



## OFFICE OF THE EXECUTIVE INSPECTOR GENERAL FOR THE OFFICE OF THE ILLINOIS ATTORNEY GENERAL

### Investigation Policy & Procedure Manual

(Revised 2/2024)

#### Section I: Introduction

##### **POLICY PART 100: Scope of Office**

The Office of the Inspector General for the Illinois Attorney General (“OEIG”) was authorized in 2003 by the State Official and Employees Ethics Act (5 ILCS 430, et seq.) (“Ethics Act”). The OEIG has jurisdiction over all officers and employees of the Office of the Illinois Attorney General (“OAG”) and all vendors and others doing business with the OAG. The OEIG is an office independent of the Office of the Attorney General.

The Executive Inspector General (“EIG”), who is appointed by the Attorney General and confirmed by the Senate for a five-year term, is charged with running the OEIG. The OEIG’s responsibilities include: (1) investigating allegations of misconduct relating to employees of the OAG and its vendors and making recommendations as a result of the investigations, (2) supervising ethics training and harassment and discrimination Prevention training for all employees of the OAG, pursuant to the Ethics Act, (3) guiding the OAG with regard to ethical conduct and policy, (4) making revolving door determinations pursuant to the Ethics Act, (5) reviewing OAG hiring and promotion decisions to ensure compliance with applicable law, and (6) fulfilling report requirements pursuant to the Ethics Act.

The OEIG has discretion to determine the appropriate means of investigation as permitted by law. Pursuant to Section 20-20 of the Ethics Act, the OEIG has the jurisdiction and authority to, among other things:

- receive and investigate allegations of violations of the Ethics Act and other related laws and rules;
- request information relating to an investigation from any person when the Executive Inspector General deems that information necessary in conducting an investigation;

- issue subpoenas to compel the attendance of witnesses for the purposes of testimony and production of documents and other items for inspection and copying, and to make service of those subpoenas; and
- review hiring and employment files of each State agency within the Executive Inspector General's jurisdiction to ensure compliance with *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990), and with all applicable employment laws.

In order to discharge the responsibilities set forth in Ethics Act, the OEIG has established certain policies and procedure which are contained in this Investigative Policy and Procedure Manual. These policies are in addition to the OEIG's Policy and Procedure Manual ("OEIG Policy Manual") which is the official compilation of all policies and procedures of the OEIG and sets forth standards and controls to which all OEIG staff and individuals assisting OEIG staff in the conduct of investigations will adhere in the discharge of their duties.

### **POLICY PART 100:1 Administrative Rules**

All OEIG personnel must comply with Joint Committee on Administrative Rules, Ill. Admin. Code tit. 2, § 1620.300–1620.350 [hereinafter "Admin. Code"], Subpart D: Investigations, which is set forth below:

#### **Section 1620.300 Conduct of Investigations**

##### a) Policy and Procedures Manual

- 1) All investigations by an Executive Inspector General or the Executive Inspector General's employees (collectively known as EIG) shall be conducted in accordance with procedures contained within this Part and within a policy and procedures manual developed by the EIG and approved by the Executive Ethics Commission. Approval shall be based on compliance with the Act, this Part and other applicable law. A policy and procedures manual should give direction to EIG employees that supplement the requirements of the Act and this Part.
- 2) The policy and procedures manual described in subsection (c) shall be submitted for approval to the Executive Ethics Commission within 90 days after July 1, 2008. Any future amendments to the policy and procedures manual shall be subject to the Commission's approval. An updated policy and procedures manual for each EIG shall be posted on the EEC website. Portions of the policy and procedures manual that may compromise the integrity of investigations or confidential investigative techniques may be redacted by the EEC after consultation with the appropriate EIG.

b) Waiver of Policy and Procedures Manual Provisions

1) Waiver by the Commission

Upon written petition by an Executive Inspector General and a finding that the waiver is, in the particular context, necessary to avoid compromising the integrity of an investigation, the Commission may grant a waiver of the subsection (c)(6) requirement that requests for documents or physical objects be in writing.

2) Temporary Waiver by the Chair

The Chair of the Commission, or the Chair's designee, may likewise grant a waiver of the subsection (c)(7) requirement that requests for documents or physical objects be made in writing in response to an oral or written request by an EIG if the Chair or the Chair's designee finds that the waiver is, in the particular context, necessary to avoid compromising the integrity of an investigation, and provided that, within 72 hours after the waiver, the Executive Inspector General files a written request to the Commission. A waiver granted by the Chair pursuant to this subsection (b)(2) may be withdrawn by the Chair at any time if the Chair no longer reasonably believes that the waiver is necessary to avoid compromising the integrity of an investigation.

c) The policy and procedures manual shall include, but not be limited to, the following:

1) An EIG shall accept case initiation forms from State of Illinois employees and the general public in accordance with Section 1620.320.

2) An EIG shall not investigate allegations of violations of State or federal law or this Part made against an EIG (including the EIG's employees). An EIG shall not investigate allegations of violations of State or federal law or of this Part if an EIG (including the EIG's employees) could be reasonably deemed to be a wrongdoer or suspect. Instead, in such cases, the EIG shall promptly refer all such allegations to the EEC for consideration of appointment of a Special Executive Inspector General.

