

**CHICAGO PARK DISTRICT
OFFICE OF INSPECTOR GENERAL**

ALISON R. PERONA, INTERIM INSPECTOR GENERAL

**OIG
THIRD
QUARTER
2021
REPORT**





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Interim Inspector General

CHICAGO PARK DISTRICT OFFICE OF INSPECTOR GENERAL

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Third Quarter 2021 Report

To the Chicago Park District Board of Commissioners, Park District employees, and residents of the City of Chicago:

I respectfully present the 2021 Third Quarter Report of the Office of Inspector General.

The investigations summarized in this report reflect the OIG's primary investigative focus in 2021: allegations of assault and/or misconduct in the Aquatics Department. As reported in the Second Quarter Report, an OIG investigation found that three current or former lifeguards had engaged in sexual assault, harassment, and misconduct. To assist in the ongoing investigations, the OIG hired the law firm of Franczek P.C. in June 2021.

This report contains Franczek's findings and recommendations pertaining to four of these investigations. During the third quarter, the OIG experienced the departure of its top managers. As a result, an Interim Inspector General was appointed to oversee the office until a permanent replacement is selected. Audit, hiring compliance oversight, and investigative activity continue during the transition.

In May, 2021, the OIG hired a new Assistant Compliance Monitor who is tasked with monitoring and evaluating the hiring practices of the Park District. During the Third Quarter, the Assistant Compliance Monitor reviewed various aspects of the recruitment and hiring processes. The results of these reviews are contained in this report.

The OIG is working with the Board of Commissioners and Park District management to craft and implement upgraded policies and procedures pertaining to assault, bullying, and harassment. These protocols will be designed to ensure that these types of complaints are handled in a sensitive manner that ensures fair and just results.

Sincerely,

Alison R. Perona

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Interim Inspector General

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Office Overview

Mission

Pursuant to Chapter 2, Section D of the Chicago Park District Code, the OIG is charged with the mission:

- To investigate allegations of fraud, waste, and abuse or misconduct by Chicago Park District employees, members of the Board of Commissioners, contractors, agents, and volunteers; and
- To monitor the Park District's compliance with the Employment Plan's rules governing hiring and other employment actions.

Also in accordance with the Park District Code, the OIG conducts District-wide internal audits to assess integrity of financial reporting systems, the effectiveness of internal controls, and the efficiency of established procedures. While working to fulfill its legal mandate, the OIG partners with law-enforcement agencies, when appropriate, to ensure that serious criminal misconduct that is uncovered during the OIG's administrative investigations is investigated and prosecuted.

Budget

For FY 2021, the OIG's adopted budget is \$814,197.

Training and Investigation Standards

Each employee of the OIG is a member of the Association of Inspectors General, a national organization of state, local, and federal Inspectors General and their staffs. Participation in the AIG offers employees continuing training in best practices related to the performance of the Inspector General Mission. The AIG collaborates with Inspector General offices from other state and local agencies to train all staff in a variety of areas related to investigations and audits. The OIG conducts its investigations in accordance with the AIG's Principles and Standards for Offices of Inspector General (which is colloquially known as "The Green Book").

The OIG also abides by generally accepted principles, quality standards, and best practices applicable to federal, state, and local offices of Inspectors General. In addition, the OIG, at all times, exercises due professional care and independent, impartial judgment when conducting its investigations and issuing its reports and recommendations.

Investigations

FOUR LIFEGUARDS ENGAGED IN SEPARATE INSTANCES OF SEXUAL MISCONDUCT

In March 2020, the Office of the General Superintendent & CEO forwarded two complaints to the Office of Inspector General for investigation alleging that Chicago Park District employees in the Aquatics Department have engaged in employee-on-employee sexual abuse and assault, sexual harassment, physical abuse, bullying and hazing. Franczek P.C. was hired by the OIG in June 2021 to assist in this ongoing investigation and to help complete pending investigations against lifeguards accused of sexual assault.

In the reported cases below, the investigation found that each of the four male lifeguards violated the Park District's Code of Conduct, the District's Policy on Sexual Harassment, and/or the Violence in the Workplace Policy.

