City of Chicago
Office of the Legislative Inspector General

Rules and Regulations
March 5, 2012
City of Chicago
Office of the Legislative Inspector General
Rules and Regulations

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Section 1  

**Purpose of the Legislative Inspector General’s Rules**

These rules are promulgated under the authority provided by the Municipal Code of Chicago (MCC), Chapter 2-55-060(e) to make rules concerning investigative matters conducted by the City of Chicago Legislative Inspector General’s Office (OLIG).

Section 2  

**Mission of the Legislative Inspector General**

The OLIG is an independent, nonpartisan oversight Office whose mission is to investigate allegations of misconduct by members and employees of the Chicago City Council (CCC). The OLIG receives complaints alleging misconduct and conducts investigations thereof at the request or with consent of the City of Chicago Board of Ethics (BOE), and/or members of the public. From these investigations, the OLIG issues confidential reports of findings to the BOE, including, but not limited to, recommendations and dispositions such as sustained or not-sustained findings of allegations. The OLIG may also conduct audits of City Council operations, policies and procedures.

Section 3  

**Definitions**

The following terms shall have the following meanings:

(a) “OLIG” means Office of the Legislative Inspector General.
(b) “LIG” means Legislative Inspector General.
(c) “MCC” means Municipal Code of Chicago.
(d) “BOE” means City of Chicago Board of Ethics.
(e) “CCC” means Chicago City Council.
(f) “City Council employee” shall mean an individual employed by an alderman or a City Council committee, whether part-time or full-time, including an individual retained as an independent contractor.
(g) “Representative” means an attorney admitted to practice law and in good standing in any jurisdiction of the United States;
“Request for an Investigation” means a request for an investigation based on alleged violations of Chapter 2-156 or 2-164 of the MCC.

“Investigation” means a formal inquiry into an allegation of a complaint of violation of Chapter 2-156 or 2-164 of the MCC.

“Days” means City business days.

“Sustained” means a determination that a violation may have occurred based upon a preponderance of the evidence.

“Not sustained” means a determination could not be reached as to whether a violation may have occurred based upon a preponderance of the evidence.

Any further definitions for the terms used in these rules and regulations may be found in Sections 2-156-010 and 2-164-010 of the MCC.

Section 4 Jurisdiction of the Legislative Inspector General

4-1 Introduction

The Office of the Legislative Inspector General was established in 2010 by Section 2-55-020 of the MCC. The OLIG was created to investigate alleged violations of the City’s Governmental Ethics and Campaign Financing Ordinances by any member(s) of the CCC. The OLIG is charged with the duty to investigate these allegations, and provide findings and recommendations to the BOE.

4-2 Rulemaking Authority

Pursuant to Section 2-55-060(e) of the MCC, the OLIG is empowered to promulgate rules for the conduct of investigations, including procedural rules consistent with the requirements of due process of law; provided, however: i) that no such rules and regulations become effective until forty-five (45) days
after their submission to the City Council; and ii) no such rules and regulations shall become effective if, during said forty-five day period, the City Council, by majority vote of aldermen, acts to disapprove said rules and regulations.

4-3 **Scope of Rules**

The rules and regulations set forth herein shall constitute the policy and practice of the OLIG and shall govern, with the force of law, the activities of the OLIG, provided such rules and procedures are consistent with Chapters 2-55, 2-156 and 2-164 of the MCC, as amended.

4-4 **Amendment of Rules**

Pursuant to MCC § 2-55-060(e), the Rules and Regulations of the OLIG may be amended by the OLIG; provided, however, no such amendment shall become effective until forty-five (45) days after its submission to the City Council. And, provided further, no amendment to the rules and regulations shall become effective if, during the forty-five (45) day period, the City Council, by majority vote of aldermen, acts to disapprove the amendment.

4-5 **Jurisdiction**

Pursuant to MCC § 2-55-060, the OLIG shall have jurisdiction over all aldermen and City Council employees.

