



CITY OF CHICAGO  
OFFICE OF INSPECTOR GENERAL

20  
23

# Quarterly Report: Second Quarter 2023

July 14, 2023

DEBORAH WITZBURG | INSPECTOR GENERAL FOR THE CITY OF CHICAGO

## 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 2023, filed with City Council pursuant to Section 2-56-120 of the Municipal Code of Chicago.

As we go about our work in the service of our mission—to promote economy, effectiveness, efficiency, and integrity in City government—we talk a lot about ethical standards and holding people accountable when they break the rules. Talk, though, is not enough. We are pursuing enforcement of Chicago's Ethics rules with greater frequency and rigor than ever before.

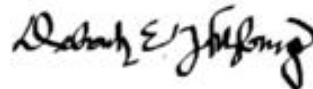
When an investigation by the Office of Inspector General (OIG) reveals a violation of the Governmental Ethics Ordinance, OIG requests that the Board of Ethics make a finding of probable cause to believe that the violation occurred; the Board then adjudicates the matter and assesses a penalty as appropriate. In the last 10 years, OIG has successfully pursued a finding of probable cause in 13 Ethics investigations. Three of those were in this quarter alone. In this quarter, we report the first-ever finding of probable cause in an OIG Ethics investigation of a sitting member of City Council.

These investigations reported in this quarter are not a one-time aberration. They are the results of OIG's more rigorous efforts to enforce the rules designed to ensure integrity in City government; those efforts will continue going forward. We are paying down the deficit of legitimacy at which the City operates by ensuring that people who break the rules are held accountable, regardless of their positions.

Meanwhile, critical work continues in OIG's other practice areas as well. During this quarter, our Public Safety section published a critically important report on the underenforcement of the Chicago Police Department's rule against false reports, and reviewed police misconduct investigations related to high-profile incidents which have, over the last several years, eroded public trust and confidence. We published an audit of the City's compliance with recycling obligations and processed nearly 2,000 intakes.

I am, as always, deeply grateful to my colleagues for their work in pursuit of a City government which more closely resembles the one Chicagoans deserve.

Respectfully,



Deborah Witzburg  
Inspector General  
City of Chicago

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This quarterly report provides an overview of the operations of the City of Chicago Office of Inspector General (OIG) from April 1, 2023, through June 30, 2023, and includes information required by the Municipal Code of Chicago (MCC).

# I | Mission of the Office of Inspector General

OIG's mission is to promote economy, effectiveness, efficiency, and integrity in the administration of programs and the operation of City government.<sup>1</sup> OIG accomplishes its mission through investigations of allegations of misconduct, performance audits, evaluations and reviews, data analysis and visualization, and other inquiries.

When OIG investigates and sustains allegations of misconduct, it issues summary reports of investigations to the appropriate authority, City management officials, and/or the Mayor's Office, with investigative findings and recommendations for corrective action and discipline. Narrative summaries of sustained administrative investigations, i.e., those typically involving violations of the City's Personnel Rules, Debarment Rules, and Ethics Ordinance—and the resulting department or agency actions—are released in quarterly reports. OIG's investigations resulting in criminal sanctions or civil recovery actions are summarized in quarterly reports following public action (e.g., indictment) and updated in ensuing quarterly reports as court developments warrant.

OIG's performance audits, programmatic inquiries, and advisories are directed to the appropriate agency for comment and response, and are then [published on the OIG website](#). From time to time, OIG also issues notifications to a City department for attention and comment; those notifications are summarized, along with any response, in the ensuing quarterly report.

OIG's data analysis and visualization work is available on its [Information Portal](#).

Finally, OIG issues reports as required by the City's Employment Plan and as otherwise necessary to carry out its functions in overseeing hiring and promotion processes across the City.

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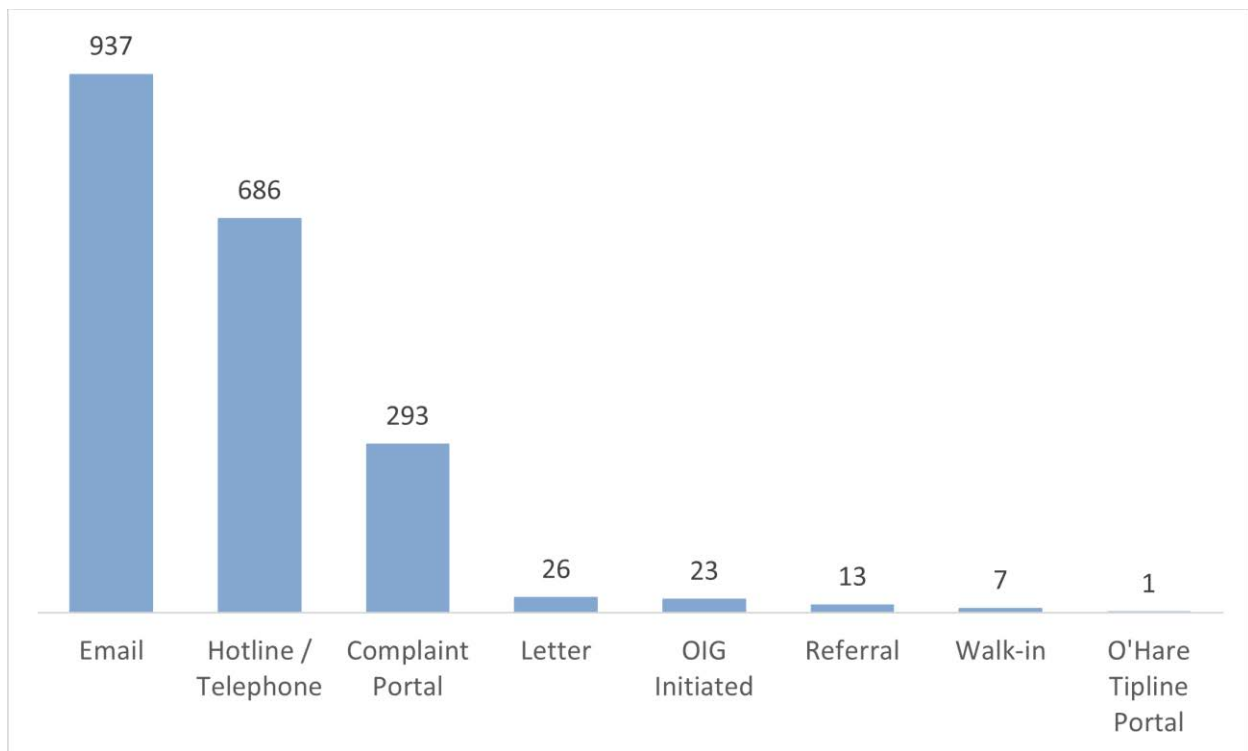
<sup>1</sup> "City government" includes the City of Chicago and any sister agency which enters into an Intergovernmental Agreement with the City for the provision of oversight services by OIG.

## II | Intakes

### 1 | Intakes Received This Quarter

OIG received 1,986 intakes this quarter. The following chart shows the various reporting methods by which those intakes were received.

Intakes Chart 1: Intakes by Reporting Method



In determining whether to open an inquiry into issues raised during intake, among other factors, OIG evaluates the nature of the issue raised; which of OIG's sections might be best equipped to address the issue; and, if an intake alleges misconduct, the potential magnitude or significance of the allegations.<sup>2</sup> Following this review, OIG may open an investigative or non-investigative inquiry, decline an intake, or refer it to another agency or City department. The following information outlines the actions OIG has taken in response to intakes received this quarter.

In Q2 2023, OIG referred 856<sup>3</sup> intakes to City departments or other agencies.<sup>4</sup>

<sup>2</sup> As further described below, some intakes are discontinued when, after review in OIG's intake process, they are determined to be not amenable to further consideration.

<sup>3</sup> OIG referred 856 intakes to the agencies listed in Table 1. Some intakes were referred to more than one agency, resulting in a total of 889 referrals.

<sup>4</sup> Pursuant to MCC § 2-56-120, OIG does not report here referred intakes in which "(i) the complaint addresses potential criminal conduct and has been referred to a state or federal law enforcement agency, and (ii) the investigation of the conduct at issue is ongoing, and (iii) in the judgment of the inspector general, public disclosure of the referral would compromise the effectiveness of the investigation."

Table 1: Referred Intakes

| Referred Agency                                                                 | Number of Referrals |
|---------------------------------------------------------------------------------|---------------------|
| Chicago Civilian Office of Police Accountability                                | 395                 |
| Chicago Police Department                                                       | 307                 |
| Chicago Department of Human Resources                                           | 35                  |
| Chicago Fire Department                                                         | 15                  |
| Chicago Department of Finance                                                   | 10                  |
| Chicago Public Schools Office of Inspector General                              | 10                  |
| Chicago Department of Business Affairs and Consumer Protection                  | 8                   |
| Chicago Department of Streets and Sanitation                                    | 7                   |
| Chicago Office of Emergency Management and Communications                       | 7                   |
| Chicago Department of Buildings                                                 | 5                   |
| Chicago Department of Transportation                                            | 5                   |
| Chicago Housing Authority Office of Inspector General                           | 5                   |
| Cook County Office of Independent Inspector General                             | 5                   |
| Chicago Board of Ethics                                                         | 4                   |
| Chicago Department of Aviation                                                  | 4                   |
| Chicago Department of Family and Support Services                               | 3                   |
| Chicago Office of Public Safety Administration                                  | 3                   |
| Chicago Park District Office of Inspector General                               | 3                   |
| Illinois Department of Children and Family Services Office of Inspector General | 3                   |
| Illinois Department of Financial and Professional Regulation                    | 3                   |
| Illinois Department of Human Services Office of Inspector General               | 3                   |
| U.S. Postal Service Office of Inspector General                                 | 3                   |
| Chicago Department of Housing                                                   | 2                   |
| Chicago Department of Water Management                                          | 2                   |
| City Colleges of Chicago Office of Inspector General                            | 2                   |
| Illinois Office of Attorney General                                             | 2                   |
| Illinois Office of Executive Inspector General                                  | 2                   |
| U.S. Small Business Administration Office of Inspector General                  | 2                   |
| Berwyn Police Department                                                        | 1                   |
| Bolingbrook Police Department                                                   | 1                   |
| Chicago Commission on Animal Care and Control                                   | 1                   |
| Chicago Commission on Human Relations                                           | 1                   |
| Chicago Department of Assets, Information and Services                          | 1                   |
| Chicago Department of Planning and Development                                  | 1                   |
| Chicago Department of Procurement Services                                      | 1                   |
| Chicago Department of Public Health                                             | 1                   |
| Chicago Office of the Mayor                                                     | 1                   |
| Columbus Civilian Police Review Board                                           | 1                   |
| Cook County Board of Elections                                                  | 1                   |

| Referred Agency                                                                      | Number of Referrals |
|--------------------------------------------------------------------------------------|---------------------|
| Cook County Sheriff's Office of Professional Review                                  | 1                   |
| Cook County State's Attorney                                                         | 1                   |
| Evergreen Park Police Department                                                     | 1                   |
| Federal Bureau of Investigation                                                      | 1                   |
| Federal Trade Commission                                                             | 1                   |
| Franklin County (Ohio) Sheriff's Office                                              | 1                   |
| Glen Ellyn Police Department                                                         | 1                   |
| Illinois Department of Healthcare and Family Services<br>Office of Inspector General | 1                   |
| Illinois Lottery Control Board                                                       | 1                   |
| Markham City Police Department                                                       | 1                   |
| Metropolitan Water Reclamation Department (MWRD)                                     | 1                   |
| Midlothian Police Department                                                         | 1                   |
| Norridge Police Department                                                           | 1                   |
| North Riverside Police Department                                                    | 1                   |
| Orland Park Police Department                                                        | 1                   |
| Riverside Police Department                                                          | 1                   |
| Round Lake Police Department                                                         | 1                   |
| Terre Haute Police Department                                                        | 1                   |
| U.S. Department of Health and Human Services Office of<br>Inspector General          | 1                   |
| U.S. Department of Housing and Urban Development<br>Office of Inspector General      | 1                   |
| U.S. Department of Justice Office of Inspector General                               | 1                   |
| U.S. Equal Employment Opportunity Commission                                         | 1                   |
| University of Illinois Systems Ethics and Compliance Office                          | 1                   |
| <b>Grand Total</b>                                                                   | <b>889</b>          |

OIG may discontinue intakes that are, for a variety of reasons, not amenable to further consideration. Specifically, if after review an intake is determined to lack sufficient information or clarity in describing the alleged misconduct, waste, or inefficiency to provide a basis for investigative follow-up, or is incoherent, incomprehensible, or factually impossible, it is designated as "Do Not Process" and is discontinued. If a communication received and cataloged as an intake is determined to be an automated, accidental, irrelevant, or inappropriate electronic message, it is designated as "Spam" and discontinued. Finally, if a communication received and cataloged as an intake is determined to be a question or request for information that is directly answered by OIG, it is designated as an "Inquiry" and discontinued.

In Q2 2023, OIG discontinued 880 intakes.

Table 2: Discontinued Intakes

| Category of Discontinued Intakes | Number of Discontinued Intakes |
|----------------------------------|--------------------------------|
| Do Not Process                   | 443                            |
| Spam                             | 313                            |
| Inquiries                        | 124                            |
| <b>Total</b>                     | <b>880</b>                     |

Pursuant to MCC § 2-56-050(b), if OIG receives an intake that constitutes a complaint alleging a violation of the Governmental Ethics Ordinance (GEO), MCC § 2-156, by any elected or appointed City officer, City employee, or any other person subject to the GEO, OIG may only: (i) decline to open an investigation if OIG determines that the complaint lacks foundation or does not relate to a violation of § 2-156; (ii) refer the matter to the appropriate authority if OIG determines that the potential violation is minor and can be resolved internally as a personnel matter; or (iii) open an investigation.

In Q2 2023, OIG declined 26 complaints alleging violations of the GEO.

Table 3: Ethics Complaints Declined

| Category of Declined Ethics Complaints             | Number of Declined Ethics Complaints |
|----------------------------------------------------|--------------------------------------|
| Complaint Lacks Foundation                         | 5                                    |
| Complaint of Same Alleged Conduct Already Received | 5                                    |
| Failure to Allege a Violation of MCC § 2-156       | 16                                   |
| <b>Total</b>                                       | <b>26</b>                            |

## III | Investigations

OIG's Investigations section conducts both criminal and administrative investigations into the conduct of City officers, employees, and other entities, including contractors, subcontractors, and lobbyists. OIG may initiate an investigation either in response to a complaint or on its own initiative.

The information to follow provides an overview of OIG's investigative work this quarter and fulfills the reporting requirements set out in §§2-56-080 and -120 of the MCC, as well as the Intergovernmental Agreement between the Public Buildings Commission (PBC)<sup>5</sup> of Chicago and OIG.

### A | Misconduct Investigations

#### 1 | Investigative Activity This Quarter

As of the close of this quarter, OIG has 242 active investigations. During Q2 2023, OIG initiated 41 investigations, of which 9 were self-initiated, and concluded 30 investigations.

#### 2 | Open Matters

OIG's 242 currently active misconduct investigations involve a range of subjects and types of alleged misconduct.

**Table 4: Subject of Investigations**

| Subject of Investigations                                  | Number of Investigations <sup>6</sup> |
|------------------------------------------------------------|---------------------------------------|
| City Employees                                             | 183                                   |
| Elected Officials                                          | 22                                    |
| Contractors, Subcontractors, and Persons Seeking Contracts | 25                                    |
| Licensees                                                  | 4                                     |
| Appointed Officials                                        | 3                                     |
| Persons Seeking Certification of Eligibility               | 1                                     |
| Other                                                      | 4                                     |
| <b>Total</b>                                               | <b>242</b>                            |

**Table 5: Nature of Allegations Under Investigation**

| Nature of Allegations | Number of Cases |
|-----------------------|-----------------|
| Misconduct            | 239             |
| Ineffectiveness       | 1               |
| Waste/Inefficiency    | 2               |
| <b>Total</b>          | <b>242</b>      |

<sup>5</sup> Created by state legislation in 1956, PBC is responsible for planning, designing, and constructing municipal buildings, including schools, libraries, fieldhouses, and fire stations. See: <https://pbcchicago.com/>.

