

State of Connecticut



AUDITORS OF PUBLIC ACCOUNTS



Office of the Attorney General

February 1, 2012

Legislative Program Review and Investigation Committee
State Capitol, Room 506
Hartford, Ct. 06106

Pursuant to §18 of P.A. 11-48 we submit this joint report to the Legislative Program Review and Investigations Committee concerning the status of modifications made to the Attorney General's and Auditors' implementation of section 4-61dd of the Connecticut General Statutes as amended.

In the period since we have taken office, each of our agencies has changed our implementation of §4-61dd to improve effectiveness and comply with statutory changes. Highlights of our work to date include the following:

Attorney General's Office

1. The Attorney General's Office has closed 760 mostly older files. Initial review and investigation of these matters had been completed, but they were being maintained as open in the event of new developments. We now close files that are no longer active. A matter can always be reopened if new information justifies that action.

2. In the past, because cases were not formally closed, complainants were not notified of the conclusion of their complaints. The Attorney General's Office now advises complainants of the disposition of current complaints.

3. The Attorney General's Office has developed a new database for whistleblower matters that should make significant improvements to our effectiveness and efficiency. The database will help us better track the nature, status and disposition of pending matters.

4. The Auditors and the Attorney General are working together in a more collaborative manner, with meetings, discussions and conversations to share ideas taking place at all levels between the Auditors and their staff and the Attorney General and his staff. These conversations range from broad policy discussions to discussions about next steps in specific investigations.

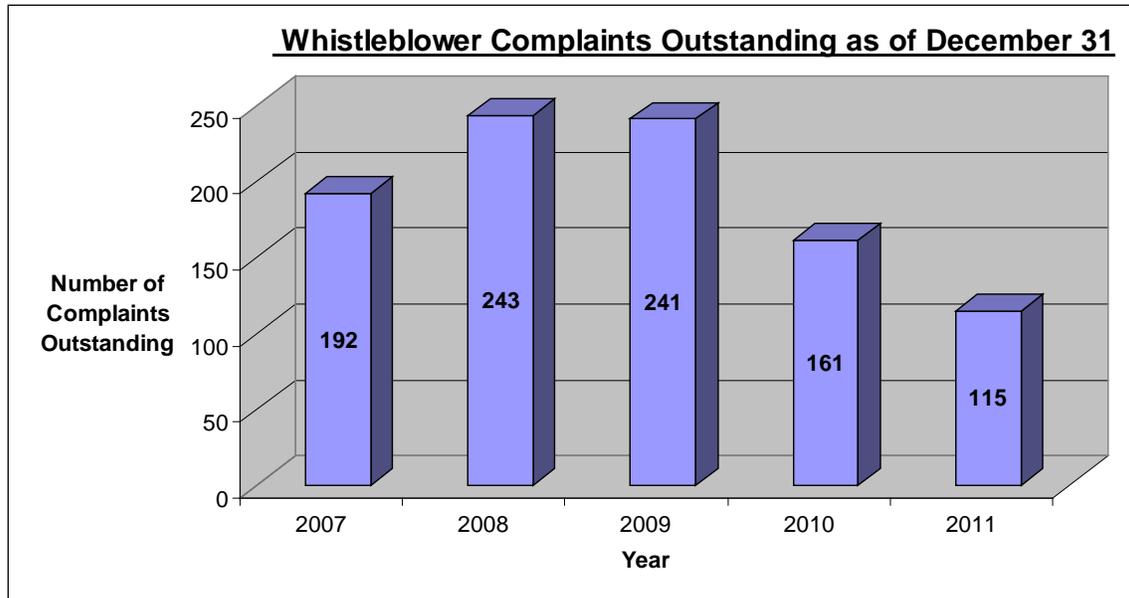
5. We have revised our respective websites to help improve public understanding of our Whistleblower law and reflect revisions to §4-61dd. For example, the Attorney General's website includes information and a link so that a site visitor can go directly to the Auditors' site to properly file a Whistleblower complaint. The AG website also explains that complaints of retaliation for whistleblower activity are no longer subject to review by the Attorney General's Office. The website informs whistleblowers of their potentially available rights for making claims of retaliation and of the short time limits that may be applicable. The AG website also provides a link to more detailed information about rights regarding retaliation on the website of the Commission on Human Rights and Opportunities.