Section 5 **Complaints**

5-1 **Subject Matter Jurisdiction**
5-2 **Receiving Complaints and Information**
5-3 **Recording and Logging of Complaints**
5-4 **Confidentiality of complaints**
5-5 **Requirements of Complaints**
5-6 **Certifications of Complaints**
5-7 **Unsigned or unsworn Complaints**
5-8 **False Complaints**
5-1 Subject Matter Jurisdiction

Pursuant to MCC § 2-55-060(a), the OLIG shall have the authority to receive and register complaints alleging misconduct against aldermen and City Council employees. The OLIG’s powers and duties shall extend to misconduct concerning, but not limited to: (i) the improper receipt of gifts or favors; (ii) the improper receipt of money or other thing of value for advice or assistance on matters concerning city business; (iii) the improper and unauthorized use of city property; (iv) the improper use or disclosure of confidential information; (v) conflicts of interest not properly disclosed; (vi) the improper solicitation or acceptance of political contributions; (vii) the improper use of one’s position to influence any city government decision or action in which one has any economic interest; and/or (viii) the breach of one’s fiduciary duty to the city.

5-2 Receiving Complaints and Information

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

1. Public website through which an individual may provide information, via a secure electronic report form, 24 hours a day, 365 days a year.

   Website:  www.chicagoOLIG.org

   Email address:  complaints@chicagoOLIG.org

2. Hotline:

   24 hour Telephone Hotline:  (312) 744-2312

   The Hotline shall be enabled to receive and record messages at all hours which shall be responded to and processed as appropriate, in accordance with the procedures set forth herein;

3. Fax:

   Facsimile:  (312) 744-2311
4. Mail

United States Mail: City of Chicago
Office of the Legislative Inspector General
740 N. Sedgwick St. Suite 500
Chicago, Il 60654-8488

5-3 Recording and Logging of Complaints

All complaints received, by any means, shall be assigned a unique number for tracking purposes.

5-4 Confidentiality of complaints and investigations

Complaints submitted to the OLIG and ensuing investigations shall be confidential during the entirety of the investigation and shall be disclosed only as authorized or required by law.

In addition, any ongoing investigation will neither be confirmed nor denied during its pendency, and information will be released only to authorized persons pursuant to law and ordinance at the conclusion of said investigation.

5-5 Requirements of Complaints

Notwithstanding Rule Section 5-2, pursuant to MCC § 2-55-060(b), the OLIG can investigate only complaints verified by certification that allege misconduct against aldermen and City Council employees, after a finding of reasonable cause or issuance of a letter of direction by the BOE.

Prior to presenting a request to the BOE for such a finding or issuance, the OLIG may exercise appropriate discretion in determining whether to petition the BOE for a finding of reasonable cause in order to act upon any particular complaint or conduct, except where otherwise directed by the BOE.
5-6 **Certifications of Complaints**

Pursuant to MCC § 2-55-070(a), complaints alleging misconduct against an alderman or City Council employee must be verified by certification, as described in MCC § 2-55-070(b).

Pursuant to MCC § 2-55-070(b), the person having knowledge of the matters stated in the complaint shall subscribe to a certification in substantially the following form:

> “Under penalties as provided by law pursuant to Section 2-55-140 of the Municipal Code of Chicago, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.”

5-7 **False Complaints**

Pursuant to MCC § 2-55-070(a), any person who intentionally makes a false statement, material to the investigation, in any complaint alleging misconduct against an alderman or City Council employee, which is certified by such person in accordance with MCC § 2-55-070(b), shall be guilty of knowingly furnishing false statements or misleading information and shall be subject to potential penalties, as described in MCC § 2-55-140, and OLIG Rules & Regs 5-8.

