



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

The City of Atlanta Office of the Inspector General (OIG) offers the following information and materials to aid the task force as it considers potential reform regarding OIG operations.

History of City Atlanta Office of the Inspector General

In 2017, the U.S. Attorney’s Office for the Northern District of Georgia indicted several high-level City of Atlanta (City) employees and vendors, each of whom had committed fraud against the City. Those indicted held positions of chief financial officer, chief procurement officer, deputy chief of staff, director, and commissioner.

In 2019, in the wake of these federal indictments and guilty pleas detailing municipal corruption, the City convened a group of civic leaders to evaluate the structure and systems of oversight in the City and to determine what might be done to combat government misconduct and help restore Atlanta’s trust in its government. The Task Force for the Promotion of Public Trust held a series of public hearings, which included testimony from City oversight offices, a national municipal integrity expert, and the inspectors general of Philadelphia and Baltimore. Ultimately, that task force issued a report with one primary recommendation: the City should form an office of inspector general, a “centralized and effective enforcement agency” “with the jurisdiction and power to identify and investigate fraud, waste, corruption, abuse, and misconduct” “that can hold all City officials and those doing business with the City, accountable.” (1)

The Task Force for the Promotion of Public Trust report highlighted the importance of equipping an office of inspector general with the tools and the independence to perform its function: “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. Equally important, however, is independence. If an oversight office is expected to investigate powerful people for corruption crimes, it absolutely must be protected from interference. Without these two things - enforcement tools, and independence - it would be difficult for any IG to succeed.”

Accepting the Task Force’s recommendation, the mayor and council quickly moved to form the office. In February 2020, the City amended the Charter of the City of Atlanta to include a new article (Article 8), establishing the City of Atlanta Office of the Inspector General. (2)

Article 8 of the City Charter outlines the broad jurisdiction of the office, including matters of fraud, waste, abuse, and corruption within City government entities by City employees, elected officials, vendors, and members of boards, authorities, commissions, etc. (BACE).

Originally comprised of Compliance, IPro, and the Ethics Division, in April 2023, the City Council amended the City Charter, returning the Ethics unit to its pre-OIG status.

Offices of Inspector General, in General

Offices of inspector general (OIGs) exist at all levels of government across the country. In these jurisdictions, OIGs are intended to promote economy, efficiency, and effectiveness of government operations. OIGs detect and prevent fraud, waste, abuse, mismanagement, and corruption, and in so doing, help bolster public trust in government.

There is great variability in the makeup of OIGs in characteristics including scope of responsibility, powers, funding, etc.—indeed, there is a saying in the industry, “When you’ve seen one OIG, you’ve seen one OIG.” But there are core principles (3) and overarching standards that guide the work of all OIGs notwithstanding differences in individual offices.

The Association of Inspectors General (AIG) is a professional, non-profit organization that supports and advances accountability and integrity in government through independent government oversight. The mission of AIG is to “promot[e] excellence in the inspector general community by establishing and encouraging adherence to quality standards, sponsoring professional development and networking opportunities, certifying individuals in IG-specific disciplines, supporting offices in governmental and external relations, and inspiring governmental entities to embrace the inspector general model as an effective tool in the fight to combat waste, fraud and abuse.”

Oversight

Among its many services in furtherance of this mission—including promulgating Principles and Standards for Offices of Inspector General, known as the Green Book, (4) and offering training and certifications in office of inspector general disciplines—AIG has crafted model legislation to aid jurisdictions considering forming an office of inspector general. (5) Notwithstanding the aforementioned variation across offices of inspector general, the model legislation reflects best practices in what should be the foundational elements of any office of inspector general.

In the oversight field, a frequent question arises: who watches the watchers? In 2022, AIG issued a position paper that addressed best practices for oversight of an office of inspector general. (6) AIG recommended the following:

To guarantee/ensure independence, any management or Inspector General (IG) Committee oversight of an IG must be limited to “general supervision” and should not be exercised in a way that would inhibit IGs’ discretion to perform their mission, to undertake or conduct audits, investigations, reviews, issue subpoenas, conduct interviews, or to see these matters through to conclusion.

AIG goes on to recommend external peer review to supplement “general supervision” in the oversight of an office of inspector general. These forms of oversight are put forth in order to maintain the independence of offices of inspector general, which AIG states is “essential.”