3) Within 5 business days either after the receipt of a complaint in which a 20-63 Complainant is identified or after the subsequent identification or location of a person who was subjected to the discrimination, harassment, or sexual harassment as alleged in a pending complaint, the EIG shall notify the 20-63 Complainant of the receipt of the complaint, the complainant's rights, and an explanation of the process, rules, and procedures related to the investigation of an allegation, and of the duties of the EIG and the EEC. [5 ILCS 430/20-63] The notification shall be transmitted to the 20-63 Complainant by letter or appropriate electronic means.

- 4) Within 30 calendar days after receipt of a case initiation form as described in Section 1620.320, the EIG shall do one of 5 things:
  - A) Determine that no investigation is appropriate; or
  - B) Open an investigation file pursuant to Section 1620.330 and commence an investigation; or
  - C) Refer the case initiation form to the appropriate EIG, the Executive Ethics Commission or other appropriate body as described in Section 1620.340 and take no further action; or
  - D) Suspend the investigation pending review of the outcome of other proceedings; or
  - E) Refer the investigation to the Executive Ethics Commission for consideration of appointment of a Special Executive Inspector General.
- 5) The EIG shall notify a 20-63 Complainant of the EIG's decision to open or close an investigation into the relevant complaint or to refer the complaint to another appropriate agency within 5 business days after the decision is made. If, however, the EIG reasonably determines that publicly acknowledging the existence of an investigation would interfere with the conduct or completion of that investigation, the notification may be withheld until public acknowledgment of the investigation would no longer interfere with that investigation. [5 ILCS 430/20-63]
- 6) Each EIG shall disclose the opening of all investigation files, as described in Section 1620.330, in writing to the Executive Ethics Commission. The disclosure shall identify the affected office, agency or agencies, the date the investigation was opened, and the investigation's unique tracking number. Reports on all investigations opened in a calendar month shall be submitted to the Commission on or before the 15th day of the following month.
- 7) All EIG requests for production of or viewing of documents or physical objects under office or agency control shall be made in writing; provided, however, that the Commission may exempt any EIG who functions wholly within a single office or agency from the application of this requirement upon joint petition by the EIG and the affected office or agency. A written request for documents or physical objects shall state that the recipient of the request, should the recipient believe that the release of the subject matter of the request might violate existing rights or protections under State or federal law, has the right to seek a determination from the Commission relative to such rights or

protections, if desired. An EIG may take reasonable steps to seal or otherwise ensure the integrity of the requested documents or physical objects pending the Commission's determination. If security concerns demand the removal of sealed documents or physical objects, the EIG shall issue a subpoena before removal. The Commission shall consider the applicability of the right or protection asserted and issue a determination within 5 business days; provided, however that where delay for such a period could place an investigation in jeopardy, an EIG may request expedited consideration. The recipient and Commission shall maintain confidentiality about the request so as to minimize any risk of compromising the investigation. The recipient may assert any existing rights or protections under State or federal law with respect to the request, and such assertions made in good faith do not constitute failure to cooperate in an investigation.

8) An EIG desiring to interview any State officer or employee who is the subject of an EIG investigation and whom the EIG, based on the information available at the time of the interview, reasonably believes likely faces discipline shall notify the interviewee whether the underlying investigation is criminal or administrative in nature. If the underlying investigation is criminal in nature, the interviewee shall be presented a form that outlines the interviewee's rights during the interview, including the right to the presence of an attorney, union representative or coworker uninvolved in the investigation. If the underlying investigation is administrative in nature, the interviewee shall be presented a form that outlines the interviewee's rights during the interview, including the right to presence of a union representative or coworker uninvolved in the investigation. In both criminal and administrative investigations, the interviewee shall sign the form, attesting only to the fact that the form was presented to the interviewee and he or she was given the opportunity to read it. All forms presented to interviewees shall be pre-approved by the Commission. If, at any point, an interview subject requests the presence of a person authorized by this subsection (c)(8), or an attorney, the interview shall be suspended and a new date and time set. Evidence obtained directly or indirectly in violation of this subsection (c) is not admissible in any proceeding before the Executive Ethics Commission.

9) No EIG shall infringe upon the right of employees or officers to seek advice from their agency ethics officer on the interpretation and implementation of the Act, or to seek advice from private legal counsel.

#### 10) Conduct of Interview

A) Interviews shall be conducted in a businesslike manner. The investigator shall avoid any personality clashes, acts of undue familiarity, abuse, or use of profanity. The investigator shall treat all

persons interviewed with respect and not unduly embarrass, inconvenience, intimidate or degrade the interviewee.

