

WHISTLEBLOWER PROGRAM

PURPOSE:

The Shasta County Auditor-Controller Whistleblower Program is established to provide a means for reporting fraud, waste, and abuse within Shasta County government. It is the intent of this policy to promote awareness of the potential for fraud, waste, and abuse throughout the County and to provide guidelines and assign responsibility for operation of the Whistleblower Program.

AUTHORITY:

California Government Code section 53087.6 permits Auditor-Controllers to maintain a whistleblower hotline to receive calls from persons who have information regarding possible violations by local government employees of state, federal, or local statutes, rules, or regulations.

FILING COMPLAINTS:

1. Anyone who observes or suspects fraud, waste, or abuse should notify the whistleblower hotline immediately at (530) 245-6648 and not attempt to personally conduct an investigation. For purposes of this policy, “fraud, waste, or abuse” means any activity by the County or a County employee that is undertaken in the performance of the employee’s official duties, including activities deemed to be outside the scope of his or her employment, that is in violation of any local, state, or federal law or regulation relating to corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, or willful omission to perform duty, is economically wasteful, or involves gross misconduct.
2. Call the whistleblower hotline at (530) 245-6648 and provide as much detailed information as possible regarding the suspected fraud, waste, or abuse.
3. Retaliation against an employee for making a report of suspected fraud, waste, or abuse is unlawful if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

COMPLAINT REVIEW

1. The Auditor-Controller whistleblower program only processes complaints involving County departments and agencies.
2. Upon receiving specific information that a County employee or the County has engaged in fraud, waste or abuse, the Auditor-Controller may conduct an investigative audit of the matter. The Auditor-Controller may also refer calls to the appropriate government authority for review and possible investigation. If the specific information is in regard to improper government activity that occurred under the jurisdiction of another city, county, or city and county, the information

shall be forwarded to the appropriate auditor or controller for that city, county, or city and county.

3. County Counsel will be notified of any complaints involving County department heads, the County Executive Officer, or County elected officials. The County Executive Officer will be notified of any complaints involving the County Counsel and appointed County department heads.
4. Complaints regarding the Auditor-Controller or the Assistant Auditor-Controller shall be referred directly to the County Executive Officer for review and investigation in accordance with this policy. County Counsel will be notified of the referral to the County Executive Officer.

COMPLAINT INVESTIGATION & DOCUMENTATION

1. All complaints received by the Auditor-Controller will be assigned a consecutive case number for tracking purposes.
2. All cases will be evaluated within 30 days to determine whether further investigation is needed and appropriate. If it is determined that a complaint has no merit or that there is insufficient information, the determination will be reflected in the case log and no further action taken.
3. Under normal circumstances investigations should be completed within 90 days of the receipt of the complaint. Investigations may take longer than 90 days as circumstances warrant.
4. Upon completion of the investigation of a complaint, documents obtained in the course of any investigation will be returned to the originating department or distributed to law enforcement officials for use in further investigation.
5. All resolutions of complaints within the County's jurisdiction will be documented and maintained by the Auditor-Controller as part of a complaint record file.

CONFIDENTIALITY

1. During the initial review of a call received on the whistleblower hotline, the Auditor-Controller shall hold in confidence information disclosed through the whistleblower hotline, including the identity of the caller disclosing the information and the parties identified by the caller.
2. The identity of a person providing the information that initiated an investigative audit by the Auditor-Controller shall not be disclosed without the written permission of that person, unless the disclosure is to a law enforcement agency that is conducting a criminal investigation. If the specific information is in regard to improper government activity that occurred under the jurisdiction of another city, county, or city and county, the information shall be forwarded to the appropriate auditor or controller for that city, county, or city and county.

3. Any investigative audit conducted by the Auditor-Controller shall be kept confidential, except to issue any report of an investigation that has been substantiated, or to release any findings resulting from a completed investigation that are deemed necessary to serve the interests of the public. In any event, the identity of the individual or individuals reporting the improper government activity, and the subject employee or employees shall be kept confidential.
4. Notwithstanding any other provision of this policy, the Auditor-Controller may provide a copy of a substantiated audit report that includes the identities of the subject employee or employees and other pertinent information concerning the investigation to the appropriate appointing authority for disciplinary purposes.
5. The substantiated audit report, any subsequent investigatory materials or information, and the disposition of any resulting disciplinary proceedings are subject to the confidentiality provisions of applicable County, state, and federal statutes, rules, and regulations.
6. An individual reporting fraud, waste, or abuse and the person that is the subject of the report, which becomes part of a criminal investigation may not be able to remain anonymous.
7. Nothing in this policy is designed to create greater rights of confidentiality than otherwise exist under applicable law.