

# Whistleblower Program Update

## Review of Activities and Initiatives Through Fiscal Year 2020-21, Quarter 2

Presentation to Board of Supervisors' Government Audit &  
Oversight Committee



**CITY & COUNTY OF SAN FRANCISCO**

Office of the Controller  
City Services Auditor

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## The Controller's Office

The Controller serves as the City's chief accounting officer and auditor.

- Helps ensure the City's financial integrity
- Promotes efficient, effective, and accountable government

## CSA Audits

- Administers the City's Whistleblower Program
- Does risk-based performance audits and assessments
- Conducts cybersecurity reviews
- Goal is to improve City's effectiveness, efficiency, and accountability

## Authority for the Whistleblower Program

The authority for Whistleblower Program investigations is derived from state and city law:

- California Government Code, Section 53087.6
- San Francisco Charter, Appendix F
- San Francisco Campaign and Governmental Conduct Code, Article IV

## Matters Appropriate for Investigation

The Whistleblower Program shall investigate or otherwise attempt to resolve complaints concerning:

- Misuse of city funds
- Improper activities by city officers and employees
- Deficiencies in the quality and delivery of government services
- Wasteful and inefficient government practices

## Referral of Certain Reports

The Whistleblower Program is the City's central and initial point for report intake for administrative complaints about how our government is operating, or not operating.

San Francisco Campaign and Governmental Conduct Code, Section 4.107(b), states that the Controller shall refer reports that:

- Another city department is required by federal, state, or local law to adjudicate.
- May be resolved through a grievance mechanism established by a bargaining unit or contract.
- Involve violations of criminal law.
- Are subject to an existing investigation by the District Attorney, City Attorney, or Ethics Commission that would be impeded by the Controller investigating.
- Allege violations of governmental ethics laws.

## Reporting and Outreach

### Reporting

Whistleblower Program issues quarterly and annual reports, which:

- Report on the status of Whistleblower Program activities.
- Summarize substantiated allegations in an anonymized way to ensure whistleblower protections and minimize the chance of retaliation.

### Outreach

- Publish fraud bulletins.
- Organize and host a national webinar series on fraud hotline best practices.
- Collaborate with department liaisons to promote the Whistleblower Program as a resource for employees, contractors, and members of the public.

# Whistleblower Program: Disclosure

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All investigative records are confidential and exempt from disclosure under one or more of the following:

- San Francisco Charter, sections F1.107(c) and F1.110(b)
- San Francisco Campaign & Governmental Conduct Code, Article IV, sections 4.120 and 4.123
- California Evidence Code, sections 1040 and 1041
- California Government Code, Section 6254(c)

