

JANUARY 2022

FOURTH QUARTER REPORT 2021

CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL



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

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

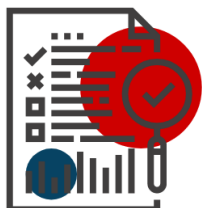
Respectfully,

A handwritten signature in black ink, appearing to read "William Marback".

William Marback
Interim Inspector General
City of Chicago

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FOURTH QUARTER 2021 HIGHLIGHTS

688

COMPLAINTS
RECEIVED



OIG concluded investigations regarding:

- Bribery
- Fraudulent use of leave
- Hostile work environment
- Interference with public works negotiations
- Theft
- Verbal harassment

456

MATTERS
CONCLUDED



OIG published reports including:

- Audit & Program Review 2022 Audit Plan
- Audit of City Council Committee Spending and Employee Administration
- Second Audit of the Chicago Fire Department's Fire & Emergency Medical Response Times
- Advisory on the Chicago Fire Department's Management and Enforcement of Protocols for Missing or Stolen Badges
- Advisory on Background Checks on Members of the Public
- Advisory on the Roseland Pumping Station Failure
- Chicago Department of Public Health's COVID-19 Contract Tracing Program Follow-Up
- Chicago Police Department and Department of Family & Support Services' Administration of the Juvenile Intervention and Support Center Follow-Up
- Notifications regarding an improperly issued tavern license and a failure to comply with municipal code requirements to publish reports

8

REPORTS
PUBLISHED

2

DEPARTMENT
NOTIFICATIONS

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

I. MISSION OF THE OFFICE OF INSPECTOR GENERAL

The mission of OIG is to promote economy, effectiveness, efficiency, and integrity in the administration of programs and operation of City government.¹ OIG accomplishes its mission through investigations, audits, and other reviews. OIG issues summary reports of investigations to the appropriate authority, management officials, and/or the Mayor, with investigative findings and recommendations for corrective action and discipline. Narrative summaries of sustained administrative investigations, i.e., those typically involving violations of the City’s Personnel Rules, Debarment Rules and Ethics Ordinance—and the resulting department or agency actions—are released in quarterly reports. OIG’s investigations resulting in criminal or civil recovery actions are summarized in quarterly reports following public action (e.g., indictment) and updated in ensuing quarterly reports as court developments warrant. 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.

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

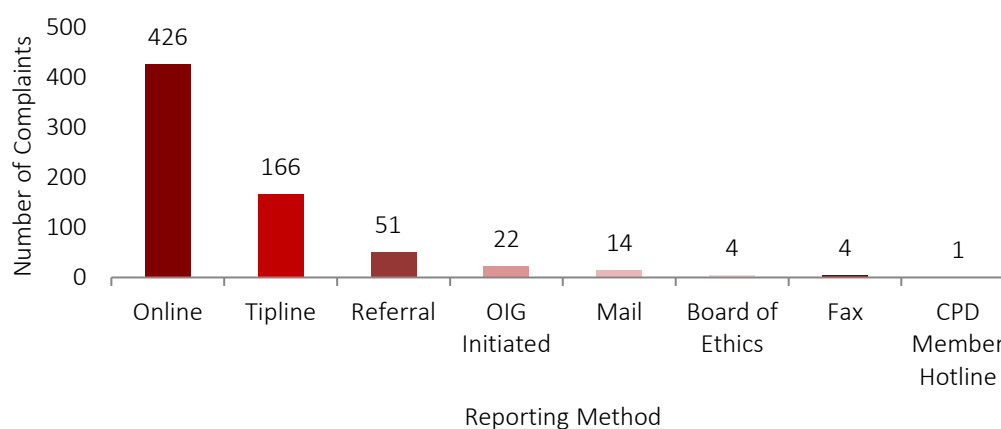
II. INVESTIGATIONS

The 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 688 complaints this quarter. The following chart breaks down the complaints OIG received during the past quarter by the method in which the complaint was reported.

CHART 1 – COMPLAINTS BY REPORTING METHOD



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

TABLE 1 – COMPLAINT ACTIONS

Status	Number of Complaints
Opened Investigation	25
Pending ³	53
Referred to Department/Sister Agency	371
Declined	239
Total	688

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

³ 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 87 prior complaints that were pending at the end of last quarter. Two complaints are 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	11
Pending	2
Referred to Department/Sister Agency	53
Declined	21
Total	87

C. NEWLY OPENED MATTERS

This quarter, OIG opened 460 matters. The following table provides details on the subjects and number of investigations and referrals for newly opened matters.

TABLE 3 – SUBJECT OF INVESTIGATIONS AND REFERRALS

Subject of Investigations and Referrals	Number of Investigations and Referrals
Employees	336
Contractors, Subcontractors, and Persons Seeking Contracts	9
Elected Officials	12
Appointed Officials	6
Licensees	20
Other	77
Total	460

D. CASES CONCLUDED THIS QUARTER

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

TABLE 4 – CASES CONCLUDED THIS QUARTER

Status	Number of Cases
Referred to a City Department	345
Referred to a Sister/External Agency	79
Sustained ⁴	19
Not Sustained ⁵	8
Closed Administratively ⁶	5
Total	456

E. PENDING MATTERS

At the close of this quarter, OIG had a total of 177 pending matters, including investigations opened during the quarter.

ILLINOIS V. CHICAGO, CONSENT DECREE PARAGRAPH 481 INVESTIGATIONS

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

During this quarter, OIG did not request the superintendent's authorization in any cases.

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 177 pending matters, 50 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) or may be the subject of criminal investigation being conducted jointly with law enforcement investigative or prosecutorial partners at the federal, state, or local level.

⁴ A case is sustained when the evidence sufficiently establishes that either an administrative or criminal violation has occurred, or the case identifies a particular problem or risk that warrants a public report or notification to a department.

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

⁶ A case is closed administratively when, in OIG's assessment, it has been or is being appropriately treated by another agency or department, the matter was consolidated with another investigation, or, in rare circumstances, OIG determined that further action was unwarranted.

TABLE 5 – INVESTIGATIONS OPEN OVER TWELVE MONTHS, FOURTH QUARTER

OIG 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 ⁷	Pending federal criminal investigation of bribery.
19-0114	Duty disability fraud.
19-0178	Criminal investigation concluded without charge and resumed for administrative investigation of distribution of steroids to City employees.
19-0303 ⁸	False information submitted to the City.
19-1159	Contract fraud.
19-1323	Providing false information.
20-0025	Pending federal criminal investigation of theft.
20-0071	Pending federal criminal investigation of bribery.
20-0257	Pending federal criminal investigation of bribery.
20-0385	Residency violation.
20-0532 ⁹	Post-employment violation.
20-0708	False records submitted to City.
20-0780	Violence in the workplace.
20-0838	Retaliation.
20-0842	WBE/MBE fraud.
20-0844 ¹⁰	FMLA fraud.
20-0876 ¹¹	Falsification/improper use of City resources.
20-0878 ¹²	Residency violation.
20-0881	Residency violation.
20-0882 ¹³	Failure to follow departmental rules regarding COVID-19 quarantine.
20-0918 ¹⁴	Building permit fraud.
20-0987	Harassment.

⁷ On hold, in order not to interfere with another ongoing investigation.

⁸ Extended due to higher-risk, time sensitive investigations.

⁹ Extended due to higher-risk, time sensitive investigations.

¹⁰ Extended due to higher-risk, time sensitive investigations.

¹¹ Extended due to higher-risk, time sensitive investigations.

¹² Extended due to higher-risk, time sensitive investigations.

¹³ Extended due to higher-risk, time sensitive investigations.

¹⁴ Extended due to higher-risk, time sensitive investigations.

OIG Case Number	General Nature of Allegations
20-0988	Bribery.
20-0989	Bribery.
20-1015	Failure to follow department rules in the course of an investigation.
20-1055 ¹⁵	False records submitted to the City.
20-1061	Violation of firearms in the workplace policy.
20-1128	Time fraud and submission of false documentation.
20-1155	Duty Disability fraud.
20-1161	FMLA fraud.
20-1162	Bribery.
20-1210	MBE/WBE fraud.
20-1211 ¹⁶	Improper use of City resources.
20-1267 ¹⁷	Violence in workplace.
20-1275	Residency violation.
20-1334	Failure to follow department rules in course of an investigation.
20-1335	Unauthorized outside employment/residency violation.
20-1373	Bribery.
20-1375	Failure to follow department rules in course of an investigation.
20-1376	False statements/violation of department rules.
20-1447 ¹⁸	Unauthorized outside employment/conflict of interest.
20-1561	Improper use of City resources/violation of department rules.
20-1588	Duty disability fraud.
20-1589	Retaliation.
20-1590	Pending federal criminal investigation.
20-1646	Retaliation.
20-1730	Violation of department rules/failure to report misconduct.

G. ETHICS ORDINANCE COMPLAINTS

This quarter, OIG received 30 Ethics Ordinance complaints. OIG declined 20 complaints because they lacked foundation, opened 2 for investigation, referred 6 to the appropriate City department, and 2 are pending.

¹⁵ Extended due to higher-risk, time sensitive investigations.

¹⁶ Extended due to higher-risk, time sensitive investigations.

¹⁷ Extended due to higher-risk, time sensitive investigations.

¹⁸ Extended due to higher-risk, time sensitive investigations.

H. PUBLIC BUILDING COMMISSION COMPLAINTS AND INVESTIGATIONS

This quarter, OIG received no complaints related to the Public Building Commission and currently has no investigations 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 investigation¹⁹—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 Mayor’s Office, 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 or candidate’s political campaign. Potential violations of the cap are identified through complaints or independent OIG analysis of campaign finance data. Other rules and regulations such as Executive Order 2011-4 place further restrictions on donations. Once a potential violation is identified, OIG notifies the donor and the donation recipient of the violation and, in accordance with the MCC, provides the individual or entity 10 days to challenge the determination or cure the violation by returning the excess donation.²⁰ If the excess donation is returned in a timely manner, or it is determined that a violation did not occur, OIG closes the matter administratively. In the event the matter is not cured or rightfully challenged, OIG will sustain an investigation and deliver the case to the Board of Ethics for adjudication.

This quarter, OIG resolved one campaign finance violation matter that involved \$3,500 in disallowed contributions. Details are provided in the table below.

TABLE 6 – CAMPAIGN FINANCE ACTIVITY

OIG Case Number	Donation Amount (Year)	Donation Source	Amount of Returned Funds
20-1446	\$5,000 (2019)	Company affiliated with another company doing business with the City	\$3,500

¹⁹ 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.”

²⁰ 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.

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 recommendations²¹ 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.²²

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 7 – OVERVIEW OF CASES COMPLETED AND REPORTED AS SUSTAINED MATTERS

OIG Case Number	Department or Agency of Subject	OIG Recommendation	Department or Agency Action
21-0085	Streets and Sanitation	Discharge and designate as ineligible for rehire	No discipline
21-0028	Water Management	Discharge and designate as ineligible for rehire	Discharged employee; appeal pending
21-0015	Planning and Development	Designate as ineligible for rehire and place report in personnel file	Designated as ineligible for rehire and placed report in personnel file
20-1213	Public Health	Discipline up to and including discharge	Employee retired prior to discipline; designated as ineligible for rehire
20-0486	Buildings, Public Health	DOB Subject 1: Discipline commensurate with the gravity of the violations	No discipline

²¹ The Public Building Commission (PBC) has 60 days to respond to a summary report of investigation by stating a description of any disciplinary or administrative action taken by the Commission. If PBC chooses not to take action or takes an action different from that recommended by OIG, PBC must describe that action and explain the reasons for that action.

²² 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.

OIG Case Number	Department or Agency of Subject	OIG Recommendation	Department or Agency Action
		DOB Subject 2: Discipline commensurate with the gravity of the violations	No discipline
		CDPH Subject 1: Discipline up to and including discharge	Written reprimand
20-0003	Police	Subject 1: Discipline commensurate with the gravity of violations Subject 2: Issue a formal determination on the violations, place OIG report along with CPD response in personnel file, and refer for placement on the ineligible for rehire list Department: review policies regarding the provision of first aid to injured persons, the transportation of injured persons to hospital by CPD members, and interactions with victims of violent crimes and their family members	Reprimanded Retired during investigation; report and response placed in personnel file Agreed to review all policies
18-0686 20-0416	Aviation	Discharge and designate as ineligible for rehire	Discharged and designated as ineligible for rehire

1. Solicitation of a Bribe and Official Misconduct (#21-0085)

An OIG investigation established that a Department of Streets and Sanitation (DSS) tree trimmer solicited money from two Chicago Police Department (CPD) members. Specifically, the tree trimmer, while on duty, approached the CPD members who were involved in a neighborhood

cleanup project and offered to assist them in trimming trees if they gave the tree trimmer \$50. When the members declined the offer, the tree trimmer offered to accept whatever money the members had in their pockets. OIG determined that the tree trimmer's actions constituted bribery and official misconduct in violation of Illinois law and the City's personnel rules.

