



CITY OF CHICAGO

COMMITTEE ON ETHICS AND GOVERNMENT OVERSIGHT
CITY COUNCIL
CITY HALL - ROOM 300
121 NORTH LASALLE STREET
CHICAGO, ILLINOIS 60602

MONTHLY RULE 45 REPORT JANUARY 2023

On Monday, January 23, 2023, at 10:00 am, the Committee on Ethics and Government Oversight held a virtual meeting.

Attendance:

The following members were present at the January 23rd meeting: Acting Chairman Martin (47), Dowell (3), Lee (11), Taylor (20), Cardona (31), Waguespack (32), Rodriguez Sanchez (33), Ramirez-Rosa (35), Nugent (39), Vasquez (40), Reilly (42), Knudsen (43), Cappleman (46), and Hadden (49).

The following non-members were also present at the January 23rd meeting: Hairston (5), Abarca (12), Burke (14), Lopez (15), Moore (17), Sigcho Lopez (25), Burnett (27), Villegas (36), and Napolitano (41).

Opening:

The Acting Chairman instructed protocol to be used in the virtual forum. Roll Call was taken and a quorum was established. Acting Chairman opened the floor for public comments. The following public speakers were each given three minutes to provide their testimony: Jay Young of Common Cause Illinois, Brian Zarou of the Better Government Association, and Abe Scarr of Illinois PIRG. Additionally, Aaron McKean of the Campaign Legal Center provided written public comment.

The Committee on Ethics and Government Oversight addressed the following items:

- 1. O2022-2483: Amendment of Municipal Code Title 1 by adding new Chapter 1-25 entitled "Chicago Fair Elections Ordinance." Subject matter hearing only, no vote taken. Held in Committee.**

The Acting Chair introduced the item before the committee and recognized a panel of speakers for the subject matter hearing. The panel consisted of Alisa Kaplan of Reform for Illinois, New York City Council Member Shahana Hanif of the 39th District, and Maeve Raphelson, LCSW with the People's Lobby. The panel discussed studies showing that publicly financed elections in other jurisdictions have positively impacted voter engagement, diversity in



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both donors and in candidates, and allows candidates to better compete against well-funded candidates. Additionally, Council Member Hanif spoke to how critical the New York City public matching program was to her campaign, giving her the ability to compete with solely small dollar donations.

Alderwoman Taylor asked for the drawbacks to publicly financed elections, such as the cost, roadblocks, and where the money would come from. Alisa Kaplan pointed out that O2022-2483 would cost only a tenth of a percent of the Chicago annual budget, and that jurisdictions that adopted it found it well worth the cost and some even saw savings. At an estimate, it would cost \$12 million a year, or about \$67 million per four-year cycle. One area of note was that it has been more successful in other jurisdictions when the funds come directly from the general fund as opposed to a fine-based, fee-based, or discretionary funding source.

Alderwoman Hadden asked about the sustainability of the funds, specifically in regards to the candidate political action committee system required by Illinois election laws. She also asked about the offices that would be best suited towards the program. Alisa Kaplan discussed that the New York City program has been in place since 1987, and it has been expanded several times. The biggest risk of a lack of sustainability has been ease of access and sufficient funding. Regarding the candidate committees, there would have to be flexibility in designing the program. The Acting Chairman also discussed that there are a variety of offices that may be suited to this, including the elected school boards, and that an idea is to have the program at first be limited to city council.

Council Member Hanif also discussed that one important aspect of publicly financed elections for her was making campaign finance one of the easier areas of campaigning, giving her more of an ability to address issues and outreach as opposed to being concerned about big donors.

Alderman Ramirez-Rosa opined that in prior iterations of this discussion, pushback came from City Council Members or interest groups that benefit from the current system, and asked the panel what the best response towards those concerns would be. Maeve Raphelson answered that elected officials should be encouraged to support measures in the interest of their constituencies, and not solely their careers. Alisa Kaplan added that headwinds such as this are the nature of any political reform, but that notably incumbents can benefit as well. Incumbents benefit by not needing to spend as much time fundraising and having more time for the constituencies most important to them.

Alderman Villegas asked about how other cities such as New York City handle union donations in a publicly financed election system, and how independent expenditures are



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impacted. Alderman Villegas specifically raised concerns on how to balance getting money out of politics with the influence of groups such as unions who are also able to contribute as large dollar donors. Alisa Kaplan answered that some jurisdictions have allowed for carve outs for unions, and others have not. She also noted that large independent expenditures exist regardless because of *Citizens United*, but in fact that is an important argument for publicly financed elections to balance them out. Other discussions involved the concerns with the self-financed elections loophole and caps that can be placed.

