



City of Chicago



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Office of the City Clerk

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Committee(s) Assignment:



Joseph M. Ferguson
Inspector General

OFFICE OF INSPECTOR GENERAL
City of Chicago

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January 5, 2018

To the Mayor, Members of the City Council, the City Clerk, the City Treasurer, and the residents of the City of Chicago:

As the City of Chicago Inspector General, I have the legal obligation to “promulgate rules and regulations for the conduct of investigations and public hearings consistent with the requirements of due process of law and equal protection under the law.” The City of Chicago Office of Inspector General (OIG) first promulgated rules regarding its operations in 2011. After undergoing a process of review, OIG revised those rules in 2014, and now once again proposes important revisions.

Since OIG’s last rule changes, City Council has amended OIG’s enabling ordinance several times, including expanding its investigative jurisdiction to include City Council and creating the new Office of the Deputy Inspector General for Public Safety, focused on oversight of the Chicago Police Department and the police accountability system. These amendments and other changes to office operations necessitate new revisions to OIG’s rules. OIG has also drafted new provisions for rule sections that were previously reserved. By this notice, OIG commences the 45-day public notice and comment period, required by its rules, regarding these amendments.

Under cover of this letter, I am circulating a draft of OIG’s amended rules. This draft will also be posted on OIG’s website. Comments on these rule amendments can be submitted until the end of the day on February 20, 2018, through the following methods:

- 1) Online at: <http://chicagoinspectorgeneral.org/publications-and-press/press-releases/oig-releases-draft-amended-rules/>;
- 2) By email: OIGNoticeandComment@chicagoinspectorgeneral.org;
- 3) By mail: 740 N. Sedgwick Suite 200, Chicago, IL 60654; or
- 4) By fax: (773) 478-3949

I encourage you to disseminate these amended rules as you deem fit and to direct others to our website to assist in soliciting broad feedback. I welcome your comments, questions, critiques, and concerns; please don’t hesitate to submit your thoughts.

Respectfully,

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

Joseph M. Ferguson
Inspector General
City of Chicago

City of Chicago
Rules of the Office of Inspector General

GENERAL PROVISIONS

Section 1 – Authority, Purpose, and Scope

These rules:

- A. are promulgated under the authority provided by the Municipal Code of Chicago (MCC) § 2-56-030(k) to provide guidance and standards concerning activities of the City of Chicago Office of Inspector General (OIG) – specifically, to ensure compliance with the law, promote the use of best practices, foster accuracy in the performance of OIG activities, and provide transparency regarding the procedures and standards for the conduct of those activities;
- B. may, within the scope of applicable laws, vary from one OIG inquiry to another based on operational contingency, and do not confer any rights upon a subject of, witness in, or third-party to an OIG investigation, audit, review, or other inquiry; and
- C. apply to all OIG activities except those undertaken at the direction of the United States Attorney's Office, the Illinois Attorney General's Office, the Cook County State's Attorney's Office, or another law enforcement entity as part of a joint investigation under federal, state, or local law.

Section 2 – OIG Mission, Structure, and Jurisdiction

2.1 *Mission*

OIG is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, effectiveness, and integrity in the administration of programs and operations of City government.¹ OIG achieves this mission through administrative and criminal investigations, as well as reviews, audits, and other inquiries of City programs and operations.

2.2 *Structure*

OIG comprises the following subdivisions, all under the leadership of the Inspector General for the City of Chicago (IG).

- A. The Deputy Inspector General for Investigations (DIG-Investigations) supervises the Investigations Section (Investigations), which investigates both criminal and

¹ For purposes of these rules, "City government" includes the City of Chicago and any sister agency that enters into an Intergovernmental Agreement (IGA) with the City for provision of oversight services by OIG pursuant to MCC § 2-56-055.

administrative allegations of corruption, misconduct, waste, and substandard performance by governmental officers, employees, contractors, vendors, and licensees, among others.

- B. The Deputy Inspector General for Audit and Program Review (DIG-APR) supervises the Audit and Program Review Section (APR), which audits the performance of City programs and operations, and makes recommendations to strengthen and improve the delivery of City services.
- C. The Deputy Inspector General for Public Safety (DIG-PS) supervises the Public Safety Section (PS), which evaluates the City's police and police accountability functions with the goal of enhancing the effectiveness of public safety, protecting civil liberties and civil rights, and strengthening police-community relations based on legitimacy, trust, and confidence in law enforcement.
- D. The Deputy Inspector General/Chief of Staff supervises the following functions:
 - 1. the Center for Information Technology and Analytics (CITA), which analyzes data in support of OIG's mission, manages OIG's IT infrastructure, and compiles large data sets to support other OIG sections; and
 - 2. the Administration Unit, which supports the day-to-day operational functions of OIG by providing, among other things, fiscal, budgeting, and human resources, as well as implementing and coordinating innovative solutions and best practices designed to enable OIG staff to work effectively in accordance with regulatory requirements.
- E. The Director of Communications and Outreach supervises the Communications and Outreach Unit, which supports strategic messaging for internal and external audiences, including press, publications, and website and social media updates, and works to develop clear and effective media relations and targeted outreach to inform and engage the community.
- F. The Deputy Inspector General/General Counsel supervises the Legal Section, which provides professional, operational support to all office components:
 - 1. OIG's attorneys – Associate General Counsels (AGCs) and Assistant Inspectors General (AIGs) – provide legal assistance to the other sections; and
 - 2. the Legal Section's Hiring Oversight compliance officers perform legally mandated audits and reviews of the City's hiring and employment practices to ensure compliance with the various City Hiring Plans, and provide guidance, training, and program recommendations to City departments handling a broad and complex array of employment-related actions.

2.3 *Jurisdiction*

A. Subject Matter Jurisdiction

1. MCC § 2-56-030(b) authorizes OIG to “investigate the performance of governmental officers, employees, functions and programs, either in response to a complaint or on the inspector general’s own initiative, in order to detect and prevent misconduct, inefficiency, and waste within the programs and operations of the city government.” As described in section 11 below, Investigations operates primarily in this area.
2. MCC § 2-56-030(c) authorizes OIG to “promote economy, efficiency, effectiveness and integrity in the administration of programs and operations of the city government by reviewing programs, identifying any inefficiencies, waste and potential for misconduct therein, and recommending to the mayor and/or the city council policies and methods for the elimination of inefficiencies and waste, and the prevention of misconduct.” MCC § 2-56-050(a)(2) excludes aldermen, City Council employees, and employees of City Council committees from OIG’s jurisdiction to perform audits and similar programmatic reviews. As described in section 12 below, APR operates primarily in this area.
3. MCC § 2-56-035(b) authorizes OIG “to monitor, audit, and review employment actions under the hiring plan and related policies and procedures” and “to review or investigate allegations of non-compliance with the hiring plan and related policies and procedures.” As described in section 13 below, Hiring Oversight operates primarily in this area.
4. MCC § 2-56-210 assigns to OIG the mission of “initiat[ing] reviews and audits of the Police Department, [Civilian Office of Police Accountability (COPA)], and the Police Board with the goal of enhancing the effectiveness of the Police Department, [COPA,] and the Police Board; increasing public safety, protecting civil liberties and civil rights; and ensuring the accountability of the police force, thus building stronger police-community relations.” As described in section 14 below, PS operates primarily in this area.

