



October 15, 2022

Re: Inspector General Quarterly Report (3rd Qtr. 2022)

Dear Honorable Clerk Iris Martinez and Executive Staff:

This report is written in accordance with the best practices prescribed by the Association of Inspector Generals (AIG) Green Book, to apprise you of the activities of the Office of the Inspector General (OIG) during the period beginning July 1, 2022, through September 30, 2022.

OIG Q3 Complaints

The OIG received a total of 132 complaints during Q3.¹ Of the 132 complaints, 41 complaints came from internal referral and 91 came from an external source (hotline, mail, web or direct call) including two cases referred from the Office of the Independent Inspector General. During Q3, the OIG logged a record number of complaints and successfully processed them. Out of the 132 complaints, 76 were classified as Management Inquiries, 19 were classified as Disciplinary Reports, one Information Request, and 36 opened as casefiles investigated by the OIG.

Additionally, the OIG had 75 open cases pending at the beginning of Q3, two cases from 2021Q3, one case from 2021Q4, four cases from 2022Q1, 68 cases from 2022Q2. 12 of the 75 cases pending at the beginning of Q3 are now closed. In Q3, the OIG closed a total of 38 cases. 24 cases were administrative closed, with 14 case files closed via summary report.

OIG Summary Reports

During the third quarter of 2022, the OIG closed 38 total case files with 14 closed as summary reports. The following is a general description of the cases closed via summary report, the OIG's findings, and basis for the findings. Specific identifying information was withheld for confidentiality.

CF 21-07-060. Clerk ██████████ was accused of failing to process orders timely into Odyssey. As a result, Judges and lawyers made multiple complaints that court orders were not being entered or disseminated from months prior. The OIG interviewed ACDC ██████████ and reviewed NEAs regarding ██████████ work performance. ACDC ██████████ stated that she was asked to come in and help clean up

¹ Upon receipt of a complaint or inquiry for information, a review process is conducted to determine if the OIG has jurisdiction over the complaint. Case Files are opened on all complaints and after preliminary review, if evidence exists that warrants closure or referral to another agency an administrative closure memo will be drafted. In cases where a full investigation is conducted, a summary report is generated and forwarded to LR for further disciplinary proceedings where applicable. In some cases, another CCC department is best suited to address the complaint. A Management Inquiry will be opened, and the OIG will draft an administrative closure when the issue is addressed.

the call. ACDC [REDACTED] stated that when she entered [REDACTED] assigned courtroom, there were cases in piles with no organization. ACDC [REDACTED] found more than 20 orders that were not entered and addressed roughly 100 orders from May 2021 through September 2021, that were not completed. An overtime project was created to bring the Judge's calendar current. The OIG audited each case on the call from April 1, 2021, to April 9, 2021, to determine when and who inputted the orders into the system. Of the 289 cases heard from April 1 through April 9, 2021, [REDACTED] inputted 54 cases into the system, each of those cases were inputted beyond 48 hours from the date of the hearing. The OIG found allegations that [REDACTED] violated CCC GRR 4.1.6, 4.1.11, and 4.1.12; and Code of Ethics (A), (B), (E), and (G), sustained.

CF 22-02-072. Clerk [REDACTED] was accused of insubordination and negligence in performance of duties for being absent from work from December 20, 2021, through January 21, 2022, due to an alleged covid exposure. On December 21, 2021, [REDACTED] texted her manager CDC [REDACTED] to inform her she was exposed to covid and inquiring about the covid policy. On December 25, 2021, [REDACTED] texted CDC [REDACTED] informing her she was negative. On December 27, 2021, [REDACTED] returned to work without a covid test result. The OIG interviewed CDC [REDACTED] who stated that she informed [REDACTED], on more than one occasion, she was not allowed to return to work until she turned in a negative PCR test. [REDACTED] stated she did not know she needed a PCR and believed that a rapid test was sufficient. The OIG found [REDACTED] violated GRR 4.1.6, 4.1.11 and 4.1.12 and Code of Ethics Sections 6. The allegations were sustained.