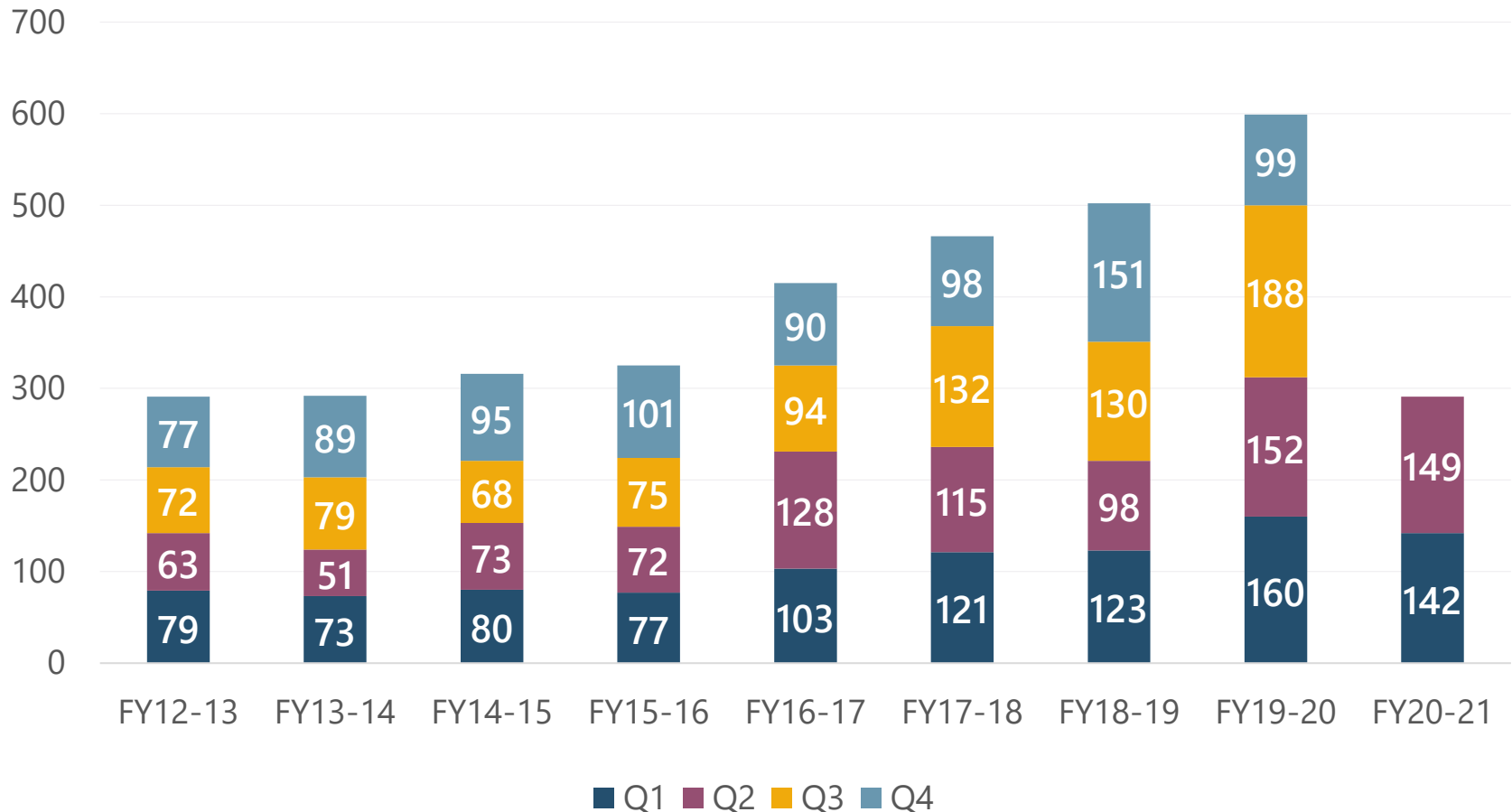
Highlights of legislative changes enhancing confidentiality protections:

- In 2008 the Campaign and Governmental Conduct Code, Article IV, Section 4.123, was amended to enhance the confidentiality protections for whistleblowers and complaint investigation work product and strengthen retaliation protection for reporters.
- In 2018 the Campaign and Governmental Conduct Code, Article IV, Section 4.120, was further amended to provide additional retaliation protections for whistleblowers, establish retaliation protections for city contractors, and increase protections to keep whistleblowers' identities confidential.