B. Personal Jurisdiction

OIG’s personal jurisdiction extends to the following:

1. elected and appointed City officers in the performance of their official duties;
2. City employees in the performance of their official duties;
3. lobbyists engaged in the lobbying of elected or appointed City officers or employees;

4. contractors and subcontractors engaged in providing goods or services, pursuant to a contract, to the City, City Council, or any City Council committee, bureau, or other City Council service agency;
5. persons seeking contracts or certification of eligibility for contracts with the City, City Council, or any City Council committee, bureau, or other City Council service agency;
6. persons seeking certification of eligibility for participation in any City program; and
7. employees of entities that execute IGAs with OIG pursuant to MCC § 2-56-055.

Section 3 – Legal and Professional Standards

OIG shall perform its duties in accordance with the following:

- A. the Constitution of the United States;
- B. the Constitution of the State of Illinois;
- C. federal law;
- D. Illinois law;
- E. the Municipal Code of Chicago;
- F. applicable case law;
- G. executive orders issued by the Mayor of Chicago;
- H. the City's Personnel Rules;
- I. the City's Hiring Plans and related policies;
- J. collective bargaining agreements (CBAs), past labor practices, and side letters, as well as labor grievance and arbitration awards and settlements;
- K. *Principles and Standards for Offices of Inspector General* issued by the Association of Inspectors General (Green Book);
- L. these rules; and
- M. OIG's Administrative Policies and Procedures (APPs).

Section 4 – Ethics, Independence, and Transparency

- A. OIG staff shall comply with all applicable ethics laws and regulations including, but not limited to, the City of Chicago Governmental Ethics Ordinance (Ethics Ordinance) and the OIG Code of Ethics, as detailed in the OIG APPs.
- B. The access of OIG personnel to OIG files, reports, and other confidential, privileged, or personal information in the possession, custody, or control of OIG shall be limited to official and duly authorized matters that are critical to the performance of an employee's assigned tasks. As required by OIG APPs, all OIG employees shall sign a Confidentiality and Non-Disclosure Agreement to this effect at the outset of their employment. OIG employees further acknowledge that they are prohibited from discussing, or disclosing, investigative matters and materials or other confidential, privileged, or personal information except as provided by law. All OIG employees are also subject to disciplinary action and/or other legal sanction for any violation.
- C. Consistent with Green Book standards, OIG is organizationally independent of the entities and programs under its jurisdiction.
- D. OIG shall maintain a dedicated, publicly accessible website. This public site shall serve the community interest in transparency by providing information related to the operations of City government. The site shall be accessible by those who have limited proficiency in English and by people with disabilities, consistent with legal obligations and OIG policies.
- E. OIG files shall be retained in accordance with the Illinois Local Records Act and OIG's corresponding schedules.

Section 5 – Staff Competencies and Training

All OIG personnel shall have knowledge, skills, and abilities required to perform their duties in a thorough, objective, and timely manner. Supervisory staff shall be responsible for ensuring that personnel are properly trained to produce high-quality work.

Section 6 – External Reviews and Investigations

6.1 External Review of Operations

To the extent permitted and consistent with OIG's confidentiality requirements set forth in MCC § 2-56-110, OIG operations shall be subject to a triennial qualitative assessment peer review by the Association of Inspectors General. All non-confidential findings shall be posted and maintained on OIG's public website and a copy shall be provided to (i) the Office of the Mayor; (ii) the Department of Finance; and (iii) the Chair of the City Council Audit and Workforce Development Committee.

6.2 Investigations of OIG Personnel

OIG and the City of Chicago Department of Law (DOL) have entered into a Memorandum of Understanding (MOU) that requires selection of an outside investigative company to review, process, and investigate (as appropriate) complaints against OIG personnel. The current version of this MOU is available on the OIG website.

Section 7 – Public Hearings

7.1 Authority

Pursuant to MCC § 2-56-030(f), the IG has the discretionary authority to conduct public hearings in the course of fulfilling and exercising his/her other duties and powers under Chapter 2-56 of the MCC.

7.2 Venue

Public hearings held pursuant to this section may occur at OIG's place of business or at any other location designated for the purpose by the IG.

7.3 Notice

At least seven calendar days in advance of a public hearing held pursuant to this section, OIG shall publish on its website the date, time, and location of the hearing, as well as the hearing's agenda and/or a brief description of the hearing's purpose.

7.4 Procedure

- A. The IG, or his/her designee, shall convene and preside over all public hearings held pursuant to this section. The IG may partner with other governmental or non-governmental entities to organize and conduct public hearings. The order of testimony of any witnesses and the length of time that each witness may testify shall be determined by the IG, or his/her presiding designee. The IG, or his/her presiding designee, is authorized to conduct a hearing in a manner that does not strictly follow the agenda, published pursuant to subsection 7.3.
- B. The IG reserves for his/herself, and for his/her presiding designee, the right to limit, in the event of space constraints, the number of attendees at a public hearing held pursuant to this section. In the event the number of attendees is so limited, persons shall be admitted to the hearing on a first-come, first-served basis. The IG also reserves the right to expel from a hearing any attendee acting in a disruptive manner.
- C. The IG, or his/her presiding designee, may invite or permit public officials to testify at a public hearing held pursuant to this section. The IG, or his/her presiding designee, may invite private sector officials and individuals to testify at a public hearing held pursuant to this section.

- D. The IG, or his/her presiding designee, may permit members of the public to provide public comment at a hearing held pursuant to this section. In the event public comment is permitted, it shall proceed in an equitable manner, as determined by the IG or his/her presiding designee. Subject to the reservation in subsection 7.4.B of the power to remove disruptive attendees, the content of an attendee's speech shall play no role in the determination whether he or she is permitted to provide comment.
- E. Public officials and members of the public may submit to the IG written testimony on the subject matter of a public hearing held pursuant to this section. Such written testimony may be submitted to OIG by mail, e-mail, or other manner permitted by the IG or his/her designee at any time in advance of the hearing; or in person at the hearing; or after the hearing if the IG holds the hearing record open for a time certain, and shall be made part of the hearing record.

7.5 *Record*

The IG shall make a video and/or audio recording of each public hearing held pursuant to this section, and post such recordings on the OIG website. Any written testimony submitted at a public hearing, as well as any corresponding exhibits, shall also be open to public inspection, either via the OIG website or another means designated by the IG.

Section 8 – Complaints and Information

8.1 *Recording and Logging Complaints and Information*

MCC § 2-56-030(a) authorizes OIG to “receive and register complaints and information concerning misconduct, inefficiency, and waste within city government.” All complaints and information received through any and all means shall be assigned a unique number for tracking purposes.

8.2 *Methods for Receiving Complaints and Information*

OIG shall maintain the following mechanisms for the intake of complaints and information:

- A. Public Website: www.chicagoinspectorgeneral.org

The public website shall be maintained on a stand-alone secured server and in such a manner that allows an individual to provide information, via a secure electronic form, 24 hours a day, every day of the year.