CF 22-04-154. Clerk [REDACTED] was accused of discriminating and retaliating against litigant [REDACTED] based on her gender. [REDACTED] alleged, "the person responding continues to misgender me as [REDACTED]. [REDACTED] an employee for the Clerk of the Circuit Court of Cook County, has also told Cook County Court staff members that I'm a man and not a woman." The OIG interviewed CCC employees who worked [REDACTED] case and attempted to set up multiple interviews with [REDACTED]. [REDACTED] sent an email to the OIG clarifying that her complaint did not involve an employee of the CCC but involved employees of the Chief Judge's Office. The allegations against [REDACTED] were non-sustained.

CF 22-06-265. Clerk [REDACTED] was accused of misappropriation of Clerk's property and insubordination for misplacing a desktop computer. Fifty desktop computers were ordered for the newly created call center. Director [REDACTED] sent out an email notifying all [REDACTED] employees not to touch the computers and if they had they needed to return them. Director [REDACTED] inventoried the computers and was able to account for 49 of the computers. Director [REDACTED] searched for the remaining computer and discovered the missing laptop under [REDACTED] cubicle. Director [REDACTED] then sent an email to [REDACTED] employees asking is they had the computer. [REDACTED] replied that he did not have it. [REDACTED] returned to [REDACTED] cubicle to retrieve the computer and it was no longer there. The OIG interviewed [REDACTED] who admitted to having the computer, and not having permission to have it, but never reported to his supervisors that he ever possessed the computer. The OIG found [REDACTED] violated GRR 4.1.5, 4.1.12, and Code of Ethics, Section E. The allegations were sustained.

CF 22-06-335. The OIG received a complaint from member of the public, [REDACTED]. [REDACTED] alleged that on July 6, 2020, employees from the [REDACTED] denied him service to use the

computers based on his race and called him the n-word.² [REDACTED] did not name the clerks but described them as a black woman and a black man at the front desk. [REDACTED] also filed a complaint with the Illinois Department of Human Rights regarding his experience. The OIG reviewed the completed IDHR investigative file and discovered from CCT and attendance records that both employees who worked the front desk on July 6, 2020, were non-black women. There were no black men working in that room that day. None of the employees that day heard anyone use the n-word and [REDACTED] did not have a necessary scheduled reservation time to use the computers. Due to insufficient and inconsistent information given the OIG found the allegations inconclusive.

CF 22-06-336. The OIG received an anonymous complaint that accused CDC [REDACTED] of creating a hostile work environment by being a bully, rude, and unprofessional. The letter detailed that CDC [REDACTED] stated, "We are surrounded by idiots" referring to the employees. The letter's author further expressed they felt personally attacked by CDC [REDACTED] but failed to provide specific details as to how and when. The OIG interviewed CDC [REDACTED] who stated that he speaks loudly and did not recall ever calling an employee an idiot. Further, he stated that he had private conversations that could have been overheard during reconstruction of the Executive Clerk's office and could be construed in a negative light. CDC [REDACTED] was spoken by Clerk Martinez and Executive Clerk [REDACTED] regarding similar allegations including professionalism and workplace etiquette. The OIG found the allegations against CDC [REDACTED] inconclusive.

CF 22-06-337. This case was initiated after four incident reports were forwarded to the OIG where [REDACTED] accused clerk [REDACTED] of harassment. The OIG interviewed [REDACTED], [REDACTED], and CDC [REDACTED]. The OIG discovered that the discord between [REDACTED] and [REDACTED] was from an off-hour's incident where both employees went out to a bar where a friend of [REDACTED] allegedly battered [REDACTED]. Both [REDACTED] and [REDACTED] brought the dispute into the workplace and subsequently violated CCC policy. Additionally, the OIG learned that after CDC [REDACTED] interview with the OIG, CDC [REDACTED] discussed his statement with [REDACTED] in what [REDACTED] described as a coaching session. CDC [REDACTED] violated CCC rules and regulations by intervening in an OIG investigation. The allegations against [REDACTED], [REDACTED], and [REDACTED] were sustained.