# Whistleblower Program

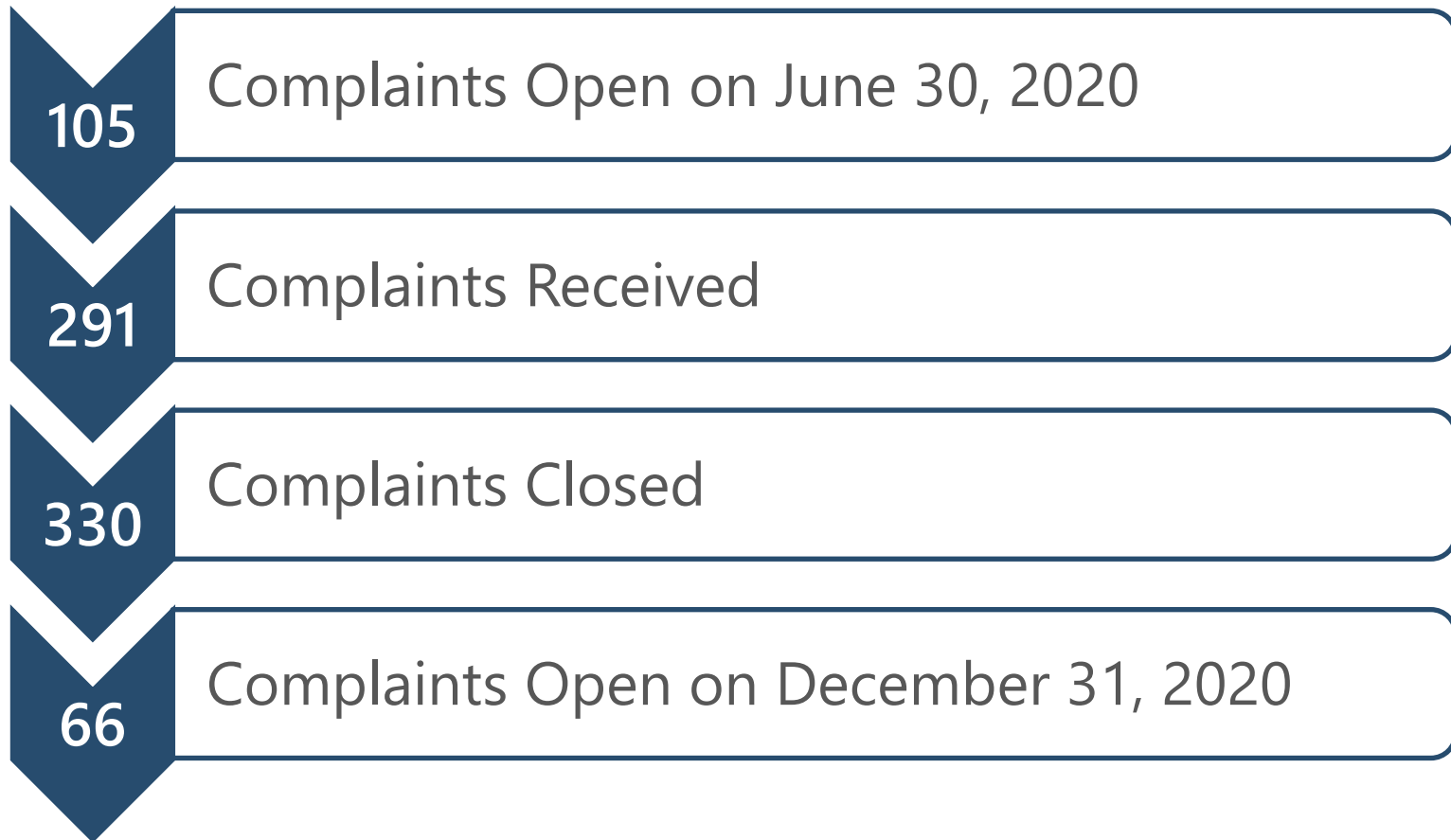
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## Number of Reports Received Since July 1, 2012









