

CHAPTER 2-56
OFFICE OF INSPECTOR GENERAL

- 2-56-010 Establishment - Composition.**
- 2-56-020 Inspector general - Appointment and authority.**
- 2-56-030 Inspector general - Powers and duties.**
- 2-56-035 Monitoring employment actions.**
- 2-56-040 Subpoena issuance and contents - Objections.**
- 2-56-050 Conduct of city officers, employees and other entities.**
- 2-56-055 Functions with respect to sister agencies.**
- 2-56-060 Investigation reports.**
- 2-56-065 Response to recommendations by the inspector general.**
- 2-56-070 Confidentiality of informants - Exceptions.**
- 2-56-080 Investigations not concluded within twelve months.**
- 2-56-090 Cooperation in investigations.**
- 2-56-100 Retaliation prohibited.**
- 2-56-110 Files and reports confidential - Public statements authorized when.**
- 2-56-120 Quarterly reports to city council.**
- 2-56-130 Inspector general - Conditions for removal from office.**
- 2-56-140 Obstructing or interfering with investigations - Penalty.**
- 2-56-145 False claims - Penalty.**
- 2-56-150 Political activities prohibited.**
- 2-56-155 Statute of limitations on ethics investigations.**
- 2-56-160 Violation - Penalty - Discharge or other discipline.**
- 2-56-170 Severability.**

2-56-010 Establishment - Composition.

There is hereby established an office of the municipal government to be known as the office of inspector general, which shall include an inspector general and such deputies, assistants and other employees as may be provided in the annual appropriation ordinance.

(Prior code § 19-1; Added Coun. J. 10-4-89, p. 5726)

2-56-020 Inspector general - Appointment and authority.

The mayor shall create a Blue Ribbon Panel of five members to diligently search out qualified candidates who have relevant education or work experience for the position of inspector general and make recommendations to the mayor. The Blue Ribbon Panel shall consist of members of the community who have exhibited the highest moral character and integrity, who have demonstrated a commitment to public service, including but not limited to, deans of colleges, retired judges, and directors of neighborhood, civic or community organizations. The inspector general shall be appointed by the mayor from individuals recommended by the Blue Ribbon Panel, subject to approval of the city council, and shall have responsibility for the operation and management of the office of inspector general. The inspector general shall be appointed for a term of four years, which may be renewed at the discretion of the mayor,

subject to approval of the city council.

(Prior code § 19-2; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 2-13-13, p. 46730, § 3)

2-56-030 Inspector general - Powers and duties.

In addition to other powers conferred herein, the inspector general shall have the following powers and duties:

- (a) To receive and register complaints and information concerning misconduct, inefficiency and waste within the city government;
- (b) To investigate the performance of governmental officers, employees, functions and programs, either in response to 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;
- (c) To promote economy, efficiency, effectiveness and integrity in the administration of the 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 the city council policies and methods for the elimination of inefficiencies and waste, and the prevention of misconduct;
- (d) To report to the mayor concerning results of investigations undertaken by the office of inspector general;
- (e) To request information related to an investigation from any employee, officer, agent or licensee of the city;
- (f) To conduct public hearings, at his discretion, in the course of an investigation hereunder;
- (g) To administer oaths and to examine witnesses under oath;
- (h) To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication. Issuance of subpoenas shall be subject to the restrictions contained in Section 2-56-040;
- (i) To exercise any of his powers or duties specified in this Code with respect to any sister agency, as that term is defined in Section 1-23-010, pursuant to an intergovernmental agreement that the city may enter into with such sister agency as authorized by the city council, and as such power or duty may be modified by such agreement;
- (j) 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.

(Prior code § 19-3; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 10-8-14, p. 92142, § 1)

2-56-035 Monitoring employment actions.

(a) *Definitions.* As used in this section:

"Hiring plan" means the hiring plan adopted by the City of Chicago in 2007 and approved, on January 18, 2008, by the Court in *Shakman, et al. v. City of Chicago, et al*, Case Number 69 C 2145 (N.D. Ill.), setting forth the governing principles for city hiring and other employment actions concerning both internal and external applicants and candidates. As used in this section, references to the hiring plan shall include the plan as amended from time to time.

