

D.C. Code § 1-301.115a

District of Columbia Official Code
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*** Current through laws in effect as of February 25, 2015 and through D.C. Act 20-422.

Division I. Government of District.
Title 1. Government Organization.
Chapter 3. Specified Governmental Authority.
Subchapter I. Additional Governmental Powers and Responsibilities.
Part F-i. Office of the Inspector General.

D.C. Code § **1-301.115a** (2015)

§ 1-301.115a. Creation and duties of Office of the Inspector General.

(a) (1) (A) There is created within the executive branch of the government of the District of Columbia the Office of the Inspector General. The Office shall be headed by an Inspector General appointed pursuant to subparagraph (B) of this subsection, who shall serve for a term of 6 years and shall be subject to removal only for cause by the Mayor (with the approval of the District of Columbia Financial Responsibility and Management Assistance Authority in a control year) or (in the case of a control year) by the Authority. The Inspector General shall not serve in a hold-over capacity upon the expiration of his or her term.

(A-i) (i) If a vacancy in the position of Inspector General occurs as a consequence of resignation, disability, death, or a reason other than the expiration of the term of the Inspector General, the Mayor shall appoint a replacement to fill the unexpired term in the same manner provided in subparagraph (C) of this paragraph; provided, that the Mayor shall submit the nomination to the Council within 30 days after the occurrence of the vacancy. A person appointed to fill the unexpired term shall serve only for the remainder of the term.

(ii) If a vacancy occurs, no person shall serve on an acting basis as the Inspector General unless the person meets the requirements of subparagraph (D-i) of this paragraph.

(A-ii) The Inspector General first appointed by the Mayor by and with the advice and consent of the Council, on or after November 4, 2003, shall serve until May 19, 2008. Each Inspector General appointed to fill the position after May 19, 2008 shall serve a 6-year term to end May 19, 2014 and every 6 years thereafter.

(B) During a control year, the Inspector General shall be appointed by the Mayor as follows:

(i) Prior to the appointment of the Inspector General, the Authority may submit recommendations for the appointment to the Mayor.

(ii) In consultation with the Authority and the Council, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

(iii) After the expiration of the 7-day period which begins on the date the Mayor

notifies the Council of the nomination under sub-subparagraph (ii) of this subparagraph, the Mayor shall notify the Authority of the nomination.

(iv) The nomination shall be effective subject to approval by a majority vote of the Authority.

(C) During a year which is not a control year, the Inspector General shall be appointed by the Mayor with the advice and consent of the Council. Prior to appointment, the Authority may submit recommendations for the appointment.

(D) The Inspector General shall be appointed:

(i) Without regard to party affiliation;

(ii) On the basis of integrity;

(iii) With a minimum of 7 years of supervisory and management experience; and

(iv) With a minimum of 7 years demonstrated experience and ability, in the aggregate, in law, accounting, auditing, financial management analysis, public administration, or investigations.

(D-i) (i) The Inspector General shall be:

(I) A graduate of an accredited law school and a member in good standing of the bar of the District of Columbia for at least 7 years immediately preceding his or her appointment, and shall have 7 years experience in the practice of law;

(II) Licensed as a certified public accountant in the District of Columbia under Chapter I-B of Title 47 of the District of Columbia Official Code for at least 7 years immediately preceding his or her appointment and shall have 7 years experience, in the aggregate, in the practice of accounting, tax consulting, or financial consulting; or

(III) The holder of a certified public accountant certificate from the District of Columbia Board of Accountancy and a member of the Greater Washington Society of Certified Public Accountants, and shall have 7 years experience in the practice of public accounting.

(ii) Sub-subparagraph (i) of this subparagraph shall apply as of June 1, 2003 and, notwithstanding any other provision of this section or other law, a person who holds the position of Inspector General and who does not meet the requirements of sub-subparagraph (i) of this subparagraph on June 1, 2003 shall not continue to hold the position and the position shall be vacant.

(E) (i) The Inspector General shall be paid at a rate established by the Mayor, subject to Council approval by resolution.

(ii) On or after March 14, 2007, the Mayor may re-determine the compensation of the incumbent Inspector General retroactive to the date of his appointment.

(2) The annual budget for the Office shall be adopted as follows:

(A) The Inspector General shall prepare and submit to the Mayor, for inclusion in the

annual budget of the District of Columbia under part D of title IV of the District of Columbia Home Rule Act [§ 1-204.41 et seq.], for the year, annual estimates of the expenditures and appropriations necessary for the operation of the Office for the year. All such estimates shall be forwarded by the Mayor to the Council of the District of Columbia for its action pursuant to §§ 1-204.46 and 1-206.03(c), without revision but subject to recommendations. Notwithstanding any other provision of such Act, the Council may comment or make recommendations concerning such estimates, but shall have no authority to revise such estimates.

