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CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

THIRD QUARTER REPORT 2019



REPORT OF THE OFFICE OF INSPECTOR GENERAL



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

Enclosed for your review is the public report on the operations of the City of Chicago Office of Inspector General (OIG) during the third quarter of 2019, filed with City Council pursuant to Section 2-56-120 of the Municipal Code of Chicago.

This is our first quarterly report detailing OIG activities transpiring during the new Mayoral Administration and City Council. On one hand, this reporting cycle reflects continuity in OIG operations; since the transition, we have completed and released a variety of audits and reviews of government operations and closed a diverse array of administrative and criminal investigations. On closer examination, however, the recently concluded quarter also reflects OIG's ongoing evolution.

In September, City Council enacted a mayoral ordinance enabling the Corporation Counsel to release, at his discretion, OIG investigation reports that fall into a small category of serious cases of public interest. As enacted, the criteria are most likely to cover investigations of allegations of police misconduct with grave consequences, involving violations of criminal law. In light of the mischaracterization of the intent and potential impact of the ordinance by some in opposition, it is important to note that such cases are few in number, and that release will generally only occur after the conclusion of routine administrative process and the issuance of final decisions. In other words, the new law operationalizes transparency values while honoring due process concerns. It is equally important to note that such reports will typically involve matters arising not from allegations made by OIG itself, as mistakenly suggested in media reports, but rather in situations where the head of the relevant City department has determined OIG's factfinding to be accurate and has taken action as a result. These determinations and resulting actions are typically taken in consultation with the City's Law Department, which, in essence, prosecutes such matters, relying on evidence adduced by an OIG investigation, conducted in accordance with robust due process requirements written into City policy and any applicable collective bargaining agreements between the City and the unions representing City employees.

The first matter made subject to this new transparency ordinance was the administrative investigation of the Chicago Police Department's (CPD) conduct in the aftermath of the shooting of Laquan McDonald. The recent ruling of the Police Board in the case of four officers who challenged their discharges is a signal event; it plainly states the standards of truthfulness, accuracy, and completeness required of sworn personnel in all circumstances. These newly released reports can now be found [online](https://www.igchicago.org).

Another matter potentially meeting the criteria under the transparency ordinance is the mishandling of a death investigation, summarized in the body of the report below. This matter demonstrates the importance of conducting police investigations in a neutral and objective manner—i.e., with no prejudgment—taking as the primary, if not sole objective, the gathering of all available evidence for evaluation by the appropriate authorities. Although the facts they reveal are seriously problematic, we hope that such OIG investigations (as well as those undertaken by other police oversight agencies) serve to foster public confidence that the City does not accept, will not accommodate, and will take appropriate action in response to dereliction of law enforcement duty.

A second legislative development during the recently concluded quarter was the long-deferred extension of OIG oversight to include audit and review authority over the operations of City Council, to go along with investigative oversight conferred in 2016. A couple of things merit mention here. This additional oversight is primarily administrative in nature; it does not and will not be used as a mechanism to evaluate the legislative decisions and actions of Council or its members. These are matters of discretion and judgment subject only to the evaluation of voters in the polling booth. That said, the administrative operations of Council, including but not limited to those interwoven into executive functions of the City, are now subject to examination for economy, effectiveness, efficiency and integrity. During the last Council cycle, OIG coordinated with leadership to develop standards for aldermanic administrative operations, including ward office management, for which aldermen have long been under resourced and under supported. The recent extension of jurisdiction will better enable OIG to undertake reviews and initiatives of that nature.

Finally, I want to highlight four other forward-looking matters of note:

- The enclosed report is the first to include a distinct section on the activities of OIG's Public Safety section, which was created in response to the recommendation of the Mayor's Police Accountability Task Force and whose audit-based evaluations, reviews, and inspections of CPD and police accountability agencies are becoming more fully realized with each completed project. Public reporting of the section's activities will be a regular feature of all future OIG quarterly reports.
- OIG recently added more data-based information and functions to its Information Portal, allowing the visualization of OIG-verified data in a user-friendly manner that enables the public to analyze data at the level of their interest. [The Portal](#) includes a feedback function that allows users to tell us what additional types of data-based information they would like to see in the future.
- In September, OIG published for comment a draft Audit Plan for 2020, available [on our website](#). We strongly encourage any and all input, from the public and City officials alike, before the Plan is finalized at the end of the year.
- OIG posted a [Public Safety Survey](#) soliciting information and suggestions from community members and CPD members for topics of concern and priority for the Public Safety section. More than 1,000 community members have taken the survey. To date, CPD member engagement in the survey—which can be taken anonymously—has been minimal by comparison. This mirrors the near non-engagement of the anonymous, OIG-created and secured [CPD Member Hotline](#), which we will address at greater length in the



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near future. Aggregate data from both surveys is reported below in the Public Safety section of this report.

As always, we welcome everyone's feedback, whether in the form of complaints, suggestions for topics on City operations you believe should be audited, or requests for visits to and dialogue with OIG's community engagement team, to further support our mission.

Respectfully,

A handwritten signature in blue ink, appearing to be "J. Ferguson", written over a light blue horizontal line.

Joseph M. Ferguson
Inspector General
City of Chicago

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THIRD QUARTER 2019 HIGHLIGHTS

773COMPLAINTS
RECEIVED**314**MATTERS
CONCLUDED**\$10,000**COST
RECOVERIES**34**AUDITED HIRING
SEQUENCES**4**PUBLISHED
REPORTS**2**

NOTIFICATIONS



An OIG investigation established that a CPD lieutenant, sergeant, and detective mishandled CPD's investigation of the off-duty death of a CPD member, violating CPD rules by conducting an incompetent and incomplete investigation. The lieutenant and detective further violated CPD rules, Cook County ordinances, and Illinois law when they were involved in removing the deceased's body without notification to or authorization from the Cook County Medical Examiner.



This quarter, OIG issued two notifications:

- The Department of Water Management's practices related to partial lead service line replacements
- The practice of blocking users from accessing and posting to social media accounts created and maintained by aldermen acting in their official capacities



Topics of OIG cases closed this quarter:

- Use of a firearm in the workplace
- Improper use of City resources
- Consuming alcoholic beverages on City time
- Failure to report an accident and false statements
- Attempted fraud by a City contractor
- Fraudulent documents on behalf of an Alderman's Office

This quarterly report provides an overview of the operations of the Office of Inspector General (OIG) during the period from July 1, 2019 through September 30, 2019. The report includes statistics and narrative descriptions of OIG's activity as required by the Municipal Code of Chicago (MCC).

I. MISSION OF THE OFFICE OF INSPECTOR GENERAL

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

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

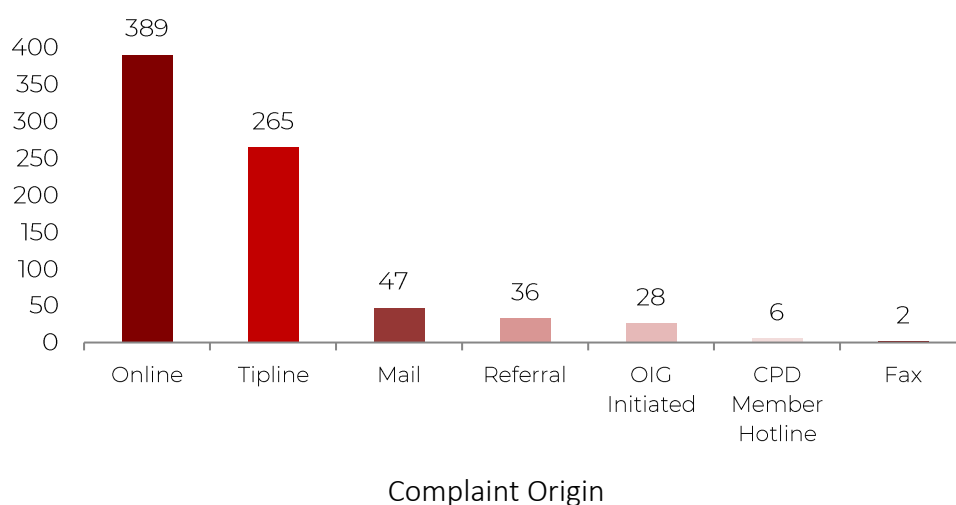
II. INVESTIGATIONS

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

A. COMPLAINTS RECEIVED THIS QUARTER

OIG received 773 complaints this quarter. The chart below 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	24
Pending	141
Referred to Department/Sister Agency	231
Declined	377
Total	773

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

B. PRIOR QUARTER COMPLAINTS

OIG also took action on complaints that were pending at the end of the prior quarter by declining 78 complaints, opening 9 administrative or criminal investigations, and referring 39 complaints to sister agencies. The following table provides the status of all complaints that were pending at the end of the previous quarter.

TABLE #2 – PRIOR PENDING COMPLAINTS

Status	Number of Complaints
Opened Investigation	11
Pending	3
Referred to Department/Sister Agency	44
Declined	78
Total	136

C. NEWLY OPENED MATTERS

This quarter, OIG opened 311 matters. Of the newly opened matters, 276 were referred to other departments or investigative agencies. A total of 35 cases proceeded to an OIG investigation.³ Of those cases, 33 remained open at the end of the quarter and 2 were closed sustained. The following table categorizes the matters opened by OIG this quarter based on the subject of the matter.

TABLE #3 – SUBJECT OF INVESTIGATIONS AND REFERRALS

Subject of Investigations and Referrals	Number of Investigations and Referrals
Employees	275
Contractors, Subcontractors, and Persons Seeking Contracts	9
Appointed Officials	2
Elected Officials	6
Licensees	7
Other	12
Total	311

D. CASES CONCLUDED IN QUARTER

This quarter, OIG concluded 314 opened matters, 276 of which were referred to the following: 237 to a City department and 39 to a sister agency or other external agency. Of the remaining concluded matters, 16 were closed as “sustained.” A case is sustained when the evidence sufficiently establishes that either an administrative or criminal violation has occurred, or the

³ More than one case may be opened on the same complaint, accounting for discrepancies between the total number of complaints opened as investigations and the total number of cases opened this quarter.

case identifies a particular problem or risk that warrants a public report or notification to a department. A total of 13 matters were closed as “not sustained.” A case is not sustained when OIG concludes that the available evidence is insufficient to prove a violation under applicable burdens of proof. A total of 9 matters were closed “administratively.” 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 #4 – CASES CONCLUDED IN THE SECOND QUARTER

Status	Number of Cases
Referred to a City Department	237
Referred to a Sister/External Agency	39
Sustained	16
Not Sustained	13
Closed Administratively	9
Total	314

E. PENDING MATTERS

At the close of this quarter, OIG had a total of 183 pending matters, including investigations opened during the quarter.