- B) Any armed State employee present shall not use firearms in any manner that might intimidate unless anyone in the room is physically threatened.
  - C) Interviewees enjoy all rights in the course of an interview protected by the Constitution of the United States and federal and State law.
  - D) The duty to cooperate in investigations as provided at 5 ILCS 430/20-70 does not include restriction on those rights.
  - E) In the event that the subject of an interview believes that the investigator has operated in violation of this Part, or in violation of applicable law, the interviewee may file a written objection with the Commission, setting forth with specificity the nature of the alleged violation. Within 30 days after receiving the objection, the Commission shall issue a written finding either sustaining or overruling the objection, shall appoint a Special Executive Inspector General to discover more facts (by interviewing witnesses, etc.), or shall refer the issue to an appropriate law enforcement authority. If the Commission sustains the objection, it shall issue a copy of its finding to the EIG to whom the investigator reports, as well as make public a copy of its finding. Subjects of the complaint process described in this subsection (c)(11)(E) are entitled to due process of law.
- 11) State employees who are subjects of EIG interviews and whom the EIG, based on the information available at the time of the interview, reasonably believes likely faces discipline, shall be presented a form that outlines their rights during the interview. The form shall also clearly indicate that the interviewee has the right to refuse to consent to have the interview recorded and the right to stop the recording of the interview at any time and that refusing to consent to have the interview recorded or to stop the recording at any time shall not constitute failure to cooperate in the investigation or otherwise subject the interviewee to any discipline. The form shall also indicate that the interviewee may request at any time that the interview be recorded. If the interviewee requests at any time that the interview be recorded, the interviewer shall honor this request, stop the interview and immediately provide the employee a request to record form. Upon execution of a request to record form, the interview and all future interviews of the subject shall be recorded by mechanical, digital or other means. All forms and recordings shall be preserved, unedited, in the investigation file. Nothing in this subsection (c)(9) shall be construed to require the

recording of interviews other than pursuant to an appropriately executed request of the interviewee. The interviewee shall sign the form, attesting only to the fact that the form was presented to the interviewee and that the interviewee was given the opportunity to read it.

12) Upon completion of investigations, the EIG or the EIG's designee shall write a final report summarizing the background of the investigation, the allegations, investigative steps taken and conclusions drawn. The final report shall include a recommendation regarding appropriate action. An investigation is deemed completed for purposes of this Part when all processes of internal review of the investigation and of the final report have terminated.

13) The policy and procedures manual may contain additional policies or procedures not inconsistent with this Part, subject to Commission approval as outlined in subsection (a)(2).

- d) The EIG shall determine a reasonable time, place, and manner for a 20-63 Complainant to exercise the Complainant's right to review, in person, any transcript or interview report created from an audio recording of the Complainant's interview and shall make reasonable accommodations as necessary.
- e) Any person may complain to the Commission, in writing, concerning an EIG's alleged violation of the Act or this Part. Upon receipt of a complaint, the Commission may notify the EIG and require the EIG to provide information related to the investigation in order to determine whether any conduct has occurred that would require the Commission to appoint a Special Executive Inspector General pursuant to 5 ILCS 430/20-21. Under those circumstances, the Commission deems the EIG's disclosure of that information to the Commission to be "necessary" as provided at 5 ILCS 430/20-95(d).

(Source: Amended at 47 Ill. Reg. 12045, effective July 31, 2023)

### **Section 1620.310 State Officer or Employee Case Initiation Form**

Each Executive Inspector General shall prescribe and make available a case initiation form for investigation of a complaint against a State officer or employee.

### **Section 1620.320 Case Initiation Form – Contents**

The case initiation form shall set out:

- a) the name of the employee or officer who is alleged to have committed misconduct;

- b) the identity of the State agency by which the employee or officer is employed;
- c) the name, address and telephone number of the complainant, unless filed anonymously;
- d) the date and time of the alleged misconduct;
- e) a description of the acts and circumstances that surrounded the alleged misconduct;
- f) the names of any other person who witnessed, participated in, or was subjected to, alleged misconduct of any kind;
- g) an address to which the completed form may be mailed;
- h) a statement of the confidentiality of the identity of the complainant (see 5 ILCS 430/20-90(a));
- i) a statement that penalties may be applied for intentionally making a false report alleging an ethics violation (see 5 ILCS 430/50-5(d)); and
- j) such other information that the Executive Inspector General reasonably requires.

(Source: Amended at 47 Ill. Reg. 12045, effective July 31, 2023)

### **Section 1620.330 Opening an Investigation File**

- a) Upon deciding to open an investigation file in accordance with Section 1620.300(c)(4)(B), the Executive Inspector General shall promptly create an investigation file and assign the file a unique tracking number. Multiple case initiation forms that relate to the same alleged acts of misconduct may be consolidated for purposes of investigation. In the absence of a completed case initiation form, the Executive Inspector General may create an investigation file and assign the file a unique tracking number if the Executive Inspector General reasonably believes that misconduct may have occurred within the Executive Inspector General's jurisdiction. Investigations that have been closed and are reopened, involving the same alleged wrongdoing by at least one of the same persons who was the subject of the original complaint, shall be identified by the same tracking number as the initial investigation. All time limits stated in this Part shall be applied from the date of the original complaint.
- b) The investigation file shall contain the case initiation form, or if none, so much of the information that would normally appear on the case initiation

form as is known to the Executive Inspector General at the inception of the matter.

