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CITY OF CHICAGO  
OFFICE OF INSPECTOR GENERAL

# FOURTH QUARTER REPORT 2020



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



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

Enclosed for your review is the public report on the operations of the City of Chicago Office of Inspector General (OIG) during the fourth quarter of 2020, filed with City Council pursuant to Section 2-56-120 of the Municipal Code of Chicago.

The seemingly ceaseless flow of unsettling and destabilizing events in recent days and weeks, nationally and locally, constitute an enormous stress test of our governmental institutions, as well as our civic and social fabric. Through it all, the business of City government in the service of the people has continued unabated. The importance of it doing so, optimally, with pandemic and unrest constrained resources, has never been more important. Especially to those who even in the best of times, because of the undercurrents of our history that are laid bare in this moment, secure the most basic of subsistence needs that we must find our way to treating as fundamental human rights.

OIG's work in the fourth quarter, as throughout this most challenging and stressful 2020, continued unabated as reflected in the attached report. In recognition of the ongoing emergencies and the focus they demand, we defer highlighting matters of individual note to a future date when, collectively, armed with the wisdom of our present challenges, we can better take up newly identified opportunities for City government to provide greater, improved, and more equitable services to the public.

In the meantime, I strongly urge that you continue to help by [contacting us](#) with issues or concerns, big or small, individual or organizational, that you believe merit the attention of our performance auditors and investigators. And we strongly encourage you to explore the expanding body of data-based information about your City government and its operations through our [Information Portal](#).

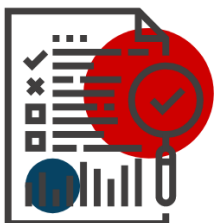
Respectfully,

A handwritten signature in blue ink, appearing to be "J. Ferguson".

Joseph M. Ferguson  
Inspector General  
City of Chicago

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## FOURTH QUARTER 2020 HIGHLIGHTS

# 790

COMPLAINTS  
RECEIVED

# 413

MATTERS  
CONCLUDED

# 8

OIG REPORTS  
PUBLISHED

# 3

OIG  
NOTIFICATIONS



OIG concluded investigations regarding:

- Bid rigging and contractor fraud
- Conflicts of interest
- Failure to follow safety protocols
- Falsification of training records, work records, and payroll records
- Harassing and threatening communications
- Violence in the workplace and discourteous treatment



OIG recommended reopening closed disciplinary investigations conducted by COPA and BIA to:

- Address allegations of an improper street stop and complete a comprehensive summary report of investigation
- Correct disciplinary history and clarify disciplinary recommendation
- Resolve discrepancies between the evidentiary record and COPA's findings



OIG published notifications regarding:

- Airfield escorts for personal purposes
- Chicago Infrastructure Trust's smart lighting project funding
- Conflict of interest policies for private referrals

This quarterly report provides an overview of the operations of the Office of Inspector General (OIG) during the period from October 1, 2020, through December 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.<sup>1</sup> OIG accomplishes its mission through investigations, audits, and other reviews. OIG issues summary reports of investigations to the appropriate authority, management officials, and/or the Mayor, with investigative findings and recommendations for corrective action and discipline. Summaries of sustained investigations and the resulting department or agency actions are released in quarterly reports. OIG's audit reports and advisories are directed to the appropriate agency authority or management officials for comment and then are released to the public on the [OIG website](#). OIG's department notifications are sent to the appropriate agency authority or management officials for attention and comment, and are summarized, along with any management response, in the ensuing quarterly report. Finally, OIG issues reports as required by the Hiring Plan and as otherwise necessary to carry out its diversity, equity, inclusion and compliance functions.

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

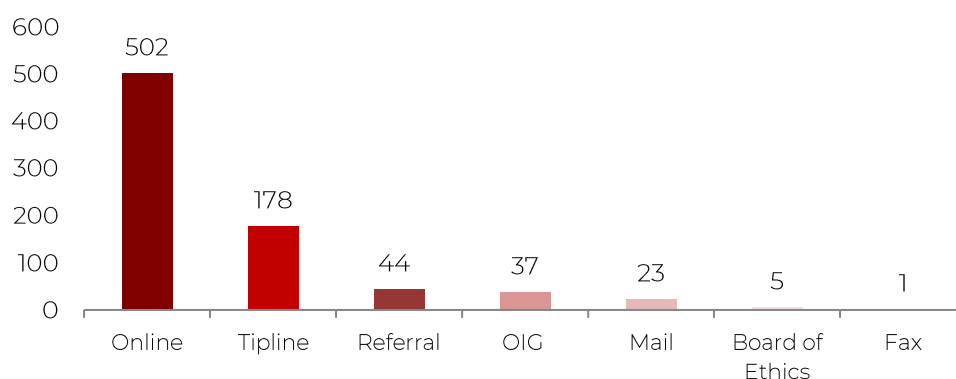
## II. INVESTIGATIONS

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

### A. COMPLAINTS RECEIVED THIS QUARTER

OIG received 790 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.<sup>2</sup> The following table outlines the actions OIG has taken in response to these complaints.

**TABLE #1 – COMPLAINT ACTIONS**

Status	Number of Complaints
Opened Investigation	18
Pending <sup>3</sup>	188
Referred to Department/Sister Agency	306
Declined	278
<b>Total</b>	<b>790</b>

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

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

## B. PRIOR QUARTER COMPLAINTS

This quarter, OIG acted on 130 of the 131 prior complaints that were pending at the end of last quarter. One complaint is still pending further review. The following table provides details on the status and number of all prior pending complaints.

**TABLE #2 – PRIOR PENDING COMPLAINTS**

Status	Number of Complaints
Opened Investigation	15
Pending	1
Referred to Department/Sister Agency	52
Referred to DEIC	2
Declined	61
<b>Total</b>	<b>131</b>

## C. NEWLY OPENED MATTERS

This quarter, OIG opened 393 matters. The following table provides details on the subjects and number of investigations and referrals for newly opened matters.<sup>4</sup>

**TABLE #3 – SUBJECT OF INVESTIGATIONS AND REFERRALS**

Subject of Investigations and Referrals	Number of Investigations and Referrals
Employees	309
Contractors, Subcontractors, and Persons Seeking Contracts	9
Elected Officials	11
Appointed Officials	4
Licensees	13
Other	47
<b>Total</b>	<b>393</b>

## D. CASES CONCLUDED THIS QUARTER

This quarter, OIG concluded 413 opened matters. The following table provides details on the status and number of cases concluded.

**TABLE #4 – CASES CONCLUDED THIS QUARTER**

Status	Number of Cases
Referred to a City Department	312
Referred to a Sister/External Agency	55

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

Sustained <sup>5</sup>	16
Not Sustained <sup>6</sup>	21
Closed Administratively <sup>7</sup>	9
<b>Total</b>	<b>413</b>

## E. PENDING MATTERS

At the close of this quarter, OIG had a total of 161 pending matters, including investigations opened during the quarter.

## F. INVESTIGATIONS OPEN OVER TWELVE MONTHS

Under MCC § 2-56-080, OIG must provide quarterly statistical data on pending investigations open over 12 months. Of the 161 pending matters, 42 investigations have been open for at least 12 months. Most cases remain pending due to being complex or resource intensive investigations that may involve difficult issues or multiple subjects (unless otherwise noted).

**TABLE #5 – INVESTIGATIONS OPEN OVER TWELVE MONTHS, FOURTH QUARTER**

Case Number	General Nature of Allegations
13-0270	Pending federal criminal investigation of delegate agency fraud.
16-0526	Pending federal criminal investigation of bribery.
17-0321	City employee receiving funds through a City contract.
18-0163 <sup>8</sup>	Pending federal criminal investigation of bribery.
18-0680 <sup>9</sup>	False statements by a City vendor.
18-0715	Criminal investigation of MBE fraud.
19-0006	Filing false reports with the City.
19-0065	Criminal investigation of theft of City grant money.
19-0114	Duty disability fraud.
19-0118	Pending federal criminal investigation of bribery and theft.

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

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

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

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

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



19-0178	Criminal investigation concluded without charge and resumed for administrative investigation of distribution of steroids to City employees.
19-0183	Criminal investigation of bribery and theft.
19-0202	Criminal investigation of theft of a City check.
19-0206 <sup>10</sup>	Residency violation.
19-0303 <sup>11</sup>	False information submitted to the City.
19-0313	Pending federal criminal investigation of bank fraud.
19-0412	FMLA fraud.
19-0413	Criminal investigation of contract steering and collusion.
19-0487 <sup>12</sup>	Jury duty leave fraud.
19-0488 <sup>13</sup>	Preferential treatment.
19-0515	Preferential treatment.
19-0516	Unauthorized use of City equipment, time fraud, and submission of false documentation.
19-0528	Failure to follow department rules in course of an investigation.
19-0546	FMLA fraud.
19-0637	Sexual harassment.
Case Number	General Nature of Allegations
19-0715	Residency violation.
19-0788 <sup>14</sup>	Improper use of City resources.
19-0831 <sup>15</sup>	Residency violation.
19-0958	Improper use of City resources.
19-0960	Retaliation.
19-0961 <sup>16</sup>	Residency violation.
19-1034 <sup>17</sup>	Failure to comply with rules regarding outside employment.
19-1039	Campaign Finance.
19-1041	False information provided to a member of the public.
19-1083	Campaign Finance.
19-1128	Domestic battery and failure to report conflict of interest.

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

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

<sup>12</sup> Extended due to other higher-risk, time sensitive investigations.

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

<sup>14</sup> Additional complaints were added during the course of the investigation.

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

<sup>16</sup> Extended due to other higher-risk, time sensitive investigations.

<sup>17</sup> Extended due to other higher-risk, time sensitive investigations.

19-1130	Harassment.
19-1159	Contract fraud.
19-1200 <sup>18</sup>	Harassment.
19-1323	Providing false information.
19-1344 <sup>19</sup>	Residency violation.
19-1346	Criminal investigation of bribery.

## G. ETHICS ORDINANCE COMPLAINTS

This quarter, OIG received 46 Ethics Ordinance complaints. OIG declined 31 complaints because they lacked foundation, opened 2 for investigation, referred 4 to the appropriate City department, and 9 are pending.