- B. OIG Tipline: (866) 448-4754

The tipline shall be staffed with an on-duty OIG representative between the hours of 8:30 a.m. to 5:00 p.m. Monday through Friday, excluding holidays, and shall have the capacity

to receive recorded messages at all other hours. OIG shall respond to and process those messages as appropriate on the following regular workday, in accordance with the procedures set forth herein.

- C. TTY: (773) 478-2066
- D. Facsimile: (773) 478-3949
- E. United States Mail: City of Chicago Office of Inspector General
740 N Sedgwick, Suite 200
Chicago, IL 60654-2996
- F. Any such other means of transmittal, receipt, or communication that OIG deems will further encourage and foster the receipt of complaints and information without sacrificing confidentiality.

Section 9 – Duties to Report and Cooperate and Whistleblower Protection

9.1 Duty to Report

The Ethics Ordinance provides that “[e]very city employee and official shall report, directly and without undue delay, to the inspector general any and all information concerning conduct which such employee knows or reasonably should know to involve corrupt or other unlawful activity (i) by another city employee or official which concerns such employee’s or official’s employment or office; or (ii) by any person dealing with the city which concerns the person’s dealings with the city.” MCC § 2-156-018(a). This duty also extends to City contractors. *See* MCC § 2-156-018(b).

9.2 Duty to Cooperate

MCC § 2-56-090 provides that, in any and all inquiries undertaken by OIG pursuant to Chapter 2-56 of the Municipal Code, every elected or appointed officer, employee, department, agency, contractor, subcontractor, and licensee of the city, and every applicant for certification of eligibility for a city contract or program, has a duty to cooperate with OIG. Further, each department is required to allow OIG access, as soon as practical following a request, to departmental premises, equipment, personnel, books, records, papers, and information. *See* MCC §§ 2-56-90, 203(h).

9.3 Whistleblower Protection

OIG shall conduct its investigations in a manner that ensures the whistleblower protection against retaliatory action provided under MCC § 2-156-019. OIG shall ensure this protection to any individual or entity providing information, cooperation, or assistance to OIG as a complainant or in response to any OIG investigatory inquiry.

Section 10 – OIG Work Products

10.1 General Quality Standards

OIG shall assure the utility, objectivity, and integrity of its public and non-public work products. In addition, statistical information generated and disseminated by OIG shall be based on sound statistical methods and the principle of transparency to the intended user. For purposes of these standards, the following definitions apply:

- A. “utility” means that information is useful to its intended user(s) for the purpose for which it is disseminated;
- B. “objectivity” means that information is substantively accurate, clear, complete, and presented in an unbiased manner;
- C. “integrity” means that information is protected from unauthorized access, corruption, or revision; and
- D. “transparency” means that data relied upon will be made publicly available to the extent permitted by law and methods, data sources, assumptions, and outcomes will be clearly described.

10.2 Types of Products

A. Non-Public Products

1. Summary Reports of Investigations (SRIs)

Each sustained administrative case shall result in an SRI summarizing and analyzing the relevant evidence, specifying the subject’s violations of law or the Personnel Rules, and making recommendations for disciplinary or other corrective action.

2. Closing Recommendation Memoranda (CRMs)

Each non-sustained administrative case shall result in a CRM summarizing and analyzing the relevant evidence, and recommending whether the case should be closed administratively, closed with the designation “not sustained,” or disposed of via advisory or notification.

3. Notifications

A notification is a short letter to one or more City departments highlighting an issue or problem discovered by OIG in the course of an audit, investigation, or other inquiry with a recommendation for action.

4. Hiring Oversight Memoranda

Hiring Oversight produces a variety of non-public memoranda, in fulfillment of the section's duties described below in section 13, including memos resulting from monitoring, compliance audits, and reviews.

B. Public Products

1. Performance Audits

A performance audit is a report that evaluates one or more aspects of the execution of City operations or programs, in a manner that meets the performance audit requirements in chapters 1, 2, 3, 6, and 7 of the Government Auditing Standards (December 2011 Revision) published by the Comptroller General of the United States (Yellow Book).²

2. Follow-Up Reports

Generally between six months and one year after the release of a performance audit, OIG issues a follow-up report on the progress the subject has made toward fulfilling the audit recommendations.

3. Advisories

An advisory is a report providing observations concerning a problem that hinders the effective and efficient execution of City operations and programs, or opens the City up to liability or risk, and merits City action, but upon which OIG has not conducted an inquiry sufficient to issue a performance audit.

4. Inspections, Evaluations, and Reviews

Inspections, evaluations, and reviews are reports that evaluate one or more aspects of City operations or programs, in a manner that meets the "Quality Standards for Inspections, Evaluations and Reviews" as set forth in the Green Book.

5. Other Public Products

From time to time, OIG may choose to publish reports that do not fall within the definitions provided above.

6. Quarterly Reports

Four times each year, OIG issues a quarterly report that summarizes closed sustained cases, hiring compliance activity, published audits, and other reports, and also provides summary statistics related to investigations and hiring.

² This description does not apply to audits performed independently by Hiring Oversight.

OIG SECTIONS

Section 11 – Investigations Section

11.1 Confidentiality

- A. In conducting investigations, OIG shall comply with MCC § 2-56-110, which provides, in pertinent part:

[A]ll investigatory files and reports of the office of inspector general shall be confidential and shall not be divulged to any person or agency, except to the United States Attorney, the Illinois Attorney General or the State's Attorney of Cook County, or as otherwise provided in this chapter or chapter 2-156 [the Ethics Ordinance].

OIG shall also comply with MCC § 2-56-045(b), which provides that “[t]he identity of the person making a complaint [against an Alderman] shall be confidential and shall not be disclosed by the inspector general except as required by law.”

- B. Pursuant to MCC § 2-56-060, and except as otherwise permitted by law, OIG shall provide relevant investigative information along with an SRI solely to the pertinent ultimate jurisdictional authority, as designated in MCC § 2-56-025(b) – generally, the head of each department or agency affected by or involved in the investigation. An individual or entity is not involved in the investigation merely by having provided information in the context of or related to the investigation, therefore OIG is unable to provide updates on investigations to complainants, witnesses, or other third-parties.
- C. Pursuant to MCC § 2-56-070, an SRI shall omit the identities of informants, complainants, witnesses, or subjects unless the copy of the report given to the ultimate jurisdictional authority:
1. recommends disciplinary action against one of their employees under the control of that authority;
 2. makes recommendations concerning any contractor, subcontractor, applicant for a contract, or person seeking certification of eligibility for a contract;
 3. makes recommendations concerning a person seeking certification of eligibility for a program administered by the department or entity;
 4. recommends disciplinary action against the head or any employee of any department or entity; or

5. is provided for purposes of a probable cause finding or a hearing on the merits, or as otherwise provided in the Ethics Ordinance.

If a complainant or informant requests their identity to remain confidential, OIG will notify them in the event disclosure is required by law.

