

**GOVERNMENT OF THE DISTRICT OF
COLUMBIA**
Office of the Inspector General

Inspector General



February 24, 2023

The Honorable Muriel Bowser
Mayor of the District of Columbia
District of Columbia
The John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 316
Washington, D.C. 20004

Kevin Donahue
City Administrator
Office of the City Administrator
The John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 521
Washington, D.C. 20004

Re: Management Implication Report (MIR)¹ – District Agencies Reporting Requirements of Criminal Violations and Administrative Inquiries into Potential Criminal Violations

Dear Mayor Bowser and City Administrator Donahue:

As you are aware, the Office of the Inspector General (OIG) independently conducts investigations relating to the programs and operations of District government departments and agencies, including independent agencies.² Further, the OIG is required to expeditiously report to the United States Attorney's Office (USAO) whenever there is reasonable grounds to believe that there has been a violation of federal or District criminal law.³ Based on the OIG's statutory authority to conduct criminal investigations of felony violations and the requirement to report credible criminal violations to the USAO, the OIG is the appropriate authority for District employees to report suspected criminal conduct.

The OIG is issuing this MIR to advise you that there have been several instances where District agencies have failed to report conduct to the OIG that could constitute criminal violations and instead initiated an administrative inquiry into a matter that involves potential criminal wrongdoing.

¹ The OIG issues MIRs on matters of priority concern that affect multiple District agencies.

² D.C. Code § 1-301.115a (a-1)(1) (Lexis current through Feb. 7, 2023).

³ *Id.* § 1-301.115a(f).

Investigations to support a criminal prosecution require the expertise of properly trained and duly authorized criminal investigators. Therefore, when evidence of criminal misconduct within the OIG's purview is discovered, District agencies must coordinate with the OIG before an administrative inquiry proceeds. Unless properly coordinated, administrative inquiries of such matters may jeopardize effective prosecution of criminal misconduct. If agencies are uncertain whether the matter may be criminal in nature, the best course of action is to contact the OIG for proper guidance on how to avoid potentially jeopardizing a criminal investigation when considering whether to conduct an internal administrative inquiry.

To avoid jeopardizing a potential criminal investigation, District agencies should implement the following procedures:

1. Upon discovery of possible criminal activity, immediately report the information and any action(s) taken to the OIG at 202-727-2540.
2. If an administrative investigation is being conducted, suspend the inquiry so that any additional activities do not interfere with a potential OIG criminal investigation, to include refraining from conducting any additional interviews or discussing related matters with witnesses or the subject(s) until directed to resume the inquiry by the OIG.
3. In suspending their activities, District agencies shall take special care to avoid alerting witnesses, subjects, or others that information suggesting criminal activity has been discovered.

If you have any questions, please call Meredith Helm, Assistant Inspector General for Investigation, at 202-322-4679 or meredith.helm@dc.gov.

Thank you in advance for your attention to these matters and your continued support of good governance in the District of Columbia government.

Sincerely,



Daniel W.
Lucas Inspector
General

DWL/mnw

cc: District of Columbia Agency Heads