(Source: Amended at 36 Ill. Reg. 13826, effective August 21, 2012)

### **Section 1620.340 Referral to the Appropriate Executive Inspector General**

Notwithstanding Section 1620.330, if an Executive Inspector General receives a case initiation form or other information that alleges misconduct of an officer or employee outside his or her jurisdiction, he or she shall promptly forward the case initiation form or information to the appropriate Executive Inspector General, appropriate ethics commission or other appropriate body and shall keep a record of this referral and its recipients.

### **Section 1620.350 Investigations**

Investigations shall commence upon the opening of an investigation file in accordance with Section 1620.330. Investigations shall be conducted in accordance with Section 20-20 of the Act [5 ILCS 430/20-20].

## **POLICY PART 100.2: Impartiality/Conflicts of Interest**

All OEIG personnel must execute their investigative duties and responsibilities in an objective manner without regard to political affiliation or personal bias. If, for any reason, any OEIG personnel believe they are incapable or unwilling to investigate a manner consistent with any OEIG policy or procedure, they must notify the Executive Inspector General immediately so that appropriate action may be taken. OEIG employees, and those working with the OEIG, must report any actual or potential conflict of interest or appearance of a conflict of interest immediately to the Executive Inspector General.

## **Section II: Employee Responsibilities**

### **POLICY PART 200.1: OEIG Policy and Procedures Manual**

This Investigation Policy and Procedures Manual contains the investigative policies and procedures of the OEIG, to which all OEIG staff will adhere when discharging their duties and responsibilities.

## **POLICY 200.2: Distribution of OEIG Policy and Procedures Manual**

All OEIG personnel will be provided a copy of this Investigation Policy and Procedures Manual. OEIG personnel are responsible for reviewing this Policy and Procedures Manual and becoming familiar with all of the policies and procedures contained herein.

## **POLICY 200.3: Violations of Policies and Procedures**

Any OEIG personnel who violate the policies or procedures OAG policy and procedures may be subject to disciplinary action, up to and including discharge.

## **POLICY 200.4: Badges and Credentials**

The OEIG issues credentials to all employees and additional badges to investigators and attorneys as identification in connection with official duties and responsibilities. OEIG badges and credentials may only be used by OEIG personnel in connection with official duties and responsibilities. All OEIG badges and credentials are property of the OEIG and must be immediately relinquished upon request of a supervisor or at termination of employment.

# **Section III: Investigation Procedures**

## **POLICY PART 300: Administrative Rules/Professional Conduct**

All OEIG investigative activity must comply with Admin. Code §§ 1620.300–1620.350, as stated above. If any policy or procedure contained in this Investigative Policy and Procedures Manual is inconsistent with the Administrative Rules, then the Administrative Rules shall control.

The OEIG shall respond to all inquiries of the OEIG in a professional and thorough manner. The OEIG shall conduct all investigations in a professional and thorough manner and as required by law and regulation. Complaints and investigations will be properly documented through the OEIG electronic complaint database. All investigations will result in written reports of findings.

## **POLICY PART 300.1: Complaint Intake Procedures**

### **A. Receipt of Complaint**

The OEIG accepts complaints from State of Illinois employees and the general public orally or in writing. The OEIG accepts complaints by mail or electronically. The OEIG

also maintains a helpline and an ethics electronic mail (“email”) account for complaints. The EIG may open a complaint on his/her own initiative. A complainant may identify themselves or may submit a complaint anonymously.

## **B. Complaint Intake**

1. **Receipt of Complaint:** The OEIG will maintain an in-take procedure for processing all complaints, answering the OEIG helpline, and receiving inquiries via the ethics electronic mailbox. Complainants may be asked to complete a Complaint Initiation Form (see Appendix). If the complainant cannot or will not complete a Complaint Initiation Form, an OEIG employee may complete the form based on the information provided by the complainant. The OEIG will maintain confidential the name of any person filing a complaint against a State official or employee, except as required by law.
2. **Case Number Assigned:** Each new complaint will receive a unique OEIG case number. The case number sets forth the last two digits of the calendar year the complaint was filed, followed by the numerical sequence of the complaint (i.e. YR-IG-#####).
3. **File Opened:** Each new complaint will be entered into the OEIG database and maintained in a paper or electronic complaint file. An activity, status or interview report will be included in the file and will document the date of all action taken related to the case.
4. **Storage:** Complaint files shall be maintained in a secure area. Only OEIG employees and individuals working with the OEIG shall have access to the complaint files. Express approval must be obtained from the EIG before any complaint file or portion of a complaint file is accessed by anyone other than an OEIG employee.

## **C. Complaint Review Procedures**

Within 15 days of receipt of a complaint, the EIG or her designee will determine the appropriate course of action. One of the following actions will be initiated:

1. **Investigation:** The OEIG will open an investigation into the allegation. The EIG will assign an investigator to the case. The OEIG will notify the complainant of receipt of their complaint unless the EIG or Director of Investigations (“DOI”) determine otherwise is appropriate. A copy of the letter will be included in the case file.
2. **Referral:** If a complaint is not within the jurisdiction of the OEIG the complaint will be referred to another agency having jurisdiction, if possible and appropriate, or the complainant will be provided with contact information for an agency which may have jurisdiction, if possible and appropriate. No further action will be taken by the OEIG relating to this complaint. A referral, with a copy of the original complaint, will be sent to the appropriate agency if a direct referral is made. When

appropriate, the OEIG will notify the complainant of the referral. A copy of both the notification and referral will be included in the case file.

