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Gov's commission to consider jumping on inspector general bus

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By Paige Winfield Cunningham

While several oversight agencies already keep their magnifying glasses on Virginia government, Gov. [Bob McDonnell](#) says Virginia needs yet another Sherlock Holmes.

Virginia falls into the 50 percent of U.S. states that don't employ governor-appointed inspectors general, whose jobs fall into the general watchdog category of sniffing out abuse and evaluating performance of government agencies.

Inspectors general have grown in popularity over the past two decades, prompting the formation of the Association of Inspectors General in 1996. There's a wide variance in their jurisdiction and authority, with some of the more powerful functioning in a way similar to law enforcement agencies.

In New Jersey, Inspector General Mary Jane Cooper can subpoena documents and testimony and take testimony under oath. The powers of Stephen Street, inspector general for Louisiana, extend even further to issuing search warrants and working closely with police agencies.

None of Virginia's oversight agencies have authority so extensive.

Gov. Bob McDonnell wants to change that by turning Virginia's internal auditor into an inspector general. The proposal is one of the ideas the governor wants discussed by the reform commission he formed in the spring.

Right now, the internal auditor consists of a three-staff office that runs a hotline for state employees who don't work for one of the 40 state agencies large enough to have their own internal auditors. While staff doesn't perform any audits, they do check out complaints of waste, fraud and abuse.

McDonnell hasn't yet outlined exactly how he would invigorate the agency.

"The governor has made it clear that he will look to consolidate the state internal auditor into an inspector general with enhanced authority to proactively pursue citizen complaints concerning fraud, waste and abuse in state government," said spokesperson Stacey Johnson on Wednesday.

Del. [Dave Albo](#), R-Springfield, suggested a different tactic: converting the Joint Legislative Audit and Review Commission into an agency more focused on investigation and enforcement—similar to the role of inspectors general in other states.

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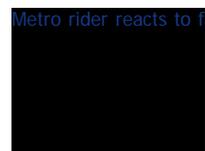
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Equipped with a 27-member staff, JLARC works for the legislative branch and is given the dual tasks of making sure money is used as appropriated and assessing agencies and programs. While JLARC does venture into some performance audits—unlike the strictly financial audits done by the state's auditor of public accounts—it's not enough, according to Albo, who sits on the committee.

"They really don't have any authority to go in and tell anybody they're wasting their money or they're not working hard enough or they could do with less people," Albo said.

The problem with JLARC and the state auditor is that the offices make sure money is spent in the designated way, but spend little to no time evaluating how efficiently agencies function, according to Albo. And when problems are found, they don't have any enforcement authority, he said.

"There's no organization in [Virginia] state government that goes in and looks at which programs you're doing, what doesn't work and cuts the ones that don't," Albo said.

JLARC should be given more credit, says JLARC director Philip Leone. It was JLARC that investigated the inappropriate awarding of degree by Virginia Commonwealth University to a former Richmond police chief. And last summer the agency audited the state's conflict-ridden IT contract with Northrop Grumman, resulting in the formation of a new oversight board reporting directly to the governor.

The agency completes about 12-15 reports each year, all of which may be found on its website.

Still, JLARC doesn't have subpoena power or any other legal tools to extract information, besides a general mandate that agencies must cooperate with the agency. Every two years, it reports to the legislature on whether agencies implemented the reforms "suggested" by JLARC.

Whether Virginia needs to create a new inspector general position should be based on levels of corruption—which are clearly higher in a state like Louisiana, Leone said.

"Louisiana has always been known to be less than well-run," Leone said. "Virginia is not like that."

Besides the internal auditor, auditor of public accounts and JLARC, there are also inspectors general tied to some of the state's largest agencies like the departments of corrections, transportation and mental health.

Like Albo, Del. [Manoli Loupassi](#), R-Richmond doesn't think the existing agencies offer enough oversight that's focused on performance. Loupassi sponsored a bill last year that would have created an inspector general, but the bill failed in committee.

Loupassi says Virginia needs an entirely new oversight agency because, in his opinion, JLARC isn't doing a very good job. He said he's disillusioned because the agency failed to implement a bill he had passed in 2009. The bill established a whistleblower fund to give financial reward to citizens who reported wrongdoing.

"They don't want us to know where all the waste is," Loupassi said. "They don't want us to know where all the stupidity's happening. To me, that tells me all I need to know."

Loupassi says an inspector general may be "more aggressive" and would at least offer a fresh set of eyes to examine government.

Enabling Stephen Street to take a more aggressive role was a goal of Louisiana lawmakers when they turned the inspector general's office into a law enforcement agency in 2008. Before the change, the governor appointed the inspector general with an executive order that could be repealed at any time.

Now, the 16-member office is a full-fledged law enforcement agency, says Street, who was appointed inspector general after a 20-year career as a criminal prosecutor. He describes it as a "white collar criminal investigation unit" that works with agencies like the FBI, the U.S. attorneys office and the Department of

Homeland Security.

"We've gotten away from an agency that was more report-driven," Street said. "We believe criminal arrest and prosecution has a bigger bang for the public's buck."

While Street's office has a wide jurisdiction—over all statewide elected officials, cabinet level secretaries, public colleges and universities and the state's boards and commissioners—the reach of Mary Jane Cooper in New Jersey is even more extensive.

Cooper has the authority to investigate anywhere state money is spent. Like in Louisiana, she says her office tries to get past just doing audits.

"An audit will turn up an anomaly," Cooper said. "That's just the first step. It's not enough to do an audit and say 'there's a problem here, folks.' You have to find out how the manager is responsible. It's like a cancer."

While inspectors general like those in New Jersey and Louisiana are especially active, the role looks different depending on the state. Variance notwithstanding, the trend is for states to institute a more independent, investigation-driven overseer, says Fred Palm, executive director of the New York-based Association of Inspectors General.

"It's not taking off like a rocket per se, but the track is upwards," Palm said.

States with environments of corruption are certainly more conducive to creating an inspector general role, Palm said. Illinois, the state perhaps most associated with fraud and abuse, established an inspector general in 2003. Abuse creates a need for investigations to reach beyond numbers on paper, Palm said.

"Who in the organization is responsible for preserving the assets," he said. "Most people think of financial stuff, but that's not the only infraction that occurs. What do you do when employees are abusing the procurement clause to fill their gas tanks."

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