11.2 Complaint Review and Referral

- A. Except for complaints alleging Ethics Ordinance violations, which are discussed below in subsection 11.2.B, OIG will take one of three actions following a review of information submitted with a complaint:
 1. open an investigation;
 2. refer the matter to another OIG section, the appropriate sister agency, the appropriate federal, state, or local law enforcement authorities for investigation or other appropriate action, or the appropriate City department (including, for these purposes, City Council) with request for a report on action taken and outcome; or
 3. decline to investigate (for one or more reasons).
- B. OIG will also review complaints alleging violations of the Ethics Ordinance to determine if they should be opened, referred, or declined. However, by law, these complaints may only be declined if the complaint lacks foundation or does not relate to a violation of the Ethics Ordinance. In addition, OIG may refer ethics complaints to the appropriate authority only if "the potential violation is minor and can be resolved internally as a personnel matter." MCC § 2-56-050(b)(1)(ii). For matters referred for investigation outside OIG, but within the City, OIG may request that, once the matter is resolved, the appropriate authority provide OIG a memorandum detailing any actions taken on the matter.
- C. When the Chicago Police Department (CPD) informs OIG that a City employee has been arrested, OIG shall track the court proceedings and inform the appropriate authority of significant activity.

11.3 Opening Investigations

- A. In general, OIG may initiate an investigation based on information or complaints received from a known or self-identified party or an anonymous party, or on its own initiative. A complaint against an Alderman must name the Alderman, state the facts underlying the complaint, and be signed by the person making the complaint.
- B. Opening an investigation shall require the approval of the IG or the DIG-Investigations.

- C. Factors to consider in determining whether to open an investigation, may include, but shall not be limited to:
 - 1. the credibility of the complainant;
 - 2. the reliability and accuracy of information, based on OIG's knowledge of the subject matter;
 - 3. the nature of the conduct alleged;
 - 4. the age of the conduct complained of;
 - 5. the likely impact on City operations; and
 - 6. the availability of the investigative resources that are likely necessary to prove or disprove that a violation occurred under the applicable burden of proof.
- D. Forbidden factors that shall not be considered when determining whether to open an investigation include, but are not limited to:
 - 1. the religious or political beliefs of the complainant or alleged wrongdoer;
 - 2. the race, age, sex, gender, gender-identity, sexual orientation, disability, national origin, citizenship status, marital status, family status, military service, or discharge status of the complainant or alleged wrongdoer; and
 - 3. protected First Amendment speech and conduct of the alleged wrongdoer.

11.4 Scope of OIG Investigations

In order to ascertain the facts necessary to make the findings and recommendations as required by law, an OIG investigation may include, but is not limited to:

- A. interviews with complainants, witnesses, and subjects;
- B. acquisition and analysis of relevant documents and data, including e-mails and other electronic documents;
- C. surveillance;
- D. computer forensic analysis; and
- E. covert activity or undercover operations, as permitted under local, state, and federal law.

11.5 Documentation

- A. All significant investigative activities shall be documented in the case file in a timely, accurate, and complete manner.
- B. OIG shall undertake to collect all relevant evidence and to preserve its admissibility in any subsequent proceedings by maintaining the chain of custody. OIG shall maintain evidence tracking procedures and a secure evidence room that only authorized OIG personnel can access. Information and evidence obtained during an investigation shall be verified by as many sources as necessary to establish validity.

11.6 Subpoenas

OIG is authorized to issue subpoenas to compel the attendance of witnesses and/or the production of documents and other items. Subpoenas shall be issued in accordance with both Illinois law and MCC § 2-56-040, which provides the following:

- A. Service shall be made in the same manner as required for subpoenas issued under the Rules of the Illinois Supreme Court, that is, by in-person delivery, certified mail, or by another agreed means for service.
- B. Subpoenas will have a return date of at least seven days from the date of service.
- C. Objections
 - 1. The person or entity to which a subpoena is directed may submit a written objection no later than the time for appearance or production required by the subpoena. The objection shall be in writing, delivered to OIG, and shall specify the grounds for the objection.
 - 2. The filing of an objection to a subpoena, and negotiations pursuant to an objection, shall not constitute refusal to comply with the subpoena, or interference with, or obstruction of, an investigation.
 - 3. For seven days after receipt of a timely objection to a subpoena, OIG shall take no action to enforce the subpoena or initiate prosecution of the person to whom the subpoena is directed. During this seven-day period, OIG shall consider the grounds for the objection and may attempt to resolve the objection through negotiation with the person to whom the subpoena is directed. The seven-day period may be extended by OIG in order to allow completion of any negotiations. The extension shall be in writing, addressed to the person or entity to which the subpoena is directed, and shall specify the date on which the negotiation period will end. Topics for negotiations may include such matters as the scope of the subpoena and the time, place, and manner of response thereto.

- D. Subpoenas requiring a personal appearance shall include the appropriate statutorily required witness and or mileage fee.

11.7 Interviews

- A. As part of an investigation, OIG may conduct interviews of persons with potentially relevant information, including complainants, witnesses, and subjects. In all investigations, to the extent possible, OIG shall attempt to interview the subject. Investigators are authorized to administer oaths and examine interviewees under oath. All interviews shall be conducted in accordance with applicable law. Interviews of union employees shall additionally be conducted in accordance with applicable CBAs.
- B. The status of an interviewee – i.e., whether he/she is a subject – depends on a number of circumstances and may change over the course of an investigation.
 - 1. Witnesses are defined as persons who provide information and against whom formal action is not reasonably contemplated (including disciplinary, administrative, or criminal sanctions).
 - 2. Subjects are defined as persons against whom, at the onset of an interview, OIG believes formal adverse action (including disciplinary, administrative, or criminal sanctions) might potentially be recommended.
- C. When scheduling an interview directly with the interviewee, OIG shall advise that person if they are, at that time, considered a witness or a subject, and inform him/her of the general subject matter of the interview without disclosing the specific individual(s) or allegation(s) being investigated. When interviews are arranged through a scheduling coordinator, such as a department representative, the scheduling coordinator will be instructed to tell the interviewee to contact the assigned OIG investigator prior to the interview for information about their status and the general subject matter of the interview.
- D. Advisements
 - 1. Advisements shall be provided to all subjects of investigations. The advisements provided to subjects depends on their status (employee/vendor/licensee; union/non-union), and whether an investigation is administrative or criminal.
 - a) Administrative investigations generally involve violations of City ordinances, rules, policies or procedures, and/or acts of waste/inefficiency. Advisements in such investigations shall contain the following core elements:
 - i. the subject has a duty to cooperate, which includes the duty to provide complete and truthful answers to OIG inquiries;

- ii. nothing from the interview can be used in any subsequent criminal prosecution against the subject; and any information provided can be used as the basis for disciplinary and/or other administrative action against the subject.

Subjects covered by a CBA shall be advised that they have the right to union representation or legal representation at the interview.

- b) Criminal investigations may involve violations of municipal, state, or federal law. The advisements in criminal investigations shall contain the following core elements:
 - i. the interview is voluntary and there is no duty to answer questions or provide information. (In other words, the subject may refuse to answer questions on the basis of their Fifth Amendment right against self-incrimination. Refusal based on the Fifth Amendment right cannot be used by OIG as the basis for a recommendation of disciplinary action.)
 - ii. Any statement or information provided may be used in a subsequent criminal prosecution and/or disciplinary/administrative action against the subject.

