



**SOLANO COUNTY GRAND JURY**  
2013-2014

Solano County  
Whistleblower Program

# **SOLANO COUNTY WHISTLEBLOWER PROGRAM**

2013-2014 Solano County Grand Jury

## **I. INTRODUCTION**

In December 2012, Solano County published a Policies and Procedures Manual that established a countywide Whistleblower Program. The Program allows individuals to report instances of alleged or suspected misfeasance or malfeasance and various infractions or violations known to the complainant and committed in the County. The Grand Jury received a complaint that there appeared to be several alternative programs that could be utilized to perform these same functions at a lower cost to the County such as directly reporting to the employees' supervisor/manager, the employees' union representative, the Grand Jury, etc., possibly rendering the Whistleblower Program unnecessary.

## **II. METHODOLOGY**

### Reviewed

- Solano County Whistleblower Policies and Procedures Manual
- Whistleblower semi-annual reports as presented to the Board of Supervisors

### Interviewed

- Internal Audit staff
- Health and Social Services staff
- Resource Management staff

## **III. STATEMENT OF FACTS**

Solano County has a program allowing citizens to report instances of alleged or suspected misfeasance or malfeasance and various infractions or violations known to the complainant and committed in the county. It is called the "Whistleblower Program". It is a system that protects the anonymity, privacy and position of the complainant. This program was instituted September 15, 2008, per the Solano County web site, as an informal program within the Auditor-Controller's Department, and was established as a formal program in December 2012.

The Whistleblower Program is available via the County Internet Web Site on the Auditor's tab, the County intranet, telephone hot line, email, written complaints and personal reporting. However the program is not prominently displayed on the web site. One must know which department is responsible for the program in order to locate the information as to how a complaint can be filed. Most of the complaints are generated by County employees in as much as the program is not well publicized and, therefore, not known to be available to the general public.

Currently, all complaints are reviewed by the Internal Audit Division. An authorized staff of five employees in cooperation with appointed and elected department heads and the County Administrator determine the appropriate County department that should best handle and process the complaint. After review, if the findings are deemed to have merit, the complaint is submitted to the appropriate department supervisor /manager for resolution.

In reviewing the Whistleblower Program by the Grand Jury, it was found:

- The Internal Audit Department is processing approximately 40 reports a year
- As reported by the Internal Audit's Department to the Grand Jury the cost to the Internal Audit Department to process the Whistleblower Program is approximately \$12,790 per year
- There is no method to quantify the program's actual cost or the economic savings to the County as a whole as most investigations are handled by management personnel
- Currently, there is no method to determine the cost of investigation versus the savings to the County, if any, on the resolution of complaints
- A qualitative evaluation by staff and the Grand Jury found the service to be of social value, and could have a potential financial value in savings and/or refunds to the County
- As previously indicated, there is very little publicity advertising this program. Currently, there is minimal effort to inform the general public of the program other than a few posters and some handouts available only at County facilities
- There is currently no system in place to follow up on the actions of the supervisor/manager of the departments to which the complaints are referred
- The Internal Audit Department has no authority to require implementation of suggested remedies, or to require a follow up report for any actions taken by the department in question, or the financial impact of any of said actions.

The Policies and Procedures Manual states in paragraph 7.2, *In the event of a complaint regarding the Auditor-Controller, the Assistant Auditor/Controller, or the Internal Audit Manager, the complaint will be referred to County Counsel for review.* This appears to be counterproductive if the complaint is regarding the Auditor-Controller, the Assistant Auditor/Controller, or the Internal Audit Manager, if it is originally sent to the Auditor's Department. This process would tend to inhibit the probability of these complaints being submitted as well as eliminating the anonymity of the complainant.

#### IV. SUMMARY

The 2013-14 Grand Jury, in its investigation of the County's Whistleblower Program, determined that:

- The Whistleblower Program is not well publicized throughout the County
- The Grand Jury is an alternative avenue of complaint processing that guarantees anonymity
- There are several other possible alternatives to the Whistleblower Program already in place wherein there is no guarantee of anonymity. These alternatives include, but not limited to:
  - Filing complaints directly with supervisors/managers
  - Filing complaints with Union Representatives
  - Welfare Fraud Hot Line
  - Filing complaints with Human Resources
  - The Civil Service Commission
  - Retention of independent counsel
  - There currently appears to be a conflict of interest in having complaints regarding the Auditor-Controller's Department go first to the Auditor-Controller's Department and then be forwarded to County Counsel.

#### V. FINDINGS AND RECOMMENDATIONS

**Finding 1** – The Whistleblower Program is not well publicized throughout the County.

**Recommendation 1** – Additional publicity regarding the Whistleblower Program be created and widely disseminated. The County web site should be modified to prominently display the Whistleblower program and include other alternatives to file complaints.

**Finding 2** – There is currently no system in place to determine the cost to the department to which the complaints are referred and investigated.

**Recommendation 2** – Affected supervisor /manager's provide the Auditor-Controller with complete reports of investigative hours, and the financial impact.

**Finding 3** – Whistleblower complaints regarding the Auditor-Controller Department are currently sent to the Auditor-Controller, then forwarded to County Counsel.

**Recommendation 3** – Whistleblower complaints regarding the Auditor-Controller Department be sent directly to County Counsel and instructions to that effect be specifically spelled out in all publicity.

**COMMENTS**

It is believed that a publicity program to increase awareness of the service throughout the County would result in higher citizen satisfaction with the County and its programs.

**REQUIRED RESPONSES**

Auditor-Controller Department

**COURTESY COPIES**

Clerk of the Board, Solano County Board of Supervisors  
County Counsel of Solano County