<sup>6</sup> Counted here are the number of open investigations, not the number of unique subjects; that is, the same individual or entity may be the subject of more than one separate investigation.

## a | *Illinois v. Chicago*, Consent Decree Paragraph 481 Investigations

Under collective bargaining agreements between the City of Chicago and certain members of the Chicago Police Department (CPD), OIG may only investigate allegations of misconduct concerning an incident or event which occurred more than five years prior to the date of the complaint or allegation with written authorization from CPD's superintendent. Pursuant to 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 to open any investigation relevant to or reportable pursuant to Paragraph 481.

## b | Investigations Open Over Twelve Months

As required by MCC § 2-56-080, OIG reports each quarter on active investigations which have been open for more than 12 months. Of OIG's 242 pending investigations, 136 have been open for more than 12 months. Most cases remain pending because (1) they are complex or resource-intensive investigations that may require resolution of legal issues or involve multiple subjects; (2) because they involve allegations that may be the subject of criminal investigation being conducted jointly with law enforcement investigative or prosecutorial partners at the federal, state, or local level; or (3) they were extended to allocate resources to higher risk, more time-sensitive investigations. Where other explanations are relevant for cases remaining open beyond 12 months, they are noted in the table below.

**Table 6: Investigations Open Over Twelve Months, Q2, 2023**

| Case ID <sup>7</sup> | Legacy ID | General Nature of Allegations                                                         |
|----------------------|-----------|---------------------------------------------------------------------------------------|
| C2022-000038625      | 19-0178   | Criminal investigation of distribution/possession of controlled substances (steroids) |
| C2022-000040115      | 20-0385   | Residency violation                                                                   |
| C2022-000040491      | 20-0780   | Violence in the workplace                                                             |
| C2022-000040546      | 20-0838   | Retaliation                                                                           |
| C2022-000040550      | 20-0842   | Women-Owned Business Enterprise (WBE)/Minority Owned Business Enterprise (MBE) fraud  |
| C2022-000040681      | 20-0989   | Bribery                                                                               |
| C2022-000040999      | 20-1334   | Failure to follow department rules in the course of an investigation                  |
| C2022-000041000      | 20-1335   | Unauthorized outside employment/residency violation                                   |
| C2022-000041038      | 20-1375   | Failure to follow department rules in the course of an investigation                  |
| C2022-000041039      | 20-1376   | False statements/violation of department rules                                        |
| C2022-000041299      | 20-1646   | Retaliation                                                                           |
| C2022-000041400      | 21-0026   | Bribery                                                                               |
| C2022-000041454      | 21-0082   | Theft                                                                                 |

<sup>7</sup>In early 2022, OIG launched a new case management system, which accounts for the new case number format.

| Case ID <sup>7</sup> | Legacy ID | General Nature of Allegations                                    |
|----------------------|-----------|------------------------------------------------------------------|
| C2022-000041456      | 21-0084   | Residency violation                                              |
| C2022-000041504      | 21-0134   | Procurement fraud                                                |
| C2022-000041554      | 21-0191   | Retaliation                                                      |
| C2022-000041580      | 21-0219   | Failure to follow department rules regarding COVID-19 quarantine |
| C2022-000041693      | 21-0340   | Falsification/improper use of City resources                     |
| C2022-000041793      | 21-0449   | Theft                                                            |
| C2022-000041797      | 21-0453   | Theft                                                            |
| C2022-000041798      | 21-0454   | Theft                                                            |
| C2022-000041802      | 21-0458   | Theft                                                            |
| C2022-000041803      | 21-0459   | Theft                                                            |
| C2022-000041808      | 21-0464   | Theft                                                            |
| C2022-000041809      | 21-0465   | Theft                                                            |
| C2022-000041810      | 21-0466   | Theft                                                            |
| C2022-000041812      | 21-0468   | MBE fraud                                                        |
| C2022-000041854      | 21-0511   | Bribery                                                          |
| C2022-000041911      | 21-0571   | Retaliation                                                      |
| C2022-000041916      | 21-0576   | False statements/violation of department rules                   |
| C2022-000041959      | 21-0621   | Unauthorized outside employment/COVID-19 leave fraud             |
| C2022-000042128      | 21-0799   | Sexual harassment                                                |
| C2022-000042143      | 21-0818   | Failure to follow department rules                               |
| C2022-000042145      | 21-0820   | False records submitted to City                                  |
| C2022-000042213      | 21-0889   | Prohibited political activity                                    |
| C2022-000042259      | 21-0942   | Failure to follow department rules                               |
| C2022-000042357      | 21-1047   | Residency violation                                              |
| C2022-000042358      | 21-1048   | Post-employment violation of GEO                                 |
| C2022-000042359      | 21-1049   | MBE fraud                                                        |
| C2022-000042390      | 21-1080   | Battery/failure to follow department rules                       |
| C2022-000042391      | 21-1081   | Preferential treatment                                           |
| C2022-000042445      | 21-1141   | Falsification/retaliation                                        |
| C2022-000042456      | 21-1153   | Bribery                                                          |
| C2022-000042777      | 21-1482   | COVID-19 leave fraud                                             |
| C2022-000042779      | 21-1484   | Procurement fraud                                                |
| C2022-000042839      | 21-1547   | Failure to follow department rules                               |

| Case ID <sup>7</sup> | Legacy ID | General Nature of Allegations                       |
|----------------------|-----------|-----------------------------------------------------|
| C2022-000042867      | 21-1579   | Residency violation                                 |
| C2022-000042869      | 21-1581   | Bribery                                             |
| C2022-000042912      | 21-1626   | Ethics violation                                    |
| C2022-000042921      | 21-1635   | Time falsification                                  |
| C2022-000042924      | 21-1638   | Ethics violation                                    |
| C2022-000042971      | 21-1687   | Ethics violation/incompetence                       |
| C2022-000042973      | 21-1689   | Failure to follow department rules                  |
| C2022-000043135      | 21-1857   | Retaliation                                         |
| C2022-000043160      | 21-1884   | Secondary employment violation                      |
| C2022-000043178      | 21-1903   | Failure to follow department rules                  |
| C2022-000043294      | 21-2029   | Failure to follow department rules/incompetence     |
| C2022-000043295      | 21-2030   | False information submitted to City                 |
| C2022-000043296      | 21-2031   | Duty disability fraud                               |
| C2022-000043297      | 21-2032   | Time fraud                                          |
| C2022-000043298      | 21-2033   | Secondary employment violation                      |
| C2022-000043299      | 21-2034   | Ethics violation                                    |
| C2022-000043390      | 21-2126   | Falsification                                       |
| C2022-000043391      | 21-2127   | Misappropriating City funds                         |
| C2022-000043401      | 21-2137   | Theft                                               |
| C2022-000043402      | 21-2138   | Misappropriating City funds                         |
| C2022-000043426      | 21-2162   | Violation of City employment plan                   |
| C2022-000043429      | 21-2165   | Secondary employment/improper use of City resources |
| C2022-000043431      | 21-2167   | Ethics violation                                    |
| C2022-000043537      | 21-2275   | Secondary employment/false statements               |
| C2022-000043538      | 21-2276   | Secondary employment violation                      |
| C2022-000043571      | 22-0006   | Failure to follow department rules/incompetence     |
| C2022-000043617      | 22-0052   | Failure to follow department rules                  |
| C2022-000043618      | 22-0053   | Providing false information to the City             |
| C2022-000043756      | 22-0194   | Time fraud                                          |
| C2022-000043757      | 22-0195   | COVID-19 leave fraud                                |
| C2022-000043794      | 22-0232   | Bribery                                             |
| C2022-000043810      | N/A       | Inefficiency                                        |
| C2022-000043815      | N/A       | Failure to follow department rules                  |
| C2022-000043827      | N/A       | Preferential treatment                              |

| Case ID <sup>7</sup> | Legacy ID | General Nature of Allegations      |
|----------------------|-----------|------------------------------------|
| C2022-000043833      | N/A       | Time fraud/Fraud                   |
| C2022-000043846      | N/A       | Sexual harassment                  |
| C2022-000043852      | N/A       | False statements                   |
| C2022-000043853      | N/A       | Ethics violation                   |
| C2022-000043854      | N/A       | Incompetence/inefficiency          |
| C2022-000043865      | N/A       | Fraud                              |
| C2022-000043867      | N/A       | Retaliation                        |
| C2022-000043868      | N/A       | Ethics violation                   |
| C2022-000043874      | N/A       | Residency violation                |
| C2022-000043880      | N/A       | Improper disclosure of information |
| C2022-000043881      | N/A       | Conflict of interest               |
| C2022-000043889      | N/A       | Time fraud                         |
| C2022-000043890      | N/A       | Residency violation                |
| C2022-000043895      | N/A       | Fraud/COVID-19 fraud               |
| C2022-000043896      | N/A       | Ethics violation                   |
| C2022-000043897      | N/A       | False statements/Fraud             |
| C2022-000043898      | N/A       | Contract Fraud                     |
| C2022-000043899      | N/A       | Criminal investigation             |
| C2022-000043900      | N/A       | Fraud                              |
| C2022-000043901      | N/A       | Inefficiency                       |
| C2022-000043902      | N/A       | Bribery                            |
| C2022-000043912      | N/A       | Ethics violation                   |
| C2022-000043917      | N/A       | Bribery                            |
| C2022-000043920      | N/A       | Misuse of position                 |
| C2022-000043921      | N/A       | Secondary employment violation     |
| C2022-000043924      | N/A       | Fraud                              |
| C2022-000043925      | N/A       | Procurement fraud                  |
| C2022-000043928      | N/A       | Bribery                            |
| C2022-000043937      | N/A       | Ethics violation                   |
| C2022-000043941      | N/A       | Ethics violation                   |
| C2022-000043944      | N/A       | Duty disability fraud              |
| C2022-000043947      | N/A       | Procurement fraud                  |
| C2022-000043956      | N/A       | Residency violation                |
| C2022-000043960      | N/A       | Sexual harassment                  |

| Case ID <sup>7</sup> | Legacy ID | General Nature of Allegations |
|----------------------|-----------|-------------------------------|
| C2022-000043961      | N/A       | Ethics violation              |
| C2022-000043962      | N/A       | Sexual harassment             |
| C2022-000043967      | N/A       | Fraud                         |
| C2022-000043968      | N/A       | False statements              |
| C2022-000043969      | N/A       | Retaliation                   |

### 3 | Public Building Commission Complaints and Investigations

MCC § 2-56-030 empowers OIG to exercise its powers and duties with respect to any sister agency pursuant to an intergovernmental agreement with that agency, and it does so with respect to the PBC.

In Q2 2023, OIG received one complaint(s) related to PBC.

## B | Sustained Administrative Investigations

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—a summary and analysis of the evidence and recommendations for disciplinary or other corrective action. OIG sends these reports to the appropriate authority as prescribed in the MCC, including the Mayor’s Office and affected City departments.

Below is an overview of sustained investigative matters and, pursuant to MCC § 2-56-110, deidentified 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’s findings and recommendations,<sup>8</sup> and to inform OIG of what action(s) the department intends to take. Departments must follow strict protocols set forth in the City’s Personnel Rules, Procurement Rules, and/or applicable collective bargaining agreements, prior to imposing discipline or other corrective action.<sup>9</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.

<sup>8</sup> PBC has 60 days to respond to a summary report of investigation by stating a description of any disciplinary or administrative action taken by the Commission. If PBC chooses not to take action or takes an action different from that recommended by OIG, PBC must describe that action and explain the reasons for that action.

<sup>9</sup> In some instances, OIG may defer the reporting of a matter against an individual until the conclusion of an 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.

Table 7: Overview of Cases Completed and Reported as Sustained Matters

| OIG Case Number | Ultimate Jurisdictional Authority <sup>10</sup> | OIG Recommendation                                                                                                               | Response/Action                                                                              |
|-----------------|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| C2022-000040590 | Streets and Sanitation                          | Refer for placement on the Ineligible for Rehire list.                                                                           | Referred for placement on the Ineligible for Rehire list.                                    |
| C2022-000040811 | Streets and Sanitation                          | Refer for placement on the Ineligible for Rehire list.                                                                           | Referred for placement on the Ineligible for Rehire list.                                    |
| C2022-000041401 | Board of Ethics                                 | Issue a finding of probable cause to believe that the subject violated the Governmental Ethics Ordinance.                        | Found that there was probable cause that subject violated the Governmental Ethics Ordinance. |
| C2022-000041805 | Chicago Police Department                       | Refer for placement on the Ineligible for Rehire list.                                                                           | Referred for placement on the Ineligible for Rehire list.                                    |
| C2022-000042775 | Aviation                                        | Refer for placement on the Ineligible for Rehire list.                                                                           | Referred for placement on the Ineligible for Rehire list.                                    |
| C2022-000043133 | Board of Ethics                                 | Issue a finding of probable cause to believe that the subject violated the Governmental Ethics Ordinance.                        | Found that there was probable cause that subject violated the Governmental Ethics Ordinance. |
| C2022-000043302 | Streets and Sanitation                          | Refer for placement on the Ineligible for Rehire list.                                                                           | Referred for placement on the Ineligible for Rehire list.                                    |
| C2022-000044021 | Chicago Fire Department                         | Impose discipline, commensurate with the gravity of violations, past disciplinary record, and any other relevant considerations. | Issued a nine-day suspension.                                                                |
| C2023-000000023 | Board of Ethics                                 | Issue a finding of probable cause to believe that the subject violated the Governmental Ethics Ordinance.                        | Found that there was probable cause that subject violated the Governmental Ethics Ordinance. |

<sup>10</sup> "Ultimate jurisdictional authority" for purposes of OIG investigations is defined in MCC § 2-56-025(b).

## 1 | Sick Leave Abuse and Failure to Quarantine (C2022-000040590)

An OIG investigation established that a former ward superintendent with the Department of Streets & Sanitation (DSS) used sick leave to travel to Florida after their vacation request was denied and failed to quarantine, as required by the Order of the Commissioner of Health (Quarantine Restrictions on Persons Entering Chicago From High Incident States) No. 2020-10, issued July 2, 2020 (Health Order 2020-10), when they returned to Chicago. Further, after the ward superintendent returned to work, he lied to DSS supervisors about traveling out of state.

OIG found that the ward superintendent violated Section 2-112-340 of the Municipal Code of Chicago (violation of rules and orders) and City of Chicago Personnel Rule XVIII, Section 1, Subsection 15 (engaging in any act or conduct prohibited by the Municipal Code of Chicago, the Illinois Compiled Statutes, applicable laws of other states, or federal statutes) and Subsection 50 (conduct unbecoming an officer or public employee).

The ward superintendent resigned prior to the conclusion of OIG's investigation. OIG recommended that DSS refer the former ward superintendent for placement on the ineligible for rehire list maintained by the Department of Human Resources (DHR). In response, DSS requested that DHR place the former ward superintendent on the permanent ineligible for rehire list.

## 2 | Felony Conviction and Conduct Unbecoming (C2022-000040811)

An OIG investigation established that a former general laborer with DSS pled guilty to the charge of Unlawful Possession of a Firearm by a Felon, in violation of Title 18, United States Code, Section 922(g)(1). The general laborer was sentenced to fifteen months in federal prison.

OIG concluded that the general laborer's conduct violated City of Chicago Personnel Rule XVIII, Section 1, Subsection 15 (engaging in any act or conduct prohibited by the Municipal Code of Chicago, the Illinois Compiled Statutes, applicable laws of other states, or federal statutes) and Subsection 50 (conduct unbecoming an officer or public employee). Although the general laborer committed the crime while off-duty, the City's interest in discouraging criminal conduct among City employees, as well as the undue burden and financial cost on the City to replace and/or hire another person to carry out his job responsibilities, warranted a finding of conduct unbecoming.