As required by applicable CBA provisions, subjects who are represented by a union shall be advised of their Miranda rights.

- c) OIG investigators shall read the appropriate advisements (administrative or criminal) aloud and provide a written copy for review before requesting a signature acknowledging that the advisements have been provided. If a subject declines to sign the acknowledgement, his/her refusal shall be documented before the interview will proceed. The acknowledgement form shall be included in the investigative file. Administrative advisements and criminal advisements shall not be given to subjects in the same interview.
- 2. A witness is an individual who may possess information relevant to an investigation but who, at the onset of the interview, is not a subject. Witnesses may or may not be given advisements at the start of the interview depending on the circumstances. However, if OIG determines on the basis of information received during a witness interview that the witness may have exposure to formal adverse action, and thus constitute a potential subject, and OIG has not yet given advisements, OIG shall stop the interview and either provide appropriate advisements, or schedule a subsequent interview at which time appropriate advisements will be provided.

D. Representation

- 1. Every person interviewed may request representation at the interview.

2. An interviewee requesting representation at an OIG interview shall be given a reasonable amount of time to obtain union representation or an attorney.
3. At any time during the interview, the interviewee may stop the interview and request representation, at which point the interview shall be discontinued and rescheduled within a reasonable amount of time.
4. If an interviewee elects to bring a representative, that representative may not answer questions for the interviewee and may not obstruct the interview. Interviewees are advised that they will be permitted to take reasonable breaks and may consult with their representative during those breaks. Representatives may be permitted to clarify questions and may provide additional information at the conclusion of the interview.
5. If a union employee who is a subject chooses to proceed without a union representative or attorney present, he or she shall be asked to sign a waiver indicating that fact.

E. Recording

1. OIG shall seek to record subject interviews. OIG may, at its discretion, seek to record witness interviews.
2. There are two means by which OIG may choose to record an interview:
 - a) with consent of the interviewee, an interview may be audio-recorded by OIG, or
 - b) OIG may employ an independent court-reporting service to transcribe the interview.
3. When OIG seeks to audio-record the interview, the following steps shall be taken:
 - a) Prior to the interview, the interviewee shall be asked if he/she will consent to audio-recording.
 - b) Pursuant to Illinois eavesdropping law, if the interviewee declines to give his/her consent, the interview shall not be audio-recorded.
 - c) No adverse action shall be taken or adverse inference drawn against the interviewee who declines to consent to record an interview.

11.8 Findings

- A. OIG administrative investigations shall result in either sustained or not-sustained findings.

- B. Sustained findings may relate to purely administrative or combined administrative and criminal violations. Administrative investigations that establish by a preponderance of the evidence that a violation occurred are sustained. Administrative investigations that do not establish by a preponderance of the evidence that a violation occurred are not sustained. Not-sustained findings are not exonerations, but merely findings that, at the time of disposition, OIG could not establish a violation by a preponderance of the evidence.
- C. Criminal investigations will be reviewed by the United States Attorney, the Illinois Attorney General, or the Cook County State's Attorney, as appropriate, to determine if criminal prosecution will be pursued.
- D. OIG may issue an SRI recommending administrative action against an individual based on his/her criminal conduct.
- E. OIG attorneys trained in the handling, analysis, and presentation of evidence shall be responsible for the preparation of SRIs. Each SRI shall present to the user the salient evidence that supports the findings and recommendations; distinguish opinion from factual assertion; and summarize and provide appropriate analysis of evidence adverse to the findings and recommendations.
- F. Each SRI shall be reviewed for accuracy by the assigned lead investigator and the DIG-Investigations or his/her designee, and then subject to review and comment by the IG or his/her designee as final reviewer, limited to a DIG or the General Counsel. No SRI shall issue without the approval of the IG or a designee.
- G. Privileged information that is to be used or referenced in an SRI shall be submitted to the holder of the privilege for review and consultation regarding its use and protection prior to dissemination of the SRI.
- H. Each SRI shall be sent to the Office of the Mayor, the Corporation Counsel, the head of the relevant City department(s) implicated in the investigation or that must respond to OIG's recommendations, and, in some cases, the Department of Human Resources (DHR).
- I. After OIG determines there has been a violation of the Ethics Ordinance, it must comply with the notice requirements to the subject provided by the Ethics Ordinance before seeking a probable cause finding by the Board of Ethics.
- J. An advisory or notification resulting from a sustained or not-sustained investigation shall not include disciplinary recommendations. Individuals referenced in such advisories or notifications will be de-identified to the extent possible, and in no event shall an advisory or notification identify, or provide information sufficient to allow the identification of, the subject of the underlying investigative inquiry.

11.9 Responses to SRIs

OIG shall provide the opportunity to respond to an SRI required under MCC § 2-56-065.

- A. When the IG issues a report to the Chairman of the City Council Committee on Committees, Rules and Ethics regarding an investigation of an Alderman or City Council employee, the Chairman has 14 days to forward the report to the person with authority to take action recommended in the report, who has 30 days to provide a written response. If the report calls for action by the Chairman, he/she has 60 days from receipt to respond. OIG may approve one 60-day extension to the time to respond.
- B. When the IG issues a report to another ultimate jurisdictional authority (as that term is defined in MCC § 2-56-025(b)), that person has 30 days to provide a written response. OIG may approve one extension of 30 additional days or less to respond.

11.10 Campaign Finance Investigations

The MCC bans City vendors, lobbyists, and those seeking to do business with the City from contributing over \$1,500 annually to the political campaign of any City official or candidate for City office. Potential violations of the cap are identified through complaints and OIG analysis. Other rules and regulations, such as Executive Order 2011-4 place further restrictions on donations. Once a potential violation is identified, OIG shall notify the donor and the donation recipient of the violation and, as required by the MCC, provide the individual or entity 10 days to challenge the determination or cure the violation by returning the excess donation. If the excess donation is returned in a timely manner, or it is determined that a violation did not occur, OIG shall close the matter administratively. In the event the matter is not cured or sufficiently addressed, OIG shall sustain the investigation and deliver the case to the Board of Ethics for adjudication.

11.11 Public Statements

- A. Pursuant to MCC § 2-56-110, OIG is authorized to issue public statements:
 - (a) upon written request by (i) a person publicly known to have been under investigation that exonerates that person; or (ii) an elected official publicly known to have been under investigation that results in a not-sustained finding; (b) if an investigation, audit or review concerns inefficient or wasteful management; and (c) in a public summary of each investigation resulting in sustained findings of misconduct.
- B. In providing a public statement, OIG will not include unnecessary detail that may reveal the identity of a specific person or entity investigated. In addition, OIG will not provide a summary of the investigation until after the department has responded and/or taken administrative or disciplinary action.

Section 12 – Audit and Program Review Section

12.1 Quality Standards for Audit and Program Review

APR shall conduct performance audits in accordance with the Yellow Book, as noted in 10.2.B.1 above.

