the City Council Committee on Ethics and Government Oversight of a complaint alleging that an alderman prohibited attendees at a public meeting from audio recording the proceedings, activity which has First Amendment implications.

OIG noted that a blanket prohibition on recording meetings is likely unlawful. The Illinois Supreme Court has acknowledged that "[a]udio and audiovisual recordings are medias of expression commonly used for the preservation and dissemination of information and ideas and thus are included within the free speech and free press guarantees of the first and fourteenth

¹⁶ Published March 23, 2020. See <https://igchicago.org/2020/03/23/advisory-concerning-the-city-of-chicago-data-portal/>.

amendments,” and that “[r]estricting the use of an audio or audiovisual recording device suppresses speech just as effectively as restricting the dissemination of the resulting recording.” *People v. Clark*, 2014 IL 115776 ¶ 18 (quoting *American Civil Liberties Union v. Alvarez*, 679 F.3d 583, 595, 596 (7th Cir. 2012)). OIG further noted, however, that notwithstanding this general principle, placing limitations on recording in particular situations may be permissible, and recommended that the Committee take action to advise all City of Chicago aldermen to confer with the Department of Law before taking any steps to prohibit or limit the recording of their interactions with the public.

In response, in January 2020, the Chair of the Committee on Ethics and Government Oversight informed OIG that she forwarded the notification letter via email to her 49 City Council colleagues.

3. OIG Notification Concerning the Effect of Chicago Fire Department “Manning” Requirements on Investigations into Allegations of Workplace Harassment (#19-0547)

In the course of fieldwork associated with OIG’s pending audit of discrimination and sexual harassment at the Chicago Fire Department (CFD), we identified an aspect of CFD operations that may have discouraged Department members from reporting incidents of misconduct to the City’s Equal Employment Opportunity (EEO) officer.

The pertinent practice relates to the “manning” requirements in the collective bargaining agreement (CBA) between CFD and the Chicago Firefighters Union. The CBA requires a minimum number of members on each Department apparatus (e.g., fire truck). The CBA allows 35 variances at any one time from these minimums. Notably, because an ambulance cannot operate effectively without two members, the variance process does not cover that category of apparatus.

OIG learned that when a CFD apparatus lacks the minimum number of members prescribed by the CBA, and the Department does not use a variance, the apparatus is taken out of service. Generally, this is what happens when an on-duty CFD member has occasion to meet with EEO personnel; because CFD regularly uses all 35 variances to cover for members absent for their entire shifts, the sole exception from the “manning” requirements is unavailable in this situation. The usual practice is for all members assigned to the apparatus to travel to the Quinn Fire Academy or CFD Headquarters, then the one member continues on to the EEO meeting. The other members remain at the Academy or Headquarters until their coworker gets back, at which point the apparatus returns to service.

OIG identified two principal problems arising from this practice. First, from an operational perspective, it reduces the number of apparatuses and members available to respond to emergencies. Second, the conspicuousness of a member’s interaction with EEO personnel, as well as the inconvenience it creates for their team, discourages members from lodging EEO complaints or participating in investigations.

OIG urged the Department to take expeditious steps to develop and implement new procedures that eliminate—or at least mitigate—these problems. Rather than taking apparatuses out of service, we suggested that CFD consider using the rehire process to cover for members who have appointments with EEO personnel, or paying members to attend such appointments while off duty. To the extent reforming the process requires, or would be made easier by, changes to the CBA, OIG recommended that the Department prioritize this issue in contract negotiations.

In response to OIG’s notification, CFD stated it had worked with the Department of Human Resources (DHR) to outline a plan to address our concerns and ensure that all EEO interviews are treated with the appropriate amount of discretion and confidentiality. In summary, CFD stated that the process for scheduling EEO interviews would be changed to allow an interviewee to either attend at the beginning of their shift—thereby allowing for increased privacy—or on a non-duty day—in which case they would receive overtime pay for the time spent in the interview. The Department stated that it would be working with DHR to turn this plan into a formal policy.

4. Advisory Regarding CFD and CPD Failures to Utilize the Biometric Component of the City’s Timekeeping System (#18-0438)¹⁷

In February 2020, OIG issued an advisory regarding CFD and CPD failures to utilize the biometric component of the City’s timekeeping system. An OIG investigation found that neither CFD nor CPD enroll their employees in the City’s biometric timekeeping system. The biometric component of the respective electronic timekeeping systems helps ensure that an employee is physically present when they clock in for work, thus reducing the risk of time falsification and absenteeism.