The general laborer resigned from DSS during the course of OIG's investigation. OIG recommended that DSS refer them for placement on the ineligible for rehire list maintained by DHR. In response, DSS referred the general laborer to DHR for placement on the ineligible for rehire list.

## 3 | Breach of Fiduciary Duty; Unauthorized Use of City Property (C2022-000041401)

An OIG investigation established that a sitting alderperson directed City employees to issue unfounded citations for overgrown weeds and rodents to the home of a constituent who had been publicly critical of the alderperson. OIG gathered evidence showing that the alderperson conceived the idea to issue citations with two now-DSS employees at the alderman's ward office and proceeded with the plan even after being informed that plants at the critic's property were legal.

OIG found that the alderperson's use of City employees and resources to penalize a political critic violated Sections 2-156-020 (fiduciary duty) and 2-156-060 (unauthorized use of City property) of GEO.

Pursuant to the Governmental Ethics Ordinance (GEO), OIG requested that the Board of Ethics (BOE) issue a finding of probable cause to believe that the alderman's conduct violated the GEO.

At its June 12, 2023 meeting, the Board voted unanimously to find probable cause that the alderman violated MCC §§ 2-156-020 and 060. Pursuant to MCC § 2-156, the alderperson is entitled to meet with BOE to respond.

#### 4 | False Statements to the Chicago Housing Authority (C2022-000041805)

An OIG investigation established that a former civilian employee of the Chicago Police Department—a former administrative clerk—made false statements in an affidavit to the Chicago Housing Authority (CHA) as part of an application for a housing program. Specifically, the clerk represented to CHA that they did not have any source of income, despite being paid for their employment with CPD. The affidavit contained a statement that explicitly warned applicants that they would be guilty of a felony, under Title 18, United States Code, Section 1001, if they knowingly and willingly made any false statements therein.

OIG found that the clerk's conduct violated City of Chicago Personnel Rule XVIII, Section 1, Subsection 15 (engaging in any act or conduct prohibited by the Municipal Code of Chicago, the Illinois Compiled Statutes, applicable laws of other states, or federal statutes) and Subsection 50 (conduct unbecoming an officer or public employee).

The clerk resigned from CPD during OIG's investigation. OIG recommended that CPD refer them for placement on the ineligible for rehire list maintained by DHR. In response, CPD referred the clerk to DHR for placement on the Ineligible for Rehire list.

#### 5 | Restricting Production Output (C2022-000042775)

An OIG investigation established that a former foreman of the sign shop with the Chicago Department of Aviation (CDA) encouraged the sign painters under their supervision to restrict their work output, to create a need for overtime. OIG did not find any evidence of an increase in overtime requests, but multiple witness interviews confirmed that the foreman directed sign painters to slow down their sign making.

OIG found that the foreman's conduct violated City of Chicago Personnel Rule XVIII, Section 1, Subsection 26 (restricting production output, encouraging others to do so, or supporting others doing so).

During the investigation, the foreman retired from CDA. OIG recommended that CDA refer them for placement on the ineligible for rehire list maintained by DHR. In response, CDA referred the foreman to DHR for placement on the ineligible for rehire list.

## 6 | Bribery (C2022-000043133)

An OIG investigation established that the owner of a building located in Chicago bribed a Department of Buildings (DOB) inspector during a building inspection. Specifically, after the inspector completed an inspection and noted multiple violations of the Chicago Building Code in the construction of two porches, the building owner placed an unknown amount of money in the inspector's shirt. The inspector refused the money, and therefore, was not a subject in OIG's investigation.

OIG concluded that the owner violated Section 2-156-142(c) of the GEO, which prohibits any person from giving a City employee an improper gift with the intent to violate the law. Offering a DOB inspector cash is a violation of the MCC, as § 2-156-142(a)(1)(iii) prohibits City employees from accepting any cash gift.

Pursuant to the GEO, OIG requested that BOE issue a finding of probable cause to believe that the building owner's conduct violated the GEO. BOE voted unanimously to find probable cause at its May 22, 2023 board meeting. Pursuant to MCC § 2-156, the building owner is entitled to meet with BOE to respond.

## 7 | Obstructing an OIG Investigation (C2022-000043302)

An OIG investigation established that a former motor truck driver (MTD) with DSS lied to OIG investigators during OIG's interview of the former MTD regarding allegations that the MTD violated criminal law and the City of Chicago Personnel Rules. Based on analysis of subpoenaed phone records and relevant documentation, OIG determined that the MTD lied about whether they had spent any time with a witness, whether they had that witness' phone number prior to 2022, whether they had exchanged text messages with that witness, and whether they had reached out to that witness more than once in 2022.

The MTD's conduct violated MCC § 2-56-140, which requires that no person shall knowingly obstruct a duly authorized and announced OIG investigation. During the investigation, the MTD retired from DSS.

OIG recommended that DSS refer the MTD for placement on the ineligible for rehire list maintained by DHR. In response, DSS referred the MTD to DHR for placement on the ineligible for rehire list.

## 8 | Sexual Harassment (C2022-000044021)

An OIG investigation established that a Chicago Fire Department (CFD) Paramedic Field Chief (PFC) engaged in inappropriate conduct toward an employee of a City vendor by commenting on their appearance, asking whether they were a model, and asking for their phone number. The PFC was off-duty when they made these statements; however, the PFC, acting as a subject matter expert, was assisting the vendor with developing testing materials for CFD promotional exams. Thus, OIG determined that the PFC was acting within the scope of their City employment. During OIG's interview of the PFC, they admitted to commenting on the vendor employee's appearance and asking whether they were a model, but could not recall asking for their phone number. The PFC also asserted that the statements were complimentary and not disrespectful.

OIG concluded that the PFC violated the City's EEO Policy, the CFD Code of Conduct, and City of Chicago Personnel Rule XVIII, Section 1, Subsection 15 (engaging in any act or conduct prohibited by the Municipal Code of the City of Chicago), Subsection 23 (discourteous treatment of a member of the public), Subsection 42(a) (sexual harassment), Subsection 48 (failure to follow the CFD Code of Conduct and the City of Chicago Department of Human Resources Diversity and Equal Employment Opportunity Policy on sexual harassment), and Subsection 50 (conduct unbecoming a public employee).

OIG recommended that CFD impose discipline against the PFC, commensurate with the gravity of their violations, past disciplinary record, and any other relevant considerations. In response, CFD agreed with OIG's findings and recommendation and suspended the PFC for nine days.

## 9| Breach of Fiduciary Duty and Misuse of City property (C2023-000000023)

An OIG investigation established that a now-former elected official violated their fiduciary duty, misused City property, and solicited political contributions from City employees in violation of the GEO. OIG obtained political campaign emails sent by the official's political campaign which demonstrated that the official misused their City title in pursuit of a political purpose, as well as misused the authority of their office and City email addresses for a political purpose. The political campaign emails also demonstrated that the official improperly solicited political donations from City employees, over whom the official had supervisory authority.

Pursuant to the GEO, on May 1, 2023, OIG requested that BOE issue a finding of probable cause to believe that the official violated their fiduciary duty, misused City Property, and inappropriately solicited political contributions from City employees in violation of MCC § 2-156-020, MCC § 2-156-060, and MCC § 2-156-140. At its May 22, 2023 meeting, BOE voted unanimously to find probable cause. Pursuant to MCC § 2-156, the official is entitled to meet with BOE to respond.

## C | Synopses and Developments on Charged Criminal Cases

Criminal investigations may uncover violations of local, state, or federal criminal laws, which may be prosecuted by the U.S. Attorney's Office, Illinois Attorney General's Office, or 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.

This quarter, OIG had one update on a criminal case related to an OIG investigation.

### 1 | United States of America v. Kowalski, et al., 19-CR-226 (N.D. Ill.), OIG Case 19-0313

OIG previously reported on the conviction of Robert Kowalski, a former Illinois attorney and real estate developer, for embezzlement, bankruptcy fraud, and eight counts of tax fraud. Kowalski is a co-defendant of William Mahon, a former Department of Streets and Sanitation deputy commissioner, who was indicted in December 2021 for his role in an embezzlement scheme at Washington Federal Bank for Savings.

On June 27, 2023, a federal judge sentenced Jan R. Kowalski, Robert Kowalski's sister, to 37 months in prison and ordered her to pay restitution for fraudulently enabling Robert Kowalski to

conceal more than \$357,000 from creditors and the trustee in his bankruptcy case. In 2022, Jan Kowalski pleaded guilty to a federal charge of concealing assets from a bankruptcy trustee.

In 2018, Robert Kowalski filed for bankruptcy. Jan Kowalski, a licensed attorney, helped her brother conceal hundreds of thousands of dollars in cashier's checks, money orders, and other checks from the bankruptcy trustee by depositing them into her attorney trust account. She also withdrew a portion of the funds for real estate transactions for Robert Kowalski's benefit. Robert Kowalski is still awaiting sentencing.

## D | Synopses and Results of Administrative Appeals, Grievances, or Other Actions

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 City Personnel Rules and/or applicable collective bargaining agreements. OIG monitors the results of administrative appeals before the Human Resources Board and grievance arbitrations concerning OIG's disciplinary recommendations.

This quarter, OIG had one update on administrative appeals, grievances, or other actions.

### 1 | OIG Case #C2022-000043710 (Legacy #22-0148)

OIG previously reported on an investigation that established that a Civilian Office of Police Accountability (COPA) investigator released a confidential, unredacted police report regarding an open Chicago Police Department investigation in violation of COPA's Confidentiality and Information Release Policy. The investigator admitted to releasing the document, but asserted that they were never informed that police reports were confidential.

OIG recommended that COPA impose discipline against the investigator up to and including discharge. In response, COPA agreed with OIG's recommendation and began initiating the disciplinary process with the Department of Law.

The investigator filed a grievance and the matter proceeded to arbitration. At the conclusion of the arbitration, the arbitrator found that the City had just cause to discipline the investigator, but that discharge was unreasonable under the circumstances. The arbitrator ordered that the investigator be reinstated, however, without backpay, meaning the investigator served an approximately six-month suspension without pay.

## E | Special Investigations

In addition to its reactive investigative work in response to complaints, OIG engages in certain proactive investigative projects.

### 1 | Campaign Finance Investigations

The MCC bans City vendors, lobbyists, and those seeking to do business with the City from contributing more than \$1,500 each year to any elected City official or candidate's political

campaign. Other rules and regulations, such as Executive Order 2011-4, place further restrictions on donations.<sup>11</sup>

Potential violations of the annual cap are sometimes identified through complaints; OIG also, however, engages in proactive monitoring and analysis of campaign contribution data to identify and examine potential violations. 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>12</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 matters.

## 2 | O'Hare 21

OIG provides oversight for major construction initiatives across the City. Specifically, OIG has worked with CDA to oversee the multi-billion-dollar expansion project at O'Hare International Airport, commonly known as O'Hare 21.

OIG manages the work of Integrity Monitors (IMs), professional services contractors charged with investigating, auditing, and testing various processes and contracts associated with O'Hare 21. The IMs are given full access to contractor records and personnel. They monitor contractors' compliance with laws, policies, and procedures, and various contractual requirements, and report to an Integrity Monitoring Committee; that committee is constituted of representatives of the Department of Procurement Services (DPS), CDA, and OIG.

Working with the IMs, OIG receives information, leads, and complaints regarding potential misconduct on the project. Participating with CDA and DPS on the monitoring committee, OIG works in concert with partner departments to develop strategies and approaches to problems considering shared interests and perspectives.

OIG has developed an [O'Hare 21-specific tipline](#) and [email address](#) to enable members of the public, employees, and contractors to more easily raise concerns about O'Hare 21 to OIG.

## F | Recoveries

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

<sup>11</sup> Executive Order 2011-4 places a restriction on the mayor and City contractors by prohibiting City contractors, owners of City contractors, spouses or domestic partners of owners of City contractors, subcontractors to a City contractor on a City contract, owners of subcontractors to a City contractor on a City contract, and spouses or domestic partners of owners of subcontractors to a City contractor on a City contract from making contributions of any amount to the mayor. Any contract negotiated, entered into, or performed in violation of any of the provisions of this Order shall be terminable by the City.

<sup>12</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.

## IV | Public Safety

Pursuant to the separate powers and duties enumerated in MCC § 2-56-230, the Public Safety section supports OIG’s mission of promoting economy, efficiency, effectiveness, and integrity by conducting independent, objective evaluations and reviews of CPD, 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 as well as the section’s Annual Report.

#### 1 | Enforcement of the Chicago Police Department’s Rule Against False Reports (#20-0015)<sup>13</sup>

As mandated by the consent decree entered in *Illinois v. Chicago*, the Public Safety section conducted an inquiry into the enforcement of CPD’s Rule 14, which prohibits CPD members from “[m]aking a false report, written or oral.” Alleged violations of CPD’s Rules and Regulations are usually investigated by BIA and COPA, with the most serious of police disciplinary cases being adjudicated by the Chicago Police Board. All of these entities come within the scope of OIG’s inquiry into the enforcement of CPD’s rule against false reports.

The truthfulness and credibility of police officers is foundational to the fair administration of justice, and to CPD’s effectiveness as a law enforcement agency. CPD, COPA, and the Police Board have each publicly expressed the view that these qualities in CPD members are integral to their ability to perform their duties and that a member’s violation of Rule 14 poses important risks, including undermining their ability to offer testimony in criminal prosecutions arising from CPD’s arrests. Due to the severity of the impact that stems from a CPD member making a false statement or report, CPD and COPA have reported the position that separation (i.e., termination of employment) is the appropriate disciplinary penalty when a member is found to have violated Rule 14.

The objectives of OIG’s inquiry were to determine whether:

- BIA and COPA consistently allege Rule 14 violations when a CPD member makes a false statement or a material omission;
- Sustained allegations involving false statements consistently result in separation of the accused member from CPD; and
- relevant agencies share information about Rule 14 violations and adverse credibility findings or negative credibility determinations.

OIG found the following:

1. Structural failures in Chicago’s police accountability system allow CPD members with Rule 14 histories to remain in positions with duties that depend upon their truthfulness and credibility. CPD, COPA, and the Police Board each state a

<sup>13</sup> Published May 25, 2023. See <https://igchicago.org/2023/05/25/enforcement-of-the-chicago-police-departments-rule-against-false-reports/>.

Department member's honesty is integral to their duties and that a Rule 14 violation can erode public trust and create risks for CPD. However, CPD, COPA, and Police Board practices allow for Department members with Rule 14 histories to remain employed, often assigned to positions such as Beat Officer or Detective.

2. CPD's processes for identifying members with Rule 14 histories and sharing this information as required lack rigor and controls, and therefore pose risk to the Department and compromise the legal and constitutional rights of defendants and litigants. CPD does not accurately maintain records pertaining to members' Rule 14 histories. Members with Rule 14 histories were missing from the list CPD provided to OIG and additional records were inconclusive or could not be located. Further, CPD will only produce a member's disciplinary history if a prosecutor explicitly requests the disciplinary history, which does not appear to be a consistent practice.
3. Gaps in current BIA and COPA policies and practices contribute to the underenforcement of Rule 14. BIA policies do not instruct investigators to consider all forms of evidence when evaluating inconsistencies during their investigations. COPA policies do not instruct investigators to specifically consider Rule 14 violations when making credibility determinations. And finally, BIA and COPA Summary Reports do not consistently reflect consideration and analysis of potential Rule 14 violations.

