

MEMORANDUM

To: City of Riverside Charter Commission

From: Subcommittee Evaluating Potential Charter Amendments to Address Ethic Violations, Whistle Blower Complaints and Private Rights of Action by Citizens

Date: November 27, 2019

Re: December 9, 2019 Agenda Item
For Discussion Only – No Voting

PROPOSAL: That the Charter Committee recommend to the City Council an amendment to the Charter along the following lines:

The Council shall, after public input and hearings, establish and maintain a transparent and independent process to receive and investigate reports of fraud, waste, ethical violations, and/or abuse regarding the governance and/or operation of The City of Riverside. The process shall be undertaken by an independent appointee of the Council trained in receiving, processing and investigating such complaints who shall report the results of the investigations to the City Council and the public at least annually.

BACKGROUND: Members of the Charter Committee and the public have raised concerns about the need for a more independent and predictable process to receive and investigate whistle blower and other complaints. The current process can be found at <https://riversideca.gov/internalaudit/3-1-1-whistleblower-hotline> . At the November 18, 2019 Charter Committee Meeting, we discussed the limitations of applying the current ethic proceedings to Charter Officers. We also briefly discussed the limitations on private citizens to enforce violations of the Charter and/or City ordinance through the District Attorney, Fair Political Practices Commission or private suits. The Subcommittee has held several meetings to debate the feasibility, advantages and disadvantages, of proposing the development of an Office of Independent Inspector General. This matter will be discussed on December 9, 2019. The City has requested the opportunity to present information at the January 13, 2020 meeting.

Riverside's population is now approximately 350,000 and its budget approaches \$1 billion annually. Along with growth comes a larger, more complex government and the potential for waste, fraud and abuse. To strengthen transparency and public trust in our government, the Subcommittee debated and recommends the above charter amendment requiring action on the part of the City Council without specifying the precise procedure. City Councils in the past have explored strengthening the complaint process; however, those efforts have not been memorialized in ordinances and the structure for investigating and resolving complaints and reporting results to the public, where appropriate, remains unclear.

The federal government has employed independent Inspector Generals for decades, and increasingly this function is being created at the state and local levels. A Certification exists for training qualified

individuals to serve in this capacity. <https://inspectorgeneral.org/institutes/institute/certification-policy-and-process/>

An example of how cities have developed this watchdog process is included in the attached information from the City of Philadelphia <https://www.phila.gov/departments/office-of-the-inspector-general/>. The Philadelphia annual reports track the savings to the City resulting from its investigations and summarize the various types of investigations.

Because the Charter Commission's role is to recommend broad policy changes to the Charter involving governance and given our time constraints, the proposed amendment merely requires the City undertake the effort to develop, budget, and monitor such a process through ordinance so that it can be reviewed by the public and our elected officials annually to ascertain its effectiveness. The Subcommittee fully appreciates that such proposals can have unintended consequences, and that no perfect system exists that would eliminate all corruption in a bureaucracy. With that in mind, what follows is a list of issues and concerns that the Subcommittee identified for your consideration. Finally, the Subcommittee did reach out to former and current council members, newly elected representatives, and the City Manager for input.

ISSUES/CONCERNS:

Should the Inspector general/auditor be elected as occurred prior to the 1950s in the City's original charter?

Would this office also oversee ethical complaints and complaints against the police?

What safeguards can be put in place to ensure that the City Manager, Council and/or City Attorney do not have undue influence when the complaints go against them directly?

What safeguards can be adopted to ensure that the office isn't "weaponized" for various political agendas against senior City officials or enlisted to handle frivolous or minor issues?

Would increased oversight discourage qualified people from serving as City Manager or City Attorney?

Internal Audit / 3-1-1 Whistleblower Hotline

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About the HOTLINE

The 3-1-1 Whistleblower Hotline is designed for reporting City employees or vendors the City engages with who you suspect are engaged in fraud, waste, or abuse of City assets. While face-to-face reporting is always the best form of communication, it is not always feasible. Recognizing that employees are not always comfortable going through the chain of command, the Fraud Hotline provides another vehicle to report fraud, waste, or abuse.



Reporting Fraud, Waste or Abuse

Call the 3-1-1 Whistleblower HOTLINE at (951) 826-5311 or complete and submit an **online complaint form**.

(NOTE: you will be redirected to the City's 311 webpage, and under SELECT THE TYPE OF PROBLEM YOU ARE REPORTING, you must select the Whistleblower Hotline option)

You can choose to remain anonymous. The Internal Audit Division will maintain the confidentiality of all complaints, including documents. Complaints submitted online are routed directly to the Internal Audit Division.