5-8 **Penalties for False Complaints**

Pursuant to MCC § 2-55-140, 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 the OLIG’s investigations of an alderman or City Council employee, and which is certified by such person in accordance with Section 2-55-070 of the MCC, shall be guilty of knowingly furnishing false statements or misleading information. Any person who 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, 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.
Unverified or Uncertified Complaints

Pursuant to MCC § 2-55-080(g), if the OLIG receives a complaint alleging misconduct against an alderman or City Council employee which is not verified and certified by the person making the complaint, the OLIG shall transmit said complaint to the committee on committees, rules and ethics. The OLIG will exercise due diligence in attempting to locate the complainant regarding certification of a complaint prior to referral.

Pursuant to MCC § 2-55-080(h), if the OLIG receives a verified and certified complaint against an alderman or City Council employee, which the OLIG deems insufficient to petition the BOE for a finding of reasonable cause, the OLIG shall transmit said complaint to committee on committees, rules and ethics and notify the BOE.

Review of complaints in furtherance of investigations

Pursuant to MCC § 2-55-080(a), if the OLIG receives a complaint alleging misconduct against an alderman or City Council employee which is verified by certification by the person making the complaint, the OLIG may petition the BOE for a finding of reasonable cause.

Pursuant to MCC § 2-55-060(b) the OLIG may exercise appropriate discretion in determining whether to petition the board of ethics for a finding of reasonable cause and act upon any particular complaint or conduct, except where otherwise directed by the BOE.

Pursuant to MCC § 2-55-080(a-b), when the BOE receives from the OLIG a petition for a finding of reasonable cause, it shall:

a. Dismiss the complaint, if it determines that the alleged misconduct would not constitute a violation of Chapters 2-156 or 2-164 of the MCC; or
b. Make an initial finding of reasonable cause and refer the complaint to the OLIG for investigation, if the alleged misconduct would constitute a violation of Chapters 2-156 or 2-164 of the MCC; or
c. Pursuant to a letter of direction issued by the BOE to the OLIG, refer the complaint to the OLIG for a limited fact-finding investigation, if additional investigation is required for the board of ethics to determine what action is appropriate; or
d. Retain exclusive jurisdiction of the matter and take other action as it deems appropriate in accordance with Chapters 2-156 or 2-164 of the MCC; or
e. Refer the complaint to the appropriate law enforcement authorities, if the BOE has a reasonable belief that the alleged misconduct would violate a criminal statute; or
f. Refer the complaint to the appropriate City Council committee or alderman for whom an employee works, if the board determines that the alleged misconduct is minor in nature.

The BOE’s actions upon receiving the OLIG petition are not a determination of a party’s rights, but only a finding of reasonable cause for it and/or the OLIG to commence an investigation into the complaint.

5-11 Complaint Referral

Pursuant to MCC § 2-55-060(g) and MCC § 2-55-080(b)(v), after a review of the complaint, should the OLIG determine that the subject or allegations within the complaint are not within the jurisdiction of the OLIG, or it has a reasonable belief that the alleged misconduct would violate a criminal law, the OLIG will refer the matter to the BOE and if appropriate, the Office of the City Inspector General, stating the reasons for referral (and suspending further activity on the complaint) for appropriate action.

Section 6 Investigations

6-1 Governing Laws
6-2 Opening of Investigations
6-3 Types of Investigations
6-4 Scope of Investigations
6-5 Subject Notification of Investigation
6-6 Investigative Standards
6-7 Cooperation with Investigations
6-8 Use of Subpoenas in Investigations
6-9 Objections to Subpoenas
6-10 Interviews
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6-12 Advisements in Interviews
6-13 Witness interview
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6-15 Recording of Interviews
6-16 Investigation by other agencies
6-17 Preservation and documentation
6-18 Obstructing Or Interfering With Investigations – Penalty
6-19 Statute Of Limitations On Investigations
Investigations Not Concluded Within Twelve Months
Retaliation

Governing Laws

Any investigations conducted by the OLIG will be in accordance with the following, as applicable:

- The Constitution of the United States;
- The Constitution of the State of Illinois;
- The Laws of the State of Illinois;
- The MCC;
- The Personnel Rules of the City of Chicago;
- Applicable legal case law;
- The OLIG Rules and Regulations;
- Internal Policies and Procedures of the OLIG; and
- Principles and Standards for Offices of Inspector General (the National Association of Inspectors General “Green Book”).