In 2021, questions arose surrounding the appropriate oversight of an office of inspector general in Baltimore County. Specifically, Baltimore County had introduced a proposal that would form a board to guide the operations of the Baltimore County Office of Inspector General. To explore this issue, Baltimore County empaneled the Blue Ribbon Commission for Ethics and

Accountability to study best practices and make recommendations to the County Executives and County Council. That commission held ten public meetings over the span of eight months. Among the findings outlined in its 200+ page report, the commission noted that, “[c]onsistent with other jurisdictions and best practices examined, the Commission is not recommending creation of an oversight board, in deference to the need to protect the independence and decision-making of the Inspector General.” (7)

Access

Direct access to records is one of the hallmarks of offices of inspector general. Direct access allows an office of inspector general to function independently, by relieving the office of disclosing the existence or contours of an investigation, sometime to the very entity under investigation, to gather facts. The Council of the Inspectors General on Integrity and Efficiency (CIGIE) expressly ties access to independence: on its [website](#), CIGIE lists authorization for direct access to all records and information among other features in answering “Yes” to the question, “Are IGs independent?”

In a 2014 dispute regarding Federal Bureau of Investigations materials, Michael Horowitz, Inspector General of the Department of Justice, testified before the U.S. House of Representatives Committee on Oversight and Government Reform. In a statement entitled, “Obstructing Oversight: Concerns from Inspectors General,” Horowitz testified that “[a]ccess by Inspectors General to information in agency files goes to the heart of our mission to provide independent and non-partisan oversight,” and that by federal law, “Inspectors General must be given complete, timely, and unfiltered access to agency records.” (8)

Recently, during the press conference detailing the indictment of Mayor Eric Adams of New York City, the head of the New York City Department of Investigation offered the following observation about the role of access:

As the city's inspector general, the Department of Investigation, a city agency conducts its investigations confidentially and wholly independent of City Hall. We handled this investigation as we would any other, following the facts and seeking to hold wrongdoers accountable no matter their role or title. Our unique access to city records and expertise in matters of city government make us a critical partner in the fight to root out corruption, working closely with our law enforcement colleagues at the FBI and the U.S. Attorney's Office.

Challenges Faced by the City of Atlanta Office of the Inspector General

Offices of inspector general are most effective when there is communication, cooperation, and collaboration between the office of inspector general and leadership within the jurisdiction. As noted in Seven Principles of Effective Inspectors General: (3)

IGs should keep the lines of communication open with the agency head and senior agency officials and should not surprise them about the work that the OIGs are conducting. Conversely, the tone from the top of an agency is important to the success of the IG. Agency heads who recognize the value of the IG’s work, who

communicate that value to the agency's workforce, who stress the need for cooperation with the IG, and who meet with the IG on a regular basis while understanding that the IG must work independently from the agency can help that IG to be effective.

OIG has endeavored to keep lines of communication open, to have meetings regarding needs of OIG, and to discuss concerns from the City's perspective. When OIG has issued public reports, it has reached out to the City so that any City response can be captured in the report and that OIG can incorporate such response to present a joint statement of OIG's findings. The hope has been to have a united front between OIG and City leadership to underscore the importance of advancing integrity in City operations. This hope has not been realized.

OIG has faced a host of challenges, including a general lack of receptivity, hostility to the execution of fundamental operations, and systemic roadblocks.

Lack of Receptivity

As noted, access is at the heart of an office of inspector general's ability to be effective. Last year, OIG made a series of requests to meet with the administration to discuss the possibility of receiving direct access to personnel records and email, with the hope that each of us could learn the other's perspectives and that we could bridge any divide so that each side's concerns could be addressed. (Indeed, OIG discussed concerns about the email access policy with a department head who indicated that there was no technological impediment to providing access. Understanding OIG's role based on the department head's prior experience in jurisdictions with offices of inspector general, the department head expressed a willingness to provide OIG users access. Follow-up correspondence indicates mayoral leadership prevented the department head from providing access. (9)) The mayor's office would not meet. (10) Instead, it summarily denied the access request in a letter, citing a 2022 disclosure of personal identifiable information in response to an Open Records request. (11)

As part of its function to prevent fraud, waste, abuse, and corruption, OIG will make policy and procedure recommendations (PPRs) to address any vulnerabilities identified in the course of an investigation. The idea is to shore up gaps before (additional) waste or misconduct occurs, and thereby mitigate risk to the city. Issuing recommendations of this sort is a core function of an office of inspector general. (3) (See Principle 4). To date, OIG has issued 85 recommendations; OIG has only received responses to 13 of those recommendations; meaning, despite requests from OIG that departments/offices let OIG know whether it accepts or rejects a recommendation within 30 days, the majority of the recommendations have been outstanding for more than one year. This appears to reflect a lack of concern regarding the identified gaps and vulnerabilities to the City; and/or a reluctance to acknowledge in any way the work of the office. (It should be noted that OIG has had a series of positive interactions with many of the same department heads who have not provided responses. These interactions suggest a willingness to work with OIG. It appears that intervention by the mayor's leadership team prevents them from doing so. This suggests a coordinated effort to be uncooperative with OIG.)

