



POLICIES & PROCEDURES (PUBLIC)

BaCo – OIG

(Updated as of March 13, 2024)

GENERAL INFORMATION

Creation and Evolution of the Office

In 2019, the Baltimore County Council passed Bill 5-19, which created the Office of Ethics and Accountability. In 2020, the County Council passed Bill 70-20, which amended the name of the Office of Ethics and Accountability to the Office of the Inspector General (hereafter “the Office”). On October 26, 2021, Baltimore County Executive John Olszewski, Jr. announced the formation of a Blue Ribbon Commission on Ethics and Accountability (BRCEA) to evaluate the Office and aspects of Baltimore County’s laws and policies that govern public ethics and open government. On February 16, 2023, the BRCEA issued its final report, which included a series of recommendations to the County Executive. One of those recommendations was to sever the Office’s role as Executive Director to the Baltimore County Ethics Commission and move that function to the Office of Law. This recommendation was implemented effective July 1, 2023. Thus, prior versions of this document that referenced the Office’s role and responsibilities as the Executive Director to the Ethics Commission have been deleted.

Mission of the Office

The mission of the Office is to provide increased accountability and oversight in the operations of the Baltimore County government (hereafter “the County”) by identifying fraud, abuse, and illegal acts in the County; and ways to promote efficiency, accountability, and integrity in the County. The Office considers waste and misconduct investigations as falling under its mission in that these investigations promote accountability and integrity in the County.

Responsibilities of the Office

The Office has the following responsibilities:

- evaluate, investigate, and inspect the activities, records, and individuals with contracts, procurements, grants, agreements, and other financial or programmatic arrangements undertaken by or on behalf of the County and any other function, activity, process, or operation conducted by the County;
- conduct criminal, civil, and administrative investigations;
- provide information and evidence that relates to criminal acts to appropriate law enforcement officials;
- initiate reviews of operations of the County as deemed appropriate;
- receive and investigate complaints from any source or upon its own initiative concerning alleged abuse, fraud, and service deficiencies including deficiencies in the operation and maintenance of facilities;
- conduct joint investigations and projects with the County Auditor and other oversight or law enforcement agencies;
- issue public reports as set forth in Section 3-14-111 of Title 14 of Article 3 of the County Code;

- establish policies and procedures to guide functions and processes conducted by the Office;
- make recommendations to the County Executive and County Council, which would assist in the promotion of efficiency, accountability, and integrity in the County; and
- do all things necessary to carry out the functions of the Office.

Powers of the Office

The Office has the following powers:

- the right to obtain full and unrestricted access to all records, information, data, reports, plans, projections, matters, contracts, memoranda, correspondence, and any other materials, including electronic data, of the County;
- the authority to administer oaths or affirmations and take testimony relevant to any inquiry or investigation undertaken pursuant to the powers afforded to the Office;
- the right of access to the head of any public entity, when necessary for purposes related to the work of the Office;
- the power to require the County's employees to cooperate with the Office's investigations regarding fraud, waste, corruption, illegal acts, and abuse; and
- the power to issue subpoenas, which may be judicially enforced, to compel compliance with the above-referenced matters if the Office's requests are not satisfied within 90 days.

Organization of the Office

The OIG consists of the following positions:

- the **Inspector General (IG)** who is responsible for the overall management and operations of the Office; establishing policies and procedures; approving proposed policies and procedures from staff; setting investigative priorities; approving the issuance of subpoenas; issuing reports; representing the Office at meetings and events; handling all media inquiries; hiring staff; ensuring staff are given access to proper training and continuing education; conducting performance evaluations for the Deputy Inspector General and Management Analyst; handling record requests made of the Office pursuant to the Maryland Public Information Act; corresponding with attorneys on legal matters; and overseeing all budget-related issued pertaining to the Office.
- the **Deputy Inspector General (DIG)** who works under the IG and oversees all activities related to complaints and investigations including reviewing and responding to all complaints; conducting research; developing sources of information; opening investigations; supervising all investigative activities performed by Assistant Inspector General Investigators; ensuring all investigative activities are accurately and completely documented in the Office's Complaint and Case Management System (CCMS); ensuring all investigations are performed in accordance with the Office's policies and procedures; reviewing and approving all investigative reports; closing

investigations, referring investigations to other agencies; tracking all property assigned to the Office; conducting performance reviews for Assistant Inspector General Investigators; representing the IG at meetings; and providing advice to the IG as needed.