In contrast to CFD and CPD, the vast majority of City departments require a new employee, at or around the time of their hiring, to have their hand scanned at City Hall to enroll in the biometric timekeeping system. A three-dimensional image of the hand is then converted to an electronic template which is stored with the user’s ID number in a database. Thereafter, in order to clock in or out for a given day, an employee must swipe their ID card at a biometric hand scanner time clock (“Time Clock”) or punch in their ID number on the Time Clock’s numeric keypad and then place their hand on the Time Clock’s hand scanner. According to the Time Clock user manual, the Time Clock compares the scanned hand “with the stored user’s unique template. If the images match, the [Time Clock] records the transaction for processing.” Thus, the requirement of a hand scan prevents City employees from improperly clocking in or out for each other.

Although both CFD and CPD have rules regarding timekeeping that direct their employees to place their hands on the Time Clock’s hand scanner after swiping their ID cards, see CFD General Order 18-005(V)(B)(I) and CPD Department Notice D17-06(V)(E)(2), neither CFD nor CPD enroll their employees in the biometric component of the City’s timekeeping system by having their hands scanned when first entered into the system. As a result, following the swipe of a CFD or

¹⁷ Published February 3, 2020. See <https://igchicago.org/wp-content/uploads/2020/01/Advisory-Concerning-CFD-CPD-Swiping-Practices.pdf>.

CPD employee's ID card or the manual entry of a CFD or CPD employee's ID number, the Time Clock will accept the scan of any hand that is placed on its scanner, even if it is not the hand of the person whose ID card was swiped or ID number was entered. Accordingly, CFD and CPD employees do not have to be physically present to successfully clock in or out.

Based on its findings, OIG recommended that both CFD and CPD require their employees to be enrolled in the biometric component of the City's timekeeping system. Absent such enrollment, CFD's and CPD's current directives are pointless, and there is an obvious risk that does not comport with the City's expressed interest in reducing time falsification and absenteeism.

In response, the Mayor's Office acknowledged that CPD and CFD are not using the biometric system, explaining that "this decision was made based on system limitations," which resulted in a significant number of manual time edits, and "that the intention is and has always been to enroll CPD and CFD members in biometric swiping once systems are upgraded to accommodate this additional capacity." The Mayor's Office reported that the Department of Finance, together with the Office of Budget and Management, has begun work on a complex and multi-year project to purchase and implement a new time and attendance system. This project however will require sizable capital investment and significant training.

The Mayor's Office further noted that CPD and CFD have taken "significant steps" toward electronic timekeeping. As of September 30, 2019, CPD required every employee to swipe twice for each workday—once at the beginning of their shift and once at the end. CPD also implemented an automated time off request and overtime approval process. Additionally, CFD requires all 40-hour employees to swipe twice, and as of October 2019, CFD anticipated the full transition of platoon shift employees to swiping twice by the first quarter of 2020.

5. Advisory Concerning the Chicago Police Department's Predictive Risk Models (#18-0106)¹⁸

OIG conducted a review of CPD's risk models known as the Strategic Subject List (SSL) and Crime and Victimization Risk Model (CVRM). CPD received \$3.8 million in federal grants to develop these models, which were designed to predict the likelihood an individual would become a "party to violence" (PTV), i.e. the victim or offender in a shooting. The results of SSL were known as "risk scores" while CVRM produced "risk tiers." In August 2019, CPD informed OIG that it intended to decommission its PTV risk model program and did so on November 1, 2019. Although CPD decommissioned its PTV risk models, the Department stated that it may develop programs in the future which use data to help predict PTV individuals and that CPD intended to use its PTV risk models as examples for other jurisdictions as part of the national discourse on predictive policing. The purpose of this advisory was to assess lessons learned and provide recommendations for future implementation of PTV risk models.

¹⁸ Published January 23, 2020. See: <https://igchicago.org/2020/01/23/advisory-concerning-the-chicago-police-departments-predictive-risk-models/>.

OIG provided the following recommendations to CPD and any other jurisdiction considering the use of data to predict PTV individuals:

- Clean and vet data and develop protocols to regularly update PTV-related information;
- Conduct training in a timely manner with up-to-date material;
- Create policy dictating the intended purpose and allowed uses of PTV information and monitor the use of information;
- Consider all relevant data to predict and intervene with those at risk of becoming PTV;
- Continuously evaluate the accuracy and efficacy of predictive policing programs; and
- Develop plans and secure resources to ensure sustainability of such programs.

In response, CPD concurred with OIG that policies must clearly define the purpose, utility, and function of future risk models. CPD did not respond to OIG's additional findings regarding data quality, reliability of risk scores and tiers, use of arrest data compared to convictions, training, internal and external access, program evaluation, and program sustainability. As of April 15, 2020, CPD directives still refer to the CVRM or its predecessor, the SSL, five months after the program was decommissioned.