To improve the enforcement of Rule 14, OIG recommended the following:

1. BIA and COPA should recommend separation of CPD members found to have violated Rule 14, consistent with the agencies' respective stated policy positions.
2. CPD should consistently separate members who have violated Rule 14, given the risks—including legal and reputational ones—posed by continuing to employ such members.
3. The Police Board should uphold separations for members who have violated Rule 14, consistent with the Board's language in its decisions about the impact of Rule 14 violations.
4. If members who have violated Rule 14 remain employed with the Department, CPD should ensure they are assigned or detailed to positions that do not require them to write reports or testify in court. CPD should also periodically review the assignments and details of its members with Rule 14 histories, as applicable, to ensure they are not in positions that require them to write reports or testify in court.
5. CPD should maintain accurate records which permit the identification of all members with Rule 14 histories.
6. CPD should consistently and timely inform prosecutorial bodies when a Department member's Rule 14 violation is finalized and all available review and appeal pathways—including any grievance procedures and Police Board review—have been exhausted and/or waived.
7. CPD should document which records the Department produces pursuant to its disclosure obligations, so that it may confirm or verify that it has met these obligations.
8. CPD should revise its "Requirements of a Complete Log Number Investigative File" directive to further clarify that BIA investigators should consider all types of evidence when conducting credibility assessments and subsequent analyses of potential Rule 14 violations.

9. COPA should revise its “Final Summary Report” policy to instruct investigators to consider Rule 14 violations specifically when conducting credibility assessments.
10. BIA and COPA should update their Summary Reports to include a standardized mechanism, such as an affirmation or certification, where investigators indicate they have considered all evidence, including original statements and any subsequent statements and amended or modified statements, to determine whether a CPD member who is the subject of a disciplinary investigation has violated Rule 14. As needed, Summary Reports should capture the investigating agency’s thorough consideration and analysis of the applicability of Rule 14. To help ensure consistency, fairness, and thoroughness of investigations, and the rigorous and thorough enforcement of Rule 14, investigators should be required to make this affirmation or certification in each disciplinary matter which is investigated to a finding.

Of the eight recommendations OIG made to CPD, the Department agreed with or agreed to consider five recommendations, reported that one had already been implemented, and disagreed with two—recommendations #2 and #10. COPA did not agree to implement any of OIG’s three recommendations to the agency—#1, #9, and #10, citing existing policies and practices it believed satisfied these recommendations. The Police Board did not agree to implement the one recommendation OIG made—recommendation #3—and suggested that City Council should amend the Municipal Code of Chicago to require that any member with a Sustained Rule 14 violation be discharged from CPD; COPA echoed this sentiment in its response to OIG.

## 2 | Review and Analysis of Sexual Misconduct Allegations Against CPD Members, 2022<sup>14</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 [Chicago Police Department] member alleging conduct against a non-CPD member.” The consent decree requires OIG to publish an annual report “assessing the quality of the 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.

OIG’s 2022 Report on Investigations of Sexual Misconduct Allegations Against CPD Members, also published this quarter, contained statistics on and analysis of all cases reportable under Paragraph 444, as identified by OIG. In 2021, OIG reported that BIA created in their Case Management System (CMS) shared with COPA a designation for investigators to flag CPD sexual misconduct cases that would alert OIG via email of the completion. In 2022, OIG reviewed 33 qualifying sexual misconduct cases but only received email notifications on 11 of those cases. OIG recognizes the efforts put forth by BIA and COPA to improve on processes that meet the requirements of the consent decree; however, there is an ongoing need to improve on operational and case management enhancements. OIG also found inadequate documentation of explanations for extended lengths of investigative inactivity in some investigative case files.

<sup>14</sup> Published May 31, 2023. See <https://igchicago.org/2023/05/31/report-on-investigations-of-sexual-misconduct-allegations-against-chicago-police-department-members-2022/>

OIG recommended that BIA and COPA: (1) ensure that the automatic notification process through CMS created to notify OIG of qualifying investigations that have reached a final disciplinary status is working as designed and that the notification process is internally audited for compliance; and (2) adequately document explanations for the lack of investigative activity within the investigative file. Additionally, BIA and COPA should prioritize these investigations over less serious allegations.

In its response to OIG's recommendations, BIA agreed to continue its automatic notification to OIG through CMS and to audit its notification process, and requested that OIG "participate[ ] in the terms of the audit." BIA concurred with OIG's recommendation to adequately document explanations for lack of investigative activity, and that explanations will be documented in extension reports. BIA stated that it currently prioritizes sexual misconduct cases over less serious allegations.

In its response to OIG's recommendations, COPA outlined steps taken over the past two years to ensure thorough investigations of sexual misconduct cases. COPA acknowledged its compliance with Paragraph 444's mandate that OIG be provided with the administrative file "within 10 days of the final disciplinary decision of each complaint of sexual misconduct" and pointed out that OIG has access to these files prior to the final disciplinary decision via the city's CMS. COPA expressed that "some complaints of inappropriate physical contact may - or may not - rise to the level of sexual misconduct as defined by the Consent Decree...but may depict another form of misconduct." COPA further stated that it is creating operational and case management enhancements to "allow cases to be investigated in a more timely and efficient manner."

### 3 | Public Safety 2022 Annual Report<sup>15</sup>

The MCC requires the Public Safety section to publish an annual report summarizing its reports, recommendations, and analyses from the prior year. In its Annual Report, published this quarter, the Public Safety section detailed work conducted during 2022 in each of its three primary channels: audit-based inquiries; 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.

The 2022 Annual Report included outcome summaries of the following: *Race- and Ethnicity-based Disparities in the Chicago Police Department's Use of Force* (March 2022); *Investigations of Sexual Misconduct Allegations Against Chicago Police Department Members 2021* (June 2022); *Fairness and Consistency in the Disciplinary Process for Chicago Police Department Members* (June 2022); *Consecutive Days Worked by Chicago Police Department Members, April-May 2022* (August 2022); *Understanding the Chicago Police Department's Budget* (September 2022); *Use of Litigation Data in Risk Management Strategies for the Chicago Police Department* (September 2022); and *The Chicago Police Department's Peer and Supervisory Wellness Support Strategies* (November 2022).

The 2022 Annual Report further included information on the Public Safety section's screening of 1,095 closed disciplinary investigations conducted by BIA and COPA, and its in-depth review of 56 of those investigations, including investigations mandated for review by the consent decree. Of the closed investigations selected for in-depth review in 2022, OIG recommended that ten investigations conducted by BIA and seven investigations conducted by COPA be reopened to

<sup>15</sup> Published June 6, 2023. See <https://igchicago.org/2023/06/06/oig-public-safety-section-2022-annual-report/>.

correct deficiencies materially affecting their outcomes. The results of OIG's 17 recommendations to reopen are detailed in the 2022 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 2022 Annual Report contained data and analysis on public safety operations including 911 calls for service, arrests, misconduct complaints, investigatory stops, and use of force reporting.

#### 4 | Final Report: Chicago Police Department's Search Warrant Process (#19-1180)<sup>16</sup>

The Public Safety section conducted an inquiry into search warrant processes by CPD. In recent years, CPD and its search warrant practices have been the focus of a great deal of public attention, fueling local debate and as part of a national conversation about police search warrant practices and reform. Since 2018, local media outlets have identified and reported on instances of problematic service tactics used during CPD's service of residential search warrants, including instances in which CPD members pointed firearms at children and/or warrants were served at incorrect locations. Arising from its long-term, programmatic inquiry into this topic, OIG published two interim reports in advance of this final report: first, in January 2021, OIG published recommendations to CPD recommending urgent changes to the Department's search warrants policy; and second, in May 2021, OIG published an analysis of data on CPD's residential search warrants.<sup>17</sup>

In January 2023, CPD posted draft revisions to its search warrants policy and forms on the Department's Policy Review Forum webpage for public review and comment. These changes include additions to its search warrant forms and a new electronic data application that holds the potential to vastly improve the Department's tracking of wrong raids and its ability to use that data to inform improvements to its search warrant service. Public comment on these proposed changes closed July 10, 2023; the policies and forms, therefore, may change before implemented.

In this final report, OIG described various dimensions of CPD's search warrant practices over the last several years and assesses the extent to which CPD's draft policy revisions may address some of the shortcomings observed. In light of the pending changes to CPD's policies and practices, OIG did not make recommendations to CPD.<sup>18</sup> Rather, in offering a thorough assessment of gaps in and risks posed by CPD's past policies, trainings, etc., OIG hoped to provide stakeholders and decision-makers with appropriate context for measuring improvements brought about by new policies and improved controls, and to highlight those areas most in need of remediation.

Specifically, with respect to past practices, OIG sought to determine whether CPD has:

<sup>16</sup> Published June 28, 2023. See <https://igchicago.org/2023/06/28/final-report-chicago-police-departments-search-warrant-process/>.

<sup>17</sup> City of Chicago Office of Inspector General, "Urgent Recommendations on the Chicago Police Department's Search Warrant Policies," January 22, 2021, <https://igchicago.org/2021/01/22/oig-public-safety-section-issues-urgent-recommendations-on-the-chicago-police-departments-search-warrant-policies/>.

City of Chicago Office of Inspector General, "Second Interim Report: Search Warrants Executed by the Chicago Police Department," May 6, 2021, <https://igchicago.org/2021/05/06/oig-public-safety-section-issues-second-interim-report-on-the-chicago-police-departments-execution-of-search-warrants/>.

<sup>18</sup> As OIG did not issue recommendations in this report, pursuant to MCC § 2-56-245, CPD was not required to provide a response to OIG. However, OIG nonetheless provided a draft of this report to CPD before publication. CPD provided no written response to this report and its findings.

- tracked and evaluated search warrants that resulted in so-called “wrong raids” to identify and remediate risks and contributing factors;
- developed search warrants in such a manner as to ensure they are based on accurate information and served at the correct location; and
- tailored the content of its search warrants policy and related trainings to address risks associated with wrong raids.

In pursuit of these objectives, OIG:

- analyzed electronic search warrant records for residential search warrants served from 2017 through 2021;
- reviewed a sample of search warrant files for negative residential search warrants from 2017 to 2020, training on search warrants dating back to 2015, and revisions made to CPD’s search warrants policy since January 2020; and
- conducted process interviews with experienced search team supervisors and warrant affiants, search warrant training instructors, and personnel from CPD’s Risk Management and Confidential Matters units.

First, OIG found that, to date, CPD’s approach to tracking wrong raids has not captured all incidents of wrong raids and has prevented CPD and other stakeholders from quantifying the extent of the problem and identifying process failures. CPD has used its Case Management System (CMS), intended to track complaints of officer misconduct, to track wrong raid incidents. However, the categories into which allegations of misconduct may be divided are broad and lack instruction on how incidents with multiple allegations of misconduct should be categorized. Tracking wrong raid incidents in CMS also relies on an additional administrative step to the post-service reporting procedure by CPD members. Combined with the widely varying classification of these incidents in CMS, CPD’s use of complaint records as its primary method of tracking wrong raid incidents has hindered CPD and the public’s ability to measure and understand the issue of wrong raids in Chicago.

Further, OIG analyzed a sample of search warrant files for negative residential search warrants, search warrants that did not result in an arrest or the seizure of any evidence. OIG found that the documented investigations completed prior to the service of the search warrant for these negative search warrants did not demonstrate sufficient steps taken to ensure service of the warrant at the correct location. Most notably, these files lacked records of investigative steps taken to connect the subject—the individual who is named in the warrant—to the location specified on the warrant, including evidence of a failure to conduct pre-service surveillance of the location where the warrant was to be served. CPD’s revised Search Warrant Development form posted in January 2023 includes checkboxes for specific investigative steps to be taken and law enforcement-specific investigative tools to be used to verify information on the subject and target location of a search warrant. The introduction of this form has the potential to help the Department ensure that affiants take sufficient investigative steps prior to the service of a search warrant.

OIG also found that CPD’s pre-service investigations have been hindered by units’ varying access to investigative tools, resources to register confidential informants, and levels of experience in developing search warrants. For example, for all residential search warrants served from 2017 to 2021, OIG found that the Narcotics Division, the unit that has served the most search warrants, had a relatively low negative search warrant service rate of 7%, lower than that of the Department-wide negative rate of 10%. Experienced affiants—CPD members tasked with the preparation of the warrant—and search team supervisors—CPD members of the rank of Sergeant or above who

oversee search warrant service—reported that access to investigative databases and resources varies widely by unit and member, and members from the Confidential Matters Unit, which is responsible for processing the registration of confidential informants, reported that CPD Districts do not tend to register sources with the Department, unlike specialized units such as the Narcotics Division. As the Department implements changes such as introducing the Search Warrant Development form to guide pre-service investigations, it should be mindful of the limitations that exist in its operations, particularly the inconsistent access to investigative tools across members and units.

Lastly, OIG found that, to date, CPD has maintained search warrant documentation such as copies of the Complaint for Search Warrant (CSW) and the search warrant in paper search warrant files, and that storage of these files has been decentralized and housed by individual units or individual members. Additionally, within the sample search warrant files for negative residential search warrants analyzed, OIG found that files were incomplete, lacking documentation of pre-service investigations, supervisory approvals, and operational plans. For example, only 14% of the files analyzed contained documentation of pre-service investigative results establishing the identity of the subject named in the warrant. As indicated by the draft search warrants policy and forms the Department posted in January 2023, CPD's new electronic data application, anticipated in 2024, holds the potential to improve search warrant record maintenance with improvements to documentation of pre-service investigations and operational planning, and documentation of CPD supervisory review and approval.

## B | Review of Closed Disciplinary Investigations

Pursuant to its obligations under the MCC, 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 (see above).

This quarter, the Public Safety section's Investigative Analysis unit examined 350 closed disciplinary cases and opened 20 for in-depth review.

Table 8: Disciplinary Cases Reviewed

| Agency       | Cases Screened | Cases Opened |
|--------------|----------------|--------------|
| BIA          | 213            | 8            |
| COPA         | 137            | 12           |
| <b>Total</b> | <b>350</b>     | <b>20</b>    |

### 1 | Recommendations to Reopen Closed Disciplinary Investigations

This quarter, OIG found one BIA investigation and three COPA investigations that contained deficiencies materially affecting their outcomes; one letter of recommendation to reopen was sent to BIA, and three to COPA. COPA accepted one recommendation, declined one recommendation, and has not responded to one recommendation to reopen. As of this writing, BIA has not responded to OIG's recommendation. Additionally, by the end of the quarter:

- OIG received responses to four recommendations that were made to COPA. COPA accepted two recommendations to reopen; one made in Q1 2023 and one in Q2 2023, and declined recommendations made in Q1 2023 and Q4 2022

There are two pending responses from agencies on recommendations to reopen materially deficient investigations.

Table 9: Responses Pending with Agencies at the End of Q2

| OIG Case Number | Agency | Date Recommendation Was Sent to Agency |
|-----------------|--------|----------------------------------------|
| C2023-000000131 | COPA   | June 29, 2023                          |
| C2023-000000172 | BIA    | June 7, 2023                           |

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. Below is a summary of an investigation that has reached its final disciplinary decision.

#### a| Recommendation to Reopen to Account for the Misalignment of the Facts (#C2022-000034074

OIG reviewed an investigation conducted by BIA into allegations that a CPD Sergeant signed reimbursement documents on behalf of CPD Lieutenants in a specialized unit without their permission.

According to the Sergeant, when their team was initially formed, they were given permission by a CPD Lieutenant to sign the reimbursement forms in question on that Lieutenant's behalf before submitting the forms. Those forms were completed to obtain reimbursement from the unit for cellular phone minutes and equipment, including flash drives, cellular phones, and shipping supplies. In a BIA interview, the Sergeant stated that they continued signing these forms on behalf of subsequent Lieutenants after having been originally authorized by one to do so under the

“assumption that it was the standard operating procedure still.” The Sergeant also stated that they had received permission from two of the unit CPD Lieutenants and that they did not receive permission from the other two CPD Lieutenants but had attempted to meet with them to explain the standard operating procedure.

BIA found that the CPD Sergeant violated Rule 6 of CPD’s Rules of Conduct when they “failed to follow Bureau of Organized Crime Special Order #16-18 – Disbursement of 1505 Funds properly by seeking the approval and signature of [their] commanding officer rank lieutenant or above.”