- the **Assistant Inspector General Investigators (AIG Investigators)** who work under the DIG to support the mission of the Office by conducting interviews of complainants and other individuals and performing related research as needed to resolve complaints; providing sufficient oral and written details about complaint-related findings to the DIG so a determination can be made as to the suitability of converting complaints to investigations; preparing investigative plans for assigned cases detailing strategies, interviews to be conducted, records to be obtained, and potential issues that will need to be addressed; conducting audio-recorded interviews of witnesses and subjects of investigations; administering Garrity warnings when appropriate; analyzing accounting and financial records, operational data, electronic files, phone records, and public source documents for inculpatory and exculpatory evidence; reviewing policies, procedures, statutes, and other legal filings as needed to support the facts and circumstances of investigations; drafting reports and related exhibits for review by the DIG summarizing investigative findings and when appropriate, recommending ways to improve processes and/or procedures; and ensuring investigations are conducted according to professional standards issued by the IG and the Association of Inspectors General.
- the **Management Analyst (MA)** who works under the IG and is responsible for supporting the work of the IG, the DIG, and the AIG Investigators by performing research; organizing and analyzing records and data; preparing tables, charts, and other infographics in support of reports; answering the Office hotline; responding to messages; copying and scanning records; ordering supplies; making edits and posting updates to the Office's website; and conducting any other task in support of the Office and its mission.

Professional Standards

All personnel assigned to the Office must:

- maintain the highest standards of conduct and professionalism when interacting with the public;
- remain objective when carrying out their official duties;
- avoid incurring any obligation or association which causes even the appearance of bias, favoritism, or conflict of interest;
- notify the IG as soon as reasonably possible if any personal view, relationship, or situation exists that could affect impartiality in the performance of duties;
- follow the instructions of supervisors and other management officials in their line of authority as well as written directives;

- obey all local, state, and federal laws, to include payment of taxes and other financial obligations;
- cooperate to the fullest extent permitted by law with other law enforcement agencies; and
- put forth honest effort and due diligence in the performance of their duties.

Investigative Standards

The Association of Inspectors General's Quality Standards for Offices of Inspector General are hereby adopted by the Office for investigations to the extent that they do not conflict with any other policy of the Office.

Non-Disclosure Agreements

All personnel assigned to the Office must sign a non-disclosure agreement certifying that during and after their employment with the Office, they are not to share, discuss, or reveal in any manner any Confidential Information with anyone outside of the Office. Confidential Information is defined as all information and materials provided to the employee regarding the Office's investigative, operational, and procedural matters.

In addition, all personnel assigned to the Office must sign a confidentiality agreement as it relates to their access to Human Resource information pertaining to County employees. All personnel must acknowledge that such personal and confidential information, which may include such sensitive data as dates of birth, social security numbers, and medical records, must remain confidential and not be disclosed to unauthorized parties. This includes protecting the physical security of such data.

Policy on Sexual Harassment and Discrimination

The Office has a zero-tolerance policy with regard to sexual harassment and discrimination of any type, to include discrimination based on race, sex, age, gender, or sexual orientation.

COMPLAINTS

Intake of Complaints

It is the policy of the Office to receive and address complaints that fall within the mission of the Office. Complaints may be received by the Office through the following methods:

- direct receipt by any member of the Office;
- through a Complaint Form submitted via the Office's website;
- via email or phone call directed to the Office;
- traditional mail directed to the Office; or
- walk-ins

To the extent possible, all legitimate complaints received by the Office via the tip line, email, or traditional mail should be responded to in a reasonable amount of time. All complainants will be treated in a courteous and professional manner. Employees of the County should be reassured, when needed, that they can communicate with the Office without fear of reprisal. Every effort will be made to protect the identities of any employees who are complainants or witnesses in an investigation unless such employees affirmatively state that anonymity is not desired, disclosure is required under the law, or disclosure is unavoidable to further an investigation.