A MALE HOURLY NATATORIUM INSTRUCTOR SEXUALLY ASSAULTED TWO FEMALE LIFEGUARDS IN SEPARATE OCCURANCES

In 2015, a natatorium instructor (20) sexually assaulted Victim 1 (17) at an after-hours party at a private residence. Victim 1 reported that the instructor tried to convince her to drink alcoholic beverages and attempted to engage her in a conversation about sex. At one point during the party, he pulled her into a secluded area where he began to kiss her and touch her over her clothing. She repeatedly told him to stop, which he eventually did. The instructor continued to follow Victim 1 around the party, again offering her alcohol and attempting to get her alone.

The next day at work, she discovered that her co-workers were aware of the incident. Instead of receiving their support, she was subjected to taunts and ridicule. Victim 1 related that, for years after this assault, the instructor would harass her and refer to the events in a "joking" manner.

Victim 1 stated that she did not report the assault because she felt ashamed and fearful and believed that no one would care. She indicated that, because of the culture in the Aquatics Department, she had no faith that Park District supervisors would properly handle the matter.

The OIG notified DCFS of Victim 1's allegation. She declined to file a police report.

The instructor was interviewed. He denied that he sexually harassed or assaulted any female lifeguards.

During the course of this investigation, investigators learned of another incident with the same instructor involving another female lifeguard.

Victim 2 (21) reported that in 2019 she was riding in a car with the natatorium instructor (24) after a private party. During the ride, he grabbed her arm and tried to make her touch his genitals over his clothing. She stated that she pulled away, but he kept trying to touch her and told her that she “wanted it.”

She indicated that she didn’t report the incident because she did not think that anyone would believe her.

The natatorium was placed on emergency suspension on August 29, 2020.

Based on this investigation, the OIG recommended that this hourly natatorium instructor be terminated from employment and that he should be designated as “Do Not Rehire.”

A MALE LIFEGUARD SEXUALLY ASSAULTED A FEMALE LIFEGUARD AT A PARK DISTRICT AFTER-HOURS EVENT AND SUBSEQUENTLY HARASSED HER

In 2016, Victim 3 (16) and the male lifeguard (18) attended an off-duty function. Victim 3 related that, during the party, the male lifeguard induced her to leave the party and consume alcohol. They eventually returned to the banquet. Victim 3 stated that she was intoxicated and that the lifeguard offered her a ride home. She reported that he stopped the car and sexually assaulted her. She stated that she did not consent and was in and out of consciousness. The lifeguard then called a ride share to take her home. Victim 3 stated that the lifeguard later sent her a text and told her not to tell anyone. A witness related that Victim 3 was heavily intoxicated that night and believed that she was unable to give consent.

Upon her return to work, Victim 3 discovered that her co-workers had learned of the assault. She was subjected to verbal abuse and scorn. The following summer, the lifeguard harassed Victim 3 and gave her undesirable work assignments. She believes that this was in retaliation for what had occurred the previous summer.

The OIG notified DCFS of these allegations. Victim 3 declined to file a police report.

The lifeguard was placed on emergency suspension on June 11, 2021. He resigned on June 29, 2021. He declined to be interviewed as part of this investigation.

The OIG recommends that the lifeguard be placed on the “Do Not Rehire” list.

A MALE LIFEGUARD SEXUALLY ASSAULTED A FEMALE LIFEGUARD AND ENGAGED IN A PATTERN OF BULLYING OTHER LIFEGUARDS

Victim 4 (16) reported that a male lifeguard (18) began flirting with her when they were assigned to the same beach in 2020. They socialized together a few times outside of work as friends. She stated that she developed a more intimate relationship with the lifeguard and did have one consensual sexual encounter with him. She further related that she had provided nude photos of herself to the lifeguard, which were widely shared on social media and are the subject of a police investigation. She stated that on one later occasion the lifeguard drove her home and sexually assaulted her in his vehicle.

Both DCFS and the Chicago Police Department have been notified of Victim 4's allegations.

During this investigation, Victim 5 (19) filed a complaint with the Park District alleging that this same male lifeguard was engaged in a pattern of harassment against her, that she witnessed him badgering other employees, and that he would yell at park patrons. Another employee confirmed the male lifeguard's behavior to the investigators.

Investigators also found evidence that the male lifeguard may have been falsifying his time sheets.

The male lifeguard resigned on May 26, 2021. He consented to be interviewed, but was uncooperative—even refusing to answer basic questions about his employment.

The OIG recommends that the lifeguard be placed on the "Do Not Rehire" list.