OIG recommended that DSS discharge the tree trimmer and refer them for placement on the ineligible for rehire list maintained by the Department of Human Resources (DHR). In response, DSS declined to impose any discipline, stating that it disagreed with OIG's recommendations. Specifically, the DSS commissioner stated that based on the evidence OIG had gathered, the conduct of the members, inconsistencies in witness accounts, and the tree trimmer's 23 years of service with DSS without any infractions of this type on their record, the commissioner did not find clear proof that bribery was committed.

2. Creation of a Hostile Work Environment, Interference with City Public Works Negotiations, and Unauthorized Use of the City Seal (#21-0028)

An OIG investigation established that a Department of Water Management (DWM) plumber—who expressly identified themselves as a DWM employee on their blog—published offensive, racist, and harassing language and posts, and as a result of these posts, contributed to creating a hostile work environment; verbally harassed and exhibited discourteous treatment toward other City employees; and violated the City's Equal Employment Opportunity (EEO) and Information Security and Technology policies. On numerous occasions, the plumber posted racially and sexually discriminatory language to deride the Mayor, the former DWM commissioner, and other DWM officials and employees. Further, the plumber also sexually harassed a DWM official on the plumber's blog by posting sexually suggestive and offensive remarks about the official and a sexually suggestive picture meant to depict the official, thereby creating an offensive work environment in violation of the City's EEO Policy.

Further, the plumber communicated with officials of a nearby municipality and identified themselves as a DWM employee with the purpose of interfering in negotiations for a major public works water contract in violation of City personnel rules prohibiting conflicts of interest and conduct unbecoming. Specifically, the plumber contacted officials of the municipality and requested interviews for inclusion in an online video the plumber was preparing, which criticized the City of Chicago as corrupt and encouraged the municipality not to execute the contract—without authority from DWM or the City while utilizing the plumber's authority as a DWM employee for the basis of the contact.

Finally, the plumber violated MCC § 1-8-100 (prohibiting unauthorized use of the City seal) and City of Chicago Personnel Rule XVIII Subsection 45 (prohibiting any act or conduct in violation of, or failing to perform any duty required by, the Ethics Ordinance—here, MCC § 2-156-060, which prohibits unauthorized use of City property). Specifically, the plumber, without proper authorization, posted a video displaying the City seal in the background on their blog.

OIG recommended that DWM discharge the plumber and refer them for placement on the ineligible for rehire list maintained by DHR.

In response, DWM discharged the plumber. The plumber has appealed their discharge to the Human Resources Board.

3. Theft of City Checks (#21-0015)

An OIG investigation established that a Department of Planning and Development (DPD) student intern stole and altered two checks that a title company had sent to DPD for zoning compliance application fees. The intern then cashed those checks, taking a total of \$240 that was intended for the City. OIG's investigation determined that the intern's conduct constituted theft, forgery, and bank-related fraud in violation of Illinois law.

OIG recommended that DPD discharge the intern, find that the evidence established the foregoing violations, refer them for placement on the ineligible for rehire list maintained by DHR, and place OIG's report along with the attached evidentiary materials in their personnel file.

In response, DPD discharged the intern immediately following their OIG interview. DPD referred the employee for placement on the ineligible for rehire list and requested that DHR place OIG's report in the employee's personnel file.

4. Verbal Harassment of a City Contractor (#20-1213)

An OIG investigation established that a Chicago Department of Public Health (CDPH) senior programmer verbally abused and harassed an employee of a City contractor by using profane and racist language during a confrontation. The confrontation occurred at a facility owned by the City contractor where CDPH maintains a Women, Infants, and Children (WIC) office. The senior programmer became agitated when, at the entrance to the building, the employee asked standard COVID-19 protocol questions. The senior programmer disregarded the employee and walked past them into the building while stating "Fuck you." A few moments later, the employee went to the WIC office in order to make a complaint about the senior programmer. Upon seeing the employee enter the WIC office, the senior programmer began yelling at the employee, "Why the fuck are you following me?" and "You damn Latina," and also called the employee a bitch approximately three times. The senior programmer continued the tirade with, "I hate you, you fucking Latina, why are you following me," "Get the fuck away from me," "Who the fuck do you think you are?" and "I'm going to beat your ass."

OIG recommended that CDPH impose discipline up to and including discharge, commensurate with the gravity of the violations, past disciplinary record, and any other relevant considerations.

In response, CDPH agreed with the findings. However, before CDPH could impose discipline, the senior programmer retired and failed to appear for the scheduled pre-disciplinary hearing prior to the retirement. CDPH referred the senior programmer for placement on the ineligible for rehire list maintained by DHR.

5. Implosion of an Industrial Smokestack (#20-0486)

On April 11, 2020, an implosion of an industrial smokestack at the former Crawford Generating Power Plant (Crawford Site) located at 3501 South Pulaski Road caused a particulate dust cloud to engulf and settle on a large area of Chicago's Little Village community during the COVID-19 pandemic. The planning and permitting process for the demolition involved a number of City departments and senior officials, foremost of which were the Department of Buildings (DOB) and CDPH. DOB is the regulatory anchor point for demolition actions, particularly demolitions involving the use of explosives, as occurred here. CDPH had significant responsibilities because of its primary remit for public health. The demolition was led by a redevelopment company to make way for a warehouse and distribution center for a national retailer. The resulting particulate dust cloud occurred despite warnings—213 days before—that “[t]he dust from an event like this is almost cataclysmic;” despite knowledge—documented 51 days before—that dust would be “an unpreventable byproduct” of the operation; and despite predictions by CDPH senior staff that toppling the smokestack would be a “disaster.” In the face of those clear forewarnings of obvious risks from experts, senior officials approached their regulatory roles and responsibilities in siloed, technical, reductionist, “not-my-job” fashion rather than taking proactive, affirmative measures to meet the public health and safety risks at the core of their respective department missions and competencies, to the ultimate detriment of a community members who live adjacent to and experience the collateral consequences of large industrial sites and enterprises.

OIG's investigation established that although there was no dedicated City procedure specific to an implosion of structural demolition leading up to the Crawford Site smokestack implosion, DOB failed to follow its own Department regulations for demolitions involving explosives, Chapter 14A-4-407 of the Administrative Provisions of the Chicago Construction Codes, which directly and indirectly contributed to a breakdown of City regulatory oversight. More specifically, two DOB officials oversaw the regulatory implosion process for the Crawford Site demolition without adequately following DOB regulations that required the demolition permit application to detail the techniques and processes to be used, including whether explosives would be utilized, and the experience and expertise of the contractors and subcontractors that would perform the work. The original permit process disclosed a planned demolition that would not proceed by way of implosion through explosives. When those plans changed, DOB officials failed to institute a formalized separate permit review of the planned smokestack demolition. Their decision to elide their regulatory responsibilities in the face of information that an implosion posed a high risk of environmental harm to the neighboring Little Village community constituted poor public administration and a negligent dereliction of regulatory responsibility and duty in violation of Personnel Rule XVIII, Section 1, subsections 29 (failing to take action as needed to... perform a task safely), 36 (failing to comply, in carrying out any acts in the scope of employment, with laws or departmental rules governing health, safety, and sanitary conditions), 39 (incompetence or inefficiency in the performance of the duties of the position), and 48 (Violating any departmental regulations, rules or procedures), as well as Chapter 14A-4-407 of the Administrative Provisions of the Chicago Construction Codes.

OIG recommended that DOB impose discipline against the two officials, commensurate with the gravity of their violations—which should factor the magnitude of the public health, welfare, and safety threat to community members—as well as their past work and disciplinary record, and any other relevant considerations.

In response, DOB asserted that the Department and the City acted quickly to enact numerous reforms to ensure that an incident like this would not happen again, outlining Ordinance O2020-3443 (imposing a moratorium on demolitions by implosion until departments updated the governing rules, requiring a license for use of explosives in a demolition, increasing public comment period and notice to nearby residents and businesses in advance of demolitions, and designating the Office of Emergency Management and Communications as the primary, coordinating City department for such actions)—which went into effect on July 22, 2020; Ordinance O2021-2154 (creating and defining categories of demolitions to separate “ordinary” from “complex” projects, mandating additional operational and safety plans prior to demolition, and requiring post-demolition DOB inspections)—which went into effect on September 1, 2021; and Ordinance O2021-4758 (codifying definitions of complex and ordinary demolitions into the MCC and tightening eligibility requirements regarding which contractors may perform demolitions)—which went into effect on October 14, 2021. DOB further stated that it had enacted Rules Regarding Demolition by Implosion, which went into effect on April 19, 2021, and completely updated its demolition permit application, effective August 29, 2021. The new application expressly states that any changes in the method of demolition will require a new review by DOB which will also require a new review and approval by all other City departments, including CDPH. DOB also stated that it will seek to codify this requirement within 14-A-407.

In response to OIG’s disciplinary recommendations against the two officials, DOB declined to issue discipline. DOB asserted that neither the prior Section 13-124-080 nor the subsequent Section 14A-4-407 stated that a new demolition permit was required if the method of demolition was amended or if there was a change in subcontractors, highlighting that in March 2020, DOB amended the method of demolition for the smokestack to “implosion” on the permit and that City departments had been made aware of the replacement of subcontractor. DOB further asserted that while these processes have since been reformed to require a new permit application when the method of demolition changes or a subcontractor is replaced, the two DOB officials did not violate any existing laws, regulations, rules, or procedures in place at the time. DOB acknowledged that City employees owe a level of attentiveness beyond what is contained in the Personnel Rules and departmental and City processes, and therefore conducted non-disciplinary remedial counseling for both officials. DOB also plans to conduct remedial training for the entirety of the Department since every employee plays a role in ensuring public safety and providing overall checks and balances for City processes and actions.

OIG’s investigation additionally established that a CDPH official was on notice and therefore knew or should have known that the redevelopment company’s demolition contractor had outlined manifestly inferior dust mitigation measures prior to the implosion that radically diverged from the plan of its contract predecessor, which CDPH had formally reviewed and evaluated. Specifically, the CDPH official affirmatively received information that the demolition

contractor had significantly downscaled the dust mitigation equipment that it would employ. The CDPH official further failed to obtain written assurances from the demolition contractor that it would follow its predecessor's dust mitigation plan, on which CDPH had provided substantive comment relating most particularly to dust-suppressing water coverage. Moreover, the CDPH official failed to elevate concerns about the potential environmental implications of the planned implosion articulated by CDPH colleagues—apparent in the information provided to the CDPH official and in their possession—onto the CDPH commissioner who had the discretionary authority to issue an emergency cessation order or situations involving imminent and substantial risk to public health. The senior official's abdication of responsibility and willful bureaucratic negligence allowed the demolition contractor to proceed unchecked with minimal dust mitigation measures, including a failure to adequately soak the ground prior to the implosion. The senior official's collective actions and inactions constituted violations of Personnel Rule XVIII, Section 1, subsections 29 (Failing to take action as needed to... perform a task safely), 35 (acting negligently or willfully in the course of employment so as to damage public or private property or cause injury to any person), and 39 (incompetence or inefficiency in the performance of the duties of the position).

OIG recommended that CDPH impose discipline up to and including discharge against the CDPH official, commensurate with the gravity of the violations—which should factor the magnitude of the public health, welfare, and safety threat to community members—as well as past work and disciplinary record, and any other relevant considerations.

In response, CDPH acknowledged that it is incumbent upon the City and its officials to identify and address the various system failures and gaps in the permitting process in connection with this implosion, noting that the reforms that have been implemented are further detailed in DOB's response to OIG. Along with DOB and other City departments, CDPH stated that it has also adopted new rules to manage implosions and improve coordination between City departments involved in reviewing and approving demolition plans, noting that one of its foremost concerns in implosions is fugitive dust mitigation.

CDPH agreed that the CDPH official had violated Personnel Rule XVIII, Section 1, subsection 29 (Failing to take action as needed to... perform a task safely), noting that, because of the scope of their role, it would have been appropriate for the CDPH official to have taken additional follow-up actions due to indirectly raised inconsistencies in the dust mitigation plan in the weeks/days preceding the implosion, as well as the senior official's awareness that the site and its planned demolition posed a risk for fugitive dust. CDPH agreed that discipline was warranted and planned to issue a written reprimand to the CDPH official. However, CDPH disagreed that the CDPH official had violated subsections 35 (acting negligently or willfully in the course of employment so as to damage public or private property or cause injury to any person) and 39 (incompetence or inefficiency in the performance of the duties of the position). With respect to subsection 39, CDPH stated that the type and scale of the demolition was unprecedented and that at the time of the demolition the City lacked strong policies and procedures for successful multi-department oversight, which have since been addressed in subsequent reforms.

In their responses, both CDPH and DOB asserted that responsibility for the events of April 11, 2021, ultimately rests with the redevelopment company and its agents, noting that in private demolitions, property owners and their agents have an obligation to act in good faith and in adherence with approved plans. Both CDPH and DOB noted that structural changes and reforms will protect the environment and public health of community members going forward more than individual discipline.