Impairment Check

It is imperative that the IG and their staff be free from personal or external impairments when performing or supervising any aspect of the Office's operational work. When a complaint is received by the Office, the employee responsible for processing the complaint should notify the IG as soon as practicable if they believe they have a conflict that could impair, or have the appearance of impairing, their judgment in handling the complaint. Should this occur, the IG will reassign the complaint to another employee and take measures to ensure the conflicted employee has no further involvement in the complaint. Similar steps will be taken should a complaint be converted to an investigation as further discussed in the Investigations section of this manual.

Management of Complaints

During the vetting of a complaint, the Office may utilize the same investigative techniques as it would during an investigation with the exception of the issuance of subpoenas and the review of employee emails. All investigative steps taken by the Office during the vetting of a complaint should be documented. This documentation should be in the form of either **Investigative Activity Reports**, which are discussed in more detail in the Investigations section of this manual, or when appropriate, email communications. The recording of interviews of complainants will be done at the discretion of the IG or their designee with the consent of the complainants.

If during the vetting of a complaint it is concluded that there is insufficient evidence or justification to warrant the opening of a full investigation, the complaint will be deemed resolved and will be classified as having been **Administratively Closed**.

Any complaints received by the Office that do not fall within its mission should be referred out as follows:

- Routine matters that pertain to a particular agency of the County should be referred directly to that agency via email communication. Such referrals are called **Agency Referrals**
- All other routine matters should be referred to the appropriate state agency, federal agency, or non-governmental organization via email communication if feasible. Such referrals are called **External Referrals**.

- Matters that are referred to both an agency of the County and an entity outside of the County are called **Dual Referrals**.
- Non-routine matters of significance that pertain to an employee of the County, such as those involving security-related issues, should be referred directly to the County's executive management in a memorandum. Such referrals are called **Executive Management Referrals**, which are further discussed in the Reports and Referrals section of this manual.

The Office does not investigate allegations of discrimination or retaliation. Any allegations of discrimination are to be referred to the County's Human Relations Commission and any allegations of retaliation are to be referred to the County's Office of Human Resources.

INVESTIGATIONS

Opening of Investigations

The DIG, in consultation with the IG, determines which complaints received by the Office will result in opened investigations. As noted in the Office's responsibilities section of this manual, the Office may also self-initiate a review of the operations of the County as deemed appropriate, and such reviews could also lead to the opening of investigations. Prior to the opening of any investigation, the DIG will consider the motivation of the complainant, the credibility of the complainant, the facts and circumstances of the complaint, the potential for obtaining corroborating evidence, the IG's investigative priorities, the availability of resources, the potential financial risk to the County, the existence of any security or safety-related issues, and the potential benefit(s) to the public.

New investigations will be assigned a five-digit case number (xx-xxx) with the first two digits representing the fiscal year and the last three digits being assigned sequentially throughout the fiscal year. For example, the 5th investigation opened for fiscal year 2022 would be case number 22-005.

Investigative Plans

An **Investigative Plan** should be completed at the outset of each opened investigation by the Investigator. The Investigative Plan should be reviewed and approved by the DIG and the IG.

Management of Investigations

All investigative steps should be documented during the course of an investigation. As with complaints, this documentation should be in the form of Investigative Activity Reports. All Investigative Activity Reports should be reviewed and approved by the IG or their designee and then uploaded into CCMS. When appropriate, email communications may serve as sufficient documentation. For example, email communications among Investigators, requests for records

sent via email, and the receipt of records via email, do not need to be redocumented on an Investigative Activity Report as the email alone is adequate documentation. However, the following investigative techniques should always be documented on an Investigative Activity Report:

- interviews
- surveillances
- photographs/videos taken
- subpoena-related activities
- reviews/analyses of records

The best practice and procedure for the Office is to have direct, read-only access to any and all records of the County. If direct access is not feasible, all record requests will be made in writing and submitted directly to the County employee who is most likely to respond to the request in a timely manner, while also protecting the integrity of the investigation and the independence of the Office. When appropriate, the following language should be included in record requests:

Because all OIG matters are deemed sensitive, it is requested that the content of this communication not be shared with anyone other than the individual(s) needed to gather the records.

