



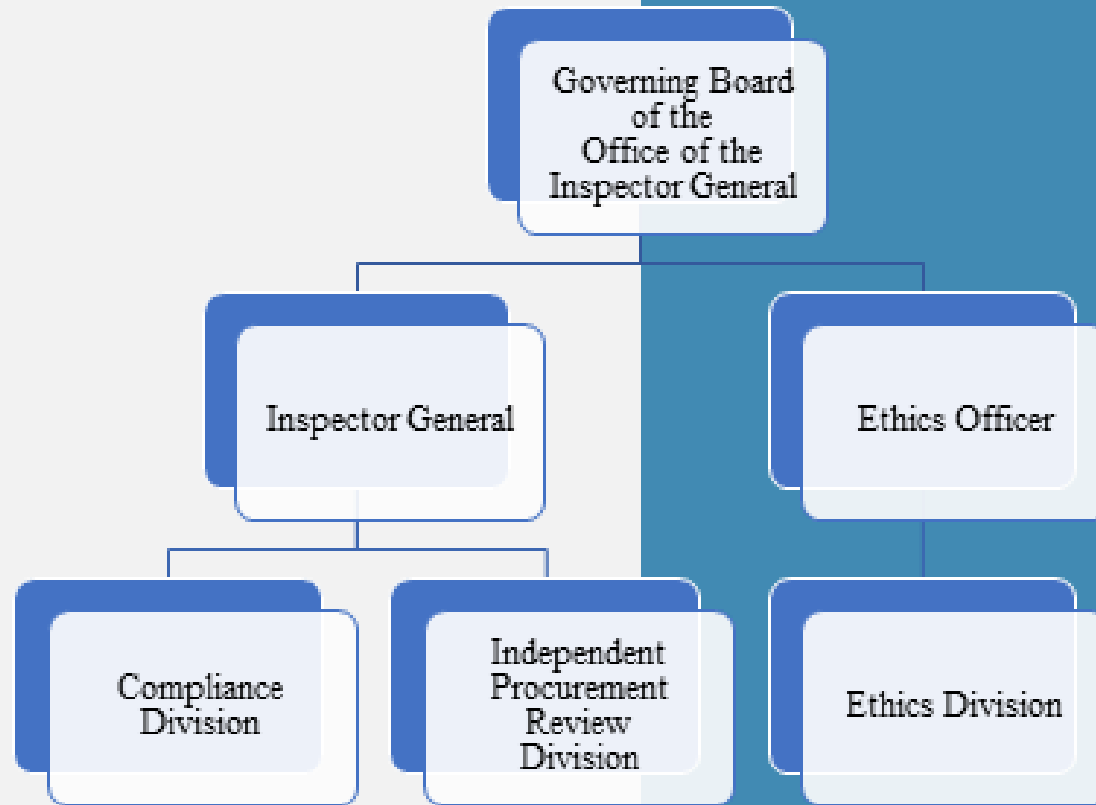
**CITY OF ATLANTA  
OFFICE OF THE INSPECTOR GENERAL**

**City Council**

**OIG Work Session**

**February 22, 2023**

# OIG STRUCTURE



# GOVERNING BOARD

- To ensure the independence of OIG, Article 8 established the Governing Board of the Office of the Inspector General
- Among other duties, the Governing Board, which operates under its own bylaws, hears all appeals filed from adverse OIG decisions and all motions to quash OIG-issued subpoenas
- The Governing Board consists of nine members with residency, employment, or business interests within the City of Atlanta, who are nominated by:
  - Association of Certified Fraud Examiners
  - Atlanta Bar Association
  - Atlanta Business League
  - Atlanta Planning Advisory Board
  - Gate City Bar Association
  - Georgia Society of Certified Public Accountants
  - League of Women Voters of Atlanta-Fulton County
  - Metro Atlanta Chamber of Commerce
  - Seven Major Universities

