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Inspector General

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Memorandum of Understanding
Between the Law Department and the Inspector General's Office
Regarding Investigations of the Inspector General's Office
June 15, 2009

The City of Chicago Law Department, through Corporation Counsel Mara S. Georges, and the City of Chicago Inspector General's Office, through Inspector General David H. Hoffman, agree that the following protocol will govern complaints against and investigations of employees of the Inspector General's Office.

1. Outside Investigative Company

An independent investigative company ("the Outside Investigative Company" or "the Outside Company") will be selected in order to provide an independent mechanism for handling complaints against certain high-level employees of the Inspector General's Office ("IGO").

The Outside Investigative Company shall be chosen jointly by the Inspector General and the Corporation Counsel. The Outside Investigative Company shall have the maximum amount of independence from the City of Chicago government and the Inspector General's Office, and the maximum amount of experience regarding this type of investigative work.

2. IGO Internal Investigative Unit

The Internal Investigative Unit in the IGO (also called "the Internal Unit") shall also handle complaints against employees of the IGO. The Internal Unit shall consist of two or three high-ranking members of the IGO. As of June 2009, the Internal Unit consists of First Deputy Inspector General Mary Hodge and Deputy Inspector General T.J. Hengesbach.

3. Division of duties between the Outside Company and the Internal Unit

Complaints against the Inspector General, the First Deputy Inspector General, a Deputy Inspector General, or the Director of Investigations and Audit (collectively, "IGO Management") shall be handled by the Outside Company. Complaints against all other IGO employees shall be handled by the IGO Internal Investigative Unit.

If the complaint makes allegations against both a member of IGO Management and an IGO employee outside IGO Management ("a hybrid complaint"), the entire complaint will be handled by the Outside Company unless the complaint can be reasonably divided into one involving IGO Management and one involving other IGO employees. If the Outside Company determines that the allegations against IGO Management in a hybrid complaint do not merit

investigation, or that the allegations have no merit, the Outside Company may refer the remainder of the complaint to the Internal Unit.

4. *Receipt of Complaints*

(a) When complaints against employees of the IGO are received by the IGO, the complaint shall be forwarded to the IGO Internal Investigative Unit, which shall keep the complaint or refer it to the Outside Company according to paragraph 3 above.

(b) When complaints against employees of the IGO are received by someone in City government who believes that the complaint may merit investigation, the complaints shall be forwarded either to the IGO Internal Investigative Unit or the Corporation Counsel.

If the IGO Internal Investigative Unit receives such a complaint, it shall keep the complaint or refer it to the Outside Company according to paragraph 3 above.

If the Corporation Counsel receives such a complaint, she shall refer the complaint to the IGO Internal Investigative Unit or the Outside Company according to paragraph 3 above.

5. *Complaints referred to the Outside Company*

The Outside Company shall determine whether the complaint merits investigation.

If the Outside Company determines that the complaint does not merit investigation, it shall inform the IGO Internal Investigative Unit. If the complaint was referred to the Outside Company from the Corporation Counsel, the Outside Company shall also inform the Corporation Counsel of its determination.

6. *Investigations by the Outside Company*

If the Outside Company conducts an investigation, it shall have access to all IGO personnel and records, subject to the provisions below, by making requests through the IGO Internal Investigative Unit or the Inspector General, as appropriate. The IGO shall cooperate fully with the Outside Company's investigation.

If the Outside Company requests information from the IGO, through records or interviews, that would cause information to be disclosed that is protected by grand-jury secrecy rules, the IGO Internal Investigative Unit shall inform the Outside Company that the IGO is unable to provide certain documents or answer certain questions because of grand-jury secrecy rules.

If the Outside Company requests information from the IGO, through records or interviews, that would otherwise compromise the confidentiality or integrity of an ongoing IGO investigation if disclosed, the IGO Internal Investigative Unit shall provide this information to the Outside Company but may inform the Outside Company that this information shall not be disclosed to anyone other than the Outside Company and the IGO, including in any final investigative report, until the Inspector General authorizes it.