OIG's investigation additionally established that the redevelopment company gave the City repeated assurances that its demolition contractor would appropriately mitigate dust at the site, despite the demolition contractor's radical downscaling of dust mitigation measures relative to the plans that had previously been submitted to, reviewed, evaluated, and commented on by CDPH. Specifically, a subcontractor of the demolition contractor's subcontractor, on behalf of the demolition contractor, submitted a thorough dust mitigation plan for CDPH commentary and evaluation. The demolition contractor ultimately failed to follow this plan, which led to the generation and propulsion of the massive particulate dust cloud over part of neighboring Little Village. Though the redevelopment company attempted to distance itself from its demolition contractor's actions, its representatives retained control over and closely oversaw the demolition contractor's implosion permitting process within the City. City personnel could not identify a regular point of contact for the demolition contractor for the implosion and referenced a representative from the redevelopment company as their point person throughout the implosion process. The City issued 16 citations against the redevelopment company and 2 involved subcontractors for up to \$68,000 for violations of CDPH's ordinance. Despite the egregious repercussions of the redevelopment company's conduct, OIG did not recommend any further action against them due to the City settling regulatory citations with the company for the same conduct. In June 2020, the redevelopment company agreed to pay the City \$19,500 in full satisfaction and resolution of its citations, did not admit any guilt, and denied wrongdoing or liability regarding the subject of its citations.

6. Failure to Supervise and Disrespect to a Victim's Relative (#20-0003)

On March 4, 2016, a victim died after suffering a gunshot wound at the hands of an unknown assailant. An OIG investigation examined the conduct of members of CPD and the Chicago Fire Department (CFD), specifically the initial response to the shooting and the aid provided to the victim at the scene during transport to the hospital. OIG's investigation established by a preponderance of the evidence that: (1) that the victim had been handcuffed by a CPD member or members but no CPD member documented the handcuffing; (2) that as the responsible on-scene supervisor, a CPD lieutenant—who was a sergeant at the time and present on March 4, 2016, when the victim appeared in front of a CPD district station seeking help—violated CPD policy by failing to ensure that the CPD member who placed the victim in handcuffs at some point prior to transport accompanied them in the ambulance to the hospital; and (3) that a CPD detective who conducted the investigation into the victim's homicide was disrespectful to or

mistreated a member of the victim's family during a meeting at which the family member sought a status of the homicide investigation.

OIG's investigation established that the then-sergeant's conduct violated CPD Rules and Regulations, Article V, Rule 3 (any failure to promote the Department's efforts to implement its policy or accomplish its goals), Rule 5 (failure to perform any duty), Rule 6 (disobedience of an order or directive, whether written or oral), Rule 10 (inattention to duty), and Rule 11 (incompetence or inefficiency in the performance of duty). Additionally, OIG's investigation established that the detective's conduct violated CPD Rules and Regulations, Article V, Rule 2 (any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department) and Rule 8 (disrespect to or maltreatment of any person, while on or off duty).

With respect to the then-sergeant, OIG recommended that CPD impose discipline commensurate with the gravity of their violations, past disciplinary record, and any other relevant considerations. Because the CPD detective had retired before the completion of OIG's investigation, OIG recommended that CPD issue a formal determination on the violations, place the report along with CPD's response in their personnel file, and refer them for placement on the ineligible for rehire list maintained by DHR. Further, OIG recommended that CPD review its policy regarding the provision of first aid to injured persons to ensure that it complies with a recent change in state law, and to further examine the existing contrast in CPD policy between a mandatory duty to provide first aid to those injured by a CPD use-of-force and a non-mandatory duty to provide first aid to all other injured persons. OIG also recommended that CPD review its policy and training on the transportation of injured persons to hospitals by CPD members, and review its Bureau of Detectives trainings and directives regarding communications, interactions with, and services to victims of violent crimes and their family members.

In response, CPD stated that it does not agree that OIG proved by a preponderance of the evidence that the victim was, in fact, handcuffed prior to being transported to the hospital and that the evidence presented was an insufficient basis to sustain a Rule 10 violation for attention to duty. CPD stated that it was instead appropriate that a reprimand be issued to the then-sergeant, stating that the fact that it was unclear whether the victim was handcuffed was sufficient to sustain the violation for inattention to duty. As for the retired detective, CPD stated that the detective used phrases and tone that did not reflect the best of CPD, and that the detective should have communicated with the victim's relative in a more appropriate manner that accurately reflected CPD's goals. CPD did not believe that the detective's conduct rose to a level sufficient to refer them for placement on the ineligible for rehire list, but agreed to place OIG's report and recommendations in the employee's personnel file. Finally, CPD agreed to review its policies to ensure the policies comply with the current state law and best practices.

7. Use of Racial Slurs by a City Employee (#18-0686 and #20-0416)

An OIG investigation established that a Chicago Department of Aviation (CDA) operating engineer, while on duty and in a City facility, used a racial slur to refer to a co-worker. The

incident occurred approximately two months after OIG issued a report to CDA sustaining an allegation that the same operating engineer used a racial slur in reference to a Black female on a magazine cover, while on duty and in a City facility. In the prior case (#18-0686), OIG recommended that CDA discharge the operating engineer and refer them for placement on the ineligible for rehire list maintained by DHR. CDA and the Department of Law (DOL) were reviewing discipline for the prior case at the time of the more recent incident. CDA—in consultation with DOL—held the prior matter, pending an outcome in the more recent investigation. In the more recent case (#20-0416), OIG again recommended that CDA discharge the operating engineer and refer them for placement on the ineligible for rehire list maintained by DHR.

CDA agreed with OIG’s findings and recommendations, discharged the operating engineer, and referred them for placement on the ineligible for rehire list.

C. CASES COMPLETED AND REPORTED AS SUSTAINED MATTERS

OIG has completed additional investigations and submitted reports of sustained administrative cases to various City departments in the cases listed in the table below. Because OIG has not yet received final reporting on the action taken by the departments in response to OIG’s recommendations, these cases must be further reported for the first time or as updates in future OIG quarterly reports. OIG offers the below table in order to provide notice of the completion of investigations that are not otherwise fully accounted for in this report.

Departments in receipt of OIG reports of sustained administrative cases have a 30-day response period (with the potential for an extension of an additional 30 days) as outlined in the MCC. In some instances, the subject department has made a determination but action is pending a drafting of charges by DOL, extending final agency action beyond the mandatory response time afforded by the MCC. To assure concluded OIG investigations are not rendered unaccounted for during such administrative lags, those cases are listed below. Summary descriptions for all cases below will follow in subsequent OIG quarterly reports, upon formal charging.

TABLE 8 – OVERVIEW OF CASES COMPLETED AND REPORTED AS SUSTAINED MATTERS

OIG Case Number	Department or Agency of Subject	General Nature of Allegations	OIG Recommendation
20-1266	Water Management	Indecent exposure while on duty	Discharge and designate as ineligible for rehire
20-0619	Aviation	Fraudulent use of leave and failure to disclose conviction	Employee resigned before completion of OIG investigation; designate as ineligible for rehire and place report in personnel file
20-0442	Public Safety Administration	Seeking preferential treatment to avoid arrest	Discharge and designate as ineligible for rehire

OIG Case Number	Department or Agency of Subject	General Nature of Allegations	OIG Recommendation
19-0958	Aviation	Political work on City time and unauthorized secondary employment	Discipline up to and including termination
19-0831	Aviation	Residency violation	Employee resigned after OIG interview; designate as ineligible for rehire and place report in personnel file
19-0487	Emergency Management and Communications	Fraudulent use of jury duty leave	Discipline up to and including discharge
18-0680	City lessee and signatory to the City's Airline Use and Lease Agreement	Lessee employees signed fraudulent airport badging application for fictitious company to allow access to secure areas of the airport	Department of Aviation should seek the immediate and permanent removal of both lessee employees from all future work at City airports in connection with any work for the City of Chicago and any work at City airports requiring a security badge

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.²³

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 initial 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 9 – DEVELOPMENTS IN PRIOR CHARGED CRIMINAL CASES

OIG Case Number	Criminal Case Cite	Charged	Summary	Status
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	2/8/2022: Status hearing

²³ OIG may issue summary reports of investigation recommending administrative action based on criminal conduct prior to, during, or after criminal prosecution.

			which he used or threatened to use his authority as a City elected official to secure business for his private law firm.	
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 Transportation Committee Martin Sandoval, in order to influence the Illinois Department of Transportation's award of work to a particular contractor.	1/24/2022: Status hearing
19-0313	USA v. Patrick D. Thompson, 21-CR-279 (N.D. IL)	4/29/2021	Thompson, an alderman and an attorney, was indicted on five counts of filing false income taxes and two counts of knowingly making a false statement to the Federal Deposit Insurance Corporation. The charges stem from an allegation that Thompson received \$219,000 from Chicago-based Washington Federal Bank for Savings but then stopped making repayments, failed to pay interest, and falsely represented on five years of income taxes that he paid interest on money he received.	2/4/2022: Trial will begin at 9:00 a.m. in Courtroom 2303
18-0163	USA v. Austin et al, 21-CR-408 (N.D. IL)	7/1/2021	Carrie Austin, an alderman, was indicted on charges of federal bribery and making false statements to an FBI agent, while Chester Wilson, Austin's chief of staff, was indicted on charges of federal	2/14/2022: Status hearing

			bribery and theft of government funds. The charges against Austin and Wilson allege that each were provided with personal benefits by the owner of the construction company and other contractors in an effort to influence them in their official capacities, and that Wilson engaged in a separate scheme to purchase Supplemental Nutrition Assistance Program (SNAP) benefits at a discount despite the fact that he is ineligible for SNAP benefits due to his City of Chicago salary.	
19-0313	USA v. William Mahon, 19-CR-226 (N.D. IL)	12/17/21	Mahon, a Department of Streets and Sanitation deputy commissioner, was indicted on one count of conspiracy to falsify bank records and to deceive and obstruct the Office of the Comptroller of the Currency, and six counts of willfully filing a false income tax return. The charges stem from allegations that Mahon, a board member of Chicago-based Washington Federal Bank for Savings, conspired to obstruct regulators and falsify bank records and that he filed numerous false tax returns.	2/22/2022: 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. Lobbyist Misconduct (#20-1282)

In the third quarter 2021, OIG reported the conclusion of an investigation establishing that a lobbyist formerly registered with the City of Chicago violated the City of Chicago Governmental Ethics Ordinance (Ethics Ordinance). Specifically, the evidence supported a finding that on three occasions the former lobbyist lobbied on behalf of entities that they did not report on their annual lobbyist registration, as required by Ethics Ordinance, and on four occasions the lobbyist conducted lobbying activity that they did not report on their quarterly lobbying activity reports, as required by the Ethics Ordinance. The lobbyist declined OIG's interview request and asserted their Fifth Amendment right against self-incrimination in response to OIG's document request. Accordingly, OIG recommended that, pursuant to its authority under the Ethics Ordinance, the Board of Ethics (BOE) find probable cause that the lobbyist violated the Ethics Ordinance and impose appropriate sanctions.

At its September 13, 2021 meeting, BOE found probable cause that the lobbyist may have violated the Ethics Ordinance by lobbying on behalf of three entities for which the lobbyist never registered. BOE did not find probable cause to conclude that the lobbyist failed to file activity reports for these activities. Pursuant to the Ethics Ordinance, the lobbyist was entitled to meet with BOE to attempt to rebut the Board's probable cause findings.

Neither the lobbyist, nor the lobbyist's attorney, responded to BOE's notification of probable cause and did not meet with BOE to rebut the probable cause finding. At its October 18, 2021 meeting, BOE voted to confirm its prior finding of probable cause that, on three occasions, the lobbyist lobbied on behalf of clients that they had not registered for in their annual or amended lobbyist registration and fined the lobbyist \$75,000.

On November 1, 2021, the lobbyist petitioned the Board to reconsider its determination and fine. At its November 15, 2021 meeting, the Board voted to deny the petition, on the basis that the lobbyist did not present any newly discovered facts. The lobbyist has the right to challenge the Board's determination in court.

2. State Benefits Fraud (#20-1129)

As reported in the third quarter of 2021, an OIG investigation established that a Department of Law (DOL) administrative assistant II fraudulently filed an unemployment insurance claim despite their active employment with the City, in an attempt to obtain benefits from the State of Illinois to which they were not entitled. Specifically, the administrative assistant made a false material representation in an application to the Illinois Department of Employment Security for unemployment insurance benefits.

OIG recommended that DOL discharge the administrative assistant and refer them for placement on the ineligible for rehire list maintained by the Department of Human Resources.

In response, DOL agreed with OIG's recommendations and initiated the process to discharge the administrative assistant. DOL proceeded with termination proceedings, but the administrative assistant resigned immediately after their pre-disciplinary hearing.

C. RECOVERIES

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

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 four reports APR released this quarter.

1. Chicago Department of Public Health COVID-19 Contact Tracing Program: Data Privacy and Cybersecurity Audit Follow-Up (#21-1199)²⁴

OIG completed a follow-up to its April 2021 audit of the Chicago Department of Public Health's (CDPH) COVID-19 contact tracing program's data privacy and cybersecurity. Based on CDPH's responses, OIG concluded that the Department fully implemented two of the three corrective actions and substantially implemented one.

The purpose of the 2021 audit was to determine if CDPH managed privacy and cybersecurity risks associated with the collection, storage, and transmittal of COVID-19 contact tracing data in accordance with the City of Chicago's Information Security and Technology Policies and the United States Centers for Disease Control and Prevention guidance.