# PROPOSED CHARTER REVISIONS GOVERNING BOARD

- Add the board to the list of the receiving parties for final decisions
  - Issuance of Final Decisions/Reports. Section 8-101 (h) (1) - Copies of the decision or order shall be mailed to the Governing Board of the Office of the Inspector General and all parties of record by the Office of the Inspector General or the Ethics Office.
- Add oversight and notification to the board of irregularities noted in an Independent Procurement review
  - Jurisdiction. Section 8-106 (a)(5) - Upon taking any action under this Section, the Inspector General shall provide written notice to the Governing Board of the Office of the Inspector General.
- Add the board to the list of the receiving parties of an investigative report from Compliance
  - Duties and Responsibilities. Section 8-106 (b) (7) - Notifying the subject of a report along with the Governing Board of the Office of the Inspector General of the completion of an investigation into any alleged violation of a law, rule, regulation, or internal policy related to matters under the jurisdiction of the Compliance Division.

# PROPOSED CHARTER REVISIONS GOVERNING BOARD

- Add the board to the list of the receiving parties for the report of recommendations from Compliance
  - Duties and Responsibilities. Section 8-106 (b) (9) - Issuing reports which provide recommended standards of practice to the applicable departments, offices, and boards of city government following a determination by the City Auditor of deficiencies. A copy of reports issued under this section shall be provided to the Governing Board of the Office of Inspector General.
- Add the board to the list of the receiving parties of the Independent Procurement Review report
  - Jurisdiction. Section 8-107 (a) - The Inspector General, as the director of the Independent Procurement Review Division, shall manage the function of Independent Procurement Review. The Review shall not opine regarding the procurement process but shall provide an Independent Procurement Review Report to the council and to the Governing Board of the Office of Inspector General that the contract file is complete or shall note areas of perceived deficiencies.

# PROPOSED CHARTER REVISIONS GOVERNING BOARD

- Establish subcommittees to audit the three OIG divisions
  - Functions of the Governing Board of the Office of the Inspector General; appeal hearings. Section 8-103 renumber sections to have 3 subsections in this area this will (b) - Establish three separate subcommittees, each comprised of three Board members, to quarterly audit the Ethics Division, Compliance Division, and Independent Procurement Review Division.
- Change the nominating process for the seat nominated by the seven universities
  - Appointments to the Board shall be made by the mayor and city council, the governing authority of the City of Atlanta. Nominations may be made by the following organizations: Section 8-104 (b) (7) The seven major universities/colleges within the city (Georgia State University, Georgia Institute of Technology, Clark Atlanta University, Emory University, Morehouse College, Morris Brown College, and Spelman College) may by majority vote collectively nominate one member.

# PROPOSED CHARTER REVISIONS OIG

Access

Complaint Facilitation

Final Decisions and Reports

Reporting / Cooperation

Whistleblower Protection

Jurisdiction

ACCESS



# ACCESS: AN OIG HALLMARK

- Direct access maintains the integrity and timeliness of investigations
  - Preserves confidentiality
    - Investigation proceeds without knowledge of the matter tainting evidence
    - Protects subjects and witnesses
  - Allows timely retrieval of information
  - Alleviates burden on department staff

# ACCESS

## SUGGESTED ARTICLE 8 UPDATES

- Enable direct and full unrestricted access to City records in order to prevent obstruction, unilateral denial of access, and the ability to claim blanket privilege to avoid scrutiny (§ 8-101 (e) (1))

(e) *Access to records and property.*

(1) ~~Except where confidential and/or privileged as recognized by state law,~~ All city officers and employees shall allow the Office of the Inspector General immediate **and direct, full unrestricted** access to any and all ~~public~~ records and property in the custody of the City of Atlanta, including but not limited to books, records, documents, and automated data. All city officers and employees shall also allow the Office of the Inspector General immediate **and direct, full unrestricted** access to personnel, processes (including meetings) and other requested ~~public~~ information, pertaining to the business of the city and within the custody of the City of Atlanta regarding powers, duties, activities, organization, property, financial transactions, contracts, and methods of business, which have been determined by the Office of the Inspector General to be required to conduct an investigation, **audit review**, or other official duties. In addition, ~~except where confidential and/or privileged as recognized by state law,~~ such officers and employees shall provide access for the Inspector General to inspect all property, equipment, and facilities within their custody.