## H. PUBLIC BUILDING COMMISSION COMPLAINTS AND INVESTIGATIONS

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

## III. ADMINISTRATIVE CASES

OIG investigations may result in administrative sanctions, criminal charges, or both. Investigations leading to administrative sanctions involve violations of City rules, policies or procedures, and/or waste or inefficiency. For sustained administrative cases, OIG produces summary reports of investigation<sup>20</sup>—a summary and analysis of the evidence and recommendations for disciplinary or other corrective action. OIG sends these reports to the appropriate authority, including the Office of the Mayor, the Corporation Counsel, and the City departments affected by or involved in the investigation. When officials are found to be in violation of campaign finance regulations, the law affords them the opportunity to cure the violation by returning excess funds.

## A. CAMPAIGN FINANCE INVESTIGATIONS

The Municipal Code of Chicago (MCC) bans City vendors, lobbyists, and those seeking to do business with the City from contributing over \$1,500 annually to any elected City official's or candidate's political campaign. Potential violations of the cap are identified through complaints or independent OIG analysis of campaign finance data. Other rules and regulations such as Executive Order 2011-4 place further restrictions on donations. Once a potential violation is

<sup>18</sup> Extended due to other higher-risk, time sensitive investigations.

<sup>19</sup> Extended due to other higher-risk, time sensitive investigations.

<sup>20</sup> Per MCC § 2-56-060, "Upon conclusion of an investigation the inspector general shall issue a summary report thereon. The report shall be filed with the mayor, and may be filed with the head of each department or other agency affected by or involved in the investigation."

identified, OIG notifies the donor and the donation recipient of the violation and, in accordance with the MCC, provides the individual or entity 10 days to challenge the determination or cure the violation by returning the excess donation.<sup>21</sup> If the excess donation is returned in a timely manner, or it is determined that a violation did not occur, OIG closes the matter administratively. In the event the matter is not cured or rightfully challenged, OIG will sustain an investigation and deliver the case to the Board of Ethics for adjudication.

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

## B. SUSTAINED ADMINISTRATIVE INVESTIGATIONS

The following are brief synopses of administrative investigations completed and eligible to be reported as sustained investigative matters. A matter is not eligible for reporting until, pursuant to the MCC, the relevant City department has had 30 days (with the potential for an extension of an additional 30 days) to respond to OIG findings and recommendations<sup>22</sup> and inform OIG of what action the department intends to take. Departments must follow strict protocols, set forth in the City's Personnel Rules, Procurement Rules, and/or applicable collective bargaining agreements, prior to imposing disciplinary or corrective action.<sup>23</sup>

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

**TABLE #6 – OVERVIEW OF CASES COMPLETED AND REPORTED AS SUSTAINED MATTERS**

Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
20-0699	Transportation	Discharge and designate as ineligible for rehire	Discharged; designated as ineligible for rehire; appeal pending
20-0618	Aviation	Discipline commensurate with the gravity of violations	Discharged; designated as ineligible for rehire; appeal pending

<sup>21</sup> If the donor and/or recipient was already aware that the excess donation was a violation at the time the donation was made, then they may not be entitled to notice and opportunity to cure the violation and avoid a fine.

<sup>22</sup> 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.

<sup>23</sup> In some instances, OIG may defer the reporting of a matter against an individual until the conclusion of investigation of other individuals connected to the same misconduct, so as to preserve investigative equities and to assure that the administrative due process rights of those subject to the continuing investigation are protected.

Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
19-0836	Business Affairs & Consumer Protection	Discharge and designate as ineligible for rehire	Discharged; designated as ineligible for rehire; appeal pending
19-0791	Fire	Four Members— Discharge and designate as ineligible for rehire  Captain—Discipline commensurate with the gravity of violations	Discharged three of the four members; designated as ineligible for rehire list. Fourth member retired prior to the issuance of OIG's recommendation.  1-day suspension
19-0352 & 19-0182	Animal Care & Control	ACO—Discharge and designate as ineligible for rehire  ACO supervisor—Discipline commensurate with the gravity of violations  ACO supervisor and CACC dispatcher—Discipline commensurate with the gravity of violations	Discharged and designated as ineligible for rehire  7-day suspension  ACO supervisor—1-day suspension CACC dispatcher— Verbal counseling
19-0179	Family & Support Services	Discharge and designate as ineligible for rehire	Resigned in lieu of termination
19-0150	Sanitation	Designate as ineligible for rehire and place OIG's summary report in employee's personnel file	Resigned following OIG interview; designated as ineligible for rehire
18-0877	Water Management	Discharge and designate as ineligible for rehire	Resigned before the disciplinary process was initiated; designated as ineligible for rehire

Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
18-0822	Public Health	PHN I—Discipline commensurate with the gravity of violations and anger management or customer service training  Department—customer service training for frontline staff and supervisors	10-day suspension; virtual customer service training to be completed Q1 2021  Agreed with recommendation, but unable to coordinate due to focus on vaccine rollout
18-0218	Emergency Management & Communications	Discharge and designate as ineligible for rehire	Resigned in lieu of termination; designated as ineligible for rehire
17-0652	Procurement Services	Contractor and its president—Debarment	Contractor's written response currently under review
14-0411	Procurement Services	Company A and B and their presidents—Debarment	Sent letters to both companies to initiate debarment proceedings; only Company B responded, and its review is pending

#### 1. Racist and Harassing Communications (#20-0699)

An OIG investigation established that in the wake of the May 2020 social justice protests, Chicago Department of Transportation (CDOT) construction laborer made unprovoked offensive, racist, harassing, and violent comments in Facebook direct messages to a member of the public. The construction laborer's coworkers subsequently learned about the messages, which they found offensive, and it created a hostile work environment. The messages continued a pattern for the laborer, who had previously used misogynistic and racist language to refer to a coworker.

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

In response, CDOT agreed with OIG's recommendation, discharged the employee, and placed them on the ineligible for rehire list. The employee appealed their discharge to the City of Chicago's Human Resources Board (HRB), which will hold a hearing in 2021.

#### 2. Threatening Communications (#20-0618)

An OIG investigation established that a Chicago Department of Aviation (CDA) motor truck driver (MTD) posted a threat to harm their coworkers to an unofficial, public Facebook page directed at

MTDs working at O'Hare International Airport. The MTD was upset with CDA's handling of the COVID-19 pandemic and believed their coworkers were reporting to work while sick. The MTD wrote that if they were to get COVID-19, that they too would come to work while sick and infect their coworkers. Over the course of approximately 12 hours, the MTD edited the post three times in an attempt to make it less threatening to their coworkers. The second version of the post stated that the coworkers better "pray" the disease did not "touch [the MTD's] life," because the MTD would "take" all the coworkers with them. A screenshot of this version circulated among the MTD's coworkers via text message. The MTD quickly realized the problematic nature of the Facebook post and proactively acknowledged their mistake. The MTD modified the Facebook post and wrote an apology comment below the post, sent an email apologizing for the Facebook post to the CDA commissioner and deputy commissioner, and expressed sincere contrition in their OIG interview.

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

In response, the Department agreed with OIG's findings, discharged the MTD, and placed them on the ineligible for rehire list. The MTD appealed their termination to the HRB.

3. Conflicts of Interest, Personal Referrals, and False Statements in an Official Investigation (#19-0836)

An OIG investigation has established that a Department of Business Affairs and Consumer Protection (BACP) business compliance investigator participated in the inspection of a nightclub, even though the inspector had a personal relationship with the owner, and gave compliance advice and made waitstaff and security referrals, in the hopes of securing outside employment as a security consultant. The investigator's actions violated departmental conflict of interest policies and created the appearance of impropriety. In addition, the investigator made false statements to OIG during the official investigation. As a business compliance investigator, the employee was in a position of trust that required veracity and credibility in all facets of the employee's duties, one of which is testifying at administrative hearings. By making false statements during the OIG interview, the investigator demonstrated that they are incapable of performing essential job functions.

OIG recommended that BACP discharge the employee and refer the employee for placement on the ineligible for rehire list.

In response, BACP agreed that the evidence established the violations, discharged the employee, and placed them on the ineligible for rehire list. The employee appealed their discharge to the HRB, which will hold a hearing in January 2021.

4. Falsification of Training Records, Failure to Follow Safety Protocols, Incompetence, and False Statements in an Official Investigation (#19-0791)

An OIG investigation established that four Chicago Fire Department (CFD) members, while assigned to the District 3 Airport Rescue and Fire Fighting (ARFF) program, failed to appropriately supervise and manage the training and staffing of ARFF vehicles<sup>24</sup>—commonly referred to as “crash rigs”—at O’Hare International (O’Hare) and Midway International (Midway) Airports, and ultimately falsified training and staffing records. CFD’s District 3 is responsible for fire suppression and response at the City’s airports, which requires CFD District 3 personnel to complete ARFF training certification requirements. After a member completes the basic ARFF training requirements, they may opt to complete supplemental vehicle specific training in order to operate crash rigs.

OIG’s investigation found that the former District 3 assistant deputy fire commissioner (ADFC) ordered District 3 subordinates to place uncertified personnel on crash rigs at both O’Hare and Midway, despite District 3 manpower and training staff informing the ADFC that the members in question did not have the requisite qualifications for such assignments. The ADFC’s incompetence in failing to understand crash rig training requirements under the Federal Aviation Administration (FAA) Advisory Circular 150/5210-23 and Title 14 Code of Federal Regulations (CFR) Part 139 prompted the ADFC to order District 3 subordinates to place three CFD District 3 personnel on crash rigs for which they did not complete proper training. Moreover, in OIG interviews, the ADFC falsely denied directing District 3 staff to change training records and to staff crash rigs with unqualified personnel. Subordinates’ changes at the ADFC’s direction resulted in false and incorrect records relied upon by CDA and the FAA to show compliance under 14 CFR Part 139 and to ensure the public’s safety. OIG’s investigation further established that a former District 3 live fire burn specialist trainee directed changes in a CFD member’s certification records and ordered that another CFD member be placed on a crash rig without the proper training and certification. These changes resulted in false and incorrect records relied upon by CDA and the FAA to show compliance under 14 CFR Part 139 and to ensure the public safety.<sup>25</sup>

OIG’s investigation additionally established that a former District 3 training instructor reviewed and approved the falsified Apparatus Training Log for a CFD lieutenant without first verifying the information. The lieutenant completed and signed a falsified Apparatus Training Log in which the lieutenant listed 13 trainings that had not occurred and forged the signature of a CFD captain. The lieutenant forged the captain’s signature in the presence of the former District 3 training instructor who approved the falsified training log. The falsified training entries served as a verification that the lieutenant received the required High Reach Extendable Turret (HRET) training hours and allowed the former District 3 training instructor to conduct a final evaluation for the purposes of issuing the HRET certification. The lieutenant subsequently worked on HRET vehicles for 17 days while not qualified to operate such vehicles.