Opening of Investigations

The OLIG may open an investigation, based on:

a. A complaint as described in OLIG Rule & Reg 5-1; and/or
b. A request of the Board of Ethics; or
c. Consent and approval by the BOE after a finding of reasonable cause,

Factors for consideration in whether to petition the BOE under Section 5-10 for an investigation may include, but shall not be limited to:

a. The nature of the conduct alleged;
b. The date and age of the conduct alleged;
c. Credibility of the complainant;
d. Reliability and accuracy of content of the complaint based on the OLIG’s knowledge of the subject matter;
e. Availability of investigative resources likely necessary to prove or disprove the complaint.

The following factors shall not be considered when determining whether to so petition for an investigation. They include, but are not limited to:
a. The religious or political beliefs of the complainant or alleged wrongdoer;
b. The race, age, gender, disability, sexual orientation, national origin, marital status, military service or discharge status of the complainant or alleged wrongdoer;
c. Protected First Amendment conduct of the alleged wrongdoer.

6-3 Types of Investigations

There are two types of investigations:

Administrative Investigations

Administrative investigations generally involve violations of City ordinances, rules, policies or procedures and/or waste or inefficiency.

Administrative violations established by a preponderance of the evidence are Sustained. Administrative investigations which are not established by a preponderance of the evidence are Not-sustained.

Criminal Investigations

Criminal investigations may involve violations of municipal, state and/or federal law.

Pursuant to MCC § 2-55-110(b), once determined that allegations of misconduct may involve potential criminal conduct, the OLIG shall refer any investigation for further investigation to any appropriate law enforcement body, suspend its investigation, and inform the BOE of such referral.

6-4 Scope of Investigations

Pursuant to MCC § 2-55-090, the OLIG’s investigation may include:

a. Interviews and/or requests for information from the complainant, respondent or any other person reasonably related to the investigation;
b. Requests for information including documents, and cooperation from City officers, employees, departments, agencies, contractors,
subcontractors and licensees reasonably related to the subject of the investigation;

c. The issuance of subpoenas, in accordance with Section 2-55-060 of the MCC;
d. Acquisition and analysis of relevant documents;
e. Surveillance;
f. Computer forensic analysis;
g. Covert activity or undercover operations as allowed and approved by state and federal law.

6-5 Investigative Standards

All OLIG investigative staff shall have requisite knowledge, skills, and abilities to conduct thorough, objective and timely investigations. The OLIG investigative staff shall use due professional care and conform to the highest legal and ethical standards in the course of their work. OLIG supervisory staff shall be responsible for ensuring that investigatory staff members are properly trained and monitored to ensure that investigations are thorough and that reports are accurate, comprehensive, and timely.

6-6 Subject Notification of Investigation

Pursuant to MCC § 2-55-080(c), within seven days of the initiation of an investigation pursuant to OLIG rule & reg 5-2 and 5-10, the OLIG shall give the subject of the investigation notice of the substance of the complaint and an opportunity to present such written information as the subject may desire, including the names of any witnesses the subject wishes to have interviewed by the OLIG.

6-7 Cooperation with Investigations

Pursuant to MCC § 2-55-100, 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 OLIG in any investigation undertaken pursuant to this chapter.
In addition, pursuant to MCC § 2-56-090, each department’s premises, equipment, personnel, books, records and papers shall be made available as soon as practicable to the OLIG. 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 and/or entity understands and will abide by all provisions of this chapter.

6-8 Use of subpoena in Investigations

Pursuant to MCC § 2-55-060(c), upon approval of an investigation by the BOE, the OLIG shall have the authority to issue subpoenas when conducting an investigation, if:

a. The party to whom the subpoena is to be issued has previously failed to respond to a written request for the production of documents and/or testimony within seven days of the receipt of said written request; and
b. 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.

