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LIG Faisal Khan Calls On City Council to Reject Proposed Changes to Ethics Ordinance

July 28, 2015—Chicago, IL—The following is a statement by Legislative Inspector General Faisal Khan in response to proposed changes to the City of Chicago's Ethics Ordinance:

Yesterday, the Committee on Rules and Ethics approved changes to the Municipal Code of Chicago that jeopardize the confidentiality of complainants and strike yet another blow against ethics and transparency in this City. The Office of the Legislative Inspector General (OLIG) not only wholeheartedly rejects these changes, but also calls on City Council to do the same.

The Committee approved an amendment sponsored by Mayor Rahm Emanuel to the Municipal Code that requires the OLIG to submit all evidence gathered in the course of an investigation to the Board of Ethics, who in turn will provide that information to the subject of the investigation. This amendment will destroy the ability for citizens to make complaints without fear of retaliation and will have a chilling effect on potential witnesses. The evidence turned over would include complainants' names, addresses, testimony, and other investigative materials. This is flat out wrong and dangerous – it allows potential violators access to statements from witnesses who have testified confidentially and leaves these witnesses vulnerable to reprisal. Furthermore, forcing the OLIG to provide all of its evidentiary findings would reveal the Office's investigative techniques, weakening its ability to enforce the ethics ordinance.

This is not the only change to the Municipal Code that undermines ethics investigations in Chicago. In July 2013, the Municipal Code was modified to grant subjects of investigations the ability to meet privately one on one with members of the Board of Ethics following a finding of probable cause. This decision was both curious and troubling – curious because subjects in ethics investigations are already afforded generous due process protections, and troubling because private meetings of this kind are antithetical to a fair and just legal system. These private meetings allow subjects of ethics investigations to present testimony and evidence without the opportunity for rebuttal by either witness and/or victim, or the investigative agency; thus, greatly tilting the process in favor of the subject of the investigation. The Board of Ethics is not an investigatory body and is ill-equipped to check the veracity of any new evidence or testimony presented in these private meetings. Despite these shortcomings, the Board rules on these matters, often in favor of the subject. Over the past several months, six out of eight OLIG investigations have been dismissed. Explanations have been sought but since the process is shrouded in secrecy and confidentiality, neither taxpayers nor the investigative bodies are told what actually happened. This is not consistent with a transparent government and is unacceptable. No other legal or administrative system in the United States allows for a party to meet with the judge in their case one on one. This should not take place in a city with an already checkered history of ethics violations.

Having seen modifications to the ethics ordinance time and time again in this City, the stark reality is that ethics oversight in Chicago is going backwards rather than forwards. The most recent changes protect those who seek to abuse the system. In doing so, they stack the deck even higher against taxpayer interests in this City. As such, the OLIG asks City Council to reject these changes and take action to ensure accountability to the taxpayer.

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