

JULY 2021

# SECOND QUARTER REPORT 2021

CITY OF CHICAGO  
OFFICE OF INSPECTOR GENERAL



JOSEPH M. FERGUSON  
INSPECTOR GENERAL FOR THE CITY OF CHICAGO



JOSEPH M. FERGUSON  
INSPECTOR GENERAL

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

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

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

Respectfully,

A handwritten signature in blue ink, appearing to be "J. Ferguson", is placed above the printed name.

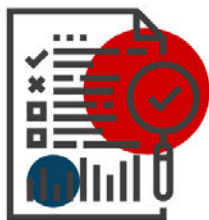
Joseph M. Ferguson  
Inspector General  
City of Chicago



## TABLE OF CONTENTS

I.	MISSION OF THE OFFICE OF INSPECTOR GENERAL .....	3
II.	INVESTIGATIONS .....	4
A.	COMPLAINTS RECEIVED THIS QUARTER.....	4
B.	PRIOR QUARTER COMPLAINTS .....	5
C.	NEWLY OPENED MATTERS.....	5
D.	CASES CONCLUDED THIS QUARTER .....	6
E.	PENDING MATTERS .....	6
F.	INVESTIGATIONS OPEN OVER TWELVE MONTHS.....	6
G.	ETHICS ORDINANCE COMPLAINTS .....	8
H.	PUBLIC BUILDING COMMISSION COMPLAINTS AND INVESTIGATIONS .....	8
III.	ADMINISTRATIVE CASES .....	9
A.	CAMPAIGN FINANCE INVESTIGATIONS .....	9
B.	SUSTAINED ADMINISTRATIVE INVESTIGATIONS.....	9
IV.	CRIMINAL CASES, ADMINISTRATIVE APPEALS, GRIEVANCES, AND RECOVERIES.....	16
A.	SYNOPSIS AND DEVELOPMENTS IN CHARGED CRIMINAL CASES .....	16
B.	SYNOPSIS AND RESULTS OF ADMINISTRATIVE APPEALS, GRIEVANCES, OR OTHER ACTIONS .....	18
C.	RECOVERIES .....	20
V.	AUDITS AND FOLLOW-UPS.....	21
VI.	ADVISORIES AND DEPARTMENT NOTIFICATION LETTERS .....	23
VII.	OTHER REPORTS AND ACTIVITIES .....	25
VIII.	PUBLIC SAFETY .....	26
A.	EVALUATIONS AND REVIEWS .....	26
B.	INSPECTION OF CLOSED DISCIPLINARY INVESTIGATIONS.....	30
C.	2020 ANNUAL REPORT.....	33
IX.	COMPLIANCE .....	35
A.	HIRING PROCESS REVIEWS.....	35
B.	HIRING PROCESS AUDITS .....	37
C.	REPORTING OF OTHER OIG COMPLIANCE ACTIVITY .....	40





## SECOND QUARTER 2021 HIGHLIGHTS

**763**

COMPLAINTS  
RECEIVED

**484**

MATTERS  
CONCLUDED

**7**

REPORTS  
PUBLISHED

**\$11,743**

RESTITUTION  
PAID TO  
THE CITY



OIG concluded investigations regarding:

- Benefits and Wire Fraud
- Bribery
- False Reporting
- Forgery
- Theft
- Unauthorized Use of City Property



OIG published reports regarding:

- Chicago Police Department's (CPD) Random Review of Body-Worn Camera Recordings
- Chicago Department of Public Health's COVID-19 Contact Tracing Program: Data Privacy and Cybersecurity
- Disciplinary Grievance Procedure for CPD Members
- Department of Assets, Information and Services' Municipal Plate Inventory Management
- Policies and Practices Related to Discrimination and Sexual Harassment Within the Chicago Fire Department
- Public Safety Section's 2020 Annual Report
- Removal of Personal Belongings from the Public Way
- Review and Analysis of Sexual Misconduct Investigations Against CPD Members
- Search Warrants Executed by CPD

This quarterly report provides an overview of the operations of the Office of Inspector General (OIG) during the period from April 1, 2021, through June 30, 2021. The report includes statistics and narrative descriptions of OIG's activity as required by the Municipal Code of Chicago (MCC).

## I. MISSION OF THE OFFICE OF INSPECTOR GENERAL

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

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

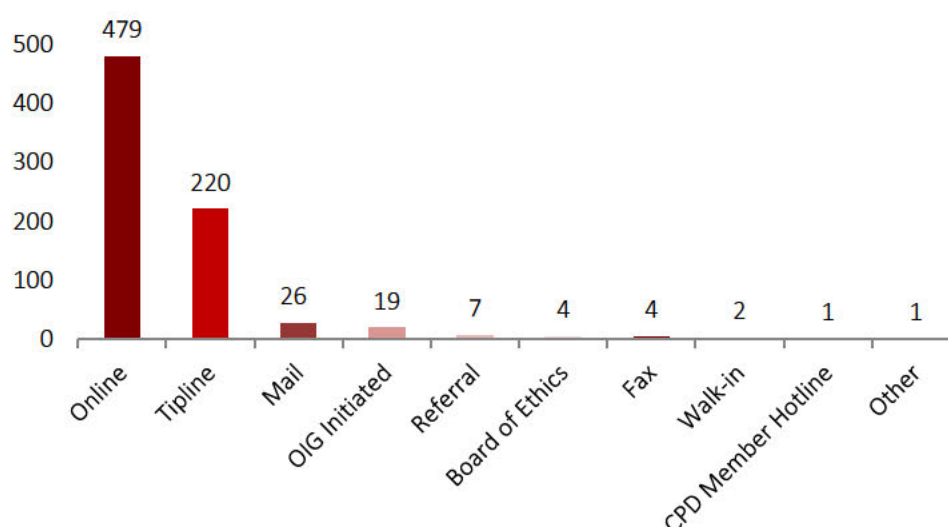
## II. INVESTIGATIONS

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

### A. COMPLAINTS RECEIVED THIS QUARTER

OIG received 763 complaints this quarter. The following chart breaks down the complaints OIG received during the past quarter by the method in which the complaint was reported.

CHART #1 – COMPLAINTS BY REPORTING METHOD



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

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

TABLE #1 – COMPLAINT ACTIONS

Status	Number of Complaints
Opened Investigation	18
Pending <sup>3</sup>	95
Referred to Department/Sister Agency	392
Declined	258
<b>Total</b>	<b>763</b>

## B. PRIOR QUARTER COMPLAINTS

This quarter, OIG acted on 96 prior complaints that were pending at the end of last quarter. Three complaints are still pending further review. The following table provides details on the status and number of all prior pending complaints.

TABLE #2 – PRIOR PENDING COMPLAINTS

Status	Number of Complaints
Opened Investigation	8
Pending	3
Referred to Department/Sister Agency	59
Declined	29
<b>Total</b>	<b>99</b>

## C. NEWLY OPENED MATTERS

This quarter, OIG opened 477 matters. The following table provides details on the subjects and number of investigations and referrals for newly opened matters.<sup>4</sup>

TABLE #3 – SUBJECT OF INVESTIGATIONS AND REFERRALS

Subject of Investigations and Referrals	Number of Investigations and Referrals
Employees	327
Contractors, Subcontractors, and Persons Seeking Contracts	13
Elected Officials	12
Appointed Officials	6
Licensees	18
Other	101
<b>Total</b>	<b>477</b>

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

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



## D. CASES CONCLUDED THIS QUARTER

This quarter, OIG concluded 484 opened matters. The following table provides details on the status and number of cases concluded.

TABLE #4 – CASES CONCLUDED THIS QUARTER

Status	Number of Cases
Referred to a City Department	355
Referred to a Sister/External Agency	97
Sustained <sup>5</sup>	8
Not Sustained <sup>6</sup>	16
Closed Administratively <sup>7</sup>	8
<b>Total</b>	<b>484</b>

## E. PENDING MATTERS

At the close of this quarter, OIG had a total of 175 pending matters, including investigations opened during the quarter.

### ILLINOIS V. CITY CONSENT DECREE PARA. 481 INVESTIGATIONS

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

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

## F. INVESTIGATIONS OPEN OVER TWELVE MONTHS

Under MCC § 2-56-080, OIG must provide quarterly statistical data on pending investigations open over 12 months. Of the 175 pending matters, 41 investigations have been open for at least 12 months. Most cases remain pending due to being complex or resource intensive investigations that may involve difficult issues or multiple subjects (unless otherwise noted).