12.2 Annual Plan

APR shall produce an Annual Plan that expresses its priorities for the upcoming Fiscal Year, and outlines a list of potential performance audit subjects and non-audit work subjects that serve those priorities. By September 30 each year, APR shall post online a draft Annual Plan for the following year, soliciting public comments and reactions for at least 45 days, before it is made final and published by December 31. The Annual Plan is a guiding document that is subject to change; it shall not prohibit the introduction of new priorities or the launch of projects not included in the Plan during the course of the year. This means that some items on the Plan may not be performed in the designated year. APR shall draft the Annual Plan in consultation with the IG and senior OIG staff, with final approval by the IG.

12.3 General Performance Audit Procedures

- A. APR shall send an engagement letter to appropriate City officials (typically the department head) providing notification that APR is initiating a performance audit in the subject area identified and explaining the general topic areas of the audit. The engagement letter will generally request an entrance conference at the department's office. The entrance conference provides an in-person opportunity for APR to describe the broad goals of the performance audit, establish a working relationship with department management, identify a primary contact person at the department, and answer any initial questions.
- B. Pursuant to Government Auditing Standards, APR shall plan and perform the performance audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the audit findings and conclusions based on the audit objectives.
- C. In the event staff uncover evidence of fraud, illegal acts, or serious violations of provisions of contracts or grant agreements, they shall inform the DIG-APR immediately. The DIG-APR shall consult with the IG, DIG-Investigations, and/or General Counsel to determine whether the project should proceed or the matter should be referred to other parties with jurisdiction.
- D. Performance audit findings must collectively address the results, both positive and negative, of the audit procedures, and be supported by sufficient and appropriate evidence.

- E. Performance audit recommendations should describe general actions designed to remediate the causes of any negative findings, but should not be so specific that, if implemented, OIG would risk reviewing its own work if it were to audit the program again in the future. In addition, recommendations should not describe a scenario requiring OIG to perform a management function of the auditee.
- F. If staff discovers something during the course of the performance audit that is not significant enough to justify a finding or a notification or advisory, but would be useful for the auditee to know, the issue should be communicated orally or in writing to the auditee. The auditee is not required to respond to such information.
- G. Staff should weigh the severity of any performance deficiencies or control gaps they encounter, and communicate potentially serious findings to the auditee as soon as practicable, based on consultation with and approval by the DIG-APR, so that steps may be taken to address the problem. Such communication, which may be oral or written, is not a substitute for a final report; it serves to alert officials to matters needing immediate attention and permit them to take corrective action before the final report is completed. Any such communication by APR and any such actions taken in response shall be noted in the final report.
- H. Reporting
 - 1. The findings and conclusions of performance audits shall be provided in reports directed to the Mayor, City Council, City Clerk, City Treasurer, and the public, and published on the OIG website. Performance audit reports are intended to:
 - a) communicate the audit results to auditee management and City officials;
 - b) communicate the audit results to the public;
 - c) make the audit results clear and understandable; and
 - d) facilitate future follow-up to determine whether corrective action has been taken.
 - 2. When the first draft of a report is complete, an APR staff member with no previous connection to the project shall be assigned to perform an independent review of the report and supporting documentation for accuracy, completeness, and adherence to the applicable standards. The report is then reviewed by other internal staff, culminating with the IG.
 - 3. APR shall send the final version of each report to auditee management, and invite them to submit a written response to be included in the report published on the OIG website. No report shall issue without the approval of the IG or the DIG-APR, if designated by the IG.

4. Six months after report publication, APR staff and the IG shall determine how to follow up with the auditee on corrective actions taken pursuant to the performance audit report.
- I. If APR terminates a performance audit prior to its completion, staff shall inform the auditee and prepare a memorandum summarizing the results of work performed and the reason the audit was terminated.
- J. In the event APR is called upon to perform a non-audit service for a City department, the following Yellow Book principles apply:
 1. APR shall not provide non-audit services that involve performing management functions or making management decisions; and
 2. APR shall not audit its own work or provide non-audit services in situations where the non-audit services are significant and material to the subject matter of performance audits.

Section 13 – Hiring Oversight Section

13.1 Definitions

As used in this section:

- A. “Acting Up” is a situation where an employee is directed to (and does) perform, or is held accountable for substantially all of the responsibilities of, a higher-graded position.
- B. “Consensus Meeting” is a discussion held at the conclusion of the interview process. During the Consensus Meeting, the interviewers and the hiring manager review their respective interview results and any other relevant information to arrive at a hiring recommendation.
- C. “Covered Position” means any position that is subject to the Hiring Plan.
- D. “Escalation” is a process requiring a DHR employee who has reason to believe that any individual involved in a Hiring Sequence may have committed a violation of the Hiring Plan, or allowed political factors or other improper considerations to influence the hiring process, to suspend the process and immediately notify Hiring Oversight and the DHR Commissioner.
- E. “Exempt” refers to any position that is not subject to the Hiring Plan’s requirements governing Covered Positions.
- F. “Hiring Plans” are the documents setting forth general principles governing hiring by the City of Chicago, as required under the Settlement Order and Accord in case number 69 C

2145, captioned *Shakman, et. al. v. City of Chicago, et. al.* in the United States District Court for the Northern District of Illinois. The Hiring Plan applies to both external and internal applicants. The City has a Hiring Plan that covers all Departments, except sworn and uniformed titles in CPD or the Chicago Fire Department (CFD), as well as DOL, and OIG, all of which are covered by their own, separate plans. In this section, we refer to the City's plan as the "Hiring Plan" and to the various plans collectively as the "Hiring Plans."

- G. "Hiring Sequence" refers to all parts of a hiring process, including Intake Meetings, interviews, tests, Consensus Meetings, screening board meetings, Merit Selection Board meetings, and Performance Selection Board meetings.
- H. "Intake Meeting" is a meeting where DHR works with the hiring department to establish screening and hiring criteria for a position, and to create a notice of job opportunity or a bid announcement (for positions covered by a CBA).
- I. "Monitoring" means any in-person observation of an Intake Meeting, interview, employment candidates' test, Consensus Meeting, screening board meeting, Merit Selection Board meeting, or Performance Selection Board meeting, as well as the collection of related documentation. Remote observation may be utilized in the event that a Hiring Sequence activity takes place by telephone, video conference, or other remote means.

13.2 *Quality Standards*

Hiring Oversight performs its duties in a manner that incorporates the Society of Corporate Compliance and Ethics' seven elements for an effective compliance program, which, as applied in this context, direct the section:

- A. to help foster and promulgate clear standards and procedures to prevent and detect non-compliance or unlawful conduct;
- B. to aid in ensuring that high level personnel within City agencies are knowledgeable about the content and operation of the hiring compliance program;
- C. to support and encourage City agencies in the exercise of due diligence in hiring and promotion within the leadership ranks, and to exclude personnel who have engaged in illegal activities or other improper conduct;
- D. to partner with DHR to communicate standards and procedures of the hiring compliance program through education and training;
- E. to verify that employees are following the hiring compliance program through effective Monitoring and auditing systems, and by:

1. conducting periodic assessments of risk of non-compliance and unlawful or improper conduct and taking appropriate steps to design, implement, and modify the compliance program to reduce risk; and
 2. managing and promoting awareness of the City's system through which employees and contractors may report non-compliance or unlawful conduct anonymously and confidentially, thereby reducing fear of retaliation;
- F. to help ensure that the compliance program is enforced consistently through appropriate discipline for engaging in unlawful or improper conduct through referrals to the Investigations; and
- G. after unlawful or improper conduct is detected, to help ensure that the City responds quickly and appropriately to prevent similar conduct in the future.