## Fiscal Year 2020-21 Report Volume

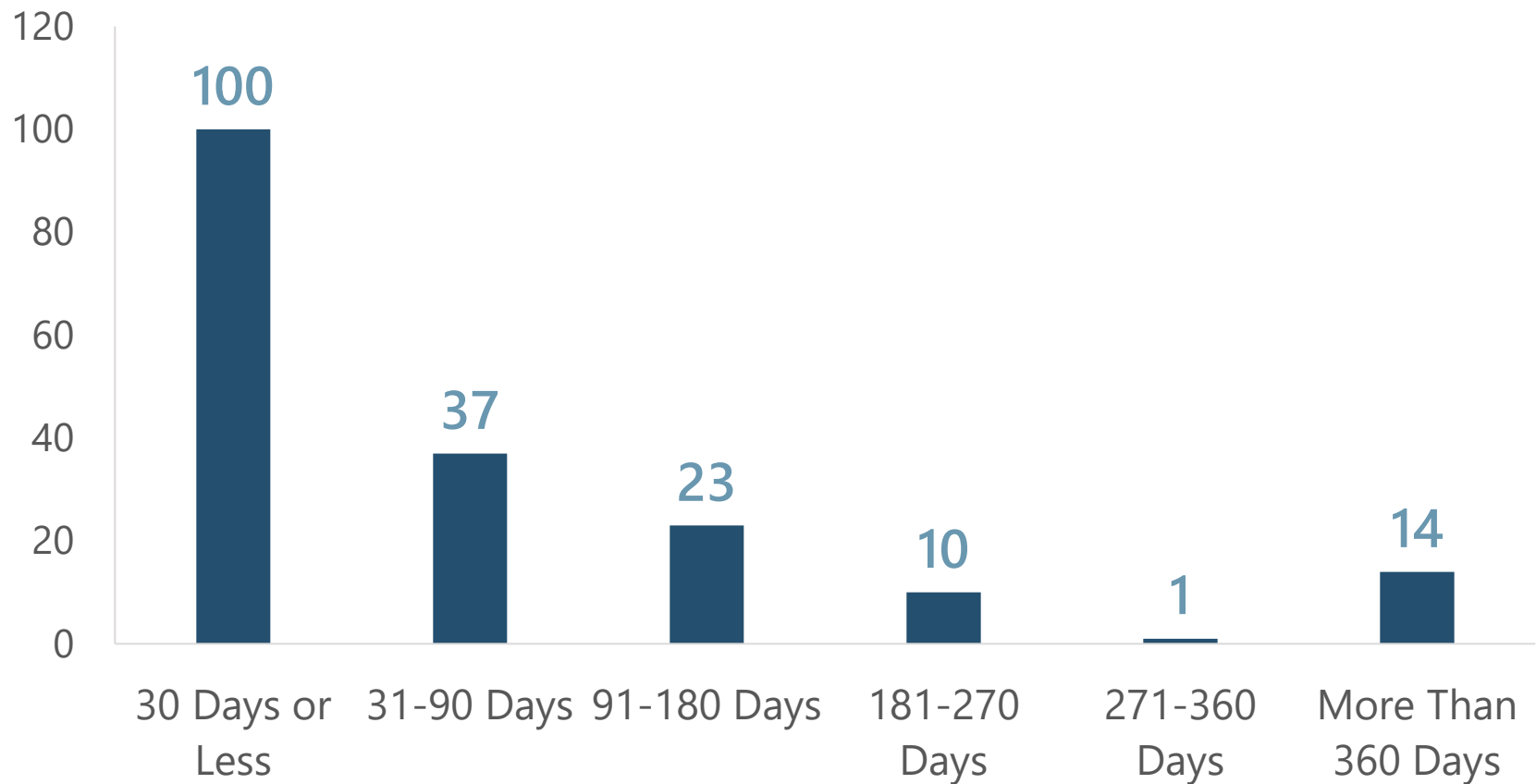


# Whistleblower Program