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

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

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

TABLE #5 – INVESTIGATIONS OPEN OVER TWELVE MONTHS, SECOND QUARTER

Case Number	General Nature of Allegations
13-0270	Pending federal criminal investigation of delegate agency fraud.
16-0526	Pending federal criminal investigation of bribery.
17-0321	City employee receiving funds through a City contract.
18-0163 <sup>8</sup>	Pending federal criminal investigation of bribery.
19-0006	Filing false reports with the City.
19-0114	Duty disability fraud.
19-0178	Criminal investigation concluded without charge and resumed for administrative investigation of distribution of steroids to City employees.
19-0303 <sup>9</sup>	False information submitted to the City.
19-0313	Pending federal criminal investigation of bank fraud.
19-0413	Criminal investigation of contract steering and collusion.
19-0487 <sup>10</sup>	Jury duty leave fraud.
19-0515	Preferential treatment.
19-0516	Unauthorized use of City equipment, time fraud, and submission of false documentation.
19-0528	Failure to follow department rules in course of an investigation.
19-0715	Residency violation.
19-0788 <sup>11</sup>	Improper use of City resources.
19-0831 <sup>12</sup>	Residency violation.
19-0958	Improper use of City resources.
19-0960	Retaliation.
19-1034 <sup>13</sup>	Failure to comply with rules regarding outside employment.
19-1083	Campaign Finance.
19-1128	Domestic battery and failure to report conflict of interest.
19-1159	Contract fraud.
19-1323	Providing false information.
19-1346	Criminal investigation of bribery.
20-0003	Failure to follow department rules in the course of an investigation.

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

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

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

<sup>11</sup> Additional complaints were added during the course of the investigation.

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

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



Case Number	General Nature of Allegations
20-0008	Failure to provide appropriate care.
20-0025	Pending federal criminal investigation of theft.
20-0071	Pending federal criminal investigation of bribery.
20-0195	Misuse of confidential information.
20-0257	Pending federal criminal investigation of bribery.
20-0318	Preferential treatment.
20-0319	Contract fraud.
20-0385	Residency violation.
20-0441	Misuse of contractor license.
20-0486	False statements to City department to obtain permit.
20-0532 <sup>14</sup>	Post-employment violation.
20-0619 <sup>15</sup>	Secondary employment/FMLA leave abuse.
20-0678	Contract fraud.
20-0708	False records submitted to City.

## G. ETHICS ORDINANCE COMPLAINTS

This quarter, OIG received 48 Ethics Ordinance complaints. OIG declined 32 complaints because they lacked foundation, opened 4 for investigation, referred 3 to the appropriate City department, and 9 are pending.

## H. PUBLIC BUILDING COMMISSION COMPLAINTS AND INVESTIGATIONS

This quarter, OIG received no complaints related to the Public Building Commission and currently has one investigation open.

<sup>14</sup> Extended due to other higher-risk, time sensitive investigations.

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

### III. ADMINISTRATIVE CASES

OIG investigations may result in administrative sanctions, criminal charges, or both. Investigations leading to administrative sanctions involve violations of City rules, policies or procedures, and/or waste or inefficiency. For sustained administrative cases, OIG produces summary reports of investigation<sup>16</sup>—a summary and analysis of the evidence and recommendations for disciplinary or other corrective action. OIG sends these reports to the appropriate authority, including the Office of the Mayor, the Corporation Counsel, and the City departments affected by or involved in the investigation. When officials are found to be in violation of campaign finance regulations, the law affords them the opportunity to cure the violation by returning excess funds.

#### A. CAMPAIGN FINANCE INVESTIGATIONS

The Municipal Code of Chicago (MCC) bans City vendors, lobbyists, and those seeking to do business with the City from contributing over \$1,500 annually to any elected City official's or candidate's political campaign. Potential violations of the cap are identified through complaints or independent OIG analysis of campaign finance data. Other rules and regulations such as Executive Order 2011-4 place further restrictions on donations. Once a potential violation is identified, OIG notifies the donor and the donation recipient of the violation and, in accordance with the MCC, provides the individual or entity 10 days to challenge the determination or cure the violation by returning the excess donation.<sup>17</sup> If the excess donation is returned in a timely manner, or it is determined that a violation did not occur, OIG closes the matter administratively. In the event the matter is not cured or rightfully challenged, OIG will sustain an investigation and deliver the case to the Board of Ethics for adjudication.

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

#### B. SUSTAINED ADMINISTRATIVE INVESTIGATIONS

The following are brief synopses of administrative investigations completed and eligible to be reported as sustained investigative matters. A matter is not eligible for reporting until, pursuant to the MCC, the relevant City department has had 30 days (with the potential for an extension of an additional 30 days) to respond to OIG findings and recommendations<sup>18</sup> and inform OIG of what action the department intends to take. Departments must follow strict protocols, set forth

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<sup>16</sup> Per MCC § 2-56-060, "Upon conclusion of an investigation the inspector general shall issue a summary report thereon. The report shall be filed with the mayor, and may be filed with the head of each department or other agency affected by or involved in the investigation."

<sup>17</sup> If the donor and/or recipient was already aware that the excess donation was a violation at the time the donation was made, then they may not be entitled to notice and opportunity to cure the violation and avoid a fine.

<sup>18</sup> 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.



in the City's Personnel Rules, Procurement Rules, and/or applicable collective bargaining agreements, prior to imposing disciplinary or corrective action.<sup>19</sup>

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

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

OIG Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
20-0843	Streets and Sanitation	Sanitation laborer— Discharge and designate as ineligible for rehire  General laborer— discipline commensurate with the gravity of violations	Discharged. After appeal, settled with the City for reinstatement, a 60-day suspension, and no backpay upon reinstatement  29-day suspension
20-0783	Law	Discharge and designate as ineligible for rehire	Resigned after department began discharge proceedings; designated as ineligible for rehire
20-0005	Public Health	Discharge and designate as ineligible for rehire	Discharged; filed a request to arbitrate the termination, but ultimately agreed to resign in lieu of discharge
19-0506	Aviation	Discharge and designate as ineligible for rehire	Discharged and designated as ineligible for rehire; appeal pending
19-0206	Streets and Sanitation	Designate as ineligible for rehire	Resigned prior to the issuance of OIG's recommendation; designated as ineligible for rehire
19-0202	Finance and Law	No further departmental action requested from Finance; referred to	Employee terminated by contractor while under inquiry

<sup>19</sup> In some instances, OIG may defer the reporting of a matter against an individual until the conclusion of investigation of other individuals connected to the same misconduct, so as to preserve investigative equities and to assure that the administrative due process rights of those subject to the continuing investigation are protected.

OIG Case Number	Department or Agency	OIG Recommendation	Department or Agency Action
		Law to seek cost recovery and to the Cook County State's Attorney for criminal prosecution	
18-0904	Police	Discharge and designate as ineligible for rehire	Marine unit officer A— Resigned before final decision by the Police Board; charges withdrawn  Sergeant— Charges pending before the Police Board
18-0277	Water Management	Discharge and designate as ineligible for rehire	Discharged and designated as ineligible for rehire

#### 1. Bribery, False Statements, and Conduct Unbecoming (#20-0843)

An OIG investigation established that a Department of Streets and Sanitation (DSS) sanitation laborer and a general laborer took cash from a Chicago resident on their garbage collection route. Specifically, while on their regular morning route, the sanitation laborer and general laborer encountered a homeowner who began depositing additional garbage and landscaping materials into the DSS truck. Rather than reporting any incident or questions to their supervisor, the sanitation laborer solicited money from the homeowner and directed the homeowner to hand the money to the general laborer. The general laborer accepted a \$20 bill and subsequently split the money equally with the sanitation laborer. When questioned by their DSS division superintendent later that morning as to whether they had taken cash from a homeowner, both denied receiving any money.

OIG recommended that DSS discharge the sanitation laborer and refer them for placement on the ineligible for rehire list maintained by the Department of Human Resources (DHR). Further, OIG recommended that DSS impose discipline up to and including discharge against the general laborer, commensurate with the gravity of their violations, past disciplinary record, and any other relevant considerations.

In response, DSS agreed with OIG's recommendations, discharged the sanitation laborer, and imposed a 29-day suspension against the general laborer. The sanitation laborer subsequently appealed their discharge with the Human Resources Board. The Department of Law subsequently reached a settlement with the sanitation laborer, whereby the laborer withdrew their appeal in exchange for a 60-day suspension and no backpay upon reinstatement.

## 2. Benefits Fraud, Wire Fraud, Forgery, and Theft (#20-0783)

An OIG investigation established that a Department of Law (DOL) paralegal fraudulently obtained unemployment insurance benefits for at least six months, despite their active employment with the City. Specifically, the paralegal made false material representations in an application, and subsequent electronic certifications of their unemployment, to the Illinois Department of Employment Security (IDES) for unemployment insurance benefits, when, in fact, they were employed full-time by the City. IDES paid the paralegal a total of \$14,250 from May 31, 2020 to November 28, 2020, and the paralegal admitted to accepting benefits into 2021.

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

In response, DOL agreed with OIG's recommendations and initiated the process to discharge the paralegal. However, less than a week after their pre-disciplinary hearing, the paralegal resigned from DOL. DOL subsequently referred them for placement on DHR's ineligible for rehire list.

## 3. Solicitation, Bribery, Sexual Harassment, and False Statements OIG Case (#20-0005)

An OIG investigation established that a Chicago Department of Public Health (CDPH) sanitarian II solicited bribes from two restaurants that they inspected and received at least \$150 from one of the restaurants. The sanitarian also received free food from a restaurant they inspected and, on two occasions, made sexually suggestive comments during restaurant inspections. Additionally, the sanitarian failed to disclose and obtain authorization for secondary employment and made false statements to OIG concerning the allegations.

