


<b>F R O M</b>	<b>Name &amp; Title</b>	Isabel Mercedes Cumming, Inspector General	OFFICE OF THE INSPECTOR GENERAL  <b>MEMO</b>	
	<b>Agency Name &amp; Address</b>	Office of the Inspector General 100 N. Holliday Street, Suite 635 Baltimore, MD 21202		
	<b>Subject:</b>	Clarification to August 25, 2021 Meeting		

**TO:** OIG Advisory Board

**DATE:** October 1, 2021

I had the opportunity to review the OIG Advisory Board meeting held on August 25, 2021. I appreciate the need of the Board to gain a full understanding on the operation of the OIG and support the Board in that effort. After reviewing the transcript of the meeting, I want to clarify some of the issues that were addressed and will do so by elaborating on our answers to the following questions asked by individual members of the Board:

1. Chairman Shea asked whether the Inspector General's salary was approved.

I have attached BOE minutes (Attachment #1) that show the matter was approved by both the Expenditure Control Committee and the Board of Estimates.

2. Councilman Costello provided a summation of the OIG reporting process on initiated investigations as he understood them from the information we provided during the meeting.

For clarification, after OIG initiated investigations have concluded, the final report is written and provided to the action holder. The action holder is the person that has authority over the subject, usually the Mayor, Solicitor and/or City Administrator. The action holder may respond to the report and identify any corrective measure undertaken. Then a public synopsis is written and published with the action holder's response.

However, there is a different process when an elected official requests an investigation of their conduct. For an elected official, the action holder is the public. The final report is issued to the elected official and the public at the same time. Any response by the elected official would be published if/when received.

Councilman Costello also asked to review the Inspector General Policy Manual. As a result of that request, the OIG has developed a 24-page public policy manual which can be found on the OIG website (Attachment #2).

3. Council Vice President Middleton asked if there was a criminal law violation pertaining to an employee of the OIG, who would be responsible for conducting that investigation.

Any suspected criminal law violation involving anyone in the OIG would be referred to an appropriate law enforcement agency such as the Maryland State Prosecutor or the Office of the United States Attorney.

4. Dean Tobin asked whether the Inspector General had been subject to external interference.

This question was never answered. It is my belief it would not have been appropriate to discuss personnel matters in a public setting given the privacy to which employees and former employees are entitled under Maryland law.

5. Mr. Huber asked if the OIG promoted the 2018 Amendment Question F (Baltimore Charter Article X).

We did and still do. The promotion of Question F remains on the OIG website. Independence will always be promoted by this office. However, support for question F is not inconsistent with highlighting that the OIG Advisory Board's composition of elected officials and/or their designees is not aligned with best practices throughout the nation and even Baltimore City. The independent composition of the Ethics Board which was established over a decade ago is an example. Originally the Ethics Board was comprised of elected officials and designees, now the law bars any elected official or City employee from serving on the Board (Attachment #3).

#### Attachments

1. Salary approval by BOE
2. Public Office of the Inspector General Policy Manual
3. Baltimore City Code, Article 8, Section 3-2 (b)(2)(ii)

# **Attachment #1**

MINUTES

PERSONNEL MATTERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

4871 - 4876

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

The Mayor **ABSTAINED** on item No.8.

## MINUTES

PERSONNELOffice of the Inspector General6. Reclassify the following filled position:Position Nos.: 47712From: Operations Manager IIJob Code: 00091Grade: 942 (\$95,206.00 - \$156,964.00)To: Executive Director IIJob Code: 00096Grade: 991 (\$135,979.00 - \$224,407.00)Cost: \$235,755.00 - 1001-000000-1081-109300-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

Mayor's Office of Homeless Services7. Create the following position:

Classification: Grant Services Specialist III

Job Code: 10217

Grade: 941 (\$58,370.00 - \$100,344.00)

Position No: To be assigned by BBMR

Cost: \$89,215.00 - 1001-000000-3574-327200-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

# **Attachment #2**



# Policy Manual

Update: September 2021

**(Public)**



# Office of the Inspector General Policy Manual



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## **SECTION 1 - AUTHORITY AND OVERVIEW**

To inform the public of the policies, mission, responsibilities, authorities, and organization of the Baltimore City Office of the Inspector General (“OIG”).

### 1. Scope

The OIG is authorized to investigate complaints of fraud, waste, and abuse within Baltimore City government. This section provides information and sets forth the OIG’s mission, duties, responsibilities, authorities, and organization in accordance with Article X of the Baltimore City Charter. The OIG shall be responsible for the promotion of efficiency, accountability, and integrity in the City government.

The OIG is also authorized under the Baltimore City Code, Article 1, Subtitle 8, entitled Whistleblower Rights and Responsibilities (WRP), to conduct investigations into allegations of Whistleblower retaliation.

### 2. Background

The OIG was created through an Executive Order by Mayor Martin O’Malley on July 27, 2005. Under that Order, the Inspector General reported directly to the City Solicitor who, in turn, reported directly to the Mayor of Baltimore. In November 2018, citizens voted in favor of amending the Baltimore City Charter to create an independent OIG. On December 3, 2018, Article X of the Baltimore City Charter establishing the independent OIG went into effect.

