ACCOUNTABILITY REMADE:
THE DIFFUSION AND REINVENTION OF OFFICES OF INSPECTORS GENERAL

BY

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Abstract

Offices of Inspectors General (OIGs), like other government accountability mechanisms, promise increased control, improved performance, and appropriate behavior from governmental actors. OIGs do so by monitoring governmental programs and operations and providing their findings to legislative or executive decision makers and/or the public, who may act on the OIGs' findings and recommendations. OIGs have enjoyed a particular popularity in the United States in the last 40 years. In 1974, neither federal, state, nor local governments had adopted a single civilian OIG; however, at the end of 2013, there were 73 federal OIGs, 109 state OIGs, 47 local OIGs, and three multijurisdictional OIGs. Yet we know very little about why these OIGs are spreading, how they are designed, and what happens upon implementation. This dissertation advances a three-part thesis, supported by quantitative and qualitative data. First, OIGs are spreading from jurisdiction to jurisdiction because they are seen as the answer to the perceived problem of government accountability, defined very broadly. The idea of an OIG has become institutionalized, embodying the ideal of accountability. Second, although powerful political elites embrace this concept of an OIG, they push back against the potential implications of an OIG having too much independence or power by adopting design changes that sometimes leave an OIG in a weakened form. In other words, although the symbol of increased accountability is desirable, actual accountability often is suspect. Third, during implementation, those being overseen by the OIG often take steps to avoid or limit the OIG's oversight. In response, OIG personnel act in strategic ways to protect their agencies and the mission of accountability. As a result, OIGs become what I call "politicized bureaucracies," agencies that must engage in political maneuvering in order to effectively perform the duties they are assigned.

Acknowledgements

This research is dedicated to my husband, Peter Haxton, and my daughter, Alison Kempf-Haxton, who sacrificed as much if not more than me during my pursuit of a doctorate and the writing of this dissertation.

I would also like to thank several people who helped shape this research in wonderful ways. These include, in alphabetical order, Scott Brunner, Sarah Fertig, Allan Foster, Mary Galligan, Matthew Harris, Peter Haxton, Andrea Kempf, Evan Luskin, Leslie McClure, Zach Mohr, Tony Reames, and Ivan Williams. Thank you to all the individual inspectors general and deputy inspectors general who very willingly provided their time to talk to me about their important work. Special thanks to all of my colleagues and classmates at the School of Public Affairs and Administration for the advice, friendship, and emotional support, without which I may not have survived with my sanity intact. Thank you to the members of my dissertation committee, Professors H. George Frederickson, Steven W. Maynard-Moody, Rosemary O'Leary, Marilu Goodyear, and Burdett A. Loomis for their invaluable input. Perhaps most importantly, innumerable thanks must go to Professor Chuck Epp, chair of the dissertation committee and my doctoral advisor, for his coaching, editing, and patience without which this research project would not have emerged, been completed, or become something of which I am very proud.

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IG: VA Investigations Expanded to 26 Facilities

"*The number of VA facilities under investigation after complaints about falsified records and treatment delays has more than doubled in recent days, the Office of Inspector General at the Veterans Affairs Department said late Tuesday. A spokeswoman for the IG's office said 26 facilities were being investigated nationwide. Acting Inspector General Richard Griffin told a Senate committee last week that at least 10 new allegations about manipulated waiting times and other problems had surfaced since reports of problems at the Phoenix VA hospital came to light last month. (Daley, Associated Press News Service, May 21, 2014).*

Street Finds LSU Hospital Overpayments

"Erroneous billing caused the unnecessary expenditure of nearly $85,000 in public funds at LSU's Interim Public Hospital in New Orleans, the state's inspector general said Friday. Inspector General Stephen Street reported on the findings of an investigation launched as a result of a complaint to his office. The billings related to the purchase of wound vacs from Kinetic Concepts Inc., or KCI. Wound vacs are devices used to assist in the healing of open wounds. Most of the problem billing – $64,317 – was associated with invoices billed to patient 'Missing in Action'" (Shuler, The Baton Rouge Advocate, May 16, 2014).