Our audit found that the Department's COVID-19 contact tracing program mitigated data privacy and cybersecurity risks. Although improvements to policies and procedures could have encouraged consistent and timely application of the security measures, CDPH's efforts to safeguard data suggested that personal information was nevertheless protected. In its response to the audit, CDPH stated that it would incorporate employment status reviews into its weekly check-ins with community-based organizations (CBOs) that employ contact tracing staff, allowing the Department to promptly remove access for terminated employees. The Department also stated that it would create a data retention policy and criteria for the review of data requests.

Our follow-up concluded that CDPH fully implemented two of the three recommended corrective actions and substantially implemented the third. Specifically, CDPH implemented a process to receive weekly termination lists from CBOs that employ contact tracing staff, thus allowing CDPH to remove 92.1% of terminated employees' access to CARES within 7 days of their terminations. The Department also created an internal data retention policy and updated its CARES call script to inform contacts that their data will be retained for five years. Finally, CDPH updated its internal data release policy to include detailed guidance regarding which staff are responsible for handling external data requests, as well as explicit criteria and procedures for reviewing those requests.

²⁴ Published December 2, 2021. See: <https://igchicago.org/wp-content/uploads/2021/12/Chicago-Department-of-Public-Health-Covid-19-Contact-Tracing-Program-Data-Privacy-and-Cybersecurity-Audit-Follow-Up.pdf>.

Once fully implemented, OIG believes the corrective actions may reasonably be expected to resolve the core findings noted in the audit. CDPH should continue to improve the process for removing CARES access for terminated employees and ensure that access is removed within seven days for 100% of terminated employees.

2. Chicago Police Department and Department of Family and Support Services' Administration of the Juvenile Intervention and Support Center Audit Follow-Up (#21-0580)²⁵

In April 2021, OIG inquired about the status of corrective actions taken in response to its February 2020 audit of the Chicago Police Department (CPD) and the Department of Family and Support Services' (DFSS) administration of the Juvenile Intervention and Support Center (JISC). Based on the Departments' responses, OIG concluded that CPD and DFSS fully implemented 12 of the 24 corrective actions related to the audit findings, substantially implemented 3, partially implemented 6, and did not implemented 3.

The purpose of the 2020 audit was to determine if JISC was designed according to best practices for law enforcement-based youth diversion and whether its administration of diversion programming was consistent with its goals, such as reducing youth recidivism. We found that poor record-keeping and lack of collaboration prevented the City from determining whether JISC reduced recidivism, and that components of the program risked retraumatizing youth or increasing the likelihood of reoffending. CPD and DFSS agreed with recommendations to improve record-keeping and collaboration, create accountability mechanisms for JISC's case management contractor, establish external partnerships, and align JISC's design with best practices.

Our follow-up found that the City has,

- formed an advisory council to monitor the JISC program and reforms;
- defined goals, protocols, roles, and responsibilities for the program and each partner;
- contracted a new case management agency as well as an independent research team to analyze outcomes;
- made aesthetic improvements to the JISC facility;
- trained officers on youth development and trauma; and
- implemented new procedures to retain screening and case management records.

The departments have not begun,

- utilizing a validated risk screening tool;
- recording when youth are handcuffed to stationary objects;
- allowing officers to bid for JISC positions based on skill rather than seniority; or
- ensuring that supervisors review diversion decisions in real time.

²⁵ Published November 18, 2021. See <https://igchicago.org/wp-content/uploads/2021/11/CPD-and-DFSS-Administration-of-the-Juvenile-Intervention-and-Support-Center-Audit-Follow-Up.pdf>.

The departments stated the City planned to replace JISC with a new diversion model in 2022, therefore they would not enact some of the recommended corrective actions. However, they also stated the City's new diversion model would incorporate these recommendations.

3. Second Audit of the Chicago Fire Department's Fire and Emergency Medical Response Times (#20-0567)²⁶

OIG conducted a second audit of the Chicago Fire Department's (CFD) fire and emergency medical services (EMS) response times. The first audit was published in 2013.

We concluded that CFD has not implemented performance management strategies that would allow it to evaluate its response times in alignment with best practices, which OIG first recommended in 2013. CFD did not measure turnout and travel as separate components of response time, use industry-standard percentile measures, or publish performance reports. CFD has not documented fire or EMS response time performance goals outside of its state-required EMS plan. We also found CFD's data is not adequate to reliably measure response time. From January 2018 to November 2020, only 75.2% of CFD's records had the necessary data to calculate turnout and travel times for the first arriving vehicle.

OIG recommended that CFD management acknowledge the importance of department-wide quantitative performance measures and begin public annual reporting on its response time performance. In addition, CFD should document and publish turnout, travel, and total response times for both fire and EMS at the 90th percentile. CFD should identify, monitor, and remedy the cause of gaps in its data, and consider hiring additional staff for this purpose. CFD should also ensure that any external partners conduct a full assessment of its data completeness and reliability.

CFD acknowledged the importance of department-wide quantitative performance measures and agreed with the audit findings, stating that it would implement OIG's recommendations. Specifically, CFD stated that it would analyze its data to identify "causative factors and or trends," "perform a complete and reliable measure of response time by each component piece and in total," and determine a reasonable percentile goal "as the completeness of data elements improves." CFD agreed to work with other City departments to improve and monitor data quality and hire additional data analytics staff.

4. Audit of City Council Committee Spending and Employee Administration (#20-0285)²⁷

OIG evaluated City Council Committees' spending and employee administration practices to determine if City Council committees complied with the provisions in the City's annual

²⁶ Published October 12, 2021. See: <https://igchicago.org/wp-content/uploads/2021/10/Second-OIG-Audit-of-the-Chicago-Fire-Departments-Fire-and-Emergency-Medical-Response-Times.pdf>.

²⁷ Published October 13, 2021. See: <https://igchicago.org/wp-content/uploads/2021/10/OIG-Audit-of-City-Council-Committee-Spending-and-Employee-Administration.pdf>.

appropriations ordinance for committee expenditures and use of committee staff, and with municipal code requirements for employee recordkeeping.

OIG requested 16 months of employee records, randomly selected from June 2015 through March 2020, from five committees. Four of the five committees were unable to provide all requested records. In addition, from the total of 13 committees reviewed, seven committee chairs directed or allowed committee employees to work on non-committee matters, which constituted noncompliance with the state and municipal requirements that governmental entities expend appropriated funds only for their designated purposes. It also may have created inequalities between wards by effectively giving some aldermen disproportionately more resources for their non-committee work. Lastly, OIG identified 29 non-personnel committee expenditures totaling \$35,895 made for non-committee purposes. However, by July 2019, Council and the Department of Finance had improved their processes to effectively mitigate the risk of such impermissible payments.

OIG recommended that City Council require all committees to use an electronic timekeeping system, as well as develop a transition process for committee chairs that assures that all employee attendance records are fully accounted for and transferred to a central record repository or to the chair's successors. OIG also recommended that Council develop standardized policies and procedures to ensure compliance with all record retention requirements and notify the Local Records Commission of its past failure to retain employee attendance documentation. OIG recommended that Council ensure that those committee chairs directing or allowing staff to work on non-committee business develop and implement a strategy to transition away from the practice. Furthermore, we recommended that City Council analyze the personnel needs of each committee, write job descriptions with minimum requirements and expectations for all positions, and allocate resources accordingly. OIG also suggested that Council consider undertaking an analysis to determine the personnel needs for ward offices. Finally, OIG suggested that Council might fulfill these recommendations by retaining a dedicated administrative officer both to standardize administrative and personnel practices, and to meet Council's operational needs through coordination with the relevant City departments.

In response to our audit findings and recommendations, City Council representatives stated that City Council would not implement an electronic timekeeping system but will develop a uniform system of paper recordkeeping. Council representatives declined to comment on the missing records of prior chairs, but stated that committee chairmen will seek assistance to comply with the Local Records Act from the President Pro Tempore. Council representatives declined to conduct a staffing analysis or to ensure the duties of committee staff are limited to committee work. Representatives stated, however, that the chair of the Committee on Committees would review existing protocols for transitions between chairs to determine if any revisions are needed.

VI. ADVISORIES AND DEPARTMENT NOTIFICATION LETTERS

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

1. Advisory Concerning the May 2021 Roseland Pumping Station Failure (#21-0851)²⁸

On May 6, 2021, an equipment failure at the Roseland Pumping Station (RPS) caused pressure in the water main to drop, requiring the Department of Water Management (DWM) to issue a 24-hour water-boil order for much of the 19th Ward in the Roseland High Pumping Station service area—spanning from Albany Avenue to the west, 119th Street to the south, and west of Interstate 57 to southwest Beverly Avenue. The resulting boil order affected residents of the Beverly and Morgan Park neighborhoods.

On May 25, 2021, failure of the same type of equipment caused a second power outage at the facility which did not result in a boil order but exacerbated concerns about the facility, resulting in media reports and a formal aldermanic request that OIG investigate what had become a matter of ongoing public concern. OIG examined the issues at RPS, which included interviewing a City vendor and City and ComEd officials, as well as reviewing emails and records. On the basis of the information provided, OIG concluded that the root of the May 6, 2021 and May 25, 2021, issues was a City equipment failure inside the station—namely, a rented uninterruptible power supply (UPS) unit installed in 2018 and a temporary replacement installed after the May 6th event.

The main function of a UPS is to clean up power imbalances, either voltage sags or spikes, and to send the proper voltage downstream. The secondary purpose of a UPS is to maintain power to critical components in the event of an electrical disruption. In those instances, the UPS typically works in conjunction with diesel generators to keep critical operations engaged through the provision of power from an alternative internal backup source. In the case of the Roseland Pumping Station, the UPS, which is battery charged, should maintain power long enough in the event of an outage to engage the generators and keep the pumps operational. That did not happen on May 6, 2021.

In 2018, the originally installed UPS Unit at the RPS began to fail after coming to the end of its twenty-year lifespan. A City electrical vendor installed a rental unit and began working with DWM to procure a replacement for the original unit after it was determined that repairing the original unit was not feasible due to its age and the availability of replacement parts. For several

²⁸ Published October 15, 2021. See <https://igchicago.org/wp-content/uploads/2021/10/OIG-Advisory-Report-on-May-2021-Roseland-Pumping-Station-Failure.pdf>.

reasons, replacing the original UPS took longer than it should have. The initial design issues presented a significant challenge. Following initial delays, the COVID-19 pandemic caused additional supply and production problems. In the interim, the rental UPS was understood to be adequately functioning, which may have eased the urgency to procure a permanent replacement. Finally, while the City experienced delays in identifying and effecting a permanent solution, the lead-acid batteries for the rental unit—which have a comparatively short life cycle—had likely degraded, possibly hastened due to high temperatures where they were housed in the facility, according to a City contractor familiar with the UPS equipment.

Shortly after 8 a.m. on May 6, 2021, RPS experienced a power outage. The facility's pumps shut down and the generators, which usually engage during power loss, did not do so. The circuit breakers popped. An electrician at the facility managed to reset the breakers, but when they started the generators, the breakers failed again. The electrician noticed that the UPS had failed and had to bypass it to get the facility controls back on, reset the breakers, and start the generators. The outage caused a pressure drop for a duration of time that required the City to issue a boil order for those in the affected areas. On May 7, 2021, a second rental unit was installed at RPS. According to City officials, the replacement UPS failed on May 25, 2021, when the facility experienced voltage sags. On that day, DWM personnel bypassed the UPS and activated the generators. Bypassing the UPS prevented the need for a boil order. On May 26, 2021, the second rental UPS was subsequently replaced with a third rental unit.

The City's electrical vendor identified a suitable replacement UPS which uses lithium-ion batteries not subject to the same design constraints as a UPS utilizing different battery technology. DWM should be in a position to procure the unit and not continue to rely on rental units which caused the May 6, 2021, boil order and the May 25, 2021, power failure.

In response, DWM disagreed with OIG's findings that the failure of the UPS caused the water pressure to drop in the water mains in both May 2021 incidents. It stated:

DWM is in agreement that the UPS, owned and maintained by a City contractor specializing in electrical equipment, was not functional after the events of May 6th. However, that City contractor determined it was impossible to tell if voltage sag and phase imbalance caused the damage to the UPS or if the UPS was not functioning prior to the May 6th event. DWM believes the UPS was functional because the unit was routinely checked during every shift.

DWM added that it had taken remedial actions after May 2021, including 1) installing a new power meter at RPS to accurately measure the incoming power, 2) initiating a capital project to evaluate the computer programming within the Program Logic Controllers that control the UPS units at DWM's critical facilities, 3) evaluating different battery types for future UPS units, and 4) initiating the move of UPS maintenance logs to a digital workorder management system.

2. Notification Regarding an Improperly Issued Tavern License (#21-0800)

OIG notified the Department of Law (DOL) and Department of Business Affairs and Consumer Protection (BACP) of a tavern license improperly issued to an establishment located in a moratorium district within Chicago's 25th ward. The moratorium prohibited the issuance of a tavern license "[o]n Blue Island Avenue, from 16th Street to 19th Street." See Municipal Code of Chicago (MCC) § 4-60-022 (25.86). A separate moratorium prohibited the issuance of packaged good licenses "[o]n Blue Island Avenue, from 16th Street to 19th Street." See MCC § 4-60-023 (25.86) (repealed 1/23/2019).