### 3. Mission

The OIG is charged with (1) promoting efficiency, accountability, and integrity in the Baltimore City government; and (2) preventing and investigating fraud, waste, and abuse in City government.

### 4. Duties and Responsibilities

Article X of the Baltimore City Charter established the OIG as an independent and objective City governmental unit to investigate complaints of fraud, financial waste, and abuse in City government, and to promote efficiency, accountability, and integrity in City government through:

- A. Conducting, supervising, and coordinating investigations relating to programs and operations of the City;
- B. Promoting economy and efficiency in the administration of all City programs, contracts, and operations;
- C. Reviewing City agencies and departments with respect to relevant City policies and procedures;
- D. Informing the Mayor, City Council, City Solicitor, and other Executive Officers about fraud and other serious problems relating to City operations;



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- E. Reporting expeditiously to the State Prosecutor's office or other proper law enforcement agency whenever the OIG has reasonable grounds to believe there has been a violation of criminal law; and
- F. Issuing public summaries of Reports of Investigation and Management Responses to the citizens of Baltimore within the confines of applicable law, including the Maryland Public Information Act (PIA).

In carrying out these duties and responsibilities, the OIG adheres to the *Principles and Standards for Offices of Inspector General* (May 2014 revision) (Appendix A), also known as *The Green Book*.

### 5. Organization of the OIG

The OIG consist of the following:

The Inspector General – The Inspector General (IG) is responsible for the overall management and operation of the OIG. The IG also represents the OIG at meetings, oversees the investigative strategy of the OIG, reviews policies and procedures, sets priorities, and makes final decisions. The IG is also the ex-officio Director of the Baltimore City Board of Ethics under the Baltimore City Code, Article 8, Section 3.

Deputy Inspector General of Administration – The Deputy Inspector General of Administration (DIGA) is the acting Inspector General in the absence of the IG. The DIGA oversees the Whistleblower Program, manages the agency's financial/fiscal planning and facility maintenance, produces the OIG Annual Report, develops, reviews, and edits internal OIG policies, and provides any other additional assistance as needed by the IG.

Deputy Inspector General of Investigations (DIGI) – The DIGI is responsible for conducting and supervising a comprehensive program of prevention, detection, and investigation of alleged criminal, civil, administrative, or otherwise prohibited or improper activities relating to the operations of the City.

Assistant Inspector General of Programs (AIGP) – The AIGP serves as the IG's designee to staff the day-to-day operations of the Baltimore City Board of Ethics, including overseeing ethics support staff. Refer to Section 18 on Ethics for detailed job responsibilities and procedures for this position.

Assistant Inspector General of Operations (AIGO) – The AIGO oversees information technology (IT) for the OIG. The AIGO provides any other additional assistance as needed by the IG.

Hotline Manager (HM) – The HM is a Senior Agent who is responsible for administering and managing the OIG Hotline by training and overseeing Special Agents (SA) assigned to Hotline.

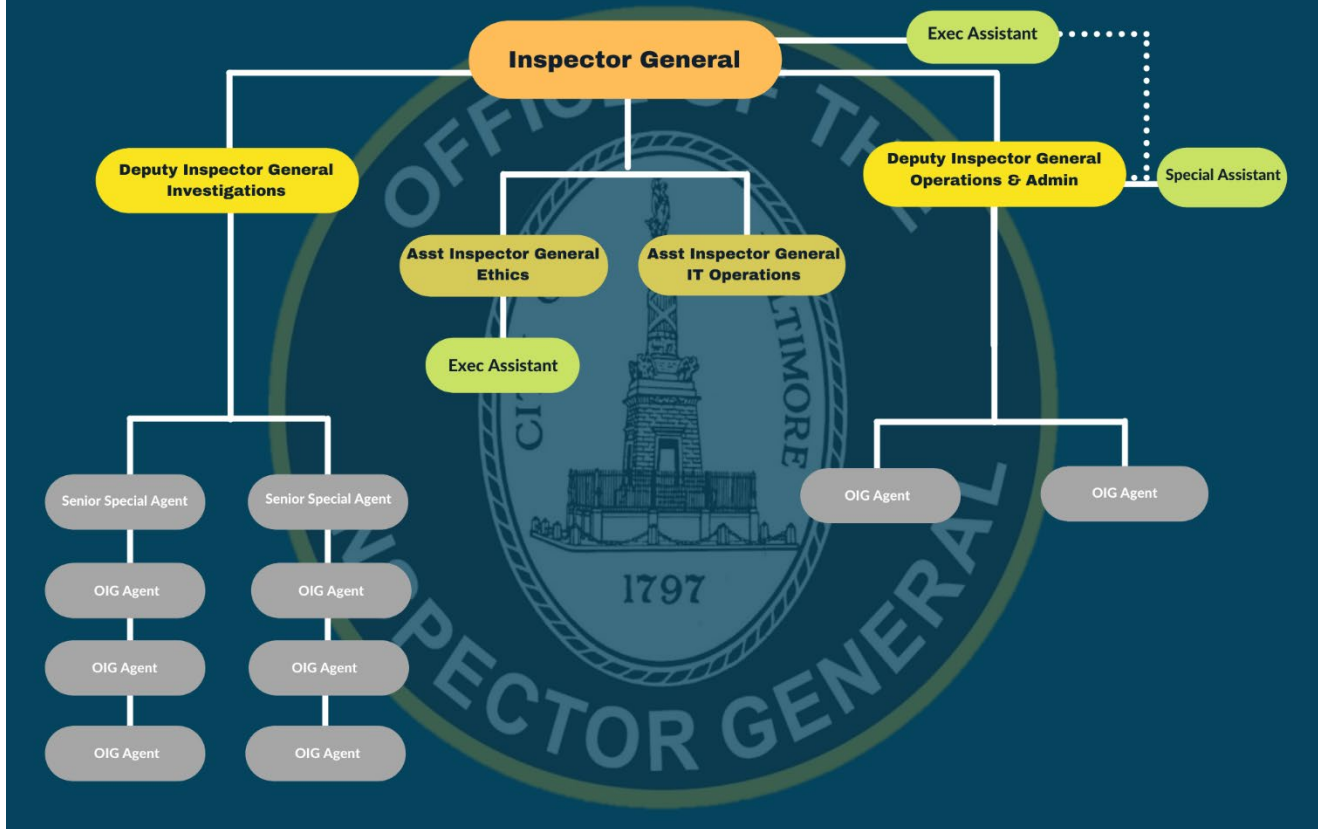
Senior Special Agent (SSA) – The SSA is an experienced Special Agent who assists by reviewing reports for the DIGI. The position serves as a mentor and guide of the SA.