F. INVESTIGATIONS NOT CONCLUDED IN TWELVE MONTHS

Under MCC § 2-56-080, OIG must provide quarterly statistical data on pending investigations open for more than 12 months. Of the 183 pending matters, 58 investigations have been open for at least 12 months. The following table shows the general reasons that these investigations remain active.

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

Reason	Number of Investigations
Complex or resource-intensive investigation, which may involve difficult issues or multiple subjects	45
Extended due to higher-risk, time-sensitive investigations	10
Additional complaints added during the course of the investigation	1
On hold, so as not to interfere with another ongoing investigation	2
Total	58

G. ETHICS ORDINANCE COMPLAINTS

This quarter, OIG received 21 ethics ordinance complaints. OIG declined 9 ethics ordinance complaints because they lacked foundation, 1 ethics ordinance complaint was referred to the appropriate City department, and 11 ethics ordinance complaints are pending.

H. PUBLIC BUILDING COMMISSION COMPLAINTS AND INVESTIGATIONS

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

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 investigation⁴—a summary and analysis of the evidence and recommendations for disciplinary or other corrective action. OIG sends these reports to the appropriate authority, including the Office of the Mayor, the Corporation Counsel, and the City departments affected by or involved in the investigation. When officials are found to be in violation of campaign finance regulations, the law affords them the opportunity to cure the violation by returning excess funds.

A. CAMPAIGN FINANCE INVESTIGATIONS

The MCC bans City vendors, lobbyists, and those seeking to do business with the City from contributing over \$1,500 annually to any elected City official’s or candidate’s political campaign. Potential violations of the cap are identified through complaints and OIG analysis. Other rules and regulations such as Executive Order 2011-4 place further restrictions on donations. Once a potential violation is identified, OIG notifies the donor and the donation recipient of the violation and, in accordance with the MCC, provides the individual or entity 10 days to challenge the determination or cure the violation by returning the excess donation.⁵ 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 no campaign finance violation matters.

B. SUSTAINED ADMINISTRATIVE INVESTIGATIONS

The following are brief synopses of administrative investigations completed and reported as sustained investigative matters. These synopses are intended to illustrate the general nature and outcome of the cases for public reporting purposes and thus may not contain all allegations and/or findings for each case.

In addition to OIG’s findings, each synopsis includes the action taken by the department in response to OIG’s recommendations. City departments have 30 days to respond to OIG recommendations,⁶ informing OIG of what action the department intends to take. Departments

⁴ 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.”

⁵ If the donor and/or recipient was already aware that the excess donation was a violation at the time the donation was made, then they may not have the opportunity to cure the violation and avoid a fine.

⁶ 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.

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.

In deference to the deliberative processes of City departments and the contractual rights of employees relating to discipline, OIG does not report on cases regarding current City employees until the subject's department has acted on and/or responded to OIG's report. For cases in which a department has failed to respond in full within 30 days (or 60 days if a full extension has been granted), the response will be listed as late. The following table lists concluded matters for which OIG has received a department response this quarter.

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

Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
#19-0320	Streets and Sanitation	Discharge	Discharged; appeal pending
#18-0695	Streets and Sanitation	Discharge	Discharged; appeal pending
#18-0683	Transportation	Discipline commensurate with gravity of violations	Written reprimand
#18-0509	Water Management	Discipline up to and including discharge	Retired in lieu of discharge
#18-0486	Streets and Sanitation	Discipline up to and including discharge	14-day suspension; 29-day suspension
#18-0464	Public Library	Discharge	30-day suspension
#18-0440	Emergency Management and Communications	Discharge	Resigned in lieu of discharge
#18-0437	Procurement Services	Debarment	Requested written response from the subject within 30 days
#18-0311	Transportation	Discipline commensurate with gravity of violations	1-day suspension
#17-0245	City Council	Discharge	3-day suspension
#17-0084	Police	Discipline commensurate with gravity of violations	5-day suspension
#17-0019	Police	Discipline commensurate with gravity of violations	1-day suspension
#16-0515	Business Affairs and Consumer Protection	Discharge	56-day suspension
#16-0377 and #15-0468	Transportation	Discharge	25-day suspension

Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
#15-0564	Police	<p>Discharge for 11 officers</p> <p>Discipline for 4 officers</p> <p>Strip of retirement identification card and star</p>	<p>Discharge for 4 officers (appeals pending); 5 officers resigned or retired under inquiry; 1 still pending before police board; and 1 no discipline</p> <p>5-day suspensions</p> <p>No action on OIG recommendation; designated as resigned under inquiry</p>

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

An OIG investigation established that a Department of Streets and Sanitation (DSS) motor truck driver (MTD) pointed a firearm at a DSS laborer while in the parking lot of a DSS facility. After clocking into work, the MTD and the laborer had a verbal confrontation in the parking lot concerning a car accident in which they had been involved. During the argument, the MTD brandished a firearm and pointed it at the laborer. Once the Chicago Police Department arrived, officers recovered a semiautomatic handgun from the MTD's vehicle. The MTD is currently facing felony criminal charges.

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

In response, DSS discharged the employee and placed the employee on the ineligible for rehire list. The employee's appeal of the discharge is pending.

2. Residency Violation (#18-0695)

An OIG investigation established that a DSS MTD lived in Matteson, Illinois ("Matteson property") in violation of the City's Municipal Code (MCC) § 2-152-050, requiring its employees to reside in Chicago. During an OIG interview, the MTD admitted several times to living in Matteson rather than Chicago. In addition, OIG observed the MTD leaving the Matteson property in the morning to drive to work on five separate surveillances conducted from October through December 2018. OIG also gathered numerous documents establishing the MTD's residency in Matteson, including a mortgage, utility bills, and property taxes in the MTD's name for the Matteson property.

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

In response, DSS discharged the employee. The employee has appealed the discharge to the Human Resources Board.

3. Discourteous Treatment (#18-0683)

An OIG investigation established that a Department of Transportation (CDOT) laborer was hostile and abusive toward another City employee via email. The email, sent from the laborer's personal email account, was related to City business and was in response to the City employee contacting the laborer in the regular course of their City duties. The laborer admitted to sending the email, said they had been frustrated after a long day, and apologized for the language in the email. The email constituted discourteous treatment of another City employee and conduct unbecoming of a City employee.

OIG recommended that CDOT impose discipline against the laborer, commensurate with the gravity of the violations, past disciplinary record, and any other relevant considerations. In response, CDOT issued the laborer a written reprimand.

4. Consuming Alcoholic Beverages on City Time (#18-0509)

An OIG investigation established that a Department of Water Management (DWM) construction laborer, on five occasions, spent approximately the last hour of the workday at a bar drinking alcohol while on duty. OIG conducted multiple surveillances at the bar the construction laborer patronized and observed the construction laborer consuming alcoholic beverages while clocked in as working for the City.

OIG recommended that DWM impose discipline against the construction laborer up to and including discharge.

In response, DWM agreed that the evidence established the employee's violations and initiated the disciplinary process. The employee subsequently retired, and DHR designated the employee as having retired in lieu of discharge.

5. Failure to Report an Accident and False Statements (#18-0486)

An OIG investigation established that two DSS general laborers failed to report an accident in which a City garbage truck backed into a parked vehicle, causing costly damage to the vehicle. In addition, both general laborers made false statements, which were contradicted by video footage of the accident. The first general laborer made a false statement in a report to DSS, and the second general laborer lied in an interview with OIG.

OIG recommended that DSS impose discipline against the first laborer up to and including discharge and recommended DSS discharge the second general laborer.

In response, DSS concurred with OIG's findings regarding the first laborer and suspended the employee for 14 days. DSS concurred with OIG's findings regarding the second laborer as well but disagreed with OIG's disciplinary recommendation. Instead of discharging the employee as OIG recommended, DSS suspended the second laborer for 29 days because the general laborer was a newer employee and had no prior disciplinary issues.

6. Improper Use of City Resources and Interfering with the Work of a City Employee (#18-0464)

An OIG investigation established that a Chicago Public Library (CPL) librarian used a City computer to conduct outside employment and interfered with the work of a CPL employee under the librarian's supervision by questioning the employee at length regarding the employee's involvement in OIG's investigation.

OIG recommended that CPL discharge the librarian and refer the librarian for placement on the ineligible for rehire list maintained by DHR.

In response, CPL concurred with OIG's findings, but disagreed with OIG's disciplinary recommendation and issued the employee a 30-day suspension. The employee also agreed to enter into a "last chance agreement," which provides that any further outside employment during City work hours, discussion of OIG's investigation with CPL staff, retaliation against any employee involved in OIG's investigation, or other related disciplinary issues will result in the librarian's immediate discharge.

7. Residency Violation (#18-0440)

An OIG investigation established that an Office of Emergency Management and Communications (OEMC) police communications operator I (PCO I) lived in Forest Park, Illinois ("Forest Park property") in violation of MCC § 2-152-050, requiring its employees to reside in Chicago. The PCO I also violated the City's Personnel Rules by executing a false residency affidavit and knowingly submitting a fraudulent lease agreement to the City at the time of hiring as evidence of City residence. Finally, the PCO I repeatedly lied to OIG about their residence during OIG's investigation.

OIG recommended that OEMC take action consonant with the residency ordinance and discharge the PCO I and refer the PCO I for placement on the ineligible for rehire list maintained by DHR.

In response, OEMC stated that it agreed with OIG's recommendations and had requested a Statement of Charges for the discharge of the PCO I. OEMC added that once the discharge action was finalized, it would refer the PCO I for placement on the ineligible for rehire list. The PCO I subsequently resigned.