CF 22-07-343. Clerk [REDACTED] was accused of violating the Family and Medical Leave Act and the misuse and falsification of timekeeping or payroll records. [REDACTED] submitted a request for July 1, 2022, off to attend the funeral of her god daughter. [REDACTED] stated she was denied the request because there was no familial relationship. The OIG interviewed ACDC [REDACTED] who stated that CDC [REDACTED] denied the request based on seniority. ACDC [REDACTED] stated that she explained to [REDACTED] and her union representative that she would be denied the day off but would allow [REDACTED] to come into work for one hour and leave for the rest of the day to attend the funeral. [REDACTED] did not take ACDC [REDACTED] offer and instead called in for an FMLA day. [REDACTED] was approved for Intermittent FMLA since 2012 for back and leg pain. The OIG also interviewed [REDACTED]. [REDACTED] denied knowing [REDACTED] denied her day off and expressed frustration because of "last minute" notifications that time off requests were being denied. Further, [REDACTED] stated that she does not abuse her FMLA time. The OIG reviewed additional evidence that [REDACTED] demonstrated a pattern of FMLA abuse for three consecutive weeks in July to extend her weekends

² Derogatory word referring to African Americans.

and not based on her medical condition. The OIG sustained allegations that [REDACTED] violated GRR 4.1.6, 4.1.7, and the CBA, Article XV, Section 1.

CF 22-07-366. This case was initiated after an incident report drafted by [REDACTED] alleged clerk [REDACTED] used the word “fuck” toward employee [REDACTED] while he was on a phone call with a customer. According to the report, [REDACTED] then stated you deserve it and struck [REDACTED] on the back of the head. The OIG interviewed both [REDACTED] and [REDACTED]. [REDACTED] stated that after the incident he was mad but did not plan on reporting the incident because he had moved on the next day and did not want to escalate the situation. [REDACTED] admitted that he and [REDACTED] had a relationship where they would occasionally tap or touch each other. [REDACTED] apologized for touching [REDACTED] and stated that she “plays too much” and should have never touched [REDACTED]. The allegations that [REDACTED] violated GRR 4.1.2, 4.1.12, and COE were sustained but the OIG non sustained allegations of workplace violence because [REDACTED] was not offended.

CF 22-07-390. CDC [REDACTED] was accused of making racially and gendered charged comments that caused a hostile work environment. The complainant [REDACTED] stated that CDC [REDACTED] made the comment, “You will be broke, barefoot and pregnant,” while she was speaking to her coworkers. Further, [REDACTED] stated that CDC [REDACTED] made stereotypical racist comments to her coworkers as well about fried chicken, watermelon, beans, and rice. The OIG interviewed [REDACTED] and her coworkers who all expressed they were offended and shocked and CDC [REDACTED] statements and felt it was racist. [REDACTED] violated GRR 4.1.2, 4.1.12, and COE Section 6CA, and the Anti-Discrimination and Harassment Policy. The allegations were sustained.

CF 22-07-394. This case was initiated after CDC [REDACTED] sent an email to the OIG detailing a review of time sheets for employees [REDACTED] and [REDACTED]. Both employees were accused of violating the falsification or misuse of timesheets and violating the time and attendance policy or leave absence policy. [REDACTED] and [REDACTED] have separately approved FMLA for their own serious health conditions. Both employees utilized their FMLA time on the same 15 occasions from March 18, 2022, through August 1, 2022. The OIG learned that [REDACTED] and [REDACTED] have an intimate relationship and share the same address. On two occasions the leave was taken after court holidays. The OIG found the pattern of FMLA use left no other logical conclusion than the employees coordinated their FMLA use to be off together, which undermined any legitimate medical need. The allegations were sustained.