# ACCESS

## SUGGESTED ARTICLE 8 UPDATES

- Remove subpoena requirement for access to City records to eliminate the process that delays access and undermines primary access provisions (§ 8-101 (e) (2))

~~(2) In the event any city officer or employee shall fail to allow access to any requested public records and property in the custody of the City of Atlanta as required part (1) of subsection (d) of this section, the Inspector General and the Ethics Officer shall have the power to compel the production of said information by subpoena. If any person duly subpoenaed shall fail to allow access to said public records and property, the Inspector General shall report such failure to any court of record or judge thereof in accordance with applicable law, who may make such order as shall be proper for the production of any such documents and things. The Inspector General may, after due notice and opportunity to be heard pursuant to this Article, punish him or her for failure to comply therewith. No subpoena shall be required for the information or documents set forth in this subsection. All information and documents are to be provided upon request from the Office of the Inspector General.~~

# ACCESS

## SUGGESTED ARTICLE 8 UPDATES

- Clarify scope of access to vendor records to include any record in connection with a contract (§ 8-101 (e) (3))

(3) All contracts with outside contractors, vendors and agencies shall include an inspections clause to provide for the Office of the Inspector General's access to all records, and those of their subcontractors, ~~needed to verify compliance with the terms specified in~~ **in connection with** the contract.

# ACCESS MODEL / MUNICIPAL

- The Office of Inspector General is provided the following powers to accomplish the intent of this legislation: a) The right to obtain full and unrestricted access to all records, information data, reports, plans, projections, matters, contracts, memoranda, correspondence and any other materials, including electronic data of the (agency) or any other organization that may be involved with the (agency). This power supercedes any claim of privilege.

Inspector General shall maintain the confidentiality of any public records that are made confidential by law and shall be subject to the same penalties as the custodian of those public records for violating confidentiality statutes. *Association of Inspectors General*

- [All officials and employees of Executive Agencies] shall provide to representatives of the OIG in the discharge of their duties specified in this Order full, free, and unrestricted access to information regarding City activities, property, data correspondence, and all other information, except when precluded by a lawful privilege or duty of confidentiality. *Philadelphia*
- The Office of Inspector General shall have access to all records...and any other material of...any...organization involved in any financial capacity or official capacity with city government that the Inspector General deems necessary to facilitate and investigation, audit, inspection, or performance review.

No subpoena is required for the information or documents mentioned in this paragraph. All information and documents are to be provided upon written request from the Office of the Inspector General. *New Orleans*

- The Inspectors General shall be informed of and have unrestricted access to all regular meetings of agency executives and managerial staff, and to all records and documents maintained by each agency. *New York*

# COMPLAINT FACILITATION

# FOSTER INVESTIGATIONS TIPS AND PROACTIVES

- Tips are the leading method of fraud detection
- Reporting misconduct should be easy as possible
- Reporting barriers are not needed to avoid investigation of frivolous complaints
  - OIGs assess each complaint and determine whether to investigate
- Proactive investigations into risk areas help identify and prevent fraud, waste, and abuse

# COMPLAINT FACILITATION SUGGESTED ARTICLE 8 UPDATES

- Remove overly burdensome administrative requirements to report misconduct to avoid deterring effect on potential complainants (§ 8-101 (j))

~~(1) —By communicating with the Inspector General or the Ethics Officer. Where a complaint is communicated anonymously, such complaint shall be made in good faith, and with veracity and sufficient specificity so as to provide salient and investigable facts. The Office of the Inspector General may require the anonymous complaint to be made in a manner and form that is intended only to obtain relevant facts related to the alleged violation under the jurisdiction of the Office of the Inspector General, and that is not designed to reveal the identity of the complainant. All written complaints shall contain the following if applicable:~~