VII. OTHER REPORTS AND ACTIVITIES

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

VIII. HIRING OVERSIGHT

Under Chapter XII of the City of Chicago General Hiring Plan, Chapter XI of CPD Hiring Plan, and Chapter IX of the CFD Hiring Plan, OIG is required to review and audit various components of the hiring process and report on them quarterly.¹⁹ The City's Hiring Plans require both reviews and compliance audits. The Hiring Plans define reviews as a "check of all relevant documentation and data concerning a matter," and audits as a "check of a random sample or risk-based sample of the documentation and data concerning a hiring element."

A. HIRING PROCESS REVIEWS

1. Contacts by Hiring Departments

OIG tracks all reported or discovered instances where hiring departments contacted 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 received notice of seven political contacts:

- A representative from the Mayor's Office contacted DHR to inquire about hiring sequences in the Department of Finance.
- A representative from the Mayor's Office contacted DHR to inquire about the application status of a firefighter/EMT candidate.

¹⁹ 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."

- A representative from the Mayor’s Office contacted CPD-HR to inquire about the application status of an entry level police officer candidate.
- An alderman contacted DHR to inquire about the application status of a firefighter/EMT candidate.
- An alderman contacted DHR to inquire about the application status of a firefighter/EMT candidate.
- An alderman contacted CPD-HR to inquire about the application status of an entry level police officer candidate.
- An alderman contacted CPD-HR to inquire about the application status of an entry level police officer candidate.

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 63 exempt appointments.

4. Senior Manager Hires

OIG reviews hires pursuant to Chapter VI covering the Senior Manager Hiring Process. Of the 36 hire packets OIG reviewed this quarter, 8 pertained to senior manager positions, none of which contained an error.

5. Written Rationale

When no consensus selection is reached during a consensus meeting, a written rationale must be provided to OIG for review.²⁰

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). Rule 3 Section 3 of the Personnel Rules provide that whenever a serious emergency exists in which substantial impairment, harm or loss to the citizens, the property of the City, or a program of the City will result, and which makes it impossible to fill a position in the Career Service by the normal procedure, a department head, with the consent of the Commissioner of Human Resources, may appoint any qualified person to such position under an emergency appointment. Such person shall be employed only during such emergency and for a period not to exceed ninety (90) calendar days.

²⁰ 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.

During this quarter, the City reported one emergency appointment for an executive administrative assistant II to the commissioner of the Chicago Department of Public Health. OIG reviewed the written justification and did not have any objections.

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 or 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.²¹

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

TABLE #8 – CONTRACT AND INTERNSHIP OR VOLUNTEER OPPORTUNITY NOTIFICATIONS

Contracting Department	Contractor, Agency, Program, or Other Organization	Duration of Contract/ Agreement
Administrative Hearings	Administrative Law Judges	Ongoing
Law	Law Volunteer Program	Summer 2020
Law	University of Chicago Externship Program – Government Integrity and Transparency	Spring 2020
Mayor's Office	Graduate Student Volunteers	4 months
Treasurer	Consulting Services	4 months

B. HIRING PROCESS AUDITS

1. Modifications to Class Specifications,²² Minimum Qualifications, and Screening and Hiring Criteria

²¹ Chapter X.B.6 of the General Hiring Plan.

²² "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.

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 seven titles within the following departments: Assets and Information Services, Aviation, Family Support Services, Finance, Housing, and Transportation.

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

2. Referral Lists

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

This quarter, OIG audited three 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. OIG did not conduct its audit of tests conducted in the first quarter of 2020 due to the COVID-19 pandemic.

In the fourth quarter of 2019, OIG audited testing administration materials for 32 test administrations covering 14 City departments, which were completed during the third quarter of 2019. OIG identified several errors in one testing administration, described in more detail below.

a) Department of Streets and Sanitation Field Sanitation Specialist

Based on a review of the test administration materials, OIG identified several scoring errors affecting the test administration for field sanitation specialist in the Department of Streets and Sanitation. OIG observed that the grading of several candidates' answer sheets did not conform to the answer key. Specifically, the testing administrator made scoring mistakes where answers to questions had been marked incorrect when the candidate answered correctly, and other answers were marked correct when the candidate answered the questions incorrectly. OIG recommended that DHR re-examine its current scoring and auditing processes to determine if any modifications should be instituted to reduce the frequency of scoring errors, both human and computerized.

In response, DHR concluded that the scoring error occurred due to human error rather than resulting from the process and retrained the employee on scoring error mitigation.