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<sup>24</sup> An ARFF vehicle, or crash rig, is a specialized fire engine designed for use in aircraft rescue and firefighting.

<sup>25</sup> In late July 2019, the FAA issued a Letter of Investigation to CDA, the certificate holder, regarding uncertified CFD members being placed on crash rigs. In April 2020, after the completion of its investigation, the FAA issued a civil penalty against CDA for violations of 14 CFR Part 139.

OIG recommended that CFD discharge all four employees and refer them for placement on the ineligible for rehire list.

In response, CFD agreed that the evidence established the employees' violations, discharged three of the four employees, and placed them on the ineligible for rehire list. The District 3 ADFC retired prior to the issuance of OIG's recommendation.

OIG's investigation also established that a former District 3 captain failed to renew their Midway badge and accessed the airfield on nine shifts with an expired badge. OIG recommended that CFD impose discipline against the employee, commensurate with the gravity of the employee's violations, past disciplinary record, and any other relevant considerations. In response, CFD agreed that the evidence established the employee's violations and suspended the employee for one day.

#### 5. Sexual Assault and Supervisor Misconduct (#19-0352 and #19-0182)

An OIG investigation established that a Department of Animal Care and Control (CACC) animal control officer (ACO) sexually assaulted two CACC ACO colleagues while off-duty and outside of the office. In addition, the investigation established that, following the assaults, the ACO perpetrator and the two ACO victims separately spoke with an ACO supervisor and requested that they not be paired together for CACC assignments. After becoming aware of the off-duty incident, the supervisor failed to report the incident to CACC superiors and openly used expletives, including the word "bitch," to describe another CACC employee under their supervision who criticized the supervisor's handling of the information. Finally, the investigation established that while active or apparent investigations into misconduct by the Chicago Police Department, DHR's Equal Employment Opportunity Division, and OIG were taking place, another ACO supervisor and a CACC dispatcher each posted images in the CACC office that decried "snitching."

OIG recommended that CACC discharge the ACO and refer the ACO for placement on the ineligible for rehire list. Further, OIG recommended that CACC impose discipline up to and including discharge against the ACO supervisor who failed to report the misconduct to superiors, commensurate with the gravity of the supervisor's violations, past disciplinary record, and any other relevant considerations. Finally, OIG recommended that CACC impose discipline against the ACO supervisor and CACC dispatcher who posted inappropriate images in the CACC office, commensurate with the gravity of their violations, past disciplinary record, and any other relevant considerations.

In response, CACC discharged the ACO and placed the ACO on the ineligible for rehire list. In addition, CACC imposed a seven-day suspension against the ACO supervisor who failed to report the misconduct to superiors and used expletives, imposed a one-day suspension against the ACO supervisor who posted inappropriate material in the CACC office, and imposed verbal counseling for the CACC dispatcher who posted inappropriate material in the CACC office.



6. Falsification of Work Records, Failure to Inspect Nursing and Rehabilitation Facilities, and False Statements in an Official Investigation (#19-0179)

An OIG investigation established that a Department of Family and Support Services (DFSS) elder protective investigator I (EPI I) failed to visit their assigned nursing and rehabilitation facilities for more than a year; falsely reported they made dozens of in-person visits to their assigned facilities and met with staff face-to-face at their assigned facilities; misrepresented their time and attendance to the Department; and made evasive, inaccurate, and deliberately incomplete statements in an official investigation. EPIs investigate complaints of abuse, neglect, and financial exploitation of the residents of long-term care facilities. Through facility visits, they are supposed to monitor and evaluate living conditions and quality of care, and investigate complaints filed by or on behalf of residents. Multiple staffers at the EPI I's assigned facilities could not recall ever having met the EPI I and, in one instance, the EPI I reported meeting with a facility staff member who no longer worked at the facility.

OIG recommended that DFSS discharge the employee and refer them for placement on the ineligible for rehire list. Additionally, OIG recommended DFSS consider issuing cell phones with GPS capabilities to all EPIs, to allow supervisors to ensure EPIs are performing facility visits or for supervisors to conduct regular audits of assigned facilities to confirm visits.

In response, DFSS agreed with OIG's recommendations for discharge. The EPI I resigned before DFSS could terminate their employment.

7. Misuse of Sick Leave, False Statements in an Official Investigation (#19-0150)

An OIG investigation established that a Department of Streets and Sanitation (DSS) sanitation laborer attended court while on the clock and misused unpaid sick time while in CPD custody and to attend court. Further, the laborer lied during their OIG interview, informing OIG that their supervisor approved their prolonged absence from the worksite to attend court while clocked into work. Shortly after the laborer's OIG interview, the laborer resigned from DSS.

OIG recommended that DSS place a copy of the OIG report in the employee's personnel file and request that DHR designate the employee as ineligible for rehire.

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

8. Conflict of Interest, Unauthorized Secondary Employment, and Unlicensed and Unpermitted Plumbing Work (#18-0877)

An OIG investigation established that a Department of Water Management (DWM) foreman of water pipe construction engaged in unlicensed and unpermitted plumbing work, and inappropriate and discourteous conduct when the foreman solicited and performed plumbing work for a member of the public and used their City position for personal gain. Specifically, while conducting a leak investigation of an elderly person's home in the foreman's official City

capacity, the foreman solicited business for a company in which they had a financial affiliation, taking advantage of the person's trust in the foreman's City position and engaging in secondary employment that involved a conflict of interest with the foreman's City employment.

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

In response, DWM agreed that the evidence established the employee's violations and initiated the disciplinary process. The employee subsequently resigned and DWM placed them on the ineligible for rehire list.

#### 9. Violence in the Workplace and Discourteous Treatment (#18-0822)

An OIG investigation established that a Chicago Department of Public Health (CDPH) public health nurse I (PHN I) committed battery in violation of the City's Violence in the Workplace Policy and engaged in discourteous treatment of a patron and the patron's child at a CDPH neighborhood health center. The patron visited the health center with their child seeking a vaccine. When the patron was informed that the health center was no longer providing vaccines for the day, the patron attempted to ask the PHN I about their child's vaccination records. The PHN I yelled at the patron, grabbed the patron by the wrist, and pulled the patron into their office. The patron immediately pulled away, became upset, and cried because of the PHN I's behavior and actions. OIG determined that the PHN I had a history of discourteous treatment and unprofessional interactions with other patients, staff, and patrons at the health center.

OIG recommended that CDPH impose discipline against the employee, commensurate with the gravity of their violations, past disciplinary record, and any other relevant considerations—including that, as part of any non-discharge disposition, they receive anger management or customer service training to ensure professionalism in the workplace and respect toward others. OIG further recommended that CDPH ensure that all clinic staff and similar frontline, customer-service oriented employees and frontline supervisors receive customer service training, and that customer service and relations be a component of regular annual performance evaluations, to ensure that patrons and City residents are treated professionally in accordance with the values and mission of the Department.

In response, CDPH imposed a 10-day suspension for the employee. In addition to the suspension, CDPH is in the process of identifying a virtual customer service training for the employee to complete in the first quarter of 2021. CDPH further responded that it agrees with OIG's recommendation to provide customer service training for all frontline staff but has not been able to coordinate and arrange the training given the current focus on vaccine rollout. The Department noted that customer service is already part of every employee's performance review, as it is part of the DHR evaluation form used by CDPH.

#### 10. Fraudulent Use of Sick and FMLA Leave (#18-0218)

An OIG investigation established that an Office of Emergency Management and Communications (OEMC) police communications operator II (PCO II) fraudulently used sick leave and intermittent Family Medical Leave Act (FMLA) medical leave in March 2018 while on a five-day vacation in Atlanta. The PCO II booked the flights a week prior to their scheduled work shift. While in Atlanta, the PCO II visited family, stayed at a hotel, and dined out. The PCO II called in sick and improperly requested sick and FMLA leave for the final two days of their trip. After returning to Chicago from the trip, the PCO II used sick and FMLA leave to take off the remaining three days of their shift.

OIG recommended that OEMC discharge the employee and refer the employee for placement on the ineligible for rehire list.

In response, OEMC agreed with OIG's recommendation. However, the employee was on medical leave from June 2019 until September 9, 2020, after which the employee resigned in lieu of discharge. The employee was placed on the ineligible for rehire list.

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

An OIG investigation established that a City contractor knowingly made false statements and submitted false claims for weekly, certified payrolls claiming to be in compliance with MCC § 2-92-330 during the life of four contracts worth over \$162,000,000.<sup>26</sup> Specifically, from 2013 through 2018, the contractor was awarded and performed work on four contracts with DWM, each of which included the MCC provision requiring that at least 50 percent of the total hours worked on the construction project site be performed by City residents. The contracts stipulated that the contractor electronically submit a certified payroll on a weekly basis with employee names and home addresses, in order to verify compliance with the MCC. Instead, the contractor engaged in a multifaceted fraudulent scheme in order to create the appearance of compliance. This scheme included adding workers with Chicago-based addresses to payrolls for projects on which they had not worked and excluding employees with non-Chicago addresses from payrolls, in order to increase the Chicago-based percentages. The contractor's fraudulent scheme misrepresented over 70,000 labor hours across four contracts.

Further, the contractor encouraged and, in some cases, mandated that employees who lived outside of Chicago nonetheless acquire government documents with Chicago addresses so that they could count toward compliance. In other cases, workers were unknowingly assigned Chicago addresses, including the address of the company's general counsel, on the certified payroll submitted to the City by the contractor. The contractor's misconduct violated the Municipal Code of Chicago, City of Chicago Debarment Rules, and Illinois law on public contractor misconduct.

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<sup>26</sup> This matter is currently the subject of a pending federal civil lawsuit in which the City is seeking damages against the contractor under, among other laws, the City of Chicago's False Claims Ordinance and False Statements Ordinance.

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

In response, DPS sent a letter to the contractor, informing it of OIG's recommendation to initiate debarment proceedings, and subsequently submitted a copy of OIG's report to the contractor. The contractor submitted a written response and the matter is currently under review by DPS.