- ~~a. — The name and address of the person or persons who file the complaint.~~
- ~~b. — The sworn verification and signature of the complainant.~~
- ~~c. — The name and address of the party or parties against whom the complaint is filed, and if such party is a candidate and the office being sought.~~
- ~~d. — A clear and concise statement of acts upon which the complaint is based along with an allegation that such facts constitute one or more violations of law under the jurisdiction of the Office of the Inspector General.~~
- ~~e. — A general reference to the statutory provision(s) of the code within the jurisdiction of the Office of the Inspector General, allegedly having been violated.~~
- ~~f. — Any further information which might support the allegations in the complaint including, but not limited to, the following:
  - ~~1. — The name and address of all other persons who have firsthand knowledge of the facts alleged in the complaint; and~~
  - ~~2. — Any documentary evidence that supports the facts alleged in the complaint.~~~~

~~(2) —Defective complaint. Upon receipt of a written, non-anonymous complaint which does not conform to the applicable requirements of this section, the Office of the Inspector General shall by letter acknowledge receipt of the complaint and advise complainant of the defect in the complaint and that the complaint may not be considered unless the defect is corrected.~~



# COMPLAINT FACILITATION SUGGESTED ARTICLE 8 UPDATES

- Promote proactive investigations (§ 8-101 (f))

*Initiating Investigations.* The Office of the Inspector General shall have the authority to conduct investigations under the jurisdiction of this Article:

(2) Upon internal determination, ~~supported by reasonable articulable suspicion,~~ that any matter should be investigated **or reviewed in order to detect and prevent waste, abuse, fraud, and corruption**

# COMPLAINT PROVISIONS MODEL / MUNICIPAL

- The Office of Inspector General is authorized to:  
Initiate such reviews or audits operations of the (agency) as deemed appropriate;  
Receive and investigate complaints from any source or upon its own initiative concerning alleged abuses, frauds and service deficiencies including deficiencies in the operation and maintenance of facilities. *Association of Inspectors General*
- The inspector general shall have the [power] to investigate the performance of governmental officers, employees, functions and programs, either in response to complaint or on the inspector general's own initiative, in order to detect and prevent misconduct, inefficiency and waste within the programs and operations of city government. *Chicago*
- The [inspector general] is authorized and empowered to make any study or investigation which in his opinion may be in the best interests of the city, including but not limited to investigations of the affairs, functions, accounts, methods, personnel or efficiency of any agency. *New York*
- The Office of Inspector General is authorized to initiate such investigations, audits, inspections, and performance reviews of city government as the Inspector General deems appropriate; [and] receive complaints of fraud, waste abuse, inefficiency, and ineffectiveness from any source and investigate those complaints that the Inspector General deems credible. *New Orleans*

# FINAL DECISIONS AND REPORTS

## FAIR AND FUTURE LOOKING

- Limiting notifications of investigations to only substantiated matters protects complainants and witnesses where no wrongdoing is found
- Eliminating notifications of unsubstantiated cases protects future investigations
  - Avoids flagging to subjects potential misconduct that might be pursued later
- Majority of cases are partially or completely unsubstantiated

# FINAL DECISIONS AND REPORTS SUGGESTED ARTICLE 8 UPDATES

- Limit notice requirements of substantiated matters to avoid unnecessary circulation of details of meritless allegations (§ 8-101 (h) (1); § 8-106 (b) (7))

*Requirements of decision.* As part of the final decision, the appropriate director shall include findings of fact and any law on which the decision is based, separately stated, and the effective date of the decision or order. Findings of fact shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. **For those final decisions where allegations are substantiated or misconduct is identified,** Copies of the decision or order shall be mailed to **the Governing Board of the Office of the Inspector General and all parties of record subjects** by the Office of the Inspector General.

*Duties and Responsibilities.* The duties of the Inspector General as the director of the Compliance Division shall include, but not be limited to, the following:

- (7) Notifying the subject of a report, **along with the Governing Board of the Office of the Inspector General,** of the completion of an investigation into any alleged violation of a law, rule, regulation, or internal policy related to matters under the jurisdiction of the Compliance Division: **where such allegation is substantiated;**

## FINAL DECISIONS AND REPORTS INVESTIGATION REPORTING PROVISIONS

- Inspector General audit and investigation reports shall be public records to the extent that they do not include information that has been made confidential and exempt from release to the public. *Association of Inspectors General*
- Upon conclusion of an investigation the inspector general shall issue a summary report thereon. The report and supporting materials shall be filed solely with the designated ultimate jurisdictional authority. *Chicago*
- Upon completion of an investigation of a matter in connection with an Executive Agency, the OIG may submit a report to the head of that agency, or, in connection with the head of an Executive Agency, the OIG may submit a report to the Mayor. *Philadelphia*