(B) Amounts appropriated for the Inspector General shall be available solely for the operation of the Office, and shall be paid to the Inspector General by the Mayor (acting through the Chief Financial Officer of the District of Columbia) in such installments and at such times as the Inspector General requires.

(3) The Inspector General shall:

(A) Conduct independent fiscal and management audits of District government operations;

(B) Receive notification in advance of all external audits conducted by any District government entity, with the exception of the District of Columbia Auditor, and immediately provided with a copy of any final report issued;

(C) Serve as principal liaison between the District government and the U.S. General Accounting Office;

(D) Independently conduct audits, inspections, assignments, and investigations as the Mayor shall request, and any other audits, inspections and investigations that are necessary or desirable in the Inspector General's judgment;

(E) Annually conduct an operational audit of all procurement activities carried out pursuant to this chapter in accordance with regulations and guidelines prescribed by the Mayor and issued in accordance with § 2-302.05 [repealed];

(F) (i) Forward to the appropriate authority any report, as a result of any audit, inspection or investigation conducted by the office, identifying misconduct or unethical behavior; and

(ii) Forward to the Mayor, within a reasonable time of reporting evidence of criminal wrongdoing to the Office of the U.S. Attorney or other law enforcement office, any report regarding the evidence, if appropriate;

(G) Pursuant to a contract described in paragraph (4) of this subsection, provide certifications under § 47-3401.01(b)(5);

(H) Pursuant to a contract described in paragraph (4) of this subsection, audit the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under § 1-204.48(a)(4);

(I) Not later than 30 days before the beginning of each fiscal year (beginning with fiscal year 1996) and in consultation with the Mayor, the Council, and the Authority, establish an annual plan for audits to be conducted under this paragraph during the fiscal year under which the Inspector General shall report only those variances which are in an

amount equal to or greater than \$ 1,000,000 or 1% of the applicable annual budget for the program in which the variance is found (whichever is lesser); and

(J) During fiscal year 2006 and each succeeding fiscal year, conduct investigations to determine the accuracy of certifications made to the Chief Financial Officer of the District of Columbia under § 1-204.24d(28) of attorneys in special education cases brought under the Individuals with Disabilities Education Act in the District of Columbia.

(4) The Inspector General shall enter into a contract with an auditor who is not an officer or employee of the Office to:

(A) Audit the financial statement and report described in paragraph (3)(H) of this subsection for a fiscal year, except that the financial statement and report may not be audited by the same auditor (or an auditor employed by or affiliated with the same auditor, except as may be provided in paragraph (5)) for more than 5 consecutive fiscal years; and

(B) Audit the certification described in paragraph (3)(G) of this subsection.

(5) Notwithstanding paragraph (4)(A) of this subsection, an auditor who is a subcontractor to the auditor who audited the financial statement and report described in paragraph (3)(H) of this subsection for a fiscal year may audit the financial statement and report for any succeeding fiscal year (as either the prime auditor or as a subcontractor to another auditor) if:

(A) Such subcontractor is not a signatory to the statement and report for the previous fiscal year;

(B) The prime auditor reviewed and approved the work of the subcontractor on the statement and report for the previous fiscal year; and

(C) The subcontractor is not an employee of the prime contractor or of an entity owned, managed, or controlled by the prime contractor.

(a-1) It is the purpose of the Office of the Inspector General to independently:

(1) Conduct and supervise audits, inspections and investigations relating to the programs and operations of District government departments and agencies, including independent agencies;

(2) Provide leadership and coordinate and recommend policies for activities designed to promote economy, efficiency, and effectiveness and to prevent and detect corruption, mismanagement, waste, fraud, and abuse in District government programs and operations; and

(3) Provide a means for keeping the Mayor, Council, and District government department and agency heads fully and currently informed about problems and deficiencies relating to the administration of these programs and operations and the necessity for and progress of corrective actions.

(b) (1) In determining the procedures to be followed and the extent of the examinations of invoices, documents, and records, the Inspector General shall give due regard to the provisions of this chapter and shall comply with standards established by the U.S. Comptroller General for audits of federal establishments, organizations, programs, activities

and functions, and shall comply with standards established by the President's Council on Integrity and Ethics for investigations and inspections, and generally accepted procurement principles, practices, and procedures, including federal and District case law, decisions of the U.S. Comptroller General, and decisions of federal contract appeals boards.