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## Office of the Inspector General Organizational Chart



## SECTION 2 - RESPONSIBILITIES OF SPECIAL AGENTS

Being a public servant is a position of trust. To ensure that members of the public, as well as City employees and contractors/subcontractors, have complete confidence in the integrity of the OIG, SAs shall maintain the highest standards of conduct and must avoid incurring any obligation or association which causes even the appearance of bias, favoritism, or conflict of interest. All OIG employees are required to follow the instructions of supervisors and other management officials in their line of authority and written directives.

### 1. General Conduct

#### A. SAs shall:

- Obey all local, state, and federal laws.



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- Put forth honest efforts in the performance of their duties.
- Protect and conserve the City's property and not use it for anything other than authorized or official business.
- Disclose fraud, waste, abuse, corruption, and mismanagement to appropriate authorities.
- Satisfy all financial obligations, such as federal and local taxes imposed by law.

### B. SAs shall not:

- Solicit or accept any gift or other item of monetary value from any person or entity seeking to do business with the City or promoting some official action.
- Make unauthorized commitments or promises of any kind purporting to bind the OIG or the City.

## 2. Conduct While on Official Duty

The general reputation, creditability, and professionalism of the OIG depend on the actions of each member of the organization. The conduct of the SA during their daily contact with City employees, the public, government agencies, law enforcement personnel, and others creates and maintains this professional reputation.

### A. SAs shall:

- Exercise SA authority only in connection with matters of official interest to the OIG.
- Avoid expressing personal opinions on controversial, social, or political matters.
- Cooperate to the fullest extent permitted by law enforcement agencies conducting investigations with the OIG.
- Report all arrest or motor vehicle infractions where a court appearance is required.
- Refrain from the abuse of alcohol or drugs.
- Immediately report the loss/theft or OIG property to their supervisor.

### B. SAs shall not:

- Engage in the abuse of investigative authority or unnecessarily interfere in the operations of another during the conduct of investigations.
- Display or use badge and/or credentials, except in the line of duty, when appropriate. Unauthorized use is a serious matter and can result in disciplinary action, up to and including termination.
- Discuss official OIG business with anyone who is not authorized to receive it.



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### 3. Independence

- A. In all matters relating to investigative work, the investigative organization must be free, both in fact and appearance, from impairments to independence; must be organizationally independent; and must maintain an independent attitude.
- B. For individual SAs, this standard requires that investigations be conducted by SAs who are free from personal impairments to their independence. Personal impairments are described as follows:
  - I. Personal Impairments – There are circumstances in which SAs may experience difficulty in achieving impartially because of their views and/ or personal situations and relationships. These impairments may include the following:
    - a. Official, professional, personal, or financial relationships that might affect the extent of the inquiry, limit disclosure of information, or weaken the investigative work in any way.
    - b. Preconceived opinions of individuals, groups, organizations, or objectives of a particular program that could bias the investigations.
    - c. Previous involvement in a decision-making or management capacity that would affect current operations of the entity or programs being investigated or biases, including those induced by political or social convictions that result from employment by, or loyalty to, a particular group or organization.
    - d. Financial interest in an individual, entity, or program being investigated.
  - II. SAs who are aware of a potential personal impairment that might affect their independence in a particular investigation must bring the matter to the attention of their supervisor before continuing the investigation.

## SECTION 3 - OIG HOTLINE

### Policy

City employees can communicate without fear of reprisal. The Hotline is managed by the Deputy Inspector General of Investigation (DIGI) and the Hotline Special Agent (HAS). All information obtained from the OIG Hotline will be entered into the Case Management Tracking System (“CMTS”) and assigned a complaint or case number.

### 1. Definitions

- A. **Anonymous Complainant:** A complainant whose identity is unknown to the OIG.