When the Outside Company completes an investigation, it shall issue a report stating whether it found the allegations to be sustained or not sustained. If it found that one or more allegations were sustained, the report shall summarize the Outside Company's basis for its findings or conclusions. The Outside Company may determine what form the report shall take. Pursuant to the paragraph above, if the IGO has informed the Outside Company that certain information may not be disclosed, the Outside Company will redact this information from the report in a manner satisfactory to the IGO before disclosing the report to anyone other than the Outside Company and the IGO.

All sustained reports shall be sent to the Inspector General, the IGO Internal Investigative Unit, and the Corporation Counsel. All non-sustained reports shall be sent to the Inspector General, the IGO Internal Investigative Unit and, if the complaint was referred to the Outside Panel from the Corporation Counsel, to the Corporation Counsel. If the Outside Company finds that there is a pattern of a substantial number of complaints involving the same type of allegation against a particular person in IGO Management, and if the Outside Company has not addressed such complaints against this person in sustained reports, then the Outside Company shall send a report to the Inspector General, the IGO Internal Investigative Unit, and the Corporation Counsel stating its finding regarding such a pattern. The Corporation Counsel may forward to the Mayor a report from the Outside Company if she believes it is appropriate.

7. *Costs of Work By Outside Company*

The costs of work done by the Outside Company shall be paid by the Law Department (50%) and the Inspector General's Office (50%).

The Outside Company shall send a copy of the bill for its work to both the Inspector General and the Corporation Counsel. Regarding fees, the bill shall follow the Law Department's rules for legal fees for outside law firms, including the rule setting the cap on hourly rates.

The Outside Company shall endeavor to staff its investigations in a manner that keeps costs reasonable.

8. *Complaints referred to the IGO Internal Investigative Unit*

When the IGO Internal Investigative Unit receives a complaint and does not refer the complaint to the Outside Company, the Internal Unit shall determine whether the complaint merits investigation. If it determines that the complaint does not merit investigation, it shall inform the Inspector General.

If the complaint was referred to the Internal Unit from the Corporation Counsel, the Internal Unit shall also inform the Corporation Counsel of its determination. If the Corporation Counsel disagrees and believes that the complaint merits investigation, the Corporation Counsel shall confer with the Internal Unit in an attempt to reach agreement about the proper determination. If the disagreement remains and the Corporation Counsel continues to believe that the complaint merits investigation, the Internal Unit shall conduct an investigation of the complaint.


9. Investigations by the IGO Internal Investigative Unit

If the Internal Unit conducts an investigation, it shall issue a report at the conclusion of the investigation stating whether it found the allegations to be sustained or not sustained. If it found that one or more allegations were sustained, the report shall summarize the Internal Unit's basis for its findings or conclusions. The report shall be sent to the Inspector General and, if the complaint was referred to the Internal Unit from the Corporation Counsel, to the Corporation Counsel. The Corporation Counsel may forward the report to the Mayor if she believes it is appropriate.

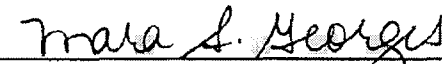
10. Confidentiality

All investigatory files and reports of the Outside Company and the IGO Internal Investigative Unit shall be confidential and shall not be divulged to any person or agency, other than:

- (i) as provided in this protocol;
- (ii) if a court orders such disclosure;
- (iii) if the Outside Company, the Internal Unit, the Inspector General, the Corporation Counsel, or the Mayor determines that such files and reports should be divulged to federal, state, or local law enforcement authorities; or
- (iv) within the IGO, as determined by the Inspector General, in order to take steps considered necessary by the Inspector General to address any negative findings or conclusions in a report by the Outside Company or the Internal Unit.



David H. Hoffman
Inspector General



Mara S. Georges
Corporation Counsel

6/15/09

Date

6-16-09

Date