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### Profile in Public Integrity: Joseph Ferguson

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## Profiles in Public Integrity: Joseph Ferguson



*Joseph Ferguson is in his second term as Chicago's Inspector General. Ferguson came to the Inspector General's Office following 15 years with the United States Attorney's Office (USAO) for the Northern District of Illinois. From 1994 through 1999 he represented the United States in cases before the U.S. District Court for the Northern District of Illinois and U.S. Seventh Circuit Court of Appeals involving employment discrimination (Title VII), civil rights, environmental law, and government program fraud. From 2000 to 2009, Ferguson worked in the Criminal Division of the USAO, prosecuting public corruption, mail/wire fraud, tax, healthcare and government program frauds, terrorist financing, drug and labor racketeering cases. Ferguson served as the Chief of the USAO's Money Laundering and Forfeiture Section, where he had previously served as Deputy Chief. In addition to his work with the USAO, Ferguson has been an adjunct instructor at both the Loyola University and John Marshall Schools of Law in Chicago – teaching, among other subjects, National Security Law. He has also been an instructor at the Department of Justice's National Advocacy Center, which provides training for federal, state, and local prosecutors and investigative agencies. He received his Bachelor of Arts degree from Lake Forest College in 1982, and his J.D. from Northwestern University Law School in 1990.*

**You have worked on a variety of public interest issues in your career, from civil rights and environmental protection to public corruption and terrorism. What led you to focus on the enforcement of public integrity?**

My prior work as a federal prosecutor typically dictated that I focus on removing and punishing bad actors and securing restitution for victims. However, the prosecutor is seldom positioned or equipped to drive the structural or programmatic changes that I saw were necessary to prevent future wrongdoing. What drew me to the Inspector General function was the pairing of investigative enforcement tools that address individual misconduct with audit and compliance tools that can address the systemic issues that permit wrongdoing to occur.

Chicago and Illinois have a long history of corruption that predisposes the public to a very cynical view of our public institutions and officials such that

they equate incompetent performance with corruption. Most corruption results in poor performance; not all poor performance comes from corruption. The Inspector General toolbox permits identification and redress of corruption, as well as operational and performance issues.

**Which of your office's achievements are you most proud of?**

Fully inhabiting our statutory mission to promote economy, effectiveness, efficiency, and integrity. For years, our office devoted its resources and activities almost exclusively to investigations and, in doing so, never utilized the broader array of tools authorized by our enabling legislation such as performance audits and program reviews.

This operational transition required not only a re-acculturation within our office but also a critical shift in the City's understanding of the OIG and an appreciation that our overarching objective is to promote correction, rather than obtain a conviction. This shift was possible because our staff is dedicated to the mission and to delivering the highest demonstrated level of professionalism in the field.

In only a few years we have been able to show our stakeholders the value of a multifaceted Inspector General that can simultaneously pursue misconduct in the legal and administrative arena, while attacking waste and inefficiency on a programmatic scale through audits and reviews.

**In recent years, your office has explored emerging technologies like data analysis. Can you tell me more about these efforts, and their potential to make oversight more effective?**

Ideally, oversight bodies have real-time read access to databases across government functions, to permit the aggregation of operational and transactional information into a consolidated data platform. Such tools allow pattern and trend analysis to be conducted on an ongoing or as-needed basis to support, rather than delay, investigative and audit activities. Over time, pattern analysis coupled with the institutional knowledge of data markers corresponding to fraud, waste, or inefficiencies, should permit oversight agencies to continually monitor data for red flags, to identify programs or activities that warrant a closer look.

**Fairly or not, Chicago has historically faced high perceptions of corruption. Do you think the city faces any unique corruption risks or structural vulnerabilities that undermine public integrity?**

The patronage system of machine politics and government that gave Chicago its reputation is a fading anachronism. This summer, the dismissal of the City from a 45-year old lawsuit—that led to lengthy and costly court oversight of the City’s employment system—is a testament to how far the City has come. For the most part corruption in Chicago today is rooted not in the relationship between the political machine, government administration, and employment, but rather in the interplay of power and money that is characteristic of many forms of contemporary government.