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- B. **Confidential Complainant:** A complainant who provides the OIG with personal identifying information, but requests that it not be disclosed, with the understanding that the OIG will safeguard that information to the best of its ability.
- C. **OIG Hotline:** An entity that receives allegations from employees, contractors, and the public that furthers an OIG mission (1) to promote effectiveness, efficiency, and economy in its organization's programs and operations, and (2) to prevent and detect fraud, waste, and abuse in such programs and operations.
- D. **Whistleblower:** An employee who lawfully discloses information that they reasonably believe evidences: (1) the violation of any law, rule, or regulation; or (2) gross mismanagement, a gross waste of funds, an abuse of authority, or substantial and specific danger to public health or safety committed by the supervisor/employer who retaliates against the employee for the disclosure.
- **Reprisal/Retaliation:** This is when a person with personnel authority takes, fails to take, or threatens to take or fail to take a personnel action with respect to an employee because of a disclosure of information by the employee that they reasonably believe evidences: (1) the violation of any law, rule, or regulation; or (2) gross mismanagement, a gross waste of funds, an abuse of authority, or substantial and specific danger to public health or safety

### SECTION 4 - INVESTIGATIONS

#### Policy

The OIG conducts investigations and related activity pursuant to Article X of the Baltimore City Charter. The OIG receives and systematically addresses complaints of fraud, waste, abuse, and misconduct against employees, City contractors, and vendors. The OIG documents the actions it takes, and the results realized. Not all complaints will result in full investigations, and the OIG will focus its resources on significant investigative issues. Such issues include, but are not limited to, those likely to result in criminal prosecution, monetary savings or recovery for the City, deterrence of serious wrongdoing, and promotion of employee integrity.

It is the OIG's policy generally to refer significant management issues and administrative offenses that violate the City's Administrative Manual (AM) to the City's Department of Human Resources or pertinent Agency Directors for follow-up and a direct response to the OIG.

1. Law Enforcement Assistance  
In criminal investigations, the OIG will seek assistance from federal, state, and local law enforcement agencies, including the Baltimore City Police Department, and may work jointly with those agencies.
2. Investigative Standards  
The Association of Inspector General's *Principles and Standards for Offices of Inspector General, Quality Standards for Investigations* (May 2014) are hereby adopted by the OIG for investigations as they do not





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conflict with any other policy of this office. Each agent and investigator will be familiar with these Quality Standards.

## **SECTION 5 – INVESTIGATIVE REPORTS**

### Policy

It is the policy of the OIG to produce investigative reports that meet the sixth qualitative standard of the Association of Inspectors General's *Principles and Standards for Offices of Inspector General* (May 2014 revision):

*“Where appropriate, investigative activity should result in timely referral for criminal prosecution or written report. All reports shall present factual data accurately, fairly, and objectively, and present the results of the investigation in a persuasive manner.”*

SAs will produce reports that are understandable, concise but complete, well organized, supported by competent information in the investigative file, and that are in a standard format appropriate to the purpose of the report.

## **SECTION 6 - INTERVIEWS OF SUBJECTS AND WITNESSES**

### Policy

SAs will conduct interviews in accordance with the standard operating procedures and all applicable laws and regulations. Interviews will be conducted for the purpose of gathering information relevant to the resolution of complaints and in furtherance of the objectives of the investigation. The policies and procedures are for the purpose of ensuring that interviews are handled in a manner that respects the rights of those interviewed while obtaining and preserving needed information in a complete and accurate manner.

## **SECTION 7 – PHYSICAL AND DOCUMENTARY EVIDENCE HANDLING**

### Policy

It is the OIG's policy to follow these procedures in order to ensure that the integrity of all evidence obtained is preserved. It is further the OIG's policy and purpose of this section to provide procedures to ensure that the evidence will be properly marked, documented, and safeguarded so that proper chain of custody is preserved, for admissibility in a court of law or an administrative proceeding. Additionally, these procedures are intended to ensure the proper and timely disposition of evidence at the close of an investigation or other investigative activity.

#### 1. Definitions:

Physical evidence (collectively with documentary evidence, “evidence”): Tangible objects or pieces of property that are probative of a fact in an investigation. Examples are objects, articles of clothing, fingerprints, firearms, and photographs.

Documentary evidence (collectively with physical evidence, “evidence”): Writings, including computer records that are probative of a fact or the state of mind of the writer or someone else. Examples include



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emails, letters, memoranda, tax returns, time and attendance records, and travel vouchers. Documentary evidence created contemporaneously with the event or activity in question can be highly probative.

Authentication: The legal process by which documentary evidence or a photograph of physical evidence is shown to be what the proponent claims it is. This process is necessary for a piece of documentary evidence or photograph to be admissible in a court or other legal proceeding. A SA may be called upon to authenticate a document, for example by testifying about circumstances under which one took a written statement from a witness; how a document was obtained; or how and when a photograph was taken and that it is an accurate depiction. Official government records (such as a birth certificate or incorporation) are generally self-authenticating when they are accompanied by an official certificate or seal.

Business record: A type of documentary evidence that is often used to demonstrate, for example, how a fraud was committed and/or hidden, what controls existed, and how such controls were circumvented. These records may be introduced in evidence in a legal proceeding by having the custodian of the business record testify to the following:

- The records were kept in the course of a regularly conducted business;
- It is the regular practice of the business to maintain the record; and
- The record was made reasonably close in time to the act or event reflected.