(Perhaps worse than receiving no response to recommendations, OIG has received responses to PPRs of a strident tone regarding the propriety of OIG issuing such recommendations. (12)(13))

Recommendations and meeting requests are not the only areas where there has been a lack of engagement. As questions have arisen regarding OIG operations, OIG and its board have attempted to inform the mayor's leadership team regarding standard practices of offices of inspector general to place OIG's activities in context. Since March 2023, the board has suggested to the mayor and his leadership team that he, his Cabinet, the Council, and other City leaders would benefit from a review of industry standards and best practices by having a roundtable with subject matter experts. The mayor's office dismissed this to the board as unnecessary and costly. (14)

Vilification of Routine Operations

The roundtable suggested by the board may have helped address a host of concerns that have been raised by the mayor's office and Council members about activities of OIG that are standard for offices of inspector general. With no baseline understanding of the work of offices of inspector general, City leaders have framed fundamental OIG operations as problematic.

On February 20, 2024, OIG obtained three City electronic devices in connection with two OIG investigations. (As described in other jurisdictions, obtaining City property to conduct investigations, without approvals or interference by the government office/department) is a common and necessary practice. (15)) Through a series of meetings and correspondence, culminating in a bold print statement in email, mayoral leadership demanded that OIG return the devices (before OIG had completed its review). In an email copying the chair of its board, OIG declined, noting the office's right to access City property and the City records they contained. (16) That day, in an act exhibiting interference with OIG operations and attempted intimidation, the mayor called the chair of OIG's board and commented that the inspector general/OIG was rogue and the board needed to exercise greater oversight.

In connection with a public report detailing, among other issues, the (undisputed) circumventing of City Council in the funding of a mayoral event, rather than question the administration, a Council member challenged OIG for having investigated the matter. The investigation was initiated after OIG, in the course of investigating a separate complaint, discovered language in an invoice that indicated a deviation from funding protocols. The Council member seemed to have concerns that the investigation of the mayoral event was not precipitated by a complaint from an employee or member of the public. The right to initiate an investigation is standard for offices of inspector general; this is consistent with its function. If the mandate of an office of inspector general is to prevent and detect fraud, waste, abuse, and corruption, it would not stand to reason that the office would ignore evidence of misconduct it encounters. (Alternatively, an investigator could, upon discovering such evidence, submit an independent complaint. The public is not served by the time wasted by requiring such a bureaucratic formality.) Indeed, an office of inspector general should have latitude to investigate any matter that would benefit the city in mitigating risk of fraud, waste, abuse, and corruption.

In connection with the same report, a Council member voiced objections to the fact that OIG had circulated the report to the media. (This sentiment was echoed the next year in relation to a separate report.) As explained then, like all offices of inspector general, OIG serves as the people's watchdog for government operations. OIG was formed, in part, to help bolster public trust in City of Atlanta government. Reporting its work is a core OIG function, both in furtherance of

transparency, and to help build public trust. Media engagement is one of the most effective ways of reaching the public. In a private meeting, the mayor's office accused OIG of being political because it had issued a press release for the report about the mayoral event; the mayor's office stated that it did not know of any office of inspector general that issued such press releases. In fact, press releases or other media announcements surrounding reports are common. (17)

During a Council meeting, after OIG raised concerns of obstruction (detailed below), a Council member expressed displeasure at the idea that OIG had engaged in certain investigative actions. Specifically, the Council member cited the fact that OIG had obtained City devices, knocked on employees' doors, and obtained financial records. As noted during that meeting, these actions are consistent with normal practice in an office of inspector general. Obtaining City property is a necessary part of access to information; field visits, though not the default, are an option to conduct interviews (one that has been exercised exceptionally rarely here—and, contrary to the assertion of the Council member, occurred during regular business hours for employees teleworking from home); and gathering financial information is a standard exercise of offices of inspector general's subpoena authority.