The Bureau of Organized Crime Special Order 16-18 – Disbursement of 1505 Funds policy states that “[t]he Chief, Bureau of Organized Crime oversees all disbursements from the 1505 Fund. Consistent with the provisions of 725 ILCS 150, disbursements from the Fund may be used to make controlled purchases, compensate registered confidential informants, and to make purchases in support of narcotics-related abatement efforts.” Although the analysis in BIA’s Investigative Closing Report is limited, BIA appears to have found that the Sergeant failed to follow Section III(B)(1)(a), which governs the supervisory approval required to use 1505 funds in order to make a controlled purchase of narcotics. As described in the closing report, that order requires approval of a “sergeant *and lieutenant*” for a withdrawal of funds over \$1,000 to make a controlled purchase. However, this section did not apply to the circumstances of this investigation. The Sergeant was accused of submitting these forms for reimbursement of the purchase of equipment and cellular phone minutes, not for using 1505 Funds to make a controlled narcotics purchase. Although Section III(C) of the Special Order may apply to the purchases at issue in this investigation, it was unclear from the facts developed by BIA whether that was the case. Significantly, Section III(C) does not appear to require the approval of a CPD Lieutenant, as Section III(B) does.

Without taking a position on whether the Sergeant committed misconduct in connection with these allegations, OIG recommended that BIA reopen this investigation to clarify which provision of Special Order 16-18—or another CPD policy—was violated by the Sergeant and account for the misalignment of the Special Order cited in the findings and the facts of the investigation. BIA accepted OIG’s recommendation and reopened the investigation.

In its subsequent Supplemental Closing Report, BIA stated that after consultation with the unit commander they “changed the rule violations committed from Rule #6-Disobedience of a directive, whether written or oral to a violation of Rule #2-Bringing discredit upon the department.”

### **b| Recommendation to Reopen to Account for All Potential Misconduct (#C2022-000043837)**

OIG reviewed a BIA investigation involving allegations that a search warrant was improperly obtained and that the accused CPD member made false statements to a Cook County judge. The accused member secured a warrant authorizing the search of a specified address; the warrant authorized the seizure of evidence related to “[u]nlawful use of weapon and any documents showing residency” as well as “any paraphernalia used in the weighing, cutting or mixing of illegal drugs. Any money, any records detailing illegal drug transactions.” A so-called John Doe informant provided the information which was the basis for the warrant and claimed they observed the subject of the warrant with a revolver. The complaint for the search warrant, signed by the accused member, stated that the accused member and the John Doe informant drove to the specific address “where J. Doe pointed out” that address “as the place where J. Doe observed” the subject of the search warrant in possession of a revolver. The complaint for the search warrant also

requested authorization to search for drug evidence, yet it contained no information supporting a belief that there would be drug evidence present at the specified address. BIA closed the investigation without reaching findings due to the absence of an affidavit and following the initiation of a civil lawsuit by the subject of the search warrant.

Despite the search warrant having been issued for a specific unit at the specified address, CPD members searched a different unit. This unit was not the premise authorized to be searched by the warrant, but it was the unit where the subject of the search warrant apparently resided. The subject of the search warrant was not home when the unit was searched, but their relatives were in the unit, along with an unlocked safe containing a gun and documents indicating that the subject of the search warrant resided in the unit. CPD issued an investigative alert with probable cause to arrest the subject of the search warrant, who subsequently turned themselves in after learning of the alert.

In the subsequent criminal proceedings, “the Circuit Court of Cook County found the search warrant invalid based on the address error, quashed the arrest, suppressed evidence of the weapon, and expressly acquitted the complainant of the gun charge.” However, the subject of the search warrant was later rearrested in error on the same charge stemming from the search, as the investigative alert to arrest them had not properly expired following the initial arrest.

The subject of the search warrant sued several CPD members, including the member who obtained the search warrant, and the City of Chicago in a federal civil rights lawsuit. The lawsuit alleged that the accused CPD member violated the Fourth Amendment by procuring the search warrant through misrepresentations, entering the searched unit on the basis of a warrant that lacked probable cause, misstating the correct address, and by falsely arresting the subject of the search warrant.

The accused member was deposed twice in the civil lawsuit. During the depositions, the accused member testified that they decided what the address to the apartment building was after John Doe pointed the apartment out to them, but they did not conduct any additional investigation to verify this information. Moreover, the CPD member testified that they had no information “that there were any drug transactions going on” at the address in the warrant, but purposefully included the drug language to the complaint and search warrant because “[they] wanted them in there.”

The district court granted summary judgment for all the defendants in the civil suit. The subject of the search warrant appealed and the United States Court of Appeals for the Seventh Circuit reversed the District Court’s finding of summary judgment for the CPD member on the counts related to the search and, instead, rendered judgment for the subject of the search warrant.<sup>19</sup> The Court found that the accused CPD member made “reckless misrepresentations of fact in procuring the warrant.”

OIG recommended that BIA reopen the investigation to investigate allegations that a search warrant was improperly obtained and that the accused CPD member made false statements to a Cook County judge in a case that the Seventh Circuit described as “out-and-out misconduct.”<sup>20</sup> OIG also recommended that BIA, if necessary, seek a certification or affidavit override and authorization from the Superintendent to investigate allegations more than five years old, noting that

<sup>19</sup> *Taylor v. Hughes*, 26 F.4th 419, 429, 431 (7th Cir. 2022).

<sup>20</sup> *Id.* at 437.

sufficient evidence to support both requests may exist in the record compiled in the lawsuit, including the accused member's sworn deposition testimony.

BIA accepted OIG's recommendation to reopen the investigation but stated it would refer it to COPA for further review. However, COPA reports never having received a referral from BIA, and CPD has not responded to OIG's request for an update on the status of that referral. This case is currently in Case Final-No Affidavit status.

### **c| Recommendation to Reopen to Correct the Disciplinary Records for All Involved CPD Members and Review its Recommendations (#C2022-000043892)**

OIG reviewed a COPA investigation involving two CPD members conducting a stop and search without justification. The accused CPD members were on patrol when they received a dispatch of a ShotSpotter alert. While responding to the call, the CPD members encountered the complainant in a vehicle. The CPD members detained the complainant for not having a functioning license plate light. CPD Member A asked the complainant for their driver's license, but the complainant failed to comply. CPD Member A asked the complainant to exit their vehicle, and CPD Member B conducted a pat down. After exiting the vehicle, the complainant produced their driver's license, and CPD Member A confirmed their identity by entering the driver's license information into the Department database. After approximately three minutes, the complainant was released without being issued a citation or investigatory stop receipt. The complainant alleged that the CPD members searched them without justification.

COPA found that the stop and search was lawful; however, COPA brought and sustained allegations against one CPD member for failure to activate their body worn camera (BWC), and an allegation against the other CPD member for failure to provide their name and badge number when requested by the complainant.

COPA's Summary Report of Investigation (SRI) lists the complimentary and disciplinary history for both accused CPD members. OIG noted that the disciplinary history reports contained in the investigative file are dated seven months prior to the date of the SRI and list no prior sustained discipline for either CPD member. However, both CPD members were subjects of unrelated investigations which resulted in discipline after the disciplinary history reports were uploaded to the investigative file and prior to COPA's completion of the improper search investigation. OIG also reviewed the allegations and findings entered for the CPD members in the Department's case management system. The allegation that CPD Member B performed a pat down search of the complainant without justification is reflected as Sustained; however, COPA's analysis of the evidence, as documented in the SRI, exonerated CPD Member B of that allegation.

Based on OIG's preliminary review, COPA relied on inaccurate information when recommending discipline for the CPD members. OIG recommended that COPA reopen this investigation to correct the disciplinary records for all involved officers and review its disciplinary recommendations in light of those records. OIG additionally recommended COPA correct the finding entered in the case management system reflected in their analysis.

COPA agreed to reopen the investigation and remedied the issues identified by OIG. Their disciplinary recommendations remained the same.

## d| Recommendation to Reopen to Conduct a Rule 14 Analysis (#C2022-000043953)

OIG reviewed a BIA investigation involving a CPD member who failed to identify themselves when asked by the complainant. BIA sustained the allegation that the CPD member did not identify themselves but failed to conduct a Rule 14 analysis of the CPD member's statement, which was not corroborated by the CPD member's body worn camera video.<sup>21</sup>

BIA conducted an investigation regarding a request for service at the complainant's establishment. One allegation made by the complainant was that the CPD member failed to provide their name when specifically requested. Rule 37 of CPD's Rules of Conduct requires a member to "correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department or by a private citizen."

BIA's initial closing report states that the complainant asked the accused CPD member for their name at the 8:09 minute mark of the BWC video and that the CPD member walked into the establishment, without providing their name, at the 8:26 minute mark of the BWC video. BIA's final report states that the complainant "clearly asks for the officer's name several times."

The accused member submitted a written statement via a memorandum as part of the investigation. In response to the allegation that they failed to provide their name when requested, the CPD member wrote, not verbatim, that the outdoor environment was noisy and their attention was on the CPD members inside the establishment; the CPD member believed it was at this point when the complainant asked for their name, but the CPD member did not hear the request. OIG reviewed the accused member's BWC video of the incident. The video shows the CPD member was engaged in a conversation with the complainant immediately before the complainant asked for the CPD member's name. It was only after the complainant asked for the CPD member's name that the CPD member stopped interacting with the complainant and entered a nearby establishment, without identifying himself. The BWC shows that the CPD member was conversing with the complainant, with the CPD member's last words captured at the 7:46 mark of the recording. Approximately twenty seconds later, the complainant asked for the accused member's name, and asked for their name four times before the accused member turned and entered the establishment without responding. During the approximately twenty seconds from when the CPD member last spoke to the complainant to the time the complainant asked the CPD member for their name, there was no indication that anything occurred that would have rendered the CPD member unable to hear the complainant; in fact, the CPD member was facing the complainant with an unobstructed view of the complainant as their name was repeatedly requested. There was no significant background noise or traffic, and no discernable change in circumstances between the time the CPD member was conversing with the complainant and when the complainant asked for their name.

OIG recommended that the investigation be reopened to account for all potential rule violations. Despite the discrepancy between the accused member's written statement and the events that were captured on their BWC, BIA did not appear to have conducted any analysis of whether the CPD member's statements constituted false reports and therefore violated Rule 14 of CPD's Rules of Conduct. OIG recommended that BIA reopen the investigation to conduct and document an appropriate analysis of the applicability of Rule 14 and, if appropriate, to pursue allegations that the

<sup>21</sup> CPD's Rule 14 prohibits officers from making a false report, written or oral.

accused member violated Rule 14 by falsely reporting that they did not hear the complainant's request for their name.

BIA accepted OIG's recommendation and reopened the investigation to conduct a Rule 14 analysis.

After reopening the investigation, BIA brought an allegation against the CPD member for making a false report in violation of Rule 14. BIA interviewed the CPD member, conducted an analysis of available evidence, and made a finding of Not Sustained on that allegation.

#### **e| Recommendation to Reopen to Obtain and Account for All Available Evidence (#C2022-000043998)**

OIG reviewed a COPA investigation into allegations against two CPD members related to the improper detention and search of the complainant, failure to return the complainant's cell phone, and excessive force by one of the CPD members when they grabbed the complainant by the throat while handcuffed and detained the complainant in the back of an unmarked car.

According to evidence contained in COPA's investigative file, the juvenile complainant was sitting on the rear driver's side of a parked vehicle in a store parking lot. The complainant was using their cell phone to record police activity on the street adjacent to the parking lot. While the complainant was recording, the accused CPD members arrived in the parking lot in their police vehicle. Video captured by a third-party and included in COPA's investigative file shows what occurred next; one CPD member exited the unmarked police vehicle, walked through the parking lot, and out of the camera view. The other CPD member drove through the parking lot, shining the floodlight attached to the police vehicle on parked cars. When the floodlight illuminated the complainant sitting inside a vehicle, the CPD member inside the police vehicle immediately got out and approached the complainant. The CPD member opened the rear driver-side door of the complainant's vehicle and the complainant stepped out. The second CPD member re-appeared and stood next to the complainant while the other CPD member searched the vehicle. The complainant pulled a cell phone from their pocket, and the CPD member took the cell phone from the complainant's hand. The CPD members then handcuffed the complainant, and one CPD member escorted the complainant to the unmarked police vehicle.

COPA interviewed the complainant, who alleged that the CPD member who escorted them to the police vehicle entered the back seat and choked them with both hands while they were handcuffed. The complainant stated that when the CPD member first attempted to enter the back seat of the vehicle, they were unable due to the position of the front passenger seat. The CPD member opened the front passenger door, adjusted the front passenger seat forward, and entered the rear passenger side of the vehicle. According to the complainant, the CPD member placed both hands around their neck and choked them. Third-party video provides some corroboration of the complainant's account of these events. The third-party video shows the CPD member placing the complainant inside the unmarked vehicle on the driver's rear side, and the CPD member walking around to the passenger side. The video then shows the CPD member's head and the top of the rear passenger door as it opens and shuts, then the front passenger door opens and shuts, and then the rear passenger door is opened again, and the CPD member's head is no longer visible and the rear passenger door shuts. Minutes later the rear passenger door opens, and the CPD member's head appears in camera view. The complainant remained in the back seat of the

unmarked police vehicle for approximately four minutes before the other CPD member unhandcuffed them and released them from police custody.

According to COPA's investigation, the CPD members did not issue any citations, or complete an Arrest Report or an Investigatory Stop Report (ISR) for the detention of the complainant. In COPA's analysis of the allegation that a CPD member used excessive force against the complainant, COPA stated that it "was unable to determine what transpired between [the CPD member] and [the complainant] while [the complainant] was detained in the rear of the Department vehicle. Since COPA was unable to locate any evidence, beyond [the complainant]'s and [CPD member]'s statements that support or refute the allegation[], [it] must be not sustained." (emphasis omitted) However, during the complainant's interview with COPA, the complainant reported that they visited a hospital where medical staff examined them for the alleged choking incident. The complainant also stated that CPD took photos of them at the hospital.

OIG's preliminary review of COPA's investigative file revealed no indication that COPA attempted to obtain the complainant's medical records from the hospital or requested from CPD the photos taken of the complainant's injuries at the hospital. COPA made a finding of Not Sustained on the excessive force allegation apparently without attempting to obtain and analyze evidence it knew to exist that might "support or refute" the complainant's allegation. COPA sustained allegations that the CPD members seized the complainant's cell phone without justification, failed to activate their body worn camera, and failed to complete an ISR or issue an ISR receipt, and COPA recommended a 10-day suspension and training on the seizure of personal property for both CPD members.

OIG recommended COPA reopen this investigation to obtain and analyze all available evidence bearing on the allegation that a CPD member choked the complainant in the backseat of a CPD vehicle. COPA accepted OIG's recommendation.

COPA subsequently obtained and included in the investigative file the photos of the complainant as captured by CPD and the complainant's medical records. COPA's findings and recommended discipline were unchanged.

#### **f) Recommendation to Reopen to Obtain All Necessary Evidence (#C2022-000044067)**

OIG reviewed a BIA investigation concerning an allegation that a CPD member had secondary employment with a Chicago Public Schools high school and may have reported working overlapping hours between CPD and CPS, or that their secondary employment may have otherwise interfered with their CPD employment.

In its review, OIG found that the assigned BIA investigator made two requests to the Office of Public Safety Administration (OPSA) for "any swipe history"—timekeeping records—for the accused CPD member and multiple email requests to CPS Human Resources requesting the CPD member's work location, work hours, responsibilities, and time and attendance records from January 1, 2015, to the present date. None of those requests were fulfilled. BIA investigated and unfounded the allegation on the basis that the BIA investigator, after contacting CPS Human Resources multiple times, was unable to obtain evidentiary documents to proceed with the investigation.

OIG recommended that BIA reopen the investigation to obtain all the necessary evidence that may aid in a thorough investigation of this allegation. BIA was able to verify through information provided

by the CPS OIG, surveillances of the CPD member, and the CPD member's duty schedule, that they were regularly working from 8:00 to 4:00, Monday through Friday. CPD records show that, during that time period, the CPD member was *scheduled for duty* from 22:00 to 7:00, with a one-hour commute from CPD to CPS. In its recommendation, OIG noted that where the CPD member was apparently regularly scheduled to work 20 of 24 hours in a day, a review of their actual hours worked with CPD was clearly warranted.

