

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: LAITH EL-TALABANI,) OEIG Case #13-01848

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (Commission) to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Commission received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission, pursuant to 5 ILCS 430/20-52, redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General and to Laith El-Talabani at his last known addresses.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. INTRODUCTION

On August 29, 2013, the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) received an anonymous complaint alleging that Metra Police Department Lt. Laith El-Talabani completed the 2013 annual ethics training for multiple Metra police officers. The OEIG finds the allegations against Lt. El-Talabani to be **FOUNDED**.

II. BACKGROUND--ETHICS ACT AND ETHICS TRAINING REQUIREMENTS

In 2003, the State Officials and Employees Ethics Act (Ethics Act) was enacted. The Ethics Act not only created the OEIG but it, among other things, required State employees, appointees and officials to complete annual ethics training.¹

¹ 5 ILCS 430/5-10. Regional Transit Boards were brought under OEIG jurisdiction and subject to the Ethics Act effective July 1, 2011. As of that date, ethics training and certification requirements became applicable to employees of and appointees to the Regional Transit Boards, including Metra. 5 ILCS 430/75-5(a).

The annual ethics training provides State employees, including Metra police officers, with important information reminding them about various laws, rules, and policies, which are intended to ensure that the functions of public entities are conducted ethically – that is, with fairness, honesty, and integrity. Upon completion of ethics training, the State employee “must certify in writing that the person has completed the training program.” In addition, the State employee “must provide to his or her ethics officer a signed copy of the certification by the deadline for completion of the ethics training program.”²

III. INVESTIGATION

A. Metra Ethics Training Data

On February 28, 2014, investigators requested 2013 ethics training documents related to Lt. El-Talabani and the other officers on whose behalf it was alleged he took ethics training. Specifically, for Lt. El-Talabani and each of the officers, the OEIG requested from Metra:

2013 ethics training login details to include internet protocol addresses, passwords, course start date, course start time, course exit date, course exit time, total time elapsed, and ethics training certificate of completion.

According to Metra’s ethics officer, “the computer system currently utilized to facilitate and track Metra employees’ ethics training does not track internet protocol addresses, course start times, course exit times, or total time elapsed.” Metra, however, was able to provide the ethics training course start and exit dates and provided investigators with the ethics training course Acknowledgment of Participation forms³ for Lt. El-Talabani and the other officers.

A review of records Metra provided revealed that Lt. El-Talabani completed his ethics training on July 27, 2013. The ethics training for three officers reflected they completed their training on July 31, 2013.

B. Investigators Schedule Interview with [REDACTED] and Receive Unsolicited Telephone Call from Lt. El-Talabani

The anonymous complaint identified Metra Police Department [REDACTED] as a witness to the allegations. On March 28, 2014, investigators contacted [REDACTED] and scheduled an interview with him.

On April 1, 2014, investigators received an unsolicited telephone call from Lt. El-Talabani. Lt. El-Talabani told investigators that he had learned from [REDACTED] that the OEIG was conducting an investigation into his actions related to the 2013 ethics training and wanted to speak with investigators.

² 5 ILCS 430/5-10(a) and (d).

³ The form contains a written electronic certification that the employee completed the ethics training course.

C. Interview of Lt. Laith El-Talabani

On April 2, 2014, investigators interviewed Lt. El-Talabani who stated he is a lieutenant and has been a Metra police officer for 17 years. According to Lt. El-Talabani, his duties and responsibilities consist of supervising Metra Police Department District 2 day shift.

Lt. El-Talabani told investigators that he was ultimately responsible for ensuring that police officers serving the District 2 day shift completed their 2013 ethics training. Lt. El-Talabani told investigators he had received pressure from his supervisor to make sure that his officers completed their ethics training. In addition, Lt. El-Talabani stated that he received an email from the Chief's Office with the ethics training passwords for the police officers in District 2. According to Lt. El-Talabani, it was his responsibility to provide passwords to his officers.

During his interview, Lt. El-Talabani stated that he "assisted in the ethics training and [he] also *took the ethics training* for the officers under [his] command." Specifically, Lt. El-Talabani stated that he completed the 2013 State ethics training for four officers under his command and identified the police officers by name.⁴ Lt. El-Talabani recalled having completed the training on his work computer over the course of two days sometime after he had already completed his own ethics training. Lt. El-Talabani stated that he logged into the ethics training website, entered the officers' user IDs and passwords, and clicked through the training without the officers being present.

According to Lt. El-Talabani, it was his idea to complete the ethics training for the four officers. He could not recall when he made the decision to complete the ethics training for these officers but stated that *he did not* inform his officers that he was going to complete their ethics training prior to doing so. When asked whether any of the officers told him that they wanted to complete their own ethics training, Lt. El-Talabani responded, "***no one wants to complete an ethics training.***" Lt. El-Talabani also stated that after he completed the ethics training for the four officers, he disclosed to each officer that he had done so, and discussed some of the content of the ethics training with each officer individually. According to Lt. El-Talabani, 2013 was the first time and only time he assisted or completed ethics training for anyone else.