Subpoenas requiring a personal appearance shall include a check for $20 (witness fee), plus a mileage fee ($0.20 per mile each way for necessary travel).

A subpoena issued under this section 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.

6-9 Objections to Subpoenas

Pursuant to MCC § 2-55-060(c), 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 OLIG, and shall specify the grounds for the objection. For seven days after receipt of a timely objection to a subpoena, the OLIG 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 OLIG 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 OLIG in order to allow the completion of any negotiations. The extension shall be made 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.

6-10 Interviews

As part of an investigation, the OLIG may conduct interviews of persons with relevant information, including complainants, witnesses and subjects. Investigators will administer oaths and examine the interviewee under oath.

6-11 Status of Interviewee

The status of an interviewee can depend on a number of circumstances and may change during the course of an investigation.

Witnesses are defined as persons who provide information and against whom formal action is not reasonably contemplated (including disciplinary, administrative or criminal sanctions).

Subjects are defined as persons against whom formal adverse action (including disciplinary, administrative or criminal sanctions) might potentially be recommended.

6-12 Witness Interviews

The following are the basic but non-exhaustive rules governing witness interviews:

a. Witnesses are expected to provide complete and truthful answers to the OLIG inquiries.
b. If, during the course of an interview, the OLIG determines that a witness may be subject to formal adverse action administrative or criminal, the OLIG shall stop the interview and either (i) provide appropriate advisements as discussed below, or (ii) schedule a subsequent interview at which time appropriate advisements will be provided.

6-13 **Advisements in Interviews**

Advisements shall be provided to potential subjects as required by law. The specific advisements provided to subjects will depend on their status at that time, i.e. and whether an investigation is administrative or potentially criminal.

OLIG investigators shall read the appropriate advisements aloud and on record, and provide a written copy for review before requesting a signature acknowledging that the advisements have been read and provided. The acknowledgement form shall be included in the investigative file.

Administrative advisements and those deemed criminal advisements (where the OLIG believes that there may be a potential criminal violation in the complaint) shall not be given in the same interview simultaneously.

Advisements in administrative interviews and investigations shall contain the following core elements:

a. The interviewee has a duty to cooperate.
b. Any information provided can be used as the basis for disciplinary and/or other administrative action against the interviewee.

Advisements in criminal interviews and investigations (where the OLIG believes that there may be a potential criminal violation in the complaint) shall contain the following core elements:

a. The interview is voluntary, and there is no duty to answer questions or provide information.
b. Any statement or information provided may be used in a subsequent criminal prosecution and/or disciplinary/administrative action against the interviewee.
6-14 **Representation in Interviews**

All interviewees (whether a subject or witness) may bring or request representation prior to or during an interview. An interviewee requesting representation prior to an OLIG interview shall be given a reasonable amount of time to obtain representation, as described in Definitions in OLIG rules & regs. In addition, at any time during the interview the interviewee may ask to stop the interview and request representation. The interview will cease and be continued for a reasonable amount of time, allowing the witness to secure representation.

If an interviewee elects to bring representation, 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 non-testimonial information in writing after the conclusion of the interview.

If a witness chooses to proceed without a representative present, he or she shall be asked to sign a waiver of representation.

6-15 **Recording of Interviews**

It is the policy of the OLIG to record interviews either by means of audio-recording or court-reporting. The following steps shall be taken when the interview shall be audio-recorded, prior to the proceeding:

a. The interviewee shall be asked if he/she will consent to recording.

b. Pursuant to Illinois state eavesdropping law, if the interviewee declines to give his/her consent, the interview shall not be audio-recorded.

The OLIG may elect, in its discretion, to court-record the interview only rather than seek consent to record. In that instance, the witness’ consent to record is not required.