In late May 2018, representatives of Business #1 (located in the moratorium zone) met with the former 25th Ward alderman and their chief of staff to discuss their plans to open a tavern in the moratorium district. The alderman indicated they supported the business' plans and would submit an ordinance to lift the tavern moratorium. On June 13, 2018, the alderman submitted a completed "Aldermanic Acknowledgment Letter" to the Department of Buildings (DOB), stating they did not object to issuance of a building permit to the business at its location on Blue Island Avenue. Business #1 then submitted a building permit application to DOB. Around this time, representatives of the business met with one of the alderman's staffers, who informed them the alderman intended to submit an ordinance lifting the tavern moratorium to City Council's Committee on License and Consumer Protection (License Committee).

In November 2018, Business #2 (which was located in the same moratorium zone on Blue Island Avenue) asked the alderman to lift the packaged goods moratorium. On November 29, 2018, the alderman's chief of staff submitted the request to the License Committee via email. A License Committee staffer replied via email that they would prepare the required ordinance.

On December 1, 2018, a staffer for the alderman sent an email to the same License Committee staffer, cc'ing the alderman's chief of staff, requesting the preparation of an ordinance lifting "the moratorium for Blue Island Ave from 16th Street to 21st Street..." The alderman's chief of staff replied, stating "[the License Committee staffer] already prepared the one for [B]lue [I]sland."

On January 23, 2019, City Council voted to lift the packaged goods moratorium "[o]n Blue Island Avenue, from 16th Street to 19th Street." No ordinance to lift the tavern moratorium was presented to City Council. In February 2019, Business #1 received zoning approvals for its proposed tavern and DOB issued a building permit.

The former 25th Ward alderman did not seek reelection in 2019. On April 2, 2019, the current alderman became alderman-elect after prevailing in a runoff election. On April 8, 2019, Business #1 submitted applications for licenses to BACP, including a tavern license. During its vetting process for the tavern license application, BACP flagged Business #1's proposed location on Blue Island Avenue as subject to a tavern license moratorium. In BACP's application summary for Business #1, it stated, "[t]here is a consumption moratorium at this location and the lifting of the moratorium is currently pending with the new alderman [i.e., the alderman-elect]." BACP issued

a payment coupon to Business #1, allowing it to pay license application fees. Business #1 paid the \$4,400 tavern license fee and BACP issued public notices related to Business #1's application for the tavern license.

On May 15, 2019, a letter bearing the outgoing alderman's signature was sent to BACP supporting issuance of a tavern license to Business #1.

On May 20, 2019, the current 25th Ward alderman formally took their seat in City Council.

On or before May 28, 2019, Business #1 learned that the moratorium on new tavern licenses covering its Blue Island Avenue address was still in place.

In October 2019, representatives of Business #1 met with the current alderman, as well as members of the community and personnel from DOL and the Mayor's Office. The alderman indicated they were unwilling to introduce an ordinance lifting the tavern moratorium that covered Business #1's Blue Island Avenue address.

In March 2020, representatives of Business #1 met with DOL and BACP representatives to discuss the tavern moratorium situation.

On May 26, 2020, Business #1 filed a lawsuit seeking either an order compelling the City to lift the tavern moratorium or monetary damages. Business #1 conveyed its interest in settling the matter without proceeding to court.

Records provided to OIG show that in or about June 2020, DOL and Business #1 began to engage in settlement discussions. On June 18, 2020, a DOL representative sent a Microsoft Teams meeting invite with the subject line "[Business #1] – Privileged." In response, a representative of the Mayor's Office stated they would be unable to attend the meeting. The DOL representative then responded, in part, "[the meeting] is about having [BACP] and [DOL] introduce a corrective ordinance to committee and move that forward."

On December 4, 2020, Business #1 and the City executed a settlement agreement. In return for Business #1 voluntarily dismissing its lawsuit, the City agreed to issue a license to Business #1 to operate a tavern at its Blue Island Avenue address. The settlement agreement stated that DOL "ha[d] reviewed the record and considered the facts and circumstances pertinent to th[e] case, and ha[d] concluded that because the controversy [was] the result of an administrative error, there [was] no legal impediment to issuing the [tavern license]."

On December 8, 2020, DOL sent an email to BACP stating that DOL had settled the matter and Business #1 had dismissed its case with prejudice. DOL then stated that BACP could continue its review and issue the tavern license. BACP issued the tavern license the following day, notwithstanding the continued legal prohibition in the MCC.

OIG requested that DOL “specify the ‘administrative error’” referenced in the settlement and DOL responded that “[t]he ‘administrative error’ in question was the advancement of only one ordinance—lifting the Package Liquor Moratorium—rather than both ordinances (including one aimed at lifting the Tavern Moratorium) as intended by [the former alderman] and [their] staff.” DOL had reviewed emails regarding Business #1 from various staff members in the former alderman’s office and interviewed the former alderman’s chief of staff, who recalled it was the former alderman’s intention that the tavern moratorium be lifted and that “the only reason it did not happen was because of an error in communication between [the former alderman’s] office and [a License Committee staffer].” The MCC barred, and continues to bar, the action taken under the guise of administrative error. Business #1 opened and today operates a tavern barred by the MCC.

Lifting the tavern moratorium required City Council to pass an ordinance to that effect. No such ordinance was introduced and passed. Therefore, the City lacked the authority to enter into the settlement agreement with Business #1 and BACP’s issuance of the tavern license was legally impermissible. Accordingly, OIG recommended that DOL take whatever steps necessary to remedy the situation and bring the preceding regulatory action into compliance with the MCC.

Further, although DOL concluded there was no legal impediment to issuing a tavern license to Business #1, based on the explanation and supporting documentation provided to OIG by DOL, that conclusion was incorrect. DOL’s advice caused BACP to issue a license in violation of an explicit moratorium in the MCC. OIG recommended that, in the future, under no circumstances should BACP issue a license prohibited by the MCC and that DOL should enact additional safeguards to ensure that any administrative advice to City departments accords with applicable law.

In a joint response to OIG’s notification, DOL and BACP disagreed with OIG’s findings and assertion that DOL acted without legal authority to enter the settlement with Business #1. DOL stated that “resolution of the matter and the settlement [fell] squarely within DOL’s sole mandate and authority to legally represent and protect the interest of the City...” DOL stated that it acted within its proper authority when it advised BACP that the tavern license could be granted.

Further, DOL stated that, “under these unique facts and circumstances, case law supports this appropriate exercise of the City’s equal authority to execute a settlement in accordance with what the parties intended...” DOL and BACP “view[ed] [the] settlement and associated license issuance as a proper exercise of their powers and duties” and did not believe that further action regarding the settlement or issuance of the tavern license was necessary.

DOL and BACP disagreed with OIG’s suggestion that the settlement should be accompanied by a “corresponding change in law” because, according to DOL, “the settlement was necessary precisely because an intended change in law was executed in a flawed manner and was not legislatively corrected. Had the ordinance execution not been flawed, there would be no need

for the settlement.” DOL agreed with OIG’s recommendation that it ensure proper legal advice in accordance with all applicable law is provided to City departments.

3. Notification Regarding a Failure to Comply with Municipal Code of Chicago Requirements to Publish Reports (#21-0139)

OIG issued a notification to the City Council Office of Financial Analysis (COFA) concerning its failure to comply with MCC requirements to conduct certain reviews and analyses and publish those reports to COFA’s website. The MCC requires that COFA conduct certain annual budget analyses, reports, and any other financial analysis requested by a member of City Council, as well as analyze the budget impact of certain proposed ordinances.

In May 2021, OIG requested copies of all MCC-mandated reports and analysis from COFA. COFA provided 14 reports or analyses it had completed, but did not provide copies of its 2020 or 2021 quarterly reports, 2020 or 2021 comprehensive annual financial reports, an annual budget forecast analysis for 2021, or an analysis of 2021 expenditure priorities. Reviews of COFA’s website in May 2021 and October 2021 revealed that COFA did not post the required materials to its website.

OIG suggested that COFA post the completed reports and analyses to its website. OIG further reminded COFA of its legal responsibility to complete quarterly reports and annually analyze the City’s budget, and to post that material to its website in a timely manner. Finally, OIG suggested that if COFA had prepared required reports or analyses that it neither posted to its website nor provided to OIG, that it post that material to its website for public viewing.

In response, COFA stated that all of its published reports are on its website.²⁹ It did not address OIG’s findings that it had not completed ordinance-mandated reports or analysis or posted those materials to its website.

4. Advisory Concerning the Chicago Fire Department’s Management and Enforcement of Protocols for Missing or Stolen Badges (#19-0006)³⁰

OIG issued an advisory regarding a pattern in which a disproportionate number of Chicago Fire Department (CFD) retirees reported their active member badges missing or stolen within three to six months of their retirement. As stated in CFD’s general orders, badges are CFD property. Uniformed members receive active duty badges based on their rank and the badge must remain in the member’s custody; when a member retires or leaves for any other reason, they must return the badge. If a badge is lost or stolen, members must immediately notify CFD and submit a form explaining how the loss occurred, along with a completed police report.

²⁹ OIG notes that as of December 31, 2021, ten of the reports COFA provided to OIG in May 2021 still do not appear on its website.

³⁰ Published November 16, 2021. See <https://igchicago.org/wp-content/uploads/2021/11/OIG-Advisory-Regarding-the-Chicago-Fire-Departments-Management-and-Enforcement-of-Protocols-for-Missing-or-Stolen-Badges.pdf>.

OIG reviewed records from January 1, 2015, through June 30, 2020, and found that overall, 340 CFD members reported their badges as stolen or lost to the Chicago Police Department (CPD). Approximately 79.7% of the reports—271 of the total 340—came from retiring CFD members, with 22.6% of all retiring members reporting their badges stolen or missing to CPD within the 6 months prior to their retirement (266 out of 1,178 retiring members reported their badges stolen or missing within six months of retirement).

OIG concluded that there were a number of possible causes, including: 1) that CFD members are committing theft of City property (badges), filing false police reports to cover up the theft, and thereby enabling themselves to retain their CFD badges upon retirement, or 2) that CFD members may be misplacing their badges and not reporting them missing or stolen until it is time to return their badges at retirement. Theft of City property and filing false police reports are crimes and failing to immediately report a missing or stolen CFD badge is a violation of protocol and rules.

OIG made a number of suggestions for CFD to develop and implement new procedures regarding misplaced or lost badges. In response, CFD stated that it is updating its Badge and Cap Device Policy to reflect OIG's recommendations that: (1) members must report lost or stolen badges within 24 hours, (2) members who lose or destroy a badge must pay for the cost of a replacement badge, (3) members who do not pay for the cost of a replacement badge will be subject to discipline and/or wage garnishment for the replacement cost, and (4) condition eligibility for a retirement badge on the tendering of a member's active duty badge at the time of retirement. Furthermore, CFD committed to reporting any unusual trends or operational concerns to OIG and CFD's Internal Affairs Division. CFD, however, did not address OIG's suggestion that it issue a department-wide communication refreshing all members on the general orders requiring that they either return their CFD badges at retirement or purchase a retirement badge.

The Office of Public Safety Administration (PSA), which is responsible for CFD's human resources administration, stated that it would update its procedures to address OIG's concerns. PSA will continue to collect badges from retiring CFD members, compile and track data submitted by members who report badges as lost or stolen, and review the data for operational concerns.

VII. OTHER REPORTS AND ACTIVITIES

As part of its mission to promote economy, effectiveness, efficiency, and integrity, OIG may periodically participate in additional activities and inquiries in the service of improving accountability in City government. During this quarter, there were three additional reports.

1. APR 2022 Audit Plan³¹

On December 10, 2021, APR's 2022 Audit Plan was published. In addition to summarizing work completed in 2021 and work currently in progress, the 2022 APR Audit Plan identifies 27 topics to initiate in the coming year.

2. Procurement Reform Task Force

Mayor Rahm Emanuel convened the Chicago Procurement Reform Task Force (PRTF) on May 27, 2015, to identify opportunities for the City and its sister agencies (collectively, the Participating Members) to implement best practices for awarding, managing, and overseeing public contracts. On November 17, 2015, PRTF reported its findings and made 31 recommendations grouped into five categories representing the essential principles of government procurement: competition, efficiency, transparency, integrity, and uniformity. Since then, in keeping with the terms of the intergovernmental agreement that formed PRTF and its corresponding ordinance, a committee of Participating Members has issued 11 quarterly and 5 annual reports, and OIG has issued 4 reports assessing the progress toward implementing the task force recommendations.

In March 2021, OIG and the Department of Procurement Services (DPS) proposed to the Mayor's Office that because the purposes of the PRTF reporting cycle have largely been achieved, the City should consider amending the intergovernmental agreement and ordinance to require a final consolidated report declaring a refreshed commitment to, and setting a calendar for, implementation of the remaining recommendations. The Mayor's Office indicated it was open to the proposal, but would not seek any changes until 2022. OIG and DPS will reengage with the Mayor's Office on this topic during first quarter of 2022.