3. **Declination:** There will be no investigative activity in response to the complaint. When appropriate the OEIG will notify the complainant of the decision. A copy of the declination will be included in the case file. The file will note the basis for the declination.
4. **Suspend:** The investigation will be suspended until such time as more information becomes available which will allow the OEIG to investigate further.
5. **Request for Appointment:** The complaint will be sent to the Executive Ethics Commission to consider the appointment of a Special Inspector General.

Within 30 days of an initiated action the OEIG will send an acknowledgment to the complainant. However, in the case of “20-63 complainant” who was allegedly subjected to discrimination, harassment, or sexual harassment, the OEIG will acknowledge the receipt of the complaint, notify the complainant of their rights, and explain the process relating to the investigation of the allegation within 5 business days according to 5 ILCS 430/20-63.

#### **D. Inquiries Other Than Complaints**

Inquiries other than complaints received through the OEIG helpline or email will be responded to by an OEIG employee within 10 days of receipt.

### **POLICY PART 300.2: Investigative Procedure**

The OEIG may employ a DOI. The DOI will be responsible for the supervision of all investigative activities. The DOI will discuss with the EIG investigative strategy and will promptly notify the EIG of significant developments in cases or other sensitive issues that may arise in the investigation of a complaint. The EIG and the DOI shall be responsible for determining that all case files are properly maintained. All investigative activities will be properly documented through one or more of the following actions:

#### **A. Reports and Files**

1. **Activity or Status Report:** Once the complaint file is designated an investigation, the OEIG employees will maintain a written record activity conducted during the investigation.
2. **Report of Investigation:** The investigator shall complete an OEIG investigative report for all significant activities undertaken in the course of the investigation. Those activities include, but are not limited to: interviews, requests for documents or other materials, receipt of physical evidence, surveillance reports, and inspection of physical premises. Reports of Investigation should be prepared within 5 days of the completion of the activity to ensure completeness and accuracy.

3. **Final Report:** At the conclusion of an investigation, whether the allegations are founded or unfounded, a report shall be generated which provides an account of the investigation, the evidence obtained, and the conclusions reached as a result of the investigation.
4. **Contents:** The original complaint file (paper or electronic) will contain all reports and memoranda generated during the course of the investigation.

## **B. Requests for Records and Other Evidence**

During the course of the investigation the OEIG will obtain documents, records or other physical evidence relevant to the investigation. When requesting, for production or viewing, documents, or physical objects under office or agency control relating to an OEIG investigation, all OEIG personnel must comply with Admin. Code § 1620.300. An OEIG employee will obtain the approval of the EIG before removing or seizing any property.

1. **Subpoenas:** When necessary, the OEIG may issue a subpoena for the production of evidence. The OEIG may also issue a subpoena for the attendance of witnesses. Subpoena requests will be handled as follows:
  - a. The OEIG will maintain a log recording all issued subpoenas.
  - b. The EIG will approve all subpoenas before they are served.
  - c. A report will document when and where the subpoena was served, what was returned with the subpoena, and when the requested information was returned.
  - d. Documents, records or physical evidence obtained by an OEIG subpoena will be maintained in a secure location.
2. **Service of Subpoenas:** Service of a subpoena shall be made by any means permitted by law, including:
  - a. **Personal Service:** If serving the subpoena in person, the investigator should leave a copy of the subpoena with the person served.
  - b. **Certified Mail:** If the subpoena is served by certified mail, the subpoena must be addressed to an individual responsible for supplying the records. The Return Receipt should be completed with the investigator's name and the address of the OEIG office. When the Return Receipt is received it should be attached to the original subpoena.
  - c. **Service by Fax:** If a person or business has agreed to accept service of the subpoena by fax, the investigator should use an official OEIG fax transmittal form indicating the name of the person who agreed to accept the service on behalf of the business or organization on the form. The investigator should maintain a copy of the fax transmittal confirmation sheet and attach it to the original subpoena.

- d. **Service by Electronic Mail:** If a person or business has agreed to accept service of the subpoena by electronic mail, the investigator should use an official OEIG account and indicate the name of the person who agreed to accept the service on behalf of the business or organization in the electronic mail or attachments. The investigator should maintain a copy of the electronic mail and attach it to the original subpoena.
3. **OAG Personnel Records:** The OEIG has access to OAG employee timekeeping records, personnel files and other personnel records and information which are only available to an OEIG employee by virtue of his/ her role at the OEIG. Such confidential employee information shall only be accessed by an OEIG employee with regard to an authorized OEIG investigation and for an investigative purpose.
4. **Storage:** All records obtained by subpoena or otherwise shall be stored in a secure area. All personnel records obtained during the course of an investigation shall be safeguarded and maintained in the strictest confidence.

