

ARTICLE 7.5.
INDEPENDENT DEPARTMENTS and OFFICES
CHAPTER 3. OFFICE OF INSPECTOR GENERAL

Sec. 7.5-301. Establishment.

An independent Office of Inspector General is hereby created. The Inspector General shall head the office. The purpose of the Office of Inspector General is to ensure honesty and integrity in City government by rooting out waste, abuse, fraud, and corruption.

Sec. 7.5-302. Appointment, Removal, Term of Office and Vacancy.

The Inspector General shall be appointed by the majority of City Council members serving. The Inspector General may be removed for cause by a two-thirds (2/3) vote of City Council members serving and shall be appointed for a term of six (6) years.

If a vacancy occurs in the Office of Inspector General, the City Council shall, within sixty (60) days, fill the office for a full term.

Sec. 7.5-303. Minimum Qualifications.

The Inspector General shall be a person who:

1. Has a bachelor's degree from an accredited institution of higher learning.
2. Has at least ten (10) years of experience in any one, or combination of, the following fields:
 - a. As a federal, state or local law enforcement officer;
 - b. As a federal, state or local government attorney, including a public defender;
 - c. As a federal or state court judge;
 - d. Progressive supervisory experience in an investigative public agency similar to an inspector general's office;
 - e. Has managed and completed complex investigations involving allegations of fraud, theft, deception and conspiracy; and
 - f. Has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary.

Sec. 7.5-304. Limitations; Prohibited Activities.

During his or her term, the Inspector General may not engage in an occupation for profit, except for teaching, or hold any other government office outside the duties of the Inspector General. Subject to applicable law, the Inspector General shall not solicit votes or raise monetary or in-kind contributions for any candidate for an elective office. Any person who has held the position of Inspector General is not eligible for re-appointment. Subject to applicable law, the Inspector General may not hold any elective city office until two (2) years after leaving the position.

Sec. 7.5-305. Jurisdiction.

The powers and duties of the Inspector General shall extend to the conduct of any Public Servant and City agency, program or official act, contractors and subcontractors providing goods and services to the

City, business entities seeking contracts or certification of eligibility for city contracts and persons seeking certification of eligibility for participation in any city program.

Sec. 7.5-306. Powers and Duties.

The Inspector General shall:

1. Investigate any Public Servant, city agency, program or official act, contractor and subcontractor providing goods and services to the City, business entity seeking contracts or certification of eligibility for City contracts and person seeking certification of eligibility for participation in any city program, either in response to a complaint or on the Inspector General's own initiative in order to detect and prevent waste, abuse, fraud and corruption.
2. Issue quarterly reports to the City Council and Mayor concerning results of investigations and audits undertaken by the Office of Inspector General. All reports shall be a public record and additionally published electronically on the World Wide Web or another format as to provide remote or on-line access to the reports.

Have access to the financial and other records of all city agencies at any time.

Sec. 7.5-307. Subpoena Powers.

1. The Inspector General may subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, enter and inspect premises within the control of any city agency during regular business hours.
2. The Inspector General may enforce a subpoena or order for production of evidence. The Inspector General shall apply to the appropriate court to impose any penalty prescribed for failure to obey a subpoena or order.

Sec. 7.5-308. Duty to Report Illegal Acts.

If the Inspector General has probable cause to believe that any Public Servant or any person doing or seeking to do business with the City has committed or is committing an illegal act, then he or she shall promptly refer the matter to the appropriate prosecuting authorities.

Sec. 7.5-309. Employees.

The Office of Inspector General shall include an Inspector General and such deputies, assistants and other employees as deemed necessary by the Inspector General. The Office of Inspector General staff shall include, at a minimum, attorneys, investigators and auditors who are certified public accountants. The Inspector General may hire, promote, discipline and remove employees of the office, assign duties to the employees and supervise the performance of those duties. The staff of the office may include persons who are both subject to, and exempt from, Article 6, Chapter 4 of this Charter.

Sec. 7.5-310. Cooperation in Investigations; Obstruction.

It shall be the duty of every Public Servant, contractor and subcontractor and licensee of the city, and every applicant for certification of eligibility for a city contract or program, to cooperate with the Inspector

General in any investigation pursuant to this Article.

Any Public Servant who willfully and without justification or excuse obstructs an investigation of the Inspector General by withholding documents or testimony is subject to forfeiture of office, discipline, debarment or any other applicable penalty.

This requirement and associated penalty shall be incorporated into all contracts and subcontracts to the extent necessary to make them effective against such entities or persons.

Sec. 7.5-311. Consultation Required.

1. No report or recommendation that criticizes an official act shall be announced until every agency or person affected is allowed a reasonable opportunity to be heard at a hearing with the aid of counsel. In accordance with section 2-111 of this Charter, the Inspector General will promulgate procedural rules for hearings.

2. After the hearing, if the Inspector General believes it necessary to make a formal report, a copy of any statement made by an agency or person affected shall accompany the report.

Sec. 7.5-312. Conflict of Interest; Special Counsel.

Where there exists a conflict of interest between the Inspector General and another branch of City government, the Inspector General has the authority to retain an attorney licensed to practice law in Michigan who shall represent the Inspector General in legal proceedings. Such attorney shall not represent the City as a municipal corporation in any legal proceeding.

Sec. 7.5-313. Confidentiality.

Subject to any applicable state law, all investigative files of the Office of Inspector General shall be confidential and shall not be divulged to any person or agency, except to the United States Attorney, the Michigan Attorney General or Wayne County Prosecutor's Office, or as otherwise provided in this Charter.

Sec. 7.5-314. Immunity.

The Inspector General and the staff shall be, to the full extent permitted by law, immune from any suit based on any report or communication within the scope of official duties.

Sec. 7.5-315. Retaliation Prohibited; Penalty.

No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the Inspector General in the performance of his or her duties. Any person who violates this provision shall be subject to a fine of not less than \$300 and not more than \$500 for each violation and any other penalties under applicable law.

Sec. 7.5-316. Funding.

The City shall annually appropriate funds sufficient to enable the Office of Inspector General to perform its duties. Funding shall be in accordance with section 8-214 (Proportional Funding for Oversight Agencies.)

COMMENTARY: *The Office of Inspector General is a new addition to the Charter. The citizen's call for a government free from corruption and unethical practices, led to the establishment of an office dedicated to eliminating waste, fraud, abuse and corruption. The Office of the Inspector General is intended to move the City of Detroit toward efficient government, particularly when coupled with several other Charter revisions which address the conduct of elected officials, City employees and those that do business with the City. While not a panacea, taken collectively with these other measures, the Office of the Inspector General is expected to have a positive impact on City government.*