FK High School - Teacher Removed in School Fraud Investigation: Probe in Granada Hills of Alleged Form Irregularities

"*Los Angeles Unified's inspector general has opened an investigation into allegations of fraud, forgery and theft at John F. Kennedy High School in Granada Hills, district officials said. A teacher at the center of those allegations, Leslie Garcia, was removed from the school, Los Angeles Unified District Spokesman Thomas Waldman confirmed Wednesday. A student at the school, Gabriella Orellana, said Garcia was last seen at the school a day after she and other students were questioned last week about forms they are required to fill out to verify attendance at an after-school program. "She (an investigator) showed me the sign-in sheets and I told her they're not my signatures and I wasn't there," Orellana said of questions she answered during an interview with an investigator last week" (Himes, Daily News of Los Angeles, May 8, 2014).*

Offices of Inspectors General make headlines across the country. As the examples above illustrate, these offices are energetic engines of accountability at all levels of government in the United States. Yet offices of inspector general (hereinafter "OIGs") are a relatively new phenomenon. Virtually none existed before 1976, but now two-thirds of the states and many localities have these agencies. What are these OIGs? What do they do, and where did they come

from? In what ways do they contribute to accountability, and what are the limitations of their contribution? This dissertation will address these questions. After a brief introduction of the topic I will reframe these questions in light of the theories that will guide my analysis.

An OIG is a bureaucratic unit dedicated to government accountability. OIGs typically are set up to oversee a particular government agency (or, sometimes, several agencies). Commonly OIGs are independent of the agencies they are charged with overseeing, so that their oversight is not controlled by the agency being overseen. (As we shall see, state and local OIGs vary considerably in this degree of independence.) An OIG provides accountability by monitoring the agency or agencies under its jurisdiction and producing reports about agency programs and operations, identifying problems, and making recommendations for fixing these problems. An OIG's jurisdiction usually extends beyond monitoring the actions of public employees to include the actions of public contractors and beneficiaries of public programs. Monitoring and reporting come in the form of audits and/or investigations. Often audits and investigations are initiated in response to complaints about the agency or agencies that the OIG oversees, but most OIGs also investigate or audit issues that are deemed problematic according to their discretion. Although OIGs commonly have broad powers of investigation and audit, they typically have no authority to prosecute criminal behavior or to require changes in the agency being overseen. Put simply, their authority is limited to monitoring and reporting. If changes are to occur in response to problems identified by the OIG, others—the governor, legislature, mayor, or some other official—must order them.

OIGs have proliferated across the country. Since the creation of the first modern civilian OIG on the federal level in 1976, OIGs have been established across the country and throughout all levels of government. Today, there are 73 OIGs in the federal government, in both the

executive and legislative branches. Further, 31 states have established at least one OIG in an agency or for the state as a whole. Many large cities, such as Newark, New Orleans, Chicago and Albuquerque, and counties, including Miami-Dade County, Florida; Cuyahoga County, Ohio; and Montgomery County, Maryland, have also followed suit. OIGs can also be found in school districts and sheriff's offices. Although these OIGs are not identical in structure, each of these jurisdictions has purposely established an office headed by an individual with the title of "Inspector General," giving it a mission to pursue government accountability by collecting information about the actions of government employees or the use of governmental funds.

The first modern civilian OIG was established by Congress in 1976 to oversee the Department of Health, Education and Welfare (HEW);[1] however, it is worth noting that this OIG was preceded by in 1959 by an "Inspector General and Comptroller" for the International Cooperation Administration[2] which might be considered the prototype of the modern OIG (Light 1993). The Inspector General and Comptroller unit performed and coordinated audits of the agency and reported its findings to Congress. Yet, the Inspector General and Comptroller was generally considered a failure due to politicization and apathy and was abolished in the mid-1970s (Light 1993). The HEW OIG, on the other hand, spawned a system of federal OIGs, as it was followed by a second OIG in the Department of Energy in 1977, and by the passage of the IG Act of 1978, which placed OIGs in 12 agencies, including HEW and Energy. Here, Congress

[1] Congress divided HEW into the Departments of Education and of Health and Human Services in 1979.