13.3 Risk Assessment and Prioritization

Hiring Oversight uses a risk-based, decision-making process when identifying materials to audit, areas for conducting inquiries, and Hiring Sequences to Monitor. Because risk profiles may change over time, Hiring Oversight will annually update its risk assessment.

- A. Risk assessment entails identifying matters that, if left untreated, could pose a risk of material non-compliance with the Hiring Plans and related policies. Hiring Oversight annually assesses risk based on a review of a variety of factors, including:
1. the quantity and frequency of complaints and Escalations;
 2. the existence of direct and political contacts;
 3. input from department employees;
 4. referrals from other OIG sections;
 5. documented, historical unlawful hiring practices within a department;
 6. past audits and Monitoring conducted by Hiring Oversight;
 7. peer reviews and benchmarking; and
 8. data analytics.
- B. Risk Prioritization involves the following considerations:
1. likelihood – the probability of the risk occurring;

2. potential impact – the significance if the risk occurs; and
 3. risk factor – the unmitigated risk calculated by multiplying the “likelihood” by the “potential impact.
- C. While Hiring Oversight makes most Monitoring and auditing decisions based on a risk assessment, the section also utilizes random sampling for some of its work. Inclusion of a random selection generates information that may have otherwise gone undetected from the original risk assessment, thereby mitigating any internal bias in the risk assessment model.

13.4 *Monitoring*

- A. Hiring Oversight uses Monitoring to determine, in real time, whether the City Hiring Plans are being followed, and to identify and address gaps and problems that may exist in compliance. The primary goal of Monitoring Hiring Sequences is to identify any gaps in internal controls. However, real-time Monitoring also allows Hiring Oversight to detect and seek to address compliance anomalies as they occur.
- B. At the end of each week, Hiring Oversight shall review the Hiring Sequences scheduled for the following week, identifying which sequences, if any, it will Monitor. Hiring Oversight may modify its planned Monitoring activities as necessary throughout the week.
- C. In selecting Hiring Sequences for Monitoring, Hiring Oversight shall consider factors that include, but are not limited to, the following:
1. requests from the department, DHR, or CPD's Human Resources (CPD-HR);
 2. complaints;
 3. positions for which there have been changes to class specifications, minimum qualifications, screening criteria, or tests;
 4. reposted positions or postings with repeatedly extended posting periods;
 5. positions in departments with infrequent hiring activity;
 6. errors on the referral list; and
 7. positions in departments for which there is a history of errors or irregularities in the Hiring Sequences or the hiring packets.

Hiring Oversight conducts some Monitoring not as a result of factor analysis, but rather random sampling.

D. Procedures

1. When Monitoring, Hiring Oversight staff shall observe the actions of the individuals present and review selected documentation in order to identify any Hiring Plan violations, errors, deviations from DHR policy, or evidence that political reasons or factors, or improper considerations, influenced the Monitored Hiring Sequence.
2. Hiring Oversight staff shall not participate or play any role in the Hiring Sequence. However, they may identify technical documentation errors or answer factual questions about interview protocols.
3. Hiring Oversight staff will take notes to document their observations.
4. Hiring Oversight staff will collect and review documentation, such as candidate assessment forms and resumes, based on the type of Hiring Sequence activity.

13.5 Audits and Reviews

The Hiring Plans require OIG to conduct compliance reviews and audits of various components of the hiring process and report on them quarterly. The Hiring Plans require both compliance reviews and compliance audits. The Hiring Plans define a review as a "check of all relevant documentation and data concerning a matter," and an audit as a "check of a random sample or risk-based sample of the documentation and data concerning a hiring element."

A. Audits

1. Hiring Oversight shall audit lists of applicants/bidders who meet the predetermined minimum qualifications generated by DHR for City positions. Each quarter, Hiring Oversight shall examine a sample of referral lists and notify DHR when potential issues are identified. Hiring Oversight recognizes that aspects of candidate assessment are subjective and that there can be differences of opinion in the evaluation of a candidate's qualifications. Therefore, the designation of "error" shall be limited to cases where, based on the information provided, Hiring Oversight found that:
 - a) an applicant who did not quantitatively meet the minimum qualifications was referred for hiring;
 - b) an applicant who failed to provide all of the required information and/or documents listed on the job posting was referred for hiring; or
 - c) an applicant who quantitatively met the minimum qualifications was not referred for hiring.

2. As required by the Hiring Plan, Hiring Oversight shall audit DHR test administrations and scoring each quarter.
3. As required by the Hiring Plan, each quarter, Hiring Oversight shall audit at least 10% of in-process Hiring Sequences and at least 5% of completed hiring sequences conducted by the following departments or their successors: Streets and Sanitation, Water Management, Aviation, Transportation, Buildings, Fleet and Facility Management, and six other City departments selected at the discretion of OIG. Auditing the Hiring Sequence requires an examination of the hire packets, i.e., all documents and notes maintained by City employees involved in the selection and hiring process for a particular position. As required by the Hiring Plan, Hiring Oversight examines some hire packets during the hiring process and examines other packets after the hires are completed.
4. Hiring Oversight shall audit compliance with the hiring certification requirements in the Hiring Plans. A hiring certification is a form completed by the selected candidate(s) and all City employees involved in the hiring process to attest that no political reasons or factors or other improper considerations were taken into account during the applicable process. These audits shall be completed in conjunction with the selected Hire Sequences referenced above.
5. Hiring Oversight shall audit other employment actions, including CPD and CFD district and unit assignments, as it deems necessary to ensure compliance with the Hiring Plans. Generally, Hiring Oversight audits assignments not covered by a collective bargaining unit and located within a district or unit. Assignment packets include all documents and notes maintained by employees involved in the selection processes. Quarterly, Hiring Oversight shall select a risk-based sample of assignment packets for process review after selections have been made and the candidate has begun their assignment.
6. Hiring Oversight shall audit the City's compliance with Chapter XI of the Hiring Plan on Acting Up and the related Acting Up Policy.
7. As required by the Hiring Plan, Hiring Oversight shall audit grievance settlement decisions that may impact procedures governed by the Plan. The City has established a city-wide, web-based portal that all departments are required to use to track grievances and update as necessary. Hiring Oversight has access to that database and uses it to conduct its audits.
8. On an annual basis, Hiring Oversight shall audit the Exempt List to ensure adherence and compliance.