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

CDPH agreed with OIG's recommendations and discharged the sanitarian. The sanitarian initially filed a request to arbitrate the termination, but ultimately agreed to resign in lieu of discharge.

## 4. Forgery, Wire Fraud, and False Statements (#19-0506)

An OIG investigation established that a Chicago Department of Aviation (CDA) accountant IV committed forgery, wire fraud, and perjury in violation of Illinois law. In 2018, the accountant received three City of Chicago parking citations. The accountant was cited for no City parking sticker on two different days; in order to contest these two tickets, the accountant forged an old lease and created two different leases to falsely claim that they moved to the area within 30 days prior to receiving each parking ticket. For the third parking ticket, the accountant was cited for an expired meter; the accountant fabricated a fake credit card statement to show that they had paid for parking covering the time the ticket was issued. The accountant submitted all three fake documents through the Department of Administrative Hearings' (DOAH) website to contest the tickets.



When the accountant contested one of the tickets at DOAH, they committed perjury when they submitted a false application for a fee waiver to the Cook County Circuit Court, claiming on the application that they were unemployed and indigent. The accountant was ultimately successful and DOAH administrative law judges dismissed two of the tickets. During OIG's investigation, the accountant further failed to cooperate by deliberately providing incomplete statements in their interview.

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

In response, CDA discharged the employee and placed the employee on the ineligible for rehire list. The employee appealed the termination.

#### 5. Residency Violation (#19-0206)

An OIG investigation established that a DSS sanitation laborer lived in Hazel Crest, Illinois (the "Hazel Crest property"), in violation of MCC § 2-152-050, which requires City employees to reside in Chicago. OIG obtained documents that revealed the laborer's rental lease agreement, Illinois driver's license, and two vehicles listing the Hazel Crest property as the laborer's home address. In addition, the laborer received mail at the Hazel Crest property. OIG conducted three separate surveillances during which the laborer was observed leaving the Hazel Crest property in the morning before swiping in at their work location. One month after their interview with OIG, the employee resigned from their position.

OIG recommended that DSS refer the laborer for placement on the ineligible for rehire list maintained by DHR.

In response, DSS requested that DHR place the employee on the ineligible for rehire list.

#### 6. Check Theft (#19-0202)

An OIG investigation established that from December 2019 to January 2020, a customer service representative for Clarity Partners—an agency contracted to provide employees for the City of Chicago's Utility Billing and Customer Service Contact Center—stole over \$12,285.74 from the Department of Finance (DOF) and utility customers which included individuals, law firms, and corporations. Customers or their banks inadvertently mailed water bill payments to different City departments, and the mail was rerouted to the Utility Billing and Customer Service Contact Center where the contract employee worked and was sometimes responsible for collecting and sorting the mail. The contract employee stole some of the mail containing customers' checks and fraudulently deposit the checks into their bank account.

OIG's investigation determined that in less than a month, the contract employee deposited 63 checks into their bank account totaling \$12,285.74. During the course of the investigation, Clarity Partners placed the contract employee on administrative leave and subsequently terminated the



employee. OIG referred the matter to DOL with a recommendation to seek cost recovery against the contract employee and to the Cook County State's Attorney for criminal prosecution.

#### 7. Bribery and False Reporting (#18-0904)

An OIG investigation established that a Chicago Police Department (CPD) sergeant assigned to the marine unit accepted a \$1,000 payment from a professional diver in exchange for the sergeant using their official CPD position to gain access to the Chicago Harbor Lock, in order to use CPD personnel and equipment to recover a lost boat propeller for the diver's client. The professional diver and the sergeant were friends and also worked together when they both captained private sailing vessels for the same client. Since private individuals are not permitted access to dive in the Chicago Harbor Lock, the sergeant used their official position to obtain authorization from the United States Army Corps of Engineers, which manages and controls the lock chamber. The sergeant's purported reason for accessing the lock chamber was to conduct a training exercise for the marine unit divers.

On the day of the propeller recovery, the sergeant assembled a dive team consisting of three CPD marine unit officers (marine unit officers A, B, and C) and the sergeant as the team leader. The sergeant also equipped a CPD marine vessel with a specialized sector scan sonar to aid in locating the missing propeller. All four CPD members were on duty at the time of the dive operation. Once in the lock chamber, the sergeant sent marine unit officers B and C into the water to locate the propeller, while the sergeant and marine unit officer A remained on the boat. After the officers located the propeller, the four-person team pulled it up to the CPD marine vessel and took it back to the marine unit boathouse. The sergeant contacted the professional diver and notified them of the successful propeller recovery. After their CPD shift ended, the sergeant met the professional diver at the marine unit boathouse where they exchanged \$1,000 in cash for the propeller.

After the propeller recovery, marine unit officer A authored a report memorializing the dive team's trip to the lock chamber. The report omitted any mention of the propeller recovery, the use of the specialized sector scan sonar equipment, or even the purported training exercise that the sergeant used to gain access to the lock chamber. Instead, marine unit officer A wrote that the team was in the lock chamber to conduct a "Homeland Security dive" to survey the lock chamber floor. The sergeant later approved the report without making any changes or additions.

OIG did not recommend discipline against marine unit officers B and C. OIG recommended that CPD discharge the sergeant and marine unit officer A and refer them for placement on the ineligible for rehire list maintained by DHR. CPD agreed with the recommendations and filed charges against both members with the Chicago Police Board, seeking discharge. Subsequent to the filing and before final action by the Board, marine unit officer A submitted their resignation and the charges against them were withdrawn. The charges against the sergeant are currently pending before the Police Board.

#### 8. False Statements and Unauthorized Use of City Property (#18-0277)

An OIG investigation established that a Department of Water Management (DWM) safety specialist/former pipe yard foreman falsified paperwork and provided misleading information on a number of DWM material requisition forms. Specifically, during an investigation into ongoing theft of materials from DWM inventory supplies, OIG established that the then-pipe yard foreman filled out four material requisition forms, each falsely claiming that they had provided five diamond saw blades to four different DWM employees—none of whom actually requested or received the blades, collectively worth over \$4,000. Instead, a few days later, 13 of the 20 blades were found in the truck of a DWM district superintendent of water distribution, who had resigned earlier that day. After the requisition forms had been reviewed by supervisors, the then-pipe yard foreman added additional text, including the district superintendent's name, to bolster their claim that the district superintendent had requested the blades on behalf of other DWM employees.

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

In response, DWM agreed with OIG's recommendation and discharged the safety specialist and placed them on the ineligible for rehire list.

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

Criminal investigations may uncover violations of local, state, or federal criminal laws, and may be prosecuted by the U.S. Attorney's Office, the Illinois Attorney General's Office, or the Cook County State's Attorney's Office, as appropriate. For the purposes of OIG quarterly summaries, criminal cases are considered concluded when the subject(s) of the case is publicly charged by complaint, information, or indictment.<sup>20</sup>

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

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

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

TABLE #7 – DEVELOPMENTS IN PRIOR CHARGED CRIMINAL CASES

OIG Case Number	Criminal Case Cite	Charged	Summary	Status
14-0165	USA v. Joseph Garcia, 19 CR 270 (N.D. IL)	3/21/2019	Garcia, a former Department of Housing inspector, was indicted for wire fraud and lying to the FBI, as a result of his submission of false reports representing that he had inspected construction and repair work that had not been completed, so that the contractor would receive payment from the City	6/25/2021: Sentenced to one year of probation and 100 hours of community service
15-0419 17-0267	USA v. John McClendon, 19 CR 100 (N.D. IL)	2/5/2019	McClendon, owner and president of McClendon Holdings LLC, was indicted on federal criminal charges,	4/6/2021: Sentenced to two years of probation and six

<sup>20</sup> OIG may issue summary reports of investigation recommending administrative action based on criminal conduct prior to, during, or after criminal prosecution.

			including four charges of wire fraud for defrauding the City of Chicago, by falsifying price increases in two City contracts that were secured in 2014 and 2015	months of home detention; \$11,743.19 in restitution to the City of Chicago
16-0334	State v. Alyssa Cornejo, 18 CR 291201 (Cook)	3/16/2018	Cornejo, a bank employee and an associate of the former director of a City Special Service Area administrative agency, was charged with multiple counts of theft, misappropriation, and financial crimes related to the withdrawal of funds from the administrative agency's account using forged withdrawal slips	5/12/2021: Finding of Not Guilty on all counts
17-0519 18-0738 18-0952	USA v. William Helm, 20 CR 00141 (N.D. IL)	3/5/2020	Helm, a former Chicago Department of Aviation deputy commissioner, was indicted for bribery related to a federal program, based on his offer to pay Illinois State Senator and Chairman of the Senate Transportation Committee Martin Sandoval, in order to influence the Illinois Department of Transportation's award of work to a particular contractor	7/28/2021: Status hearing
19-0019	USA v. Edward Burke et al, 19 CR 322 (N.D. IL)	4/11/2019	Burke, an alderman and former chairman of the City Council Committee on Finance, was indicted on multiple counts of bribery, extortion, and interference with commerce by threat, along with Peter Andrews, an employee of Burke's ward office, and Charles Cui, a managing member of an LLC that owned property in the	7/29/2021: Status hearing



			City. The charges against Burke stem from various incidents in which he used or threatened to use his authority as a City elected official to secure business for his private law firm.	
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## B. SYNOPSES AND RESULTS OF ADMINISTRATIVE APPEALS, GRIEVANCES, OR OTHER ACTIONS

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

### 1. Public Indecency and False Statements (#20-0803)

As reported in the first quarter of 2021, an OIG investigation established that a Department of Water Management (DWM) motor truck driver (MTD), while on duty, exposed themselves and masturbated inside of a DWM truck. The MTD performed these acts in the daytime hours while parked in a residential neighborhood. The MTD's public indecency was observable to nearby members of the public as shown by a video that an individual recorded showing the MTD masturbating. Moreover, during an OIG interview, the MTD provided multiple misleading and untruthful statements, including statements that the MTD had spilled a drink on themselves and, later, that the MTD was urinating into a bottle.