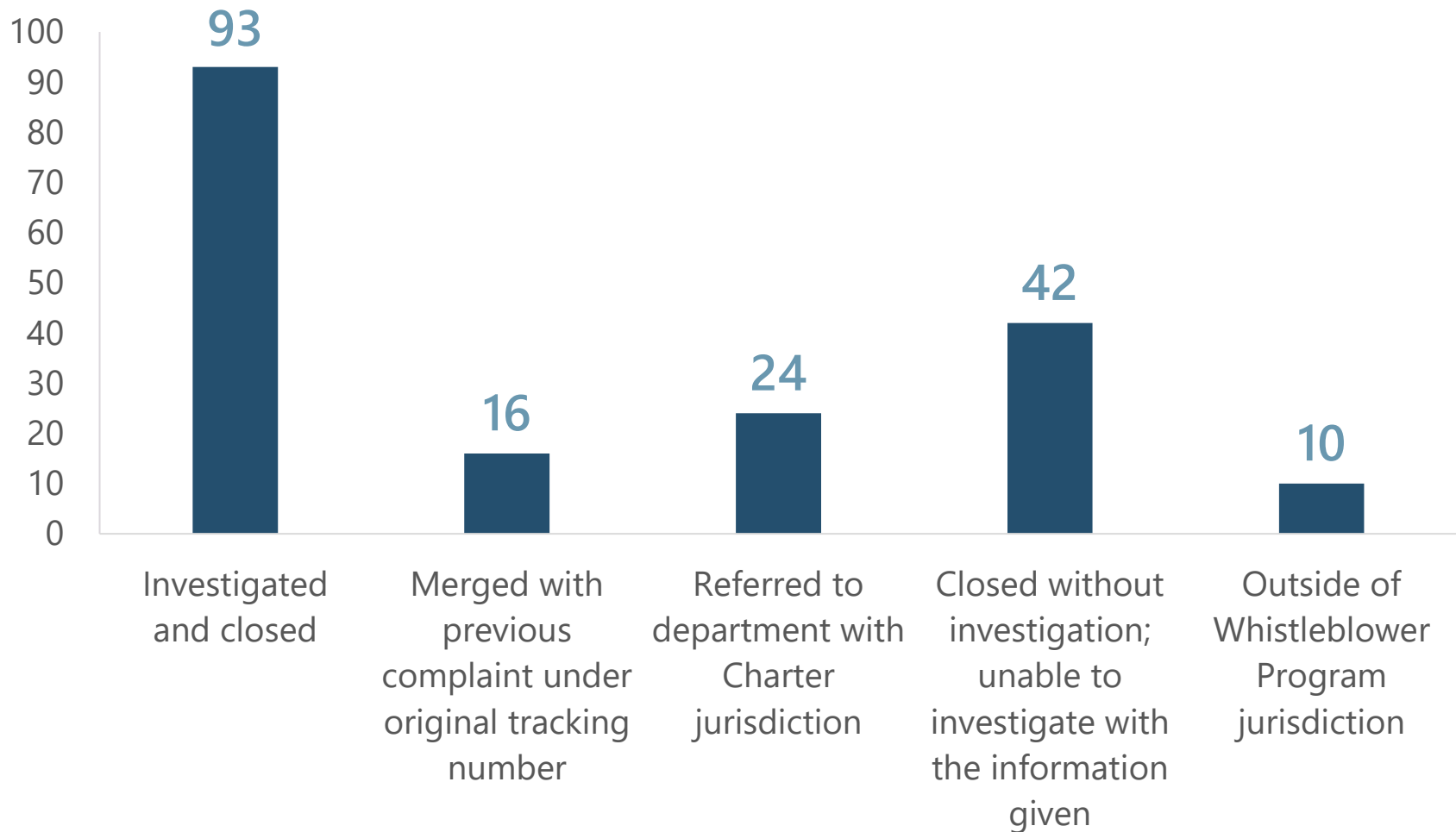
## 93 Percent of Reports Received in Quarter 2 Came Through the Online Web Form