### **POLICY PART 300.3: Interview Procedure**

During the course of an investigation or to determine whether a complaint should be designated an investigation, the OEIG may interview individuals who the OEIG reasonably believes have information relevant to the complaint.

#### **A. Advice of Rights/Recordings**

1. **Notification:** Where the OEIG reasonably believes, based on the information available at the time of the interview, that an OAG employee who is the subject of an interview in an investigation is likely to face discipline, the interviewer will notify the interviewee whether the underlying investigation is criminal or administrative in nature.
2. **Advice of Rights Forms:** In both criminal and administrative investigations, where the OEIG reasonably believes, based on the information available at the time of the interview, that an OAG employee who is the subject of an interview may likely to face discipline, the OEIG shall provide the interviewee the appropriate advice of rights from a preprinted form. The interviewee shall sign the form, attesting only to the fact that the form was presented to the interviewee and he or she was given the opportunity to read it. If the interviewee refuses to sign the form, the investigator will document the refusal on the form presented to the interviewee. (See Appendix).
3. **Presence of Other Individuals:** If, at any point during the interview in an administrative investigation, an interviewee requests the presence of a person authorized by the administrative rules, the interview shall be suspended and, if necessary, a new date and time set within a reasonable time.

4. **Scheduling:** The OEIG will attempt to schedule all interviews during normal working hours and at a convenient location for the interviewee.

## **B. Recording of Interviews**

1. **Notification:** OAG employees who are subjects of OEIG interviews in administrative investigations and whom the OEIG, based upon the information available at the time of the interview, reasonably believes likely face discipline, shall be told as part of the Advice of Rights that they have the right to have the interview recorded at any time during the interview, the right to refuse to consent to have the interview recorded, and the right to stop the recording at any time.
2. **Form:** If the interviewee requests at any time that the interview be recorded, the interviewer shall honor the request, stop the interview and immediately provide the interviewee with a Request to Record form (see Appendix). Upon execution of a Request to Record form, the interview and all future interviews of the subject pertaining to this investigation shall be recorded by mechanical, digital or other means.
3. **Refusing Consent:** Refusing consent to have the interview recorded, or a request by the interviewee to stop the recording at any time, shall not constitute a failure to cooperate in the investigation or otherwise subject the interviewee to any discipline.
4. **Preservation:** All forms and recordings shall be preserved, unedited, in the investigation file.

## **Policy Part 300.4: Closing an Investigation**

### **A. Final Report**

Upon completion of an investigation, the EIG or his/her designee will write a final report summarizing the background of the investigation, the allegations, investigative steps taken, and conclusions drawn. If the final report contains founded allegations, the report may include one or more recommendations regarding appropriate action.

### **B. Dissemination of Final Report**

The EIG shall forward a report containing the founded allegations and recommendations regarding appropriate actions to the Attorney General and his/her designee (if any).

### **C. Notification**

Individuals entitled to a written notification of the completion of an investigation, shall be notified of the closing of the investigation in accordance with legal requirements.

## **Section IV: Evidence Collection and Preservation**

### **POLICY PART 400: Evidence Collection and Preservation**

It is the policy of the OEIG to properly collect, record and preserve items of evidentiary value and maintain a chain of custody for evidentiary items.

#### **A. Report of Evidence Collection**

The OEIG investigator shall document collection of evidence in a written report which includes:

1. the date, time, and means under which the evidence was obtained,
2. a complete inventory of items seized,
3. a description of the items,
4. the source or location from which the items were obtained, and
5. the name of the person collecting the items.

#### **B. Collection**

The OEIG investigator shall place physical items of evidence into a sealed envelope or other container, which is clearly marked with the case number, date, and initials of the investigator who obtained the evidence.

#### **C. Personal Property Evidence Receipt**

An evidence receipt shall be completed by the investigator, including a description of items seized or obtained for any personal property recovered.

#### **D. Transfer Record**

An OEIG investigator shall document each time the evidence is transferred to the custody of another person outside the OEIG, for whatever purpose. A record of each transfer shall be made to include:

1. the date and time of transfer,
2. the receiving person's name and address, and
3. the reason for the transfer.

#### **E. Evidence Storage**

1. **Secured Storage:** Locking storage cabinets will be maintained in a secure area for the storage of original evidence.
2. **Authorized Access:** Only the EIG and his/her designee(s) can access the evidence storage cabinets.

## **Section V: Revolving Door Provisions**

The OEIG will comply with Admin. Code § 1620.610 regarding the Revolving Door Provisions under the Illinois State Employee and Officers Ethics Act.

## **Section VI: Reporting Requirements**

The OEIG will provide reports to the Executive Ethics Commission consistent with Admin. Code § 1620.810

## **Section VII: Complaint with the Ethics Commission**

The OEIG will comply with the provisions of Admin. Code § 1620.300(e).