OIG recommended that DWM discharge the MTD and refer them for placement on the ineligible for rehire list maintained by the Department of Human Resources (DHR). In response, DWM discharged the MTD and referred the employee for placement on the ineligible for rehire list. Subsequently, the MTD filed an appeal with the HRB. While that appeal was pending, DWM and the MTD entered into a settlement agreement whereby DWM agreed to rescind the MTD's discharge and allow them to resign in lieu of discharge, in exchange for the MTD withdrawing the appeal.

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

As reported in the fourth quarter of 2020, an OIG investigation established that in the wake of the May 2020 social justice protests, a Chicago Department of Transportation (CDOT) construction laborer made unprovoked offensive, racist, harassing, and violent comments in Facebook direct messages to a member of the public. The construction laborer's coworkers subsequently learned about the messages, which they found offensive, and it created a hostile work environment. The messages continued a pattern for the laborer, who had previously used misogynistic and racist language to refer to a coworker. Accordingly, OIG recommended that CDOT discharge the laborer and refer the laborer for placement on the ineligible for rehire list maintained by DHR.

CDOT agreed with OIG's recommendation, discharged the laborer, and referred them for placement on the ineligible for rehire list. The laborer appealed their termination with the HRB. A hearing was held in February 2021. In April 2021, the HRB upheld the laborer's termination.

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

As reported in the fourth quarter of 2020, an OIG investigation established that in April 2020 a Chicago Department of Aviation (CDA) MTD posted a threat to harm their coworkers to an unofficial, public Facebook page directed at MTDs working at O'Hare International Airport. The MTD was upset with CDA's handling of the COVID-19 pandemic and believed their coworkers were reporting to work while sick with COVID -19. The MTD wrote that if they were to get COVID-19, that they too would come to work while sick and infect their coworkers. Over the course of approximately 12 hours, the MTD edited the post three times in an attempt to make it less threatening to their coworkers. The second version of the post stated that the coworkers better "pray" the disease did not "touch [the MTD's] life," because the MTD would "take" all of their coworkers with them. A screenshot of this version circulated among the MTD's coworkers via text message. Accordingly, OIG recommended that CDA impose discipline commensurate with the gravity of the violations, past disciplinary record, and any other relevant considerations.

The Department agreed with OIG's findings, discharged the MTD, and referred the MTD for placement on the ineligible for rehire list maintained by DHR. The MTD appealed their termination with the HRB. An HRB hearing was held in March 2021, and the hearing officer found that the MTD engaged in discourteous treatment, including verbal abuse, through the Facebook posts and that this was conduct unbecoming a City employee. The hearing officer, however, determined that a one-year suspension was appropriate discipline for the MTD's conduct. The HRB agreed with the hearing officer's recommendation and imposed a one-year suspension.

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

As reported in the fourth quarter of 2020, an OIG investigation established that a Department of Business Affairs and Consumer Protection (BACP) business compliance investigator participated in an inspection of a nightclub, even though the inspector had a personal relationship with the owner, and gave compliance advice and made waitstaff and security referrals, in the hopes of securing outside employment as a security consultant. The investigator's actions violated departmental conflict of interest policies and created the appearance of impropriety. In addition, the investigator made false statements to OIG during the official investigation.

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

In response, BACP agreed that the evidence established the investigator's violations and discharged the investigator. The investigator submitted a request to arbitrate the discharge in November 2020. In January 2021, the City notified the arbitrator that the parties wished to resolve this matter and the investigator withdrew the request to arbitrate with prejudice. In April

2021, the City reinstated the investigator to the position of business compliance investigator—pursuant to a settlement agreement contingent upon receipt of a signed Last Chance Agreement—and reduced the discipline from termination to a time-served, 90-day suspension. The Last Chance Agreement stipulated that the investigator participate in one-on-one ethics training, that the investigator be reassigned to a different BACP section, and provided conditions which could result in the investigator's discharge. The City paid the investigator the difference between the amount of pay docked as a result of the termination and what the investigator would have been docked had they been suspended for 90 days.

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

As first reported in the fourth quarter of 2020, an OIG investigation established that a City of Chicago contractor knowingly made false statements and submitted false claims to the City when it submitted weekly certified payrolls falsely claiming be in compliance with Chicago's Residency Ordinance during the life of four contracts worth over \$162,000,000. The contractor's misconduct violated the Municipal Code of Chicago, City of Chicago Debarment Rules, and Illinois law on public contractor misconduct. OIG recommended that the Department of Procurement Services (DPS) debar the contractor and the contractor's president.

During the first quarter of 2021, DPS proposed to permanently debar both the contractor and the contractor's president. On February 10, 2021, DPS submitted a Notice of Proposed Debarment. On March 12, 2021, the contractor and contractor's president provided DPS with a response to the Notice of Proposed Debarment, in which they requested a settlement in the matter. On April 16, 2021, DPS imposed final, permanent debarment on both the contractor and the contractor's president.

## C. RECOVERIES

This quarter, there was one report of a financial recovery related to an OIG investigation.

TABLE #8 – OVERVIEW OF COST RECOVERY ACTIONS

OIG Case Number	Date	Source	Amount
15-0419 17-0267	4/6/2021	Restitution to the City of Chicago	\$11,743.19

## V. AUDITS AND FOLLOW-UPS

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

1. Audit of the Department of Public Health COVID-19 Contact Tracing Program: Data Privacy and Cybersecurity (#20-1263)<sup>21</sup>

OIG evaluated CDPH's COVID-19 contact tracing program to determine if the Chicago Department of Public Health (CDPH) mitigated privacy and security risks associated with the collection, storage, and transmittal of COVID-19 contact tracing data in accordance with the City's Information Security and Technology Policies (ISTP) and the Centers for Disease Control and Prevention guidance.

OIG found that CDPH's COVID-19 contact tracing program mitigates data privacy and cybersecurity risks. CDPH's case management tool, CARES, met the security requirements of the City's ISTP. Training for contact tracers aligns with the City's ISTP, and CDPH maintains a record of all contact tracers' completion of training. The case management tool's access controls met the security requirements of the ISTP, but CDPH did not promptly remove access for all terminated users. The case management tool prompts contact tracers to inform individuals that all information will be confidential and secure, and requires individuals' consent to be recorded, but does not prompt notification of how long the City will store the information. CDPH has policies to mitigate risks when exchanging confidential information through electronic communications. CDPH also has policies that designate persons responsible for reviewing data requests but does not provide explicit criteria for determining whether to release data.

The Department agreed with OIG's recommendations to adjust its process for promptly removing access to CARES for terminated users, update the call script to inform patients and contacts how long the City will retain their data, and update their data release policy to include explicit criteria for staff to reference to when determining whether to grant data requests.

2. Audit of Policies and Practices Related to Discrimination and Sexual Harassment Within the Chicago Fire Department (#19-0547)<sup>22</sup>

OIG evaluated the Chicago Fire Department's (CFD) policies and practices related to discrimination and sexual harassment. The Department—which is 90% male and 66% White—has been a defendant in multiple discrimination and sexual harassment lawsuits.

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<sup>21</sup> Published April 29, 2021. See <https://igchicago.org/2021/04/29/audit-of-the-chicago-department-of-public-health-covid-19-contact-tracing-program-data-privacy-and-cybersecurity/>.

<sup>22</sup> Published April 14, 2021. See <https://igchicago.org/2021/04/14/audit-of-policies-and-practices-related-to-discrimination-and-sexual-harassment-within-the-chicago-fire-department/>.