No adverse action shall be taken against the interviewee for refusing to consent to record an interview.

6-16 **Investigation By Other Agencies.**

Pursuant to MCC § 2-55-110(a), If the OLIG receives reliable information that a matter under investigation is also under investigation by a law
enforcement agency, the OLIG shall suspend its investigation. The OLIG may reinstate its investigation upon the conclusion of the investigation by the law enforcement agency.

Pursuant to MCC § 2-55-110(b), if the OLIG has a reasonable basis for concluding that an investigation has revealed criminal conduct, the OLIG shall inform the BOE, refer the matter to the appropriate law enforcement authority or the BOE, and suspend its investigation.

Pursuant to MCC § 2-55-060(b), the OLIG will also refer to the city’s office of inspector general and the BOEs, complaints against all persons over whom the legislative inspector general lacks jurisdiction.

6-17 Preservation and documentation

All significant investigative activities shall be documented in the case file in a timely, accurate, and complete manner consistent with OLIG policies and procedures. In addition, the OLIG shall undertake to collect all relevant evidence and to preserve the chain of custody to preserve its admissibility in any subsequent proceedings. The OLIG shall maintain evidence tracking procedures and a secure evidence area that only authorized OLIG personnel can access. Information and evidence obtained during an investigation shall be verified by as many sources as are necessary and reasonable to establish the validity of such information and evidence.

6-18 Obstructing or Interfering With Investigations – Penalty

Pursuant to MCC § 2-55-130, no person shall willfully refuse to comply with a subpoena issued by the OLIG, or otherwise knowingly interfere with or obstruct an investigation authorized by this chapter and conducted by an announced investigator of the OLIG. Any person who willfully 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, and/or imprisonment for a period not exceeding six months. 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.
Statute Of Limitations on Investigations.

Pursuant to MCC § 2-55-120, an investigation may not be initiated more than two years after the most recent act of the alleged misconduct.

Investigations Not Concluded Within Twelve Months

Pursuant to MCC § 2-56-080, no later than the fifteenth day of January, April, July and October of each year, the OLIG shall submit to the Office of 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.

Retaliation

Pursuant to MCC §2-56-100, no person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the OLIG in the performance of his office.

Section 7  Findings and Conclusions

7-1  Reports
7-2  Conclusions

7-1  Reports

Pursuant to MCC § 2-55-060(d), at the conclusion of his investigation, the legislative inspector general shall present his report to the board of ethics.

In addition, pursuant to MCC § 2-55-060(f), the OLIG will also prepare and publish, from time to time but at least semi-annually, reports summarizing the legislative inspector general’s activities and to present such reports to the committee on committees, rules and ethics.
7-2 Conclusions

Pursuant to MCC § 2-55-080(f), no alderman or City Council employee shall be determined or found to have violated Chapters 2-156 or 2-164 of the Municipal Code of Chicago unless the BOE so determines that a violation has occurred only after the subject has exercised or waived his or her right to a hearing conducted by the BOE in which due process rights are afforded, in accordance with Chapters 2-156 and 2-164 of the Municipal Code of Chicago.
Section 8  Frequently asked questions

What does OLIG stand for and what does it do?

The OLIG stands for the Office of the Legislative Inspector General. It investigates allegations of misconduct against aldermen and all Chicago City Council staff.

How does the OLIG get complaints, or how can I file a complaint?

The procedure can be started in a number of ways. You can write a letter, call the hotline, fax a complaint, go through the website, or send an email. Sorry, Twitter, LinkedIn, Facebook and/or any other social media do not count. Once the complaint is received, if it falls within the jurisdiction of the OLIG, someone will contact you for an interview. You will have to appear in person in order for your complaint to be verified and certified, as required by ordinance.

If your complaint does not fall within the jurisdiction of the OLIG, it will be forwarded to the appropriate authorities, and you will be notified of the OLIG’s actions.

What is the contact info for the OLIG?