12. Bid Rigging, Contractor Fraud and False Statements in an Official Investigation (#14-0411)

An OIG investigation established that a City certified, Woman-Owned Business Enterprise contractor (Company A) president—in collaboration with their sibling's company (Company B)—knowingly engaged in bid-rigging and contract fraud while bidding for a CDA contract. In December 2010, the two siblings colluded to submit bids for multiple contracts with CDA. Company A bid on the initial contract, but the City put it up for re-bid, due in part to the fact that Company A was the sole bidder for two portions of the bid specification. In Company A's first bid, the president falsely represented the company as an authorized dealer of a brand of products required by the City's bid specification. In the second bid, the Company A president recruited their sibling to submit a bid on behalf of Company B, which was an authorized dealer of the required brand products; discussed what prices Company B should bid; completed some or all of Company B's bid package; and ensured Company B bid slightly higher than Company A, so that the contract would not re-bid for lack of competition and Company A would be awarded the City contract. OIG's investigation of this matter stemmed from a complaint received in 2014. Due to a concern that the alleged conduct may have spanned multiple contracts and multiple agencies, OIG worked with the United States Department of Justice Antitrust Division and other Offices of Inspector General investigating the allegations. In June 2019, after the Department of Justice chose not to continue with the criminal investigation, OIG moved forward with an administrative investigation. When OIG conducted final administrative interviews of the presidents of Companies A and B, they each lied about their conduct in a continuing effort to conceal and diminish the extent of the misconduct.

OIG recommended that the DPS debar Company A and B and their respective presidents.

In response, DPS sent a letter to both companies, informing them of OIG's recommendation to initiate debarment proceedings. Following a response from Company B only, DPS sent a copy of OIG's report and requested a response. The matter remains pending with DPS.

## IV. CRIMINAL CASES, ADMINISTRATIVE APPEALS, GRIEVANCES, AND RECOVERIES

Criminal investigations may uncover violations of local, state, or federal criminal laws, and may be prosecuted by the U.S. Attorney's Office, the Illinois Attorney General's Office, or the Cook County State's Attorney's Office, as appropriate. For the purposes of OIG quarterly summaries, criminal cases are considered concluded when the subject(s) of the case is publicly charged by complaint, information, or indictment.<sup>27</sup>

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

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

The following table summarizes ongoing criminal cases that relate to closed OIG cases and provides the current status of the criminal proceedings. In the first quarter after a case is indicted, a detailed summary will appear in this section. Please note that charges in an indictment are not evidence of guilt. The defendant is presumed innocent and entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

**TABLE #7 – DEVELOPMENTS IN PRIOR CHARGED CRIMINAL CASES**

OIG Case #	Criminal Case Cite	Charged	Summary	Status
14-0165	USA v. Joseph Garcia, 19 CR 270 (N.D. IL)	3/21/2019	Garcia, a former Department of Housing inspector, was indicted for wire fraud and lying to the FBI, as a result of his submission of false reports representing that he had inspected construction and repair work that had not been completed, so that the contractor would receive payment from the City.	1/22/2021: Change of plea hearing
14-0190	USA v. Ramon Vargas, 19 CR 677 (N.D. IL)	8/27/2019	Vargas, a former Department of Buildings electrical inspector, was charged with conspiracy, possession with	12/3/2020: Vargas pleaded guilty to one count of

<sup>27</sup> OIG may issue summary reports of investigation recommending administrative action based on criminal conduct prior to, during, or after criminal prosecution.

			intent to distribute, and distribution of one kilogram or more of heroin.	conspiracy to possess with the intent to distribute a controlled substance and was sentenced to two years imprisonment and three years of supervision. Service of sentence to begin on 6/3/2021.
15-0419 17-0267	USA v. John McClendon, 19 CR 100 (N.D. IL)	2/5/2019	McClendon, owner and president of McClendon Holdings LLC, was indicted on federal criminal charges, including four charges of wire fraud for defrauding the City of Chicago, by falsifying price increases in two City contracts that were secured in 2014 and 2015.	On 11/20/2020, McClendon pleaded guilty to one count of wire fraud. Sentencing is scheduled for 4/6/2021.
16-0334	State v. Alyssa Cornejo, 18 CR 291201 (Cook)	3/16/2018	Cornejo, a bank employee and an associate of the former director of a City Special Service Area administrative agency, was charged with multiple counts of theft, misappropriation, and financial crimes related to her withdrawal of funds from the administrative agency's account using forged withdrawal slips.	2/3/2021: Status hearing
17-0519 18-0738 18-0952	USA v. William Helm, 20 CR 00141 (N.D. IL)	3/5/2020	Helm, a former Chicago Department of Aviation deputy commissioner, was indicted for bribery related to a federal program, based on his offer to pay Illinois State Senator and Chairman of the Senate	1/29/2021: Status hearing

			Transportation Committee Martin Sandoval, in order to influence the Illinois Department of Transportation's award of work to a particular contractor.	
19-0019	USA v. Edward Burke et al, 19 CR 322 (N.D. IL)	4/11/2019	Burke, an alderman and former chairman of the City Council Committee on Finance, was indicted on multiple counts of bribery, extortion, and interference with commerce by threat, along with Peter Andrews, an employee of Burke's ward office, and Charles Cui, a managing member of an LLC that owned property in the City. The charges against Burke stem from various incidents in which he used or threatened to use his authority as a City elected official to secure business for his private law firm.	2/5/2021: Status hearing. Court is holding May, June, and July 2021 for trial. Trial date will be set by next status hearing.

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

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

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

As reported in the previous quarter, an OIG investigation established that a Department of Streets and Sanitation (DSS) sanitation laborer, after having been issued a disciplinary suspension, made a verbal threat similar to, "When I come back on Monday, Pop! Pop! Pop!" DSS employees heard the threat, and DSS notified the Chicago Police Department (CPD). The following day, CPD officers arrived at the DSS facility to investigate, and when they asked if the sanitation laborer was carrying a weapon, the sanitation laborer—who had a valid Concealed Carry License—refused to answer, in violation of the requirements of the Illinois Firearm Concealed Carry Act. CPD officers searched the sanitation laborer and found a loaded 9mm handgun in the sanitation laborer's bag and an extra clip of ammunition on the sanitation

laborer's person. The sanitation laborer was not authorized to possess the firearm during work or while on City property.

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

In response, DSS agreed with OIG's recommendation, discharged the employee, and placed the employee on the ineligible for rehire list. The employee appealed the decision and a hearing was held on September 1, 2020. On November 17, 2020, the HRB Board affirmed and upheld the discharge.

## 2. Use of a Firearm in the Workplace (#19-0320)

As reported in the third quarter of 2019, an OIG investigation established that a DSS motor truck driver (MTD) pointed a firearm at a DSS laborer while in the parking lot of a DSS facility. After clocking into work, the MTD and the laborer had a verbal confrontation in the parking lot concerning a car accident in which they had been involved. During the argument, the MTD brandished a firearm and pointed it at the laborer. Once CPD arrived, officers recovered a semiautomatic handgun from within the MTD's vehicle.

OIG recommended that DSS discharge the employee and refer the employee for placement on the ineligible for rehire list. In response, DSS discharged the employee and placed the employee on the ineligible for rehire list.

The employee appealed the discharge before the HRB. After an evidentiary hearing and oral arguments, the HRB found that the City proved by a preponderance of the evidence all but one of the charges against the MTD. Nevertheless, the HRB reduced the MTD's discharge to a suspension with time considered served from July 22, 2019, to December 31, 2020. The HRB denied the employee's request for back pay and benefits.

## C. RECOVERIES

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



## V. AUDITS AND FOLLOW-UPS

In addition to confidential disciplinary investigations, the Audit and Program Review (APR) section produces a variety of public reports including independent and objective analyses and evaluations of City programs and operations with recommendations to strengthen and improve the delivery of City services. These engagements focus on the integrity, accountability, economy, efficiency, and effectiveness of each subject. The following summarizes five reports APR released this quarter.

1. Department of Assets, Infrastructure and Services' (AIS) Management of Information Technology Investments Follow-Up (#20-0923)<sup>28</sup>

In August 2020, OIG inquired about the status of corrective actions taken in response to its December 2019 Audit of the Department of Innovation and Technology's (DoIT) Management of Information Technology Investments. Based on the auditee's responses, OIG concludes that DoIT—which has since been incorporated into AIS as the Bureau of Information Technology—has fully implemented 5 of 11 audit recommendations, substantially implemented 4, and partially implemented 2.

The purpose of the December 2019 audit was to determine whether DoIT managed information technology (IT) investments in accordance with the U.S. Government Accountability Office's Information Technology Investment Management framework. Our audit found that DoIT did not consistently adhere to best practices for project selection, thereby increasing the risks of projects delivering fewer benefits, costing more, and/or taking longer than expected to complete. In addition, DoIT's data collection practices hampered effective monitoring and evaluation of project and portfolio performance, consequently limiting the Department's ability to identify opportunities for improvement.

Based on the results of the audit, OIG recommended that DoIT follow internal policies and industry best practices with respect to project selection, monitoring, and evaluation. These recommendations included completing internal documents to guide these activities, requiring all project managers to follow these policies consistently, and empowering governing committees to meet mandates for project oversight. In its response to the audit, DoIT described corrective actions it would take.

Based on the Department's follow-up response, OIG concludes that AIS has substantially implemented corrective actions. Specifically, AIS has,

- updated its Project Management Office (PMO) Handbook in key areas and required its project managers to follow it;
- developed procedures for collecting more robust data for project selection;
- implemented new project management tools;

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<sup>28</sup> Published November 12, 2020. See <https://igchicago.org/2020/11/12/oig-follow-up-inquiry-regarding-ais-management-of-it-investments/>.

- implemented monthly Information Technology Governance Board (ITGB) meetings;
- ensured that project managers and the PMO director provide the data needed for ITGB to execute its oversight role; and
- endeavored to fully staff its Information Security Office.

To fully satisfy the audit's recommendations, AIS should add full project life cycle costs (such as maintenance and ongoing support) to its project cost estimates, and work with the Office of Budget and Management and the Mayor's Office to ensure that all City departments submit their IT project requests to ITGB for review and approval.

## 2. AIS' Maintenance of Police Vehicles Follow-Up (#20-0868)<sup>29</sup>

In September 2020, OIG completed a follow-up to its September 2019 Audit of the Department of Fleet and Facility Management's (2FM) maintenance of police vehicles. Based on the auditee's responses, OIG concludes that 2FM—which has since been incorporated into AIS—has fully implemented 3 of 6 audit recommendations, substantially implemented 1, partially implemented 1, and not implemented 1.