Examples include time and attendance records, accounts, schedule records, and inventory records. SAs should attempt to gather information about who maintained the record and how the record was created to fulfill these prerequisites for admission of a business record.

Chain of custody: The chronological documentation or paper trail showing the seizure, custody, control, transfer analysis, and disposition of evidence up until the time it is used to prove a fact in a court or other court proceeding. The chain of custody requires that, from the moment the evidence is collected, the transfer of that evidence from person to person and place to place is documented. Chain of custody requires proof that no one else outside the documented chain of custody could have accessed the evidence, and that no one has tampered or altered the evidence.

### Oversight

The DIGA will have overall responsibility for observing procedures in connection with the Evidence Room. The DIGA or designee will make spot checks, documented in writing and maintained by the DIGA, of the Evidence Room from time to time to verify that evidence is properly marked and stored, that the Evidence Control Forms are being used as prescribed herein, and that evidence disposal is occurring in accordance with these procedures on a timely basis.

## **SECTION 8 – SEARCHING EMPLOYEE WORKSPACE**

### Policy

A SA who seeks to conduct a search of an employee's cubicle, office, and/or locker where the employee has not given consent may do so only after consulting with the IG. The IG, if applicable, will consult with a prosecutor.





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The results of the consultation will be memorialized by the SA into the Case Notes section of CMTS. The SA will follow the proper Chain of Custody procedures for any/all evidence obtained from the search

### **SECTION 9 - INVESTIGATIVE CASE PRIORITY**

#### Policy

This section provides general information on the priority to be given to various investigative matters. In every investigation, the significance of the alleged violation or irregularity and the availability of investigative resources will be considered in determining the priority assigned to it. The priority of each case will be determined by the IG after consultation with the Deputies.

#### 1. High-Priority Cases

Investigative resources are limited and should be used to achieve the greatest effect in deterring fraud, abuse, waste, and mismanagement, and in improving the effectiveness and integrity of City government and its employees. The priority that is assigned to an investigation will ultimately depend on its facts and is subject to change during the investigation. However, examples of cases that are usually considered high-priority investigations include cases that involve:

- A. Matters where significant City decisions are awaiting completion of the investigation;
- B. Complex criminal activity and/or multiple subjects;
- C. High-level City employees;
- D. High-visibility programs;
- E. Significant monetary savings/recoveries/losses;
- F. Multiple criminal and/or administrative violations

### **SECTION 10 - CONFIDENTIAL SOURCES**

#### Policy

The DIGI may designate an individual as a Confidential Source (CS) when conditions warrant. This authority to designate a CS may be delegated to the SA as appropriate. However, complainants and witnesses differ in their rights to confidentiality.

#### 1. Definitions

- A. A CS is any person who provides information to the OIG on a confidential basis and does not want to be identified.



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- B. A Complainant is any person who makes a complaint to the OIG concerning the possible existence of fraud, waste, or mismanagement affecting City programs and operations. There are three types of complainants:
  - I. Employee Complainant: Any City employee who makes a complaint to the OIG
  - II. Public Complainant: Any person who is not a City employee who makes a complaint to the OIG
  - III. Anonymous Complainant: A person who makes a complaint without disclosing their identity.
- C. A Witness is any individual, including City employees, who: provide information, evidence, or testimony; is asked to be present at a transaction to testify; or has personal knowledge of something as evidence or proof.

### **SECTION 11 - ADMINISTRATIVE SUBPOENAS**

#### Authority

The Baltimore City Charter, Article X, § 3(d) provides the OIG with subpoena power as follows: “To perform the duties of office, the Inspector General may issue a subpoena to require: any person to appear under oath as a witness; or the production of any information, document, report, record, account, or other material.”

#### Policy

- A. OIG subpoenas for documents may be used only for a legitimate purpose in connection with an official OIG activity. OIG subpoenas may be used in criminal, civil, or administrative investigations.
  - B. OIG subpoenas for documents will identify the specific document or categories of documents to be produced. The documents requested will be reasonably limited to obtain the information relevant and needed for the investigation or other activity so as not be unreasonably burdensome or oppressive to the recipient.
1. Potential Recipients of OIG Subpoenas
- A. Non-City Records: OIG subpoenas may be directed to persons or entities outside City government who may have information reasonably relevant to the OIG investigation or activity. The recipient need not be the subject of an investigation. Generally, the following categories of records are subject to the OIG’s subpoena power:
    - I. Corporations and other commercial entities. The OIG may obtain records maintained by a corporation or other company. The OIG subpoena may reach documents beyond those available to the City under contract.



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- II. Individuals. An individual can be required to produce records within their possession. The personal record of a corporate officer also may be obtained in addition to the business records of the corporation.
- III. Financial Institutions. Banks, credit unions, credit card companies, consumer finance organizations and similar institutions may be required to produce the financial records of a customer subject to state law customer notice rules.

### 2. Subpoena Enforcement

In the case of non-compliance with a subpoena, the OIG will refer the matter to the City Solicitor for judicial enforcement of the subpoena. If the City Solicitor declines to seek judicial enforcement of the subpoena, the IG shall confer with the BCSAO, the AG or State Prosecutor's Office about taking other action, as appropriate.

