



OFFICE OF INSPECTOR GENERAL
JEFFERSON PARISH

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OPEN LETTER
State of Oversight in Jefferson Parish

To the citizens of Jefferson Parish, I write to sound the alarm that all is not well in Jefferson Parish Government. Within the culture of our Parish government there exists, among some, an underlying tenor of resentment toward oversight and independent review.

In Jefferson Parish, the demand for an independent Office of Inspector General came upon the heel of a series of scandals in 2011, which resulted in the Parish President, Parish Attorney and Chief Operating Officer being convicted on corruption charges. This incident resulted in the residents of the Jefferson Parish creating the Office of Inspector General (JPOIG), an independent oversight body designed specifically to function outside the control of the Parish Administration and Parish Council. They vested the office with broad authority to access all manner of information, all parish facilities, and to engage directly with Parish employees to root out fraud, waste and corruption.

Over the subsequent six years the aversion to fully cooperate with the JPOIG has been seen repeatedly through efforts that serve to delay or impede access to information and employees, or to place limitations on access that attempt to disclose the focus of investigations. However, more recently, this tenor of opposition has manifest itself in a direct attempt to dismantle key legal provisions to ensure the JPOIG cannot function effectively.

An Ordinance Threatening the Independence of the Inspector General

On December 18, 2019 the Parish Council has on its agenda [item #107](#), which if passed, as written; will inextricably sever the legal relationship between the JPOIG and the Parish Attorney's Office. This ordinance will simultaneously hamper the independence of the JPOIG by prohibiting the ability of the office to access information, administer oaths and compel statements from members of the Parish Attorney's Office.

As their proposed 'safety net' to allegations of improper denial of information, the ordinance incorporates a procedure that would require the JPOIG to seek subpoenas for Parish records. This concept clearly demonstrates their lack of understanding regarding Inspectors General. IG's are component units within their host governments and are entitled to access data as a component part of the organization. Inspectors General are effective because they are within the organization and are not subject to the processes external entities would have to pursue.

Ironically, the genesis of this effort to dismantle some of the JPOIG's independence arose from the very exercise of that authority.

The Referral

On July 10, 2019 the Jefferson Parish Ethics and Compliance Commission (JPECC), a separate independent entity created along with the JPOIG, provided the Inspector General with a confidential referral (recommendation) to investigate:

1. the use of individual/personal email accounts to conduct Parish business;
2. assess the Parish's ability to adequately respond to Public Records Requests as required by State law; and
3. determine if confidential information is being disseminated without knowledge of Parish officials.

That referral was assigned to a JPOIG investigator and as part of the subsequent work a series of searches were run within the Parish email archive.

Actions of the Administration and a Breach of Investigative Integrity

07/01/2019 the JPOIG delivered a draft Report of Investigation concerning expenditures of the Yenni Administration upon entering office, which has been released publicly. Within days of receipt of this report, Parish President Michael Yenni engaged in an investigation of the JPOIG's office space expenditures dating back to 2013. Parish President Yenni subsequently filed a complaint with the Jefferson Parish Ethics and Compliance Commission, a body with the authority to investigate the JPOIG.

On 10/16/2019 the JPECC concluded their investigation and produced written findings concluding that the complaint was without merit.

On or about 10/17/2019 the Yenni Administration directed the Electronic Information Systems Department to produce the JPOIG's audit log. This log reflects the search parameters that JPOIG staff used to query Parish records, including those related to the referral of 07/10/2019.

Lacking any proper investigative authority, the Administration took the extraordinarily inappropriate action of creating this audit log, which would certainly contain confidential investigative information. The Administration seemingly failed to consider any mitigating or potential viable alternative. There was no effort to provide notice, no effort to discuss concerns, and likewise, absolutely no effort to have the appropriate body consider a review of the JPOIG's use of the system. Unfortunately, this was not the end.

In the absence of the knowledge possessed by the JPOIG regarding information received, scope of assessment, and methodology, the Yenni Administration reviewed the audit log and determined that there was misconduct occurring within the Office of Inspector General. Rather than allowing the appropriate body (JPECC) to consider the data, the Administration revealed select portions of this confidential information with Parish Council Offices, including, in some cases, information directly relevant to that specific office. The effect, intended or otherwise, was to sow discontent, create confusion and raise concern among legislators; who were also devoid of any sort of context. Lastly, the Yenni Administration's irresponsible compilation, handling and dissemination of this material resulted in the information being leaked to local media, resulting in a nearly complete breach of confidential investigative information.

An Ordinance Threatening the Independence of the Inspector General

The perilous and damaging amendments to the JPOIG ordinance that are up for passage on 12/18/2019, will be placed up for consideration during the very last Council meeting of the Yenni Administration. Next month will show a Council with a new Parish President and three new Council members taking their oath of office in January. These amendments, if passed, will represent a purposeful deconstruction of the legal foundation upon which the JPOIG functions. They will further compound and exacerbate the frequent delays and denials of access to information and difficulty experienced in securing appropriate interviews with Parish employees.

First and foremost, the dismantling of the privileged relationship between the Parish Attorney and the JPOIG; and the attempt to place the Parish Attorney in a position to “approve” certain access is completely inconsistent with the body of law underlining the authority of the JPOIG. This carefully crafted set of laws which includes; State statutes enabling Inspector Generals to be formed and providing for exceptional access to data and the ability to maintain confidentiality; the Parish Charter establishing the JPOIG as an Office of the Parish, overseen by an independent Ethics and Compliance Commission, and not within the control of the Parish Council and Parish Administration; and Parish ordinances setting forth various obligations and duties of both the JPOIG, the Parish, its employees and vendors among others.¹

This exceptional series of laws represents what has been recognized as model legislation and is, indeed, one of the reasons I choose to accept the position of Inspector General, and relocate my family to Jefferson Parish. Jefferson Parish has proved to be a challenging and sometimes difficult environment. Even when we are ultimately able to resolve these issues, the process is often lengthy, impedes work, and diverts time and attention from substantive actions. The current environment is clearly not what the State of Louisiana had in mind when they enacted legislation enabling Inspectors General:

The proper operation of democratic government requires that elected officials and public employees be accountable for their actions, that governmental decisions are made in a transparent manner subject to complete ethical and operational review, that public office and employment serve the highest standards of honesty and competence, and that there be public confidence in the integrity of government. The purpose of this Chapter is to serve these objectives by empowering the applicable municipalities and public officials and employees thereof to implement and enforce vigorous ethical standards and codes of conduct, and to that end these provisions are to be liberally construed in support of the purposes for which this Chapter is enacted.

[La R.S. 33:9612](#). The time has passed where the efforts to impede oversight should be considered as part of the learning curve. The unchecked opposition to oversight must not be tolerated. Make no mistake the efforts underway are designed to strike at the heart of the Inspector General’s independence and are irreconcilable with the spirit of the laws and the will of the people!

Respectfully,


David McClintock

¹ Detailed legal analysis to be posted on www.JPOIG.net prior to the Parish Council meeting of 12/18/2019.