(2) The Inspector General shall give due regard to the activities of the District of Columbia Auditor with a view toward avoiding duplication and insuring effective coordination and cooperation. The Inspector General shall take appropriate steps to assure that work performed by auditors, inspectors and investigators within or for the Office of the Inspector General shall comply with the standards and procedures determined through the application of this subsection.

(b-1) The Inspector General shall not disclose the identity of any person who brings a complaint or provides information to the Inspector General, without the person's consent, unless the Inspector General determines that disclosure is unavoidable or necessary to further the ends of an investigation.

(c) (1) 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.

(2) (A) The Inspector General may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Inspector General.

(B) If a person refuses to obey a subpoena issued under subparagraph (A) of this paragraph, the Inspector General may apply to the Superior Court of the District of Columbia for an order requiring that person to appear before the Inspector General to give testimony, produce evidence, or both, relating to the matter under investigation. Any failure to obey the order of the court may be punished by the Superior Court as civil contempt.

(3) The Inspector General is authorized to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to perform the Inspector General's duties. The Inspector General is authorized to delegate the power to administer to or take from any person an oath, affirmation, or affidavit, when he or she deems it appropriate.

(d) (1) The Inspector General shall compile for submission to the Authority (or, with respect to a fiscal year which is not a control year, the Mayor and the Council), at least once every fiscal year, a report setting forth the scope of the Inspector General's operational audit, and a summary of all findings and determinations made as a result of the findings.

(2) Included in the report shall be any comments and information necessary to keep the Authority, the Mayor and the Council informed of the adequacy and effectiveness of procurement operations, the integrity of the procurement process, and adherence to the provisions of this chapter.

(3) The report shall contain any recommendations deemed advisable by the Inspector General for improvements to procurement operations and compliance with the provisions of this chapter.

(4) The Inspector General shall make each report submitted under this subsection available to the public, except to the extent that the report contains information determined by the Inspector General to be privileged.

(e) The Inspector General may undertake reviews and investigations, and make determinations or render opinions as requested by the Authority. Any reports generated as a result of the requests shall be automatically transmitted to the Council within 10 days of publication.

(e-1) The Inspector General may conduct an annual inspection and independent fiscal and management audit of the District of Columbia Housing Authority, beginning the first fiscal year of the Authority. In addition, the Inspector General may undertake reviews and investigations of the District of Columbia Housing Authority, and make determinations or render opinions, as requested by the Council.

(f) In carrying out the duties and responsibilities established under this section, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal or District criminal law.

(f-1) An employee of the Office of the Inspector General who, as part of his or her official duties, conducts investigations of alleged felony violations, shall possess the following authority while engaged in the performance of official duties:

(1) To carry a firearm within the District of Columbia or a District government facility located outside of the District, provided that the employee has completed a course of training in the safe handling of firearms and the use of deadly force, and is qualified to use a firearm according to the standards applicable to officers of the Metropolitan Police Department. The employee may not carry a firearm in the course of official duties unless designated by the Inspector General in writing as having the authority to carry a firearm. The Inspector General shall issue written guidelines pertaining to the authority to carry firearms, the appropriate use of firearms, firearms issuance and security, and the use of force;

(2) To make an arrest without a warrant if the employee has probable cause to believe that a felony violation of a federal or District of Columbia statute is being committed in his or her presence, provided that the arrest is made while the employee is engaged in the performance of his or her official duties within the District of Columbia or a District government facility located outside of the District; and

(3) To serve as an affiant for, to apply to an appropriate judicial officer for, and execute a warrant for the search of premises or the seizure of evidence if the warrant is issued under authority of the District of Columbia or of the United States upon probable cause.

(f-2) The Inspector General shall prepare an annual report not later than December 1st of each year, summarizing the activities of the Office of the Inspector General during the preceding fiscal year.

(f-3) Failure on the part of any District government employee or contractor 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 or procurement authority, and shall be grounds for adverse actions as

administered by the personnel or procurement authority, including the loss of employment or the termination of an existing contractual relationship.

(f-4) Anyone who has the authority to take or direct others to take, recommend, or approve any personnel action, shall not, with respect to this authority, take or threaten to take any action against another as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(f-5) A peer review of the Office of the Inspector General's audit, inspection and investigation sections' standards, policies, procedures, operations, and quality controls shall be performed no less than once every 3 years by an entity not affiliated with the Office of the Inspector General. Any final report shall be distributed to the Mayor, the Council and the Financial Responsibility and Management Assistance Authority.