OIG found that while CFD's policies comply with federal, state, and local laws, the policies themselves, as well as the complaint process and training used to enforce and promote them, are insufficient to meet the environmental challenges posed by a command and control emergency service operation like CFD. OIG also learned that CFD's process for scheduling interviews for members who made formal complaints about discrimination or harassment placed them at risk of retaliation and potentially discouraged them from reporting misconduct. We notified the Department about the potential flaws in its complaint interviewing process before release of the audit and suggested revising its approach. In response, CFD implemented changes to its complaint and investigation policy.

OIG recommended that CFD implement supplementary training for its staff that is specific to the fire service and that is provided by trainers with fire service experience. We also recommended that CFD appoint a diversity, equity, and inclusion officer to consult on issues of diversity, discrimination, and sexual harassment, and that CFD develop a strategy to include more safeguards to protect reporting members and victims from potential retaliation.

The Department agreed to implement OIG's recommendations, but stated it would not commit to a strategy to do so until a new commissioner is appointed.

## 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 one notification and one advisory this quarter.

### 1. Notification Regarding Removal of Personal Belongings from the Public Way (#21-0300)

OIG notified the City Council Chairman of the Committee on Ethics and Government Oversight of information indicating that aldermanic volunteers clearing debris from the public way improperly disposed of the belongings of a person experiencing homelessness. The notification was intended to ensure that Council members are aware of the law and City policy related to such activities.

Illinois state law protects the right of a person experiencing homelessness to a reasonable expectation of privacy in their personal property. In 1999, the City entered into a settlement agreement in the case of *Love v. City of Chicago* imposing specific procedures for removing personal items belonging to persons experiencing homelessness from the public way adjoining Lower Wacker Drive. Subsequently, in 2015, the City entered into another settlement agreement in the case of *Bryant v. City of Chicago* where it agreed to extend the Lower Wacker protections to other parts of the City. The Department of Family and Support Services (DFSS) informed OIG that it is official City policy to apply the standards from the Bryant agreement throughout Chicago, whether or not a particular location has been specified as covered by the agreement. Because determining the appropriateness and legality of conducting this sort of “cleaning” operation requires fact-specific analysis, OIG recommended that the Committee advise aldermen to confer with DFSS, as well as the Departments of Streets and Sanitation and Law, before engaging staff or volunteers in such projects.

In response, the Chairman of the Committee on Ethics and Government Oversight forwarded a summary of OIG’s notification to members of the City Council.

### 2. Advisory Concerning the Department of Assets, Information and Services’ Municipal Plate Inventory Management (#20-0103)

OIG advised the Department of Assets, Information and Services (AIS) of concerns regarding their inventory and management of municipal license plates issued and registered to the City’s vehicles. OIG found that the municipal license plate inventory that AIS manages does not match the Illinois Secretary of State (ILSOS) database of municipal plates issued to the City.

Approximately 7,000 municipal license plates issued by ILSOS to AIS for the City’s vehicles are unaccounted for at AIS. Without an accurate database and regular audit of the City’s municipal license plates, AIS is unable to account for and track the possession and use of all municipal license plates assigned to the City, resulting in, among other things, a significant risk of abuse and misconduct with municipal plates and vehicles within the City’s fleets.

In OIG's review of AIS' records, OIG discovered disjointed datasets and lists and multiple outdated recordkeeping practices. AIS used multiple Microsoft Excel spreadsheets dating as far back as 1995 that contain separate, unrelated lists of destroyed plates that do not correlate with each other or did not contain any dates or references to when plates were destroyed or transferred. OIG, in conjunction with the ILSOS Inspector General's Office and ILSOS Vehicle Services Department, attempted to identify and account for all municipal license plates registered to the City. OIG analyzed ILSOS' data and attempted to compare it with AIS records. OIG could not reconcile both sets of data as they did not match and contained too many inconsistencies and neither database had a one-to-one relationship between license plates and vehicle identification numbers (VINs), license plates and unit numbers, or VINs and unit numbers. OIG found 7,093 license plates which exist in the ILSOS database but do not exist in the AIS database, and 6,955 license plates in the AIS database but not in the ILSOS database. With thousands of missing license plates unaccounted for in the ILSOS and AIS databases, OIG could not comprehensively compare the inventories and it is impossible to determine an accurate inventory of municipal license plates properly issued to the City.

Based on its findings, OIG recommended that AIS take the following steps to improve their municipal license plate data:

1. AIS should undertake efforts to audit, as soon as practical, all municipal license plates within its possession, and upload every plate and its identifying information into the M5 database, including the vehicle's VIN, make, model, and other relevant fields, as well as the plate and vehicle's current status. Such an audit would include a review of the M5 database and any active lists to verify license plates in the system are currently in its possession, including all license plates that are inactive, marked for destruction, temporarily waiting to be reassigned, and any other status within their database or active lists, so that M5 is the sole repository for all municipal plate information.
2. Once AIS has conducted a full, complete audit of the municipal plates within its possession, AIS should partner with ILSOS to reconcile its M5 database with ILSOS' database and develop ongoing communication and verification with ILSOS. AIS can periodically share its data and audit results with ILSOS by uploading its data via a secure network or electronic file delivery system, thereby permitting ILSOS to review and confer on the accuracy of AIS' M5 data.
3. After its first full audit of municipal plates, AIS should conduct regularly scheduled audits of all municipal license plates and fleet vehicles within the City's possession to ensure the M5 database remains accurate.
4. AIS should develop a system in partnership with ILSOS to allow for direct access to each department's databases for real-time analysis and rigorous inventory control to mitigate future risks from incomplete or missing municipal plate data. A system that allows ILSOS to directly access AIS' database and system would ensure ILSOS could quickly identify issues with the City's municipal plates and registration and directly communicate with AIS to resolve the problems.
5. AIS should register and assign all City vehicles—including rental and leased vehicles which require a municipal plate—to ensure that municipal plates are properly issued to

the appropriate vehicle and remain with the vehicle until it is returned or at the end of its service. Maintaining control and possession of municipal plate registration and assignment will prevent external parties from potentially abusing or misusing municipal plates.

In response, AIS acknowledged and agreed that large-scale municipal license plate management of over 10,000 fleet vehicles is difficult. AIS referenced the ILSOS closure of the Chicago municipal license plate office several years ago that forced AIS to rely on postal mail to register and update municipal license plates, thus causing logistical issues and delay. However, AIS agreed that the almost 7,000 municipal license plates unaccounted for between AIS and ILSOS are an immediate concern and required further investigation. AIS planned to audit their existing license plate inventory and implement a campaign to check vehicle license plates against their records to correct any discrepancies. AIS also welcomed the opportunity to adopt recommendations to rectify the concerns, as well as partner with ILSOS to update their records to closely match the ILSOS database.

## VII. OTHER REPORTS AND ACTIVITIES

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

### 1. Procurement Reform Task Force

Under the schedule set by City Council, OIG anticipated publishing its fifth annual Progress Report on the activities of the Chicago Procurement Reform Task Force (PRTF) during the second quarter of 2021. The function of OIG's annual progress report, however, is to respond to the Annual Report issued by a committee of representatives of the City and its sister agencies. The committee has not yet issued its 2020 Annual Report. Upon OIG inquiry, a committee spokesperson stated:

*The members of the PRTF are committed to ongoing efforts of transparency and efficiency to ensure the inclusion of firms at all levels as pandemic-related issues impacted the operations of all organizations. The PRTF members worked to continue to advance PRTF recommendations, while also recognizing challenges and opportunities and focusing on the commitment to foster economic recovery from COVID-19 that is as inclusive as possible. The PRTF anticipates issuing the 2020 Annual Report within the coming weeks.*

Once the 2020 Annual Report is issued, OIG will prepare and issue the required progress report.



## VIII. PUBLIC SAFETY

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

### A. EVALUATIONS AND REVIEWS

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

1. Evaluation of the Chicago Police Department's Random Review of Body-Worn Camera Recordings Follow-Up (#20-1133)<sup>23</sup>

OIG completed a follow-up to its July 2019 Evaluation of the CPD's Random Reviews of Body-Worn Camera Recordings. Based on responses from CPD, OIG concluded that CPD has partially implemented corrective actions related to the evaluation findings.

The purpose of the 2019 evaluation was to determine whether CPD was in compliance with the Department directive outlining policy and procedures for body-worn cameras (BWC). That directive requires watch operations lieutenants (WOL), across all watches, to review one randomly selected BWC recording "on their respective watch per tour of duty." OIG found that CPD did not comply with this requirement; the Department failed to complete all required reviews in the time period OIG reviewed, failed to implement a standardized process to randomly select BWC recordings for review, and failed to monitor compliance with the random review requirement. Further, OIG found that the committee charged with overseeing implementation of CPD's BWC program did not initially hold meetings as required by its directive.

