



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

**MAYOR'S AREAS OF CONCERN:  
PRACTICES IN OTHER JURISDICTIONS**

	<b>New York City</b>	<b>Chicago</b>	<b>Georgia</b>
<i>Does anyone (any person or entity outside of your office) review the basis for or otherwise authorize you to open individual investigations?</i>	No. Inspectors General have full discretion to open individual investigations. No one outside of DOI reviews the basis or otherwise authorizes the opening of investigations.	No.	No. This would violate core IG principals of integrity, confidentiality, and independence.

	<b>New York City</b>	<b>Chicago</b>	<b>Georgia</b>
<i>Do you notify an interviewee of the topic of the investigation when arranging an interview?</i>	Sometimes. Disclosure of the topic of the investigation is completely dependent on circumstances. Judgment calls are made by leadership. It is always fair for an interviewee to request the topic, but whether that information is shared depends on the matter and circumstances of the interview.	Sometimes. We provide high-level information on the topic, usually.	Depends. This is fact-pattern dependent. We have no rules or regulations requiring or forbidding this. Typically we do, but sometimes we do not. If, in our judgment, notifying the interviewee of the topic of the interview will adversely affect their truthfulness or content of their statement (i.e., time to prepare a lie, or coordinate responses with other subjects), we will not provide information concerning the topic of the interview until after legal warnings are provided in the interview. If notification will not affect the interviewee's statement (i.e., fact witness or subject-matter expert) we will provide the topic or some context prior to the interview.
<i>Do you notify an interviewee whether the interviewee is the subject or witness when arranging an interview?</i>	Sometimes. We are particularly unlikely to tell someone that they are a subject; for criminal matters, we might consult with prosecutors before making that representation. It is more likely that we would share this information in the case of witnesses, in order to try to encourage cooperation and limit fears of participation or retaliation. But it depends on the circumstances of the matter.	Yes.	Depends. We have no rules or regulations requiring or forbidding this. Sometimes we do, and sometimes we do not. Same answer as regarding sharing the interview topic. For subjects, no, with few exceptions. For known witnesses, sometimes we'll explain they are not the subject of the investigation to elicit cooperation. We are also permitted to use deception to elicit cooperation, particularly in the context of criminal activity.

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<i>Do you ask that interviewees not disclose the investigation / interview contents?</i>	Typically yes. While this may not be a legal requirement, it is, of course, best practice to for interviewees to not share information to protect the integrity of the investigation. The intention is to gather witnesses' actual perspectives on the facts.	Yes. We tell interviewees that OIG investigations are confidential. Our written records requests also advise recipients to keep the request confidential.	Yes, typically in most cases. We explain how disclosure of the investigation and interview topics could adversely affect the outcome, and deliberate collusion with other subjects/witnesses could be considered obstruction of justice.
<i>Do you ever approach employees at their homes (for interview or other purposes)?</i>	Yes. There are a number of reasons why we might. Sometimes, it is better to talk outside of the workplace.	Yes.	Not routinely, but we are not prohibited from doing so if the need arises. We may also arrange interviews outside the workplace to address employee concerns of anonymity/retaliation.

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<i>Do you allow city attorneys (members of the city law department or department general counsel offices) to be present during your interviews of city employees?</i>	<p>No. The reason is that the Law Department is not the personal attorney of the individual being interviewed; they represent the City, not the individual employees. On rare occasions, exceptions have been made.</p>	<p>No.</p>	<p>No. For multiple reasons. We have a specific Georgia Attorney General opinion forbidding state agencies/departments from using attorney client privilege to avoid cooperation in an investigation (<a href="https://law.georgia.gov/opinions/95-1">https://law.georgia.gov/opinions/95-1</a>). The government/departmental attorney also has an inherent conflict if they permitted to be present during an employee interview. The attorney is employed/paid to represent the best interest of the agency/department. This would conflict with the best interests of the employee who may face other civil and criminal liability from the information they provide. The employee may also withhold information relevant to the investigation for fear of retaliation by their employer. This practice would also be detrimental to the agency/department since they would be aware of any potential fraud, waste, abuse, or corruption disclosed by the employee. The employee may qualify for whistleblower protection (see O.C.G.A. § 45-1-4) and the attorney/employer's knowledge of the content of the disclosure could result in civil liability under this statute. This is particularly relevant should the department take adverse employment action against the employee.</p>

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<i>Do you have direct access to city records?</i>	<p>Yes, but not for all.</p> <p>We have unrestricted access to city records as a matter of law. We are able to gather certain records without agencies' knowledge, such as where we have direct access to a database. In other cases, we have to coordinate with agencies to determine the best form of access, but there is no dispute regarding our right to access the records to which we are entitled.</p>	<p>Sometimes.</p> <p>We have direct, back-end access to many City databases but not all.</p>	<p>Yes, for many records, but not for all. It depends on the type of record and the department/agency. We believe independent access to records is paramount to maintaining integrity, confidentiality, and independence in IG investigations. For example, reliance on potential subjects of investigations to provide records (i.e., a commissioner, executive, or accounting/human resource director) would potentially impact the integrity of that record. At minimum, it would impact the public perception of the integrity of the record.</p>
<i>What is the process for you to retrieve city emails?</i>	<p>DOI has direct access to City email accounts as a matter of law and retrieves emails as needed, subject to a quality control process.</p> <p>An IT professional from the city's Department of Information Technology and Telecommunications has administrative access to DOI's portal, but that professional only assists with technical challenges and does not review DOI searches.</p>	<p>A previously agreed upon process has included allowing the City's law department to review email pulls for "privilege." This has not proved workable, given divergent conceptions of applicable privileges. This has been an area of concern.</p>	<p>We typically request same from the agency, usually their IT section. State government department/agency IT systems are fragmented and individually managed. While not ideal from an integrity perspective, this is a legacy issue with State of Georgia government. Ideally, we would be able to independently gather the evidence for the same reasons as above.</p>

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<i>Is any process required before you obtain City property, including city-owned electronic devices, in connection with investigations?</i>	No. As a practical matter, there are some times where DOI needs to speak to someone to gain access (for example, when obtaining an individual City cellphone), but generally, DOI has full access to City devices. Unrestricted access to records includes unrestricted access to the equipment that might contain those records.	No.	No. Our legislation provides inspection authority and requires that agencies cooperate with our investigations. State-owned devices are typically readily provided as a result.
<i>Who, if anyone, approves the methodology or process for the manner in which your office conducts an investigation?</i>	No one other than the DOI Commissioner and Inspectors General. Inspectors General with experience as IGs manage investigations because they know the appropriate standards and approaches to conduct them. AIG and federal materials outline general principles, but there is no set guidebook providing detailed decision-making for all investigations.	No one. Our investigative practices generally are subject to triennial review by AIG and the Rules which govern our investigative practices are posted on our website.	Legislation dictates the authority, the Inspector General guides the manner in which it is applied.