**REPORTING / COOPERATION**

# THE RIGHT THING TO DO

- Reporting potential misconduct
  - Not as a negative action
  - Serving the City
  - Doing the right thing
- Establish a tone and culture
- OIG relies on reporting and cooperation



## REPORTING / COOPERATION SUGGESTED ARTICLE 8 UPDATES

- Create an affirmative duty on all government employees and vendors to report misconduct directly to the OIG (§ 8-101 (j); (§ 8-101 (k))

~~*Reporting violations*~~***Duty to report.*** ~~Any person who witnesses or becomes aware of a violation of this division may complain of that violation as follows~~ **It shall be the duty of every elected or appointed officer, employee, department, agency, board member, authority member, commission member, committee member, contractor, subcontractor, agent or licensee of the city, and every applicant for certification of eligibility for a city contract or program of the city to report promptly and directly to the Office of the Inspector General any knowledge, information, or allegation concerning suspected ethical violations, fraud, waste, abuse, corruption, or other criminal activity.**

~~*Protection for reporting of violations.*~~ ~~Officials and employees are encouraged to report suspected misconduct or ethical violations to the Office of the Inspector General. . . .~~

## REPORTING / COOPERATION SUGGESTED ARTICLE 8 UPDATES

- Create a duty to cooperate with the OIG in its investigations (§ 8-101 (f))

***Duty to cooperate.* It shall be the duty of every city elected or appointed officer, employee, department, agency, board member, authority member, commission member, committee member, contractor, subcontractor, agent or licensee of the city, and every applicant for certification of eligibility for a city contract or program, to cooperate with the Inspector General and/or the Ethics Officer in any inquiry undertaken pursuant to this Article. Every city contract and every solicitation for a city contract, and every application for certification of eligibility for a city contract or program shall contain a statement that the person understands and will abide by all provisions of this section. Any elected or appointed officer, employee, department, agency, board member, authority member, commission member, committee member, contractor, subcontractor, agent or licensee of the city, and every applicant for certification of eligibility for a city contract or program who willfully obstructs an investigation of the Inspector General or Ethics Officer by withholding documents or testimony, or otherwise interferes with an Office of the Inspector General investigation, shall be subject to discipline.**

# REPORTING / COOPERATION PROVISIONS MODEL / MUNICIPAL

- The Office of Inspector General is authorized to require public employees to report to the Office of Inspector General information regarding fraud, waste, corruption, illegal acts, and abuse. *Association of Inspectors General*
- All officials and employees of Executive Agencies shall report promptly and directly to the OIG . . . any knowledge, information, or allegation brought to his or her attention that any person or entity may have, with respect to City business or City funding, engaged in fraud, waste, corruption, misconduct or abuse of office ... *Philadelphia*
- It shall be the duty of every city officer, employee, department, agency, board, commission, public benefit corporation, contractor, subcontractor, and licensee of the city to report to the Office of Inspector General any instance of fraud or abuse.

It shall be the duty of every city officer, employee, department, agency, board, commission, public benefit corporation, contractor, subcontractor, licensee of the city, and applicant for certification of eligibility for a city contract or program, to cooperate with the Office of Inspector General in any investigation, audit, inspection, performance review, or hearing. *New Orleans*

- Full cooperation with the commissioner of investigation shall be afforded by every officer or employee of the city or other persons. *New York*

# WHISTLEBLOWER PROTECTION

# RETALIATION PROTECTION

- Protection
  - Where reporting is required or even encouraged, we should commit to protect those who come forward regarding fraud, waste, and abuse
  - Reporting misconduct to an independent office may more effectively insulate employees from reprisals
- Trust
  - Allows for more tips
  - Increased information during investigations

# WHISTLEBLOWER PROTECTION SUGGESTED ARTICLE 8 UPDATES

- Establish OIG procedure following reports of whistleblower violations; articulates remedies for aggrieved parties where retaliation is found (§ 8-101 (k))

~~(k) (1) Protection for reporting of violations. Officials and employees are encouraged to report suspected misconduct or ethical violations to the Office of the Inspector General.~~ No official or employee shall use or threaten to use any official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the Office of the Inspector General information relating to a violation or investigation under this Article. No official or employee shall use or threaten to use any official authority or influence to effect any action as a reprisal against an official or employee who reports, initiates a complaint, or otherwise brings to the attention of the Office of the Inspector General information relating to a violation or investigation under this article.