In addition to completing the ethics training of four Metra police officers as set forth above, Lt. El-Talabani stated that he "assisted" District 2 day shift [REDACTED] complete his 2013 ethics training. According to Lt. El-Talabani, [REDACTED] came into his office and he (El-Talabani) logged into the ethics training website utilizing [REDACTED] user ID and password. Lt. El-Talabani stated that after he logged into the ethics training website, he and [REDACTED] completed the ethics training together by navigating through the various ethics training prompts and screens as [REDACTED] read the screens and answered the questions out loud. According to Lt. El-Talabani, if [REDACTED] gave him the wrong answer, he (Lt. El-Talabani) would select the correct response. Lt. El-Talabani stated that he knew the correct

⁴ Lt. El-Talabani also stated that, although he did not recall specifically, he may have completed the 2013 ethics training of another police officer now retired, as alleged in the complaint.

answers to the ethics training questions because he had completed his own ethics training prior to assisting ██████████.⁵

IV. ANALYSIS

A. State Officials and Employees Ethics Act Ethics Training and Certification Provisions

The Ethics Act, in particular 5 ILCS 430/5-10, directs that “[e]ach [State] officer, member, and employee must complete, at least annually beginning in 2004, an ethics training program conducted by the appropriate State agency.” In addition, “each . . . employee must certify in writing that the person has completed the training program.” See 5 ILCS 430/5-10(d). See also Ill. Admin. Code tit. 2 § 1620.900. From the statutory requirement that “each” State employee complete the ethics training program and then certify that he or she did so, it follows that a State employee *may not* use another employee’s user ID and password, click through the training without the employee being present, complete and then certify that the employee completed the ethics training, when in fact he did not.

B. Lt. El-Talabani Completed the Ethics Training for Four Metra Police Officers

In 2003, the Ethics Act was enacted requiring State employees to undertake annual ethics training. Although Metra employees, including members of the police force whose duties and responsibilities include *enforcing* state laws, were not required to take ethics training until 2011 they were required to do so after July 1, 2011. The purpose of annual ethics training is simple: to provide state employees with important information reminding them about various laws, rules, and policies, which are intended to ensure that the functions of public entities are conducted ethically – that is, with fairness, honesty, and integrity. Yet in 2013, or only about two years after the annual ethics training requirement went into effect for Metra employees, Lt. El-Talabani unabashedly told investigators, “*no one wants to complete an ethics training.*” While the OEIG appreciates Lt. El-Talabani’s honesty, his conduct clearly reflects a lack of judgment and integrity, especially coming from a person whose duties and responsibilities include enforcing laws, not disregarding and worse, breaking them.

In any event, there is no dispute that Metra Police Department Lt. El-Talabani completed the 2013 ethics training for four Metra police officers—he admitted to same. Specifically, he stated he logged into the ethics training website, entered the user IDs and passwords provided, and clicked through the training for the four police officers. Lt. El-Talabani recalled having completed the training in a short period of time, over the course of two days, on his work computer, and the OEIG’s analysis of course start and exit dates, together with the certificates of acknowledgment, confirms these admissions. A review of the documents reveals that the ethics training courses of three of the four officers named by Lt. El-Talabani were completed on the

⁵ On April 2, 2014, investigators interviewed ██████████, who basically confirmed Lt. El-Talabani’s version of events concerning the 2013 ethics training.

same day, July 31, 2013.⁶ Moreover, the analysis of records revealed that Lt. El-Talabani's own ethics training was completed on July 27, 2013. This information is consistent with Lt. El-Talabani's recollection that he completed his own ethics training before completing the training of the other officers and that he completed the trainings in a short period of time.

Even if Lt. El-Talabani may have felt pressured by supervisors to ensure his subordinates took their ethics training and believed that no one, including his officers, wanted to take the training, these facts do not justify him taking ethics training for four employees without their knowledge. As a lieutenant who has served Metra as an officer for more than seventeen years, Lt. El-Talabani should understand the importance of the information provided by ethics training.

Therefore, the allegation that Lt. El-Talabani violated the relevant provisions of the Ethics Act by completing the ethics training for four Metra police officers is **FOUNDED**.

C. Lt. El-Talabani Completed the Ethics Training Certification for Three Metra Police Officers

The OEIG received ethics training course Acknowledgement of Participation forms for three of the four officers whose ethics training Lt. El-Talabani admitted to completing.⁷ Each acknowledgment, per the requirements of the Ethics Act, contains a written certification of completion of the 2013 ethics training.

In order to complete the ethics training for these three officers, Lt. El-Talabani would have had to electronically complete the certification as well. Therefore, the allegation that Lt. El-Talabani violated the relevant provisions of the Ethics Act by completing the ethics training certifications for three Metra police officers is **FOUNDED**.