A MALE LIFEGUARD SUPERVISOR ENGAGED IN A SEXUAL RELATIONSHIP WITH AN UNDERAGE FEMALE LIFEGUARD

Based on a complaint received in August 2021, investigators found credible evidence a male lifeguard supervisor (32) engaged in a sexual relationship with a female lifeguard (16) who was under his supervision in 2021.

The victim's co-worker initially reported suspicions regarding this relationship to Park District managers. When Victim 6 was first questioned, she denied the relationship. The co-worker then provided text messages between Victim 6 and the lifeguard supervisor, along with additional information pertaining to their relationship. Human Resources then reported the matter to DCFS. Victim 6 eventually acknowledged the relationship with the lifeguard supervisor.

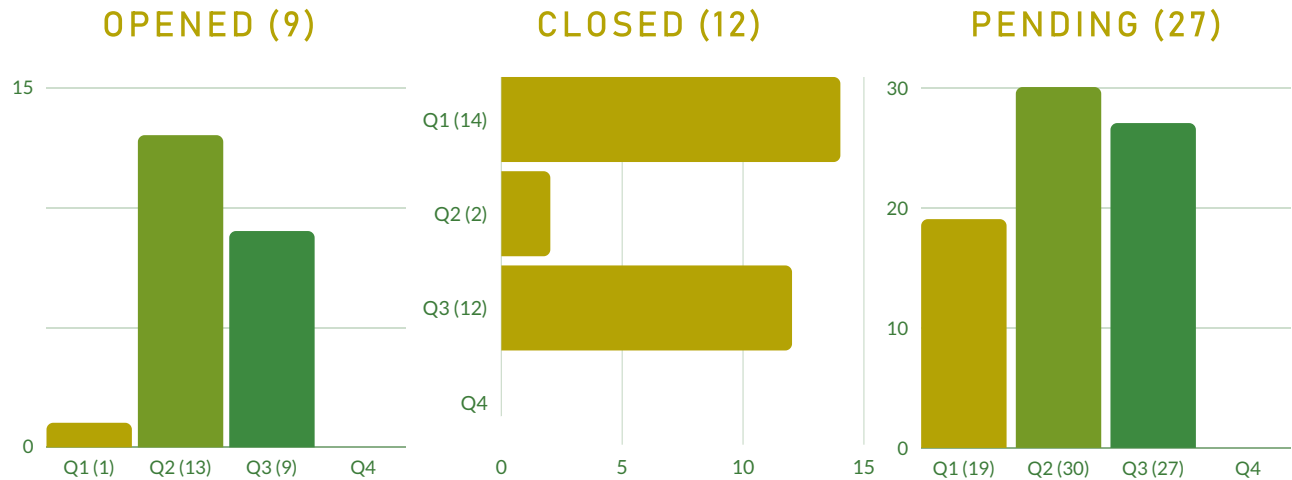
The male lifeguard supervisor was placed on emergency suspension on September 13, 2021. He resigned on October 4, 2021.

The Chicago Police Department arrested the lifeguard supervisor. On October 27, 2021, he was charged with Criminal Sexual Assault and Aggravated Criminal Sexual Abuse.

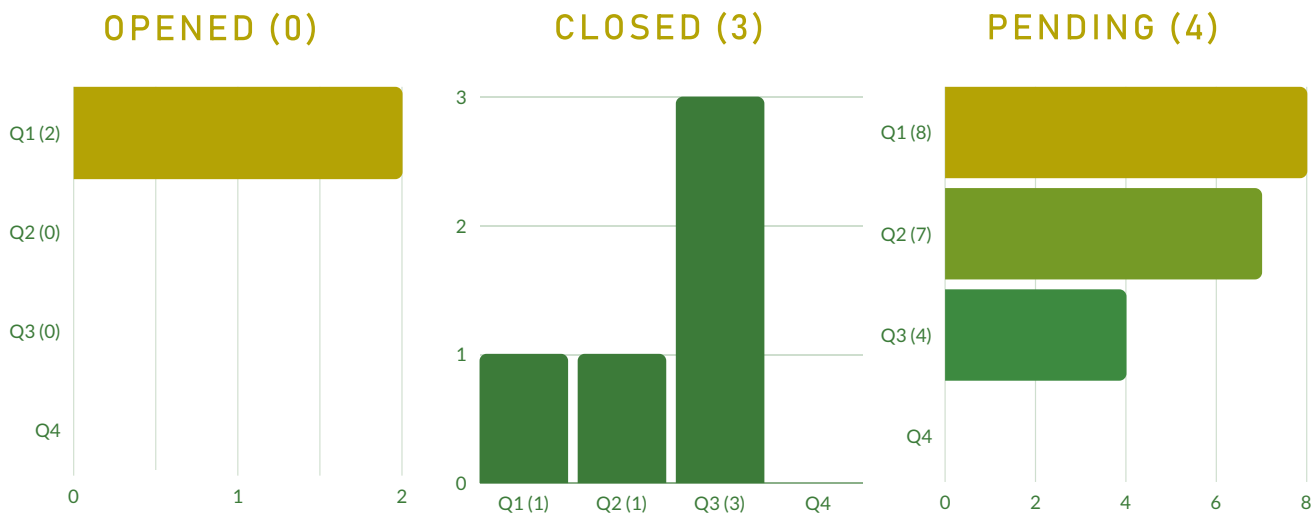
The OIG recommends that the lifeguard be placed on the "Do Not Rehire" list.