"Employment action(s)" includes, but is not limited to, hiring, firing, promotion, demotion, lay-off, reinstatement, re-employment, transfer, reclassification, overtime, and/or the assignment of any job benefit.

(b) *Powers and duties.* The inspector general shall have the authority to monitor employment actions under the hiring plan and related policies and procedures. In addition, the inspector general shall have the authority to investigate allegations of non-compliance with the hiring plan and related policies and procedures. Complaints concerning employment actions and related policies and procedures, including claims of unlawful political discrimination, shall be made to the inspector general.

(c) *Reporting on monitoring of employment actions.* Notwithstanding anything to the contrary, the inspector general shall issue reports as required by the hiring plan and as otherwise necessary to carry out his functions under this section. These reports will be considered public records and will be posted, with identifying information stricken, on the inspector general's website.

The inspector general shall also issue quarterly and annual reports that include statistics on the number of escalations (as that term is defined in the hiring plan) newly initiated, pending, closed with investigation, and closed without investigation. The quarterly and annual reports shall also include a description of the outcomes, findings, recommendations, and actions taken on the recommendations of any investigation of an escalation.

The inspector general shall redact the personal identifying information prior to posting such reports on the I.G.O. website.

2-56-040 Subpoena issuance and contents - Objections.

The inspector general shall issue subpoenas only if (a) he is conducting an investigation authorized by this chapter; and (b) the investigation relates to misconduct within the programs and operation of the city government by any person described in Section 2-56-050; and (c) the inspector general has a reasonable belief that such misconduct has occurred; and (d) the testimony of the witness or the documents or items sought by the subpoena are relevant to the investigation. A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas.

A subpoena issued under this chapter shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents or other items described in the subpoena. In no event shall the date for examination or production be less than seven days after service of the subpoena.

No later than the time for appearance or production required by the subpoena, the person to whom the subpoena is directed may object to the subpoena, in whole or in part. The objection shall be in writing, delivered to the inspector general, and shall specify the grounds for the objection. For seven days after receipt of a timely objection to a subpoena, the inspector general shall take no action to enforce the subpoena or to initiate prosecution of the person to whom the subpoena is directed. During this seven-day period, the inspector general 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 the inspector general in order to allow completion of any negotiations. The extension shall be in writing addressed to the person to whom the subpoena is directed, and shall specify the date on which the negotiation period will end. Negotiations may include such matters as the scope of the subpoena and the time, place and manner of response thereto. 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.

(Prior code § 19-4; Added Coun. J. 10-4-89, p. 5726)

2-56-050 Conduct of city officers, employees and other entities.

(a) The powers and duties of the inspector general shall extend to the conduct of the following: (a) except as limited in this section all elected and appointed officers of the city government in the performance of their official duties; (b) except as limited in this section, all employees of the city government in the performance of their official duties; (c) all contractors and subcontractors in the providing of goods or services to the city pursuant to a contract; (d) business entities in seeking contracts or certification of eligibility for city contracts; and (e) persons seeking certification of eligibility for participation in any city program. Notwithstanding anything to the contrary contained herein, the office of inspector general shall have no power or authority over any member of the city council, or any city council employee, as defined in Section 2-55-010. If the office of inspector general receives any complaint alleging misconduct, inefficiency or waste against any member of the city council or any city council employee, as defined in Section 2-55-010, the inspector general shall promptly transmit said complaint to the legislative inspector general. Nothing in this section shall preclude the inspector general from referring a complaint or information to the legislative inspector general, the appropriate sister agency, or the appropriate federal, state or local law enforcement authorities.