**(1) An official or employee of a department of the city, or of an entity subject to the jurisdiction of the Office of the Inspector General pursuant to this article, who believes that another officer or employee has taken any action against him/her/them in violation of this subsection may report such action to the Compliance Division of the Office of the Inspector General, which shall conduct an inquiry to determine whether such action has been taken.**

**(2) Within thirty days after receipt of an allegation of a prohibited action pursuant to part 1 of this subsection, the Inspector General shall provide written notice to the complainant that the allegation has been received by the Office of the Inspector General and shall include the name of the person in the Office of the Inspector General who shall serve as a contact with the complainant.**

**(3) If the Office of the Inspector General determines that such action was taken against the complainant, the official or employee may seek appropriate remedies, as applicable, including but not limited to reversal of adverse employment action, reinstatement of former position, and back pay.**

# WHISTLEBLOWER PROVISIONS MODEL / MUNICIPAL

- b. 1. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, to the commissioner, a council member, the public advocate, the comptroller, or the special commissioner of investigation. Such report shall be referred to the commissioner unless (i) such conduct is within the jurisdiction of the special commissioner of investigation, in which case such report shall be referred to such special commissioner, or (ii) such conduct is alleged to have been committed by the commissioner, the special commissioner of investigation or a deputy commissioner of investigation, in which case such report shall be referred to the corporation counsel. For the purposes of this subdivision, an agency of the city shall be deemed to include, but not be limited to, an agency the head or members of which are appointed by one or more city officers, and the offices of elected city officers.
2. No officer or employee of a covered contractor or covered subcontractor shall take an adverse personnel action with respect to another officer or employee of such contractor or subcontractor in retaliation for such officer or employee making a report of information . . .
3. Every contract or subcontract in excess of one hundred thousand dollars shall contain a provision detailing the provisions of paragraph two of this subdivision and of paragraph two of subdivision e of this section.
4. Upon request, the commissioner, council member, public advocate, comptroller, special commissioner of investigation or corporation counsel receiving the report of alleged adverse personnel action shall make reasonable efforts to protect the anonymity and confidentiality of the officer or employee making such report.
5. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to present a substantial and specific risk of harm to the health, safety or educational welfare of a child by another city officer or employee. . . .

# WHISTLEBLOWER PROVISIONS MODEL / MUNICIPAL (CONT.)

- c. 1. An officer or employee of an agency of the city, or of a public agency or public entity subject to the jurisdiction of the commissioner pursuant to chapter thirty-four of the charter, who believes that another officer or employee has taken an adverse personnel action in violation of subdivision b of this section may report such action (i) to the commissioner, or (ii) to the special commissioner of investigation, if such alleged adverse personnel action is within the jurisdiction of such special commissioner, or (iii) to the corporation counsel, if such alleged adverse personnel action is alleged to have been committed by the commissioner, the special commissioner of investigation or a deputy commissioner of investigation
- d. 1. Upon receipt of a report made pursuant to subdivision c of this section, the commissioner, or the special commissioner of investigation or corporation counsel, as applicable, shall conduct an inquiry to determine whether retaliatory adverse personnel action has been taken.
  2. Within fifteen days after receipt of an allegation pursuant to subdivision c of this section of a prohibited adverse personnel action, the commissioner, or the special commissioner of investigation or corporation counsel, as applicable, shall provide written notice to the officer or employee making the allegation that the allegation has been received by the commissioner, or the special commissioner of investigation or corporation counsel, as applicable. Such notice shall include the name of the person in the department of investigation, or in the offices of the special commissioner of investigation or the corporation counsel, as applicable, who shall serve as a contact with the officer or employee making the allegation. Thereafter, the commissioner, or the special commissioner of investigation or corporation counsel, as applicable, shall at least once in every 90-day period provide written notice of the status of such investigation to such officer or employee.
  3. Upon the completion of an investigation initiated under this subdivision, the commissioner, or the special commissioner of investigation or corporation counsel, as applicable, shall provide a written statement of the final determination to the officer or employee who complained of the retaliatory adverse personnel action. The statement shall include the recommendations, if any, of the commissioner, or the special commissioner of investigation or corporation counsel, as applicable, for remedial action, or shall state that the commissioner, or the special commissioner of investigation or corporation counsel, as applicable, has determined to dismiss the complaint and terminate the investigation. *New York*