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

An OIG investigation established that the president of a former City contractor attempted to perpetrate fraud on the City while their City contract was still active. More specifically, the contractor's president asked a subcontractor to falsely represent to the City that the contractor had made a \$168,285.25 payment to the subcontractor in order to prevent the City's termination of the contractor's contract. As corroborative evidence of the purported payment, the contractor's president provided the subcontractor with a copy of a false check from the contractor to the subcontractor in that amount and asked the subcontractor to present it to the City, which the subcontractor declined to do. The contractor and the contractor's president also refused to cooperate with OIG's investigation of the attempted fraud.

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

In response, DPS sent a letter to the contractor and the contractor's president, stating that they each had 30 days to respond to the allegations contained in OIG's report. DPS stated that it would further respond to OIG regarding the actions it would take after receiving responses from the contractor and the contractor's president.

9. Unauthorized Secondary Employment (#18-0311)

An OIG investigation established that a CDOT concrete laborer engaged in unauthorized secondary employment by working twenty hours a week, without City authorization, as a general manager at a bar/restaurant the laborer co-owned, both while the laborer was an active City employee and while the laborer was on Family Medical Leave Act leave.

OIG recommended that CDOT impose discipline against the laborer, commensurate with the gravity of the violations, past disciplinary record, and any other relevant considerations. OIG further recommended that if the laborer remains a City employee, CDOT ensure that the laborer is in full compliance with all applicable rules concerning secondary employment.

In response, CDOT issued the laborer a one-day suspension. CDOT did not address OIG's recommendation about the laborer's compliance with the City's secondary employment rules.

10. Submitting Fraudulent Documents to a City Agency on Behalf of an Alderman's Office (#17-0245)⁷

An OIG investigation established that an aldermanic staff assistant, in response to a February 1, 2017 ticket the alderman's ward vehicle received for an expired vehicle registration, drafted a letter on the alderman's official letterhead, dated February 2, 2017, that falsely claimed that the vehicle had been registered at the time the ticket was issued. That letter was subsequently submitted to the Department of Administrative Hearings (DOAH), along with a forged Illinois

⁷ OIG did not make any findings of criminal law violations, but the conduct clearly implicates Illinois criminal statutes prohibiting forgery, 720 ILCS 5/17-3(a)(1), mail fraud, 720 ILCS 17-24(a), and official misconduct, 720 ILCS 5/33-3(a)(2).

vehicle registration card that supported the false statements contained in the letter, as part of an unsuccessful attempt to defraud the City and avoid liability for the ticket.

Among other evidence establishing the staff assistant's culpability, OIG found a draft of the offending letter on the staff assistant's assigned work computer. Forensic examination of the letter's metadata as contained on the staff assistant's computer reflected, when compared with time sheets, that the letter was created, printed, and saved at a time that the staff assistant was the only person in the aldermanic office.

The letter falsely claimed that the ward vehicle's registration had been renewed in September 2016 when, in fact, Illinois Secretary of State records reflect that the vehicle's registration was not renewed at any time in 2016. The letter further referenced a forged Illinois Registration Identification Card in support of the false claim that the vehicle's registration was renewed in 2016. Thus, the evidence reflects that the staff assistant sought to defraud the City by falsely stating that the ward van was registered at the time it received the ticket—and knowingly referenced a forged document—in an attempt to avoid paying a fine to the City. The conduct was aggravated by the fact that they used the alderman's signature and official letterhead, which includes the City seal, to perpetrate fraud, knowing that those symbols would lend additional authority to the false statements.

In addition, OIG found that three other aldermanic staffers provided testimony that suggested they were not fully forthcoming regarding their knowledge or complicity in the fraud perpetrated by the ward office. Three of the staff members refused to take an oath prior to their interviews, the direct implication being that they were declining to tell the complete truth during those interviews; more broadly, their actions were at variance, if not violative, of City ordinance, which confers upon OIG the power to "administer oaths and examine witnesses under oath." MCC § 2-56-030(g). As such, OIG found that multiple members of the alderman's staff repeatedly and fundamentally failed to appreciate and honor their duty to cooperate with OIG and recommended that the alderman address that failure with each member of the staff. OIG did not ultimately make any disciplinary recommendations with respect to these staff members because although it seemed unlikely that the staff assistant acted without the knowledge of other ward staff, absent full and complete cooperation from the alderman's staff, OIG was unable to prove beyond a preponderance of the evidence that any other staffer assisted or was aware of the staff assistant's attempt to defraud the City.

OIG recommended that the alderman discharge the staff assistant and refer the staff assistant for placement on the ineligible for rehire list maintained by DHR.

In response, the alderman stated that OIG's report was "substantive and well detailed regarding the investigation of [the February 1, 2017] ticket and its subsequent handling" and acknowledged that the "report raise[d] serious ethical matters that cannot be ignored." The alderman counseled the chief of staff "on the need to improve the performance of [the chief of staff's] supervisory responsibilities" and stated that if the chief of staff "would have ensured that the vehicle registrations were up to date, this investigation would not have occurred." Regarding

a legislative aide, the alderman responded that the legislative aide's explanation for not seeing the ticket in question was "inadequate" and "hard to believe."

With respect to the offending staff assistant, the alderman "[f]ound [OIG's] findings credible in that [the staff assistant] traditionally does contestation of letters simply by default, as no one else was volunteering to do so." The alderman added that they interviewed the staff assistant and that the staff assistant "acknowledged what was reported to the IG regarding [the staff assistant's] involvement in writing the letter submitted to [the] Department of Administrative Hearings." However, the staff assistant denied "involvement in the fraudulent registration card submitted to DOAH and ha[d] no knowledge of how this could have happened."

The alderman found the staff assistant "to be credible, as [the staff assistant] has always demonstrated ethical behavior when the need arose." The alderman further found the staff assistant's "denial regarding the fraudulent vehicle registration card to be credible." Therefore, taking into account the staff assistant's "demonstrated ethical behavior" and the "circumstantial" nature of the evidence linking the staff assistant to the fraudulent vehicle registration, the alderman "respectfully disagreed with [OIG's] recommendation."

The alderman continued: "However, as a result of [OIG's] findings and overall conclusion regarding the [alderman's] staff and its deficient cooperation, I feel compelled to act and discipline the involved staff, including [the staff assistant]. I have decided to vacate any remaining comp time and paid holidays for the staffers involved for the remainder of 2019. In addition, I will institute a three-day suspension for all staff involved and require mandatory ethical training. I will also remind them to adhere to responsibilities and give them a verbal warning that any other actions unbecoming of a city employee will lead to termination."

Finally, the alderman "instituted controls in place for time keeping and updated policies and practices in my employee handbook."

11. Mishandling of a Death Investigation, Improper Removal of a Body (#17-0084)

An OIG investigation established that a Chicago Police Department (CPD) lieutenant, and a sergeant and detective under the lieutenant's command, mishandled CPD's investigation of the off-duty death of a CPD member. The lieutenant, sergeant, and detective (collectively, "the investigative team") violated CPD rules by conducting an incompetent and incomplete investigation; furthermore, the lieutenant and the detective violated CPD rules, Cook County ordinances, and Illinois law when they were personally involved in removing the deceased CPD member's body from the place of death without notification to or authorization from the Cook County Medical Examiner.

OIG took no position on what the outcome of CPD's death investigation would or should have been if, in fact, the investigative team had pursued appropriate leads, spoken with potential witnesses, and collected all potential pieces of evidence. However, the evidence established that the investigation was circumscribed and poorly documented and was therefore neither

competent nor complete. From the very outset, and by their own accounts, the investigative team assumed that the deceased member's death was a suicide; reaching that conclusion before they had enough information to appropriately do so foreclosed any investigative avenues which might have led to different conclusions. The investigative team neither challenged nor attempted to verify the account given by the deceased CPD member's spouse (who was also a CPD member) of the events surrounding the deceased member's death—despite their marriage having been marked by credit card debt, allegations of infidelity, and volatile arguments. Because the death was treated as a suicide from the outset, the evidence technician did not record details of the crime scene as would have been done for a homicide. Because of the uncorroborated assertion that the spouse had not been in the house when the deceased member was shot, the investigative team did not test the spouse for gunshot residue and may have even given the spouse express permission to wash their hands.

Because the investigative team had pre-judged the spouse as not a suspect, they interviewed their children (the only other potential witnesses to the deceased member's death) in the spouse's presence. There is no evidence that during any of those interviews the detective probed the questionable assertion that not a single person in the house heard a gunshot.

Despite the lieutenant acknowledging that the spouse's cell phone may have had evidentiary value, it was returned to the spouse without examination. The fact that the spouse had declined to provide CPD access to its contents was never documented.

Because no physical evidence was collected to challenge the suicide narrative, the investigative team did not conduct a neighborhood canvass. If the investigative team had done so, they might have learned that several neighbors were awake during the early morning hours of CPD's on-scene investigation. One could have reported, as they did to OIG, having heard a car alarm around the time of death; and another could have reported, as they did to OIG, having heard individuals, believed to be the deceased member and the spouse, arguing.

The detective failed to interview Chicago Fire Department (CFD) personnel who were the first responders on the scene. Had they done so, they would have learned that there was substantial uncertainty about the position of the body and whether it had been changed by the time CPD's crime scene photos were taken. The detective would have heard that one 37-year CFD veteran even believed they had seen a different gun than the one in the photos. Beyond incidental conversations on the scene, the detective collected no information from CPD's Bureau of Patrol officers who were present. Some of those officers could have told the detective, as they told OIG, that they too were uncertain about the position of the body and whether the crime scene photos were consistent with their recollections.

In the midst of uncertainty and disagreement about the position of the body and whether it was moved between the time of death and the time the evidence technician took photos, the investigative team made no effort to photograph or otherwise preserve the mattress on which the body was found. Instead, the lieutenant directed that the mattress be disposed of in an alley

behind a CPD facility. Answers to any open questions that might have been found in blood stains or other markings on the mattress were lost in that alley.

Through further questioning, the detective might have learned that some first-responding CPD members were surprised by the spouse's demeanor. The detective might have considered whether the spouse's calls to 911, during which the spouse failed to answer basic questions and never mentioned the presence of a gun or a gunshot wound, amplified concerns about the spouse's behavior.

Furthermore, no one on the investigative team contacted the deceased member's siblings during the investigation. If they had, they might have learned, as OIG did, that the spouse repeatedly said that the spouse could kill the deceased member and make it look like a suicide, and that one brother believed himself to have been threatened at the deceased member's wake to keep him from "asking questions." No one contacted the funeral directors who handled the deceased member's funeral. If they had, they might have learned that the spouse made comments suggesting the spouse was in the room when the deceased member was shot.