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, Building, 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 position. As required by the Hiring Plan, OIG examines some hire packets during the hiring process and examines other packets after the hires are completed.

This quarter, OIG completed an audit of hire packets for 28 hiring sequences completed across 15 departments during the fourth quarter of 2019. OIG identified one irregularity affecting the foreman of motor truck driver sequence in the Department of Aviation. The irregularity involved missing documentation which DHR subsequently provided.

In the fourth quarter of 2019, OIG completed an audit of 36 hire packets covering 18 departments. The audit identified one irregularity affecting the business consultant sequence in the Department of Business Affairs and Consumer Protection. Specifically, both interviewers indicated that they were the hiring manager. The Hiring Plan defines the hiring manager as the individual responsible for managing the selection process. OIG provided these findings to DHR and recommended that DHR remind recruiters of the roles of participants in the City's hiring processes and ensure that recruiters clearly establish and document the hiring manager at the intake meeting. In response, DHR stated that the employment services team was informed of best practices at their team meeting.

5. Hiring Certifications

OIG audits the City's compliance with Chapter XII.C.5 of the General Hiring Plan. A Hiring Certification is a form completed by the selected candidate(s) and all City employees involved in the hiring process to attest that no political reasons or factors or other improper considerations were taken into account during the applicable process.

This quarter, OIG reviewed 36 hire packets, and none contained a hire certification error.

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. This quarter, OIG did not conduct an audit of DOL hire packets.

7. Selected Chicago Police Department Assignment Sequences

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

Assignment packets include all documents and notes maintained by employees involved in the selection processes outlined in Appendix D and E of the CPD Hiring Plan. On a quarterly basis, OIG selects a risk-based sample of assignment packets for completed process review after selections have been made and the candidates have begun their assignments. This quarter, OIG did not conduct its quarterly audit due to the COVID-19 pandemic.

In the fourth quarter of 2019, OIG completed an audit of 5 non-bid duty assignment sequences and 3 non-bid unit assignments completed during the third quarter of 2019. OIG identified two errors concerning non-bid assignments to Unit 143 (Crisis Intervention) and District 001 (Foot/Bike Team). The error for Unit 143 related to a documentation error and was quickly remedied. OIG's review of District 001 materials found that four members who were placed in the eligibility pool did not meet the three-year continuous service requirement as outlined in the Notice of Job Opportunity (NOJO). OIG recommended that the Bureau of Patrol (BOP) consider standardizing the continuous service requirements to eliminate the need for exceptions. OIG also recommended that BOP ensure that candidates meet minimum qualifications during the initial screening process prior to creating an eligibility pool.

CPD-HR acknowledged that the four members did not meet the continuous service requirement as posted but were included in the eligibility pool. CPD-HR reasoned that those four members may be appointed after they have met the continuous service requirement within the lifespan of the eligibility list. However, CPD-HR also recognized that exceptions to continuous service requirements could present a negative perception and agreed to "work to create language within [our] NOJO's to be clearer regarding the minimum qualifications and to differentiate between being selected and/or being placed on an eligibility pool for later selection." CPD-HR requested OIG meet with BOP to discuss standardizing minimum qualifications and possible exceptions.

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.

This quarter, CFD did not process any specialized unit assignments for OIG to audit.

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 5 sets of interviews and 2 consensus meetings. The following table shows the breakdown of monitoring activity by department.²³

TABLE #9 –OIG MONITORING ACTIVITIES IN THE FIRST QUARTER

Department	Intake Meetings Monitored	Tests Monitored	Interview Sets Monitored	Consensus Meetings Monitored
Assets, Information and Services	0	0	2	0
Finance	0	0	1	1
Fire	0	0	1	1
Water Management	0	0	1	0

10. Acting Up²⁴

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.²⁵

11. Arbitrations and Potential Resolution of Grievances by Settlement

Chapter XII.C.7 of the City's Hiring Plan requires the Hiring Oversight section to audit grievance settlement decisions that may impact procedures governed by the Hiring Plan.

This quarter, OIG did not receive notice of any settlement agreements which resulted in employment actions from DHR.

C. REPORTING OF OTHER OIG HIRING OVERSIGHT ACTIVITY

1. Escalations

²³ If a department is not included in this table, OIG did not monitor any elements of that department's hiring sequence(s).

²⁴ "Acting Up" means an employee is directed or is held accountable to perform, and does perform, substantially all the responsibilities of a higher position.

²⁵ 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.

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. OIG does not have any escalations pending.

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, during an inquiry, OIG identifies a non-hiring-related process or program that could benefit from a more comprehensive audit, OIG may consider a formal audit or program review.