(b) (1) Notwithstanding any other provision in this chapter to the contrary, if the office of the inspector general receives a complaint alleging a violation of Chapter 2-156 against any city official, city employee or any other person subject to Chapter 2-156 except an alderman, city council employee or lobbyist engaged in the lobbying of aldermen or city council employees, as the term "city council employee" is defined in Section 2-55-010, the inspector general, after reviewing the complaint, may only: (i) decline to open an investigation if he determines that the complaint lacks foundation or does not relate to a violation of Chapter 2-156, or (ii) refer the matter to the supervisor of the employee or official if he determines that the potential violation is minor and can be resolved internally as a personnel matter; or (iii) open an investigation. The board of ethics shall promulgate, in consultation with the investigating authorities, rules setting forth the criteria to determine whether a potential violation of Chapter 2-156 is minor.

(2) Notwithstanding any other provision in this chapter to the contrary, at any point during an investigation that the inspector general conducts on matters pertaining to violations of Chapter 2-156, the inspector general may only: (i) dismiss the matter and close the investigation based on a finding that the alleged violation is not sustained; or (ii) refer the matter to the appropriate law enforcement authority, if he reasonably believes that the alleged misconduct would violate a criminal statute; or (iii) request a probable cause finding in accordance with Section 2-156-385.

(3) The inspector general shall conclude his investigation of any violation of Chapter 2-156 under his jurisdiction no later than two years from the date of initiating the investigation; provided, however, that any time period during which the person under investigation has taken affirmative action to conceal evidence or delay the investigation, shall not count towards the two-year period.

Notwithstanding any tolling or suspension of time applied, governmental ethics investigations by the inspector general under this Chapter are subject to an absolute four-year time limit from the date of initiation.

(c) Before the inspector general interviews a person subject to investigation or a subpoena in relation to a complaint under his jurisdiction, he shall inform the person of that person's right to be represented by counsel at the interview.

(Prior code § 19-5; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 5-12-10, p. 92409, § 3; Amend Coun. J. 2-13-13, p. 46730, § 3)

2-56-055 Functions with respect to sister agencies.

Nothing provided in this chapter shall be construed to prohibit the inspector general from providing any service or undertaking any function with respect to a sister agency within the scope of an intergovernmental agreement entered into pursuant to Section 2-56-030(i).

(Added Coun. J. 10-8-14, p. 92142, § 1)

2-56-060 Investigation reports.

Upon conclusion of an investigation the inspector general shall issue a summary report thereon. The report shall be filed with the mayor, and may be filed with the head of each department or other agency affected by or involved in the investigation. The report shall include the following:

- (a) A description of any complaints or other information received by the inspector general pertinent to the investigation;
- (b) A description of any illegal conduct, inefficiencies or waste observed or discovered in the course of the investigation;
- (c) Recommendations for correction of any illegal conduct, inefficiencies or waste described in the report;
- (d) Such other information as the inspector general may deem relevant to the investigation or resulting recommendations.

(Prior code § 19-6; Added Coun. J. 10-4-89, p. 5726)

2-56-065 Response to recommendations by the inspector general.

If the inspector general issues a recommendation of discipline to a department head or affected entity, that department head or affected entity must respond to that recommendation within 30 days with a written response to the inspector general. This response must include either (1) a description of any disciplinary action the department head has taken with respect to the employee in question or (2) a request for a 30-day extension of the 30-day decision period if additional time is needed by the department head to review the recommendation of discipline. If the department head or affected entity did not take any disciplinary action, or took a different disciplinary action than that recommended by the inspector general, the department head or affected entity must describe the different action and explain the reasons for the different action in the written response. This response must be submitted to the inspector general within the 30-day decision period. The inspector general may approve a request for an extension of this 30-day decision period for a period of time not to exceed 30 days if additional time is needed by the department head or affected entity to review the recommendation of discipline.

(Added Coun. J. 5-12-10, p. 92409, § 6)

2-56-070 Confidentiality of informants - Exceptions.