OIG further noted in its recommendation that if CPD could not obtain the timekeeping records of its own employees from OPESA in order to conduct an investigation into potential misconduct, there was a fundamental impediment to the function of the police disciplinary system.

BIA agreed with OIG's recommendation and reopened the investigation. After doing so, BIA obtained additional documents and interviewed the CPD member; however, the finding remained Unfounded.

#### [g| Recommendation to Reopen to Consider all Potential Rule Violations \(#C2022-000044070\)](#)

OIG reviewed a BIA investigation into allegations against two CPD members for failing to respond to a noise complaint and failing to activate their BWCs. A complainant called 911 to request police assistance for a loud noise disturbance. According to the Office of Emergency Communication (OEMC) Event Query reports, the first call was assigned and dispatched to the CPD members at 1:24 am and closed at 1:29 am. The same CPD members were also assigned to the second call which was closed at 2:43 am. The complainant alleged that the CPD members never actually responded to either call.

BIA used Attendance and Assignment (A&A) sheets, OEMC Event Query Reports, and GPS records to identify the accused CPD members assigned and to determine their location during which the calls were made. According to BIA's analysis of available evidence, the accused members proceeded to the address indicated by the complainant for the first call; however, GPS records show that they never returned to the address of service when dispatched for the second call. The accused CPD members were notified of the complainant's allegations and submitted To/From memoranda in response to questions presented by BIA. One accused member stated that they did not recall the event, nor did they recall why they did not activate their BWC. In the other CPD member's To/From memo, they stated that they received the second call for service, they investigated, but did not hear anything at said time, so the call was closed, and they continued with their patrol. BIA sustained allegations that both CPD members failed to provide police service for the second noise disturbance call. BIA's analysis did not, however, reach the issue of whether one accused member made a false statement in their To/From memo by stating that they investigated the noise disturbance, but did not hear anything, in contradiction to the GPS records which shows the CPD members at various locations other than the location where service was requested in the second call.

Based on OIG's preliminary review, OIG recommended that the investigation be reopened for further analysis and to determine whether it would be appropriate to bring a Rule 14 violation to the potentially false statement in one accused member's To/From memo.

BIA accepted OIG's recommendation and reopened the investigation to address the possibility of the additional rule violation. BIA memorialized its additional investigative activity in a Supplemental Closing Report, noting that the reopening of the investigation was only to address the written response provided by the CPD member, and to determine whether or not the CPD member provided a written statement that was knowingly false and misleading. BIA interviewed the CPD member and reviewed additional evidence. BIA determined that the CPD member conducted an insufficient investigation and provided a misleading statement; however, "[the investigation] revealed that this [the] statement was not willfully false or misleading, which is the burden required to sustain the allegation of a false statement." The CPD member believed that they sufficiently investigated the noise disturbance, so the additional allegation of willfully and knowingly submitting a false statement with the intent to deceive the investigation was Not Sustained.

Both CPD Members received a one-day suspension for failing to provide service and failing to activate their BWCs.

#### [h| Recommendation to Reopen to Investigate All Acts of Potential Misconduct \(#C2023-000000076\)](#)

OIG reviewed a COPA investigation involving allegations that two CPD Officers and a CPD Sergeant detained, searched, and arrested the complainant without justification. The accused CPD members were containing an active crime scene when the complainant, whose vehicle was within the scene, attempted to access his vehicle despite verbal commands from the members. An additional allegation was brought against the CPD Sergeant that they attempted to strike the complainant with their police vehicle. COPA exonerated the CPD members for the unjustified detainment, search, and arrest allegations, and unfounded the CPD Sergeant's allegation that they attempted to strike the complainant with a police vehicle.

OIG found available evidence that the accused CPD Sergeant committed additional acts of misconduct not addressed by COPA. The investigative file contained BWC footage from the involved CPD members, which shows the CPD Sergeant interacting with an unknown civilian who is unrelated to the incident involving the complainant. The civilian is seen attempting to walk through an active crime scene despite verbal commands by CPD members. The civilian attempts to walk past the CPD Sergeant and another CPD member, at which point the CPD Sergeant is seen pushing the civilian backward. Another CPD member physically redirects the civilian out of the crime scene as the CPD Sergeant walks toward the complainant. COPA did not bring any allegations against the CPD Sergeant related to this interaction.

During the post-investigative review process, a CPD member assigned to BIA made a note in the case management system that they "noticed several details that do not model appropriate behavior by the accused Sgt. However, COPA deemed exonerated." The note further requests review of the relevant BWC footage, including timestamps of the observed push. Beyond this note, there are no mentions of the CPD Sergeant's additional observed acts of potential misconduct.

OIG recommended that COPA reopen the investigation to investigate all potential acts of misconduct committed by the accused Sergeant and serve allegations as appropriate.

COPA declined OIG's recommendation to reopen, citing section 9.4(C) of the collective bargaining agreement governing the CPD Sergeant's employment which requires COPA's investigation of a

sergeant be completed within 18 months of opening. COPA closed its investigation shortly before the 18-month deadline. COPA wrote in their declination letter, "Reopening the case at this time would be futile because COPA believes an arbitrator would likely reverse or reduce any proposed penalty under the circumstances of this case."

#### **ij Recommendation to Reopen to Address False Statement Allegations (#C2023-000000088)**

OIG reviewed an investigation conducted by the Independent Police Review Authority (IPRA), the predecessor agency to COPA, concerning allegations against a then-CPD Commander (still an active CPD member, now at a lower rank) related to an incident that occurred in 2011 at a district station lockup facility. The complainant alleged that the CPD Commander forcibly pressed their hand against the complainant's nose and face for an extended period of time, threatened them by stating, "I'm gonna push your nose through your brains," and forcibly pressed their fingers against the complainant's neck. In addition to allegations of improper use of force, IPRA brought three other allegations including that the Commander failed to properly document their physical contact with the complainant by failing to complete a Tactical Response Report, failed to document that the complainant had been uncooperative and refused to be fingerprinted, and failed to provide medical treatment for the complainant while they were in police custody.

During the Commander's IPRA interview, they stated that they were requested to the lockup area by two CPD members because the complainant was "acting crazy" and would not stand up and cooperate with processing. The Commander stated that because the complainant was going from being cooperative to uncooperative, they grabbed them in the "escort position" and walked them to the photographing and fingerprinting machines. During this time the complainant was allegedly screaming, and saliva flew from their mouth with some of it striking the Commander on their face. The Commander stated that, to prevent saliva from hitting them in the face, they placed one hand on the right side of the complainant's face while grabbing between their arm and shoulder and pushing their head so the complainant faced away from the Commander. The complainant reportedly calmed down and began cooperating with the CPD members involved in processing them.

IPRA requested and received the complainant's medical records documenting their treatment following this incident. A Preliminary Radiology Report stated that "there is a medially displaced fracture of the medial wall of the left orbit with some medial displacement of the intraorbital fat." One of the doctors involved in the complainant's treatment, when interviewed, stated that the type of injuries sustained by the complainant would be caused by a forceful blow.

IPRA sustained allegations that the Commander forcibly pressed their hand against the complainant's nose/face for an extended period of time and that they threatened the complainant by stating, "I'm gonna push your nose through your brains," based on witness statements and medical records detailing the complainant's injuries. IPRA also sustained an allegation that the Commander failed to provide the complainant with medical attention while the complainant was in police custody. IPRA recommended a 15-day suspension for the Commander; then-Superintendent Eddie Johnson wrote a non-concurrence letter to IPRA stating his belief that "an increased penalty of a thirty-day suspension is more appropriate."

Following its investigation into the original allegations of misconduct, IPRA served the Commander with four additional allegations. Specifically, IPRA served allegations that the Commander made false statements when they stated that they only put their hand on the right side of the complainant's face and the side of their head, that they did not forcibly strike the complainant and only used a control technique, that they simply deflected and did not push the complainant's head, and that they did not forcibly press their hand against the complainant's nose.

The day after the Commander was served with the additional allegations that they had lied, an attorney faxed a letter to IPRA informing IPRA that the Commander had retained them to assist them in connection with the investigation; the attorney requested that IPRA's interview of the Commander on the additional allegations be rescheduled. Shortly thereafter, an IPRA investigator contacted the attorney, who refused to schedule an interview before a specified date. According to documents in the investigative file, the IPRA investigator spoke with IPRA's General Counsel and Chief Administrator and was instructed to reschedule the Commander's interview and to add an additional allegation that the Commander was impeding IPRA's investigation. The IPRA investigator rescheduled the interview and sent new documents to the Commander. There is no indication, however, that that interview ever took place. That is, IPRA served the Commander with allegations that he had lied, but never actually interviewed the Commander on those allegations or reached any finding on them.

In September 2017, around the time that COPA was formed and empowered as IPRA's successor agency, a new COPA investigator was assigned to this matter. There was, however, no documented investigative activity after the Commander was served with allegations of false statements. It appeared that the CPD Commander was served with a notice of 30-day suspension for the original allegations multiple years later and elected to file a grievance. As of OIG's review of the matter, that grievance had apparently not been resolved. It was unclear from the investigative file what, if anything, transpired between the years of the rescheduled interview and the filing of a grievance, including whether COPA undertook any investigative activity during the multiple-year period during which, even as distinct from IPRA, it had the case opened and assigned to an investigator.

OIG recommended that COPA take any necessary and available steps to address the false statement allegations with which the Commander had been served, but about which they were apparently never interviewed.

COPA declined OIG's recommendation stating that "a twelve-year-old case with a limited chance of success would not be an efficient use of COPA's limited resources" and that "the Police Board is likely to dismiss some if not all of the Rule 14 charges in this case."

#### [jj Recommendation to Reopen to Clarify the Investigative Records and For All Available Evidence to be Considered \(#C2022-000044126\)](#)

OIG conducted a preliminary review of several COPA investigations relating to allegations that numerous CPD members had committed misconduct under the supervision of a former CPD Sergeant; that Sergeant pled guilty to federal crimes committed in the course of his CPD duties. On July 12, 2022, COPA placed 28 of these investigations into a status of Administratively Closed with the issuance of a single Summary of Administrative Closure memorandum.

During its preliminary review, OIG reviewed a memorandum contained in the investigative file, which indicated that COPA was investigating the CPD members associated with the 28 administratively closed complaints through other log numbers, which were footnoted in the memorandum. OIG found that COPA may have listed an incorrect log number as one of the active investigations. In fact, the log number listed was marked in their case management system as Closed/No Conversion. OIG recommended that COPA correct the information found within the footnote of the closing memorandum.

OIG further recommended that COPA clarify which investigations are proceeding concerning the members involved with the 28 investigations that were closed. The language used in a footnote of the memorandum indicated that there are other investigations pending in addition to the ones listed. Specifically, OIG recommended that COPA state the related log numbers and the CPD members that are being investigated under each log number. Such action would assure an accurate and thorough investigative record.

OIG also recommended that COPA clarify the status of the members accused in the 28 investigations closed without findings. In its Summary of Administrative Closure, COPA indicated that investigations were being administratively closed based in part on the fact that several accused CPD members are no longer active CPD employees. Critically, however, OIG found there are several currently active CPD members among the subjects in at least one of the 28 investigations that COPA administratively closed. Notably documented in one of the investigative files, the Cook County State's Attorney's Office advised CPD that one of the accused CPD members would no longer be called as a witness "in any pending or future matters due to concerns with their credibility and alleged involvement in the misconduct of [the convicted Sergeant]."

Finally, OIG recommended that COPA consider all of the available evidence concerning the 28 administratively closed investigations. As COPA stated in their memorandum, the investigations at issue originated in response to court actions. In 2017, the Circuit Court of Cook County issued multiple orders vacating convictions and sentences for victims associated with incidents at issue in these investigations. The record indicates there are 12 individuals who had their convictions and sentences vacated and who are also listed as a victim in an investigation closed by memorandum; public information indicates that these same 12 individuals received certificates of innocence. Pursuant to relevant State law, in order to obtain a certificate of innocence, a petitioner must prove by a preponderance of the evidence that they are "innocent of the offenses charged in the indictment or information."<sup>22</sup> Accordingly, OIG recommended that COPA use court records to determine whether involved CPD members provided false testimony or false reports resulting in the conviction of individuals who were later granted certificates of innocence.

COPA rejected OIG's recommendations, stating that they have "delivered to the Superintendent three reports of its findings and recommendations regarding alleged misconduct by several CPD members led by [the convicted Sergeant]", and that they do not "believe it is appropriate to re-open the cases identified by [OIG] at this time." However, "COPA will reconsider [OIG]'s recommendation upon completion of the process laid out in M.C.C. 2-78-130(a).3." In a footnote, COPA indicated that they have agreed to reopen one of the log numbers at the Superintendent's request.

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<sup>22</sup> 735 ILCS 5/2-702.

## 2 | Notification

### a| Notification to the Chicago Police Department Regarding Possible Work Stoppage (#C2023-000000117)

OIG received a complaint that unnamed members of CPD were planning a work stoppage in association with then-Mayor-elect Brandon Johnson's taking office.

Article 5 of the collective bargaining agreements (CBA) governing members of both the Fraternal Order of Police (FOP) and Police Benevolent Protective Association (PBPA) explicitly prohibits those members from striking. Specifically, Section 5.1 of each CBA states, in part, that no covered member "will call, institute, authorize, participate in, sanction, encourage, or ratify any strike, work stoppage, or other concerted refusal to perform duties by any [member or group of members], or the concerted interference with, in whole or in part, the full, faithful and proper performance of the duties of employment with the employer." Section 5.4 provides that any FOP or PBPA member who violates Section 5.1 "shall be subject to immediate discharge," not subject to the due process protections otherwise granted to a member who is the subject of a disciplinary proceeding.

OIG did not undertake to investigate whether, in fact, officers were planning a work stoppage. However, due to the serious nature of the rumored conduct and the significance of the potential consequences, OIG issued a notification to CPD on May 12, 2023, so that CPD could take whatever action it deemed appropriate. In its response dated June 13, 2023, CPD thanked OIG for raising the concern and noted that it was not aware of any work stoppage that had occurred in association with Mayor Johnson's taking office.

## 3 | Recommendations to Inform and Improve Investigations

During the closed case review of individual closed disciplinary investigations, OIG's Investigative Analysis Unit may identify deficiencies in one or more investigations or an investigative practice that may or may not materially affect the outcome of an investigation, but may affect the thoroughness and objectivity of the investigation. In these instances, OIG will make recommendations to inform and improve future investigations to the agencies. Below are summaries of the Recommendation to Inform and Improve letters published this quarter.

### a| Recommendations to Inform and Improve Future Investigations Regarding Fatal Motor Vehicle Accidents Conducted by COPA and BIA<sup>23</sup>

During its regular review of closed disciplinary investigations conducted by BIA and COPA, OIG identified a policy that may cause confusion around investigative jurisdiction for officer-involved fatal motor vehicle accidents.

The case reviewed by OIG involved an officer who, while en route to a call for police assistance, fatally struck an individual riding on a motorbike. The individual who was killed in the accident was not involved in the circumstances which gave rise to the call for police assistance.

<sup>23</sup> Published on May 31, 2021. See <https://igchicago.org/2023/05/31/recommendations-to-inform-and-improve-future-investigations-regarding-fatal-motor-vehicle-accidents-conducted-by-cpd-and-copa/>

COPA received a notification of the incident and determined that it was not within the agency's jurisdiction and referred the case to BIA. BIA conducted a preliminary investigation and Administratively Closed the investigation without an explanation.

OIG determined that neither BIA nor COPA investigated the motor vehicle accident to determine whether the officer involved engaged in misconduct that led to the fatal incident.

OIG identified several laws and policies which speak to the investigation of an officer-involved fatal motor vehicle accident, including the Police and Community Relations Improvement Act (PCRIA) 50 ILCS 727/1-5, the MCC § 2-78-120 (d) and (e), COPA's Rules and Regulations Section 3.10.3.1, and CPD's Special Order S08-03, Traffic Crash/Pursuit Review. According to OIG's review, there is some ambiguity across the sources of authority on the appropriate handling of disciplinary investigations involving fatal motor vehicle accidents.