(g) In this section:

(1) The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established under § 47-391.01(a);

(2) The term "control year" has the meaning given such term under § 47-393(4); and

(3) The term "District government" has the meaning given such term under § 47-393(5).

HISTORY: (Feb. 21, 1986, D.C. Law 6-85, § 208, 32 DCR 7396; Mar. 16, 1989, D.C. Law 7-201, § 5, 36 DCR 248; Apr. 17, 1995, 109 Stat. 148-151, Pub. L. 104-8, § 303(a)-(d); Apr. 9, 1997, D.C. Law 11-255, § 5, 44 DCR 1271; Aug. 5, 1997, 111 Stat. 777, Pub. L. 105-33, § 11601(b)(3); Oct. 21, 1998, 112 Stat. 2681-148, Pub. L. 105-277, § 160; Mar. 26, 1999, D.C. Law 12-190, § 2, 45 DCR 7814; April 5, 2000, D.C. Law 13-71, § 2, 46 DCR 10403; May 9, 2000, D.C. Law 13-105, § 29(a), 47 DCR 1325; Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-552, § 164(a); June 19, 2001, D.C. Law 13-313, § 4(b), 48 DCR 1873; July 30, 2003, D.C. Law 15-26, § 2, 50 DCR 4651; Dec. 7, 2004, D.C. Law 15-212, § 2(a), 51 DCR 8820; Oct. 16, 2006, 120 Stat. 2043, Pub. L. 109-356, § 308(b); Mar. 14, 2007, D.C. Law 16-267, § 2, 54 DCR 831.)

NOTES:

Prior Codifications. --

2001 Ed., § 2-302.08

1981 Ed., § 1-1182.8.

Effect of amendments. --

Public Law 106-522, § 164(a), in subpar. (a)(4)(A), inserted ", except as may be provided in paragraph (5)"; and added par. (a)(5).

Section 164(b) of Public Law 106-522 provided: "The amendment made by subsection (a) shall apply with respect to financial statements and reports for activities of the District of Columbia Government for fiscal years beginning with fiscal year 2001."

D.C. Law 13-71 inserted subsec. (a-1); in par. (a)(3), rewrote subpars. (B), (D), and (F), which previously read:

"(B) Act as liaison representative for the Mayor for all external audits of the District government;"

"(D) Conduct other special audits, assignments, and investigations the Mayor shall assign;"

"(F) Forward to the Mayor and the appropriate authority any evidence of criminal wrongdoing, that is discovered as a result of any investigation or audit conducted by the office;"

rewrote subsec. (b), which previously read:

"In determining the procedures to be followed and the extent of the examinations of invoices, documents, and records, the Inspector General shall give due regard to the provisions of this chapter, as well as generally accepted accounting and procurement principles, practices, and procedures, including, but not limited to, federal and District government case law, decisions of the U.S. Comptroller General, and decisions of federal contract appeals boards.";

inserted subsec. (b-1); rewrote par. (1) of subsec. (c), which previously read:

"The Inspector General shall have access to all books, accounts, records, reports, findings, and all other papers, things, or property belonging to or in use by any department or agency under the direct supervision of the Mayor necessary to facilitate the Inspector General's work.";

added par. (3) of subsec. (c); and added subsecs. (f-2) to (f-5).

D.C. Law 13-105 inserted subsec. (e-1).

D.C. Law 13-313 rewrote subsec. (f-2), which prior thereto read:

"(f-2) The Inspector General shall prepare an annual report not later than 30 days after the beginning of the fiscal year, beginning with FY 2001, summarizing the activities of the Office of Inspector General during the preceding fiscal year. Upon its completion, the Inspector General shall transmit the report to the Mayor, the Council, and the appropriate committees or subcommittees of Congress. The Inspector General shall make copies of the report available to the public upon request. The annual report shall include:"

D.C. Law 15-26, in subsec. (a)(1), rewrote the third sentence of subpar. (A), added subpar. (A-1), rewrote subpar. (D), and added subpar. (D-i). Prior to amendment, the third sentence of subsec. (a)(1)(A) had read "The Inspector General may be reappointed for additional terms."; and subsec. (a)(1)(D) had read as follows: "(D) The Inspector General shall be appointed without regard to party affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial management analysis, public administration, or investigations."

D.C. Law 15-212 added subpars. (A-ii) to subsec. (a)(1).

Pub. L. 109-356 added subsec. (a)(3)(J).