Alderman Cappleman asked whether the city's Law Department has weighed in on what the City Council's jurisdiction is over election finance reform. Acting Chairman responded that these were preliminary discussions at this stage, and that O2022-2483 is substantially based on a 2016 ordinance introduced by Alderwoman Michelle Harris that had already gained substantial traction. Alderman Cappleman ended asking to ensure City Council has the support of the Illinois General Assembly before moving forward.

Alderman Vasquez highlighted his support for the ordinance and mentioned his experience with running against candidates with ties to large donors. Alderman Vasquez also highlighted the difficulty in adequately paying campaign workers under circumstances like this. Alderman Vasquez also asked whether incumbents have bought in to the systems more recently, the windows where matching could take place, and educational communication around the administration. Alisa Kaplan spoke to the role that administration has in education, but also encouraged candidates to discuss it as well. Further, she discussed how incumbents do generally use the program, and that this ordinance would not allow for year-round matching but that it is a feasible idea.

Alderman Sigcho-Lopez asked about if there had been a cost-benefit analysis regarding corruption that would occur without such a program, and that the costs to such a program could pay for themselves through decreasing corruption. Alisa Kaplan agreed that that it is a benefit and noted that there are studies regarding the cost of corruption. Alderman Sigcho-Lopez commented additionally that the Illinois Supreme Court has discussed home rule provisions, and that it would be important to determine if City Council really does need the Illinois General Assembly to act. Alisa Kaplan did note that in 2015/2016 when these discussions were last happening, the consensus was that Chicago had the home rule authority to act on this pursuant to a ballot initiative, but encouraged discussions with the city's Legal Department. Finally, he asked about Common Cause and Reform for Illinois' survey of City Council Members over support for this ordinance, which Alisa Kaplan answered that they asked for a February 10, 2023, deadline.



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2. Office of Inspector General Q3 2022 and Q4 2022 Quarterly Reports. Subject matter hearing only, no vote taken. Held in committee.

The Acting Chairman introduced Inspector General Deborah Witzburg to discuss the OIG's last two quarterly reports. Inspector General Witzberg stated that the relationship between the OIG and the Committee is an important one, as the charter gives this Committee the authority to review reports issued by the OIG and the municipal code gives the Chair of this Committee ultimate jurisdiction over the work at the OIG having to do with City Council other than violations of the ethics ordinance.

Third Quarter

The 2022 Q3 Report had 1,708 intakes, 224 ongoing investigations and 102 open for more than twelve months. Of the 224 ongoing investigations, 161 involved city employees, 28 involved elected officials, and 21 involved contractors and subcontractors. The Q3 Report reported four incidents of sustained administrative misconduct, first an abuse of sick leave at the OEMC, second the failure to report misconduct at the Department of Business Affairs and Consumer Protection, third unlicensed business and secondary employment at the Chicago Police Department, and fourth the violation of confidentiality rules at COPA. Each department concurred with the OIG's findings and issued discipline.

The 2022 Q3 Report also included in its public safety section a report on consecutive days worked by CPD members. In April and May 2022 over one thousand police department members were scheduled to work at least eleven consecutive days. OIG published a report on the use of litigation data in risk management strategies for the Chicago Police Department looking at the ways the city is learning lessons from the settlements and judgments paid out involving police. Looking at cases between 2017 and 2020, settlements and judgments in that period amounted to about \$250 million. Due to inadequacies in data collection, the city is missing opportunities to better address concerns of expensive settlements and judgments.

OIG also reviewed 352 closed police misconduct investigations, opened 10 for in-depth review, and issued several recommendations to reopen. Cases involved police department members with alleged association with the Proud Boys, a judge's finding that a police department member's testimony was not credible in court, an off-duty police department member striking a juvenile cyclist, allegations of preferential treatment to a Chicago Fire Department member, and a COPA investigation involving false statements regarding the use of deadly force by members of the police department.

Fourth Quarter



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The 2022 Q4 Report had 1,842 intakes, 227 ongoing investigations, and 122 investigations had been ongoing for more than twelve months. Inspector General Witzberg acknowledged that this is a significant increase in the ongoing investigations and that decreasing investigation timelines is a priority for the OIG. The OIG has added personnel and worked to address inefficiencies in their process. The Q4 Report reported on two areas of sustained administrative misconduct, both including the Department of Streets and Sanitation and the use of alcohol while on duty. One incident involved a high-level employee who used a city vehicle after having consumed alcohol. For that case, OIG recommended the employee's termination, but instead the Department of Streets and Sanitation suspended for 30 days, and revoked city vehicle take home privileges.