OIG's investigation also found that, in violation of Illinois law, 55 ILCS 5/3-2019, 55 ILCS 5/3-3019, 720 ILCS 5/12-20.6, Cook County ordinance, Sec. 38-123, and CPD orders, the lieutenant and detective removed the deceased member's body from the place of death without authorization from the Cook County Medical Examiner (CCME). They failed to ensure that the deceased member's death was promptly and appropriately reported to CCME. They directed and participated in the removal of the body, thereby compromising CCME's own investigation of the death—an investigation which would have been the only contemporaneous one conducted by an agency outside of CPD.

OIG recommended that CPD impose discipline against the detective and sergeant commensurate with the gravity of the violations, past disciplinary records, and any other relevant considerations. With respect to the lieutenant (who, ahead of recommended termination in a separate, unrelated OIG administrative investigation, had retired before OIG began this investigation) OIG recommended that CPD issue a formal determination on the violations and place OIG's report along with CPD's response in the lieutenant's personnel file.

In response, CPD stated that it concurred that the detective, sergeant, and lieutenant conducted an incomplete death investigation in violation of CPD rules. CPD further agreed that the evidence presented by OIG demonstrated that the lieutenant and detective removed the deceased member's body from the place of death without notification to or authorization from CCME, in violation of Cook County ordinance and Illinois law.

CPD agreed to place a copy of OIG's report and its response in the lieutenant's personnel file. CPD further concluded that the appropriate penalties for the detective and sergeant's misconduct were five-day suspensions, owing to the fact that the lieutenant was the highest-ranking member of CPD's Bureau of Detectives on the scene of the investigation, which was a

mitigating factor in considering the actions of the detective and sergeant, who worked under the lieutenant's command.

12. Deposit of Misdirected Workers' Compensation Checks (#17-0019)

An OIG investigation established that a CPD officer deposited two checks that were intended for a different City employee into the officer's bank account. Specifically, the officer received via U.S. mail and negotiated two workers' compensation checks intended for a DSS employee of the same name, totaling \$3,600.68. The officer knew that the officer was not the intended recipient of the checks and failed to notify the City or any authorities that the officer had received and negotiated the checks. After being contacted by the City regarding the two checks, the officer agreed to repay the full amount but repeatedly reneged on the repayment agreement. The officer ultimately repaid the City after the commencement of OIG's investigation—six days before the officer's scheduled OIG interview and nearly four years after the incident.

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

In response, CPD suspended the officer for one day.

13. Conflict of Interest and False Statements (#16-0515)

An OIG investigation established that a Department of Business Affairs and Consumer Protection (BACP) administrative assistant failed to disclose a conflict of interest when reviewing an application for a business license submitted by a company that employed a member of the administrative assistant's immediate family. In addition, the employee made false statements during an OIG interview. The employee claimed to have no knowledge of the family member's employment and misrepresented the nature of communications with other employees at the same company.

OIG recommended that BACP discharge the administrative assistant and refer the administrative assistant for placement on the ineligible for rehire list maintained by DHR.

In response, BACP agreed that the evidence established the employee's violations and moved to discharge the employee. BACP also made recommendations to the Board of Ethics regarding potential updates to further strengthen the City Ethics Ordinance and updated the Department's conflict of interest policies.

After receiving notice of the discharge, the employee sought to appeal the decision through binding arbitration. BACP agreed to mediate the case and ultimately reached a settlement with the employee, which includes a 56-day suspension with no back-pay and specifies that, for 24 months from the date of reinstatement, the employee is subject to a "Last Chance Agreement with respect to any violation of the conflict of interest policies of the BACP Workplace Rules in effect at the time." The employee is also required to complete a one-on-one ethics training upon returning to work. BACP explained that it decided to mediate the case after consulting with the

Department of Law (DOL), which advised that the assigned arbitrator had a pattern of employee-favorable findings in recent cases involving City employees who lied to OIG during an investigation. DOL had also raised concerns that other BACP employees received more lenient discipline in recent conflict of interest cases.

14. Workers' Compensation Fraud, Fraud in Securing Employment, and Failure to Cooperate with OIG (#16-0377 and #15-0468)

An OIG investigation established that in 2015, a CDOT asphalt laborer committed workers' compensation fraud and collected in excess of \$24,000 in unentitled payments. In March 2015, the asphalt laborer began receiving workers' compensation checks from the City for an on-duty injury. At that time, the City Council Committee on Finance (COF) administered the City's workers' compensation program. Subsequently, in April 2015, the asphalt laborer began working again full time for CDOT. City employees are not entitled to workers' compensation benefits from the City while also receiving a full-time salary from the City. The asphalt laborer fraudulently reported to COF that the asphalt laborer had not returned to work, and neither CDOT nor COF had proper mechanisms in place to discover the deception in a timely fashion. For over five months, the asphalt laborer collected both a full-time salary and over \$24,000 in unentitled workers' compensation payments.

After OIG began the investigation into the asphalt laborer's workers' compensation fraud, the City filed a lawsuit against the asphalt laborer to collect the unentitled benefits. On January 25, 2018, an administrative law judge entered a judgment against the asphalt laborer in the amount of \$25,991.68. The City is now deducting \$350 from each of the asphalt laborer's paychecks to satisfy the judgment.

An additional OIG investigation revealed that the asphalt laborer had served nearly ten years of incarceration for federal weapons and narcotics convictions, which the asphalt laborer did not disclose to the City. From 1997 to 2007, the asphalt laborer was in federal custody for those convictions. However, the investigation showed that when the asphalt laborer applied for multiple City jobs between 2013 and 2016, the asphalt laborer denied having any prior convictions. The asphalt laborer also fabricated ten years of employment history that coincided with the time of the asphalt laborer's incarceration. By providing such extensive false information on the applications for City employment, the asphalt laborer committed egregious employment fraud.

OIG's investigations were impeded by the asphalt laborer's failure to cooperate with numerous interview requests. OIG scheduled six interviews with the asphalt laborer, and none of them were successful due to a delay by either the asphalt laborer or the laborer's attorney. OIG provided the asphalt laborer with multiple opportunities to explain the misconduct that OIG discovered, however, the asphalt laborer refused to submit to an interview despite having a duty to cooperate with OIG.

OIG's investigation into the workers' compensation fraud was also significantly hindered by COF's refusal to provide OIG with documents relevant to the asphalt laborer's misconduct. OIG initially requested the asphalt laborer's workers' compensation file from COF in October 2016. COF, through its attorney at the law firm of Jenner and Block, refused to provide the file and stated that OIG lacked lawful authority to make such a request. Following further communication and COF's continued refusal to provide the documents, OIG indicated to COF its intent to file a mandamus action in order to gain access to the asphalt laborer's file.

After threatening litigation, on May 8, 2018, COF finally provided OIG with the selected documents from the asphalt laborer's file—over 18 months after OIG's initial request. Only after receiving those documents was OIG in a position to complete the investigation. Sustaining the asphalt laborer's workers' compensation fraud, employment fraud, and failure to cooperate with the investigation, OIG recommended that CDOT discharge the asphalt laborer and refer the asphalt laborer for placement on the ineligible for rehire list maintained by DHR.

In response, CDOT initially reported to OIG in February 2019 that it was seeking discharge and referring the matter to DOL. Over five months later, DOL submitted a statement of charges seeking discharge pertaining to the workers' compensation fraud and the asphalt laborer's failure to cooperate with the OIG investigation. DOL chose not to draft charges regarding the asphalt laborer's employment fraud. DOL stated to OIG that it had discovered some evidence that DHR and CDOT may have been aware of the asphalt laborer's past convictions and employment history discrepancies, yet still chose to hire the asphalt laborer.

CDOT served the asphalt laborer with termination documents in July 2019. On August 6, 2019, CDOT, the asphalt laborer, and the asphalt laborer's union entered into a settlement agreement. According to that settlement agreement, CDOT agreed not to seek termination of the asphalt laborer but, instead, agreed to suspend the asphalt laborer for 25 days. The laborer agreed not to pursue any grievance or other claim against CDOT.

MCC § 2-56-065 specifies that if a department takes a different action than that recommended by OIG, the department's response must describe and explain its reasons. CDOT initially did not provide any explanation for its deviation from OIG's recommendation. However, after OIG sought an explanation, CDOT responded by stating:

"After presenting charges to the employee and reviewing their response, the Department felt a 25-day suspension was appropriate. In addition, the Department secured an agreement from the employee and the union that there would be no grievance or appeal to the disciplinary suspension." CDOT did not provide a copy of the employee's response, despite OIG's requests.

15. False Reports, Bringing Discredit on the Department, Incompetence (#15-0564)

OIG postponed publicly reporting on its investigation of administrative misconduct in the fatal shooting of Laquan McDonald, which has been completed for over a year and a half, due to the related criminal prosecutions of CPD members in *People v. Van Dyke*, 17 CR 4286 (Cir. Ct. of Cook

Cty), and *People v. March, Walsh, Gaffney*, 17 CR 9700 (Cir. Ct. of Cook County), and administrative proceedings before the Chicago Police Board.

Based on a recent amendment to the MCC allowing the Corporation Counsel to publicly release OIG reports under certain circumstances, see MCC § 2-56-110(b), all 16 OIG reports related to this case are now available online.⁸ In the 16 reports, OIG issued findings and disciplinary recommendations respecting 16 sworn members of CPD. Specifically:

- OIG recommended discharge for 11 of the 15 officers. Of those 11, the superintendent sought discharge of 5.
 - The Police Board discharged four of the officers and the other's case for decertification based on a felony conviction is pending. The four officers who were discharged have filed lawsuits appealing the Police Board's decision.
- The superintendent disagreed with OIG's findings and disciplinary recommendation respecting one officer.
- Five other officers among the 11 resigned or retired prior to formal action on OIG's findings and discharge recommendations.
- OIG issued findings and disciplinary recommendations of suspension for four other officers, on the basis of which the superintendent issued five-day suspensions for each of the four individuals.
- In its final report, delayed by the subject's refusal to respond to OIG's subpoena and OIG's subsequent enforcement action in court, OIG recommended that a lieutenant who retired prior to the issuance of the report be stripped of their retirement identification card and star, be designated as "resigned under inquiry," and that the report be placed in their personnel file. CPD agreed to designate the member as "resigned under inquiry" and place the report in their file but declined to take action on their retirement credentials.