The City's reflexive rejection of OIG has come at a cost to taxpayers. In at least two cases, the City has indicated that it has engaged an outside law firm to reinvestigate OIG's investigation. (18) Typically, upon sharing findings, an administration will request an office of inspector general's case materials as it pursues prospective disciplinary action against employees. Here, rather than accept OIG's supported findings, the City has spent taxpayer funds on firms. Not only does this raise waste concerns for the firm costs, but to the extent that the City has placed employees on paid administrative leave after OIG findings have demonstrated misconduct, taxpayer costs are compounded.

These reinvestigations at taxpayer expense appear designed to convey the idea that OIG's findings cannot be trusted—that the City must take this step because the City cannot rely on the work of the professionals in OIG. If there was any question that that was indeed the intent of the reinvestigation, in the case of the reported abuse of authority of a City commissioner, this antagonism is laid bare: the City notes in its correspondence regarding the decision to terminate the commissioner, that the reinvestigation was necessary because OIG was itself the subject of an investigation. (19) OIG is an office like any other: personnel issues arise that give rise to complaints that give rise to investigations of those complaints; there is nothing unusual about this. But the City wielded this information in a manner that appears to have been intended to discredit the office. It is unclear how such conduct serves the City of Atlanta.

Systemic Roadblocks

As noted above, access to records is a key to an office of inspector general's ability to be effective. The mayor's office noted that if it gave direct access, there would be no check in the process to make sure that searches are not merely a fishing expedition—this demonstrates the exact reason why direct access is needed here, as it suggests that the mayor's office has been monitoring OIG requests and that it seeks to continue to do so. (Indeed, the mayor's office previously stated that it should be notified when OIG opens investigations.)

OIG has described to the mayor's office that direct access is the gold standard, but some lesser standard could be workable as long as it was designed to limit the circle of those exposed to an investigation. But the system imposed by the mayor—including treating OIG requests like Open Records requests—results in an increasingly larger circle of those exposed to the fact and details of investigations. OIG relayed to the mayor's office a recent example from an active investigation where OIG directed a file request to one person (believed to possess the authority and access to provide the file), and that request was forwarded and forwarded—including in a message looping in two employees “for awareness”—so that ultimately, an additional 19 employees were included in the email. One of the 19 employees was the subject of the investigation.

The mayor's office has stated that the appropriate system for OIG receiving access to City records/property is that OIG should let the mayor's office know what it needs, and then the mayor's office would decide what it wanted OIG to have. This system would hold OIG investigations hostage, allowing the very entity being investigated to pick and choose the information it deigns to disclose. This is the antithesis of independence; it would render OIG ineffective, creating an office of inspector general in name only.

Below please find a selection of the issues that arise with the current system access.

***Subjects of investigations as participants in the record request process**

The mayor's office's protocol for OIG requests involves making requests only through designated department custodians. This raises a host of problems. Rather than targeting requests to those individuals who OIG believes possess the information/records, OIG requests would be exposed to a chain of individuals, compromising the confidentiality and integrity of ongoing investigations. Assuming, given comments offered by the mayor's office, custodians would then be required to clear OIG access to these records with the Law Department such that OIG would receive records/files/information only after Law Department review, this protocol would grind OIG investigations to a halt. In addition, such protocol raises the possibility that OIG would have to request information from, and/or expose the requests to a circle that would include, the subjects of ongoing investigations.

***Open Records Treatment / Increased disclosure of active investigations via email request process**

The current process to request email records in connection with an investigation mirrors the process that departments follow to comply with Open Records requests from members of the public. Indeed, the data request form has a drop down to identify the request as either: “LAW [Law Department Request];” “ODR [Online Document Repository],” or “ORR [Open Records Request].” While the City “Email Search and Retrieval Protocol” specifies that its process is for Open Records requests and internal investigations by OIG, Ethics, and the City Auditor's Office, the only distinctions drawn in the policy pertain to the absence of charges for internal production of records and the provision of non-privileged/confidential email records following Law Department review. (Significantly, please note: To date, OIG has not received any such non-privileged/confidential email.) Because the policy makes virtually no procedural

distinction between processing OIG/Ethics/Audit investigative requests and Open Records requests, OIG must disclose key aspects of its active investigations to receive access to records—the names of prospective subjects (via the custodian list), the time frame of the alleged misconduct (via the date range) and the topical focus of the investigation (via the search term list)—to an increasing number of City employees, compromising the integrity of ongoing investigations. There is no technological/operational barrier preventing OIG direct access to records that would avoid such disclosure. A department head was poised to provide such access until the matter came under review by mayoral leadership. (9)

