

Review of the Office of the State Inspector General

WHEREAS, it has been five years since the creation of the Office of the State Inspector General (OSIG) as an executive branch agency; and

WHEREAS, the OSIG was created by consolidating a variety of functions that existed at other agencies; and

WHEREAS, when created, the OSIG was granted a new function to evaluate state agency performance; and

WHEREAS, the OSIG is statutorily directed to inspect facilities and providers; review and make comments on Departments of Behavioral Health and Developmental Services (DBHDS), Corrections, and Juvenile Justice reports and critical incident data; investigate state agency operations and evaluate state agency performance; investigate complaints alleging fraud, waste, abuse, or corruption; and administer the State Fraud, Waste and Abuse Hotline; and

WHEREAS, the OSIG has full authority to inspect DBHDS facilities and mental health units in correctional facilities, but has less clear and more limited authority to inspect and investigate incidents in jails and non-DBHDS state facilities where individuals are held under state authority; and

WHEREAS, OSIG's investigative and performance evaluation roles create the potential for duplication with other state agencies that have similar missions; and

WHEREAS, the OSIG has authority to designate up to 30 of its staff with the same powers as a sheriff or a law-enforcement officer when investigating allegations of criminal behavior; and

WHEREAS, the OSIG was appropriated \$6.7 million (FY17), the majority of which was general funds, and employs 33 full-time equivalent staff, and staffing has fluctuated annually; and

WHEREAS, other states use centralized and decentralized structures that feature varying degrees of independence to perform inspection, investigation, performance evaluation, and fraud complaint response functions; now, therefore be it

RESOLVED by the Joint Legislative Audit and Review Commission (JLARC) that staff be directed to review the Office of the State Inspector General. In conducting its study, staff shall evaluate the agency's (i) role and authority in inspecting jails and state facilities where individuals are held; (ii) role and authority in investigating incidents in jails and state facilities where individuals are held; (iii) role in performance evaluations of state agencies; (iv) sufficiency of staffing levels and staff expertise (v) performance, management, and stability; and (vi) effectiveness, efficiency and independence of the current centralized OSIG in general, and as compared to when its role was de-centralized in different agencies. Staff shall make recommendations as necessary and review other issues as warranted.

All agencies of the Commonwealth shall provide assistance, information, and data to JLARC for this study, upon request. JLARC staff shall have access to all information in the possession of state agencies pursuant to § 30-59 and § 30-69 of the Code of Virginia. No provision of the Code of Virginia shall be interpreted as limiting or restricting the access of JLARC staff to information pursuant to this statutory authority.

JLARC staff shall complete its work and submit a report of its findings and recommendations to the Commission by December 10, 2019.