Any record requests or transmissions by the Office that contain personally identifiable information (PII) should be encrypted.

All records obtained during the course of investigations should be securely maintained under the custody and control of the Office.

All subpoenas should be reviewed and approved by the IG prior to being issued. Subpoenas should be documented on the Office's Subpoena Log and copies should be maintained in the respective case files in CCMS.

Any Grand Jury materials obtained by the Office should be clearly marked "GRAND JURY MATERIAL" and secured within the Office. Access to such materials must be limited to only those individuals specifically authorized by the court.

As a general rule, interviews of witnesses and subjects of investigations are to be recorded. Such recordings are only to take place with the consent of the interviewee, as is required under Maryland law. All in-person and phone interviews should be recorded using a handheld recorder. All interviews conducted using Webex or other video conferencing systems should be recorded, if feasible, using those system's record functions. All recorded interviews should be downloaded and saved to CCMS as soon as practicable along with the original notes taken by the Investigator(s).

The Office's standardized Interview Preamble form should be utilized by Office personnel at the outset of each interview. The form ensures that the particulars of the interview, such as the date,

time, location, and individuals present, are captured on the recording. The form also ensures that the interviewee is told, on the record, in what capacity they are being interviewed (i.e., as a witness or a subject) and the purpose of the interview (i.e., pursuant to a complaint or an investigation). The form also serves as a reminder to the interviewer to provide the interviewee with background on the Office and its mission if appropriate.

For recorded interviews, the Investigator should use the Investigative Activity Report to merely document the pertinent points covered during the interview as the recording itself represents the most accurate depiction of what took place during the interview. The Investigator should include the following standard language at the end of the Report:

*This report is intended to only be a summary of what took place during the interview.
For a full account of the interview, please refer to the original recording.*

There may be instances where the IG or their designee determines that the recording of a witness interview is not required or feasible or where the interviewee refuses to allow the Office to record the interview. In such instances, the Investigator will prepare a more detailed Investigative Activity Report documenting what transpired during the interview, to include the reason the interview was not recorded.

Any employee of the County who is the subject of an investigation where no criminal prosecution is anticipated, but the employee is refusing to cooperate with the Office, should be given *Kalkines* warnings prior to their interview. Such warnings advise the employee of their duty to cooperate with the Office as a condition of their employment, and that a failure to cooperate could result in disciplinary action, which may include termination. They also advise the employee that neither the information they provide during the interview, nor the fruits of that information, may be used against them in any criminal proceeding but may be used in a civil or administrative proceeding.

Any employee of the County who is the subject of an investigation that could result in criminal charges should be given *Garrity* warnings prior to their interview. Such warnings advise the employee that while they are required to cooperate with the Office as a condition of their employment, they are not required to answer questions if they believe the answers to those questions could be incriminating. They also advise the employee that their refusal to answer questions on the grounds that their answers may be incriminating will not alone subject the employee to disciplinary action.

Unless otherwise indicated by the IG, all interviews of the County Executive, members of the County Executive's staff, the County Attorney, members of County Council, directors, and agency heads, shall involve the DIG or the IG.

If requested by an interviewee, an attorney or union representative shall be permitted to accompany the interviewee to the interview so long as the attorney or union representative does not impede the interview.

Because the Office does not have law enforcement powers, any investigation that involves possible criminal conduct should be referred as soon as practicable to the appropriate local, state, or federal

law enforcement agency. When appropriate, the Office may work joint investigations with law enforcement agencies.

When a matter is referred to the Office of the State’s Attorney for possible criminal prosecution, the IG will provide the affected individual or entity with a copy of the report or recommendations, and such person or entity will have 10 working days to submit a written explanation or rebuttal of the findings before the matter is referred. The IG will attach this written explanation or rebuttal to the Office’s report or recommendations submitted to the Office of the State’s Attorney. The aforementioned policy need not be followed if doing so would jeopardize a pending criminal investigation.