The summary report shall not mention the name of any informant, complainant, witness or person investigated, except in the following instances:

- (a) Where the copy of the report given to the head of any department or agency recommends disciplinary action against an employee of that agency;
- (b) Where the copy of the report given to the chief procurement officer makes recommendations concerning any contractor, subcontractor, applicant for a contract, or person seeking certification of eligibility for a contract;
- (c) Where the copy of the report given to the head of a department or agency makes recommendations concerning a person seeking certification of eligibility for a program administered by the department or agency;
- (d) Where the copy given to the mayor recommends disciplinary action against the head or any employee of any executive department or agency.
- (e) Where the copy of the report is given to the board of ethics or a hearing officer in compliance with a probable cause finding or

a hearing on the merits or as otherwise provided in Chapter 2-156.

(Prior code § 19-7; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 7-19-00, p. 38206, § 1; Amend Coun. J. 2-13-13, p. 46730, § 3)

2-56-080 Investigations not concluded within twelve months.

No later than the fifteenth day of January, April, July and October of each year, the inspector general shall submit to the mayor a report, accurate to the last day of the preceding month, indicating (1) the number of current investigations pending for more than twelve months; (2) the general nature of the allegations giving rise to each such investigation; and (3) the reason(s) why each such investigation is still pending.

(Prior code § 19-8; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 5-12-10, p. 92409, § 7)

2-56-090 Cooperation in investigations.

It shall be the duty of every officer, employee, department, agency, contractor, subcontractor and licensee of the city, and every applicant for certification of eligibility for a city contract or program, to cooperate with the inspector general in any investigation or hearing undertaken pursuant to this chapter. Each department's premises, equipment, personnel, books, records and papers shall be made available as soon as practicable to the inspector general. Every city contract and every bid, proposal, application or solicitation for a city contract, and every application for certification of eligibility for a city contract or program shall contain a statement that the person understands and will abide by all provisions of this chapter.

(Prior code § 19-9; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 5-12-10, p. 92409, § 8)

2-56-100 Retaliation prohibited.

No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the inspector general in the performance of his office.

(Prior code § 19-10; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 5-12-10, p. 92409, § 9)

2-56-110 Files and reports confidential - Public statements authorized when.

Except as otherwise provided herein, all 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 inspector general is authorized to issue public statements in the following circumstances: (a) if an investigation exonerates a person who is publicly known to have been under investigation, where such person requests such a statement; (b) if an investigation, audit or inspection concerns inefficient or wasteful management; and (c) in a public summary of each investigation resulting in sustained findings of misconduct. The public summary shall briefly state, without disclosing the name of any individual who was the subject of such investigation, (i) the nature of the allegation or complaint; (ii) the specific violations resulting in sustained findings; (iii) the inspector general's recommendation for discipline or other corrective measures; and (iv) the city's response to and final decision on the inspector general's recommendation.

(Prior code § 19-11; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 5-12-10, p. 92409, § 10; Amend Coun. J. 2-13-13, p. 46730, § 3)

2-56-120 Quarterly reports to city council.

No later than the fifteenth day of January, April, July and October of each year, the inspector general shall file with the city council a report, accurate as of the last day of the preceding month, indicating: the number of investigations initiated since the date of the last report; the number of investigations concluded since the last report; the number of investigations pending as of the reporting date; the number of investigations that were declined in accordance with subsection (b) of section 2-56-050 and the reasons for such declination, the number of complaints initiated but discontinued and the reasons for such discontinuations, the number of self-initiated complaints investigated by the inspector general, and the number of complaints referred to other agencies pursuant to subsection (a) of section 2-56-050 and the name of such agencies. Provided, however, that if all of the following three circumstances are present with regard to a complaint referred to another agency by the inspector general, then he may delay including in his report any information related to that complaint until after the conclusion of the investigation associated with that complaint: (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. The report shall also include the number of investigations of the conduct of employees; the number of investigations of the conduct of appointed officials; the number of investigations of the conduct of elected officials; the number of investigations of the conduct of contractors, subcontractors and persons seeking city contracts; the number of investigations of the conduct of persons seeking certification of eligibility for city contracts or other city programs; the number of investigations involving alleged misconduct;

the number of investigations involving alleged waste or inefficiency.

