



# Whistleblower Program

## Office of the Controller - City Services Auditor

Whistleblower Program Annual Report:  
July 1, 2008 to June 30, 2009

October 27, 2009

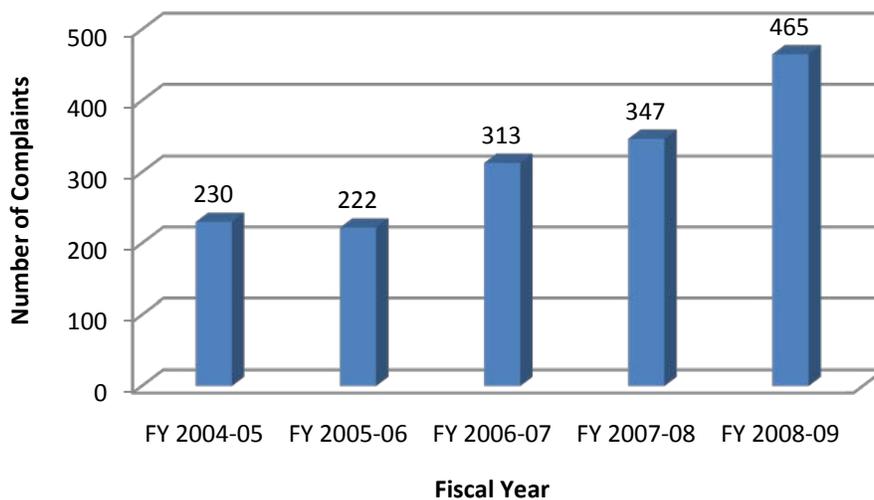
### Background

Proposition C (Prop C), passed by the voters in November 2003, instructed the Office of the Controller (Controller) to administer a whistleblower and citizen complaint hotline telephone number and website, and to publicize the hotline and website through public advertising and communications to City and County of San Francisco (City) employees. Specifically, Prop C requires the Controller to receive and track complaints on the quality and delivery of government services, wasteful and inefficient City government practices, misuse of government funds and improper activities by City government officials, employees, and contractors. The Whistleblower Program evaluates and forwards complaints received to the appropriate Agency. Prop C also instructs the Controller to investigate and attempt to resolve the complaints when appropriate.

### Complaints Received

The Whistleblower Program received 465 new complaints in fiscal year (FY) 2008-09, a 24 percent increase from FY 2007-08. Prior years' complaints are summarized in the figure below (Exhibit 1).

**EXHIBIT 1 Whistleblower Program Complaints Received by Fiscal Year**



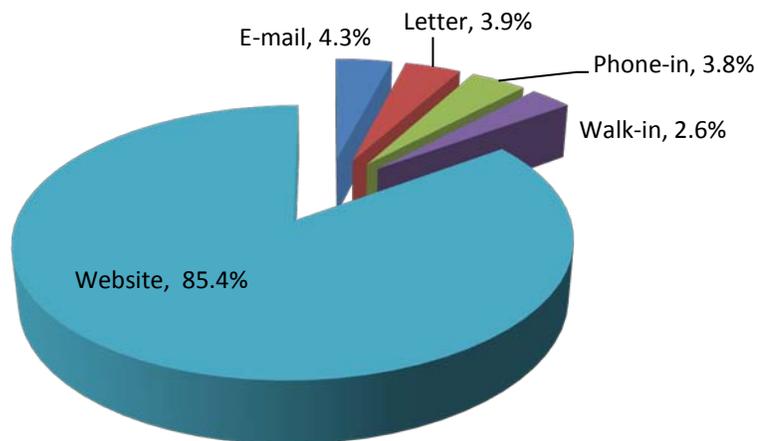
### Contact the Controller's Office Whistleblower Program

Whistleblower Hotline: 3-1-1 / TTY: 415-701-2323  
Outside of area code 415: 415-701-2311 / TTY: 415-701-2323  
Online: [www.sfgov.org/whistleblower](http://www.sfgov.org/whistleblower)  
E-mail: [whistleblower@sfgov.org](mailto:whistleblower@sfgov.org)

## Sources of Contact

In FY 2008-09, 397 complaints (85.4 percent) were submitted through the Whistleblower Program website (Exhibit 2). This number includes complaints reported through the 3-1-1 Customer Service Center. All other complaints were submitted through the following: via e-mail to whistleblower@sfgov.org (4.3 percent); letters sent to the Controller's Office in care of the Whistleblower Program (3.9 percent); direct calls to the Controller's Office front desk (3.8 percent); and walk-ins to the Controller's Office (2.6 percent).