Closing of Investigations

The Office will close an investigation when all logical and reasonable leads have been followed; all relevant issues have been resolved; all criminal, civil, or administrative actions have been completed; or circumstances beyond the Office’s control preclude further progress.

Post-Investigation Activities

If an investigation concluded that an employee had misused their County email account or the County computer system, the Office may, at a later date, review the employee’s email account or their computer usage to determine if the misuse continued beyond the investigation.

REPORTS & REFERRALS

Reports to the Public

The Office shall issue two types of public reports as follows:

- **Annual Reports** summarizing the Office’s accomplishments for each fiscal year to be distributed to the County Executive and the Secretary of the County Council and published on the OIG’s website within 60 days of the end of the fiscal year.
- **Investigative Reports** summarizing the results of substantiated investigations. The IG may also publish the results of investigations that were deemed unsubstantiated or unresolved if the IG determines it is in the best interest of the public. The standard used by the Office when determining if an allegation has been substantiated is the preponderance of evidence standard (i.e., is it more likely than not that the evidence proves the allegation). In the conclusion section of all Investigative Reports, a statement should be made as to whether the matters under investigation were substantiated, unsubstantiated, or unresolved. The Office defines those terms as follows:
 - **Substantiated** – sufficient evidence existed to justify a reasonable conclusion that:

- the alleged action(s) occurred and it resulted in one or more violations of law, policy, rule, or a contract;
 - the matter under investigation caused inefficiencies within the County that resulted in waste;
 - there was a failure to hold accountable one or more of the County's officials for actions that were detrimental to the County or its citizenry; or
 - the integrity of the County was negatively impacted by a particular action or series of actions on the part of one or more of the County's officials.
- **Unsubstantiated** – there is insufficient evidence to justify a reasonable conclusion that any of the four bullet points listed above occurred.
- **Unresolved** – there is neither sufficient or insufficient evidence to justify a reasonable conclusion that any of the four bullet points listed above occurred. In other words, the result of the investigation was inconclusive, and it is believed that the cost associated with continuing the investigation will outweigh the likelihood that additional evidence will be uncovered.

Investigative Reports are to be distributed to the County Administrative Officer, County Executive, Chief of Staff, County Attorney, County Council, and when appropriate, agency heads whose departments are impacted by the reports. Investigative Reports are to be published on the OIG's website.

All Investigative Reports shall have the following reference line in the report:

- OIG Investigative Report - Case XX-XXX

If multiple Investigative Reports are issued under the same case number, the reference line shall incorporate a sequential numbering system as follows:

- OIG Investigative Report - Case XX-XXX-1
- OIG Investigative Report - Case XX-XXX-2
- OIG Investigative Report - Case XX-XXX-3

All Investigative Reports are to be understandable, concise yet complete, well-organized, and supported by competent information in the investigative file. All reports should be objective, opinions should be avoided, and findings should be based on the evidence.

All Investigative Reports shall be distributed in a timely manner at the conclusion of investigations, unless the IG determines that issuing a report could jeopardize other pending investigations.

For Investigative Reports, the IG shall request a written response from the County's Administration within 30 days of the date of the report. The 30-day deadline may be extended at the discretion of the IG upon a finding of good cause. These responses shall be distributed along with the Investigative Reports to the general public.

The IG has sole discretion on publishing employee names, titles, and positions in the Office's reports as long as publishing such information conforms to applicable privacy and freedom of information restrictions, to include the Maryland Public Information Act (MPIA). All reports issued by the Office and related records are subject to the MPIA.