The purpose of the 2019 audit was to determine whether 2FM met the industry standard of at least 95% fleet availability. "Availability" is a fleet management performance measure that compares the number of hours a vehicle is expected to be available for use (e.g., eight hours a day) to the actual number of hours it is available. Our audit found that 2FM could not determine whether it met the industry standard of at least 95% fleet availability because it lacked accurate data, and that 2FM did not perform most preventive maintenance in a timely manner.

OIG recommended several corrective steps for 2FM to address the data errors that hindered accurate determination of fleet availability. We also recommended that the Department analyze its operations to determine if additional resources were needed. Finally, we recommended that 2FM improve communication with the Chicago Police Department (CPD) to facilitate reaching its preventive maintenance goals.

Based on the Department's follow-up response, OIG concludes that AIS has taken the following corrective actions:

- reconfigured its fleet management software, M5, to reflect the entire time a vehicle is unavailable;
- provided staff with trainings and monthly reports to address the issue of erroneously open work orders;
- identified additional resources needed for timely preventive maintenance;

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<sup>29</sup> Published November 10, 2020. See <https://igchicago.org/2020/11/10/ais-maintenance-of-police-vehicles-follow-up-inquiry/>.

- improved its communication with CPD; and
- prioritized preventive maintenance activities and initiated collaboration with CPD and the Office of Budget and Management, although its efforts in these areas have been hampered by recent civil unrest.

OIG urges AIS to implement the remaining recommendations by determining vehicle-specific availability requirements and informing CPD of all vehicles that are overdue for preventive maintenance.

3. Department of Streets and Sanitation (DSS) Commercial and High-Density Residential Recycling Enforcement Audit (#19-0942)<sup>30</sup>

OIG evaluated DSS' enforcement of recycling requirements for commercial and high-density residential buildings under the Chicago Recycling Ordinance (MCC Chapter 11-5).

OIG found that DSS does not proactively enforce the Chicago Recycling Ordinance, requiring commercial and high-density residential building owners to provide recycling services; rather, the Department relies on a complaint-based process in which ward superintendents inspect for compliance. However, the Department's Mobile E-Ticket (MET) system does not allow users to cite ordinance violations, so ward superintendents are unable to enforce fines. OIG also found that DSS does not ensure private haulers submit complete, accurate, and timely reports detailing the buildings they served, and the amount and type of materials hauled. Of the 15 required hauler reports OIG requested, DSS,

- possessed nine, three of which were submitted after the February 28, 2019 deadline;
- obtained four upon OIG's October 2019 request; and
- did not possess or obtain two.

OIG determined five of the thirteen reports were incomplete and that DSS did not review their adequacy or cite private haulers for incomplete submissions.

The Department stated that it agrees with OIG's findings and recommendations and that it will implement corrective actions. DSS has begun working with the Department of Law and AIS to revise citation processes and add the ordinance to the MET system. The City has engaged a consultant to conduct a comprehensive waste study, and DSS will await the results before developing a proactive enforcement strategy. The waste study will also inform any changes to the design, collection, and usage of private hauler reports.

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<sup>30</sup> Published December 2, 2020. See <https://igchicago.org/2020/12/02/department-of-streets-and-sanitation-commercial-and-high-density-residential-recycling-enforcement-audit/>.

4. Department of Human Resources (DHR) Employee Performance Evaluation Audit (#19-0929)<sup>31</sup>

OIG evaluated DHR's management of the City employee performance evaluation process to determine whether DHR ensures that City departments evaluate their employees' performance.

We found that DHR does not ensure that departments evaluate all employees. DHR has not clearly defined the roles and responsibilities related to periodic evaluations in Personnel Rule XIV, nor does it require or monitor departmental compliance with the rule. As a result, more than 10,000 City employees currently work in 7 City departments that report they do not conduct any performance evaluations, and another 6,000 City employees work in 13 other departments that report they do not annually conduct performance evaluations of all of their employees.

OIG recommended that DHR develop a Citywide performance evaluation system with standardized procedures to ensure that required periodic employee evaluations occur, while still allowing for customization across City departments. In addition, DHR should revise Personnel Rule XIV to clearly define performance evaluation expectations and responsibilities, and report on departmental compliance to the Mayor's Office. DHR agreed with our recommendations and committed to implementation of corrective actions.

5. Audit of the City's Capital Improvement Program Development (CIP) and Evaluation (#19-0681)<sup>32</sup>

OIG conducted an audit of the development and evaluation of the City's CIP, a five-year plan for infrastructure spending. OIG concluded that the City's CIP development and evaluation process largely followed leading practices for development but did not consistently evaluate goal achievement using performance measures or incorporate lessons learned from completed projects into future capital decision-making. We recommended that the Office of Budget and Management (OBM) define Citywide standards and increase transparency.

In response to our audit finding and recommendations, OBM stated that it agreed and incorporated some of the recommendations into the 2021-2025 CIP, released in November 2020. OBM intends to increase transparency by publicly sharing selection criteria and identifying additional opportunities for public engagement and input. OBM will also increase departmental coordination by facilitating "discussions with and between the responsible departments" and establishing "a process and protocol for this review."

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<sup>31</sup> Published October 14, 2020. See <https://igchicago.org/2020/10/14/department-of-human-resources-employee-performance-evaluation-audit/>.

<sup>32</sup> Published December 22, 2020. See <https://igchicago.org/2020/12/22/audit-of-the-citys-capital-improvement-program-development-and-evaluation/>.

## VI. ADVISORIES AND DEPARTMENT NOTIFICATION LETTERS

Advisories and department notification letters describe management problems observed by OIG in the course of other activities including audits and investigations. These are problems that OIG believes it should apprise the City of in an official manner. OIG completed three notifications this quarter.

1. Chicago Infrastructure Trust Smart Lighting Project Funding Notification (#19-1364)

OIG conducted an inquiry into the role the Chicago Infrastructure Trust (the Trust) played in the legislative process that culminated in City Council's (Council) approval of the contract for the Smart Lighting Project (the Project). An effort to modernize Chicago's streetlights, the Project was a joint undertaking of the Chicago Department of Transportation (CDOT), the former Department of Innovation and Technology, and the Trust. Although the City disbanded the Trust in early 2020, the Project continues under CDOT's management. OIG did not evaluate the merits of the Project itself or CDOT's performance in the management role. Rather, the purpose of the notification was to highlight potential areas of improvement related to communication and transparency during the legislative process, using the Project as an example. The notification was sent to Chairperson Waguespack, of the Committee on Finance, on December 3, 2020.

OIG found that the Trust did not fulfill its responsibility for public reporting and that Council did not obtain essential information before voting to approve the Smart Lighting contract. While the Project was originally intended to be self-funded, when Council approved the Smart Lighting contract, the Trust had determined that the City would incur debt to finance the Project. Ultimately, Council approved the contract without an identified funding source.

OIG recommended that before voting to approve a contract or other City expenditures, Council ensure its members have clear and complete information regarding the anticipated funding sources and financing mechanisms. Council should use its Office of Financial Analysis to perform independent analyses of proposed projects and make them publicly available to allow the full Council and all public stakeholders the ability to understand and react to the proposals. In situations where a quasi-governmental organization—such as the Trust—represents City interests and receives City funding, City Council should identify an appropriate Council committee or official as responsible for ensuring that obligations for analysis and reporting are met and made accessible to all Council members and the public. Finally, OIG recommended that in the event a capital project is approved without fully identifying its funding, Council request public status updates on all funding-related decisions, as well as any contract modifications and changes to the project's scope.

In lieu of a written response, OIG welcomed the opportunity to meet with any interested Council members to discuss our recommendations and respond to any questions, particularly members who joined Council after 2017 or who were otherwise unaware of this issue at the time.

## 2. Conflict of Interest Policies Regarding Private Referrals (#18-0877 and #19-0836)

OIG notified the Office of the Mayor and the Department of Human Resources (DHR) about a concern regarding inconsistent conflict of interest policies among the various public facing City departments and the need to clearly prohibit City employees from making referrals to outside professional or commercial services in the course of their official duties. Such referrals to private vendors represent a significant risk for preferential treatment, conflicts of interest, or corruption on the part of City employees, particularly those tasked with providing direct City services or regulatory inspections and enforcement. Recent OIG investigations in cases #18-0877 and #19-0836 established that neither the Department of Water Management (DWM) nor the Department of Business Affairs and Consumer Protections (BACP) have any department-specific policies prohibiting employees from making referrals or recommendations to members of the public in the course of their official duties.

In case #18-0877, OIG determined that a DWM employee took advantage of their position of trust as a City employee by offering to fix the deficiencies they had identified as part of a City inspection. OIG found that DWM does not have any policies prohibiting employees from making referrals or recommendations to members of the public. In case #19-0836, OIG additionally determined that several BACP supervisors were lax in their enforcement of BACP's existing conflict of interest disclosure policies. Though the investigator's misconduct stood separate and apart from the supervisors' inadequate enforcement, the supervisors' overall failure to aggressively enforce BACP's conflict of interest policies could create additional compliance issues in the future.

Conflict of interest policies that prohibit referrals and recommendations can prevent scenarios in which City employees leverage their trades or inspection-based City employment to solicit private business for personal gain. Conflict of interest policies addressing these matters are crucial for departments like DWM and BACP, for which employees are tradespeople or inspectors who regularly interact with the public. Several City departments have implemented such prohibitions—including the Department of Buildings and the Chicago Police Department—to prevent scenarios such as the ones described above.

OIG recommended that the Mayor's Office consider enacting an enterprise-wide solution to this issue, such as the adoption of a personnel rule or mayoral executive order, and in the near-term, work with City departments such as BACP and DWM to implement departmental policies specifically prohibiting professional or commercial referrals until such time that these rules are more broadly adopted. OIG additionally recommended that the Mayor's Office instruct City departments to train employees on these policies to ensure that supervisors provide adequate enforcement. Departments would ideally also obtain acknowledgements of receipt of such policies from their employees. The adoption of these measures will assist the City in holding its employees accountable for referrals that give rise to a conflict of interest and will be instrumental in preventing future violations.

In response, BACP reported that it had updated its Conflict of Interest and Secondary Employment Policy, effective December 3, 2020. The Policy was revised to specify that BACP employees are prohibited from making referrals or recommendations to business owners or licensees. BACP made additional revisions throughout to clarify the procedure for notifying BACP of any conflicts of interest and to specify that all such notifications should be made in writing. BACP also reported that it had conducted a department-wide ethics training program via video conferencing with the executive director of the Board of Ethics (BOE), to review the updated Policy, and that all department employees signed acknowledgments of receipt of the Policy.