In order to inform and improve future investigations, OIG recommended that COPA and BIA: (1) confer to address and resolve the apparent confusion regarding which investigating agency has jurisdiction over officer-involved fatal motor vehicle accidents where the victim of the accident was not involved in the underlying law enforcement action; (2) work with the City Council's Committee on Public Safety to update the MCC to align with PCRIA as relevant here, and to clarify the circumstances under which COPA has jurisdiction to investigate fatal motor vehicle accidents; and, (3) update their written policies regarding officer-involved fatal motor vehicle accidents to align with relevant and applicable law.

In response to OIG's recommendations, COPA conferred with BIA to resolve confusion around jurisdictional issues with officer-involved fatal motor vehicle accidents. COPA updated its written policy for consistency with the statements of COPA's jurisdiction under PCRIA and the MCC and will update its Rules and Regulations. COPA disagreed with OIG's recommendation to work with City Council's Committee on Public Safety to update the MCC to align with PCRIA, reporting its view that such an update would be unnecessary.

CPD responded that it is updating its relevant directive but disagreed that an update to the MCC would be required. CPD also advised that BIA will reopen the individual investigation, the review of which prompted OIG's recommendations.

#### **b| Recommendations to Inform and Improve Storage and Labeling of Body Worn Camera Footage<sup>24</sup>**

Over the course of OIG's review of closed disciplinary investigations, programmatic inquiries, and its own investigations into allegations of police misconduct, OIG has encountered instances in which footage captured by CPD members' BWC was mislabeled in the web-based repository in which it is stored. This mislabeling of BWC footage impacts the ability of both CPD and Chicago's police accountability agencies to locate and retrieve all footage from an event, thereby compromising disciplinary and criminal investigations and jeopardizing the City's ability to meet its legal and constitutional obligations to disclose information.

<sup>24</sup> Published May 12, 2023. See <https://igchicago.org/2023/05/12/oig-recommendations-to-inform-and-improve-storage-and-labeling-of-body-worn-cameras/>

In order to inform and improve future investigations, OIG recommended that CPD coordinate with OEMC, Axon Enterprises (the manufacturer of CPD's BWC system) and any other entities as necessary, to assess the processes currently in place for tagging BWC footage with event numbers and take corrective action as appropriate to ensure that all footage of an incident that is recorded with BWC can reliably be retrieved.

CPD agreed with OIG's assessment of the potential consequences that may result from the inability to properly locate BWC footage of an event. In response to OIG's recommendations, CPD published an administrative message, in line with similar messages published previously, reminding members of the importance of following the proper steps to ensure BWC footage is appropriately labeled. CPD also noted it is transitioning from its current BWC system to a new system that is equipped with a GPS-based tracking system, which CPD reports will allow for easier tracking and cataloging of BWC footage.

# V | Reports and Monitoring Activity

## A | Audits and Follow-Ups

Separate from its confidential investigative work, OIG's Audit & 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 one such report published this quarter.

### 1 | Audit of Chicago Department of Public Health's Construction and Demolition Debris Recycling Enforcement (#C2022-000041219)<sup>25</sup>

OIG conducted an audit of the Chicago Department of Public Health's (CDPH) enforcement of the City's construction and demolition (C&D) debris recycling ordinance. CDPH is responsible for ensuring that contractors who work on construction and demolition projects recycle at least 50% of C&D debris generated, as required by the MCC. Contractors must demonstrate compliance with the ordinance within 30 days of project completion and may be subject to fines if they do not meet the 50% requirement or if they fail to demonstrate compliance within the 30-day window. Furthermore, CDPH may coordinate with DOB to withhold permits or certificates of occupancy. In addition, the MCC requires that a construction/demolition debris management fund "be utilized for the regulation of construction or demolition debris."<sup>26</sup> Such utilization includes "enforcement against illegal dumping of construction and demolition debris and oversight of recycling of concrete debris."

The objectives of the audit were to determine, first, whether CDPH engaged in oversight activities—such as reviewing contractor recycler affidavits or sending enforcement letters—to ensure compliance with the City's C&D debris recycling requirements, and, second, whether the City used the construction/demolition debris management fund in the manner required by the MCC.

OIG concluded that CDPH did not ensure that contractors complied with C&D debris recycling requirements. CDPH cannot determine the extent of contractors' compliance or identify contractors who do not follow the requirements. Nor can CDPH calculate the C&D debris recycling rate for inclusion in the Citywide diversion rate.<sup>27</sup> Additionally, the City did not meet the MCC requirements related to expenditures from the construction/demolition debris management fund. The City, therefore, cannot determine whether it used the \$1,192,550.21 collected between January 1, 2017, and July 1, 2021, in a manner that complies with the MCC.

OIG found that CDPH did not regularly engage in oversight activities—such as reviewing contractor recycler affidavits beyond a cursory review that ensures the recycler affidavits total correctly or sending enforcement letters—to ensure that contractors comply with C&D debris recycling requirements. CDPH could not identify the population of C&D projects subject to the MCC and had not engaged in enforcement since late 2018.

<sup>25</sup> Published June 14, 2023. See <https://igchicago.org/2023/03/02/follow-up-to-oigs-audit-of-dss-commercial-and-high-density-recycling-enforcement/>.

<sup>26</sup> City of Chicago, Municipal Code § 11-4-1962.

<sup>27</sup> A diversion rate is the percentage of waste generated that is diverted from landfills by recycling, reuse, composting, and other diversion means.

In addition, the City had not created the construction/demolition debris management fund which is required by the MCC, and therefore could not determine whether the \$1,192,550.21 collected between January 1, 2017, and July 1, 2021 had been used to support regulation of C&D debris as mandated. Contrary to applicable law, the City deposited fees collected during this period into the corporate fund—its general operating fund—rather than a construction/demolition debris management fund.

OIG recommended that CDPH,

- work with DOB to develop a process to identify the population of projects subject to the MCC's C&D debris recycling requirements;
- document and implement procedures to ensure that contractors submit the required compliance documentation within 30 days of project completion;
- document and implement standardized procedures to review the documentation and ensure that each contractor recycles at least 50% of C&D debris, as required;
- develop and implement both enforcement procedures and a method to incorporate the C&D debris diversion rates into the Citywide diversion rate;
- implement a process to periodically train contractors on the MCC requirements and collaborate with the chief sustainability officer to develop procedures that incentivize or further require material reuse.
- work with the relevant departments to create the required dedicated construction/demolition debris management fund, and ensure both that C&D debris fees are deposited there and that, as required by applicable law, the fund is used to regulate C&D debris. Such regulation, according to the MCC, would include "monitoring, planning, inspecting, providing technical assistance, and enforcing rules, regulations, and ordinances with respect to [...] construction/demolition debris." It would also include the oversight of concrete debris recycling and enforcement against illegal dumping of debris.

In response to OIG's audit findings and recommendations, CDPH stated that it will work with DOB and the Department of Assets, Information, and Services (AIS) to identify the population of projects subject to the MCC's C&D debris recycling requirements. It reported that DOB's permitting management system no longer contains information needed to identify such projects, but doing so should be possible after a system update planned for 2026. CDPH reported that, in the interim, it will purchase a web-based solution to facilitate its identifying such projects based on contractors' responses to an online questionnaire. CDPH intends for this system to

- ensure contractors submit required documentation within 30 days of completing the project;
- automatically flag contractors that self-report noncompliance with the 50% recycling requirement; and
- calculate diversion rates.

CDPH will also work with the vendor of the web-based solution to develop and conduct online training tutorials. CDPH estimates that this new system will be available in December 2024. In addition, CDPH will work with the City's chief sustainability officer to explore procedures to incentivize recycling and reuse of materials and require the deconstruction of buildings.

Finally, CDPH, in collaboration with other City departments, will develop and implement procedures to use the required dedicated construction/demolition debris management fund. CDPH will use the

fund to “support dedicat[ed] staffing and sustain the usage of a web-based waste management tracking software solution.”

## B | Advisories and Department Notification Letters

Advisories and department notification letters describe management problems observed by OIG sections in the course of its various oversight activities, which OIG determines to merit official notice to City or department leadership. OIG completed one notification this quarter.

### 1. Notification to the Chicago Police Department regarding understaffing and equipment inventory issues in the SWAT Unit (C2022-000040424)

OIG issued a notification to CPD concerning understaffing in the Special Weapons and Tactics (SWAT) Unit and its effects on record keeping and weapons and equipment maintenance. During an investigation, OIG learned that weapons training records that had been logged into CPD’s CLEAR system were inaccurate for several SWAT Unit members and that a recent SWAT Unit weapons inventory revealed that the Unit had been missing several weapons and pieces of equipment for over 10 years.

During its investigation, OIG learned that the Unit did not have any assigned administrative staff and, instead, relied on officers to volunteer to perform administrative duties, such as recordkeeping, in addition to their operational duties. Given the demands on officers in the SWAT Unit, they rarely had time to perform these administrative tasks.

Out of concern for the safety of CPD members and Chicago residents, OIG recommended that CPD provide the SWAT Unit with sufficient resources to complete administrative tasks, including recording training logs and tracking weapons and equipment; implement a system to track the location of weapons and equipment; conduct weapons and equipment inventories at a regular interval; and establish a written policy on use of SWAT weapons.

In response, CPD stated that it is “extremely limited” in staff, but has taken steps to ensure that officers accurately and promptly enter training logs into CLEAR until an administrative member can be added to the Unit. Regarding weapons, CPD stated that it has implemented a system whereby every SWAT Unit item assigned to a specific location is assigned to a log at that location and is tracked on sign-out sheets. Further, CPD conducts a citywide inventory, and all the SWAT Unit’s items are reconciled annually.

## C | Other Reports and Activities

In the service of its mission to promote economy, effectiveness, efficiency, and integrity, OIG may periodically participate in additional activities and inquiries, outside of the other categories identified here, to improve transparency and accountability in City government, and may from time to time issue additional reports.

OIG did not participate in any additional activities or inquiries or issue any additional reports this quarter.

## D | Monitoring Employment Actions

OIG's Compliance unit, situated within its Legal section, has broad oversight responsibilities under the Employment and Hiring Plans which govern the employment practices of the City, CPD, and CFD. The Compliance unit came into formal existence as a product of an evolving partnership between OIG and the court-appointed monitor overseeing the City's hiring and promotion practices under the decree entered in *Shakman, et al. v. City of Chicago, et al.*, No. 69-cv-2145 (N.D. Ill.). From spring 2010 through spring 2014, the OIG-*Shakman* Monitor partnership gradually transitioned from the court-appointed Monitor to OIG for both administrative and disciplinary investigations and program compliance and monitoring activities. That transition was completed in June 2014 with the court's finding the City in substantial compliance with the *Shakman* decree.

The Compliance unit's responsibilities are specific to monitoring the City's employment actions, and include issuing guidance, training, and program recommendations to City departments on a broad and complex array of employment-related actions; monitoring human resources activities including hiring and promotion; performing legally-mandated and discretionary audits; and reviewing the City's hiring and employment practices to ensure compliance with applicable rules.

OIG performs quarterly reviews and audits of data regarding the hiring processes to identify Employment Plan violations or errors. As defined in the Employment Plan, a review involves a check of all relevant documentation and data concerning a matter, while an audit is a check of a random sample or risk-based sample of the documentation and data concerning a hiring element. Employment Plan violations are actions and/or behaviors that are not in compliance with the City's Employment and Hiring Plans. Errors are deviations in processes that are not Employment Plan violations, but actions and/or behaviors that differ from established departmental processes.

The following section includes information on these activities and others on which OIG is required to report pursuant to the Employment and Hiring Plans and MCC § 2-56-035.

### 1 | Hiring Process Reviews

#### a | Contacts by Hiring Departments

OIG tracks all reported or discovered instances where hiring departments contacted DHR to lobby for or advocate on behalf of actual or potential applicants or bidders for positions that are not exempt from the requirements of the *Shakman* decree ("covered positions") or to request that specific individuals be added to any referral or eligibility list. During this quarter, OIG received notification of one direct contact occurrence.

#### b | 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 contacted 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 as an attempt to affect any hiring decisions for any covered position or other employment actions. During this quarter, OIG received notice of six political contacts that were related to four applicants and two former employees.

Another political contact occurrence was related to the reclassification of positions within a specific City of Chicago department:

**Table 10: Political Contacts Received in Q2**

| Elected or Appointed Official (Position) | Reported By (Department or Title)       | Reason for Contact                                                                                                                                                                                 |
|------------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Assistant to the Alderperson             | Commissioner                            | A constituent contacted their Alderperson at a school event and inquired about the City of Chicago's hire process timeframe for a Laborer position. <sup>28</sup>                                  |
| Alderperson                              | Commissioner                            | A constituent contacted their Alderperson about the Veteran preference within the Chicago Fire Department hiring process.                                                                          |
| Alderperson                              | Commissioner                            | After an aldermanic office shared a Department of Streets and Sanitation hiring advertisement with their constituency, the Alderperson inquired about their constituents' application statuses.    |
| Alderperson                              | Commissioner                            | The Alderperson inquired with the Department of Human Resources Commissioner about a specific employee's status as a Pool Motor Truck Driver.                                                      |
| Alderperson                              | Commissioner                            | The Alderperson inquired with the Department of Human Resources Commissioner to find out if two former employees were designated as ineligible for rehire and if they were, how they could appeal. |
| Alderperson                              | Classification and Compensation Analyst | The Alderperson reached out to the Classification and Compensation Analyst to determine the status of reclassifications within the City Treasurer's Office.                                        |

### c | Exempt Appointments

OIG tracks all reported or discovered *Shakman*-exempt appointments and modifications to the Exempt List on an ongoing basis.<sup>29</sup> During this quarter, OIG received notification of 76 exempt appointments.

### d | Senior Manager Hires

OIG may review in-process hires pursuant to Chapter VI of the City's Employment Plan covering the Senior Manager Hiring Process. During this quarter, OIG reviewed nine hiring packets and found two violations.

### e | Discipline, Arbitrations, and Resolution of Grievances by Settlement

OIG receives notifications of disciplinary decisions, arbitration decisions, and potential grievance settlement agreements that may impact the procedures outlined in the City's Employment Plans.

<sup>28</sup> The reported Political Contact is made in the interest of transparency as the Alderperson did not attempt to affect any hiring decision but work on behalf of his constituents.

<sup>29</sup> An exempt position is a City position to which the requirements governing covered positions do not apply. These positions are cataloged on the Exempt List.

This quarter, OIG did not receive from DHR any disciplinary decisions, arbitration decisions, or settlement agreements that may impact the procedures outlined in the City's Employment Plans.

## f | Modifications to Class Specifications,<sup>30</sup> Minimum Qualifications, and Screening and Hiring Criteria

OIG may review modifications to class specifications, minimum qualifications, and screening and hiring criteria. This quarter, OIG received notification that hiring departments proposed modifications to the minimum qualifications for four titles within the following departments: Department of Family and Support Services, AIS, Chicago Department of Aviation, and DOB. OIG reviewed the proposed changes to minimum qualifications and had no objections to the modifications.

## g | Selected Hiring Sequences

Reviewing hiring sequences requires an examination of 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 Employment Plan, OIG examines some hire packets during the hiring process and examines other packets after the hires are completed. This quarter, OIG completed reviews of ten hiring sequences across eight City departments that were completed within the quarter. OIG selected these hiring sequences based on risk factors such as past errors and complaints.

The table below details the hire packet reviews completed by OIG this quarter.