The 2022 Q4 Report's public safety report included a study of the police department's peer support and supervisory wellness support strategies. The report identified structural weaknesses to the program and opportunities to better serve the wellness needs of the CPD members, as well as opportunities to better equip CPD supervisors to serve the wellness needs of those under their supervisions.

OIG also reviewed 273 closed police misconduct cases and opened 17 for in-depth review. The 17 cases included a case where a CPD member admitted to being a member of the Oath Keepers organization and a case involving mistreatment of a member of the public by a CPD supervisor.

Alderman Ramirez-Rosa asked Inspector General Witzburg further about OIG's in-depth investigation and recommendation to reopen the investigation on the Chicago Police Department member's admitted association with the Oath Keepers. Additionally, Alderman Rosa asked what remedies City Council may have regarding such matters. The Inspector General indicated that this investigation came from 2021 and the Bureau of Internal Affairs, where the CPD member indicated he had joined the Oath Keepers in 2010 to the Bureau. The Bureau closed the investigation as not sustained despite this admission, to which OIG recommended that be reopened therein.

The Bureau's investigation did not reach the issue of whether membership in the Oath Keepers would violate CPD's code of conduct, in which OIG found concerns with. The Bureau of Internal Affairs reopened and then closed the matter again without a change in findings. OIG sustains concerns regarding the investigative quality, especially as the Bureau of Internal Affairs quoted its lack of administrative subpoena power as a barrier in doing further investigative work. OIG noted that while the Bureau does not have subpoena powers, CPD members are obligated to



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cooperate and provide required documents as a matter of course, which would overcome the barrier.

The Inspector General opined that OIG's role is largely to focus on the investigative quality of city agencies and departments into their internal affairs, which is important in addressing concerns like the matters in the quarterly report, and that City Council has a role in addressing the larger concerns regarding CPD's management of misconduct and evidence. Especially regarding its members association with extremist organizations at odds with CPD's goals and operations.

The Acting Chairman asked a follow up regarding the communication between BIA and OIG regarding the investigation and the other similar ones, to which the Inspector General indicated there has not been further follow up. However, as noted in the report, BIA has access to CPD's directives and has the tools available to properly investigate these concerns. OIG further welcomes conversations from BIA regarding these matters.

The Acting Chairman also asked about the separate investigation in which a CPD member is alleged to be a member of the Proud Boys, another extremist group. BIA concluded that the CPD member made false and contradictory statements in its investigation but did not allege that the CPD member violated code of conduct rules. The Inspector General discussed the concerns around any CPD member's ability to fully perform in their role after they have been found to have lied; especially as this impacts the credibility of their police reports and testimony in prosecutions. In a litigation context, any defendant in which the CPD member's reports or testimony is relevant would be entitled to disclosure of the CPD member's history of untruthfulness by law and Constitutional right.

Alderman Sigcho-Lopez then further asked about CPD members associated with the Oath Keepers and Proud Boys. He asked about how these investigations and associations impact recruitment, especially given the city's aggressive recruitment of new members and the lack of vetting or enforcement of rules related to ties with extremist groups. The Inspector General did agree that it is the ultimate concern that these investigations and concerns strike at the soul of the police department, and when fully addressed the City of Chicago will get the police department it deserves. Investigations should reflect the values that the city wishes its police department should uphold.

Alderman Sigcho-Lopez further followed up asking what the City of Chicago can do to further classify the extremist groups such as the Proud Boys and Oath Keepers as terrorist organizations, or if there are other means to better classify them in such a way to make the Chicago Police Department take the associations seriously. Alderman Sigcho-Lopez noted that



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the zero-tolerance policy for associations with hate groups has not resulted in any action yet. The Inspector General noted that she cannot comment on further legislation but emphasized that there are already rules on the books at CPD that should be prohibiting such associations and conduct. OIG urges the enforcement of existing rules, encouraging legislative action where is appropriate but opining that change ultimately will come down to better enforcement.

The Acting Chairman asked a final question regarding the status of outstanding investigations, notably regarding non-personnel related changes to policy at OIG. The Inspector General noted that the investigation section has been restructured to encourage better supervisory and transparent oversight. Additionally, OIG discussed an overhaul of the methodology to how they handle intakes and have created a dedicated central intake section to better devote resources to investigatory work.

Closing:

The Acting Chairman indicated no further business was before the committee and requested a motion to adjourn. Alderman Sawyer so motioned, and there were no objections. The meeting was adjourned at 1:02 pm.

A handwritten signature in blue ink, appearing to read "Matt J. Martin", enclosed in a light blue rectangular box.

Matthew J. Martin,
Acting Chair, Committee on Ethics and Government Oversight