The committee of PRTF Participating Members issued its 2020 Annual Report on October 14, 2021, more than six months behind schedule. Given this delay, OIG briefly addresses that report below rather than issuing a separate progress report.

The PRTF 2020 Annual Report indicates, and OIG inquiry has confirmed, that 27 of the 31 task force recommendations have been fully implemented and operationalized by each Participating Member. Three of remaining four recommendations relate to ongoing efforts to consolidate the technology utilized by the Members' procurement departments. OIG and DPS anticipate focusing on these three recommendations in the efforts mentioned above to revisit and amend the implementation timeline and reporting requirements. The fourth open recommendation relates to developing best practices for routine audits of procurement functions and contract awards,

³¹ Published December 10, 2021. See: <https://igchicago.org/wp-content/uploads/2021/12/2022-APR-Audit-Plan.pdf>.

and evaluating the use of shared services to perform this function. The Participating Members have engaged Bloomberg Associates, a non-profit civic consulting organization, which is conducting a thorough analysis of their current audit processes. DPS will keep OIG apprised of progress on this front and we will provide assessments in future quarterly reports.

3. The City's Handling of the Aftermath of the Chicago Police Department Wrong Raid on the Home of Anjanette Young

OIG concluded an investigation into the City's handling of the aftermath of the Chicago Police Department (CPD) wrong raid on the home of Anjanette Young. On February 21, 2019, around 7:00 p.m., members of CPD, each equipped with body-worn cameras (BWCs), utilized a battering ram to enter through the front door of the home of Anjanette Young, a social worker and Chicago resident. Young was changing after attending a work event and was completely unclothed when CPD members entered her single floor townhouse, pursuant to a search warrant seeking an individual who did not live there and a firearm that was not located there. During the approximately one-hour period the CPD team stayed in Young's home, she was alternately left naked, partially covered by a jacket, partially wrapped in a blanket, and eventually brought to her bedroom where she was uncuffed and allowed to dress before being re-cuffed. Upon their exit, CPD members used Young's ironing board to partially prop closed her damaged front door. BWC and CPD-vehicle dash camera videos depict portions of the raid; Young reports that the experience made her fear for her life and left her with Post-Traumatic Stress Disorder.

The City's handling of the aftermath of the Young raid over the next 23 months involved a number of departments; it included actions by employees and officials of the Mayor's Office, the Department of Law (DOL), CPD, and the Civilian Office of Police Accountability (COPA). City officials defended a federal civil rights lawsuit filed by Young; processed Freedom of Information Act (FOIA) requests for BWC footage of the raid submitted by both Young and CBS2 News (CBS2); undertook a COPA investigation into the wrong raid; fielded external inquiries from the media and internal inquiries between departments; and ultimately, dealt with the fallout of the December 2020 public release of wrong raid video footage by CBS2.

OIG investigated potential misconduct by members of City departments in the handling of the aftermath of the raid; as discussed below, COPA conducted an investigation into the circumstances leading up to the raid and the conduct of the raid. OIG's investigation revealed that City government failed to appropriately respond to a victim of a CPD wrong raid, failed to act with transparency in City operations, and performed a series of governmental actions in a manner that prioritized communications and public relations concerns over the higher mission of City government. During the course of the investigation, OIG reviewed thousands of emails and documents, and interviewed 31 current and former City officials and employees, one pro bono consultant to the Mayor's Office, Young, and her attorney.

OIG's investigation revealed the inefficient and wasteful management of the City's response to a wrong raid. The investigation found that actions taken by current and former City employees implicated numerous rules of conduct and took place within a larger failure of the City's

administrative systems to respond to Young's wrong raid and subsequent requests for information. As summarized below, inefficient and wasteful management fell into three categories: false or unfounded statements; disregard for COPA's role and independence; and unbecoming conduct by DOL personnel.

a. False or Unfounded Statements

First, OIG's investigation established that the former Mayor's Office assistant press secretary made false or unfounded statements during their communications with a CBS2 employee regarding the City's actions. Emails from November 11, 2019, reveal inconsistent and unfounded statements by the assistant press secretary about whether, and when, the City had opened an investigation into the wrong raid. Specifically, the assistant press secretary exchanged emails with senior staff at CPD and the Mayor's Office, in which they acknowledged that COPA had not been aware of the Young raid, that COPA only then—nine months later—intended to open an investigation, and that the City typically denied FOIA requests when there was an open investigation. However, the next morning, in response to questions from a CBS2 employee about when the investigation had opened, what prompted it to open, and whether the opening would "impact Young's FOIA," the same assistant press secretary falsely suggested that the investigation had been opened when Young's federal lawsuit was filed, in August 2019, and feigned ignorance over whether the open COPA case would have any effect on the response to Young's FOIA. While the assistant press secretary was not legally required to tell the truth to or avoid misleading reporters, their conduct demonstrated a willingness to allow and encourage false narratives to enter the public sphere and an apparent intent to mislead a reporter inquiring about a story of significant public interest.

Second, a press release on December 15, 2020, immediately following the public release of video footage of the Young wrong raid, falsely stated that Mayor Lightfoot had no knowledge of the raid or the video. This statement, one of the Mayor's first public comments on the Young raid, was untrue—the Mayor had been alerted and had discussed the raid over 13 months before the press release in November 2019. The Mayor's Office acknowledged these facts shortly after the press release.

Third, a subsequent press release on December 30, 2020, announced the public release of City staffer's emails from November 2019, including some of the internal discussions regarding the wrong raid. While the press release asserted that the partially redacted, non-exhaustive set of emails showed that the Mayor had only participated in limited discussions regarding Young, OIG's investigation established that the Mayor took part in a conference call with senior staff on November 11, 2019, during which staff compiled a list of the Mayor's detailed questions about the facts and circumstances of the Young wrong raid and any litigation or administrative investigation into the raid.

Specifically, OIG's review revealed that during the next few hours of November 11, 2019, senior staff from the Mayor's Office reached out to senior officials at CPD and DOL to find answers to the Mayor's questions. This outreach included a then-CPD superintendent, a then-newly

announced CPD interim superintendent, a former CPD first deputy superintendent, a former CPD communications director, a former CPD lieutenant, a former CPD chief of patrol, a former Mayor's Office FOIA officer, and a former DOL city prosecutor—all with inquiries related to the Mayor's questions.

Regardless of whether the Mayor recalled these conversations or information, the release of a public and declarative denial of any prior knowledge of the Young raid by the Mayor's press office lacked the appropriate due diligence and fact-checking, and created an incomplete and inaccurate depiction to the public and the media of the City's prior discussions of the wrong raid. This depiction was belied by emails showing broad questions presented to the Mayor's senior staff about the contours of the raid and BWC footage, and the posture of any administrative investigation or litigation around Young, as well as the staff's immediate efforts to track down this information from senior figures at CPD and DOL.

Fourth, the former COPA chief administrator made an unfounded statement during testimony before the City Council on December 22, 2020, regarding the Young raid and the City's response. Specifically, when asked whether COPA had complied with the requirement of the consent decree to inform the Mayor, City Council, and others that COPA's investigation had been open longer than six months, the chief administrator made an unfounded statement that they had notified those parties.

OIG's investigation established that no such notification exists, and the chief administrator conceded to OIG that it had not, in fact, been distributed. As such, the chief administrator's claim to City Council and the public that they had sent out a notification, whether made knowingly or without due care that they had the proper information, was false. This unfounded statement was made in formal testimony before Council, during one of the chief administrator's first and only public comments on COPA's investigation of the Young raid. Such a public and declarative answer revealed a lack of diligence and consideration in responding to legitimate public outcry over the revelations of the wrong raid and subsequent inaction by City authorities.

b. Disregard for COPA's Role and Independence

First, OIG's investigation established that after learning details of the Young raid numerous City employees failed to promptly report the raid to COPA. The raid occurred on February 21, 2019; yet no complaint was opened until November 12, 2019, nearly nine months later.

Within days of the wrong raid, Young's pastor connected her via their phone with a CPD commander, who was apologetic but also defended the CPD members involved in the raid. Former CPD senior officials informed OIG that they became aware of the raid shortly after it ended because the same CPD commander had informed them about it. None of these CPD officials reported the wrong raid to COPA.

As leaders of CPD—and as some of the first City officials besides the participating CPD members to learn of the raid—the failure of CPD senior officials to report or ensure the reporting of the

wrong raid for investigation implicated the CPD rules and regulations requiring members to “report promptly” to COPA such actions, and to “report ... any other improper conduct,” and therefore likewise implicates a “failure to promote the Department’s efforts to ... accomplish its goals.”

Second, OIG’s investigation established that the process leading up to the denial of Young’s FOIA request for BWC footage of the raid lacked adequate safeguards and supervision, and did not accord with the applicable law.

One DOL team represented the City, while another DOL team represented the individual CPD members. None of these DOL employees, nor anyone else at the Department, reported the Young raid to COPA.

On November 8, 2019, a former Mayor’s Office assistant press secretary emailed numerous other City officials—specifically, a CPD communications director, a Mayor’s Office chief risk officer, a deputy mayor for public safety, a Mayor’s Office communications director, a Mayor’s Office FOIA officer, a mayoral press staffer, a Mayor’s Office’s press secretary, and a DOL spokesperson, none of whom work for the City any longer—describing the Young raid, including that the raid had targeted the wrong person, that Young had been naked when CPD entered her home, and that she was left handcuffed for 40 minutes. None of the individuals to whom the assistant press secretary directed the email reported the Young wrong raid to COPA.

OIG’s investigation determined that COPA did not receive notice until the Mayor’s Office assistant press secretary reached out to COPA’s public information officer and inquired about Young as part of the City’s response to Young and CBS2’s FOIA requests for BWC footage.

COPA’s general counsel delegated COPA’s FOIA response responsibilities to the Department’s paralegals, instructing them to advise CPD to issue “blanket denials” and claim disclosure would interfere with COPA proceedings and is therefore denied in every open case, regardless of the facts of each case and in violation of the applicable legal standard. As a result, a COPA paralegal informed CPD that disclosure of BWC footage to Young would interfere with COPA’s investigation, even though the paralegal admitted to OIG that they had not consulted anyone involved in the case and had no idea if the claim of interference was true. OIG determined that COPA’s general counsel’s assignment to paralegals of the weight and responsibility of responding to CPD requests—especially along with the surreptitious instruction to provide blanket, boilerplate responses—failed to live up to the standards required for a supervisor and top legal counsel to a City department.

CPD subsequently included a former COPA paralegal’s response in their denial letter to Young, claiming that disclosure of the videos would “interfere with our pending and active investigation into this matter[.]” The denial letter to Young did not acknowledge that COPA, rather than CPD, was conducting the investigation, nor that the investigation had not been opened until eleven days after Young first submitted her FOIA request. Nevertheless, senior legal officials from DOL and CPD reviewed and approved the denial of Young’s request, after a former DOL deputy in

charge of FOIA litigation spoke with COPA's general counsel, and determined that the release of the videos would actually interfere with COPA's investigation.

On December 22, 2020, after public revelations about the raid, City Council heard testimony from a number of City employees and officials, regarding the Young raid specifically and CPD search warrant practices more generally. The former COPA chief administrator testified. Under questioning from Council members, the chief administrator agreed to through-the-chair requests for written responses to certain questions. Before the chief administrator testified, the Mayor's Office intergovernmental affairs (IGA) staff invited them to prep sessions, an invitation which the chief administrator accepted. The Mayor's Office staff also provided red-lined edits and comments to the chief administrator's proposed opening statement to Council, each of which was accepted. After the chief administrator testified, IGA staff again reached out, offering responses to the seven through-the-chair requests directed to COPA during the chief administrator's testimony. Via an email that excluded the chief administrator, the Mayor's former chief of staff provided to IGA staff bullet points addressing their draft of the chief administrator's responses, indicating that two were "fine," but critiquing others with comments such as "[g]rammar errors and framing questions," "[t]his one can't go out," and "I don't think this is going to pass muster, it just isn't detailed enough." As with their opening statement, the chief administrator received red-lined edits to their answers to Council's through-the-chair requests.

The COPA chief administrator's coordination with IGA staff in the preparation of public testimony and written answers to the City Council created the appearance of political influence and diminished institutional independence of COPA.

c. DOL's Individual and Institutional Conduct Unbecoming

From August 16, 2019—the date that Anjanette Young filed a federal civil rights lawsuit against the City and CPD—through January 21, 2021—when the judge declined to issue sanctions against Young's attorney—DOL played a prominent role in the City's dealings with her. During those 17 months, DOL engaged in legitimate litigation strategy and practices in defending the City and individual CPD members from the civil lawsuit. However, OIG's investigation established that DOL's team in the Young case also engaged in conduct unbecoming City employees, especially those tasked with representing the people of Chicago in a case where the plaintiff suffered a humiliating invasion of privacy following an undisputedly wrong raid on her home. OIG established the following conduct, in summary:

During otherwise good faith settlement negotiations, after soliciting a demand, an assistant corporation counsel (ACC) replied to Young's attorney in an email, cc'ing the DOL deputy supervising the team, with the statement: "In response to your demand of [redacted], Defendants offer \$0 to resolve this matter. Please let us know if you would like to discuss. Best, [ACC]." During their OIG interview, a former ACC repeatedly disparaged Young's attorney, describing the attorney's conduct as "a public extortion campaign," and stating that Young's attorney was making "some kind of emotional arguments over why he should get the video."

