

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Inspector General

Inspector General



October 15, 2002

The Honorable Anthony A. Williams  
Mayor of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

RE: Management Implication Report Concerning the Obligation to Report Allegations of Corruption, Criminal Activity and Conflicts of Interest to the Office of the Inspector General (OIG) and the Authority of the OIG to Access District Government Records (**MIR-2003-1**)

Dear Mayor Williams:

Reference is made to my June 8, 2001, Management Implication Report (MIR) to you and all agency heads captioned, "Management Implication Report on Recent Amendments to the District's Personnel Manual Requiring Employees of the District Government to Report Issues of A Criminal Nature to the Office of the Inspector General (OIG) (MIR-2001-1)." This MIR informed you of recent amendments to District regulations requiring District employees and agency heads to immediately report allegations of a criminal nature, corrupt activity, and conflicts of interest to the OIG. This latest MIR serves as a yearly reminder of the reporting obligations of all District government employees and agency heads, as well as the authority of the OIG to access District government records.

Prior to 2001, the District Personnel Manual (DPM) required District government employees to report misconduct to either their agency head **or** the OIG. Section 1803.8 of the DPM now mandates that employees report to both their agency heads **and** to the OIG. The section reads as follows:

An employee shall report directly and without undue delay to his or her agency head and to the Office of the Inspector General of the District of Columbia any information concerning conduct which he or she knows, or should reasonably know, involves corrupt or other criminal activity, or conflict of interest:

- (a) On the part of another District employee, which concerns that person's employment or office; or
- (b) On the part of a person dealing with the District government, which concerns that person's dealings with the District government.

DPM § 1803.8.

In addition, a new DPM provision was added in 2001 that also requires agency heads to immediately report to the OIG information they receive regarding criminal/corrupt activity or conflicts of interest:

An agency head who has information concerning conduct as described in § 1803.8 shall immediately report such information to the Office of the Inspector General of the District of Columbia.

*Id.* § 1803.9.

These provisions of the DPM facilitate the OIG's mandate to independently investigate allegations of fraud, corruption, waste, and abuse by District employees and those who conduct business with the District government, and are designed to avoid the inherent conflicts presented when agencies attempt to conduct internal investigations that involve criminal activity and/or conflicts of interest. Agencies should be aware that their attempts to investigate allegations of this nature can contaminate evidence, compromise witness testimony, and otherwise imperil OIG investigative efforts. In this regard, agency heads are reminded of the obligation imposed on all District employees to cooperate with the OIG:

Failure on the part of any District government employee . . . to cooperate with the Inspector General by not providing requested documents or testimony needed for the performance of his or her duties in conducting an audit, inspection or investigation shall be cause for the Inspector General to recommend appropriate administrative actions to the personnel . . . authority, and shall be grounds for adverse actions . . . including loss of employment . . . .

D.C. Code § 2-302.08(f-3) (2001); *see also* DPM § 1803.10 ("An employee shall not interfere with or obstruct an investigation by a District or federal agency of misconduct by another District employee or by a person dealing with the District.").

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Finally, the OIG calls to the attention of all agency heads the statutory authority of the Inspector General to access District government records. The D.C. Code provides the following:

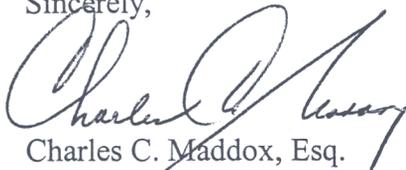
The Inspector General shall have access to the books, accounts, records, reports, findings, and all other papers, items, or property belonging to or in use by all departments, agencies, instrumentalities, and employees of the District government, including agencies which are subordinate to the Mayor, independent agencies, boards, and commissions, but excluding the Council of the District of Columbia, and the District of Columbia Courts, necessary to facilitate an audit, inspection or investigation.

D.C. Code § 2-302.08(c)(1) (2001).

District agency heads are cautioned to avoid initiating or continuing internal investigations concerning allegations that are potentially criminal in nature or allege employee misconduct, waste, or abuse to the extent that notice to the OIG is required by DPM Chapter 18. In addition, agency heads should ensure that all employees are reminded periodically of these important ethical and statutory obligations and are encouraged to contact the OIG directly, if necessary.

If you have any questions concerning this matter, please call me or Jerome O. Campana, Deputy Inspector General for Investigations, at (202) 727-1039.

Sincerely,



Charles C. Maddox, Esq.  
Inspector General

JOC/tmf

cc: Councilmembers of the District of Columbia  
District of Columbia Agency Heads