⁸ Given the public availability of the full reports, OIG will forgo providing a de-identified summary of this case. The reports related to this case can be found online at:

https://www.dropbox.com/sh/2xfo6rry7nzg5w9/AADYNIN4IbPIJ7wtJLU_gCtZa?dl=0

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.⁹

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 and grievance arbitrations concerning OIG's disciplinary recommendations.

A. SYNOPSES OF CRIMINAL CASES

1. *United States v. Joseph Garcia*, 19 CR 270 (N.D. Ill.) (#14-0165)

On March 21, 2019, Joseph Garcia, a rehabilitation construction specialist in the Department of Housing, was indicted on federal criminal charges, including one count of wire fraud (18 U.S.C. 1343) for falsely representing in City forms that Company A had performed work in connection with a City program when Company A had not completed that work, and one count of making materially false statements to the FBI (18 U.S.C. 1001(a)(2)). The indictment was unsealed on July 16, 2019, after Garcia's arrest. Garcia has entered a plea of not guilty.

The indictment alleges that when Garcia was a rehabilitation construction specialist for the City's Department of Planning and Development (DPD), he was responsible for inspecting porches as part of the City's Emergency Housing Assistance Program and signing paying agent forms to verify that he had inspected the premises and found that the work was in place according to the agreed upon specification and budget. The indictment further alleges that Garcia falsely represented on paying agent forms that he had inspected homes that participated in the Program, found that the work purportedly performed by Company A to replace the porches at these homes had been completed according to the agreed upon specification and budget, and recommended payout approval, when, in fact, Garcia knew that he had not inspected these homes and that he had not verified that the work had been completed according to the agreed upon specification and budget. As a result, Garcia caused the City to pay Company A for porches that Company A had purportedly replaced, when, in fact, Company A had not yet completed those porches.

⁹ OIG may issue summary reports of investigation recommending administrative action based on criminal conduct prior to, during, or after criminal prosecution.

With respect to the second count, the indictment alleges that Garcia made several false statements during the FBI's investigation of the matter, including that he had never signed a paying agent form without conducting a final inspection, and that he did not have a personal relationship with Individual A, the president of Company A, or Individual B, a project manager at Company A.

This investigation was conducted by the City of Chicago Office of Inspector General, working in conjunction with the United States Attorney's Office for the Northern District of Illinois and the Chicago Field Office of the FBI.

The public should 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.

B. DEVELOPMENTS IN PRIOR CHARGED CRIMINAL CASES

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

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

OIG has been notified of two updates regarding appeals to the Human Resources Board (HRB) or an arbitrator or other actions this quarter regarding discipline imposed or other actions resulting from OIG investigations.

Residency

1. Residency Violation (#17-0283)

As previously reported in the first quarter of 2019, an OIG investigation established that an OEMC supervising police communications operator lived in Monee, Illinois. OIG recommended that OEMC take action consonant with the residency ordinance, discharge the employee, and refer the employee for placement on the ineligible for rehire list maintained by DHR. In response, OEMC discharged the employee and placed the employee on the ineligible for rehire list.

The employee challenged the discharge, and in April and May of 2019, a hearing officer for the HRB conducted a four-day evidentiary hearing. HRB subsequently upheld the hearing officer's determination that the City proved the employee resided outside the City in violation of the residency requirement and the employee was properly discharged from OEMC.

2. Fraudulent MBE Certification Documents (#16-0027)

As reported in the third quarter of 2017, an OIG investigation established that an engineering firm ("the Firm"), previously certified by the City of Chicago as a Minority-Owned Business Enterprise (MBE), submitted four fraudulent and forged documents, falsely representing to a prime contractor bidding on a Cook County construction project that the Firm was still a City-

certified MBE. Relying on those false documents, the prime contractor included the Firm as an MBE-certified subcontractor in its bid. After the prime contractor was awarded the contract, it independently discovered the Firm was not, in fact, certified and removed the Firm from the contract. The Firm's owner ("the Owner"), who was also its president, failed to cooperate with OIG's investigation into the false documents. OIG recommended that DPS initiate permanent debarment proceedings against the Firm and the Owner for their actions.

In response, DPS negotiated a settlement agreement with the Firm and the Owner. In the agreement, the Firm and Owner "acknowledge that the City had a reasonable basis to conclude" that the facts OIG's investigation established were accurate. The City acknowledged the Firm and Owner's "contention that they did not intend to knowingly make false statements or provide false documents to a prime contractor in connection with a public procurement process, without [the City] admitting the truthfulness of [those] contentions." The settlement agreement required the Firm and the Owner to follow all legal requirements and enact an ethics and compliance program. It also required the Owner to attend ethics training provided by the City of Chicago Board of Ethics, and to promptly cooperate with any City investigation, proceeding, or request for information. Any violation of the agreement's terms could lead to the Firm and the Owner's debarment, up to two years.

During the 20-month term of the agreement, the Firm and the Owner cannot do business with the City or its sister agencies, including serving as a prime contractor, subcontractor, or supplier. The City agreed that it would not add the Firm and the Owner to the debarment list. The Firm and the Owner agreed to a \$10,000 settlement with the City, paid in 20 monthly installments of \$500.

D. RECOVERIES

This quarter OIG received one report of a financial recovery related to OIG investigations.

TABLE #7 – OVERVIEW OF COST RECOVERY ACTIONS

Case Number	Date	Source	Amount
#16-0027	8/30/2019	City contractors agreed to pay settlement	\$10,000

V. AUDITS, FOLLOW-UPS, AND REVIEWS

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

1. Audit of Delays in Providing Notice of Sanitation Code Violations (#18-0771)¹⁰

OIG audited the Department of Law's (DOL) process for notifying people of sanitation code violations cited by the Department of Streets and Sanitation (DSS), such as overflowing garbage containers or uncut weeds. The Collections, Ownership, and Administrative Litigation (COAL) division of DOL is responsible for identifying the owners of properties cited by DSS for such violations. Once COAL verifies the correct owner, it sends a notice of violation. The objective of the audit was to determine the average number of days from alleged violation to notification and why, in some cases, the process took more than a year.

For sanitation code violations that occurred in 2016 and 2017, DOL notified property owners an average of 289 days—more than 9 months—after the alleged violation. In 63.2% of cases, it took DOL 6 to 12 months to notify property owners and, in 23.8% of cases, DOL did not provide notice until a year or more had passed. Fewer than 2% of notifications were sent within one month of the violation.

OIG concluded that the average 9-month delay in notification was due primarily to DOL's large backlog of alleged sanitation code violations. Once COAL staff were assigned a violation, it took just a few days to identify the property owner and send the notice.

DOL disagreed with our recommendation to establish a performance measure related to the timeliness of notification. The Department disputes that such a performance measure is "reasonable, appropriate, or even operationally feasible [...]." DOL also disagreed with OIG's recommendations regarding ways to further reduce large volume of "untouched" violations and address the seasonal increase.

2. Audit of The Department of Fleet and Facility Management's Maintenance of Police Vehicles (#18-0066)¹¹

OIG evaluated the Department of Fleet and Facility Management's (2FM) maintenance of CPD's vehicle fleet to determine whether it was attaining 95% fleet availability and whether 2FM was performing preventive maintenance in a timely manner. 2FM maintains approximately 3,000 vehicles on behalf of CPD.

¹⁰ Published September 4, 2019. See <https://igchicago.org/2019/09/04/audit-of-delays-in-providing-notice-of-sanitation-code-violations/>.

¹¹ Published September 11, 2019. See <https://igchicago.org/2019/09/11/audit-of-the-department-of-fleet-and-facility-managements-maintenance-of-police-vehicles/>.

OIG determined that 2FM's inaccurate data prevented the Department from assessing how effectively it managed the police fleet. In response to our audit findings and recommendations, 2FM stated that it has improved data quality to calculate availability.

We also found that in 2017, 2FM performed only 12.9% of preventive maintenance in a timely manner, primarily due to delayed requests from 2FM for CPD to deliver vehicles to its garages. 2FM agreed with OIG recommendations that it analyze its operations to identify process improvement opportunities, and then determine if additional resources are needed. 2FM also agreed with recommendations that it improve communication, information sharing and cooperation with CPD to ensure efficient management of the police fleet. 2FM reported that it has adjusted staffing to meet maintenance demand and is working closely with CPD to ensure that it is appropriately sharing information and collaborating.

3. Chicago Department of Public Health Air Pollution Enforcement Audit (#17-0525)¹²

OIG assessed how well the Chicago Department of Public Health (CDPH) monitors facilities that pollute the air. We found that the CDPH was not meeting its internal air-quality inspection frequency goals, and was not ensuring that facilities annually renew their required Certificates of Operation. Between 2015 and 2017, CDPH met its inspection frequency goal for only 17% of the facilities it intended to visit annually. In 2017, only 48% of the facilities in CDPH's inspection and permit system obtained the required Certificate of Operation. CDPH agreed with OIG's recommendations to strengthen its permit and inspection program by developing inspection priorities and goals based on factors such as public health data and violation patterns. The Department also agreed to develop a Certificate of Operation enforcement system that takes advantage of the Department's current data to ensure facilities renew on time and pay the correct amount.

We also found that CDPH did not ensure that violations identified by inspectors were corrected. Of the 30 violation warnings the Department issued from September 2017 to September 2018, we found that 12 went unresolved. The Department agreed with OIG's recommendation to adjust its process to ensure that violation warnings are monitored by supervisors and addressed by inspectors in a timely manner.

¹² Published September 16, 2019. See <https://igchicago.org/2019/09/16/chicago-department-of-public-health-air-pollution-enforcement-audit/>.

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 no advisories and two notifications this quarter.

1. Department of Water Management Partial Lead Service Line Replacement Notification (#19-0318)

On August 14, 2019, OIG issued a notification to the Department of Water Management (DWM) regarding the Department's practices related to partial lead service line replacements. OIG determined that DWM's communication with customers affected by partial lead service line replacements did not align with best practices recommended by the American Water Works Association (AWWA). The information provided to customers did not contain guidance regarding,

- the dangers of lead consumption;
- the proper flushing technique; or
- the availability of point-of-use filters certified to reduce lead levels.