## **SECTION 12 - ALLEGATIONS AGAINST THE IG OR OTHER OIG EMPLOYEES**

### Policy

1. All allegations of misconduct against the IG shall be brought to the attention of the DIGA immediately. The DIGA will immediately notify the City Solicitor, who will provide direction to the DIGA on whom, if anyone, will investigate the allegation(s).
2. All allegations of misconduct or other wrongdoing against either DIG shall be brought to the attention of the IG who shall consult with the City Solicitor. The City Solicitor will determine whether the complaint will proceed and will provide the direction as to whom, if anyone, will investigate the allegation(s).
3. All allegations of misconduct or other wrongdoing against any other employee of the OIG shall be reviewed by the IG, who will determine whether to investigate the allegation(s).
4. Allegations of criminal misconduct will be referred to an appropriate law enforcement agency such as the Maryland State Prosecutor or the Office of the United States Attorney.

## **SECTION 13 - OIG VEHICLE POLICY**

### Purpose

The purpose of this section is to establish guidelines for the efficient control of OIG assigned vehicles. This policy applies to all OIG personnel who utilize a City vehicle. The OIG has three City-owned vehicles, which are assigned for use while conducting official OIG-related functions.

The OIG will also follow the City's Administrative Manual on the management and utilization of the vehicle (*see AM-501-1 through AM-501-14*).



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### Authority for Use

- A. Only properly licensed and qualified OIG employees are authorized to operate the vehicle.
- B. All OIG employees are required to provide the City Risk Management and Assessment Division with a copy of their valid driver's license, which will be kept on file.

### Vehicle Operator Responsibilities

All users shall operate the vehicle in a safe manner, complying with all applicable traffic laws and in accordance with all City procedures concerning vehicle operation. The operators shall handle traffic and parking citations and prompt reporting and payment of citations, including citations resulting from automated red light and speeding cameras. All traffic and parking citations not paid by the vehicle operator will result in the OIG being charged for the citation(s). If this occurs, it may result in disciplinary action.

### Vehicle Return Procedures

The vehicle shall be returned to the OIG's parking lot or garage. The operator shall ensure that the vehicle is locked and secured. The operator is required to record the fuel level and the location of the vehicle and return the keys and garage parking pass to the DIGA.

### Vehicle Monitoring

The DIGA will coordinate with the Fleet Management Division (FMD) for scheduling and performance of all preventative maintenance inspections and repairs.

### Vehicle Theft Damage/Break-Ins

In the event of theft of the vehicle, break-ins, or other malicious damage incidents involving the vehicle, BCPD is to be notified immediately (911).

### Take Home Vehicle Procedures

Generally, the vehicle will not be used as a take-home vehicle. However, exceptions may be granted by the DIGA for early morning or late evening interviews. These exceptions will be granted on a case-by-case basis.

## **SECTION 14 - BADGE & CREDENTIALS**

### Issuance and Control of Badges

OIG badge and credentials are the property of the OIG and must be surrendered upon request of the IG or at the time of separation from the OIG. OIG badges will be issued only to persons occupying the following positions: the IG, the DIGs, the AIGs, the Lead Agents, and the SAs. The DIGA will be responsible for the production, safekeeping, and maintenance of badges and credentials for SAs. Only the DIGA is authorized to order OIG badges and credentials for SAs with approval of the IG.



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### **SECTION 15 - INQUIRES FOR INFORMATION**

#### Policy

As a general policy, all requests for investigative information will be routed to the IG. SAs must not disclose investigative information or other OIG business with anyone not authorized to receive it. Unauthorized disclosure of information is a serious offense and could result in disciplinary and/or civil action.

1. Media Inquiries - SAs must not discuss investigations or other OIG business with the media. SAs shall refer all inquiries from the news media to the IG
2. Maryland Public Information Act Requests (PIA) - PIA requests shall be brought to the attention of the IG and the DIGA before being referred to the City Solicitor's Office. If in doubt whether a request constitutes a PIA request, contact the City Solicitor's Office immediately for guidance.
3. City of Baltimore Management Officials - Investigative inquiries from heads of departments/offices, members of the Baltimore City Council, the Executive Leadership Team of the Mayor's Office (ELT), and the Mayor shall be routed through the DIGI directly to the IG.
4. Other Law Enforcement Agencies - Requests for investigative information from other law enforcement agencies may be either formal or informal. Formal requests should be routed to the DIGI and the IG. Informal requests usually occur while working a joint investigation with another agency. If the cooperating agency has an open investigation concerning the subject of the inquiry, disclosure may be made.
5. Complaints and Witnesses – Frequently, complainants and/or witnesses attempt to gain information regarding a matter that they may have brought to the OIG. The OIG cannot provide information regarding what action(s) have been taken on any allegation reported to our office. The PIA permits the OIG to withhold information contained in OIG investigatory records even to the individual submitting the allegation(s). Unless complainants are contacted directly by an OIG investigator, there will be no communication from the OIG outside of correspondence which may advise complainants that the matter has been referred to another entity because the allegations do not fall under the jurisdiction or cognizance of the OIG.
6. Private Counsel - Investigative inquiries from attorneys representing either subjects or witnesses shall be referred to the assigned DIG. A SA is not authorized to release any information to private legal counsel without the permission of the assigned DIG.