6. In calendar year 2011, the Attorney General's Office opened 86 whistleblower matters and closed 70. Subsequent to the October 1, 2011 effective date of Public Act 11-48, the Auditors notified us of 3 matters that were rejected as not being within the jurisdiction of §4-61dd because, in one instance the matter involved a private company with no connection to the state, in another instance there were other available remedies the complainant can be reasonably expected to pursue and in another one, the complaint was better suited for investigation by another agency.

Auditors of Public Accounts

The changes to Section 4-61dd of the Connecticut General Statutes through the passage of Public Act 11-48 have given our office the flexibility to reject or refer any potential whistleblower complaint if we can establish that the complaint falls under any one of six criteria. This flexibility will enable our office to accomplish a couple of goals. It will expedite the review process by allowing us to reject or refer complaints that, although perhaps important, can more appropriately be handled by another governmental agency or that do not justify the expenditure of investigative resources. It will also allow our office to devote our limited resources to expedite the review of priority complaints and eliminate the whistleblower backlog.

The following chart shows that our office has made significant strides in resolving the number of outstanding whistleblower complaints over the past two years. During this time, a decrease in the number of incoming complaints has allowed our office to concentrate additional resources on reviews of outstanding cases. We have also devoted more resources to the review of complaints in a concerted effort to reduce the backlog. Since the new law went into effect on October 1, 2011, the full effect of the change in the Whistleblower Act has not been realized; however, going forward, it will give us an additional tool in reducing the backlog of complaints.



1. The Auditors of Public Accounts (APA) developed written guidelines for each of the six criteria the new law gives us to reject or refer complaints. The guidelines were developed by members of our staff who have years of experience in reviewing whistleblower complaints and understand when certain complaints are best suited for other types of reviews. These guidelines were developed to utilize the resources of our office more effectively, while ensuring complaints are reviewed in a timely manner.

2. Based on these guidelines, each complaint is carefully evaluated by the APA whistleblower unit to determine whether it needs further review, is best handled by another agency or should be rejected. If it is determined that the complaint requires further review, it is accepted as a whistleblower complaint and reviewed as such. If it is determined that the complaint should be rejected or referred, the reviewer forwards the complaint with a written explanation to the State Auditors for final action. If the State Auditors agree that the complaint should be rejected or referred to a more appropriate agency, a copy of the complaint is then sent to the Office of the Attorney General with a written explanation.

3. The APA developed a new reporting system, including a standardized form, to document the rejection or referral of any complaint by our office. The form shows the criteria under which the complaint was rejected as well as a brief explanation of our proposed action. The form is also used to communicate with the Office of the Attorney General on any complaint that we receive that does not meet the statutory definition of a whistleblower complaint.

4. The APA developed a database to track complaints that have been rejected and the reason for their rejection. The database is also used to monitor the status of complaints referred to other state agencies for review. Since October 1, 2011, the effective date of the new law, we have rejected three complaints.

5. We are in the planning stages of updating and upgrading the APA website to better inform citizens about the whistleblower law and to make it easier to electronically submit whistleblower complaints. Included in the upgraded website will be general information on what types of matters will be considered whistleblower complaints by our office, examples of what kinds of complaints do not fall under the whistleblower law, and an electronic complaint mechanism. We believe that these changes to our website will both educate complainants and simplify the process for them.

6. Since the new law no longer requires our office to accept retaliation complaints, the APA will quickly refer the complainant to the Commission on Human Rights and Opportunities. Our website will also contain information regarding the filing of a whistleblower retaliation complaint with the Commission on Human Rights and Opportunities and will include a link to their website.

7. We support and encourage APA employees to obtain training in investigation methods and techniques, interviewing techniques, forensic accounting, fraud detection, and other types of education that will strengthen their skills to become more proficient in the review of whistleblower complaints.

In sum, the Office of the Attorney General and the Auditors of Public Accounts have made significant strides in the past year to improve the effectiveness of whistleblower reviews and investigations. We believe these changes will help to encourage legitimate reporting of misconduct while focusing resources on the most important allegations of wrongdoing, leading to better safeguards and redress against misconduct in the people's business of government.

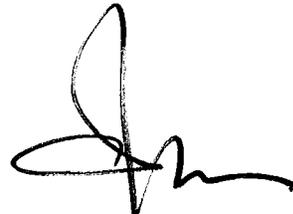
Sincerely,



John C. Geragosian
Auditor of Public Accounts



Robert M. Ward
Auditor of Public Accounts



George C. Jepsen
Attorney General