**Table 11: Hiring Sequences Reviewed in Q2**

| Department                                       | Title                                    | Findings                      | OIG Recommendation | Department Action    |
|--------------------------------------------------|------------------------------------------|-------------------------------|--------------------|----------------------|
| Office of City Clerk                             | Administrative Supervisor                | No Violations or Errors Found | N/A                | No Response Required |
| Office of Emergency Management and Communication | Manager of Emergency Management Services | One Error Found               | N/A                | No Response Required |
| Office of Inspector General                      | Chief Forensic Data Analyst              | No Violations or Errors Found | N/A                | No Response Required |
| Chicago Department of Aviation                   | Assistant Chief Operating Engineer       | No Violations or Errors Found | N/A                | No Response Required |

<sup>30</sup> According to the Employment Plan, "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.

|                                 |                                     |                               |     |                      |
|---------------------------------|-------------------------------------|-------------------------------|-----|----------------------|
| Chicago Department of Aviation  | Director of Information Systems (1) | No Violations or Errors Found | N/A | No Response Required |
| Chicago Department of Aviation  | Director of Information Systems (2) | No Violations or Errors Found | N/A | No Response Required |
| Office of Budget and Management | Grants Manager                      | No Violations or Errors Found | N/A | No Response Required |
| Chicago Public Library          | Equity Officer                      | No Violations or Errors Found | N/A | No Response Required |

### h | Chicago Fire Department Reviews of Hiring Data

Pursuant to Chapter IX of the CFD Hiring Plan for Uniformed Positions, OIG completes mandatory reviews of all relevant documentation and data concerning the following matters: Contacts by Fire Department, Exemptions, Written Rationale, and Emergency Appointments. This quarter, OIG was not provided with any data concerning the above matters to conduct its reviews.

### i | Chicago Police Department Reviews of Hiring Data

Pursuant to Chapter XI of the CPD Hiring Plan for Sworn Titles, OIG completes mandatory reviews of all relevant documentation and data concerning the following matters: Chicago Police Department Intervention, Exemptions, Senior Manager Hires, Written Rationale, and Emergency Appointments. This quarter, OIG completed two reviews of CPD hiring data and found two violations.

### j | Review of Contracting Activity

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

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

## 2 | Hiring Process Audits

### a | Referral Lists

A referral list includes applicants/bidders who meet the predetermined minimum qualifications generated by DHR for City positions. OIG may audit this list by examining a sample of referral lists and notifying DHR when potential issues are identified. This quarter, OIG did not conduct an audit of referral lists.

## b | Testing

OIG may conduct an audit of DHR test development, administration, and scoring each quarter.<sup>31</sup> This quarter, OIG did not initiate any new test administration audits.

## c | Selected Hiring Sequences

Each quarter, OIG may audit in-process and completed hiring sequences conducted by the following departments or their successors: AIS, CDA, DOB, DSS, the Department of Transportation (CDOT), the Department of Water Management (DWM), and six other City departments selected at the discretion of OIG. For 2023, OIG selected the following six additional departments: Chicago Treasurer's Office, Office of the City Clerk, CDPH, the Office of Public Safety Administration, OEMC, and DFSS.

Auditing the hiring sequence requires an examination of 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 Employment Plan, OIG examines some hire packets during the hiring process and examines other packets after the hires are completed. This quarter, OIG initiated an audit of one completed hiring sequence and found one violation.

## d | Selected Department of Law Hiring Sequences

Pursuant to Section B.7 of the DOL Hiring Process, OIG has the authority to audit DOL hiring packets. Hiring packets include assessment forms, notes, documents, written justifications, and hire certification forms. In 2018, DOL became the repository for all documentation related to the hiring sequences for the titles covered by the DOL Hiring Process. This quarter, OIG conducted one audit of a DOL hiring packet and found no violations or errors.

## e | Selected Chicago Police Department Hiring Sequences

Pursuant to Chapter XI of the CPD Hiring Plan for Sworn Titles, OIG completes mandatory audits of in-process and completed CPD hiring sequences as well as employees hired through the Merit Selection Process to ensure compliance with the hiring process. This quarter, OIG completed two audits of CPD hiring sequences and found one violation and one error.

## f | Selected Chicago Fire Department Assignment Sequences

Pursuant to Chapter IX of the CFD Hiring Plan for Uniformed Positions, OIG completes mandatory audits of in-process and completed CFD hiring sequences as well as employees hired through the Performance Selection Process. This quarter, OIG completed one audit and found no violations or errors.

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<sup>31</sup> A "test administration" is complete when a test has been administered and the final candidate scores have been sent from the DHR Testing Division to the DHR Recruiting Division for candidate selection and processing.

## g | Acting Up<sup>32</sup>

OIG audits compliance with Chapter XIII of the City's Employment Plan and the Acting Up Policy. This quarter, OIG did not receive any DHR-approved waiver requests to the City's 90-Day Acting Up limit.<sup>33</sup>

## 3 | Other Compliance Activity

### a | Monitoring

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 and non-compliance with the City of Chicago's Employment and Hiring Plans. However, real-time monitoring also allows OIG to detect and address compliance issues 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 38 hiring sequences across 16 City departments. The table below shows the breakdown of monitoring activity by department.<sup>34</sup>

**Table 12: Hiring Sequences Monitored in Q2**

| Department                               | Intake Meetings Monitored | Tests Monitored <sup>35</sup> | Interview Sets Monitored <sup>36</sup> | Consensus Meetings Monitored | Violations |
|------------------------------------------|---------------------------|-------------------------------|----------------------------------------|------------------------------|------------|
| Department of Aviation                   | 0                         | 0                             | 0                                      | 1                            | 0          |
| Chicago Department of Public Health      | 0                         | 0                             | 1                                      | 3                            | 0          |
| Chicago Fire Department                  | 1                         | 1                             | 2                                      | 0                            | 0          |
| Civilian Office of Police Accountability | 0                         | 0                             | 0                                      | 1                            | 0          |
| Chicago Police Department                | 0                         | 1                             | 3                                      | 0                            | 1          |
| Family and Support Services              | 0                         | 0                             | 2                                      | 0                            | 0          |

<sup>32</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>33</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.

<sup>34</sup> If a department is not included in this table, OIG did not monitor any elements of that department's hiring sequence(s).

<sup>35</sup> Tests monitored are totaled by exam type, i.e. Police Officer, Detective, etc.; not total number of tests monitored for exam type.

<sup>36</sup> Interview Sets Monitored are totaled by positions monitored; not total number of interviews monitored.

|                                                  |   |   |   |   |   |
|--------------------------------------------------|---|---|---|---|---|
| Mayor's Office for People with Disabilities      | 0 | 0 | 2 | 0 | 0 |
| Office of Emergency Management and Communication | 0 | 0 | 0 | 1 | 0 |
| Office of Inspector General                      | 0 | 0 | 3 | 2 | 1 |
| Public Safety Administration                     | 0 | 0 | 1 | 0 | 1 |
| Department of Law                                | 0 | 0 | 1 | 1 | 0 |
| Department of Human Resources                    | 0 | 0 | 0 | 2 | 0 |
| Department of Procurement Services               | 0 | 0 | 1 | 1 | 0 |
| Department of Streets and Sanitation             | 0 | 0 | 0 | 2 | 1 |
| Department of Transportation                     | 0 | 0 | 0 | 0 | 0 |
| Department of Water Management                   | 0 | 0 | 2 | 0 | 0 |

## b | Escalations

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

This quarter, OIG received ten new escalations. Each escalation has been resolved and summaries of the escalations are provided below.

### 1. Office of City Clerk (OCC), Administrative Supervisor

On April 3, 2023, OIG received notice from a DHR Recruiter that the Office of the City Clerk (OCC) failed to review correspondence from applicants confirming their participation in interviews. OCC proceeded with previously scheduled interviews and the Consensus Meeting without the two candidates whose correspondence was missed. After the Consensus Meeting, OCC extended a contingent offer and gave a tentative start date to a selected candidate. Upon discovery, DHR recommended that OCC place the hiring sequence on hold and schedule interviews for the two additional candidates. OIG agreed with this resolution. The interviews were scheduled for the two candidates who each did not attend their respective interviews. The hiring sequence continued with the candidate selected during the Consensus Meeting.

2. Office of Public Safety Administration (OPSA), Project Manager (HR)

On April 4, 2023, OIG was alerted to OPSA's Project Manager (HR) hiring sequence. OIG was informed that after a candidate was selected, DHR completed the employment verification process and found that the candidate was not minimally qualified for the position. Since the candidate listed their requisite previous work experience in DHR's Applicant Tracking System, DHR offered the candidate the opportunity to provide a different reference to verify their work history which would substantiate their minimum qualifications. The reference provided the requisite information and the hiring sequence continued to completion.

3. Chicago Department of Transportation (CDOT), Asphalt Laborer

On April 18, 2023, OIG received communication from a DHR Recruiting Coordinator to provide information regarding a rescinded contingent offer for the Asphalt Laborer position in CDOT. During the employment verification process, it was determined that the candidate did not possess the necessary experience for the position. The candidate wished to add supplemental information that was not previously disclosed in their profile in DHR's Applicant Tracking System and was denied since the application period was closed. OIG agreed with DHR's decision to not move forward with the previously selected candidate.

4. The Community Commission for Public Safety and Accountability (CCPSA), Administrative Assistant III

On April 24, 2023, a DHR Recruiter informed OIG that oversight occurred during the Administrative Assistant III hiring sequence within CCPSA. Hiring managers in CCPSA ageer Consultation Form. As a result of the oversight, CCPSA did not administer a test to bidding candidates. In preparing to interview external candidates, the Testing Division of DHR agreed to waive testing for the entire hiring sequence to ensure uniformity. OIG agreed with DHR's decision to waive the test and no further action was taken.

5. Office Public Safety Administration (OPSA), Administrative Assistant II

On April 24, 2023, a DHR Recruiter was made aware that the Office of Public Safety Administration (OPSA) interviewed a candidate for the Administrative Assistant II position that had not completed the requisite Pass/Fail test. The DHR Recruiter proposed training for the Human Resources Liaisons at OPSA specifically covering the testing process. The DHR Recruiter also proposed that they will alert the Testing Specialist and Testing Administrator when referral lists are generated for titles that require a test. The Testing Division of DHR determined that the Pass/Fail test should be administered to external candidates. OIG agreed with the proposed solutions and provided additional support during OPSA's training for its Human Resources Liaisons.

6. Department of Procurement Services (DPS), Senior Certification and Compliance Officer

On May 17, 2023, OIG was informed by a DHR recruiter that they were alerted by a DPS employee that DPS staff knew who had been promoted to the Sr. Certification and Compliance Officer role despite additional candidates being interviewed until May 24, 2023. Upon notification, OIG monitored the remaining scheduled interviews and the Consensus Meeting for any improper considerations. After reviewing the completed Candidate Assessment Forms and monitoring the interviews and Consensus Meeting, OIG found that no improper considerations were made and that candidates were selected based on their skill and knowledge of the position as well as their seniority as required by their respective collective bargaining agreement.

7. Department of Law (DOL), Assistant Corporation Counsel III

On May 31, 2023, OIG was informed by DOL of a hiring plan violation where no Monitor/Hiring Oversight Notification Form was submitted pursuant to the City of Chicago Employment Plan for the Assistant Corporation Counsel III position in the Employment Litigation Division of DOL. Upon further review of the escalation, OIG determined that the violation occurred due to the department experiencing two emergency leaves on the Administrative Services team that provides such notifications. OIG informed the department that it had no objections to the hiring sequence proceeding and took no further action.

8. Chicago Department of Aviation (CDA), Assistant Commissioner

On June 6, 2023, OIG was made aware by a DHR Recruiter of the Assistant Commissioner position in the Chicago Department of Aviation. The Hiring Manager of the sequence contacted the DHR Recruiter to advocate on behalf of an actual applicant for the Covered Position and requested that the applicant be placed on the referral list. After reviewing the exchanged communication, OIG determined that a violation of the City of Chicago Employment Plan occurred and issued a violation letter to the Chicago Department of Aviation for its violation of the Direct Contact provision as provided in Chapter II(C)(1) of the Employment Plan.

9. Community Commission for Public Safety and Accountability (CCPSA), Project Manager

On June 20, 2023, the Community Commission for Public Safety and Accountability (CCPSA) submitted a Monitor/Hiring Oversight Notification Form for a Project Manager position after the employment activity began. Additionally, CCPSA had not submitted the Monitor/Hiring Oversight Notification Form to their assigned recruiter in violation of the City of Chicago Employment Plan (Employment Plan). OIG conferred with the DHR Commissioner who recommended that CCPSA establish procedures to ensure its compliance with the Employment Plan. OIG agreed with the DHR Commissioner's recommendation and further recommended training for all CCPSA staff who are participating in hiring-related functions.

## 10. Chicago Public Library (CPL), Library Page (Districts 1-6)

On June 22, 2023, OIG was made aware of a hiring issue regarding the Chicago Public Library's (CPL) Library Page (Districts 1-6) interviews that occurred on May 5, 2023. CPL held a "Library Page Palooza" at the Harold Washington Library Center in which candidates were placed on a referral list and scheduled for in-person interviews and a skills assessment. CPL held a Consensus Meeting on June 16, 2023, and selected a candidate for hire. When the DHR Recruiter was preparing to send out the Consensus Meeting outcome email, they discovered that a candidate selected for hire did not appear on the referral list and had not applied for the position. The DHR Recruiter coordinated with CPL HR to confirm whether the applicant was scheduled for an interview. CPL confirmed that there was no such applicant on the referral list and should not have been interviewed. DHR and CPL HR agreed to include a memo summarizing the hiring issue for record-keeping purposes when the hiring sequence was completed. Moreover, DHR and CPL HR proposed to ensure that interviewers are provided with interview schedules and copies of candidate resumes in a timely manner, as well as to create a sign-in sheet to cross-reference against candidates scheduled for interviews. OIG agreed with DHR and CPL HR's proposed solutions and took no further action.

**Table 13: Compliance Escalations Received in Q2 2023**

| Escalation Status                          | Number of Escalations |
|--------------------------------------------|-----------------------|
| Newly Initiated                            | 10                    |
| Pending                                    | 2                     |
| Closed with Investigation                  | 3                     |
| Closed without Investigation <sup>37</sup> | 5                     |

### c | Processing of Complaints

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

<sup>37</sup> Escalations categorized as Closed without Investigation are received by OIG with a self-initiated remedy from the DHR Commissioner. The escalation is considered closed after OIG reviews the escalation and concurs with the remedy issued by DHR with no further recommendations made by OIG.

The table below summarizes the disposition of Compliance-related complaints received this quarter.

**Table 14: Compliance Complaints Received in Q2 2023**

| Complaint Status        | Number of Complaints |
|-------------------------|----------------------|
| Newly Initiated         | 32                   |
| Pending                 | 17                   |
| Closed <sup>38</sup>    | 11                   |
| Declined                | 2                    |
| Referred to Dept or DHR | 2                    |

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<sup>38</sup> Complaints categorized are considered Closed after OIG reviews the complaint and issues a finding with or without recommendations to the respective department.



The City of Chicago Office of Inspector General is an independent, nonpartisan oversight agency.

The authority to perform this inquiry is established in the City of Chicago Municipal Code § § 2-56-030 and -230, which confer on OIG the power and duty to review the programs of City government in order to identify any inefficiencies, waste, and potential for misconduct; to promote economy, efficiency, effectiveness, and integrity in the administration of City programs and operations; and, specifically, to review the operations of CPD and Chicago's police accountability agencies. Further, Paragraph 561 of the consent decree entered in *Illinois v. Chicago* requires OIG's Public Safety section to "review CPD actions for potential bias, including racial bias." The role of OIG is to review City operations and make recommendations for improvement. City management is responsible for establishing and maintaining processes to ensure that City programs operate economically, efficiently, effectively, and with integrity.

For further information about this report, please contact the City of Chicago Office of Inspector General, 740 N. Sedgwick Ave., Suite 200, Chicago, IL 60654, or visit our website at [igchicago.org](http://igchicago.org).

#### **Talk to Us**

(833) TALK-2-IG/(833) 825-5244  
[talk2ig@igchicago.org](mailto:talk2ig@igchicago.org)  
[igchicago.org/talk2ig](http://igchicago.org/talk2ig)

#### **OIG Business Office**

(773) 478-7799

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