Based on the results of the 2019 evaluation, OIG recommended that CPD monitor the impact of its BWC Committee and determine any additional corrective measures to remedy continued noncompliance with BWC policies. OIG further recommended that CPD develop and implement a standardized process to randomly select recordings for review and consider revising the selection process to enable WOLs to identify incidents that should have been recorded but for which no video was recorded or uploaded. OIG also recommended that CPD take steps to ensure WOLs adhere to any implemented standardized selection process when conducting their reviews and that CPD develop an effective method for monitoring compliance with the requirements for random reviews. Lastly, OIG recommended that CPD's BWC Committee maintain a regular

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<sup>23</sup> Published June 10, 2021. See: <https://igchicago.org/wp-content/uploads/2021/06/Evaluation-of-the-Chicago-Police-Departments-Random-Reviews-Of-Body-Worn-Camera-Recordings-Follow-Up-2.pdf>.

meeting schedule, ensure that its meetings include a presentation of the latest available Quarterly Report on BWC program compliance, and ensure appropriate content in the Quarterly Reports. In its response to the evaluation, CPD committed to taking “structural internal steps,” such as updating the BWC policy and the training curriculum, and automating “functions to streamline the review process” to improve compliance with the random review requirement.

In December 2020, OIG inquired about corrective actions taken by CPD in response to the 2019 evaluation. CPD responded in February 2021 and in June 2021, just prior to the publication of this report, OIG asked CPD to provide further any updates. CPD provided some additional information in response to that request, including that it is preparing a revised Special Order to govern its BWC program. When it is drafted, CPD plans to submit that new directive for review to Independent Monitoring Team monitoring compliance with the consent decree entered in *Illinois v. Chicago* in order to comply with certain provisions of that decree. CPD did not indicate what changes to its directive are planned.

Based on CPD’s response, OIG concluded that CPD has partially implemented corrective actions. CPD’s Audit Division has made some efforts toward improving its random review process; however, a new BWC review process and new randomization procedures have not yet been implemented. CPD reported that it piloted an application to facilitate a standard review process; only after doing so, however, did it assess and determine the application to be to be cost-prohibitive. As a result, CPD reported that it is working to develop an alternative. CPD has not developed policies or procedures for WOLs to identify incidents that should have been recorded but for which no video was recorded or uploaded. Finally, CPD reported that it is monitoring WOL review compliance through a monthly evaluation report, and that preservice training for new lieutenants and district executive officers includes a section on the obligation to review randomly selected recordings. CPD’s BWC Committee has not maintained a regular or quarterly meeting schedule, but at the meetings that have taken place, Committee members have reviewed the most recent Quarterly Report and the Quarterly Report consistently covers the appropriate time periods.

## 2. Second Interim Report: Search Warrants Executed by the Chicago Police Department (#19-1180)<sup>24</sup>

The Public Safety section is conducting an inquiry into CPD’s execution of search warrants, focusing on the accuracy of the addresses at which they are executed. As part of that ongoing inquiry, OIG analyzed CPD data on search warrants issued between January 1, 2017, and December 31, 2020, and published that analysis in a Second Interim Report in order to better equip stakeholders—to the extent feasible given the quality of CPD’s data—with clear and accurate information during the ongoing public conversation and policy debate respecting

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<sup>24</sup> Published May 6, 2021. See: <https://igchicago.org/wp-content/uploads/2021/05/OIG-Second-Interim-Report-CPD-Search-Warrants.pdf>.

improvements to CPD's search warrant policy and practices.<sup>25</sup> OIG also aimed to highlight the intersections and gaps between the other proposed changes to CPD's policy and its existing data collection practices, for consideration as those proposed changes are finalized. OIG's analysis revealed that:

- The system CPD uses to record information on search warrants does not capture certain critical data points, such as whether children were present during the execution of a warrant or whether a search warrant was approved as a no-knock warrant.
- There are significant data quality concerns in CPD's records, including incomplete address information and missing target names.
- People of color were disproportionately targeted as subjects for search warrants, with Black males targeted 4.6 times more often than Hispanic/Latinx males and 25.3 times more often than White males; Black females were targeted 6.4 times more often than Hispanic/Latinx females and 11 times more often than White females.
- There has been some confusion in public conversation about the so-called "success rate" of CPD's search warrants; estimates may vary widely depending on metrics for success.

3. Review of the Disciplinary Grievance Procedure for Chicago Police Department Members (#18-0104)<sup>26</sup>

OIG conducted a review of the disciplinary grievance procedure for CPD members. When allegations of misconduct are made against a CPD member, the assigned investigating agency determines whether the allegations should be Sustained and, if so, recommends appropriate discipline for the accused member. CPD will then review the investigating agency's disciplinary recommendation. If the Department goes on to issue discipline after this review process, the member facing discipline may have a right to grieve. Sworn members who are covered by union contracts have rights to pursue a disciplinary grievance for some but not all types of discipline issued to them.

The disciplinary grievance procedure is governed by the collective bargaining agreements negotiated between the City of Chicago and each of the unions representing the sworn member ranks of police officer, sergeant, lieutenant, and captain. There are three grievance procedure

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<sup>25</sup> Arising from its ongoing inquiry, OIG's Public Safety section previously released preliminary findings and urgent recommendations to CPD in December 2020. See: <https://igchicago.org/wp-content/uploads/2021/01/OIG-Urgent-Recommendations-on-Search-Warrant-Policies.pdf>. Specifically, OIG found that CPD's directive on search warrants left gaps in CPD members' obligations to verify and corroborate the information upon which they rely in seeking a search warrant, and that the circumstances under which a CPD supervisor was required to initiate a disciplinary investigation following a problematic search warrant execution were too narrow. OIG recommended that CPD modify its directive on search warrants to require verification and corroboration of information in all circumstances, and broaden the circumstances in which supervisors must initiate an investigation to determine whether discipline is necessary and appropriate when a search warrant execution goes wrong. CPD accepted both recommendations. Accordant policy changes were among the proposed changes to CPD's Special Order S04-19: Search Warrants, announced by CPD and the Mayor's Office in March 2021.

<sup>26</sup> Published May 20, 2021. See: <https://igchicago.org/wp-content/uploads/2021/05/OIG-Review-of-the-Disciplinary-Grievance-Procedure-for-Chicago-Police-Department-Members.pdf>

pathways for CPD sworn members who wish to challenge issued discipline: (1) binding summary opinions (BSO), (2) arbitrations, and (3) Police Board review. The pathways open to a member depend on both the specific discipline issued and the member's rank. CPD and the relevant union may also settle a grieved disciplinary case before the formal process is complete; these settlements can result in reduced or eliminated discipline.

To understand the impact of the grievance procedure and its outcomes, OIG reviewed the results of all disciplinary grievances resolved between November 18, 2014, and December 31, 2017. During the period of analysis, 370 disciplinary grievances were resolved or settled. These 370 cases account for approximately 52% of all Sustained disciplinary cases that were eligible for at least one grievance pathway, based on the level of discipline issued and the contractual rights of the member's union. Because not all Sustained disciplinary cases are eligible for grievance, the 370 cases account for a lower percentage—approximately 39%—of all Sustained disciplinary cases. Discipline was eliminated or reduced in 78% of the 370 cases that were resolved through disciplinary grievances.

In addition to understanding the impact of the grievance procedure on disciplinary outcomes, OIG reached several findings that bear on the transparency and consistency of the disciplinary and accountability process:

- Arbitrators exercise broad, unbounded discretion in their reviews of grievance cases, and as a result they often cite factors in their decisions that extend beyond the specific alleged misconduct including, but not limited to, management and operational considerations such as an officer's history (as mitigating or aggravating) and the deterrent effect of the discipline.
- The processes for BSOs and grievance arbitrations lack transparency, as compared to the publicly available information on complaints.
- The settlement process lacks transparency, as compared to the publicly available information on complaints.
- Written settlement agreements do not follow a consistent format, and settlement agreements do not consistently record all basic descriptive information about cases.
- Settlements are regularly used to resolve discipline after Sustained findings of misconduct, and these settlements regularly result in the removal of rule violations from sworn members' records.
- Ninety percent of completed grievance arbitrations between November 2014 and December 2017, have been assigned to just three independent arbitrators operating with vast discretion, little public transparency, and negligible substantive post-decision review.

OIG recommended that CPD take several measures to improve the consistency and transparency of the disciplinary grievance procedure. OIG further recommended that CPD, in collaboration with the agencies conducting police misconduct investigations, review BSOs and arbitration decisions on an annual basis to track how different factors influence arbitrators' decisions. Finally, OIG recommended that the Department of Law (DOL), in collaboration with CPD member



unions, consider expanding the pool of eligible arbitrators called upon to adjudicate BSOs and arbitrations, and consider formal procedures for assessing and evaluating arbitrators and arbitration outcomes in concluded matters.

CPD and DOL responded independently to each of OIG's recommendations. CPD agreed with six of the eight recommendations. DOL agreed to a partial implementation of one recommendation and committed to considering whether one other should be raised in collective bargaining with CPD member unions. With respect to OIG's remaining recommendations, DOL took the position that it is already in compliance with some elements, that it does not have the data available to implement others, and that implementation of others would violate attorney-client or attorney work product privilege protections or would undermine DOL litigation strategy. The responses from CPD and DOL represented some commitments to improving the disciplinary grievance process; in declining to create an accessible resource of arbitration awards and to expand upon already-mandated data reporting, however, the agencies failed to meet opportunities for meaningful transparency and accountability.

