



Charter for the Office of the Inspector General



Purpose of OIG Charter



Purpose of Charter – Discuss OIG's:

- Responsibilities for achieving compliance with duties identified in PUC §28841, §28843, and §28844
- Authority to access information, records, property, and personnel as needed to fulfill mandated responsibilities
- Practices for reporting and monitoring the results of audits and investigations
- Quality assurance requirements
- Confidentiality requirements for investigations

OIG Requirements Under PUC §28841



- a. Examine District operating practices to identify fraud, waste, and opportunities for efficiencies in the administration of programs and operations
- b. Ensure BART administration, Board of Directors, and the public are fully informed of OIG findings and recommendations
- c. Identify opportunities to improve data used to determine project resource allocations
- d. Conduct, supervise, and coordinate audits and investigations relating to the District's programs and operations, including, but not limited to, toll-funded programs
- e. Identify best practices in the delivery of capital projects and recommend policies to enable the District to adopt these practices when practicable
- f. Recommend policies promoting efficiency in the administration of programs and operations
- g. Review and recommend best practices that the District should follow to maintain positive and productive relations with its employees and their collective bargaining units

Responsibilities for Achieving Compliance With PUC §28841



- Audits:
 - Conduct risk assessments to develop list of potential performance audits
 - Conduct performance audits and make recommendations to correct deficiencies or promote effectiveness, economy, and efficiency
 - Comply with *Government Auditing Standards*

Responsibilities for Achieving Compliance With PUC §28841



- Investigations:
 - Establish a hotline to receive allegations of fraud, waste, or abuse
 - Investigate complaints and make recommendations for corrective actions, as necessary
 - Comply with *Principles and Standards for Offices of Inspector General*
 - If complaint involves a criminal violation of law, report to the District's Chief of Police, District's Counsel, and appropriate prosecutorial authority
 - Participate in joint investigations with other agencies as necessary
- Other:
 - Engage in fraud prevention activities
 - Select and hire employees

Access Authority



- Unless prohibited by law/subject to attorney-client work product privilege, OIG shall have unlimited access/authority to examine and copy information/records and have access to property/personnel necessary to conduct risk assessments, audits, and investigations
- Employees/agents of the District shall fully cooperate with the OIG's requests and expeditiously provide access to such information without seeking permission to do so
- Employees have a duty to make full disclosure of all pertinent information
- Contracts with outside contractors/vendors/agencies shall include a clause that provides access to the OIG as necessary
- If necessary, OIG may obtain subpoenas through court proceedings

Reporting and Monitoring Audit and Investigation Results



- The OIG provides draft reports to the GM/responsible AGM for comment regarding the report's factual accuracy and opportunity to provide factual evidence to support any disagreement
- The GM will provide written responses for each recommendation that include a corrective action plan, the department responsible for the action, and a timeline for corrective action
- The IG reviews responses, determines if additional discussion is needed, and makes final determination regarding report's accuracy and whether management's planned corrective actions will adequately address identified issues

Reporting and Monitoring Audit and Investigation Results



- The OIG publishes final reports on its website and provide copies to the Board of Directors, the Metropolitan Transportation Commission, and California State Legislature
- The IG presents audit/investigation results to the Audit Committee
- The OIG follows up on the status of recommendations until satisfied that the corrective action taken adequately addresses issues raised in the report or recommendation is no longer relevant

Quality Assurance Requirements



Requirements specified in the Government Auditing Standards and the Principles and Standards for Offices of Inspector General:

- Written policies and procedures to guide our work
- Internal monitoring procedures to assess compliance with professional standards
- External peer reviews

Confidentiality Requirements for Investigations



PUC §28844 designates OIG investigation files as “an investigatory file compiled by a local law enforcement agency subject to disclosure pursuant to subdivision (f) of Section 6254 of the Government Code”

- Investigation files are generally exempted from disclosure
- Disclosure of certain records or names of victims or witnesses of an incident may be disclosed under certain circumstances
- OIG’s practice is not to disclose
 - investigative records unless required by law
 - complainant’s name unless the complainant consents to disclosure or disclosure is unavoidable or otherwise required by law

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