B. Reviews

1. DHR provides notifications whenever considering modifying existing class specifications, minimum qualifications, and screening and hiring criteria. Hiring Oversight shall review modifications to Class Specifications, minimum qualifications, and screening/hiring criteria, and may ask questions, or make objections or recommendations as appropriate.
2. Hiring Oversight shall review all reported or discovered instances where hiring departments contacted DHR or CPD-HR to lobby for or advocate on behalf of actual or potential applicants or bidders for Covered Positions or to request that specific individuals be added to any referral or eligibility list.
3. Hiring Oversight shall review all reported or discovered instances where elected or appointed officials of a political party or any agent acting on behalf of an elected or appointed official, political party, or political organization contact the City attempting to affect hiring for any Covered Position or other employment actions.
4. Hiring Oversight shall review all reported or discovered exempt appointments and modifications to the Exempt List.
5. Hiring Oversight shall review all hires pursuant to Chapter VI of the Hiring Plan, which covers the senior manager hiring process.
6. When no consensus selection is reached during a Consensus Meeting, a written rationale explaining the candidate selection must be provided to Hiring Oversight for review. Hiring Oversight shall review these rationales for any concerns.
7. Quarterly, Hiring Oversight shall review circumstances and written justifications for emergency hires made pursuant to the Personnel Rules and MCC § 2-74-050(8).
8. Hiring Oversight may choose to review any solicitation documents, draft agreements, or final contract or agreement terms to assess whether they comply with the Hiring Plan's Contractor Policy. This review includes analyzing the contract for common law employee risks and ensuring the inclusion of the boilerplate language required by the Hiring Plan. Departments are not required to notify Hiring Oversight of all contracts or solicitation agreements or task orders. However, Hiring Oversight will review all contract and solicitation agreements for which it receives notice. In addition, Hiring Oversight will request and review a risk-based sample of contract documents from departments. On an annual basis, departments are required to provide notification of all contractors performing services on City premises. Hiring Oversight reviews these notifications for potential risks of Hiring Plan violations.
9. Pursuant to the Hiring Plan, departments must notify Hiring Oversight of its procedures for using volunteer workers at least 30 days prior to hiring the volunteers.

13.6 Escalations

- A. Recruiters and Analysts in DHR and CPD-HR must escalate concerns regarding improper hiring by notifying Hiring Oversight. In response to these Escalations, Hiring Oversight 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 Investigations.
- B. After review or inquiry, Hiring Oversight's findings and recommendations shall be reported to the DHR Commissioner and, when appropriate, the department head. The DHR Commissioner must respond within 30 days with what action, if any was taken.

13.7 Complaints

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

Section 14 – Public Safety Section

14.1 Quality Standards for Public Safety

PS shall conduct its projects in a manner that comports with the "Quality Standards for Inspections, Evaluations and Reviews" as set forth in the Green Book, as noted in 10.2.B.4.

14.2 Annual Plan

PS shall produce an Annual Plan that expresses its priorities for the upcoming Fiscal Year, and outlines a list of potential projects that serve those priorities. By September 30 each year, PS shall post online a draft Annual Plan for the following year, soliciting public comments and reactions for at least 45 days, before it is made final and published by December 31. The Annual Plan is a guiding document that is subject to change; it shall not prohibit the introduction of new priorities or the launch of projects not included in the plan during the course of the year. This means that some items on the Plan may not be performed in the designated year. PS shall draft the Annual Plan in consultation with the IG and senior OIG staff, with final approval by the IG.

Prior to the online posting of a draft Annual Plan and during the notice period, PS shall solicit suggestions from community groups, stakeholders, and the public through stakeholder meetings, community-based events, and/or public hearings for inclusion in the Annual Plan. PS shall also receive and solicit project ideas from PS management and the OIG's front office, as well as OIG staff in other sections.

14.3 *General Procedures*

- A. For each evaluation, PS shall send an engagement letter to the appropriate City officials (typically, the relevant department head). The engagement letter shall notify management that PS is initiating an evaluation, and identify and explain the general topic and nature of the project. The letter will usually request an entrance conference with management to be held at the department's office. The entrance conference provides an in-person opportunity to describe the broad goals of the evaluation, to establish a working relationship with department management, to identify a primary contact person at the department, and to answer any initial questions.
- D. In the event that PS staff uncover evidence of fraud, illegal acts, or serious violations of provisions of City policy, contracts or grant agreements, they must inform the DIG-PS immediately. The DIG-PS, in turn, shall consult with the IG on whether the project may proceed or the matter should be referred to other entities with jurisdiction, including Investigations.
- E. If PS staff discover something during the course of a work project that is not significant enough to be included in a final report, but would be useful for the department to know, the issue should be communicated to the relevant department's management orally or in writing. The department is not required to respond to such issues.
- F. PS staff should weigh the severity of any performance or policy deficiencies or control gaps they encounter, and communicate potentially serious findings to the relevant department as soon as practicable, based on consultation with and approval by the DIG-PS, so that steps may be taken to address the problem. Such communication, which may be oral or written, is not a substitute for a final report, but is necessary to alert officials to matters needing immediate attention and to permit them to take corrective action before the final report is completed. The provision of such communication by PS and any such actions taken in response shall be noted in the final report.
- G. Reporting
 - 1. The findings and/or conclusions of PS evaluations shall be published in reports directed to the appropriate department head, the Mayor, and the City Council and published on OIG's website. Reports are intended to:
 - a) Communicate results to department management and City officials;

- b) Communicate results to the public;
 - c) Make the project results clear and understandable, which may require drafting and presentation methods designed to reach a broad range of Chicago through multiple communication channels; and
 - d) Facilitate future follow-up to determine whether corrective action has been taken.
2. PS shall strive to produce high-quality reports that are accurate, objective and balanced, complete yet concise, and persuasive.
 3. When the final first draft of a report is ready, a PS staff member with no previous connection to the evaluation shall be assigned to perform an independent review of the report and supporting documentation for accuracy, completeness, and adherence to the applicable standards. The report is then reviewed by other internal staff, culminating with the IG.
 5. PS shall send the final version of each report to the relevant department's management, and invite them to submit a written response to be included in the report published on the OIG website. No report shall issue without the approval of the IG or the DIG-PS, if designated by the IG.
 6. Six months after publication of a report, PS staff and the IG shall determine how to follow up with the subject department on corrective actions taken pursuant to the report.
- H. If PS terminates an evaluation prior to its completion, staff shall inform the relevant department and prepare a memorandum summarizing the results of work performed and the reason the project was terminated.

14.4 Annual Report

As required by MCC §2-56-240(b), DIG-PS shall produce an annual report summarizing PS's work, activities, and products from the prior calendar year, including identified patterns, trends, and outcomes in policing and police accountability. The annual report shall also report on the status of adoption of PS's previous recommendations to CPD, COPA, and the Police Board.

Section 15 – Review and Amendment of OIG Rules

The IG shall appoint a group of senior-level OIG employees to periodically review these rules, as well as any suggested revisions or additions to the rules proposed by outside sources. This Rules Group shall submit to the IG any suggestions for revisions or additions at least every three years from the date these rules take effect. Any amendments to these rules shall be posted for a period of not less than 45 days to allow for Notice and Comment prior to becoming final.