V. FINDINGS AND RECOMMENDATIONS

- **FOUNDED** – Lt. El-Talabani violated the Ethics Act by completing the ethics training for Metra police officer [REDACTED] on July 31, 2013.
- **FOUNDED** – Lt. El-Talabani violated the Ethics Act by completing the ethics training for Metra police officer [REDACTED] on July 31, 2013.
- **FOUNDED** – Lt. El-Talabani violated the Ethics Act by completing the ethics training for Metra police officer [REDACTED] on July 31, 2013.

⁶ The anonymous complaint did not identify one of the four officers for whom Lt. El-Talabani said he completed ethics training. Nevertheless, in light of the fact that Lt. El-Talabani admitted that he was the one who completed the officer's ethics training, the OEIG finds no reason to doubt his veracity.

⁷ In light of Lt. El-Talabani's admissions, the OEIG did not obtain an Acknowledgment of Participation form for one of the other officers, which would have certified the completion of his 2013 ethics training. Therefore, the OEIG is not making a finding that Lt. El-Talabani violated the Ethics Act by completing this officer's training certification.

- **FOUNDED** – Lt. El-Talabani violated the Ethics Act by completing the ethics training for Metra police officer [REDACTED].
- **FOUNDED** – Lt. El-Talabani violated the Ethics Act by completing the ethics training certification for Metra police officer [REDACTED] on July 31, 2013.
- **FOUNDED** – Lt. El-Talabani violated the Ethics Act by completing the ethics training certification for Metra police officer [REDACTED] on July 31, 2013.
- **FOUNDED** – Lt. El-Talabani violated the Ethics Act by completing the ethics training certification for Metra police officer [REDACTED] on July 31, 2013.

The OEIG recommends that Metra discipline Lt. Laith El-Talabani. The OEIG also recommends that Metra:

- take steps to ensure all employees complete *their own* ethics training, such as by preventing unauthorized access to employees' ethics training user IDs and passwords;
- take steps to have the above referenced officers *who did not* complete their ethics training, complete it; and
- take whatever additional action Metra deems appropriate.

No further investigation is needed and this matter is considered closed.

Date: **April 15, 2014**

Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 West Washington Street, Ste. 3400
Chicago, IL 60601

By: **Daniel Ostrovsky**
Assistant Inspector General

Luis Salinas
Investigator #163



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**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY
RESPONSE FORM**

Case Number: 13-01848

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

Please see the attached letter.

We will implement some or all of the OEIG recommendations but will require additional time to do so.
We will report to OEIG within _____ days from the original return date.

We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

Signature

Ethics Officer and Associate General Counsel
Print Agency and Job Title

William "Skip" Benz
Print Name

May 2, 2014
Date



VIA ELECTRONIC DELIVERY

May 2, 2013

Ricardo Meza
Executive Inspector General
Office of Executive Inspector General for the Agencies of the Illinois Governor
69 West Washington St., Suite 3400
Chicago, Illinois
60602

Re: OEIG Case No. 13-01848

Dear Mr. Meza:

On April 15, 2014, Metra received the summary report issued in OEIG Case No. 13-01848. In its summary report, the OEIG concluded that Metra Police Department Lieutenant Laith El-Talabani violated the State Officials and Employees Ethics Act (Ethics Act) by completing the annual ethics certification for Metra Police Patrolmen under his supervision. The OEIG recommended Mr. El-Talabani be disciplined, Metra take corrective action to ensure that a similar incident does not occur again, and for the officers who did not complete their certification to do so now.

Metra places great importance on employees' compliance with the Ethics Act and Metra's ethics policies. Therefore, Metra takes the violations listed in the summary report very seriously. In response, Metra has taken numerous actions.

Mr. El-Talabani was interviewed by Metra employees and admitted to having completed the annual ethics certification for Patrolmen under his supervision. In his interview, he expressed contrition and regret regarding his actions. Mr. El-Talabani subsequently received a counseling session and a letter of reprimand was placed in his personnel file, which prohibits him from applying for a promotion for a period of one year. Furthermore, Mr. El-Talabani was indefinitely stripped of his rank of Lieutenant and demoted two ranks to Patrolman.¹

With respect to Patrolmen _____, _____, and _____, Metra employees are required to timely complete their annual ethics certification. Failure to do so disqualifies individuals from employment at Metra until such certification is completed. Accordingly, Patrolmen _____, _____, and _____ were removed from

¹ Mr. El-Talabani's hourly pay was also reduced from Lieutenant to the rate for a Patrolman.

service on April 17, 2014 pending completion of their annual ethics certification.² These individuals completed their ethics certification on April 21, 2014 and were returned to service on the same day. Although the OEIG did not call for any action to be taken with respect to _____, he received a counseling session regarding his knowledge of Mr. El-Talabani's actions and his failure to report them.

Finally, Metra is incorporating additional training in its 2014 ethics certification material to ensure that employees are aware of their obligations under the Ethics Act.

Please do not hesitate to contact me with any questions or concerns.

Regards,

—
Don Orseno
Executive Director

² The employees' time out of service was unpaid time as Metra requires that individuals complete their annual ethics certification as a condition of employment.