The Internal Audit Division will investigate all complaints received related to fraud, waste and abuse. Complaints pertaining to City employees in the areas of employee relations, discrimination, harassment, safety, workers' compensation fraud, and related personnel matters will be forwarded to the Human Resources Director for appropriate handling and investigation, which may include the Police Department and/or outside investigators, depending on the nature of the issue and whether criminal conduct is alleged.

Hotline Process

In order to process your complaint, a minimum amount of information is needed. Please ensure that you have the following information before contacting the Hotline:

- You are reporting fraud, waste, abuse that involves a City of Riverside employee(s), a contractor(s) or a vendor(s) doing business with the City of Riverside.
- You know the date and time when alleged incident occurred.
- You can describe the alleged incident (what occurred and where).
- You know who the alleged suspect involved is.

Whistleblower Protection

The City will not retaliate, nor will it tolerate retaliation against those who, in good faith, report suspected fraud, waste and abuse or who participate in an investigation of suspected violations. An act of retaliation should be reported immediately to the Internal Audit Division for referral to the Human Resources Director, who will investigate and, if appropriate, report as a potential City policy violation. In addition, those who bring matters to the Internal Audit Division are protected through the State of California Whistleblower Protection Statute, **California Labor Code Sections 1102.5 and 1106.**

Fraud Prevention, Reporting and Investigation Policy

The City has implemented a Fraud Prevention, Reporting and Investigation policy to provide communication and guidance to employees when misuse or misappropriation of City assets. The policy (Number 01.011.00) can be found on the Internal Audit Division website under Administrative Manual.

Fraud Activity Reports

-  Fiscal Year 2015/16 to 2018/19 Summary Report
-  Fiscal Year 2015/16 to 2018/19 Case Summaries
- Fiscal Year 2014/15 Report and Case Summaries
- Fiscal Year 2013/14 Report and Case Summaries



ASSOCIATION OF INSPECTORS GENERAL

Certification Policy and Process

The Association has offered training and certification to the Inspector General community since 1999. The Inspector General Institute® certification program, is dedicated to providing review of and training in best practices, in core competency areas that the Association has identified as being essential to the performance of the work of offices of inspectors general. Those who meet education and experience eligibility requirements; successfully complete the Institute certification program; and pass the exit examination will earn the designation of: **Certified Inspector General**®, **Certified Inspector General Auditor**®, or **Certified Inspector General Investigator**®. For those who qualify, it is possible to earn more than one certification from the Association.

Instructional Method and Faculty

This Institute program utilizes the group-live instructional method. All materials that you will need to participate in classroom discussion will be provided, and there is no required pre-course preparation. However, it is recommended that attendees review the "Green Book" – *Principles and Standards for Offices of Inspectors General*, which is available on our website or by [clicking here](#).

Instructors include current or former inspectors general, senior IG staff along with experts in investigative, forensic and related disciplines. The five-day Institute will include lectures, case analysis and didactic training to teach and enhance the skills expected of the professional Inspector General.

Expect to interact with instructors and fellow attendees during and after class and throughout the one-week program. The opportunity to meet informally and share "war stories" with fellow inspectors general will be a valuable part of this training.

Participants may also be expected to read case material and present their own redacted case facts for discussion.

Attendance at All Sessions is Mandatory

If a registrant fails to attend all sessions, Certified Inspector General® or certification will be withheld and no attendance certificate will be awarded. Attendance will be determined by the signature on the periodically circulated attendance roster. No exceptions to this policy will be permitted.

Exit Examination

Participants attending all sessions of the Institute will qualify to take the exit examination. A passing grade is required for certification. The examination begins in the afternoon of the last day of class, and are usually completed by 2 PM.

Role of the Professional Certification Board

The Professional Certification Board of the Association of Inspectors General (consisting of members of the Board of Directors) is the final decision maker regarding interpretations of all rules and regulations pertaining to the Institute, pursuant to the Association's policies and procedures as set forth in the AIG constitution, bylaws and policy manual. Questions for the Professional Certification Board pertaining to Institute policy and procedure should be directed to the Executive Director of the Association Ron Calvosa at rcalvosa@inspectorsgeneral.org

Participants should plan to arrive at 7:30 A.M. on Monday to register. Seminars are scheduled each day from 8:00 A.M. until 5:00 P.M. The exit examination is usually completed by 2:00 P.M. on Friday.