## B. INSPECTION OF CLOSED DISCIPLINARY INVESTIGATIONS

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

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

This quarter, the Inspections Unit examined 303 closed disciplinary cases and opened 23 for in-depth review.

TABLE #9 – DISCIPLINARY CASES REVIEWED

Agency	Cases Screened	Cases Opened
BIA	175	10
COPA	136	13
<b>Total</b>	<b>303</b>	<b>23</b>

## RECOMMENDATIONS TO REOPEN CLOSED DISCIPLINARY INVESTIGATIONS

This quarter, OIG found that three COPA investigations and four BIA investigations contained deficiencies which materially affected their outcome and recommended that they be reopened. One of those investigations and recommendations are detailed below. Additionally,

- OIG has not yet received a response to three recommendations made to COPA and two recommendations made to BIA in the second quarter of 2021.
- OIG received a response to recommendations on two investigations issued in the first quarter of 2021, which are still in the Command Channel Review process. OIG received a response to a third recommendation issued in the first quarter of 2021, which OIG reported on in the last quarterly report (#21-0044), as the case disposition became final despite COPA failing to respond to OIG's recommendation. COPA subsequently accepted OIG's recommendation and reopened the investigation.
- OIG reviewed a COPA investigation which reached sustained findings and recommended discipline based on an incorrect disciplinary history. OIG alerted COPA to the error and COPA corrected its disciplinary recommendation. This case is still in the Command Channel Review process.
- BIA accepted two recommendations to reopen investigations, one to obtain and account for all evidence, and one to account for all potential rule violations. Those investigations remain under investigation following reopening.

TABLE #10 – RESPONSES PENDING WITH AGENCIES

OIG Case Number	Investigating Agency	Date Recommendation Was Sent to Agency
18-0369	COPA	4/12/21
21-0667	BIA	5/5/21
21-0802	COPA	5/27/21
21-0890	BIA	6/9/21
21-0891	COPA	6/9/21

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

1. Recommendation to Reopen to Account for All Evidence (#20-1319)

OIG reviewed an investigation in which COPA sustained an allegation that a CPD member failed to activate their BWC during an incident. The facts contained in COPA's investigative file suggested that the CPD member was not present for the interaction at issue.

During an interview with COPA, the CPD member stated both that they both forgot to turn on their camera and that the event concluded by the time they arrived. In sustaining the allegation that the CPD member failed to activate their BWC, COPA relied upon the statement that the CPD



member forgot and its analysis did not account for the facts indicating that the CPD member was not present for the interaction in question.

OIG recommended that COPA reopen its investigation to consider and account for the totality of the evidence respecting the allegation that the CPD member failed to activate their BWC. COPA declined to reopen the investigation but did provide an analysis on how it reached the determination to sustain the allegation that accounted for the previously mentioned facts.

## REVIEW AND ANALYSIS OF SEXUAL MISCONDUCT ALLEGATIONS<sup>27</sup>

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

In late 2020, the Public Safety section submitted a letter to the Independent Monitor, detailing OIG’s efforts to comply with Paragraph 444 as related to sexual misconduct investigations that closed in 2019.<sup>28</sup> That letter laid out the issues preventing OIG from being able to conduct the comprehensive analysis contemplated by Paragraph 444, including limited access to the case management system (CMS), the failure of BIA and COPA to refer investigations to OIG as required by the consent decree, and the unreliable nature of incident category codes. Those issues remained an impediment to reviewing sexual misconduct investigations closed in 2020. As BIA and COPA moved away from the Citizen Law Enforcement Analysis and Reporting (CLEAR) system to the new CMS, OIG’s access to cases became even more limited until the fourth quarter of 2020.

Based on information available to OIG, in 2020, BIA closed 9 investigations into allegations meeting the consent decree’s definition of sexual misconduct. Of those, 6 (33%) were closed after a preliminary investigation, short of an investigative finding. COPA closed 20 qualifying investigations, of which 18 (90%) were closed after a preliminary investigation. BIA referred 1 case (11%) and COPA referred 1 case (5%) for criminal prosecution.

Paragraph 444(b) requires that OIG make recommendations for “changes in policies and practices to better prevent, detect, or investigate sexual misconduct.” Accordingly, OIG recommended that BIA and COPA refer all closed investigations into allegations of sexual misconduct—as defined by Paragraph 444—to OIG within ten days of a final disciplinary decision as required by the consent decree. Recognizing the disparity in the consent decree between the

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<sup>27</sup> Published June 4, 2021. See [https://igchicago.org/wp-content/uploads/2021/06/Paragraph-444-Sexual-Misconduct-Administrative-Investigations\\_2021-Report.pdf](https://igchicago.org/wp-content/uploads/2021/06/Paragraph-444-Sexual-Misconduct-Administrative-Investigations_2021-Report.pdf).

<sup>28</sup> Published December 7, 2020. See <https://igchicago.org/wp-content/uploads/2020/12/Paragraph-444-Sexual-Misconduct-Administrative-Investigations-Report.pdf>.

obligation of BIA and COPA to refer cases which have reached a final disciplinary decision and OIG's obligation to report on *all* cases involving allegations of sexual misconduct, regardless of whether those cases reached a final disciplinary decision, OIG additionally recommended that BIA and COPA refer to OIG any reportable investigations into sexual misconduct which are closed short of reaching findings and which therefore never reach a final disciplinary decision. Further, OIG recommended that BIA and COPA make a standardized designation in their CMS for all cases which they determine to qualify for reporting under Paragraph 444, in order to facilitate the identification of those cases. Finally, OIG recommended that BIA and COPA document their determinations of whether the alleged sexual misconduct constitutes criminal misconduct, whether to refer the matter for criminal prosecution, and the outcome of each such referral.

In its response, COPA raised the concern that it does not receive automatic notification when the superintendent accepts COPA's disciplinary recommendation or when the Police Board issues a final decision, making it difficult to notify OIG within ten days of a final disciplinary decision. COPA committed to working with BIA to create a process to ensure OIG will be notified in such cases. COPA also committed to building a solution into its CMS to ensure sexual misconduct investigations will be categorized consistent with Paragraph 444 and subsequently provided OIG with a list of new CMS category codes specifically related to these classifications. However, COPA declined OIG's recommendation to refer sexual misconduct investigations that are closed short of a final disciplinary decision.<sup>29</sup>

In its response, BIA also committed to working with COPA to create new and more specific category codes to classify sexual misconduct allegations in its CMS. Further, BIA instructed its relevant constituent members to "identify any files they see as they conduct their review of closed files for processing in Command Channel Review which should be provided to PSIG for review." CPD did not address OIG's recommendation that BIA refer cases involving allegations of sexual misconduct that are closed short of findings, though it did detail the efforts BIA has made to identify and refer cases involving sexual misconduct by searching its CMS by certain category codes and keywords.

## C. 2020 ANNUAL REPORT<sup>30</sup>

The Municipal Code of Chicago (MCC) requires the Public Safety section to publish an annual report summarizing its reports, recommendations, and analyses from the prior year. In its 2020 Annual Report, the Public Safety section detailed work conducted during 2020 in each of its three primary channels: audit-based evaluations and reviews; inspection of individual closed disciplinary cases; and collection and analysis of data from CPD and City sources on many aspects of policing, public safety operations, and the police disciplinary system.

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<sup>29</sup> Despite declining this recommendation, COPA subsequently forwarded a list of closed sexual misconduct investigations to OIG, some of which were closed short of a final disciplinary decision.

<sup>30</sup> Published June 18, 2021. See: <https://igchicago.org/wp-content/uploads/2021/06/Public-Safety-Annual-Report-2020.pdf>.



The 2020 Annual Report included summaries of the outcomes of OIG's *Advisory Concerning the Chicago Police Department's Predictive Risk Models* (January 2020), *Review of the Chicago Police Department's Management and Production of Records* (June 2020), *Review of Compliance with the City of Chicago's Video Release Policy for Use-of-Force Incidents* (September 2020), *Advisory Concerning the Civilian Office of Police Accountability's Duty to Report* (September 2020), *Evaluation of the Chicago Police Department's Post-Firearm Discharge Policy* (October 2020), and *Evaluation of the Use of the Affidavit Override in Disciplinary Investigations of Chicago Police Department Members* (December 2020).

The 2020 Annual Report further included information on the Public Safety section's screening of 651 closed disciplinary investigations conducted by BIA and COPA, and its in-depth review of 63 of those investigations, including investigations mandated for by the consent decree entered in *Illinois v. Chicago*. Additionally, in 2020, closed case reviews gave rise to recommendations to inform and improve future disciplinary investigations, as reported in the Annual Report.

Finally, in fulfillment of the Public Safety section's obligations pursuant to the MCC and the consent decree to conduct data and trend analysis in certain subject areas, the 2020 Annual Report contained data and analysis on the police disciplinary system, including misconduct complaints and the timeliness of investigations, as well as data on public safety operations, including arrests, use of force reporting, and 911 calls for service.