**Withholding documents for privilege*

OIG contests the assertion that privilege is waived by the City sharing documents with OIG and that withholding documents from OIG is a necessary action to protect the privilege in light of Georgia’s Open Records Act. Federal OIGs receive privileged documents; OIGs in a state with comparable open records laws (Florida) receive privileged documents; access to records has not posed an issue for the State of Georgia OIG. There are a host of consequences that arise if the City, contrary to the strong public interest in open and honest government, is permitted to withhold documents on grounds of asserted privilege, including but not limited to the potential abuse and misapplication of privilege. In addition, given the current privilege screening process, OIG has significant difficulty conducting any investigation of a Law Department employee.

**Delays in providing access*

OIG has experienced a number of circumstances where it has not received access to requested documents. Even in instances where OIG is ultimately provided access to records, delays in the provision of records to OIG contravene the “immediate” access required under the Charter. (2)

**Removal of / interference with access to City systems*

In some instances, where OIG had initially received access to City systems to conduct its investigations, that access has been revoked or limited, or the progress of investigations has been threatened.

Obstruction

During a May 2024 Council meeting, OIG shared concerns regarding obstruction of OIG investigations based on records it uncovered while conducting investigations. In a June 2024 follow up letter, OIG provided further details regarding those issues. (20) In sum, OIG found documentation reflecting:

- Disclosure, requested by department leadership, of the substance of a confidential OIG interview
- Attempted recall of an email provided to OIG per the advice of department leadership
- Preparation for the revocation of OIG’s access to a component of a City database by department leadership

- Disclosure of OIG investigative requests made through a department records custodian and withholding of assembled records

In addition to the above, OIG noted a specific matter demonstrating the intentional disclosure to an employee that the employee was the subject of an OIG investigation. As noted in the letter, this circumstance was created as a result of OIG not having direct access to records. But worse, the employee was informed that the employee could not pursue an internal transfer because the employee was under investigation by OIG; a mayoral department weaponized an OIG investigation to harm an employee.

As set forth in the letter, these acts have posed significant operational impediments to OIG. The conduct evinces intentionality: the active request to an employee that the employee disclose details of an OIG investigation; the disclosure of the existence of OIG investigations; the advising of an employee to recall an email; the gatekeeping, deciding whether and when an independent investigative entity should receive information; the withholding of records. These actions appear to have been intended to obstruct OIG investigations. And with the exception of one high level employee who faced discipline for other reasons, it is not clear if there were any consequences for any of the individuals engaged in this conduct.

OIG noted the impact of these actions. Employees asked to report back regarding the substance of confidential OIG interviews cannot be expected to provide candid, forthright information. Disclosure of the existence of investigations, let alone the substantive areas of inquiry, increases the likelihood that evidence will be compromised or destroyed. The withholding of records from OIG delays or denies its ability to gather facts; facts, importantly, that can as likely exonerate as incriminate one accused of misconduct. The weaponization of an ongoing OIG investigation to hinder the opportunities of an employee who had merely been named in an allegation (in an investigation that was ultimately unsubstantiated) is an assault on fairness by a department entrusted with employee welfare. And that such conduct was exhibited by department leadership, on display to multiple department and City employees, cultivates a culture of noncompliance and noncooperation—undermining not only the work of the agency established to uphold integrity in City operations, but any broader messaging regarding the City’s “effective and ethical government.”

Ultimately, if the City wanted OIG to be effective, it would take steps to give it the tools it needs to perform its work; it would not condone or facilitate any acts of obstruction. It would support its employees bringing issues to the attention of OIG.

Intimidation / Retaliation

In addition to the above challenges, OIG has been subjected to attempts to intimidate the office. This includes, for example, the aforementioned bold print demand from mayoral leadership that OIG return City devices and the “rogue” call from the mayor; a scheduled one-on-one meeting with one mayoral representative that was in fact a five-on-one meeting; a Council member threatening to do “deep dive” of OIG in response OIG’s public comment before Council, etc. Many of the actions that have been taken against OIG have been perceived, by OIG and others, as acts of retaliation because of the work that OIG has done. As noted above, the mayor’s office’s broadcasting of the investigation of commonplace OIG personnel complaints would

appear to have no justification aside from retaliation. One Council member observed that it was understood that the initiation of those investigations was in itself retaliation against OIG.