# JURISDICTION

# FULFILLING IG FUNCTIONS

- Compliance jurisdiction should cover all those who might commit fraud against the City
- With the creation of the OIG, the City consolidated its investigative functions regarding fraud, waste, and abuse
- Specialized office
- Detect possible trends within departments
- Council should receive full benefit of Independent Procurement Review
  - Assessment of risks

# JURISDICTION

## SUGGESTED ARTICLE 8 UPDATES

Replace offense specific and classes of employees/officials jurisdiction provisions with language that covers all matters and entities related to City fraud, waste, abuse, and corruption; Expansion of jurisdiction to include authority to investigate misconduct related to outside entities having a financial impact on the City, including vendors and City licensees. (§ 8-106 (a))

(a) *Jurisdiction.*

~~(1) The performance and financial operation of all departments, offices, boards, activities and agencies of the city as referred by the City Auditor upon determination that perceived deficiencies discovered during the City Auditor's official duties indicate the presence of waste, fraud, and or abuse;~~

~~(2) Matters under the purview of Independent Procurement Review Division upon determination by the Inspector General that perceived deficiencies discovered during such review indicate the presence of waste, fraud or abuse;~~

~~(3) Allegations of waste, fraud, or abuse by departments, offices, boards, activities and agencies of the city, and the elected officials and employees serving therein, which the Inspector General determines independently to be appropriate supported by reasonable articulable suspicion, or properly referred, as outlined in this section; and~~

~~(4) Allegations of violations of Chapter 2, Article X; of Chapter 3; or Chapter 114 of the City Code of Ordinances against the following classes of officials and employees:~~

~~a. Elected officials;~~

~~b. Employees appointed or hired directly by an elected official;~~

~~c. Members of any city boards, authorities, commissions, etc. having city representation, whether created or appointed to by the city, and any employees thereof; and~~

~~d. Hearing officers.~~

(a) *Jurisdiction.*

**(1) The Inspector General may investigate matters including, without limitation, prospective:**

**a. Criminal offenses;**

**b. Violations of the Code of Ordinances of the City of Atlanta;**

**c. Violations of City regulations, including administrative rules, policies, and procedures; and**

**d. Breaches of City contracts, certifications, or conditions on the provision of City funding suggestive of fraud, waste, abuse, corruption, or misconduct.**

**(2) The Inspector General shall have the authority to investigate matters set forth in paragraph 1 of this subdivision as they relate to:**

**a. City departments;**

**b. City elected officials;**

**c. City employees;**

**d. Member of City boards, authorities, commissions, etc. having City representation, whether created or appointed to by the City, and any employees thereof;**

**e. City contractors and subcontractors;**

**f. Recipients of city funds; and**

**g. City licensees**

**(3) Upon completing any study or investigation pursuant to its authority under this subsection, the Inspector General shall provide written notice to the Governing Board of the Office of the Inspector General.**

# JURISDICTION

## SUGGESTED ARTICLE 8 UPDATES

- Provide notice to and facilitate consolidation of investigations within Compliance to centralize records of fraud, waste, and abuse, and prevent duplication of efforts (§ 8-106 (a))