During the course of our work, DWM reported that it was developing new communication materials to address these issues and provided draft copies of the materials in response to our letter. DWM stated that it would begin providing these new materials to customers in September 2019. OIG suggested that DWM also provide these materials to customers affected before September 2019. DWM stated that, based on expert recommendation and industry best practices, it will provide a separate, retroactive notice to customers affected by work conducted in the three months prior to September 2019.

OIG also determined that DWM departs from best practices recommended by AWWA by not using dielectrics to connect new copper pipe to existing lead pipe when a connection is broken. AWWA recommends the use of dielectrics to reduce the corrosion of the lead caused by contact with copper. Instead, DWM uses brass lead packs to separate these materials. DWM stated that it had piloted the uses of AWWA-recommended dielectrics but had identified issues with installation and defrosting, which led the Department to determine that brass lead packs were a superior choice.

Finally, DWM said that it is conducting both field studies (gathering data from the water system) and pipe loop studies (conducted in a controlled environment at the City's water treatment plants) to evaluate the effects of a variety of materials and construction techniques on lead levels. OIG suggested that DWM publish this work in a manner accessible to the public and disseminate information to keep residents informed about actions the City is taking to address reasonable concerns about lead contamination. DWM responded that these studies are still

underway and that the Department did not want to release results prematurely, but that it would release conclusions once complete data had been analyzed, verified, and reviewed.

2. Blocking Users from Aldermanic Social Media Accounts

In August 2019, OIG notified the City Council Committee on Committees and Rules of multiple complaints regarding the practice of blocking users from accessing and posting to social media accounts created and maintained by aldermen acting in their official capacities.

OIG noted that the Board of Ethics (BOE) addressed this issue in its advisory opinion in Case No. 18038.A.1, Use of Social Media; City-owned Property; Prohibited Political Activity (January 8, 2019), which the Board sent to all aldermen and their chiefs of staff. BOE, which has the sole authority to interpret and determine violations under the Governmental Ethics Ordinance, concluded that, in certain circumstances, blocking users from official social media accounts, or those that effectively function as such, could violate the Ordinance. The Board advised that “elected officials . . . should not block followers from accessing” their official accounts—or personal accounts that “include[] postings commenting on public affairs or matters involving City government,” i.e., de facto official accounts—nor should officials “delete critical comments unless the user’s comments are obscene, profane, libelous, or defamatory, or are commercial and posted to sell goods or services.” Advisory opinion at 7. See also *Knight First Amendment Institute v. Trump*, ___ F.3d ___, No. 18-1691 (2d Cir. July 9, 2019) (affirming the lower court’s holding that blocking critics from accessing and contributing to the exchange of ideas on a public official’s social media account violates the First Amendment).

OIG further noted that this BOE advisory opinion constitutes a binding interpretation of the Governmental Ethics Ordinance, and that, therefore, conduct inconsistent with the opinion occurring subsequent to January 8, 2019, could result in formal proceedings against the violator. OIG also stated that BOE had conveyed its position that improper blocking of a social media user prior to that date to constitute only a minor violation, but that any elected official who has done so should make reasonable efforts to renew the user’s access. Finally, OIG explained that tactics which are functionally equivalent to blocking users—for example, using Facebook’s “Hide” option to render a user’s comments invisible to other users—are also prohibited under the Governmental Ethics Ordinance.

OIG recommended that the Committee on Committees and Rules take action to advise all City of Chicago aldermen that if they, or staffers on their behalf, maintain an official Facebook page, Twitter account, Instagram account, or any other official social media presence, they should do so in a manner mindful of the principles and requirements described above.

In response, in September 2019, the Chair of the Committee on Committees and Rules informed OIG that she forwarded OIG’s notification letter via email to her 49 City Council colleagues.

VII. OTHER REPORTS AND ACTIVITIES

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

VIII. HIRING OVERSIGHT

Under Chapter XII of the City of Chicago General Hiring Plan, Chapter XI of CPD Hiring Plan, and Chapter IX of the CFD Hiring Plan, OIG is required to review and audit various components of the hiring process and report on them quarterly.¹³ The City's Hiring Plans require both reviews and compliance audits. The Hiring Plans define reviews as a "check of all relevant documentation and data concerning a matter," and audits as a "check of a random sample or risk-based sample of the documentation and data concerning a hiring element."

A. HIRING PROCESS REVIEWS

1. Contacts by Hiring Departments

OIG tracks all reported or discovered instances where hiring departments contacted Department of Human Resources (DHR) or the Chicago Police Department Human Resources (CPD-HR) to lobby for or advocate on behalf of actual or potential applicants or bidders for Covered Positions or to request that specific individuals be added to any referral or eligibility list. During the third quarter of 2019, OIG did not receive any reports of direct contacts.

2. Political Contacts

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

Additionally, City employees often report contacts by elected or appointed officials that may be categorized as inquiries on behalf of their constituents but not an attempt to affect any hiring decisions for any Covered Position or Other Employment Actions. During this quarter, OIG received notice of one political contact.

- An alderman contacted DHR to inquire about the employment status of a candidate for firefighter/EMT.

3. Exemptions

OIG tracks all reported or discovered Shakman Exempt appointments and modifications to the Exempt List on an ongoing basis. OIG received notification of 62 exempt appointments this quarter.

¹³ 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."

4. Senior Manager Hires

OIG reviews hires pursuant to Chapter VI covering the senior manager hiring process. Of the 45 hire packets OIG reviewed this quarter, 15 pertained to senior manager positions, 2 of which contained an error. The errors involved missing or incomplete documentation, which DHR corrected after OIG informed them of the errors. Due to the nature of the errors and the corrective action taken, OIG had no further recommendations.

5. Written Rationale

When no consensus selection is reached during a consensus meeting, a written rationale must be provided to OIG for review.¹⁴ 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). The City reported no emergency appointments during this quarter.

7. Review of Contracting Activity

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

Under the revised Contractor Policy,¹⁵ departments are no longer required to notify OIG of all contract or solicitation agreements or task orders. However, all contract and solicitation agreements OIG receives notice of will be reviewed. In addition, OIG will request and review a risk-based sample of contract documents from departments.

In addition to contracts, pursuant to Chapter X of the Hiring Plan, OIG must receive notification of the procedures for using volunteer workers at least 30 days prior to implementation. OIG also receives additional notifications of new interns and/or volunteer workers for existing programs.¹⁶

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

TABLE #8 – CONTRACT AND INTERNSHIP OR VOLUNTEER OPPORTUNITY NOTIFICATIONS

¹⁴ 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.

¹⁵ Revised June 7, 2017.

¹⁶ Chapter X.B.6 of the General Hiring Plan.

Contracting Department	Contractor, Agency, Program, or Other Organization	Duration of Contract/ Agreement
Civilian Office of Police Accountability	Public Service Interns	Fall 2019
Cultural Affairs and Special Events	Maintenance Services	5 years
Law	Volunteer Program	Ongoing
Mayor's Office	Leadership for Educational Equity Fellowship Program	7 weeks
Mayor's Office	Volunteer – Chicago Construction Careers Council	3 months
Mayor's Office	Volunteer	Fall 2019
Public Health	Sunbelt Staffing – Influenza Vaccination	4 months
Public Health	Sunbelt Staffing – Infection Prevention	1 year
Public Health	Sunbelt Staffing – Gonococcal Isolate Surveillance Project	33 weeks
Public Health	Sunbelt Staffing – Lead Poisoning Prevention Program	1 year
Public Health	Sunbelt Staffing – Enhanced Congenital Syphilis Response	24 weeks
Public Health	Sunbelt Staffing – Enteric Disease	35 weeks
Public Health	Sunbelt Staffing – Prevention of Healthcare Associated Infection	35 weeks
Public Health	Sunbelt Staffing – Behavioral Health Assistant	7 months
Public Health	Sunbelt Staffing – HIV and Hepatitis C Prevention	4 weeks
Treasurer	Consulting Services	6 months
Treasurer	Consulting Services	3 months
Water Management	Management of Entitlement Grant Programs	3 years

B. HIRING PROCESS AUDITS

1. Modifications to Class Specifications,¹⁷ Minimum Qualifications, and Screening and Hiring Criteria

¹⁷ “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

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, Fire, Police, and Public Health. 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 one referral list and no errors were identified.

3. Testing

The Hiring Plan requires that OIG conduct an audit of DHR test administrations and scoring each quarter. In the third quarter, OIG audited materials for 33 test administrations covering 10 City departments, which were completed during the second quarter of 2019. OIG did not identify any scoring errors in the selected materials. However, OIG had one recommendation regarding test documentation.

- Department of Streets and Sanitation – Clerk III

During the audit, OIG reviewed DSS' clerk III test administration. The test required candidates to navigate to specific websites to research and confirm property information using a given street address. OIG noted that this was the first time DHR administered a test like this. The answer key listed the dwelling status for each property at the time DHR created the test. Some of the correct answers to the test questions were "pending," which indicated that a property was awaiting reclassification.

OIG confirmed with DHR that a pending status could change, meaning that the test answers could change in the future. While OIG confirmed that the answers were correct as written at the time of the audit, the information listed on the websites for each property is subject to change. Because of the potential for future variation in what is deemed a correct answer, OIG recommended that DHR memorialize the correct answers at the time the test answer key is created. DHR agreed with OIG's recommendation and agreed to implement the practice in the future.

4. Selected Hiring Sequences

Each quarter, the Hiring Plan requires OIG to audit at least 10% of in-process hiring sequences and at least 5% of completed hiring sequences conducted by the following departments or their

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.

successors: 2FM, CDA, CDOT, DOB, DSS, DWM, 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.

Last quarter, OIG completed an audit of hire packets for 34 hiring sequences completed during the first quarter of 2019. These hiring sequences involved nine departments. The audit identified errors in three hiring sequences that involved incomplete and missing candidate assessment forms. OIG recommended that DHR take additional steps to ensure that both recruiters and human resources liaisons are verifying that departments have accurately completed all required hiring paperwork prior to the consensus meeting. DHR did not respond to OIG's recommendations, although they were invited to do so.