After Young filed her lawsuit, DOL requested BWC footage from CPD's Office of Legal Affairs (OLA), but OLA never fulfilled the request. Instead, a former ACC sent a CPD member detailed to DOL as an investigator to retrieve the footage; the member retrieved 14 videos. Although this was not standard protocol, the ACC did so because in mid-November 2019, their supervising deputy, "came to my office and said the Mayor's Office is freaking out about this case, why don't we have a video."

When the judge ordered DOL to turn over the footage to Young's attorney at a February 7, 2020 hearing, the Department produced the 14 videos on a flash drive sent to Young's attorney. However, the DOL investigator had not conducted a sufficiently adequate search and the DOL team failed to sufficiently follow up to acquire all BWC footage of the raid, despite the judge's February 7, 2020 order requiring DOL to do so. After the December 2020 fallout following CBS2's airing of BWC footage of the raid, DOL acknowledged that the City had additional, relevant BWC and dashcam footage from the wrong raid, which had not been disclosed to Young or her attorney.

On December 14, 2020, the DOL team filed a motion for sanctions and an injunction against CBS2 airing the footage. The former corporation counsel approved this motion. The DOL team interviewed by OIG was partially split on whether their sanctions request referred to both Young and her attorney, or to the attorney alone. This known ambiguity allowed Young and the general public to reasonably conclude that the sanctions request was directed at Young.

The judge initially denied the motion for an injunction against CBS2 and took the sanctions request under consideration. The following morning on December 15, 2020, the DOL deputy supervisor emailed their litigation team, stating that "we'll never get CBS to stop airing this garbage... but maybe this will send a message to Plaintiff's attorneys to stop giving them videos."

d. Conclusion

OIG's investigation of the City's handling of the aftermath of the Young raid involved nearly three dozen interviews, thousands of emails, numerous records from FOIA requests, court filings and transcripts, and public reporting and commentary. The investigation culminated in a 163-page report submitted to four City departments describing the inefficient management of the City's response. The investigation uncovered a troubling series of unfounded statements, internal and external disregard for the role and independence of COPA, and a DOL team whose approach to the case led to conduct unbecoming in the form of disrespectful treatment of opposing counsel and the plaintiff. While the actions of individuals sound in violation of the City's Personnel Rules and CPD Rules and Regulations, for a number of reasons OIG issued its report without individualized sustained findings of misconduct and without recommending sanctions for individual City employees.

First, OIG's investigation took place simultaneously with several different inquiries into the Young matter.³² As announced by the Mayor's Office on December 22, 2020, the private law firm Jones Day undertook a review of the City's actions that contributed to the wrong raid and the City's response. The Mayor's Office therefore interposed an outside law firm to perform the very work for which the Inspector General function exists. The majority of the individuals interviewed by OIG during the investigation reported that they had been previously interviewed by Jones Day attorneys. However, counsel for the City objected to any questions regarding the content of those interviews and instructed witnesses not to answer. Jones Day rejected OIG's request for information and documents created during its review on the basis of attorney-client privilege with the City of Chicago as a client. In addition to raising transparency concerns, this also prevented OIG from assessing the full nature, scope, and effect of the Jones Day investigation. Faced with the legally insurmountable obstacle of attorney-client privilege, OIG could not examine the parallel evidence and interview reports of the same witnesses who spoke with OIG, could not determine whether undisclosed interviews corroborated or contradicted one another, and could not investigate whether Jones Day adduced additional mitigating or aggravating information separate from the evidence collected by OIG. Given these intractable complications, OIG determined it would not be prudent or fair to make findings of individual violations and to recommend discipline.

Second, twenty of the City employees interviewed by OIG during the investigation have left City employment. While OIG may make recommendations against former City employees on the basis of sustained findings of misconduct—including placement on the Department of Human Resources' ineligible for rehire list—such action directed against individual former employees is generally more symbolic than substantive, and would fall short of a full accounting of the role City government played in the response to the Young raid.

Ultimately, OIG determined that the most appropriate service to provide to the City was the full story—thoroughly documented and sourced—of how the City's government worked to prevent a victim of what was plainly either official misconduct or error from obtaining video proof of the raid on her home, thereby frustrating her efforts to secure redress for the injuries inflicted on her, however unintentionally, by government actors. OIG's investigation revealed a failure of City government that, taken as a whole, adds up to more than a sequence of individual actions by City employees. Many of the Mayor's Office, COPA, CPD, and DOL employees OIG interviewed played roles in a series of events that violated proper government practices, if not formal policies, and which were exceedingly harmful to Young.

³² On April 27, 2021, COPA completed its 17-month long investigation into CPD members involved in the raid of Young's home and issued a report making recommendations for discipline of the individual members. Further, since the raid, OIG's Public Safety section has begun a programmatic inquiry into CPD's documented issues around the rules and training governing search warrants, for which two interim reports have already been issued—and as a result of which CPD has incorporated recommendations to its policies governing search warrant executions.

e. Departmental Responses

OIG invited the Mayor's Office, DOL, CPD, and COPA to respond to OIG's report in writing. Each department submitted a response as summarized below.

i. Mayor's Office

In response, the Mayor's Office noted reforms and efforts initiated since the Young raid, including CPD's implementation of a revised search warrant policy banning the use of no-knock warrants (except in rare and violent situations); an executive order overhauling and streamlining the process for victims of police misconduct to obtain video footage of their interaction; and the fact that the Mayor's Office directed DOL to engage Jones Day to investigate the facts of the case, as well as the handling of those by facts by CPD, DOL, and the Mayor's Office. The Mayor's Office's added that, "OIG was and remains silent on its own role in handling Ms. Young's case," and "the fact that the OIG has opined about the conduct of other departments, but not itself undermines the legitimacy of the OIG and work on this matter and we fear, other important OIG work."³³ Further, the response stated that the Mayor's Office had issued a correction and timely apology in response to the misstatement in a press release claiming that Mayor Lightfoot had no prior awareness of the wrong raid. Finally, the Mayor's Office stated that it respects COPA's independence, but that respect does not prohibit communication, and that such lines of communication between the two departments were what brought Young's case to the attention of COPA.

ii. Department of Law

In response, DOL noted that that it intends to implement a number of reforms, including drafting a DOL values statement which will be presented to all employees and discussed during all trainings and regular division meetings; developing trainings for all new employees which will discuss the important role of public sector attorneys and their unique duties to both the client and the public; creating a training program for all attorneys entering the Federal Civil Rights Litigation Division; hiring a deputy corporation counsel risk manager; creating a policy manual which will delineate DOL employee roles and responsibilities; working with COPA to draft a clear policy between both departments on requirements for timely notification of civil lawsuits; and ensuring open lines of communication. DOL acknowledged that communications captured in DOL emails were unprofessional and failed to express empathy for Young. However, DOL noted that of its seven employees interviewed by OIG, only two remain in the Department, and that, "the two most senior individuals involved in this matter at the time of the incidents described in the OIG report were asked to resign as a direct result of the conduct they either directed,

³³ The Mayor's Office sent OIG a preliminary response on November 12, 2021, claiming that "the investigation as reflected in the report is incomplete and therefore warrants further work by the OIG," because "there is no mention of the OIG's role in the handling of the underlying case." The response called on OIG to issue a supplemental report regarding OIG's work on wrong raids and added that, "the departments are unable to [respond to OIG's report] until the OIG produces the supplementary report which addresses the OIG's handling of this matter." OIG declined to issue a supplemental report, noting that there is no authority for an agency to refuse to respond to an OIG investigation report because the agency believes the report is "incomplete." The Mayor's Office subsequently provided the response summarized above.

approved, or encouraged subordinates to take in the Young case.” Further, DOL disagreed with OIG’s characterization of the DOL team’s actions as “institutional,” because they reflected the conduct of a small subset of a department that has over 280 attorneys and more than 400 staff overall.

iii. Chicago Police Department

In response, CPD emphasized that since the Young raid, it has reformed its search warrant processes. In 2020, the Department began additional training for members that take part in search warrant executions. CPD has also amended and updated its special order governing search warrants, which now require approval by a deputy chief, require both a lieutenant and at least one female member on-scene during the execution of the warrant, and mandate an after-action review process for wrong raids. CPD also announced that the Department has undertaken numerous changes to its FOIA unit and FOIA responses. Specifically, CPD has hired additional FOIA officers for positions that had been unfilled in 2018 and 2019; incorporated the Mayor’s Executive Order 2021-1, mandating that individuals who submit complaints of misconduct by CPD members have an opportunity to obtain copies of those records regarding their complaint; and is working on new standard operating procedures to govern the department’s FOIA practices.

iv. Civilian Office of Police Accountability

In response, COPA acknowledged and agreed with OIG’s concerns regarding FOIA practices. COPA noted several reforms and changes to its practices, which includes: establishing a Video Release and Transparency Unit in its 2022 budget that will centralize its transparency processes into one integrated unit with FOIA/transparency officers; no longer issuing blanket FOIA denials and requiring clear and articulable support for how the disclosure of materials would interfere with an open investigation; notifying potential complainants in investigations initiated by a civil suit if a case has remained open more than 180 days, even absent a complaint; and implementing the Mayor’s Executive Order 2021-1, allowing eligible COPA complainants or their legal representatives to receive access to investigatory material, including video and audio recordings, within 30 days. In addition, COPA noted that—contrary to a claim in OIG’s report that Young and her attorney first learned of the COPA investigation when they received a letter denying their FOIA request on November 19, 2020—COPA investigative staff notified Young’s attorney of their open investigation by e-mail on November 12, 2019. Finally, COPA disagreed with “OIG’s conclusion that COPA’s coordination with the Mayor’s Office of Intergovernmental Affairs (IGA) in preparation for a City Council hearing somehow diminished its reputation and ‘undermine[d] the institutional independence of COPA,’” arguing that “none of these exchanges involved substantive or confidential information about the investigation, or in any way evinced attempts to influence or compromise its integrity.”

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. From these audit-based inquiries, OIG makes recommendations to improve the policies, procedures, and practices of those entities. The following summarizes one Public Safety section report released this quarter.

1. Advisory Concerning Background Checks on Members of the Public (#19-1324)³⁴

OIG completed an inquiry into the practice of CPD members performing background checks on individuals signed up to speak at Chicago Police Board meetings. This practice was longstanding, going back as far as 2006. Neither CPD nor the Police Board could account for who initiated the practice or for what purpose, beyond nonspecific security concerns regarding visitors to the City's Public Safety Headquarters. OIG's investigation, likewise, was unable to determine when the practice began or at whose direction.

The process itself was straight-forward and done in full view of a number of CPD and City employees. Based on OIG's investigation, a Police Board employee would email the names of individuals who signed up to speak at Police Board meetings to a group of approximately 20 people in advance of every Police Board meeting. Using that list, personnel from CPD's Bureau of Detectives would conduct a background check on each citizen signed up to speak. OIG's investigation revealed that the assigned detectives were not provided with any guidance specifying the objectives for running these checks, for whom the checks were being run, or otherwise directing that analysis be performed with criteria for such analysis. In practice, the background checks were extensive. They included open-source and Citizen Law Enforcement Analysis and Reporting (CLEAR) database searches for each name on a meeting registrant list. Furthermore, the background check results circulated by CPD sometimes included information accessed through the Illinois Law Enforcement Agencies Data System (LEADS). LEADS, in particular, contains law enforcement sensitive information which is not appropriate for public distribution.

The resulting background check compilation reports included information such as whether the citizens had arrests, outstanding warrants, investigative alerts, past traffic stops, or pending search warrants connected to their names; whether they were sex offenders, appeared on case

³⁴ Published December 16, 2021. See: <https://igchicago.org/2021/12/16/advisory-concerning-background-checks-on-members-of-the-public/>.

reports as suspects, had been arrested as “nonoffenders,” or were missing persons; and sometimes whether they had been victims of crimes or were registered voters. Some reports included links to blog posts, news stories, or articles written by speakers, YouTube videos associated with speakers, as well as information obtained from Facebook, Twitter, and LinkedIn. These background check compilation reports would then be emailed to a list of recipients that included numerous CPD members—police officers, sergeants, lieutenants, and chiefs—as well as numerous individuals outside CPD, including the executive director and supervising clerk of the Police Board, and IPRA/COPA’s administrator, general counsel, and the director of public affairs.

Following significant local media coverage in July 2019, CPD ceased the practice.

OIG’s advisory described its findings regarding the practice and made three recommendations to ensure that the use of CPD databases to perform background checks on members of the public who engage with the City’s public safety institutions will not reoccur. In particular, OIG recommended that CPD: (1) update its directives to comport with the Empowering Public Participation Act—a new state law—by explicitly prohibiting its members from performing background checks on members of the public solely based upon their request to speak at a public meeting; (2) state clearly in its policies the consequences—administrative and criminal—that members may face for misusing CPD databases to conduct backgrounds checks in violation of existing laws and disseminating such information to third parties/non-CPD personnel; and (3) incorporate permissible and impermissible uses of CPD databases and prohibitions on improper background checks—including potential administrative and criminal consequences for misuse—into training academy and in-service curricula.