Quarterly Information

INVESTIGATIONS

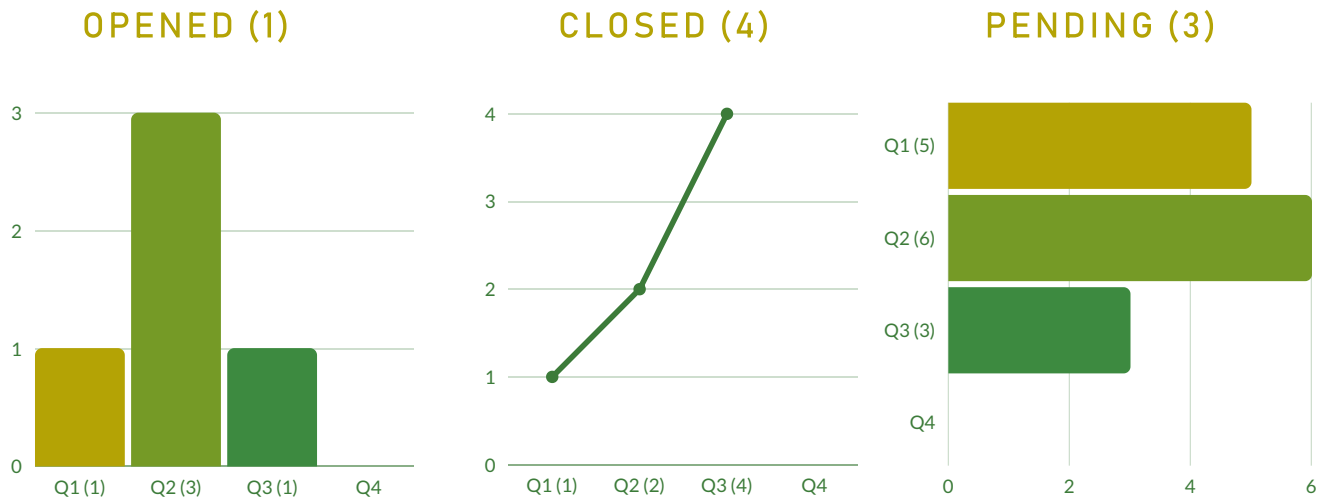


REVIEWS



Pending matters include carry-over from 2019-2020.