D.C. Law 16-267 rewrote subsec. (a)(1)(E), which formerly read:

"(E) The Inspector General shall be paid at an annual rate determined by the Mayor, except that such rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule."

Temporary Amendment of Section. --

For temporary (225 day) amendment of section, see § 2 of the Office of the Inspector General Law Enforcement Powers Temporary Amendment Act of 1998, (D.C. Law 12-177, March 26, 1999, law notification 46 DCR 3403).

For temporary (225 day) amendment of section, see § 2 of the Inspector General Qualifications Temporary Amendment Act of 2003 (D.C. Law 15-22, June 21, 2003, law notification 50 DCR 5466).

For temporary (225 day) amendment of section, see § 2 of the Inspector General Appointment and Term Clarification Temporary Amendment Act of 2003 (D.C. Law 15-101, March 10, 2004, law notification 51 DCR 3621).

Emergency legislation. --

For temporary amendment of section, see § 2 of the Office of the Inspector General Law Enforcement Powers Emergency Amendment Act of 1998 (D.C. Act 12-394, July 6, 1998, 45 DCR 4645), § 2 of the Office of the Inspector General Law Enforcement Powers Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-463, October 28, 1998, 45 DCR 7818), and § 2 of the Office of the Inspector General Law Enforcement Powers Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-3, February 8, 1999, 46

Legislative history of Law 6-85. --

For legislative history of D.C. Law 6-85, see Historical and Statutory Notes following § 2-301.01.

Legislative history of Law 7-201. --

Law 7-201 was introduced in Council and assigned Bill No. 7-95, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 15, 1988 and November 29, 1988, respectively. Signed by the Mayor on December 23, 1988, it was assigned Act No. 7-271 and transmitted to both Houses of Congress for its review.

Legislative history of Law 11-255. --

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

Legislative history of Law 12-190. --

Law 12-190, the "Office of the Inspector General Law Enforcement Powers Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-622, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 2, 1998, it was assigned Act No. 12-461 and transmitted to both Houses of Congress for its review. D.C. Law 12-190 became effective on March 26, 1999.

Legislative history of Law 13-105. --

Law 13-105, the "District of Columbia Housing Authority Act of 1999," was introduced in Council and assigned Bill No. 13-169, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 7, 1999, and December 21, 1999, respectively. Signed by the Mayor on January 18, 2000, it was assigned Act No. 13-254 and transmitted to both Houses of Congress for its review. D.C. Law 13-105 became effective on May 9, 2000.

Legislative history of Law 13-71. --

Law 13-71, the "Office of the Inspector General Powers and Duties Amendment Act of 1999," was introduced in Council and assigned Bill No. 13-143, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on September 21, 1999, and October 5, 1999, respectively. Signed by the Mayor on October 25, 1999, it was assigned Act No. 13-181 and transmitted to both Houses of Congress for its review. D.C. Law 13-71 became effective on April 5, 2000.

Legislative history of Law 13-313. --

For D.C. Law 13-313, see notes following § 2-301.05.

Legislative history of Law 15-26. --

Law 15-26, the "Inspector General Qualifications Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-183, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 1, 2003, and May 6, 2003, respectively. The bill was vetoed by the Mayor on May 16, 2003, but overridden by Council on June 3, 2003, and was assigned Act No. 15-94 and transmitted to Both Houses of Congress for its review. D.C. Law 15-26 became effective on July 30, 2003.

Legislative history of Law 15-212. --

Law 15-212, the "Inspector General Appointment and Term Clarification Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-566, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on June 29, 2004, and July 13, 2004, respectively. Signed by the Mayor on August 2, 2004, it was assigned Act No. 15-503 and transmitted to both Houses of Congress for its review. D.C. Law 15-212 became effective on December 7, 2004.

Legislative history of Law 16-267. --

Law 16-267, the "Rate of Pay for the Position of Inspector General for the Office of the Inspector General Amendment Act of 2006", was introduced in Council and assigned Bill No.

16-525, which was referred to Committee on Government Operations. The Bill was adopted on first and second readings on December 5, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-623 and transmitted to both Houses of Congress for its review. D.C. Law 16-267 became effective on March 14, 2007.

References in text. --

The Individuals with Disabilities Education Act, referred to in subsec. (a)(3)(J), is codified at 20 U.S.C. § 1400 et seq.

Editor's notes. --

Office of Inspector: Section 155 of P.L. 105-100 provided for creation of the Office of the Inspector General.

Applicability of § 2(b) of Law 15-212: Section 3 of Law 15-212 provided that section 2(b) of this act shall apply upon its enactment by the United States Congress.