CF 22-08-420. This case was initiated after the OIG received a complaint that alleged that on August 9, 2022, records employee [REDACTED], distributed flyers that were defamatory towards Clerk Martinez throughout the workplace and posted a copy on the Teamsters Local 700 bulletin board. The OIG reviewed camera footage that displayed [REDACTED] distributing the flyers on August 9, 2022 at 5:55 AM. The OIG interviewed [REDACTED] who admitted she distributed the flyers because union employees asked her to. The OIG did not sustain the allegations because the flyers were neither defamatory nor controversial.

CF 22-09-444. This case was initiated after the OIG received a call that employee [REDACTED] drove a CCC truck out of the [REDACTED] Courthouse garage and struck the garage door. The garage door became dislodged, and [REDACTED] continued driving. Cook County Sheriffs were unable to determine the plate number but confirmed with Executive Clerk [REDACTED] that [REDACTED] was the driver. [REDACTED] returned to the Sheriff’s office because his supervisor ordered him to, and the

Sheriff's issued him a ticket for failure to provide information after an accident. ██████ told the sheriffs that he heard a jostling sound while exiting the loading dock but did not stop to inspect any damages. The OIG sustained allegations that ██████ negligently operated the vehicle and causing damage and failing to stop after the accident. ██████ violated GRR 4.1.5, 4.1.11, 4.1.12, and COE Section 6.

CF 22-09-451. ██████ was accused of reporting to work following an approved vacation after testing positive for Covid-19 and suffering from symptoms. On August 28, 2022, ██████ reported feeling symptoms and went to work on August 31, 2022. That same day ██████ took an at rapid at home test and tested positive. ██████ reported to work on September 1, 2022, and left work at 3:30 pm and tested positive after work through a PCR test. ██████ did not inform anyone until September 1, 2022, when she notified CDC ██████ in person that she tested positive for Covid-19 the night before. ██████ also mentioned in her covid incident report that she did not have close contacts with any CCC employees. The OIG reviewed emails and incident reports that show ██████ was not truthful about her close contacts and came into contact with at least five other CCC employees. ██████ is well versed with the Covid-19 policy because of her union and Health and Safety Committee experiences. The OIG sustained allegations that ██████ violated GRR 4.1.6, 4.1.12, and the Clerk's Covid-19 policy.

Case Management

Following up on the Q2 2022 report on the investigative process, the OIG focused on working with Labor and Operations to formalize reporting and minimize multiple platforms for case tracking. During Q3, the OIG continued memorializing all external and internal complaints within the Clerk's Office.

In Q3, the OIG continued to utilize the case management system created in Q3 2021 and tracked all complaints and discipline throughout CCC. The OIG has worked closely with Labor and Operations to implement and track information related to the functions of each unit. The OIG is currently imputing all data and will plan to diversify the effort as staffing comes online. Additionally, as Labor was recently overhauled, the OIG will focus in Q4 to work with Labor to simplify the tracking and reporting of discipline, movements, and other employment actions. The OIG organized a standing biweekly meeting for Labor Relations, Court Operations, Human Resources, Personnel Services, and General Counsel to discuss disciplinary issues that involve recently closed OIG investigations, disciplinary issues on employees in supervisory roles, management inquiry tracking, and grievance hearing updates.

Finally, in Q3 2022, the OIG continued working on the 2022Q2 joint investigation with the Office of the Independent Inspector General (OIIG). Both offices entered a memorandum of understanding relative to the investigation. The joint investigation allows our office to extend certain powers held by the OIIG in the investigation of employees of the Clerk of the Circuit Court.

Criminal Prosecutions

At the time of this report, OIG has two cases referred for criminal prosecution to CCSAO. There were no updates as to the status of charging decisions on either case.

Thank you for your time and attention, feel free to reach out with any concerns or questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Murphy-Aguilú', with a large loop at the top and a small flourish at the end.

James S. Murphy-Aguilú
Inspector General

cc: Thomas Nowinski, Chief of Staff
Hon. Judge Gloria Chevere, Senior Policy Advisor
Patrick Hanlon, Executive Clerk of Public Information/External Affairs
Carmen Navarro-Gercone, Executive Clerk of Operations
Maureen O'Donnell, Chief Human Resource Officer
Tiffany Brooks, General Counsel