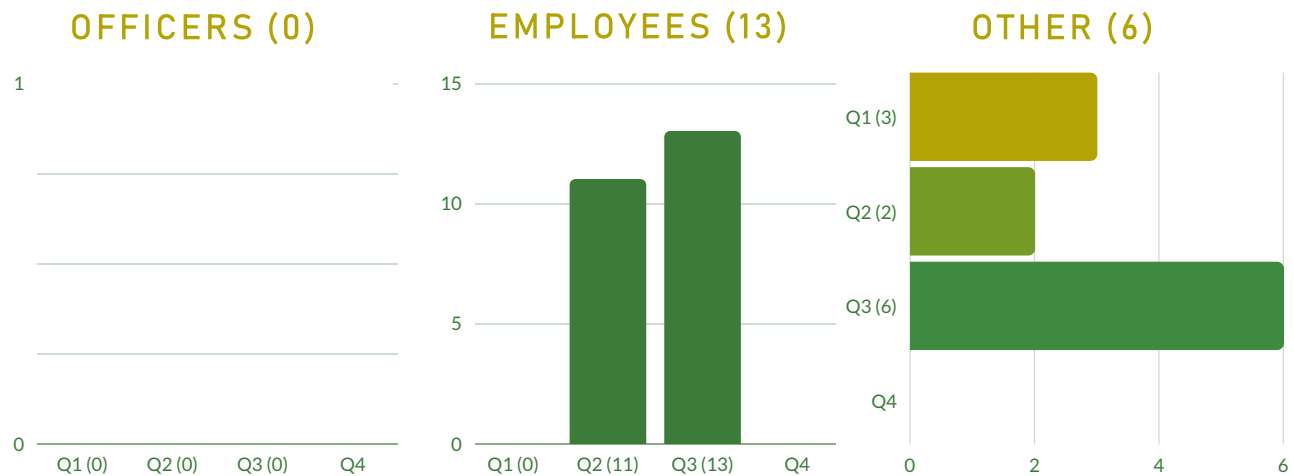
AUDITS



TYPES OF INVESTIGATIONS AND REVIEWS

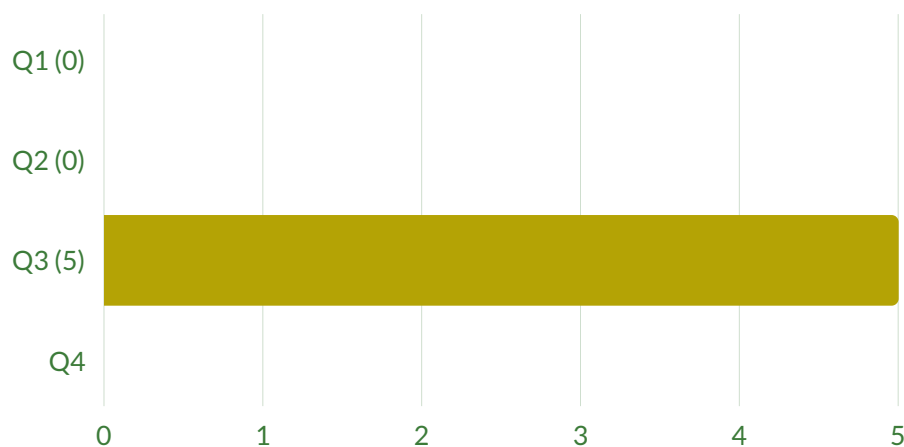


INVESTIGATED AND REVIEWED PARTIES



HIRING COMPLIANCE

AUDITS & REVIEWS (5)*



Other includes Agents, Concessionaires, Contractors, and Unknown Parties.

*Due to Covid-19, during the first and second quarters of 2021, the OIG did not complete any Hiring Compliance Audits or Reviews.

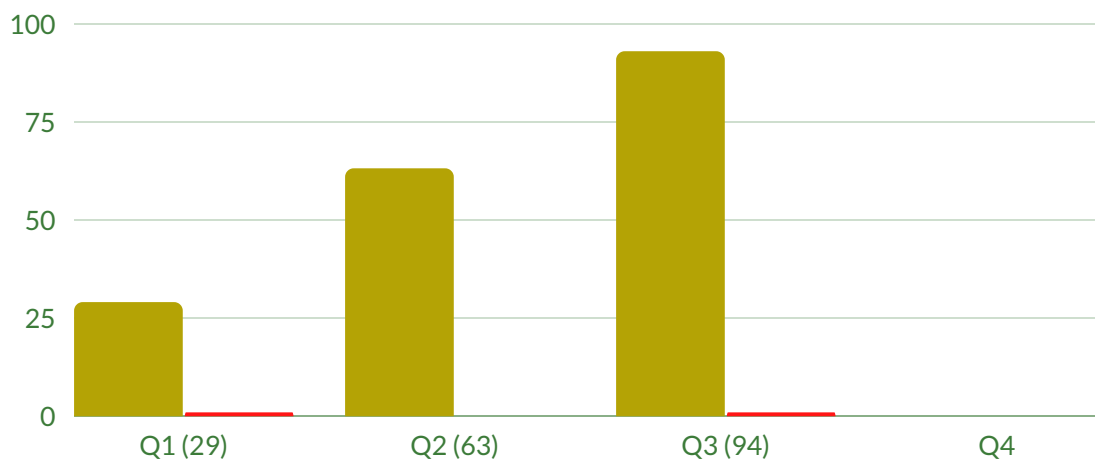
INTERNAL ASSIST



EXTERNAL ASSIST



COMPLAINTS RECEIVED



As depicted above in the color red, in the First and Third Quarters of 2021, the OIG referred one Covid-19 related complaint to the Park District's Department of Risk Management, respectively.