Website:  OLIGChicago.org
Phone:  (312) 744-2312
Fax:  (312) 744-2311
Email:  complaints@OLIGChicago.org
Address:  Office of the Legislative Inspector General
740 N. Sedgwick St. Suite 500
Chicago, Il 60654-8488

All of this contact information will also be posted in various City locations and aldermen offices in their respective wards.

Who can I file a complaint against?

Aldermen and City Council staff only.
What if I want to file a complaint against someone not in City Council?

If you send the complaint to the OLIG, it will be forwarded to the appropriate investigative body.

What if I want to file a complaint but not identify myself?

The ordinance for the OLIG does not allow anonymous complaints. Unless you sign your name and swear or aver you are telling the truth, we can't investigate your complaint.

Why can't I make an anonymous complaint?

The OLIG was created to investigate aldermen and City Council staff. Experience has shown that some complaints are often times fabricated and/or improperly motivated. As such, to safeguard against false complaints, with your identity it can be verified that you are filing a genuine complaint, and not simply seeking political, personal, or professional gain for yourself and/or others.

Will my identity be kept secret?

Yes, until and unless we are required by law or statute to identify you.

What is an investigation?

An investigation is the process by which the OLIG gathers facts and analyzes evidence to determine whether a law, rule, or regulation could have been violated. An investigation may require interviews of witnesses and subjects, review and analysis of documents, and/or surveillance, depending on the nature of the allegation(s).

Will the investigation be kept confidential?

By ordinance, all OLIG investigations remain confidential during the pendency of the investigation, and as a result, we will neither confirm nor deny the existence of an investigation to anyone other than law enforcement officials necessary to further the investigation.
How does the OLIG start an investigation?

The OLIG will take your sworn and signed complaint, verify there is reasonable cause to proceed, and then seek permission from the City of Chicago Board of Ethics to open an investigation.

Why do you need the Board of Ethics (BOE) permission to conduct a full-scale investigation?

It is required by ordinance.

What is reasonable cause?

Reasonable cause is a determination made by the OLIG that there is sufficient evidence to move forward with an investigation. In other words, the OLIG decides there is a potential violation of law to investigate, and there is enough information to support that investigation.

Who conducts OLIG investigations?

As currently constituted, all investigations will be conducted by the Legislative Inspector General, who has years of experience in law enforcement and investigations.

What are possible outcomes of OLIG investigations?

The IGO conducts administrative and refers matters determined to involve criminal investigations to the appropriate law enforcement authorities.

Administrative investigations can result in one of two potential outcomes: Sustained (which means a preponderance of the evidence supports a finding that the misconduct/violation occurred); and Not Sustained (which means that there is insufficient evidence to find that misconduct/violation occurred).

By ordinance, sustained administrative investigations are reported to the BOE. Criminal investigations are reported to the BOE and referred to relevant law enforcement agencies.

Criminal investigations can result in a complaint or indictment by an appropriate law enforcement agency if there is sufficient evidence establishing probable cause of a violation of a criminal statute. An arrest may accompany the complaint or indictment.
How long does it take to complete an investigation?

A number of factors impact the length of time it takes to complete a thorough investigation, including, but not limited to, the nature of the allegation(s), the number of interviews required, documents analyzed to ascertain relevant facts, availability of resources, and the degree of cooperation. The OLIG is committed to completing investigations as expeditiously as possible.

If I’m called for an interview, what can I expect?

It depends on the reason why you are called. First, whether you are a complainant, witness, or subject, you will be asked to sign a series of documents acknowledging you are fully aware of all your rights.

If you are a complainant, you will be asked to swear or aver to tell the truth, and the interview will be recorded unless you object. You will be interviewed, and should bring anything you think that will support your allegations. Examples can be documents and pictures.

If you are a witness or subject, you will be asked to swear or aver to tell the truth, and the interview will be recorded unless you object. If the interview is about an administrative matter, the answers you provide may not be used against you in a subsequent criminal prosecution. You have a duty to cooperate and answer all questions.