This quarter, OIG received 14 complaints and had 3 pending complaints from the prior quarter related to the City's hiring practices. The following table summarizes the disposition of these complaints, as well as those pending from the previous quarter.

TABLE #10 – HIRING OVERSIGHT COMPLAINTS RECEIVED IN THE FIRST QUARTER

Complaint Status	Number of Complaints
Pending from Previous Quarter	3
Received This Quarter	14
Opened Investigation	6
Declined	7
Referred to Department	1
Complaints Pending as of End of Quarter	3

This quarter, Hiring Oversight closed 2 cases, 1 not sustained and 1 referred to another department.

TABLE #11 – HIRING OVERSIGHT CASES IN THE FIRST QUARTER

Case Status	Number of Cases
Pending from Previous Quarter	13
Opened This Quarter	6

Cases Referred	1
Closed Not Sustained	1
Cases Pending as of End of Quarter	17

a) Business Affairs and Consumer Protection and Common Law Employees (#19-0370)

On February 25, 2019, DHR notified OIG of a Contractor Policy violation. Specifically, the Department of Finance (DOF) had identified two personal service contractors that were functioning as long-term common-law employees with Department of Business Affairs and Consumer Protection (BACP). The Contractor Policy prohibits common-law employees and personal service contractors lasting longer than one year without additional approval. Based on BACP's description of the contractors' duties, they were performing work for the City for approximately 15 years as common-law employees. To remedy this violation, two new vacancies were created, posted, and then filled to complete the previously contracted work. OIG monitored the hiring sequence and did not observe any Hiring Plan violations.

OIG recommended that DOF implement a Citywide voucher payment review process to detect and prevent similar contractor policy violations. BACP, DOF, and DHR did not respond to OIG's recommendation.

IX. PUBLIC SAFETY

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

In February 2020, the Public Safety section released its annual plan for future projects and reports. The plan can be accessed at: <https://igchicago.org/2020/02/27/oig-2020-public-safety-project-plan/>.

A. INSPECTIONS UNIT

The Public Safety section's Inspections Unit 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 156 closed disciplinary cases and opened 11 for in-depth review.

TABLE #12 – DISCIPLINARY CASES REVIEWED

Agency	Cases Screened	Cases Opened
BIA	96	8
COPA	60	3
Total	156	11

OIG found that one COPA investigation contained deficiencies which materially affected its outcome and recommended that it be reopened. As of this writing, COPA has not responded.

1. Recommendation to Reopen Based on Failure to Investigate All Allegations (#20-0175)

The Independent Police Review Board (IPRA) was notified of two separate civil lawsuits alleging CPD, while executing a search warrant, unlawfully arrested and detained the plaintiffs, and used

excessive force during their arrest in 2014. IPRA opened one investigation based on the allegations stemming from both lawsuits and named the involved CPD members as accused. Subsequently, all but one of the plaintiffs withdrew their legal claims and refused to cooperate with IPRA's investigation.²⁶ COPA closed the investigation for lack of an affidavit.²⁷ In its No Affidavit Closure Memorandum, COPA noted that a new investigation would be initiated to reexamine the excessive force allegation made by the one cooperating complainant, and that their sworn deposition would be used in the absence of an affidavit. In 2017, COPA opened a related investigation naming only the sergeant who led the search warrant team as the accused.

COPA's investigation was based on evidence and testimony gathered from the civil suit. Based on its analysis of that evidence, COPA found that the sergeant improperly ordered officers to arrest the complainant without probable cause and recommended a 10-day suspension.

The complaint filed in the complainant's civil suit included an allegation of excessive force, as acknowledged in the No Affidavit Closure Memorandum completed by COPA for the initial investigation. COPA noted in its Summary Report that "the complainant alleged multiple causes of action in his lawsuit and COPA focuses on one allegation, that the Complainant was arrested without justification." There is no indication that COPA investigated the complainant's allegation of excessive force, nor was an explanation for the decision not to address that allegation included in the case file.

OIG recommended that COPA reopen the case to address the complainant's allegation of excessive force.

²⁶The original case was initiated under IPRA, which was replaced by COPA on September 15, 2017. COPA closed the original case and initiated an investigation of the allegations under a different case number in December 2017.

²⁷The Uniform Peace Officers' Disciplinary Act (50 ILCS 725) was amended in 2003 to require that a sworn affidavit attesting to the allegations must be in place in order to conduct a full disciplinary investigation into misconduct by a peace officer. There are certain exceptions to this requirement, as outlined in applicable directives, policies, and collective bargaining agreements. The head of an investigating agency may authorize the completion of an investigation without an affidavit via an override process if a sworn affidavit cannot be obtained yet objective, verifiable evidence exists.