Internal Assists are OIG actions in response to department requests for information, analysis, and/or other assistance.

External Assists are OIG actions in response to requests from outside of the Park District (e.g., law enforcement agencies) for information, analysis, and/or other assistance.

MATTERS PENDING OVER SIX MONTHS

Chapter 2, Subsection D(9) of the Chicago Park District Code states that the OIG's quarterly reports "shall identify any investigation, audit or review which has not been completed within six months, and shall state the reasons for failure to complete the investigation, audit or review within six months." Those 16 pending matters, as well as the reasons for their continuing pending status, are listed below:

CASE NUMBER	MATTER TYPE	NATURE OF ALLEGATION	REASON
19-Q1-0206-AI	ADMINISTRATIVE INVESTIGATION	OTHER RULE, CODE, ORDINANCE VIOLATIONS	AVAILABLE TIME AND RESOURCES
19-Q2-0147-AI	ADMINISTRATIVE INVESTIGATION	CRIMINAL MISCONDUCT OR FRAUD	AVAILABLE TIME AND RESOURCES
19-Q2-0150-R	OIG REVIEW	OTHER RULE, CODE, ORDINANCE VIOLATIONS	AVAILABLE TIME AND RESOURCES
19-Q2-0218-R	OIG REVIEW	COMPLIANCE	AVAILABLE TIME AND RESOURCES
19-Q3-0343-AI	ADMINISTRATIVE INVESTIGATION	OTHER RULE, CODE, ORDINANCE VIOLATIONS	AVAILABLE TIME AND RESOURCES
19-Q4-0365-AI	ADMINISTRATIVE INVESTIGATION	OTHER RULE, CODE, ORDINANCE VIOLATIONS	AVAILABLE TIME AND RESOURCES
19-Q4-0388-AI	ADMINISTRATIVE INVESTIGATION	OTHER RULE, CODE, ORDINANCE VIOLATIONS	AVAILABLE TIME AND RESOURCES
20-Q1-0004-R	OIG REVIEW	OTHER RULE, CODE, ORDINANCE VIOLATIONS	AVAILABLE TIME AND RESOURCES
20-Q1-0042-AI	ADMINISTRATIVE INVESTIGATION	OTHER RULE, CODE, ORDINANCE VIOLATIONS	AVAILABLE TIME AND RESOURCES
20-Q1-0057-AI	ADMINISTRATIVE INVESTIGATION	CRIMINAL MISCONDUCT OR FRAUD	AVAILABLE TIME AND RESOURCES
20-Q1-0058-AI	ADMINISTRATIVE INVESTIGATION	CRIMINAL MISCONDUCT OR FRAUD	AVAILABLE TIME AND RESOURCES
20-Q2-0035-AI	ADMINISTRATIVE INVESTIGATION	OTHER RULE, CODE, ORDINANCE VIOLATIONS	AVAILABLE TIME AND RESOURCES
20-Q2-0072-AI	ADMINISTRATIVE INVESTIGATION	OTHER RULE, CODE, ORDINANCE VIOLATIONS	AVAILABLE TIME AND RESOURCES
20-Q2-0091-AI	ADMINISTRATIVE INVESTIGATION	OTHER RULE, CODE, ORDINANCE VIOLATIONS	AVAILABLE TIME AND RESOURCES
20-Q4-0238-AI	ADMINISTRATIVE INVESTIGATION	OTHER RULE, CODE, ORDINANCE VIOLATIONS	AVAILABLE TIME AND RESOURCES
21-Q1-0036-R	OIG REVIEW	COMPLIANCE	AVAILABLE TIME AND RESOURCES

Hiring Compliance Monitoring Activity Third Quarter 2021

The OIG reviews and monitors the Park District's hiring and assignment determinations from the quarter to ensure that the actions comply with the Employment Plan. The OIG reports on its compliance-monitoring activities in each of its quarterly reports.

Monitoring Contacts by Hiring Departments

The OIG reviews all reported or discovered instances where hiring departments contacted Human Resources to lobby for, or advocate on behalf of, actual or potential applicants or bidders for positions that are covered by the Employment Plan, or to request that specific individuals be added to any referral or eligibility list for upcoming jobs at the Park District.