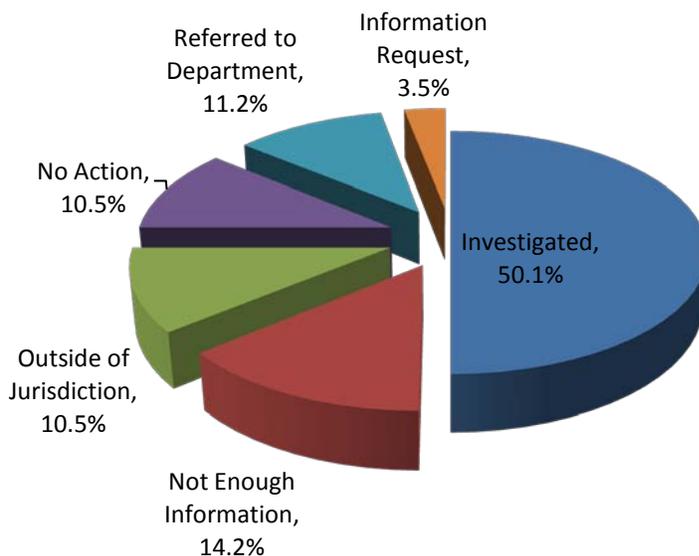
**EXHIBIT 2** Sources of Complaints Received



## Actions Taken

The Whistleblower Program may take a lead role in conducting certain investigations. However, the majority of investigations are coordinated in collaboration with management of the department associated with the complaint. In these circumstances, department management takes the lead role in the investigation, and where appropriate, the Whistleblower Program provides direction and guidance. Investigations are conducted in consultation with department management, the City Attorney's Office, and Department of Human Resources, as appropriate. This coordinated approach utilizes the expertise of all involved departments and allows for the leveraging of resources to ensure allegations are resolved in a timely manner.

Department management is required to report to the Whistleblower Program on any action(s) taken. The Whistleblower Program reviews departmental actions and investigative findings. Based on this review, a determination is made on the adequacy of the information provided, and whether additional action is required prior to the Whistleblower Program closing the complaint.

**EXHIBIT 3****Actions Taken on Complaints Received**

- In FY 2008-09, the Whistleblower Program facilitated the investigation of 50.1 percent (233) of all complaints received (Exhibit 3).
- The remaining 49.9 percent (232) of complaints were categorized as follows:
  - Not Enough Information (14.2 percent) – These complaints lack information necessary to perform an investigation (i.e. department, date, vehicle number).
  - Referred to Another Department (11.2 percent) – These complaints fall within the jurisdiction of another agency, such as the Office of Citizen Complaints or the Ethics Commission.
  - No Action (10.5 percent) – No complaint was specifically conveyed.
  - Outside of Jurisdiction (10.5 percent) – These complaints are concerns about management decisions, or state or federal government agencies.
  - Information Requests (3.5 percent) – These inquiries are from individuals who request information on City departments or services.

## Summarized Details of Select Complaints

The complaints described in this section are official and confidential information. The Controller's Office acquired the data in confidence; specific details are not disclosed to the public to preserve this confidentiality.

Complaint Allegation	Resolution
Allegation that a City employee authorized and recorded their own overtime pay. The complaint alleged that the employee was falsely reporting the number of overtime hours worked.	The investigation did not substantiate the allegation of falsely approving and recording overtime pay. However, the accused employee is no longer eligible for overtime until all other eligible employees have an opportunity to work overtime hours.
Allegation that a City employee was viewing pornography on their work computer.	With assistance from the City Attorney's Office, the complaint was found to have merit and confirmed. The employee was subsequently terminated.
Allegation that a City employee was using a City vehicle to leave work early and perform personal business. Complainant alleged that the employee's supervisors were aware of this situation.	This complaint was found to have merit and confirmed. The employee received a 30-day suspension and was required to reimburse the City for the time they were not at work. The employee's supervisors were counseled to monitor the global positioning system (GPS) activity of this employee's vehicle.
Allegation that a City employee was not working a full work week.	The complaint was found to have merit and confirmed. The employee was disciplined and placed under more direct management supervision for a 12 month period. The Department's employee handbook was updated to address issues identified by this complaint.
Allegation that a City employee was operating a vehicle with a dog in the vehicle.	This complaint was found to have merit. The driver was counseled by their supervisor and issued a reminder that animals are not allowed in City vehicles.

City and County of San Francisco Charter, Section F and the City's Whistleblower Program in Campaign and Governmental Conduct Code, Sections 4.100-4.135 offer confidentiality to complainants, complaints and investigations interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice.

City and County of San Francisco Charter, Section F1.110(b) makes confidential all drafts, notes, audits, reports and investigations of the Controller. Complaints currently under investigation are confidential under this provision and will not be disclosed. Grounds for disclosure apply to all complaints, whether currently under investigation or whether the investigation has been closed.