If the interview discloses potential criminal conduct, you may invoke your Fifth Amendment right against self-incrimination to appropriate questions.

Regardless of the type of investigation, you may bring an attorney or other representative to your interview. If you choose not to bring an attorney or other representative, you will be asked to sign documents confirming this. If you waive representation but change your mind during the process, the interview will stop for a reasonable period of time until you can secure representation.

Can a Department or City Attorney represent a City employee in an interview?

No. Attorneys employed by the City are prohibited from providing legal counsel to an individual in an OLIG investigation. Witnesses or subjects may retain private attorneys to represent them during an OLIG interview.
What is the role of a representative or attorney during an OLIG interview?

Any request for a representative must not cause unreasonable delay or a limitation to an OLIG interview. If a witness wishes to bring a representative, that representative may not answer questions and may not obstruct the interview. Witnesses or subjects will be permitted to take reasonable breaks to consult with their representatives. Representatives may be permitted to clarify questions and may provide additional but non-testimonial information at the conclusion of the interview.

Can I record the OLIG interview?

No.

Can I get a copy of my OLIG interview?

Only if required by law.

How do I request information or documents from the OLIG?

Requests for information or documents concerning an investigation must be made in writing and will only be disclosed pursuant to law. Please be advised that the strict confidentiality mandated by ordinance means that the OLIG is prohibited from disclosing most investigative documents and information, even under the Illinois Freedom of Information Act. The OLIG will comply with all relevant laws when determining what, if any, information can be disclosed, and/or released.

Can I discuss my case with anyone before and/or after I have been interviewed?

It is generally inappropriate to discuss the nature of the allegations, and after the interview, the questions or the content of the interview with anyone other than your legal representative(s) or attorney, such as other witnesses, or any party who may have potential involvement in the matter under investigation. If you have any question(s) about whether you can discuss the matter with someone, you should contact the OLIG before making such disclosure.
What happens when the investigation is completed?

When an investigation is concluded and it has been determined there is insufficient evidence to support a finding by a preponderance of the evidence that a violation of law, rule, or regulation occurred, the matter will be considered Not Sustained, and a report will be issued to the BOE.

When the OLIG determines a violation of a law or city rules and regulations may have occurred based upon a preponderance of the evidence, the investigation will be considered Sustained, and a report to the BOE will be issued as required by ordinance summarizing the investigation, findings and recommendations.

The OLIG may make recommendation for discipline, penalties or sanctions, but does not have the authority to impose them. Rather, the BOE makes final determination regarding whether there have been any violations, and whether the violations warrant imposition of penalties or sanctions.

Neither the complainant, subject, nor any other person shall have any right of, and the OLIG shall not permit, the review, or appeal, of any OLIG findings, conclusions, and/or recommendations arising from its review of the complaint, or from the investigation of said complaint, to either the OLIG and/or BOE.

Will the OLIG issue any public reports?

Yes. Every six months, the OLIG will issue a report documenting complaint and statistical information for the City Council.
OLIG PROCEDURAL CHART

IG Request → Public → Board of Ethics

COMPLAINT

Anonymous

Deem insufficient and send to Committee on Rules and Ethics, and notify the BOE

Certified

Preliminary Investigation, including search for, and interview of witnesses

Petition the BOE for full investigation and the BOE will do one of the following:

- Retain jurisdiction
- Dismiss complaint
- Refer complaint to external agency
- Request full investigation
- Request limited investigation

THE OLIG will select type of investigation:

Administrative

Notify subject of investigation within seven days

Conduct investigation, including interviewing all witnesses and reviewing all physical evidence and documents

Suspended investigation, refer to external law enforcement agency, and notify BOE

Criminal

Involves potential criminal conduct

Remains administrative

Make findings and recommendations in writing to the BOE

Sustained

Recommendation(s)

Hearing

Not sustained

Investigation concluded

No hearing