This quarter, OIG completed an audit of hire packets for 30 hiring sequences completed during the second quarter of 2019. These hiring sequences involved 18 departments. Of the 30 hire packets audited, OIG identified two errors involving missing consensus meeting notes and an incomplete master hire certification form. OIG renewed its recommendation that DHR provide written guidance and training to ensure consistent practices among all DHR recruiters. OIG is awaiting DHR's response and will publish details in a subsequent quarterly report.

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. OIG reviewed 43 hire packets this quarter and 1 contained a hire certification error.

6. Selected DOL 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 will conduct an audit of DOL hire packets on a biannual basis.

This quarter, OIG completed an audit of 22 hiring files for DOL sequences completed during the first half of 2019. OIG did not identify any errors. However, OIG had two recommendations regarding screening documentation. OIG will detail the recommendations and DOL's response in a subsequent quarterly report.

7. Selected CPD 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 four non-bid duty assignment sequences and five non-bid unit assignments completed during the second quarter of 2019. OIG will report on its audit findings and CPD's response in a subsequent quarterly report.

8. Selected CFD Assignment Sequences

Pursuant to Chapter X of the CFD Hiring Plan for Uniformed Positions, OIG has the authority to audit Other Employment Actions, including assignments, "as it deems necessary to ensure compliance with [the] CFD Hiring Plan." Assignment packets include all documents utilized in a specialized unit assignment sequence, including, but not limited to: all forms, certifications, licenses, and notes maintained by individuals involved in the selection process. OIG selects a risk-based sample of assignment packets for completed process review after CFD issues unit transfer orders and candidates have begun their new assignments.

This quarter, OIG selected a sample of assignment packets for completed process review covering eight assignment sequences. OIG will report on its findings and CFD's response in a subsequent quarterly report.

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 seek to 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 1 intake meeting, 3 sets of interviews, and 3 consensus meetings. The table below shows the breakdown of monitoring activity by department.¹⁸

TABLE #9 – OIG MONITORING ACTIVITIES IN THE THIRD QUARTER

¹⁸ If a department is not included in this table, OIG did not monitor any elements of that department's hiring sequence(s).

Department	Intake Meetings Monitored	Tests Monitored	Interview Sets Monitored	Consensus Meetings Monitored
Business Affairs and Consumer Protection	-	-	1	1
Civilian Office of Police Accountability	-	-	2	2
Fire	1	-	-	-
Police	-	1	-	-

10. Acting Up¹⁹

OIG audits the City's compliance with Chapter XI of the General Hiring Plan and the Acting Up Policy. OIG received notice of three DHR-approved waiver requests to the City's 90-Day Acting Up limit this quarter.²⁰

TABLE #10 – ACTING UP WAIVERS IN THE THIRD QUARTER

Department	Acting Position	Number of Employees	Date of Response	Expiration of Waiver
Fleet and Facilities Management	Equipment Dispatcher in Charge	1	9/20/19	12/31/19
Transportation	Foreman of Cement Laborer	2	7/3/19	8/31/19
Water Management	Chief Mason Inspector	1	7/3/19	8/31/19 or until position is filled

11. Arbitrations and Potential Resolution of Grievances by Settlement

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

¹⁹ "Acting Up" means an employee is directed or is held accountable to perform, and does perform, substantially all of the responsibilities of a higher position.

²⁰ 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.

C. REPORTING OF OTHER OIG HIRING OVERSIGHT 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.

In the third quarter, OIG did not receive notice of any new escalations and has one escalation pending. OIG will report on its findings for the pending escalation and the department's response in a subsequent quarterly report.

2. Processing of Complaints

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

OIG received 17 complaints related to the City's hiring practices this quarter. The table below summarizes the disposition of these complaints, as well as those pending from the previous quarter.

TABLE #11 – HIRING OVERSIGHT COMPLAINTS RECEIVED IN THE THIRD QUARTER

Complaint Status	Number of Complaints
Pending From Previous Quarter	5
Received This Quarter	17
Opened Investigation	3
Declined	15
Referred to Department	3
Complaints Pending as of End of Quarter	1

Hiring Oversight administratively closed one case this quarter, one of which was not sustained.

TABLE #12 – HIRING OVERSIGHT CASES IN THE THIRD QUARTER

Case Status	Number of Cases
Pending From Previous Quarter	15
Opened This Quarter	6
Cases Referred	3
Closed Not Sustained	1
Closed Sustained with Recommendation	2
Closed Administratively	1
Cases Pending as of End of Quarter	14

- Department of Aviation (#18-0818)

In the fourth quarter of 2018, OIG received a complaint from a candidate for an airport facilities manager position at CDA. The complaint alleged that CDA made a “misogynistic” hiring decision when it hired a less experienced male candidate. After conducting a review of the hiring sequence, OIG found that CDA’s hiring manager and the DHR recruiter assigned to CDA²¹ developed screening and hiring criteria for this sequence that were specifically tied to information technology (“IT”) and telecommunications, subject matter that has not been traditionally associated with the airport facilities manager title. Furthermore, OIG found that the selected candidate did not meet the minimum qualifications for the position, despite possessing job experience and skills that were relevant to the modified screening and hiring criteria.

On June 25, 2019, OIG sent a memorandum to DHR, recommending that the Department: (1) conduct a desk audit of the airport facilities manager position to determine whether the selected candidate and any other incumbents are performing duties that are inconsistent with the position’s classification (i.e. acting out of title); (2) institute stronger controls, or a second layer of review, to ensure that referred candidates meet minimum qualifications or equivalencies; and (3) implement consistent recruiter training, including written guidelines on screening and referral lists. OIG also referred the complaint to the Equal Employment Opportunity Division of DHR.

In response, DHR agreed that the employee was not minimally qualified for the position. DHR also advised that it had conducted its own review of this hiring sequence. DHR noted that the job posting and pre-intake information submitted to its Classifications Division did not contain any explicit mention of IT experience. DHR advised that, at the time CDA requested IT experience for the position, the recruiter should have contacted the Classifications Division to determine whether the appropriate title was being used to fill the position.

DHR also noted that, in early 2018, the selected candidate had applied for a prior airport facilities manager vacancy (with the same qualifications requirement) and was rejected by the recruiter because the candidate failed to meet minimum qualifications. With respect to the position at issue in this complaint, DHR found that the recruiter initially rejected the candidate in

²¹ The DHR recruiter assigned to this hiring sequence is no longer employed by DHR.

Taleo (DHR's electronic recruiting management system), but revised that decision a day later, entering an electronic note that stated "Hit incorrect tab." DHR advised that the recruiter "subsequently bypassed steps in the system with a comment that says 'meets requirements' and moved him into a To Be Referred status." In between the two hiring sequences, there were no changes to the candidate's credentials that would suggest the candidate had gained the requisite experience for the position.

With respect to OIG's first recommendation, DHR agreed to conduct a desk audit of the selected candidate to determine whether the employee is performing duties consistent with the classification. DHR declined to initiate a desk audit for the other incumbents due to a lack of evidence that any other incumbents were acting out of title at the present time.

With respect to OIG's second recommendation, DHR declined to institute stronger controls or implement a second layer of referral list review. DHR acknowledged that OIG has made this recommendation in the past, and that DHR has previously rejected the recommendation because it would "impose a strain on already limited resources and minimize accountability for Recruiters exercising their professional judgment." DHR's position on this recommendation has not changed. DHR further stated that if the recruiter responsible for this hiring sequence was still employed by DHR, they would have been subjected to discipline for their actions.

With respect to OIG's third recommendation, DHR advised that it has started developing a recruiter handbook for training purposes. DHR started this process by reviewing the "process flows" in Taleo in order to eliminate inconsistencies in recruiters' use of the system. At DHR's invitation, OIG participated in this review.

DHR also noted that, for an unspecified period of time, referral lists created by "new" recruiters are subject to a secondary review to ensure that the recruiters are screening applicants and candidates correctly. Additionally, DHR advised that in past instances where OIG has communicated issues or concerns about the manner in which certain recruiters evaluate candidates, DHR has discussed those issues with the recruiter and worked with the recruiter to ensure that careful consideration is given while screening applicants. DHR also encourages recruiters to consult with each other and with managers when they have questions or concerns about screening particular candidates.

- Department of Aviation (#17-0375)

In the third quarter of 2017, OIG received an anonymous complaint alleging that a Chicago Department of Aviation (CDA) foreman of motor truck drivers (MTD) was given preferential treatment and was awarded a position at O'Hare because of their political work with a former CDA deputy commissioner and a former alderman.

During the course of this review, OIG learned that MTDs assigned to the training unit were not driving vehicles, as outlined in their job specifications, but performing training and clerical duties instead. OIG recommended that DHR's Classification and Compensation Unit conduct a desk

audit to determine if MTDs assigned to the training unit had been acting out of title.²² DHR's Classification and Compensation Unit recommended that CDA reclassify seven MTD titles to equipment training specialist/MTD and two other positions as AFSCME-represented administrative titles.

Following DHR's recommendations, CDA reclassified the titles, posted them online, and conducted interviews as dictated by the City's Hiring Plan. OIG monitored the intake meeting, interviews, and consensus meetings and did not identify any Hiring Plan violations. OIG ultimately concluded that there was insufficient evidence to prove that the candidate received preferential treatment due to political considerations when they were selected for a promotional opportunity. The candidate met the minimum qualifications and was ultimately recommended for hire. OIG also recommended that the former deputy commissioner, who has since retired, not participate in any future hiring or selection processes based on their admission of assigning employees to preferential assignments based on improper considerations.

- Department of Buildings (#16-0086)

In the first quarter of 2016, OIG received a complaint alleging that the hiring process for building/construction inspector in the Department of Buildings (DOB) was unfair. At the end of 2015, a candidate received a conditional letter of employment, completed the necessary hiring paperwork, and went to a City vendor health clinic for a physical exam. Clinic staff took the candidate's blood pressure and recommended that the candidate go to the hospital. DOB informed the complainant that in order to proceed they needed a letter from the candidate's physician stating that the candidate was capable of performing the duties along with confirmation of blood pressure-controlled medication. The complainant provided the requested information, but DOB withdrew the conditional offer.

OIG conducted a review of the building/construction inspector sequence which revealed confusion surrounding the processing of candidates after a contingent offer is made. OIG recommended that DHR provide guidance to departments concerning how and when to communicate with candidates and employees to ensure appropriate handling of protected health information. In response, DHR stated it will provide a brief overview of physical examinations and recommendations regarding follow-up requirements to departments at an upcoming human resource liaison training.