## **Whistleblower Program Frequently Asked Questions**

### **Why did the City and County of San Francisco establish the Whistleblower Program?**

The Whistleblower Program was created on behalf of San Francisco citizens and government employees to help make City government more accountable through the prevention and investigation of suspected waste, fraud, and abuse.

### **What is the impact of the Whistleblower Program on City government?**

When fraud is allowed to continue, it jeopardizes the level of service local government can provide its residents.

- Someone's Watching: The Whistleblower Program has a deterrent effect, for both internal and external sources of fraud, waste, and abuse.
- Someone Cares: A public message of 'zero tolerance' for fraud, waste, and abuse is sent to citizens and City employees by allocating resources to the Whistleblower Program.
- Beneficial Contacts: Interaction with the District Attorney's Office, City Attorney's Office, Police Department, and state and federal data sources help forge alliances beneficial to the pursuit of reducing fraud, waste, and abuse from government.

### **What can I report to the Whistleblower Program?**

Any kind of fraud or misconduct can be reported, with certain exceptions, which are noted below. You may report any City and County of San Francisco manager, employee, contractor, or vendor who may be committing fraud, or any practice or act you observe that results in the waste or abuse of City and County resources.

Some misconduct complaints if reported to the Whistleblower Program, including criminal acts, recipient welfare fraud, claims for child support, or allegations of child abuse are referred by the Whistleblower Program to other agencies for investigation.

### **What information should a complaint include?**

When reporting suspected fraud, please provide as much information and detail as possible, including who, what, when, where, why, and how. A complainant should provide complete and specific information regarding the allegation, including the person involved, the time and date(s) of occurrence, and a detailed description of the violation to the investigators. Complaints with limited details cannot always be investigated.

### **When should I submit a complaint?**

A complaint should be submitted immediately after you believe a reportable offense has occurred.

### **How can I submit a complaint?**

Complaints can be submitted through one of the following ways:

- Phone: 3-1-1 or 415-701-2311, TTY: 415-701-2323 (*3-1-1 will also take non-whistleblower complaints and answer questions regarding other City services and issues*)
- Online: [www.sfgov.org/whistleblower](http://www.sfgov.org/whistleblower)
- E-mail: [whistleblower@sfgov.org](mailto:whistleblower@sfgov.org)
- Mail: Whistleblower Program, Rm.316, 1 Dr. Carlton B. Goodlett Pl, San Francisco, CA 94102

### **What happens when I submit a complaint?**

Each submitted whistleblower complaint is assigned a unique tracking number. An initial assessment is done to determine whether the case has merit and how it should be handled. Complaints are referred to appropriate parties for follow-up action. Submission of a complaint to the Whistleblower Program only ensures that the complaint will be reviewed for possible investigation.

### **May I remain anonymous when filing a complaint?**

Yes, you may remain anonymous.

### **Will anyone, including the suspect(s) find out that I reported the fraud?**

If you request your identity remain confidential, the Whistleblower Program will not identify you to anyone. However, if the investigation results in criminal prosecution, it is possible our records may be subpoenaed by the court.

### **How does the Whistleblower program protect my confidentiality?**

City and County of San Francisco Charter, Section F1.107(c) requires the Board of Supervisors to enact and maintain an ordinance protecting the confidentiality of whistleblowers and protecting City officers and employees from retaliation for filing a complaint with, or providing information to the Controller's Office, Ethics Commission, District Attorney's Office, City Attorney's Office, or a City department or commission about improper governmental activity. The City Attorney's Office has advised that the Controller's Office has a duty to maintain the confidentiality of the identity of whistleblowers even in the absence of such an ordinance.

### **If I give my telephone number or email address, will an investigator contact me?**

Possibly. If you provide contact information, an investigator may call you if they need additional information regarding your allegation.

### **Can I check on the status of the investigation?**

Yes, you may check the status of your case by going to the Whistleblower Program website and selecting "Check Status of Complaint." You will then need to enter your assigned tracking number. You may check to see if a case is open or closed. However, no specific details of any ongoing investigation will be provided. In addition, you cannot receive a copy of the investigative report – this information is considered confidential.

### **How long does it take for a case to be investigated?**

Investigations vary from a couple of weeks to several months depending on the complexity of the case.

### **What will happen to the person I am reporting?**

If an allegation is confirmed, the suspect(s) could be disciplined. Disciplinary action is determined by the department for which the suspect works and is confidential. Discipline can include dismissal, suspension, reprimand, etc. However, if the suspect(s) is criminally prosecuted, the case becomes a public record.