Policies

Cancellation

In the unlikely event of cancellation by the Association, the Association will endeavor to reschedule the Institute. In the event that a paid registered participant is unable to attend the rescheduled Institute, or the Institute is not rescheduled, the Association will refund the payment.

Refunds

All registration fees (less a cancellation fee of \$100) received by the Association are nonrefundable except in the case of cancellation as describe above. However, the Association may allow paid registrants who are unable to attend an Institute to apply the payment to future Institutes or Association conferences.

IGS IN THE NEWS

The Department of Defense Office of Inspector General's Seven Key Principles for Improving Our Federal Employee Viewpoint Survey Scores

The Center for the Advancement of Public Integrity has published an article entitled: The Department of Defense Office of Inspector General's Seven Key Principles for Improving Our Federal Employee Viewpoint Survey Scores by Glenn A. Fine, Principal Deputy Inspector General, Performing the Duties of the Inspector General U.S. Department of Defense. [Click here to read more.](#)

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Accreditation Assessment Notifications

Two Accreditation Notifications are posted. The Department of Business and Professional Regulation (DBPR) Office of Inspector General will be undergoing an assessment by the Commission for Florida Law Enforcement Accreditation in an effort to attain accredited status. [Click here for more information.](#) The Florida Department of Education (FLDOE), Office of Inspector General, Investigations Section, will...

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The Association of Inspectors General is registered with the National Association of State Boards of Accountancy (NASBA), as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors www.NASBAREgistry.org.

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Office of the
Inspector General

**Rooting out corruption, fraud, and misconduct
and increasing public confidence in City
government.**

Services



**Report wrongdoing in City
government**



**Nominate someone for the Joan
Markman Award**

What we do

The Office of the Inspector General (OIG) works to keep City government free from fraud, corruption, and misconduct.

We conduct investigations of all government entities under the Mayor's jurisdiction. Our Contract Compliance Unit investigates individuals or businesses that work with the City or receive City funding. It's our job to ensure that City employees, contractors, and grant recipients follow all requirements and operate with integrity.

The OIG has the power to:

- Issue subpoenas.

Connect



601 Walnut St.
Suite 300 East
Philadelphia, PA
19106



oig@phila.gov



(215) 686-1770

- Examine all City documents, contracts, and monetary expenditures.
- Demand testimony from City employees.
- Recommend administrative discipline, policy improvements, and contract or grant action.
- Collaborate with law enforcement on issues of criminal activity and serious cases of fraud and corruption.

Our work relies on those who report wrongdoing in City government. Those who report wrongdoing in good faith will be protected.

Watch a video about OIG .

Leadership



Amy L. Kurland
Inspector General
(215) 686-1770
oig@phila.gov

Amy L. Kurland is the inspector general for the City of Philadelphia, having been appointed to that position by Mayor Michael Nutter in 2008. Kurland received her law degree from Rutgers University and her bachelor's from Reed College.

Prior to becoming the inspector general, Kurland was an assistant United States attorney and senior litigation counsel in the Eastern District of Pennsylvania, Criminal Division for 24 years. She specialized in public corruption and white collar fraud. She also served as the professional responsibility officer for the U.S. Attorney's Office and provided advice regarding compliance with the Pennsylvania rules of professional conduct.

Kurland has also taught trial advocacy as an adjunct professor of law at Rutgers University and Temple University, as well as at the U.S. Attorney General's Advocacy Institute, the National Advocacy Center and the F.B.I. Training Facility in Quantico. She is also a faculty member at the National Association of Inspectors General.

Kurland developed a training program for newly appointed judges and prosecutors in Bosnia and Herzegovina, in conjunction with the U.S. Department of State and the U.S. Department of Justice. She traveled to Sarajevo over several years to implement that program. Recently, she taught a class about the role of inspectors general with the U.S Department of Defense in the Democratic Republic of Congo.

Kurland serves on the board of directors of Women Against Abuse, Women Against Abuse Legal Center, the University Barge Club, and the Head of the Schuylkill Regatta. She is a graduate of Leadership

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September 18, 2019

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December 17, 2018

Inspector General Reports Over \$10
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April 1, 2019

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March 29, 2018



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Laws and Regulations

These charter provisions, executive orders, and amendments establish the Office of the Inspector General and outline its powers and duties.

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Title: Executive Order No. 9-17- Whistleblower Protections

Date: November 18, 2019

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PDF 

Title: Executive Order No. 2-89

Date: December 4, 2018

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Title: Executive Order No. 2-94

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