## **APPENDIX**

### **OEIG Table of Forms:**

Section 300.1B	Complaint Form
Section 300.3A	Administrative Advice of Rights Criminal Advice of Rights Administrative Advice of Rights (Union)
Section 300.3B	Request to Record Interview



OFFICE OF EXECUTIVE INSPECTOR GENERAL  
for the Office of the Illinois Attorney General

**COMPLAINT FORM**

**Please type or print clearly below.** E-mail the completed form to [ethics.OEIG@ilag.gov](mailto:ethics.OEIG@ilag.gov). Alternatively, you may mail the form to: Office of Executive Inspector General for the Office of the Illinois Attorney General, 115 S. LaSalle Street, Chicago, IL 60603. Our toll-free helpline number is (888) 814-4646.

The Office of Executive Inspector General for the Illinois Attorney General accepts anonymous complaints. However, please note, the ability to contact you to discuss the complaint may enable us to investigate your complaint more thoroughly.

**Contact Information:**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Sex: M F

Address: \_\_\_\_\_  
Street Address City State Zip Code

Home Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_ Preferred method of contact: \_\_\_\_\_

Are you an employee of the Office of the Illinois Attorney General? Yes No

**Complaint Information:**

Is your complaint against an employee or vendor of the Office of the Illinois Attorney General? Yes No \*

If not an employee, where does the individual work? \_\_\_\_\_

**\* If you answered "No" to the above question, the Office of Executive Inspector General for the Office of the Illinois Attorney General cannot investigate your complaint.**

**Please note, the Office of Executive Inspector General for the Office of the Attorney General is only authorized to investigate complaints relating to employees of the Office of the Attorney General and vendors or others doing business with the Office of the Attorney General.**

Please provide as much detailed information as possible about the individual(s) your complaint relates to:

**Subject of Complaint's Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Sex: M F  
(or approx. age)

Subject of Complaint's  
Place of Employment: \_\_\_\_\_

Address: \_\_\_\_\_  
Street Address City State Zip Code

**Subject of Complaint's Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_  
(or approx. age)

**Sex:** M F

**Subject of Complaint's Place of Employment:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
Street Address City State Zip Code

Have you notified any other Federal, State or local agency of your complaint or filed a lawsuit or grievance related to these matters? Yes No

If yes, with what agency did you file a complaint? \_\_\_\_\_

What is the complaint number? \_\_\_\_\_

Has your complaint been resolved? Yes No

If yes, briefly summarize the results: \_\_\_\_\_

Have you previously filed a complaint with the Office of Executive Inspector General for the Illinois Attorney General? Yes No

If yes, please list any known case numbers: \_\_\_\_\_

Is this complaint related to your previously filed complaint? Yes No

May we refer your complaint to the appropriate agency if necessary? Yes No

If the Office of Executive Inspector General refers your complaint to a bureau in the Office of the Illinois Attorney General, may we include your name and contact information? Yes No

If your complaint is referred to an agency other than the Office of the Illinois Attorney General, may we include your name and contact information? Yes No

Other person(s) who could be a witness to the complaint you have alleged:

\_\_\_\_\_  
Name Any identifying information (DOB, Agency, Title, Telephone Number, E-mail Address, etc.)

\_\_\_\_\_  
Name Any identifying information (DOB, Agency, Title, Telephone Number, E-mail Address, etc.)

**Summary of your complaint including the dates and times of occurrence and individuals who participated in or were subject to misconduct. Please attach any available documentation in support of your complaint.**

[Empty box for complaint summary and documentation]

**Illinois law provides that the identity of any individual providing information to an Executive Inspector General shall be kept confidential and may not be disclosed without the consent of that individual or when disclosure of the individual's identity is otherwise required by law. 5 ILCS 430/20-90(a).**

**Illinois law states that any person who intentionally makes to an Executive Inspector General a false report alleging misconduct is guilty of a Class A misdemeanor. 5 ILCS 430/50-5(d).**

**OFFICE OF THE EXECUTIVE INSPECTOR GENERAL  
FOR THE OFFICE OF THE ATTORNEY GENERAL**

**ADVICE OF RIGHTS**

**NAME** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**DEPT** \_\_\_\_\_ **TITLE** \_\_\_\_\_

**DATE** \_\_\_\_\_ **TIME** \_\_\_\_\_

**LOCATION** \_\_\_\_\_

**I understand that I am here today to be interviewed by** \_\_\_\_\_

**and** \_\_\_\_\_ **from the Office of the Executive Inspector**

**General for the Office of the Attorney General and that this interview is being**

**conducted as part of an administrative investigation.**

- **I understand that this investigatory interview is part of an official administrative inquiry, and that pursuant to the State Officials and Employees Ethics Act, 5 ILCS 430/20-70, I am obligated to cooperate. I understand that refusal to cooperate could subject me to disciplinary action up to and including discharge.**
- **I understand that any false, inaccurate, or deliberately incomplete statements by me could result in disciplinary action up to and including discharge.**
- **I understand that any statement made by me in the course of this interview could be used as the basis for disciplinary action up to and including discharge.**
- **I understand that by law any statement made by me in response to questions during the course of this interview cannot be used against me in a subsequent criminal proceeding.**
- **I understand that I have the right to have a co-worker, uninvolved in this investigation, present with me during the interview.**

**Recording of Interview**

- **I understand that I may request at any time that this interview is recorded.**
  