²² Per Rule 3A of the Personnel Rules, "Acting out of title occurs when employees perform job duties that fall substantially outside the duties listed under "Essential Duties" of the class of their position. The level, scope, frequency, and/or duration of these duties shall be used to determine whether an employee is acting out of title."

IX. PUBLIC SAFETY

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

A. EVALUATIONS UNIT

The Public Safety section's Evaluations Unit conducts program- and systems-focused evaluations and reviews of CPD, COPA, and the Police Board. Based on these audit-based inquiries, OIG makes recommendations to improve the policies, procedures, and practices of those entities.

1. Evaluation of the Chicago Police Department's Random Reviews of Body-Worn Camera Recordings (#18-0103)²³

The Public Safety section conducted a compliance evaluation of CPD's review of randomly selected body-worn camera (BWC) recordings. Under Special Order S03-14, the directive outlining BWC policy and procedures, CPD requires watch operations lieutenants (WOLs), across all watches, to review one recording daily. The purpose of these required reviews is for CPD supervisors to assess, among other areas, whether certain Department members are properly using BWCs and conducting themselves in accordance with CPD policy. OIG's evaluation determined that:

- CPD failed to complete all required random WOL reviews from November 2017 through March 2018 in seven districts reviewed by OIG;
- CPD failed to implement a standardized process for randomly selecting BWC recordings for review;
- CPD failed to effectively monitor compliance with its random WOL review requirement, using definitions of compliance that are inconsistent and that do not allow CPD to determine whether WOLs are conducting randomized reviews in accordance with Special Order S03-14; and
- CPD's BWC Program Evaluation Committee ("the Committee"), which is tasked with ensuring BWC policy compliance with evaluating BWC program effectiveness, did not hold quarterly meetings in the third or fourth quarters of 2017, as required by Special Order S03-14.

OIG recommended several steps CPD should take to ensure that WOLs conduct random reviews in full compliance with Department policy, including assessing the impact of corrective measures taken by the Committee, standardizing the random review process, and developing an effective method for monitoring compliance. In addition, OIG recommended that the Committee hold regular meetings featuring timely and complete reporting on random reviews.

²³ Published July 30, 2019. See: <https://igchicago.org/wp-content/uploads/2019/07/CPDs-Random-Reviews-of-Body-Worn-Camera-Recordings.pdf>

In response to OIG's findings and recommendations, CPD acknowledged the need to improve compliance and identified steps it has taken or is planning to take to address all of OIG's recommendations. These steps include evaluating the implementation of the policy, automating aspects of the random review process for standardization and monitoring, and ensuring the Committee fulfills its oversight role.

While OIG is encouraged by the steps CPD has identified to improve compliance, CPD did not provide a timeline for implementing the automation of its random review process. Until the implementation of this solution, the effectiveness of random reviews and the Committee's ability to perform its role may continue to be compromised.

B. INSPECTIONS UNIT

The Public Safety section's Inspections Unit reviews individual closed disciplinary investigations conducted by COPA and CPD's Bureau of Internal Affairs (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 Council of the Inspectors General on Integrity and Efficiency's standards for peer review of closed cases. OIG assesses sufficiency across several categories, including timeliness, professional standard of care, interviews, evidence collection and analysis, internal oversight, and case disposition.

This quarter, the Inspections Unit examined 281 closed disciplinary cases and opened 37 for in-depth review.

TABLE #13 – DISCIPLINARY CASES REVIEWED

Agency	Cases Screened	Cases Opened
BIA	143	8
COPA	138	29
Total	281	37

OIG found that two COPA investigations contained deficiencies which materially affected their outcome and recommended that they be reopened. COPA accepted one of OIG's recommendations, and the outcome in that case was reversed upon reopening. COPA rejected the second recommendation to reopen.

1. Recommendation to Reopen Based on Failure to Consider Video Evidence (#19-0597)

COPA sustained an allegation that a CPD officer failed to capture an entire police encounter on their BWC during the execution of a search warrant and recommended a one-day suspension. In reviewing the closed disciplinary investigation, OIG located a piece of BWC footage which COPA did not consider in its initial investigation, showing that the accused officer had in fact recorded the entire incident in question as required by CPD policy. OIG recommended that COPA reopen the investigation to consider all relevant evidence. COPA agreed and reversed its finding, exonerating the officer.

2. Recommendation to Reopen Based on Lack of Explanation for Injury Sustained in CPD Custody (#19-0901)

COPA investigated allegations of excessive force against three officers following the arrest of an individual during a traffic stop. The arrestee struggled with the officers, and they used force to affect his arrest and place him into custody. During transport to a CPD station, the arrestee can be observed on in-car camera (“ICC”) footage with what appears to be a small scrape in the center of his forehead, and no other visible injuries to his face.

COPA determined that the force used during the arrest was within policy and exonerated the officers of the allegations of excessive force. COPA’s analysis of the incident continued through the arrestee’s transport to a CPD station and did not include any events thereafter.

Evidence in COPA’s file makes clear that the arrestee suffered an injury to his left eyebrow after exiting the CPD vehicle, while still in CPD custody. The laceration to the arrestee’s left eyebrow required six stitches; the injury is visibly distinct from the small scrape on the arrestee’s forehead, as visible on the ICC footage. COPA’s file does not contain any investigative report, and its summary report of investigation does not offer any explanation, regarding how the arrestee sustained an injury to the eyebrow.

OIG recommended that COPA reopen its investigation to address the injury to the arrestee’s left eyebrow, which its evidence demonstrated had occurred after the arrest and while in CPD custody.

Responding after the conclusion of Command Channel Review,²⁴ COPA declined to reopen the investigation, asserting that the small scrape on the arrestee’s forehead, visible on the ICC footage, was the same injury as the laceration to his left eyebrow which required six stitches. COPA stated that the arrestee’s small scrape “could subsequently have begun to bleed and required medical attention.” COPA further noted that “it is a virtual impossibility that any additional evidence COPA might obtain at this point would allow us to satisfy the requisite burden of proof.”

²⁴ Command Channel Review is the process by which an accused CPD member’s supervisors review a disciplinary investigation for the soundness of the conclusions and findings. CPD’s final decision on outcome and discipline is made following Command Channel Review.

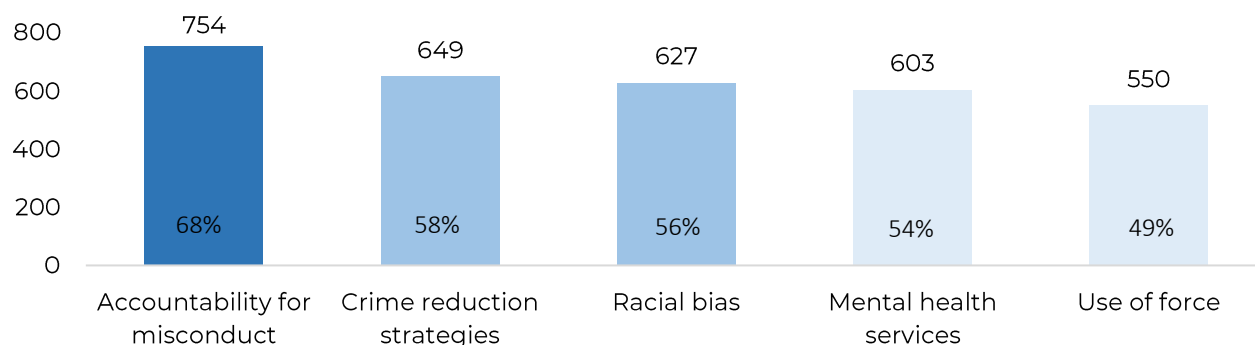
C. COMMUNITY AND CPD MEMBER SURVEYS

The Public Safety section created voluntary and anonymous surveys seeking input from Chicago community members and CPD members to inform, prioritize, and generate ideas for the section's projects. The data presented below includes all responses from June 12, 2019, through August 31, 2019, during which time 1,115 community members²⁵ and 50 CPD members²⁶ responded.

1. Community Member Responses

Community members were asked to identify up to five areas (out of 10) which they believed should be top priorities for the Public Safety section. The most frequently identified areas are identified below.

TABLE #14 – WHAT AREAS SHOULD BE TOP PRIORITIES FOR OIG'S PUBLIC SAFETY SECTION IN PROVIDING OVERSIGHT OF CPD?



Of the 754 community members that identified “Accountability for misconduct,” 673 (89%) identified “Appropriate discipline for misconduct” and 546 (72%) identified “Quality of misconduct investigations” as specific areas to prioritize. Of the 603 that identified “Mental health services,” 500 (83%) identified “Services for CPD members” and 464 (77%) identified “Services for subjects of police encounters” as specific areas to prioritize.

2. CPD Member Responses

CPD members were asked to identify up to five areas (out of eight) in which they believed CPD management needs most improvement, to help inform the Public Safety section's work. The most frequently identified areas are identified below.

²⁵ Community members were asked if they were at least 18 years old. Those responding “No” were excluded from the survey.

²⁶ CPD had indicated that it would disseminate the survey to current CPD members. As of October 1, 2019, CPD has not distributed the survey.

TABLE #15 – WHICH OF THE FOLLOWING ASPECTS OF CPD MANAGEMENT DO YOU THINK ARE MOST IN NEED OF IMPROVEMENT?



Among these areas, CPD members frequently identified “Fairness in disciplinary systems” and “Support for officer wellness,” which correspond to priority areas identified by community members. However, OIG is working to gather more responses from current CPD members to ensure the survey represents a broad spectrum of perspectives and looks forward to CPD’s cooperation in gathering those responses.

The Public Safety section uses survey responses from officers and members of the public to identify potential themes and topics for evaluation. Certain topics identified by survey respondents, such as accountability for misconduct and fairness in the disciplinary process, already overlap with the section’s obligations pursuant to its enabling legislation and/or the consent decree. Other topics identified by survey respondents, such as officer wellness and fairness in the promotion process, are either currently underway or may be initiated in 2020.

The Public Safety section will continue to collect data via the surveys, and encourages both community members and CPD members to participate by visiting our website at www.igchicago.org.