### **SECTION 16 - ANNUAL REPORT**

The Annual Report will contain a statistical summary of the investigative activities during the previous fiscal year (July 1 through June 30).

1. The statistical summary of investigative activities will generally contain the following categories of information:



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- A. Complaints Received – The number of all complaints of any kind received by the OIG Hotline, in writing, in person, or in any other manner, during the annual report period. All complaints received during the annual report period will be counted, no matter how the complaint was handled by the OIG (e.g., referral, no action, preliminary investigation, investigation, etc.).
  - B. Reports – The number of all Reports of Investigations, Management Alerts, and Referrals concluded during the annual report period.
  - C. Identified Savings or Waste – The amount of monies identified during investigations which fall into the category of Savings or Waste during the annual report period.
2. Generally, the Annual Report will contain selected narrative summaries of investigations and other investigative activities to the extent that such matters have become public.
  3. The DIGA will be responsible for preparing accurate and verifiable statistical summaries for the Annual Report. In conjunction with the DIGA, the SA assigned to the particular case will be responsible for preparing all narrative summaries of matters to be included in the Annual Report.
  4. If any OIG investigations have resulted in criminal prosecution or civil judicial filings, they will be reflected in the statistical summary to the extent the matter has become public, including number of indictments, convictions and guilty pleas, terminations, fines and restitution ordered, and civil settlement amounts.

### **SECTION 17 - OIG RESPONSIBILITIES FOR THE ETHICS BOARD**

#### Policy

The Baltimore City Board of Ethics (Ethics Board) is an independent body established in Article VII of the City Charter and Article 8 of the City Code. The City's Public Ethics Law (Ethics Law), contained in Article 8 of the City Code, establishes the IG as the *ex officio* Executive Director (ED) of the Ethics Board. The ED is responsible for assigning OIG staff to assist the Ethics Board in carrying out its many responsibilities. This section provides an overview of the primary OIG staffing responsibilities in assisting the Ethics Board. The full extent of the Ethics Board's responsibilities can be found in the Ethics Law, which should be consulted regularly.

1. ED's Designee to Direct the Ethics Board

Under the Ethics Law, the term "Executive Director" includes the ED's designee. The ED designates the AIGP as the Ethics Board's Director (Director) to carry out the day-to-day functions of the Ethics Board and to supervise other OIG staff who are assigned to the Ethics Board (collectively with the Director, "Board staff"). The Director is primarily answerable to the Ethics Board but will communicate with the ED as appropriate to provide updates on the activities of the Ethics Board and Board staff.



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### 2. Ethics Complaints and Investigations

Under the Ethics Law, anyone may file a complaint with the Ethics Board alleging a violation of the Ethics Law. Board staff are responsible for ethics complaint intake and investigation, which must adhere to the requirements, procedures, and confidentiality mandates in Subtitle 5 of the Ethics Law.

### 3. Ethics Training, Information, and Awareness

Board staff are responsible for training City officials and employees about the Ethics Law, pursuant to the requirement in Subtitle 3 of the Ethics Law. Board staff are also responsible for other ethics education and outreach, both internally and externally. This includes maintaining a public-facing, user-friendly ethics website that, at a minimum, contains information that explains the provisions of the Ethics Law, the duties it imposes, and the means for enforcing it. See Subtitle 3 of the Ethics Law.

### 4. Advisory Opinions and Other Guidance

Board staff should be accessible and responsive to all ethics-related questions and requests for guidance from City officials and employees. Depending on the circumstances, ethics advice may take the form of informal oral or written guidance, or a formal written advisory opinion provided under Subtitle 4 of the Ethics Law.

### 5. Board Meetings and Communication

Board staff should communicate with the members of the Board regularly and as necessary to update the Board on all ethics activities and to permit the Board to give direction and make decisions as necessary. This typically happens during a monthly meeting of the Board, under the provisions of Subtitle 3 of the Ethics Law. Board staff are responsible for facilitating these monthly meetings, including giving appropriate public notice and formulating agendas, in consultation with the Board Chair.

### 6. Financial Disclosure Statements

Board staff are responsible for overseeing and administering the Ethics Law's financial disclosure process, as outlined in Subtitles 3 and 7 of the Ethics Law. Board staff should coordinate as necessary with Baltimore City Information Technology (BCIT), the Department of Human Resources, and other agencies to ensure an efficient, accurate, and timely filing process and to ensure appropriate public access to filed statements as required by Subtitle 7 of the Ethics Law. Board staff should also communicate as necessary with required filers to ensure timely and accurate filings.

### 7. Lobbyist Registration and Activity Reports

Board staff are responsible for overseeing and administering the City's lobbyist registration and reporting process, as outlined in Subtitle 8 of the Ethics Law. Board staff should coordinate as necessary with BCIT to administer and maintain the online lobbyist registration portal and public registration list. Board staff should communicate as necessary with registered lobbyists to ensure the timely filing of required activity reports and should be accessible and responsive to questions from lobbyists and potential lobbyists about the requirements of Subtitle 8 of the Ethics Law.