Furthermore, the Mayor's Office informed OIG that it is working with DHR and BOE to develop a Citywide approach to private referrals for incorporation into the conflicts of interest section of the City's Personnel Rules. They will work with the Department of Law's Labor Division to update the Personnel Rules and notify and train City employees on all changes. In the interim, the Mayor's Office and DHR, with guidance from BOE, will work with departments that provide direct City services and regulatory inspections or enforcement to develop straightforward policies addressing the issue of private referrals. The forthcoming Citywide policy will allow departments to choose whether to implement more restrictive private referral policies. The Mayor's Office has asked City departments to review OIG's notification letter and other relevant materials to develop a proposed departmental approach by January 15, 2021. Once approved and finalized, the Mayor's Office will work with City departments to conduct trainings as appropriate, with acknowledgements of receipt by impacted employees.

### 3. Airfield Escorts for Personal Purposes (#19-0608)

OIG issued a notification to the Chicago Department of Aviation (CDA) concerning airfield escorts for personal purposes. OIG received a complaint that a CDA Motor Truck Driver (MTD) violated CDA policies by bringing a non-City employee onto the secure airside of O'Hare International Airport without permission to take wedding photographs. The wedding photographs were subsequently posted to Facebook.

OIG's investigation confirmed that on their wedding day in 2016, the MTD in question brought their wedding party on to a secured area of the O'Hare International Airport airfield. The MTD claimed they sought approval from their then-supervisor to bring their spouse and wedding party—which included multiple CDA employees—to the airfield to take wedding photographs. The supervisor approved the MTD's request after obtaining the names and birthdates of each member of the wedding party. CDA has no records related to this event, and OIG was unable to verify the details with the supervisor, who is now deceased. The supervisor arranged for an on-duty MTD to escort the party to the airfield in a City vehicle. The on-duty MTD who escorted the wedding party confirmed they received the assignment from the supervisor. The on-duty MTD said it was a regular occurrence for CDA employees to bring family members to tour the airfield, however, they noted this was the only wedding party they had escorted.

CDA management confirmed that the MTD's supervisor should not have authorized the MTD's request to bring their wedding party to the airfield to take photographs and they should not

have assigned an on-duty MTD to escort the wedding party on to the airfield. CDA management further informed OIG that it does not permit employees to escort family members on to the airfield. To the extent that escorting for personal purposes continues to occur, OIG recommended that CDA immediately cease its allowance and remind its employees and their direct supervisors that it is not a permitted practice.

CDA agreed with OIG's recommendation and emailed all CDA employees at both airports to remind them that escorting for personal purposes is not authorized.

## VII. OTHER REPORTS AND ACTIVITIES

As an expert in government oversight and as part of its mission to promote economy, effectiveness, efficiency, and integrity, OIG may periodically participate in additional activities and inquiries in the service of improving accountability in City government. During this quarter, there was one additional report.

### 1. APR 2021 Audit Plan<sup>33</sup>

On December 23, 2020, APR's 2021 Audit Plan was published. In addition to summarizing work completed in 2020 and work currently in progress, the 2021 APR Audit Plan identifies 22 topics to initiate in the coming year.

## VIII. PUBLIC SAFETY

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

### A. EVALUATIONS AND REVIEWS

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

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<sup>33</sup> Published December 23, 2020. See <https://igchicago.org/wp-content/uploads/2020/12/2021-APR-Audit-Plan.pdf>.



1. Evaluation of the Use of the Affidavit Override in Disciplinary Investigations of Chicago Police Department Members (#18-0770)<sup>34</sup>

The Public Safety section conducted an evaluation of the use of the affidavit override in disciplinary investigations of CPD members conducted by BIA, CPD District and Unit accountability sergeants, the Independent Police Review Authority (IPRA) and COPA.

Illinois state law and the collective bargaining agreements between the City of Chicago and the labor unions representing CPD members require that, in order to serve as the basis of a disciplinary investigation, except in certain limited exception circumstances, allegations of misconduct against a police officer must be supported by a sworn affidavit. In the absence of a sworn affidavit, the investigating agency may obtain and proceed on the basis of an affidavit override. An affidavit override is an authorization from the head of a counterpart police misconduct investigating agency to complete an investigation, without an affidavit, on the basis of there being objective, verifiable evidence to support the allegations. Examples of such evidence might include video of the incident, audio from a 911 call, global positioning systems records, or witness statements.

The override process, if used as designed, is an effective tool for ensuring that police misconduct is meaningfully investigated, while also providing an opportunity for verification of the reliability of complaints for which CPD members may be investigated. Historically, however, the process has been underused and, perhaps, poorly understood. OIG found that:

1. The majority of finalized disciplinary investigations were closed for lacking an affidavit.
2. CPD, COPA, and IPRA (COPA's predecessor agency) did not pursue affidavit overrides and improperly and unnecessarily closed investigations for lacking an affidavit.
3. The investigating agencies often closed investigations associated with a civil lawsuit for lacking an affidavit, without regard to the possibility of the City potentially bearing financial costs for conduct which is never meaningfully investigated, the possibility that materials associated with a civil suit might provide sufficient basis for an override request, and that a civil suit may give rise to sworn statements that might be substituted for an otherwise required affidavit, or provide a reliable basis for obtaining an affidavit override.
4. Investigations completed on the basis of an affidavit override result in sustained allegations at a higher rate than do investigations completed via a signed affidavit or an exemption from the affidavit requirement.

In order to better ensure that the affidavit override process functions to lower barriers to accountability while appropriately protecting the procedural rights of CPD members, OIG recommended that CPD and COPA amend policies and improve training related to the pursuit of

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<sup>34</sup> Published December 17, 2020. See: <https://igchicago.org/wp-content/uploads/2020/12/OIG-Evaluation-of-the-Use-of-the-Affidavit-Override-in-Disciplinary-Investigations-of-CPD-Members.pdf>.

affidavits and use of the affidavit override. CPD and COPA agreed with OIG's observation of the importance of the affidavit override process and proper evidence documentation, and reported that many of OIG's recommendations have been, or are being, addressed with recent changes in policies and practices.

2. Evaluation of the Chicago Police Department's Post-Firearm Discharge Policy (#18-0370)<sup>35</sup>

The Public Safety section conducted an evaluation of CPD's compliance with its policy regarding post-incident requirements for members who discharge their firearms, on- or off-duty. Under General Order G03-02-03, CPD members are required to complete several steps before returning to regular field duties after a firearm discharge incident, specifically:

- Completing a minimum of 30 days of administrative duty;
- Participating in the Traumatic Incident Stress Management (TISM) program, which includes a trauma debriefing session;
- Attending the Critical Incident Overview (CIO) training; and
- Completing any other training curriculum developed by the Education and Training Division, including an individualized training curriculum.

OIG found that CPD has not operated in full compliance with this policy. OIG also determined that CPD's internal controls are inadequate, as reflected in the Department's insufficient policies and procedures, its inability to ensure the execution of those policies and procedures, and poor documentation of the return-to-duty process. As a result, members who discharged their firearms have returned to regular field duty before they have satisfied return-to-duty requirements that were designed to help members process the trauma associated with discharging their firearms. Due to potential negative outcomes associated with trauma, such members may be placed in circumstances that put themselves and others at risk. In addition, OIG determined that the return-to-duty process is inadequate and inefficient in that program components are not adequately tailored to the experiences of individual members, and that nearly all members spend more than 30 days on administrative duty assignment, because of lag times in administration of key officer evaluation and support components of the return-to-duty process.

OIG recommended that CPD:

- develop and implement internal controls that ensure proper oversight of the requirements, complete notification of relevant CPD members, and proper documentation and tracking, utilizing to the extent feasible a software solution

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<sup>35</sup> Published October 27, 2020. See: <https://igchicago.org/wp-content/uploads/2020/10/OIG-Evaluation-of-the-Chicago-Police-Departments-Post-Firearm-Discharge-Policy-1.pdf>.

automating the provision of relevant notifications and tracking all information necessary to verify completion of return-to-duty requirements;

- evaluate whether its current individualized training offerings fulfill their intended purpose and the requirements found in the General Order;
- track whether members have been involved in previous firearm discharge incidents to inform the TISM program, CIO and Individualized Critical Incident Overview trainings, and possible extension of administrative duty assignments beyond 30 days; and
- investigate the reasons most members remain on administrative duty for longer than 30 days and identify measures to improve the timeliness of its processes.

CPD either agreed or agreed in part to OIG's various recommendations.

## B. INSPECTION OF CLOSED DISCIPLINARY INVESTIGATIONS

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

Further, Paragraph 444 of the consent decree entered in *Illinois v. Chicago* requires the Public Safety section to review and analyze complaints of sexual misconduct by CPD members, and to report on that analysis annually.

This quarter, the Inspections Unit examined 223 closed disciplinary cases and opened 21 for in-depth review.

**TABLE #8 – DISCIPLINARY CASES REVIEWED**

Agency	Cases Screened	Cases Opened
BIA	144	10
COPA	79	11
<b>Total</b>	<b>223</b>	<b>21</b>

## RECOMMENDATIONS TO REOPEN CLOSED DISCIPLINARY INVESTIGATIONS

This quarter, OIG found that one COPA investigation and three BIA investigations contained

deficiencies which materially affected their outcome and recommended that they be reopened. There are four investigations recommended for reopening detailed in the table below, for which OIG has not yet received a response.

**TABLE #9 – RESPONSES PENDING WITH AGENCIES**

Case #	Investigating Agency	Date Recommendation Was Sent to Agency
20-1426	BIA	11/20/20
20-1385	BIA	11/10/20
20-1319	COPA	10/16/20
20-1318	BIA	10/4/20

The investigations below were recommended for reopening in previous quarters and are being summarized in this quarterly report. OIG will publish further details on these investigations upon a decision by the superintendent in the disciplinary matter, as applicable, or upon response to OIG's recommendation by the investigation agency.

1. Recommendation to Reopen Based on Discrepancies Between the Evidentiary Record and COPA's Findings (#20-0836)

IPRA—COPA's predecessor agency—began, and COPA concluded, an investigation into allegations against several CPD members, including allegations that two members formerly assigned to BIA conducted an improper and/or inadequate administrative investigation. Specifically, the two former members of BIA were accused of failing to comply with a Special Order governing the administration of a breathalyzer test to subjects of a disciplinary investigation. The Special Order requires that BIA members take certain investigative steps when an allegation has been made that a CPD member is impaired or intoxicated. COPA reached findings of not sustained on each of the 11 allegations brought against the former BIA members, finding that it was unable to "conclude that an allegation of impairment or intoxication was actually made," which would have then triggered those BIA members' specific investigative responsibilities.