Notwithstanding the mayor's office's stated basis for assembling the task force, the formation of the task force also appears to be retaliatory, in direct response to a recently concluded OIG investigation. On August 14, 2024, OIG issued a referral letter to several City stakeholders advising them of an investigation OIG concluded related to a City vendor/Georgia lobbyist and a Council member. (21) The investigation found no wrongdoing by the Council member, but identified financial ties between the lobbyist and several City employees and officials, including the Council member, that were not disclosed as required by the Code; and potential self-dealing and vendor steering by an employee in the mayor's office, assisted by another Council member.

OIG considered whether to issue a public report, applying its multi-factor standard (position of those involved, severity of misconduct, safety issues, financial loss, and correcting the public record). Given the relative level of misconduct identified, particularly in the actions of the Council members, OIG ultimately decided not to release these investigative findings in a public report. OIG circulated a referral letter for investigation highlighting vendor misconduct, issues with the procurement process, vulnerabilities (loopholes) with Ethics forms regarding the disclosure of financial and personal relationships, and a need to strengthen City policies surrounding lobbying and identification in City facilities.

The individuals identified by name in this investigation are high level City officials, an influential City lobbyist, and an Executive Office employee, each a part of or with relationships to the inner sanctum of the City's executive and legislative leadership. Notably, as detailed in the referral letter, during an interview with OIG, the lobbyist stated that he could have a procurement provision that OIG found he had violated changed.

In response to the referral letter:

- The lobbyist's attorney circulated a letter outlining criticisms of the inspector general and OIG investigation that "implore[ed] elected officials to take immediate action." (22)
 - The response letter was circulated to addressees, including four members of City Council, on September 3, 2024, just before the full Council meeting where it would vote on the "walk-in" legislation to form the Temporary Task Force to review the practices of OIG
 - There was no notice to OIG regarding the legislation
 - The vote was unanimous, without one question posed during the full Council vote

(Note that the accusations within lobbyist's attorney's letter—both the attacks on the IG and the attacks on the OIG investigation—are a distraction from what is at play here.

- The letter describes the IG as "incompetent" and "unfit" for office
 - The [IG's background](#) speaks for itself, reflecting the experience, training, and credentials to do the job.
- The letter describes alleged mistakes OIG made in the investigation.
 - OIG completed a line-by-line review of its claims; its findings stand. (23))

The facts and circumstances surrounding the circulated referral letter and the introduction of legislation to create the task force suggest that the task force was formed in retaliation for OIG issuing a document detailing the misconduct of powerful people within the City.

All of these issues, the various attempts to intimidate and retaliate against OIG, underscore the importance of having safeguards in place to ensure the independence and effectiveness of OIG.

Formation of the Task Force

Transparency is a cornerstone of the work of offices of inspector general, not only in connection with sharing findings of OIG reviews and investigations; but also in the manner in which OIG conducts those reviews and investigations. It benefits OIG to increase public understanding regarding our work. Also, OIG has brought a new function to the city and a learning curve, including potential nips and tucks to OIG's own processes, is to be expected.

However, in addition to the above concerns regarding the motivation behind the task force, it is worth noting concerns about the legislation that formed the task force, both as a matter of process and as a matter of substance.

As a matter of process:

- Legislation was introduced by “walk-in.” By its very nature, walk in legislation limits the opportunity for public engagement.
- Unlike other pieces of legislation impacting OIG, including that of the Task for the Promotion of Public Trust, that have been heard in the Finance/Executive Committee and the Committee on Council; this legislation was presented solely to Committee on Council. Because of that, the legislation was introduced at a meeting scheduled for 11am and passed by full Council at a meeting scheduled for 1pm on the same day. With the exception of the mayor's office presentation and Council's discussion with the mayor's office, there were no comments on the creation of a body to review a new City office performing a critical oversight role to benefit the public.
- OIG, one of the three entities that are the subject of the legislation, received no notice of the legislation. In fact, OIG only received a copy of the legislation—that it had to request from Council—at roughly 1:30pm, after it had been approved by Committee on Council and after the full Council meeting was underway.
- OIG might have seen and had an opportunity to attend the Committee on Council, were it not for problems with the live feed via Watch 26. On other occasions, in the interest of transparency of Council proceedings, committees have opted to postpone meetings when there were technical problems. Here, the legislation proceeded.