### 8. Miscellaneous Compliance Oversight

The Ethics Law contains several requirements and processes in addition to those discussed above, including a requirement for conflicts affidavits to be signed by new City officials (Subtitle 3) and a notice of ethics





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requirements to be given to new employees and officials. In addition, the Ethics Board is authorized to waive certain ethics restrictions upon individual application, including for certain governmental/charitable gift solicitations (Board Regulation, Section 06 IV) and certain requests for otherwise prohibited secondary employment (Boarding Regulations, Chapter 06, Part III). Board staff are responsible for overseeing compliance with these requirements and providing matters to the Ethics Board as appropriate for decision.

### 9. Ethics Legislation, Regulations, and Policies

Board staff are responsible for monitoring and reviewing proposed changes to State and local legislation and policies that could impact the Ethics Law and/or its administration. In consultation with the Ethics Board, Board staff are also responsible for suggesting improvements to the Ethics Law, Ethics Regulations, or ethics-related policies and for working with relevant City stakeholders to accomplish the Board's objectives.

### 10. Annual Report

Board staff are responsible for preparing an Annual Report on the Board's activities, as required by Subtitle 3 of the Ethics Law.

### 11. Confidentially, PIA Requests, and Media Requests

The Director is the official custodian of all Ethics Board records and information. Board staff will comply with all confidentiality requirements in the Ethics Law, including the confidentiality requirements pertaining to the ethics complaint process in Subtitle 5 of the Ethics Law. PIA requests for Ethics Board documents should be handled in coordination with the City Solicitor's Office, as necessary. Media requests should be handled by the Director, in consultation with the ED and Ethics Board Chair, as appropriate.

## **SECTION 18 - WHISTLEBLOWER LAW- AUTHORITY AND ORGANIZATION**

### Policy

The OIG's Whistleblower policies rely on and comply with Baltimore City Code, Article 1, Subtitle 8, entitled "Whistleblower Rights and Responsibilities. The City encourages its employees to share their questions, concerns, and complaints with their supervisors. When collaboration and elevating an issue through the chain of command is impractical or fails to resolve the employee's concerns, employees may report the concerns to the OIG. If the supervisor takes retaliatory personnel action against the employee for making a covered disclosure, this policy outlines how to file a whistleblower complaint.

### General Requirements and Means for Making a Complaint to the OIG

1. When making a complaint, the employee must comply with all of the following requirements:
  - A. Act in good faith;
  - B. Make reasonable efforts to verify all information; and
  - C. Must not knowingly report false information or allegations.





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2. This complaint filing can be accomplished through any reasonable means, including:
  - A. The OIG Hotline [1(800)417-0430];
  - B. Email ([OIG@BALTIMORECITY.GOV](mailto:OIG@BALTIMORECITY.GOV));
  - C. Facsimile [(410)837-1033];
  - D. In-person; or
  - E. A Whistleblower Retaliation Complaint Form.
3. Confidentially
  - A. An employee's refusal to provide a name or contact information may result in the OIG's inability to conduct an investigation.
  - B. Employees may request confidentiality when filing their whistleblower retaliation complaints.
  - C. The OIG shall make all reasonable efforts to protect the complainant's identity and will disclose information only to the extent necessary to conduct its investigation and as required by law.

### Other General Duties of the OIG Whistleblower Group

1. Maintain records and statistics - The OIG shall maintain records and statistics regarding whistleblower retaliation complaints received by the OIG and other City agencies and affiliated entities.
  - A. OIG Annual Report - The OIG's Annual Report shall include the following whistleblower-related information:
    - I. Statistical trends and outcomes of whistleblower investigations; and
    - II. Information regarding the training for City employees and supervisors as provided by the City's Department of Human Resources.
2. New Employee Orientation
  - A. The OIG shall create written notice of the City's Whistle Blower Rights and Responsibilities for distribution at all New Employee Orientations and to be posted throughout City facilities.
  - B. The OIG shall assist DHR and the Law Department in developing whistleblower training for all City employees and supervisors.

# **Attachment #3**

**SUBTITLE 3  
ADMINISTRATION**

***PART I. ETHICS BOARD***

**§ 3-1. Establishment.**

There is a Baltimore City Board of Ethics, as established under Article VII, § 106 of the City Charter and this subtitle.

*(Ord. 04-795.)*

**§ 3-2. Appointment and qualifications.**

(a) *Composition.*

The Ethics Board comprises the following 5 members, appointed by the Mayor in accordance with City Charter Article IV, § 6:

- (1) 1 member nominated by the President of the City Council;
- (2) 1 member nominated by the City Comptroller; and
- (3) 3 members named by the Mayor, at least 2 of whom must be members of the Maryland Bar.

(b) *Qualifications.*

(1) Each member of the Ethics Board must be:

- (i) an individual of known personal integrity;
- (ii) someone who possesses a recognized knowledge and interest in government and civics; and
- (iii) a resident of the City of Baltimore.

(2) No person may be appointed to the Board or, once appointed, continue to serve on the Board if the person:

- (i) is or becomes a lobbyist under the State Public Ethics Law, Subtitle 8 of this article, or the ethics code of any political subdivision of this State;
- (ii) is or becomes an officer or employee of the State, the City, or any other political subdivision of the State, or of any of their respective agencies, instrumentalities, or other units (other than a State college, university, or other institution of higher education); or