- **I understand that I have the right to refuse to have the interview recorded and the right to stop the recording of this interview at any time. A refusal to record, or a request to stop the recording of the interview at any time, shall not constitute failure to cooperate in the interview or subject me to discipline for failure to cooperate with this investigation solely because of my refusal to record the interview.**

**By signing this form, I acknowledge that I have been informed of these rights and given the opportunity to read this form prior to any questioning.**

_____	_____
<b>Employee</b>	<b>Date</b>
_____	_____
<b>Witness</b>	<b>Date</b>
_____	_____
<b>Witness</b>	<b>Date</b>

**OFFICE OF THE EXECUTIVE INSPECTOR GENERAL  
FOR THE OFFICE OF THE ATTORNEY GENERAL**

**ADVICE OF RIGHTS**

**NAME** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**DEPT** \_\_\_\_\_ **TITLE** \_\_\_\_\_

**DATE** \_\_\_\_\_ **TIME** \_\_\_\_\_

**LOCATION** \_\_\_\_\_

I understand that I am here today to be interviewed by \_\_\_\_\_

and \_\_\_\_\_ from the Office of the Executive Inspector

General for the Office of the Attorney General, and \_\_\_\_\_

from \_\_\_\_\_. This interview is being conducted as part of a  
criminal investigation.

- I understand that this interview is voluntary and I am not obligated to cooperate.
- I understand that I have the right to remain silent if any answer may tend to incriminate me.
- I understand that anything I say can be used against me in an administrative proceeding or criminal proceeding.
- I understand that I have the right to have a union representative or co-worker, uninvolved in this investigation, present during the interview.
- I understand that I have a right to have an attorney present during any questioning and that if I cannot afford an attorney, one will be appointed for me by the court.
- I understand that if I refuse to answer questions on the grounds that my answers may incriminate me, I cannot be discharged or otherwise disciplined solely for remaining silent.

**Recording of Interview**

- **I understand that I may request at any time that this interview is recorded.**
  
- **I understand that I have the right to refuse to have the interview recorded and the right to stop the recording of this interview at any time. A refusal to record, or a request to stop the recording of the interview at any time, shall not constitute failure to cooperate in the interview or subject me to discipline for failure to cooperate with this investigation solely because I refuse to record the interview.**

**By signing this form, I acknowledge that I have been informed of these rights and given the opportunity to read this form prior to any questioning.**

\_\_\_\_\_  
**Employee**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**Date**

**OFFICE OF THE EXECUTIVE INSPECTOR GENERAL  
FOR THE OFFICE OF THE ATTORNEY GENERAL**

**ADVICE OF RIGHTS**

**NAME** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**DEPT** \_\_\_\_\_ **TITLE** \_\_\_\_\_

**DATE** \_\_\_\_\_ **TIME** \_\_\_\_\_

**LOCATION** \_\_\_\_\_

**I understand that I am here today to be interviewed by** \_\_\_\_\_

**and** \_\_\_\_\_ **from the Office of the Executive Inspector**

**General for the Office of the Attorney General and that this interview is being**

**conducted as part of an administrative investigation.**

- **I understand that this investigatory interview is part of an official administrative inquiry, and that pursuant to the State Officials and Employees Ethics Act, 5 ILCS 430/20-70, I am obligated to cooperate. I understand that refusal to cooperate could subject me to disciplinary action up to and including discharge.**
- **I understand that any false, inaccurate, or deliberately incomplete statements by me could result in disciplinary action up to and including discharge.**
- **I understand that any statement made by me in the course of this interview could be used as the basis for disciplinary action up to and including discharge.**
- **I understand that by law any statement made by me in response to questions during the course of this interview cannot be used against me in a subsequent criminal proceeding.**
- **I understand that I have the right to have a co-worker or union representative, uninvolved in this investigation, present with me during the interview.**

**Recording of Interview**

- **I understand that I may request at any time that this interview is recorded.**
  
- **I understand that I have the right to refuse to have the interview recorded and the right to stop the recording of this interview at any time. A refusal to record, or a request to stop the recording of the interview at any time, shall not constitute failure to cooperate in the interview or subject me to discipline for failure to cooperate with this investigation solely because of my refusal to record the interview.**

**By signing this form, I acknowledge that I have been informed of these rights and given the opportunity to read this form prior to any questioning.**

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**OFFICE OF THE EXECUTIVE INSPECTOR GENERAL  
FOR THE OFFICE OF THE ATTORNEY GENERAL**

**REQUEST TO RECORD**

NAME \_\_\_\_\_

DEPT \_\_\_\_\_ TITLE \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_

LOCATION \_\_\_\_\_

I understand that I am here today to be interviewed by \_\_\_\_\_

and \_\_\_\_\_ from the Office of the Executive Inspector

General for the Office of the Attorney General.

I hereby request to have this interview recorded by mechanical, digital or other means.

I further understand that I may request at any time that the recording of this interview be stopped. If I request that the OEIG stop the recording of the interview, that request shall not constitute a failure to cooperate in the investigation, or otherwise subject me to any discipline solely because I refuse to have the interview recorded.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date