(Prior code § 19-12; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 2-13-13, p. 46730, § 3)

2-56-130 Inspector general - Conditions for removal from office.

The inspector general may be removed prior to the expiration of his term only for cause and in accordance with the provisions of this section. The mayor shall give written notice (a) to the city council of his intent to remove the inspector general; and (b) to the inspector general of the cause of his intended removal. Within ten days after receipt of the notice, the inspector general may file with the city council a request for hearing on the cause for removal. If no such request is made within ten days, the inspector general shall be deemed to have resigned his office as of the tenth day after receipt of the notice of intended removal. If such a request is made, the city council shall convene a hearing on the cause for removal of the inspector general, at which the inspector general may appear, be represented by counsel and be heard. The hearing shall be convened within ten days after receipt of the request therefor and conclude within 14 days thereafter. The mayor's notice of intended removal shall constitute the charge against the inspector general. Removal of the inspector general for cause after the hearing shall require the affirmative vote of a majority of the members of the city council then holding office.

(Prior code § 19-13; Added Coun. J. 10-4-89, p. 5726)

2-56-140 Obstructing or interfering with investigations - Penalty.

No person shall wilfully refuse to comply with a subpoena issued by the inspector general, or otherwise knowingly interfere with or obstruct an investigation authorized by this chapter and conducted by an announced investigator of the office of inspector general. Any person who wilfully violates the provisions of this section shall be subject to a fine of not less than \$300.00 and not more than \$500.00 for each such offense, or imprisonment for a period of not less than 30 days and not more than six months, or both a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended.

(Prior code § 19-14; Added Coun. J. 10-4-89, p. 5726)

2-56-145 False claims - Penalty.

Any person who makes a false statement, material to the issue or point in question, which he does not believe to be true, in any complaint relating to an investigation conducted by the inspector general shall be guilty of knowingly furnishing false statements or misleading information. Any person who violates this section shall be subject to a fine of not less than \$1,000.00 and not more than \$2,000.00 for each such offense, and/or imprisonment for a period not exceeding six months. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended.

(Added Coun. J. 2-13-13, p. 46730, § 3)

2-56-150 Political activities prohibited.

(a) No inspector general or employee of the office of the inspector general may, during his term of appointment or employment: (i) hold, or become a candidate for, any other elected or appointed public office except for appointments to governmental advisory boards or study commissions or as otherwise expressly authorized by law; or (ii) actively participate in any campaign for any elective office.

(b) The inspector general shall pledge in writing, at the time of his appointment, that, for two years after the termination of his appointment for any reason, the inspector general shall not: (i) become a candidate for any elected public office which includes the City of Chicago in its geographic jurisdiction; or (ii) hold any elected public office which includes the City of Chicago in its geographic jurisdiction.

(c) Neither the inspector general nor any employee of the office of inspector general shall engage in any political activity as defined in Chapter 2-156 of the Municipal Code.

(d) This section shall not apply to the inspector general or any employee of the inspector general to the extent that it is inconsistent with any law or regulation of the United States or the State of Illinois that preempts home rule.

(Prior code § 19-15; Added Coun. J. 10-4-89, p. 5726; Amend Coun. J. 2-13-13, p. 46730, § 3)

2-56-155 Statute of limitations on ethics investigations.

An investigation of any violation of Chapter 2-156 may not be initiated more than two years after the most recent act of alleged misconduct.

(Added Coun. J. 2-13-13, p. 46730, § 3)

2-56-160 Violation - Penalty - Discharge or other discipline.

Any employee or appointed officer of the city who violates any provision of this chapter shall be subject to discharge (or such other discipline as may be specified in an applicable collective bargaining agreement) in addition to any other penalty provided in this chapter.

(Prior code § 19-16; Added Coun. J. 10-4-89, p. 5726)

2-56-170 Severability.

If any provision, clause, section, part or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein. Nothing contained in this chapter is intended otherwise to alter or amend the rights or obligations of the city or any person affected by this ordinance.

(Prior code § 19-17; Added Coun. J. 10-4-89, p. 5726)