As a matter of substance:

- OIG disputes many of the representations in the provisions of the legislation (including the suggestion that OIG sought and needed clarity from the mayor's office and city council about how to perform its work; and the idea that the legislation was prompted in any way by the access and obstruction concerns OIG had raised earlier in the year), but OIG is principally concerned with the timeline given the task force.

Under the legislation, the task force has only 45 days to complete its work. That means, that in 45 days, the task force is to have held its minimum of three public meetings; to have gathered its facts; to have weighed the submissions; to have composed its assessments; and to have issued its recommendations. This timeframe would be challenging for nearly any factfinding endeavor. To give context, the Task Force for the Promotion of Public Trust held five public meetings over the span of five months in its review that culminated in the recommendation to form an office of inspector general. The Blue Ribbon Commission for Ethics and Accountability mentioned above, which was assembled to review, evaluate, and make recommendations concerning the policies and procedures of the Baltimore County Office of the Inspector General, met ten times over the span of eight months. That culminated in a 200 plus page report that made, among other recommendations, that the OIG should be provided with sufficient staffing and financial resources, be given direct access to materials and records wherever possible, and that the jurisdiction not create an oversight board to manage the office of inspector general.

45 days is not nearly sufficient time to engage in any full and fair examination of OIG and its operations. By letter, OIG requested that Council extend the deadline for the completion of the task force's work, noting these and other issues surround public engagement and engagement of experts. (24) As of the morning of October 7, 2024—the date of both the task force's first and possible only public fact gathering meeting and the only scheduled full Council meeting on which such an extension could be voted before the expiration of the task force—OIG received no response. The Association of Inspectors General also registered concerns regarding the timing of the task force. (25)

In addition to how the task force was established by legislation, OIG also notes some issues with the manner in which the task force has been executed. First, the task force is being staffed by mayoral leadership, which has a stake in and an established point of view regarding the course and outcome of the task force. Perhaps for that reason, while the provisions of the legislation might suggest that the task force was assembled to address all issues that have been raised concerning OIG and its operations, the task force was only initially provided background documentation outlining the mayor's office's concerns, a point highlighted by one task force member. Based on commentary during the first organizational meeting of the task force, if not for the suggestion of another task force member, the task force would not have received other basic background material such as the Green Book.

Likewise, through commentary during the first task force meeting, before the body had engaged in any public factfinding, one of the task force members revealed a clear point of view and expressed intentions regarding the outcome of the task force, which creates, at a minimum, the appearance that that task force member would not be engaged in any objective factfinding mission.

During the first task force meeting, the stated purpose for the task force—to address concerns of employees, the mayor, and the Council, with no mention of the concerns raised by OIG—creates, at minimum, the appearance of an imbalance in favor of the mayor and the mayor's desired outcome.

Finally, OIG shares the concerns raised by the Atlanta Planning Advisory Board (26) and the Association of Inspectors General regarding transparency, public engagement, and engagement of subject matter experts. Despite a September 9, 2024 offer from the Association of Inspectors General to be engaged in the process of the task force's review (27), AIG did not receive an invitation to participate in an October 7, 2024 task force meeting until the evening of October 3, 2024. As OIG understands from AIG, staff to the task force would not accommodate remote testimony. So a task force to explore the practices of its local office of inspector general is currently not slated to have any live engagement before the public with the standard bearer for state and local offices of inspector general. The invitation-only and last-minute nature of the organization of the second task force meeting, which may be the task force's only public fact-gathering meeting, precluded the involvement of other current and former inspectors general who had expressed interest in providing live or remote testimony to the task force.

Legislative Reform

The legislation creating OIG established a foundation for the office. OIG agrees with the observation by the mayor's office that the reporting structure of OIG, with OIG reporting to an independent board rather than the mayor, the Council, or both, is in fact the gold standard for establishing independence and oversight for an office of inspector general. Other aspects of the legislation, however, could benefit from revisions. In 2023, OIG sought a number of legislative amendments to improve the office, addressing both issues that it had already started to encounter in its operations and issues that were foreseeable (based on the prior experience of staff and awareness of issues in other jurisdictions). (28)

