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Stephen H. Hagerty
Mayor

July 26, 2019

Honorable Thomas J. Dart
Cook County Sheriff
50 West Washington Street
Chicago, Illinois 60602

Dear Sheriff Dart,

I write to you today requesting the assistance of the Cook County Sheriff's Department. Specifically, due to extraordinary circumstances, I am requesting that the Sheriff's Department conduct an Official Misconduct investigation in Evanston.

Below are the details that lead to my request.

- In April 2017, three employees filed unhealthy workplace environment complaints against our elected City Clerk, Devon Reid.
- Evanston hired an outside law firm, Robbins Schwartz, to conduct the investigation.
- In the course of the investigation, Robbins Schwartz discovered that the City Clerk removed the executive session recordings off premise and appears to have illegally eavesdropped on elected officials and others.
- Given the seriousness of the findings and the possibility of a violation of the Illinois Official Misconduct Act, the City Council, in Executive Session, asked the law firm to prepare a draft letter to the State's Attorney turning over the evidence and requesting an investigation.
- This attorney-client privileged draft letter, along with the Robbins Schwartz report and a draft letter from me to the Clerk, were included in the July 8th confidential Executive Session packet sent to all of the Aldermen (Note, the Clerk was not in attendance at the Executive Session given that he was the subject of the Executive Session).

- On July 15th, the Evanston City Council held a public meeting to discuss my recommendation that the Clerk be censured for violating the City's Healthy Work Environment Policy. Ultimately, on 5-4 vote, the Council tabled the matter.
- Later that evening, around 11 pm, the City became aware that someone released, without authorization, the July 8th Executive Session packet. (Our first indication was a FOIA request made by Misty Witenberg, a local blogger, containing the packet of documents and requesting additional information related to the Clerk). Please note, the documents in the Executive Session packet were not subject to a FOIA disclosure.
- By Tuesday, July 16th, the entire July 8th Executive Session package was made public without authorization, including the names of the employees who filed the complaint, the confidential letter I provided to Clerk Reid, and the attorney's draft letter to the State's Attorney expressing our concern that the Clerk has violated the State's eavesdropping law.
- The only individuals who had access to this privileged July 8th Executive Session package were the 9 Alderman, myself, the City Manager, 7 of his senior staff, and Robbins Schwartz.

The release of the July 8th privileged and confidential Executive Session package, containing detailed information on the employee complaints and eavesdropping allegations and attorney-client privileged communications, is an extraordinary act of misconduct. I have reason to believe that packet was released by an individual Alderman acting without the authorization of the City Council. If so, such action qualifies as Official Misconduct under the Illinois Official Misconduct Act, 720 ILCS 5/33-3.

We have conducted a review of our IT systems and found no sign of improper access. Instead, based on our preliminary review, we believe that the highly confidential material was released by one of the individuals who had access to it.

Further, on Wednesday, July 17th, the City Clerk was arrested by the Evanston Police Department (EPD) on an unrelated warrant for failure to appear before a Judge in Will County on February 20th and then again on April 3rd.

<https://www.chicagotribune.com/suburbs/evanston/ct-evr-city-clerk-reid-warrant-arrest-tl-0725-20190719-xkykzn4yknexasbe3ecu4jkbe-story.html>

Given the likelihood that Official Misconduct occurred and that the Clerk was recently arrested by the EPD, I feel strongly that an outside investigation by your Office should be undertaken to (1) determine who specifically broke the law, and (2) demonstrate to our residents that we and the County take seriously Official Misconduct, as it undermines the public's trust in its government.

I realize your Office has many demands on its time but hope, particularly in light that we seldom call on you, that your Office will undertake this investigation. I envision this

investigation would include analyzing meta data from all retrieved documents, interviewing, as appropriate, those granted access to the documents, and applying other investigative techniques, as appropriate, to uncover who committed this criminal misconduct.

If I can provide any additional information, please don't hesitate to reach out to me on my cell phone at [REDACTED] or via email at shagerty@cityofevanston.org. I look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Stephen H. Hagerty".

Stephen H. Hagerty
Mayor, City of Evanston

Copy:

Bradley Curry, Chief of Staff, Cook County Sheriff
Marlon Parks, First Deputy Chief of Police, Cook County Sheriff