OIG's review of COPA's investigative file revealed numerous indications that the accused BIA members were, in fact, aware of the allegation of impairment or intoxication of CPD members. Given this, in the absence of evidence to show that the accused BIA members followed the requirements of the applicable Special Order, OIG recommended that COPA reopen the investigation to reach investigative findings consistent with its evidentiary record. COPA declined to do so.

2. Recommendation to Reopen to Correct Disciplinary History and Clarify Disciplinary Recommendation (#20-0796)

OIG reviewed an investigation in which COPA sustained allegations that an accused CPD member engaged in conduct unbecoming a member, unnecessary physical contact, and neglect of duty, and recommended that the accused member be separated from the Department.

Collective bargaining agreements require investigating agencies to consider the complimentary and disciplinary history of accused CPD members when determining an appropriate disciplinary recommendation for sustained allegations. In this case, CPD provided COPA with an inaccurate report of the accused member's prior disciplinary history report.

OIG recommended that CPD provide COPA with an updated disciplinary history report which accurately captured the nature of the allegations for which the accused CPD member had been previously disciplined. OIG recommended that, upon receipt of the accused CPD member's updated disciplinary history, COPA revise its disciplinary recommendation to reflect consideration of the corrected record.

CPD and COPA adopted OIG's recommendations and updated the investigative record to include an accurate disciplinary history for the accused CPD member and a supplemental disciplinary recommendation from COPA. The matter is pending review by the Department of Law.

3. Recommendation to Reopen to Address Allegations of an Improper Street Stop and Complete a Comprehensive Summary Report of Investigation (#20-0771)

A third-party witness filed a complaint alleging that CPD members conducted an improper street stop of a juvenile and used excessive force during the resulting arrest. While providing a formal statement to COPA, the complaining witness stated that the incident began when CPD members nearly struck the juvenile with their vehicle and then "jumped out" and "grabbed" the juvenile. The complaining witness claimed that they "witnessed the police get out of their vehicle and began beating the 16-year-old victim in the face," and that when the complaining witness asked why the CPD members engaged with the juvenile, one CPD member on the scene told the complaining witness it was because the juvenile "sells drugs all day."

COPA issued sustained findings on allegations of excessive force but did not document any analysis of evidence regarding the propriety of the street stop. OIG reviewed the evidence and identified inconsistencies regarding the nature of and justification for the stop among official CPD reports, body-worn camera footage, and statements provided by witnesses and CPD members. OIG recommended that COPA reopen the investigation to formally address the propriety of the street stop. OIG further recommended that COPA complete a full summary report of investigation which, in apparent violation of its own policies, it had not done.

COPA declined to reopen the investigation, citing two provisions in COPA's enabling ordinance, at MCC § 2-78-120(x), which authorize COPA to reopen an investigation when new evidence is discovered or when the outcome of a completed investigation resulted in a gross miscarriage of justice. COPA's declining of OIG's recommendation was premised on the proposition that neither of those two criteria to reopen an investigation had been satisfied, and characterized OIG's recommendation as indicating a mere perception of a gross miscarriage of justice. COPA

explained that it had, in fact, considered the improper stop allegations, but declined to serve the accused CPD members with the alleged violation of the victim's Fourth Amendment rights violation because "it was clear that the Officers would be exonerated." COPA acknowledged that "it may appear that investigators failed to contemplate and address potential allegations related to an improper stop," and that if COPA had included an explanatory footnote in the summary report, such inclusion "may have resolved this perceived flaw."

COPA also declined OIG's recommendation to complete a full summary report of its investigation, stating that the use of a truncated report "in no way compromises investigative integrity or transparency," and that COPA's chief administrator had granted verbal authorization during a staff meeting to close investigations that were not designated as "major" without a full report of the investigation.

OIG replied and requested that COPA provide a clarified response in light of the third criterion for reopening in COPA's ordinance—omitted completely from COPA's analysis in its initial response—which allows COPA to reopen an investigation upon a recommendation from OIG. In COPA's second response, it acknowledged this omitted provision but maintained its position in declining to reopen the investigation.

The matter is pending review, following the superintendent's decision to issue discipline.

## REVIEW AND ANALYSIS OF SEXUAL MISCONDUCT ALLEGATIONS<sup>36</sup>

Pursuant to Paragraph 444 of the consent decree entered in *Illinois v. Chicago*, the Public Safety section is required to "review and analyze" closed sexual misconduct investigations involving complaints "against a CPD member alleging conduct against a non-CPD member." The consent decree requires OIG to publish an annual report "assessing the quality of sexual misconduct administrative investigations reviewed," "recommending changes in policies and practices to better prevent, detect, or investigate sexual misconduct," and "providing aggregate data on the administrative investigations reviewed" by OIG.

Paragraph 444 of the consent decree further requires "the City" provide OIG with the complete administrative file for each complaint of sexual misconduct against a CPD member alleging conduct against a non-CPD member within ten days of the final disciplinary decision. Neither BIA nor COPA complied with this provision in either 2019 or 2020. Without compliance by BIA and COPA, OIG was not positioned to conduct comprehensive analysis and reporting as contemplated by Paragraph 444. Further, the imprecision with which disciplinary investigations are categorized as a matter of record make it impossible to comprehensively identify all closed investigations involving complaints of sexual misconduct. In an effort to comply as fully as possible with its own obligations, under the circumstances, OIG published available information and analysis.

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<sup>36</sup> Published December 7, 2020. See <https://igchicago.org/wp-content/uploads/2020/12/Paragraph-444-Sexual-Misconduct-Administrative-Investigations-Report.pdf>.

Based on information available to OIG, in 2019, BIA closed 14 investigations into allegations meeting the consent decree's definition of sexual misconduct. Of those, eight (57%) were closed after a preliminary investigation, short of an investigative finding. COPA closed six qualifying investigation, of which three (50%) were closed after a preliminary investigation. BIA referred two cases (14%) and COPA referred one case (17%) for criminal prosecution.

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

The Diversity, Equity, Inclusion, and Compliance (DEIC) section uses quantitative and qualitative data and information correlated to internal culture, operations, and impact of service provision to monitor trends and patterns across City departments—to identify equity and inclusion deficiencies and provide recommendations, with specific authority to review the actions of the Chicago Police Department for potential bias, including racial bias. DEIC also issues guidance, training, and program recommendations to City departments on a broad and complex array of employment-related actions; monitors human resources activities which include hiring and promotion; performs legally-mandated and discretionary audits; reviews the City’s hiring and employment practices to ensure compliance with the various City Employment Plans,<sup>37</sup> and publicly reports findings and analysis on diversity and inclusion issues.

### A. HIRING PROCESS REVIEWS

#### 1. Contacts by Hiring Departments

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

#### 2. Political Contacts

OIG tracks all reported or discovered instances where elected or appointed officials of any political party or any agent acting on behalf of an elected or appointed official, political party, or political organization contact the City attempting to affect any hiring for any covered position or other employment actions.

Additionally, City employees often report contacts by elected or appointed officials that may be categorized as inquiries on behalf of their constituents but not an attempt to affect any hiring decisions for any covered position or other employment actions. During this quarter, OIG received notice of one political contact:

- An alderman’s representative contacted DHR to inquire about a religious accommodation for a candidate for the covered title of paramedic.

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<sup>37</sup> On June 24, 2011, the City of Chicago filed the 2011 City of Chicago Hiring Plan (General Hiring Plan). The General Hiring Plan, which was agreed to by the parties and approved by the Court on June 29, 2011, replaced the 2007 City of Chicago Hiring Plan, which was previously in effect. This Hiring Plan was refiled, though not amended, on May 15, 2014. The City of Chicago also filed an amended Chicago Police Department Hiring Plan for Sworn Titles (CPD Hiring Plan) and an amended Chicago Fire Department Hiring Plan for Uniformed Positions (CFD Hiring Plan) on May 15, 2014, which were approved by the Court on June 16, 2014. Collectively, the General Hiring Plan, the CPD Hiring Plan, and the CFD Hiring Plan will be referred to as the “City’s Hiring Plans.”



### 3. Exemptions

OIG tracks all reported or discovered Shakman Exempt appointments and modifications to the Exempt List on an ongoing basis. During this quarter, OIG received notification of 47 exempt appointments.

### 4. Senior Manager Hires

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

### 5. Written Rationale

When no consensus selection is reached during a consensus meeting, a written rationale must be provided to OIG for review.<sup>38</sup> During this quarter, OIG did not receive any written rationales for review.

### 6. Emergency Appointments

OIG reviews circumstances and written justifications for emergency hires made pursuant to the Personnel Rules and MCC § 2-74-050(8). During this quarter, the City did not report any emergency appointments.

### 7. Review of Contracting Activity

OIG is required to review City departments' compliance with the City's Contractor Policy (Exhibit C to the City's Hiring Plan). Per the Contractor Policy, OIG may choose to review any solicitation documents, draft agreements, final contract, or agreement terms to assess whether they are in compliance with the Contractor Policy. This review includes analyzing the contract for common-law employee risks and ensuring the inclusion of Shakman boilerplate language.

Under the Contractor Policy, departments are not required to notify OIG of all contract or solicitation agreements or task orders. However, all contract and solicitation agreements that OIG receives notice of will be reviewed. In addition, OIG will request and review a risk-based sample of contract documents from departments.

In addition to contracts, pursuant to Chapter X of the Hiring Plan, OIG must receive notification of the procedures for using volunteer workers at least 30 days prior to implementation. OIG also receives additional notifications of new interns and/or volunteer workers for existing programs.<sup>39</sup>

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

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<sup>38</sup> A "consensus meeting" is a discussion that is led by the DHR recruiter at the conclusion of the interview process. During the consensus meeting, the interviewers and the hiring manager review their respective interview results and any other relevant information to arrive at a hiring recommendation.

<sup>39</sup> Chapter X.B.6 of the General Hiring Plan.