Human Resources did not report any improper contacts by hiring departments for the Third Quarter of 2021. Since the OIG started reporting the Park District's hiring-compliance-monitoring activity, Human Resources has never reported any improper contacts by hiring departments.

Review of Exempt List Modifications

The OIG reviews the Park District's adherence to exemption requirements and modifications to the list of job titles and number of positions that are Exempt from the Employment Plan procedures. The following modifications to the Exempt List were approved in the Third Quarter:

Positions added to the Exempt List (0)

Positions removed from the Exempt List (0)

Review of Exempt Management Hires

Human Resources reported no Exempt hires during the Third Quarter of 2021.

Review of Written Rationales

The OIG reviews written rationales when no consensus selection (no one from the approved candidate pool was selected) was reached during a consensus meeting. Human Resources did not submit any "no consensus" letters during the Third Quarter of 2021. The last "no consensus" letter that the OIG received was in 2015, when the Park District was still under the federal Shakman Decree.

Review of Emergency Appointments

The OIG reviews circumstances and written justifications for any emergency hires made pursuant to the Personnel Rules of the Park District Code.

Human Resources reported no emergency appointments during the Third Quarter of 2021. Human Resources has never reported an emergency appointment.

Arbitrations and Grievances

The OIG audits all arbitrations and grievances involving hiring, promotions, transfers, or allegations of unlawful political discrimination. Human Resources did not report any arbitrations or grievances during the Third Quarter of 2021.

Hiring Sequence Audits

OIG audited a sample of Park District hires in the fourth quarter of 2019 for compliance with the Employment Plan. The audits continue to show that the Park District's transition to the Taleo database ("Taleo") has resulted in a decrease in the availability of relevant hiring information for the purpose of compliance oversight. OIG has encountered hiring files without any required information uploaded about qualified candidate pools, interview rating forms, and proof of candidate qualifications. OIG will continue to work with the Park District to improve these issues and report on the progress.

The following hiring sequences from Q4 2019 were audited:

#2100006 Natural Areas Worker (Seasonal)

- Applicants: 218
- Qualified candidates: 101
- Candidates interviewed: 51

Other: None of the required materials needed to audit this hiring sequence were uploaded to Taleo. In order to audit this position, all the required materials had to be requested from the Human Resource Department ("HR"). HR provided OIG with the requested materials. Other than the issue of not having access to the hiring materials via Taleo, there were no other issues with this hiring sequence.

#2100038 Sailing Instructor (Seasonal)

- Applicants: 12
- Qualified candidates: 4
- Candidates interviewed: 0

Other: Due to uncertainty of what programming would be provided and time constraints, the usual hiring process was suspended. HR decided to only hire returning seasonal employees who applied for the sailing instructor position and were eligible for rehire. Therefore, per the employment plan, no interviews were required to hire for this position.

Additionally, none of the required materials needed to audit this hiring sequence were uploaded to Taleo. In order to audit this position, all the required materials had to be requested from HR, who provided OIG with the requested materials. Other than the issue of not having access to the hiring materials via Taleo, there were no other issues with this hiring sequence.

#2000273 Laborer Maintenance

- Applicants: 146
- Qualified candidates: 146
- Candidates interviewed: 45

Other: None of the required materials needed to audit this hiring sequence were uploaded to Taleo. In order to audit this position, all the required materials had to be requested from HR, who provided OIG with the requested materials. Additionally, there were no applicants associated with this hiring sequence number. Per HR, instead of posting this hiring sequence number, it used an active interview ranking list to fill this position. It is not clear why Taleo did not indicate that this hiring sequence is associated with an active interview ranking list.

#210003 Motor Truck Driver (Seasonal)

- Applicants: 166
- Qualified candidates: 166
- Candidates interviewed: 45

Other: None of the required materials needed to audit this hiring sequence were uploaded to Taleo. In order to audit this position, all the required materials had to be requested from HR, who provided OIG with the requested materials. Other than the issue of not having access to the hiring materials via Taleo, there were no other issues with this hiring sequence.

Review of “Acting Up” Activity

The OIG reviews each circumstance when an employee “acts up” (performing all or substantially all of the duties of an employee in a higher-paid classification). Activity in the Third Quarter of 2021 showed that, on 42 instances, employees had “acted up,” and six instances where employees who had been in “acting up” status were placed back in their positions or promoted.

“Acting Up” Activity - Third Quarter of 2021