In response, CPD stated that OIG’s first and second recommendations had been forwarded to its Research and Development Division, which is responsible for policy writing, and would “be incorporated into directives where deemed appropriate.” CPD also stated that OIG’s third recommendation would be implemented by its Training Division.

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 292 closed disciplinary cases and opened 10 for in-depth review.

TABLE 10 – DISCIPLINARY CASES REVIEWED

Agency	Cases Screened	Cases Opened
BIA	78	2
COPA	214	8
Total	292	10

RECOMMENDATIONS TO REOPEN CLOSED DISCIPLINARY INVESTIGATIONS

This quarter, OIG found that four COPA investigations and two BIA investigations contained deficiencies which materially affected their outcome and recommended that they be reopened. None of those investigations and recommendations are detailed below since OIG has not received a response to those recommendations from BIA or COPA. Additionally,

- OIG has not yet received a response to one recommendation made to BIA and one recommendation made to COPA in the third quarter of 2021;
- OIG received a response to one recommendation made to COPA in the second quarter of 2021, which is detailed below.

TABLE 11 – RESPONSES PENDING WITH AGENCIES

OIG Case Number	Investigating Agency	Date Recommendation Was Sent to Agency
21-0567	BIA	7/29/21
21-0916	COPA	7/29/21
21-1700	COPA	10/13/21
21-1387	BIA	10/27/21
21-1899	COPA	10/27/21
21-2023	BIA	11/17/21
21-2193	COPA	12/6/21
21-2194	COPA	12/17/21

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

1. Recommendation to Reopen to Take Investigative Steps Consistent with Other Similar Investigations (#21-0891)

OIG reviewed a COPA investigation into allegations of a search warrant executed at the wrong address, based on information reported to CPD members by a confidential informant. The complainant alleged the CPD members did not conduct a proper investigation into the target of the warrant or the information provided by the confidential informant. COPA reached findings of Exonerated for the accused members. OIG found that COPA did not take reasonably available investigative steps which it had taken in other recent, similar investigations. For example, COPA did not obtain GPS records to verify the accused member's account of their attempts to corroborate the address with the confidential informant, nor did COPA interview any CPD members involved in the execution of the search warrant other than the accused members.

OIG recommended COPA reopen the investigation to take other reasonably available investigative steps and to determine whether it was appropriate to bring additional allegations, as it had in other recent, similar investigations into allegations around wrong address search warrant raids.

COPA declined OIG's recommendation, citing limited resources and arguing that OIG had not presented COPA with additional evidence to warrant reopening the investigation.

2. Recommendation to Reopen to Account for All Possible Rule Violations (#21-1092)

A COPA investigation resulted in sustained allegations that, among other rule violations, the accused CPD member "falsified the details of [the complainant's] arrest as documented in the arrest report when he documented that officers attempted to remove arrestees['] hands from his pocket for officer safety, at which time arrestee began resisting officer's efforts to do so by violently pulling his arms away." COPA determined the details in the arrest report were refuted by video evidence and found this conduct to violate several of CPD's Rules of Conduct. However, COPA did not document consideration of Rule 14, which prohibits false reports.

OIG recommended COPA reopen its investigation to conduct and document an appropriate analysis of the applicability of Rule 14 and, if appropriate, pursue allegations that the member violated Rule 14.

COPA declined to reopen the investigation, but conducted the requested analysis in its response to OIG, finding that it "could not establish that [the accused member's] inaccurate reporting was willful" in order to sustain a Rule 14 violation.

IX. COMPLIANCE

The Compliance section 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; and reviews the City's hiring and employment practices to ensure compliance with the various City Employment Plans.³⁵

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 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 two political contacts:

- A representative from the Mayor's Office contacted DHR to inquire about the status of an applicant for the covered title of paramedic.
- A representative from the Mayor's Office contacted a Department of Planning and Development deputy commissioner to advocate on behalf of an applicant for the covered title of project coordinator.

³⁵ 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 54 exempt appointments.

Additionally, DHR added two titles to the *Shakman* exempt list this quarter. The Senior American Rescue Plan manager and American Rescue Plan program manager titles are related to federal funding received through the American Rescue Plan.

4. Senior Manager Hires

OIG reviews hires pursuant to Chapter VI covering the Senior Manager Hiring Process. During this quarter, OIG received notice of seven senior manager hires.

5. Written Rationale

When no consensus selection is reached during a consensus meeting, a written rationale must be provided to OIG for review.³⁶ 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.

³⁶ 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.

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.³⁷ The table below details contracts and internship opportunities OIG reviewed this quarter.

TABLE 12 – CONTRACT AND INTERNSHIP OR VOLUNTEER OPPORTUNITY NOTIFICATIONS

Contracting Department	Contractor, Agency, Program, or Other Organization	Duration of Contract/Agreement
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months

Throughout the pandemic, the Chicago Department of Public Health has brought on temporary assistance through a contract with Sunbelt Staffing, LLC to help manage operations. The Department has requested extensions on many of these temporary engagements; some of these engagements will go past the current one-year limit that is in the City’s Contractor Policy. Given that the pandemic is ongoing, DHR agreed to waive that one-year limitation and extend the agreements until June 30, 2022 and December 31, 2022.

B. HIRING PROCESS AUDITS

1. Modifications to Class Specifications,³⁸ Minimum Qualifications, and Screening and Hiring Criteria

³⁷ Chapter X.B.6 of the General Hiring Plan.

³⁸ “Class Specifications” are descriptions of the duties and responsibilities of a class of positions that distinguish one class from another. They are, in effect, the general descriptions utilized to determine the proper level to which a position should be assigned, and they include the general job duties and minimum qualifications of the position. Class Specifications shall include sufficient detail so as to accurately reflect the job duties.

OIG reviews modifications to Class Specifications, minimum qualifications, and screening and hiring criteria. This quarter, OIG received notifications that DHR changed the minimum qualifications for five titles within the following departments: Aviation, Family and Support Services, Office of Budget and Management, and Water Management. OIG reviewed each of the proposed changes to minimum qualifications and had no objections.

2. Referral Lists

OIG audits lists of applicants/bidders who meet the predetermined minimum qualifications generated by DHR for City positions. OIG examines a sample of referral lists and notifies DHR when potential issues are identified. This quarter, OIG audited three referral lists and did not find any errors.

3. Testing

The Hiring Plan requires that OIG conduct an audit of DHR test administrations and scoring each quarter. OIG previously suspended its audit of DHR test administrations due to the ongoing COVID-19 pandemic, but may resume this audit in a forthcoming quarter.

4. Selected Hiring Sequences

Each quarter, OIG audits 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. This quarter, OIG did not complete an audit of hire packets but will resume the audit in a forthcoming quarter.

5. Hiring Certifications

OIG audits the City's compliance with Chapter XII.C.5 of the General Hiring Plan. A Hiring Certification is a form completed by the selected candidate(s) and all City employees involved in the hiring process to attest that no political reasons or factors or other improper considerations were taken into account during the applicable process. This quarter, OIG did not complete an audit of hiring certifications.

6. Selected Department of Law Hiring Sequences

Pursuant to Section B.7 of the Department of Law (DOL) Hiring Process, OIG has the authority to audit DOL hiring files. Hiring files include assessment forms, notes, documents, written justifications, and hire certification forms. In 2018, DOL became the repository for all documentation related to the hiring sequences for the titles covered by the DOL Hiring Process.

OIG conducts audits of DOL hire packets on an ad hoc basis and will report on its next audit in a forthcoming quarter.

7. Selected Chicago Police Department Assignment Sequences

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

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

This quarter, OIG completed an audit of five non-bid duty assignment sequences and two non-bid unit assignment sequences. Based on the review of assignment documentation, OIG did not identify any errors and did not request a response from CPD.

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. In the fourth quarter, OIG attempted to conduct the audit, but CFD did not process any specialized unit assignments for OIG to audit.

9. Monitoring Hiring Sequences

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

OIG identifies the hiring sequences to be monitored based on risk factors such as past errors, complaints, and historical issues with particular positions. This quarter, OIG monitored one set of interviews and one consensus meeting. The table below shows the breakdown of monitoring activity by department.³⁹

³⁹ If a department is not included in this table, OIG did not monitor any elements of that department’s hiring sequence(s).

TABLE 13 – OIG MONITORING ACTIVITIES THIS QUARTER

Department	Intake Meetings Monitored	Tests Monitored	Interview Sets Monitored	Consensus Meetings Monitored
Public Safety Administration			1	1

10. Acting Up⁴⁰

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.⁴¹

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 two settlement agreement which resulted in employment actions from DHR.

C. REPORTING OF OTHER OIG COMPLIANCE ACTIVITY

1. Escalations

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

This quarter, OIG received notice of one new escalation and concluded its review; one pending escalation was also concluded.

a. Department of Procurement

On September 21, 2021, a DHR recruiter escalated the Department of Procurement Services senior procurement officer hiring sequence to OIG’s Compliance section. DHR reported that prior to the consensus meeting, an interviewer contacted the Board of Ethics to discuss a potential “political conflict” with an interviewed candidate. OIG’s review did not establish that the interviewer considered political or improper factors when evaluating the candidate. In recognition of the forthcoming DHR Background Check Policy, OIG recommended that DHR

⁴⁰ “Acting Up” means an employee is directed or is held accountable to perform, and does perform, substantially all the responsibilities of a higher position.

⁴¹ 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.

clearly communicate and incorporate the Policy’s requirements into DHR Interview and Consensus training.⁴² DHR agreed with OIG’s recommendation and will incorporate information about the Background Check Policy into training for HR liaisons and interviewers.

b. Department of Aviation

On November 17, 2021, a DHR recruiter escalated the Chicago Department of Aviation’s (CDA) administrative assistant II hiring sequence to OIG’s Compliance section. DHR reported that there was a heated verbal exchange between a candidate and one of the interviewers. During OIG’s review, a qualified candidate was selected for hire, and CDA management counseled the interviewer. OIG had no further recommendations.

2. Compliance Reviews

OIG did not conduct any compliance reviews this quarter.

3. 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 13 complaints and had 4 pending complaint from the prior quarter. The table below summarizes the disposition of these complaints.

TABLE 14 – COMPLIANCE COMPLAINTS RECEIVED THIS QUARTER

Complaint Status	Number of Complaints
Pending from Previous Quarter	4
Received This Quarter	13
Declined or Referred	13
Opened	1
Complaints Pending as of End of Quarter	3

⁴² On September 16, 2021, DHR provided a Draft City Policy on Background Checks to OIG. DHR has not confirmed an anticipated finalization date for the Policy.

The Compliance section closed six cases this quarter, and one case was referred to the Public Safety section. The table below summarizes the disposition of these complaints, as well as those pending from the previous quarter.

TABLE 15 – COMPLIANCE CASES THIS QUARTER

Case Status	Number of Cases
Pending from Previous Quarter	14
Opened	1
Sustained	1
Not Sustained	5
Referred	1
Cases Pending as of End of Quarter	8

1. Chicago Department of Public Health, Sustained (#20-1643)

On September 9, 2020, OIG received a complaint regarding the Chicago Department of Public Health public health administrator (PHA) II hiring sequence. A candidate alleged that they were wrongfully disqualified as not meeting minimum qualifications from the posting when they had been previously referred and interviewed for the same title that same year.

The candidate reached out to the relevant DHR recruiter to obtain additional information and the recruiter allegedly provided no explanation other than the fact that the recruiter has discretion in who is selected for an interview.

As a result of this most recent complaint, OIG followed up with DHR to determine what efforts it had undertaken to ensure consistent recruiter training, particularly with regard to the screening of candidates and referral lists. In response, DHR provided its Electronic Toolkit for recruiters and several other resources, including a Draft Recruiter Training Manual which provides detailed information on the hiring process. Due to DHR's continued efforts to ensure consistency in recruiter functions, OIG had no further recommendations regarding recruiter training.

2. Department of Transportation, Not Sustained with Advisory (#20-0921)

On June 9, 2020, OIG received a complaint alleging that a Chicago Department of Transportation (CDOT) street light repair worker had been allowed to Act Up as a foreman of street light repairmen, while other street light repair workers had not been allowed to Act Up after being declared "ineligible" by a CDOT foreman of street light repairmen. The complainant subsequently alleged that street light repair workers with less than five years of experience in their position were not allowed to Act Up and that there was no "designated list or order" to identify who was allowed to do so.

OIG found that CDOT did not violate the Hiring Plan or Acting Up Policy when it restricted the relevant pool for foreman of street light repairmen. However, if CDOT intended to place limitations on the pool of eligible employees in the future, the Department should develop

specific criteria for determining whether an employee will be deemed eligible or not. OIG suggested that CDOT work with DHR to develop an objective assessment that can be used to determine whether street light repair workers will be deemed eligible to Act Up as foremen. OIG also noted that CDOT should continue working with DHR to implement customized performance evaluations, which OIG understood to be in process.

OIG closed the case in the third quarter and requested a response to its findings by October 12, 2021. CDOT requested an extension to provide a response to OIG's suggestions. However, as of December 31, 2021, a response has not been received.