Channel		Reports Filed		Reports Filed Anonymously	
Online		138	93%	83	56%
Mail		7	5%	7	5%
E-mail		2	1%	-	-
Phone		2	1%	1	<1%
Total		149	100%	91	61%

## 74 Percent of Reports Closed in Quarter 2 Were Closed Within 90 Days



## 50 Percent of Reports Closed in Quarter 2 Were Investigated

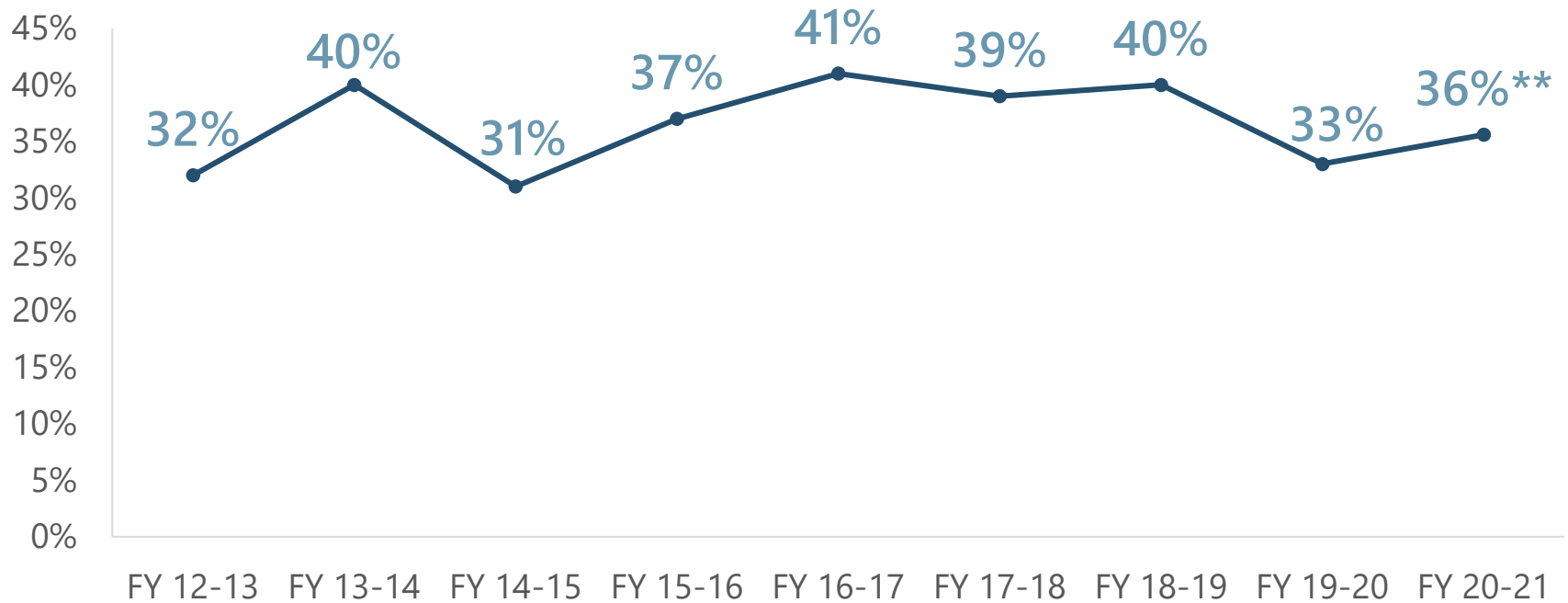


## Disposition of Closed Reports

Disposition	FY 17-18	FY 18-19	FY 19-20	FY 20-21*
Investigated	52%	52%	54%	54%
Referred to department with Charter jurisdiction	18%	15%	21%	11%
Merged	13%	15%	13%	13%
Closed without investigation; unable to investigate with the information given	11%	12%	8%	16%
Outside of jurisdiction	6%	6%	3%	6%
Information Requested and Provided	-	-	<1%	-

\* Year-to-date

## Percentage of Investigated Reports That Resulted in Corrective or Preventive Action\*



\* Excludes corrective actions resulting from reports referred to departments with Charter jurisdiction for investigation.

\*\* Through December 2020

## Public Integrity

- Administer a dedicated public integrity tip line to gather information related to the federal criminal charges against former city employees and others.
- Refer and coordinate all investigative tips to the appropriate investigative agency in a timely manner.

Department	Number of Tips		
	FY 19-20	FY 20-21*	Total
Retained by Whistleblower Program	19	7	26
<b>Referred to:</b>			
City Attorney	33	4	37
Ethics Commission	2	-	2
District Attorney	1	-	1
Office of Labor Standards Enforcement	1	-	1
Action Pending	-	5	5
<b>Total</b>	<b>56</b>	<b>16</b>	<b>72</b>

\* Year-to-date

## Fiscal Year 2020-21 Initiatives

### Investigations

- Close 75 percent of cases within 90 days.

### Quarterly Reporting

- Issue quarterly public reports on status of program activities.

### Ongoing Efforts to Ensure a Best-in-Class Program

- Implemented a new case management system.
- Training department liaisons to conduct remote investigations.
- Learning from and providing information to peer jurisdictions.
- Organizing and hosting two national webinars to promote leading fraud hotline operational practices and effective investigation techniques to local, state, federal, and tribal governments.





## How to file a report

A city employee, member of the public, or contractor can file an anonymous report at any time by:

- **Internet:** [www.sfgov.org/whistleblower](http://www.sfgov.org/whistleblower)
- **Telephone:** 3-1-1
- **E-Mail:** [whistleblower@sfgov.org](mailto:whistleblower@sfgov.org)
- **Mail:** City Hall, Room 316, San Francisco, CA 94102

Our website allows reporters to track the progress of their cases using a tracking number.



## Questions or comments?

Contact us at:

[mark.p.delarosa@sfgov.org](mailto:mark.p.delarosa@sfgov.org)

[dave.a.jensen@sfgov.org](mailto:dave.a.jensen@sfgov.org)

[whistleblower@sfgov.org](mailto:whistleblower@sfgov.org)



**SPEAK UP**  
City and County of San Francisco Whistleblower Program

**RIGHT TO REPORT** **ONLINE:** [www.sfcontroller.org/whistleblower](http://www.sfcontroller.org/whistleblower)  
**EMAIL:** [whistleblower@sfgov.org](mailto:whistleblower@sfgov.org)  
**CALL:** 311

Speak up if you see **misconduct, waste, or abuse** in City government. It's your duty and responsibility to report:

- Bribery • Theft of Cash • Conflicts of Interest
- Misuse of City Property • Theft of City Property
- Kickbacks • Bid Rigging • Falsified Expenses

**WITHOUT RETALIATION**

City officers and employees who file whistleblower complaints with the Controller's Office Whistleblower Program, Ethics Commission, District Attorney, City Attorney, or their own department are protected from retaliation. Protections also apply to City contractors and their employees who file whistleblower complaints with any City supervisor.

**KNOW YOUR RIGHTS.** If you believe you have experienced whistleblower retaliation, reach out to the **Ethics Commission** as soon as possible ([www.sfethics.org](http://www.sfethics.org) or call 415-252-3100). A complaint must be filed within two years of any suspected retaliation.

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