However, two other lingering structural artifacts continue to set Chicago and Illinois apart. In the first instance, it is not what occurs that is illegal that distinguishes our political culture, but rather what occurs that is perfectly legal. For example, aldermen—elected city officials similar to City Councilors in other municipalities—are legally permitted to pursue any variety of self-enriching activities with or occurring before county or state government bodies. And that applies in reverse – elected state or county officials are permitted to represent or pursue business with Chicago municipal agencies. All this occurs with little regard for the basic reality that the political party machinery is connected at all levels of government. Thus, what constitutes a naked and overt conflict of interest and violation of law in another location is just business as usual in Illinois.

The other factor is the sheer number of governmental bodies. Look across the State of Illinois and you will find almost every basic government service or function structured into an elected or appointed public office. We have many needless layers of government, operating in a system that allows an official in any one layer to pursue self-enrichment in another.

**What changes could Chicago, or the state of Illinois, make to boost oversight?**

Even if the patronage system is dying out, there is always the risk of sliding backwards. One structural vulnerability in Chicago is the decentralization of Inspectors General. Chicago has comparatively unified power in the office of the Mayor. The Mayor exercises direct and indirect authority over not just the City government, but a host of so-called sister agencies, such as public schools, housing authority, and city colleges. Although each is a separate and independent governmental body, much of the leadership of these sister

agencies is actually appointed by the Mayor and in some instances includes the Mayor, *ex officio*.

While power is centralized, oversight is not. Each of the sister agencies has its own Inspector General varying in its limited power, jurisdiction, rules, and funding. Thus, oversight is balkanized by design. This creates an opportunity for bad actors – whether corrupt employees or contractors – to jump from one Chicago governmental body to the next. Oversight jurisdiction and structure need to be commensurate with the reach and structure of power. Unitary oversight, such as the model used by New York City for its Department of Investigation, would greatly improve oversight in Chicago.

**What advice do you have for a city considering creating a watchdog office like yours?**

Project your value publicly. Be as transparent as your confidentiality strictures will allow. Obligate yourself as a matter of law and regulation to periodic external peer review in order to disarm the question, “Who oversees the overseer?” But also remember that in a democracy the elected officials make the decisions, and the role of an oversight body is to ensure that those decisions are implemented in a manner that achieves the greatest public benefit at the lowest public cost, while meeting the highest standards of integrity.

**What advice do you have for practitioners in the public integrity community?**

Meeting the enormous challenges facing our society and the world today will require the aggregated and concentrated power and resources of government. But governments will not be able to effect the needed paradigmatic changes unless the public trusts that public institutions are trying to do the right thing, the right way, for the right reasons. Enforcement of public integrity through addressing both incompetence and corruption is a linchpin to securing that trust.

Therefore, where individual cases of misconduct occur, we should always be asking ourselves how the system allowed this act to happen.

**What's the most important or interesting thing you've learned about corruption in your work?**

Corruption is not evil; it is simply human weakness gone awry, so we should not go overboard pursuing the notion that it can be eliminated. Some of the best people I met as a prosecutor and in my present work are good people who by circumstance or frailty went off the legal and moral rails temporarily. Some of the worst are those who are adept at working the system to maximize personal gain without transgressing legal boundaries. Corruption exists wherever there is a confluence of power and money. So, while we should stay vigilant and remove corrupt actors wherever we find them, we should keep in mind that efforts advanced on the notion that corruption can be eradicated entirely may result in enormous, constricting, burdens on effective and efficient governance and its delivery of public services.

**And lastly, a multiple choice question: Is Chicago's so-called deep dish "pizza" an example of waste, corruption, or fraud?**

I am Italian, so this is personal, and an honest answer may get me run out of town on a rail. But if an IG wants a friend, he or she should get a dog. So, here it goes: all of the above. I have heard say that playing music during dinner is an insult to both chef and musicians – too much of two good things distracting attention from each other's merits. Likewise, I feel that deep dish pizza can be an insult to the sublime qualities of cheese, tomato sauce, and bread. As a native Bostonian, I have to say: thin crust all the way.