**TABLE #10 – CONTRACT AND INTERNSHIP OR VOLUNTEER OPPORTUNITY NOTIFICATIONS**

Contracting Department	Contractor, Agency, Program, or Other Organization	Duration of Contract/Agreement
Assets, Information and Services	On-call underground storage tank removal oversight	Awarded within two weeks of proposal submittal, schedule subject to change
Assets, Information and Services	Real estate services	3 weeks
Finance	Tax Increment Financing project audits	1 year
Mayor's Office	Personal services contractor	1 year
Mayor's Office	Personal services contractor	1 year
Mayor's Office	Volunteer opportunity	Ongoing
Planning and Development	SB Friedman	Upon chief procurement officer approval; task order end date: 2/14/2022
Planning and Development	Urban Works LTD	Upon chief procurement officer approval; task order end date: 12/31/2020
Public Health	COVID-19: expedited medical personnel	17–52 weeks
Public Health	Evaluation and monitoring services for the Substance Abuse and Recovery Program	1 year with up to 1-year extension
Public Health	Personal services contractor	3 months
Public Health	Planning services for Healthy Chicago 2025	2 years
Public Health	Sunbelt Staffing	Up to 52 weeks
Treasurer's Office	Independent contractor	6 months
Treasurer's Office	Independent contractor	6 months
Water Management	Contract management services	3 years with optional 2-year extension
Water Management	Program management services	3 years with optional 2-year extension

## B. HIRING PROCESS AUDITS

1. Modifications to Class Specifications<sup>40</sup>, Minimum Qualifications, and Screening and Hiring Criteria

OIG reviews modifications to Class Specifications, minimum qualifications, and screening and hiring criteria. This quarter, OIG received notifications that DHR changed the minimum qualifications for two titles within the following departments: Family & Support Services and the Office of Public Safety Administration. 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. Due to the ongoing COVID-19 pandemic, OIG has suspended its quarterly audit of testing sequences.

4. Selected Hiring Sequences

Each quarter, the Hiring Plan requires OIG to audit at least 10% of in-process hiring sequences and at least 5% of completed hiring sequences conducted by the following departments or their successors: Assets, Information and Services, Aviation, Buildings, Streets and Sanitation, Transportation, Water Management, and six other City departments selected at the discretion of OIG.

Auditing the hiring sequence requires an examination of the hire packets, which include all documents and notes maintained by City employees involved in the selection and hiring process for a particular position. As required by the Hiring Plan, OIG examines some hire packets during the hiring process and examines other packets after the hires are completed. Due to the ongoing COVID-19 pandemic, OIG has suspended its quarterly audit of hiring sequences.

5. Hiring Certifications

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

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<sup>40</sup> "Class Specifications" are descriptions of the duties and responsibilities of a class of positions that distinguish one class from another. They are, in effect, the general descriptions utilized to determine the proper level to which a position should be assigned, and they include the general job duties and minimum qualifications of the position. Class Specifications shall include sufficient detail so as to accurately reflect the job duties.

were taken into account during the applicable process. Due to the ongoing COVID-19 pandemic, OIG has suspended its quarterly audit of hiring certifications.

#### 6. Selected Department of Law Hiring Sequences

Pursuant to Section B.7 of the Department of Law (DOL) Hiring Process, OIG has the authority to audit DOL hiring files. Hiring files include assessment forms, notes, documents, written justifications, and hire certification forms. In 2018, DOL became the repository for all documentation related to the hiring sequences for the titles covered by the DOL Hiring Process. OIG conducted an electronic audit of DOL hire packets this quarter and found that the Department was in compliance with its hiring procedures.

#### 7. Selected Chicago Police Department Assignment Sequences

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

Assignment packets include all documents and notes maintained by employees involved in the selection processes outlined in Appendix D and E of the CPD Hiring Plan. On a quarterly basis, OIG selects a risk-based sample of assignment packets for completed process review after selections have been made and the candidates have begun their assignments. Due to the ongoing COVID-19 pandemic, OIG has suspended its quarterly audit of CPD assignment sequences.

#### 8. Selected Chicago Fire Department Assignment Sequences

Pursuant to Chapter X of the CFD Hiring Plan for Uniformed Positions, OIG has the authority to audit other employment actions, including assignments, “as it deems necessary to ensure compliance with [the] CFD Hiring Plan.” Assignment packets include all documents utilized in a specialized unit assignment sequence, including, but not limited to, all forms, certifications, licenses, and notes maintained by individuals involved in the selection process. OIG selects a risk-based sample of assignment packets for completed process review after CFD issues unit transfer orders and candidates have begun their new assignments. Due to the ongoing COVID-19 pandemic, OIG has suspended its quarterly audit of CFD assignment sequences.

#### 9. Monitoring Hiring Sequences

In addition to auditing hire packets, OIG monitors hiring sequences as they progress by attending and observing intake meetings, interviews, tests, and consensus meetings. The primary goal of monitoring hiring sequences is to identify any gaps in internal controls. However, real-time monitoring also allows OIG to detect and address compliance anomalies as they occur.

OIG identifies the hiring sequences to be monitored based on risk factors such as past errors, complaints, and historical issues with particular positions. This quarter, OIG monitored five sets

of interviews and one consensus meeting. The table below shows the breakdown of monitoring activity by department.<sup>41</sup>

**TABLE #11 –OIG MONITORING ACTIVITIES THIS QUARTER**

Department	Intake Meetings Monitored	Tests Monitored	Interview Sets Monitored	Consensus Meetings Monitored
Civilian Office of Police Accountability			2	
Police			1	
Emergency Management & Communications			1	1
Public Safety Administration			1	

#### 10. Acting Up<sup>42</sup>

OIG audits the City's compliance with Chapter XI of the General Hiring Plan and the Acting Up Policy. This quarter, OIG did not receive notice of any DHR-approved waiver requests to the City's 90-Day Acting Up limit.<sup>43</sup>

#### 11. Arbitrations and Potential Resolution of Grievances by Settlement

Chapter XII.C.7 of the City's Hiring Plan requires OIG to audit grievance settlement decisions that may impact procedures governed by the Hiring Plan. This quarter, OIG received notice of one settlement agreement which resulted in employment actions from DHR.

### C. REPORTING OF OTHER OIG DEIC ACTIVITY

#### 1. Escalations

Recruiters and analysts in DHR and CPD-HR must escalate concerns regarding improper hiring by notifying OIG. In response to these notifications, OIG may take one or more of the following actions: investigate the matter, conduct a review of the hiring sequence, refer the matter to the DHR commissioner or appropriate department head for resolution, or refer the matter to the OIG Investigations section.

<sup>41</sup> If a department is not included in this table, OIG did not monitor any elements of that department's hiring sequence(s).

<sup>42</sup> "Acting Up" means an employee is directed or is held accountable to perform, and does perform, substantially all the responsibilities of a higher position.

<sup>43</sup> Pursuant to the Acting Up Policy, no employee may serve in an acting up assignment in excess of 90 days in any calendar year unless the department receives prior written approval from DHR. The department must submit a waiver request in writing signed by the department head at least 10 days prior to the employee reaching the 90-day limitation. If the department exceeds 90 days of Acting Up without receiving a granted waiver request from DHR, the department is in violation of the Policy.

This quarter, OIG did not receive notice of any new escalations and does not have any pending escalations.

## 2. Processing of Complaints

OIG receives complaints regarding the hiring process, including allegations of unlawful political discrimination and retaliation and other improper considerations in connection with City employment. All complaints received by OIG are reviewed as part of OIG's complaint intake process. Hiring-related complaints may be resolved in several ways, depending upon the nature of the complaint. If there is an allegation of a Hiring Plan violation or breach of a policy or procedure related to hiring, OIG may open a case into the matter to determine if such a violation or breach occurred. If a violation or breach is sustained, OIG may make corrective recommendations to the appropriate department or may undertake further investigation. If, after sufficient inquiry, no violation or breach is found, OIG will close the case as not sustained. If, in the course of an inquiry, OIG identifies a non-hiring-related process or program that could benefit from a more comprehensive audit, OIG may consider a formal audit or program review.

This quarter, OIG received seven complaints and had six pending complaints from the prior quarter. The table below summarizes the disposition of these complaints.

**TABLE #12 – DEIC COMPLAINTS RECEIVED THIS QUARTER**

Complaint Status	Number of Complaints
Pending from Previous Quarter	6
Received This Quarter	7
Opened Investigation	9
Declined	2
Referred to Department	1
Complaints Pending as of End of Quarter	1

DEIC closed 20 cases this quarter. The table below summarizes the disposition of these complaints, as well as those pending from the previous quarter.

**TABLE #13 – DEIC CASES THIS QUARTER**

Case Status	Number of Cases
Pending from Previous Quarter	10
Opened This Quarter	10
Referred	2
Closed Not Sustained	2
Cases Pending as of End of Quarter	16

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

On June 30, 2020, OIG sent a management letter to CPD concerning several complaints based on the psychological assessment for the positions of police officer and detention aide. The

allegations included misplaced or lost paperwork, candidate identity errors, and interviewer bias during psychological assessments.

OIG's review did not substantiate the allegations; however, our analysis highlighted a processing disparity between candidates applying for positions of police officer and detention aide. The selection process for both titles requires successfully passing a psychological assessment but only police officer candidates can appeal their unsuitability. Since 2017—when the psychological appeal process was instituted—approximately 128 police officer candidates who appealed their removal based on their psychological assessment were returned to the eligibility list. This gap in procedural policy raised concerns that the process may unnecessarily eliminate candidates and undermine fairness within the hiring process. OIG recommended that CPD consider implementing appeal procedures for all positions that require a psychological assessment, including the position of detention aide.

On November 24, 2020, CPD responded that it would decline to take action on OIG's recommendation, citing the added expense of an appeals process and the fact that the disqualification rate of detention aide candidates (14%) did not meet CPD's self-determined threshold of 20%, in order to implement an appeals process.

## 2. Department of Aviation, Not Sustained With Recommendations (#19-0905)

On August 22, 2019, OIG received a referral from the Department of Human Resources Equal Employment Opportunity Division (EEO). A Chicago Department of Aviation (CDA) motor truck driver (MTD) alleged that an airport manager engaged in gender, race, and ancestry discrimination when the airport manager failed to select the MTD as a lead for the 2017–2018 snow season. Despite not sustaining the MTD's allegations, EEO's report highlighted concerns regarding CDA's lead assignment selection process.

While CDA had implemented a lead MTD selection evaluation process with consistent criteria, the process had not been documented in writing. OIG therefore recommended that CDA draft a written policy to document the lead assignment selection process that was being implemented. OIG recommended that the written procedure include the respective roles of management and provide a means for the evaluation results to be shared with the relevant MTDs.

CDA agreed with OIG's recommendation and created standard operating procedures for the MTD lead assignment selection process. CDA provided OIG with updated procedures to allow for the relevant MTDs to review the evaluation forms.