Internal Memorandums to Executive Management

At the IG's discretion, certain complaints or investigations may result in referrals to the County's executive management in the form of memorandums called **Executive Management Referrals**. The case or complaint associated with the Executive Management Referral should be referenced in the "Re:" line as "Case XX-XXX" or "Complaint XX-XXX." Such referrals will not be posted to the Office's website or sent to any media outlets. Copies of the Executive Management Referrals will be provided to County Council and other law enforcement or regulatory agencies when deemed appropriate by the IG. Executive Management Referrals will be referenced in the Annual Reports as part of the Office's statistical accomplishments and general summaries will be provided. Like Investigative Reports, all Executive Management Referrals and related records are subject to MPIA. The criteria used by the IG in determining whether a matter should be treated as an Executive Management Referral are as follows:

- The severity of the conduct under investigation
- The degree with which the conduct has had a fiscal impact on the County
- The weighing of the public's right to be made aware of the conduct against the effect the public disclosure may have on the County or the specific individual(s) involved

OTHER MATTERS

Inquiries for Information

As a general policy, all requests for investigative information from outside parties, to include media requests and requests made pursuant to the MPIA, will be routed to the IG. All other personnel must not disclose investigative information or other business related to the Office to anyone outside of the Office unless given express permission by the IG. All recordings of interviews and Investigative Activity Reports are the property of the Office and under no circumstances should they be released outside of the Office unless first authorized by the IG.

Subpoenas Served on the Office

Any subpoena served on the Office will be immediately brought to the attention of the IG and the Office's legal counsel if deemed necessary. All responsive materials must be reviewed by the IG or the Office's legal counsel prior to being turned over to the issuing agency.

Attempts to Influence the Office or Impede its Mission

Any attempt by an employee of the County to intimidate complainants, witnesses, or members of the Office, or to otherwise hinder or obstruct an investigation, will be treated as misconduct and investigated accordingly. When appropriate, such conduct will be referred by the Office to the appropriate law enforcement agency.

Allegations Made Against the IG or Other Employees of the Office

All allegations of misconduct against the IG shall be brought to the attention of the DIG immediately. The DIG shall then immediately notify the County Attorney, who will provide direction to the DIG as to whom, if anyone, will investigate the allegation(s).

All allegations of misconduct or other wrongdoing against the DIG shall be brought to the attention of the IG immediately. The IG shall then immediately notify the County Attorney, who will provide direction to the IG as to whom, if anyone, will investigate the allegation(s).

All allegations of misconduct or other wrongdoing against any other employee of the Office shall be reviewed by the IG, who will determine whether or not to investigate the allegation(s).

Third Party Reviews

The Office's investigations shall be subject to quality assurance reviews by an appropriate professional, non-partisan, objective group every three to five years. A copy of the report resulting from this review shall be furnished to the County Executive and the County Council, and shall be made available to the public.

The Office participates in the Association of Inspectors General Peer Review program. This program provides assurance to the Office's stakeholders and the public that the Office is following its established policies and procedures as well as the applicable standards established by the Association of Inspectors General for its members.

Certifications and Training

Within 18 months of joining the Office, the following certifications shall be obtained from the Association of Inspectors General for the listed positions:

- IG – Certified Inspector General
- DIG – Certified Inspector General
- AIG Investigators – Certified Inspector General Investigator

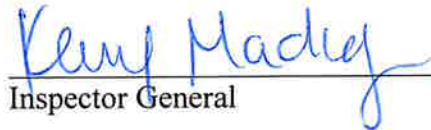
Every two years, the IG, DIG, and the investigative staff shall complete 40 hours of continuing professional education (CPE) training, which directly enhances their professional proficiency. Of the 40 hours, 12 of those hours must be in subjects directly related to the employee's area of responsibility or the government environment.

All Office staff shall comply with the County's required training for its employees, including all computer security-related training.

All Office staff should document their respective training on the Office's Training Log, which notes the following information: the date(s) of the training, the name of the training, the location of the training, whether CPE credits were earned, and whether the CPE credits earned were in the employee's area of responsibility.

Use of Outside Counsel

The Office has been approved to use an outside law firm to handle legal issues pertaining to the Office's work when the County's Office of Law is unable to assist due to a conflict of interest. When such an issue arises, the IG should send an **OIG Independent Counsel Request Form** to the County Attorney summarizing the reason(s) for the request. A signed copy of the Request Form should be maintained by the Office in its electronic files.


Inspector General


Date Adopted