## IX. COMPLIANCE

The Compliance section uses quantitative and qualitative data and information correlated to internal culture, operations, and impact of service provision to monitor trends and patterns across City departments—to identify equity and inclusion deficiencies and provide recommendations, with specific authority to review the actions of the Chicago Police Department for potential bias, including racial bias. The Compliance section also issues guidance, training, and program recommendations to City departments on a broad and complex array of employment-related actions; monitors human resources activities which include hiring and promotion; performs legally-mandated and discretionary audits; reviews the City's hiring and employment practices to ensure compliance with the various City Employment Plans,<sup>31</sup> and publicly reports findings and analysis on diversity and inclusion issues.

### A. HIRING PROCESS REVIEWS

#### 1. Contacts by Hiring Departments

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

#### 2. Political Contacts

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

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

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<sup>31</sup> On June 24, 2011, the City of Chicago filed the 2011 City of Chicago Hiring Plan (General Hiring Plan). The General Hiring Plan, which was agreed to by the parties and approved by the Court on June 29, 2011, replaced the 2007 City of Chicago Hiring Plan, which was previously in effect. This Hiring Plan was refiled, though not amended, on May 15, 2014. The City of Chicago also filed an amended Chicago Police Department Hiring Plan for Sworn Titles (CPD Hiring Plan) and an amended Chicago Fire Department Hiring Plan for Uniformed Positions (CFD Hiring Plan) on May 15, 2014, which were approved by the Court on June 16, 2014. Collectively, the General Hiring Plan, the CPD Hiring Plan, and the CFD Hiring Plan will be referred to as the "City's Hiring Plans."

### 3. Exemptions

OIG tracks all reported or discovered Shakman Exempt appointments and modifications to the Exempt List on an ongoing basis. During this quarter, OIG received notification of 40 exempt appointments.

### 4. Senior Manager Hires

OIG reviews hires pursuant to Chapter VI covering the Senior Manager Hiring Process. During this quarter, OIG received notice of 13 senior manager hires.

### 5. Written Rationale

When no consensus selection is reached during a consensus meeting, a written rationale must be provided to OIG for review.<sup>32</sup> During this quarter, OIG did not receive any written rationales for review.

### 6. Emergency Appointments

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

### 7. Review of Contracting Activity

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

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

In addition to contracts, pursuant to Chapter X of the Hiring Plan, OIG must receive notification of the procedures for using volunteer workers at least 30 days prior to implementation. OIG also receives additional notifications of new interns and/or volunteer workers for existing programs.<sup>33</sup>

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

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<sup>32</sup> A "consensus meeting" is a discussion that is led by the DHR recruiter at the conclusion of the interview process. During the consensus meeting, the interviewers and the hiring manager review their respective interview results and any other relevant information to arrive at a hiring recommendation.

<sup>33</sup> Chapter X.B.6 of the General Hiring Plan.

TABLE #11 – CONTRACT AND INTERNSHIP OR VOLUNTEER OPPORTUNITY NOTIFICATIONS

Contracting Department	Contractor, Agency, Program, or Other Organization	Duration of Contract/Agreement
Animal Care and Control	Volunteer Training – Dog Handling	Ongoing
Aviation	Sunbelt Staffing, LLC	12 months
City Clerk	Policy Intern/Volunteer	4 months
City Treasurer	Personal Services Contractor	8 months
Finance	Personal Services Contractor	8 months
Housing/Mayor’s Office	Housing Stability Community Response Team	12 months
Public Health	Independent Contractor	12 months
Public Health	Personal Services Contractor	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Public Health	Sunbelt Staffing, LLC	12 months
Transportation	Professional Dynamics Network Inc	12 months
Transportation	Sunbelt Staffing, LLC	12 months

## B. HIRING PROCESS AUDITS

1. Modifications to Class Specifications<sup>34</sup>, Minimum Qualifications, and Screening and Hiring Criteria

OIG reviews modifications to Class Specifications, minimum qualifications, and screening and hiring criteria. This quarter, OIG received notifications that DHR changed the minimum qualifications for 13 titles within the following departments: Assets, Information and Services, Aviation, Office of Budget Management, Public Health, Streets and Sanitation, and Water Management. OIG reviewed each of the proposed changes to minimum qualifications and had no objections.

2. Referral Lists

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

<sup>34</sup> “Class Specifications” are descriptions of the duties and responsibilities of a class of positions that distinguish one class from another. They are, in effect, the general descriptions utilized to determine the proper level to which a position should be assigned, and they include the general job duties and minimum qualifications of the position. Class Specifications shall include sufficient detail so as to accurately reflect the job duties.



when potential issues are identified. This quarter, OIG audited three referral lists and did not find any errors.

### 3. Testing

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

### 4. Selected Hiring Sequences

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

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

### 5. Hiring Certifications

OIG audits the City's compliance with Chapter XII.C.5 of the General Hiring Plan. A Hiring Certification is a form completed by the selected candidate(s) and all City employees involved in the hiring process to attest that no political reasons or factors or other improper considerations were taken into account during the applicable process. OIG previously suspended its quarterly audit of hiring sequences due to the ongoing COVID-19 pandemic, but will resume this audit in a forthcoming quarter.

### 6. Selected Department of Law Hiring Sequences

Pursuant to Section B.7 of the Department of Law (DOL) Hiring Process, OIG has the authority to audit DOL hiring files. Hiring files include assessment forms, notes, documents, written justifications, and hire certification forms. In 2018, DOL became the repository for all documentation related to the hiring sequences for the titles covered by the DOL Hiring Process. OIG conducts audits of DOL hire packets on an ad hoc basis and will report on its next audit in a forthcoming quarter.

### 7. Selected Chicago Police Department Assignment Sequences

Pursuant to Chapter XII of the CPD Hiring Plan for Sworn Titles, OIG has the authority to audit other employment actions, including district or unit assignments, as it deems necessary to

ensure compliance with this Hiring Plan. Generally, OIG audits assignments that are not covered by a collective bargaining unit and which are located within a district or unit.

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

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

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

#### 9. Monitoring Hiring Sequences

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

OIG identifies the hiring sequences to be monitored based on risk factors such as past errors, complaints, and historical issues with particular positions. This quarter, OIG monitored five sets of interviews and one consensus meeting. The table below shows the breakdown of monitoring activity by department.<sup>35</sup>

TABLE #12 – OIG MONITORING ACTIVITIES THIS QUARTER

Department	Intake Meetings Monitored	Tests Monitored	Interview Sets Monitored	Consensus Meetings Monitored
Board of Ethics	1			
Family and Support Services			1	1
Police Department		2		

<sup>35</sup> If a department is not included in this table, OIG did not monitor any elements of that department’s hiring sequence(s).

## 10. Acting Up<sup>36</sup>

OIG audits the City's compliance with Chapter XI of the General Hiring Plan and the Acting Up Policy. This quarter, OIG did not receive notice of any DHR-approved waiver requests to the City's 90-Day Acting Up limit.<sup>37</sup>

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

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

# C. REPORTING OF OTHER OIG COMPLIANCE ACTIVITY

## 1. Escalations

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

OIG received one escalation regarding a coordinating planner in the Chicago Department of Aviation (CDA). There were two vacancies and the minimum qualifications included graduation from an accredited college or university with a Master's degree in Urban Planning, Transportation Planning, Environmental Planning or a directly related field, plus five years of work experience in the development and management of major planning or research studies, including two years of supervisory experience related to the responsibilities of the position, or an equivalent combination of education, training and experience, provided that the minimum degree requirement is met. There were 77 total candidates and 9 were referred to the department to be interviewed.

In this escalation, a DHR recruiter alerted OIG that the hiring department had selected a candidate for hire that disclosed during the interview they did not yet meet the educational minimum qualification of graduating with a master's degree. The candidate at issue verified with the recruiter that they had participated in a master's program but had not yet received their degree. CDA identified two other prequalified candidates, one of which declined the offer. To resolve the escalation OIG met with CDA and DHR. The parties agreed to fill one vacancy and repost the other vacancy.

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<sup>36</sup> "Acting Up" means an employee is directed or is held accountable to perform, and does perform, substantially all the responsibilities of a higher position.

<sup>37</sup> Pursuant to the Acting Up Policy, no employee may serve in an acting up assignment in excess of 90 days in any calendar year unless the department receives prior written approval from DHR. The department must submit a waiver request in writing signed by the department head at least 10 days prior to the employee reaching the 90-day limitation. If the department exceeds 90 days of Acting Up without receiving a granted waiver request from DHR, the department is in violation of the Policy.



## 2. Processing of Complaints

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

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

TABLE #13 – COMPLIANCE COMPLAINTS THIS QUARTER

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

The Compliance section closed no cases this quarter. The table below summarizes the disposition of these complaints, as well as those pending from the previous quarter.

TABLE #14 – COMPLIANCE CASES THIS QUARTER

Case Status	Number of Cases
Pending from Previous Quarter	15
Opened	1
Cases Pending as of End of Quarter	16