OIG pursued the changes in conjunction with legislation the Ethics Office had introduced to amend Article 8. Because of time sensitivity surrounding the Ethics legislation, OIG had limited opportunity to meet individually with Council members over time to explain a complex slate of changes. The Council held a work session, for which OIG prepared background binders for each Council member, but between presentations from Ethics, Ethics and OIG's board, and OIG there was not sufficient time to review and discuss all of OIG's proposed changes. At the conclusion of the work session, OIG noted that it had provided a significant amount of material and encouraged Council members to follow up for further discussion. None of the three Council members who were ultimately responsible for deciding on changes had any further discussion with OIG after the session. On the day that the Ethics legislation would be approved in committee, OIG was presented with the changes the Council members sought to make less than three hours before the committee meeting. As a result, OIG did not have the opportunity to review the changes in detail before the legislation was passed. The most significant result of this was that the cooperation clause that was sought by OIG was not what was passed by Council. OIG sought employee cooperation with providing access to records and property; the Council passed a cooperation clause that appears in other places in the City's Code of Ordinances, but which OIG would not have sought, as it suggests that statements during interviews are compelled. OIG interviews are voluntary. OIG asks that interviewees sign documentation acknowledging as much. (29)

In rejecting most of OIG's requested amendments, Council members stated that rather than address anticipated problems, OIG should wait until problems occurred. Council members noted

that, given the early stage of the office, the legislation would be likely be revisited and that OIG should return to Council if/as problems arose.

To best serve the City and to address problems that OIG has encountered, OIG proposes the below legislative initiatives. There are detailed needs and justifications for each change, but in sum:

Independent Counsel

- Allow OIG and Governing Board to have their own in-house attorneys (Add a provision to Article 8)
- Current law prohibits any City office or board from “employing counsel in any manner whatsoever, unless otherwise specifically authorized by law”— Code Section 2-396

Confidentiality

- Prohibit disclosure of OIG requests and content of interviews (Add a provision to Article 8)
- Evidence reflects that individuals are disclosing the existence and content of OIG investigations
 - At the specific request of leadership
 - Imposed as a structural matter in instructions regarding how to handle OIG requests

Cooperation

- Amend duty to cooperate provision (from 2023 addition) to eliminate any suggestion of compelled testimony and emphasize assistance in obtaining records/property/access to physical locations (as originally requested) (Revise 8-101(e)(8))

Qualifications – Board Members

- Important to independence of OIG to have members of its oversight body without impairments
- Prohibit individuals who have sought or seek elected City office or City employment (Add a provision to Article 8)

Qualifications – Inspector General

- Require IG to possess or receive CIG certification within eighteen months of appointment
Increase years of investigative experience; remove law degree requirement (Revise 8-105(b))
- Heightening the qualifications (and removing the legal degree so as to not foreclose highly qualified candidates with OIG experience) will add to credibility of office and support the discretion routinely exercised by IG

Peer Review

- Require OIG to undergo periodic peer review (Add a provision to Article 8)

- Addresses issues surrounding appropriate oversight

Investigations of OIG

- Empower the State of Georgia Office of the Inspector General to conduct investigations of fraud, waste, abuse, and/or corruption allegations against OIG/its staff (Add a provision to Article 8)
- Addresses issues surrounding allegations of misconduct

From 2023 Requests

Access

- Clarify unfettered access to all City records (8-101(e)(1))
- Emphasize City record access without subpoena (8-101(e)(2))
- Limit qualification for access to vendor records and property (8-101(e)(3))

Complaint facilitation

- Remove barriers to reporting misconduct (8-101(f)(1)) (8-101(j))
- Empower proactive investigations (8-101(f)(2))

Final decisions and reports

- Limit notice requirements to substantiated matters (8-101(h)(1)) (8-106(b)(7))
- (New) Eliminate mail requirement to allow for email distribution (8-101(h)(1))

Reporting

- Establish a duty to report misconduct (8-101(j)) (8-101(k))

Whistleblower protections

- Enhance processes and procedures for reporting whistleblower violations (8-101(k))
- Articulate remedies for whistleblowers (8-101(k))

Jurisdiction

- Grant primary investigative authority for matters concerning fraud, waste, abuse, and criminal misconduct to the Compliance Division (8-106(a)) (8-109(a)(3))
- Provide jurisdiction for misconduct related to vendors and other recipients of City funds/benefits (8-106(a))
- Remove statutory subject matter limitations for individual level misconduct (8-106(a)(4))

Additional Materials

In addition to the resources referenced above, OIG provides supplemental materials reflecting accurate information regarding its work (30) and documentation of support for the independence of OIG and for the promotion of offices of inspector general, generally. (31)