*Jurisdiction.* The Inspector General, as the director of the Compliance Division, shall have ~~the non-exclusive jurisdiction to investigate and take appropriate action regarding~~ **the authority to make any study or investigation that she deems to be in the best interests of the city, including but not limited to investigations of the affairs, functions, accounts, methods, personnel or efficiency of any office. The Inspector General shall be notified of all complaints received by any City office involving suspected fraud, waste, abuse, corruption, or other criminal activity in City government; no elected or appointed officer, employee, department, agency, board member, authority member, commission member, or committee member shall conduct any investigation concerning fraud, waste, abuse, or corruption without the prior approval of the Inspector General.**

# JURISDICTION

## SUGGESTED ARTICLE 8 UPDATES

- Allow the Independent Procurement Review Division to provide opinions on risk concerns of reviewed solicitations (§ 8-107 (a))

*Jurisdiction.* The Inspector General, as the director of the Independent Procurement Review Division, shall manage the function of Independent Procurement Review. The Review ~~shall not opine regarding the procurement process but~~ shall provide an Independent Procurement Review Report to the council **and to the Governing Board of the Office of the Inspector General** that the contract file is complete or shall note areas of perceived deficiencies.

# INVESTIGATIVE JURISDICTION MODEL / MUNICIPAL

The OIG is authorized to investigate all matters set forth in Section 3 with respect to:

- A. all Executive Agencies;
- B. all governmental or quasi-governmental entities outside of the City government;
- C. contractors, subcontractors and others that receive funds through business with the City;
- D. concessionaires, lessees and lessors that are involved in, or have been involved in, transactions with the City;
- E. recipients of any City grant, loan, tax incentive, subsidy for land purchase or other form of assistance that is realized by, or provided to, a recipient through the authority or approval of the City;
- F. all direct recipients of City funding;
- G. all officers and employees of any Executive Agency;
- H. any other transactions involving the City; or
- I. any other Agency, entity or law enforcement authority requesting the OIG's assistance.  
*Philadelphia*

The powers and duties of the inspector general shall extend to the conduct of the following:

- (1) all elected officers and appointed officers of the city government in the performance of their official duties;
- (2) all city employees in the performance of their official duties;
- (3) lobbyists engaged in the lobbying of elected or appointed city officers or employees;
- (4) all contractors and subcontractors in the providing of goods or services to the city, the city council, any city council committee or bureau or other service agency of the city council pursuant to a contract;
- (5) persons seeking contracts or certifications of eligibility for contracts with the city, the city council, any city council committee or bureau or other service agency of the city council;
- (6) persons seeking certification of eligibility for participation in any city program; and
- (7) any corporation, trust, or other entity established by the City pursuant to an ordinance adopted by the City Council . . . for the limited purpose of issuing obligations for the benefit of the City.  
*Chicago*

## INVESTIGATIVE JURISDICTION (PRIMARY) MODEL / MUNICIPAL

- No officer or employee other than the Commissioner, an Inspector General, or an officer or employee under their supervision, shall conduct any investigation concerning corrupt or other criminal activity, or conflicts of interest, gross mismanagement, or abuse of authority without the prior approval of the Commissioner or Inspector General.

The Inspector General [for each agency] shall be notified of all complaints received within an agency involving corrupt or other criminal activity, conflicts of interest, unethical conduct, misconduct, and incompetence by (i) City agencies, (ii) by City officers and employees, and (iii) by persons dealing with the City and has jurisdiction to investigate any such complaint.

*New York*

- The heads of all Executive Agencies shall instruct all officers and employees not to attempt to conduct their own investigations of matters involving suspected fraud, waste, corruption, misconduct or abuse of office prior to any referrals to the OIG. *Philadelphia*

*“SUCCESSFUL IG OFFICES MUST BE IMBUED WITH ADEQUATE ENFORCEMENT POWERS TO GET THE JOB DONE. CORRUPTION INVESTIGATIONS ARE COMPLEX AND CHALLENGING, AND THE TOOLS THAT THESE [IG] OFFICES HAVE ARE VITAL TO FULFILLING THE MANDATE OF AN IG.”*

- TASK FORCE FOR THE PROMOTION OF PUBLIC TRUST



QUESTIONS?

THANK YOU!

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