

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer

Natwar M. Gandhi
Chief Financial Officer



MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: June 25, 2001

SUBJECT: Fiscal Impact Statement: “Office of the Inspector General Independence and Law Enforcement Amendment Act of 2001”

REFERENCE: Draft Legislation – Bill Number Not Available ([B 14-314](#))

Conclusion

Funds are sufficient in the FY 2002 through FY 2005 budget and financial plan because the Office of the Inspector General (OIG) will be required to remain within existing appropriations when implementing the provisions of the proposed legislation.

Background

The proposed legislation is the legislative vehicle to statutorily give independence to the Office of the Inspector General (OIG). The proposed legislation eliminates the authority of the Mayor to allot 60 Excepted Service positions and authorizes OIG to determine the total number of Excepted Service positions.

Provisions of the proposed legislation require that, following the Control year, the removal of the Inspector General requires an official statement by the Mayor indicating the justification for the removal, and passage of a resolution before the Council of the District of Columbia by 2/3 of the present members.

The proposed legislation provides the Inspector General with the authority to appoint and remove employees of OIG. Additionally, the proposed legislation removes the current salary cap for OIG employees. Currently, Excepted Service positions are capped at Level

IV of the Excepted Service Pay Scale. The proposed legislation also removes term limits for OIG employees.

The proposed legislation will require that the Mayor of the District of Columbia be precluded from interfering in any way with OIG operations. In addition, OIG currently receives notification of all external audits conducted by any District government entity except the District of Columbia Auditor, and under the provisions of the proposed legislation OIG will receive notice of all audits.

The proposed legislation gives authority to the Inspector general for independent initiatives with regard to reviews and investigations, plus it gives latitude to make independent conclusions and determinations. The proposed legislation requires the OIG to provide an annual report listing the status of significant findings and recommendations. The report is required to contain recordations of all matters that remain unresolved for over 6 months. Additionally the report is to contain narrative containing the opinions and appropriateness of the findings in the listed matters. The narrative is to also contain listings of final resolutions, risks and recommendations. Provisions of the proposed legislation require that the Mayor resolve findings from any significant OIG audit or inspection, or act on any recommendations, within 6 months from the date of OIG's final report.

Provisions of the proposed legislation recognize the confidentiality of activities and information gathered through OIG and District of Columbia Auditor operations. Provisions of the proposed legislation require compliance with policy and procedures and iterate that there is no statutory requirement to share information.

Currently OIG investigators may make arrests without warrant if there is probable cause to believe that a felony criminal act has been committed in their presence while on official duty. OIG investigators may apply for a warrant for arrest, search and seizure. The proposed legislation will allow an arrest with probable cause on the belief of the commitment of a criminal act or felony even if not committed in the presence of the OIG investigator. This Bill is the legislative vehicle for the approval of limited law enforcement authority for the Office of the Inspector General (OIG). By implementing the proposed legislation the OIG will become independent in its law enforcement mission. The proposed legislation amends Chapter 5 of Title 23 to include an OIG investigator within the definition of "law enforcement officer." For the Inspector General's designee to be considered in this definition a required recordation or statement of authority will need to be filed in OIG.

The proposed legislation provides for criminal penalties for the obstruction of an official OIG investigation.

Financial Plan Impact

Funds are sufficient in the OIG's budget and financial plan to implement the provisions of the proposed legislation. OIG has examined the provisions of the proposed legislation and has planned to incorporate all required components into its mission and operations. OIG has determined that all additional costs required by the proposed legislation will be absorbed by existing appropriations.

Currently criminal fines and fees are retained by the Courts and are not transferred to the District for consideration as local General Fund revenue.