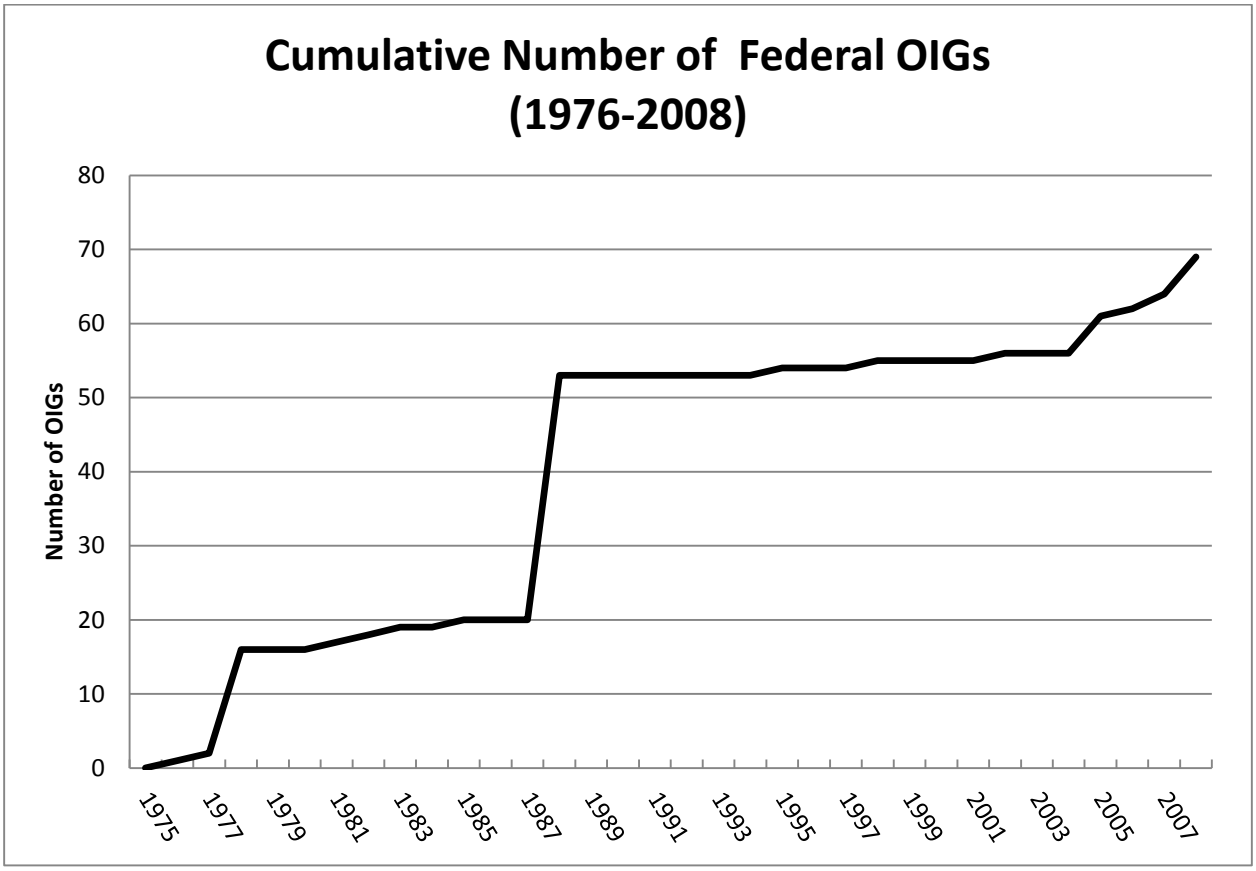
[2] This agency no longer exists. Its responsibilities are now handled by United States Agency for International Development (USAID).

combined preexisting audit and investigation units into a single independent office and directed them to pursue issues of economy and efficiency, fraud and abuse.

Figure 1.1 below shows the growth of the number of OIGs on the federal level since 1978 (data collected by author through a review of federal OIG statutes and websites, and telephone inquiries).[3] This figure shows a sharp increase in the number of OIGs in the year 1978 with the passage of the IG Act, and in the year 1988 with the passage of amendments to the IG Act, which created 33 new OIGs for regulatory agencies. After 1988, the number of federal OIGs has increased steadily and, since 2005, at an accelerated rate.

[3] Representatives from four federal agencies, all in the field of intelligence, declined to provide the year that their OIG was created.

FIGURE 1.1



At the same time that the number of OIGs was growing on the federal level, states and local governments, too, began to create OIGs. Figure 1.2 shows the growth of state and local OIGs since 1975. I collected these data through an extensive review of government websites and state and local statutes, as well as through an electronic and telephone survey, the methods of which are described more fully below in the methodology section. I am confident that my research was able to identify all state and local OIGs in existence at the end of 2013 that either had an internet presence or were referred to in on-line public government documents or news articles. Any OIGs that had been created after 1975 but no longer existed in 2013 are not included here.

FIGURE 1.2

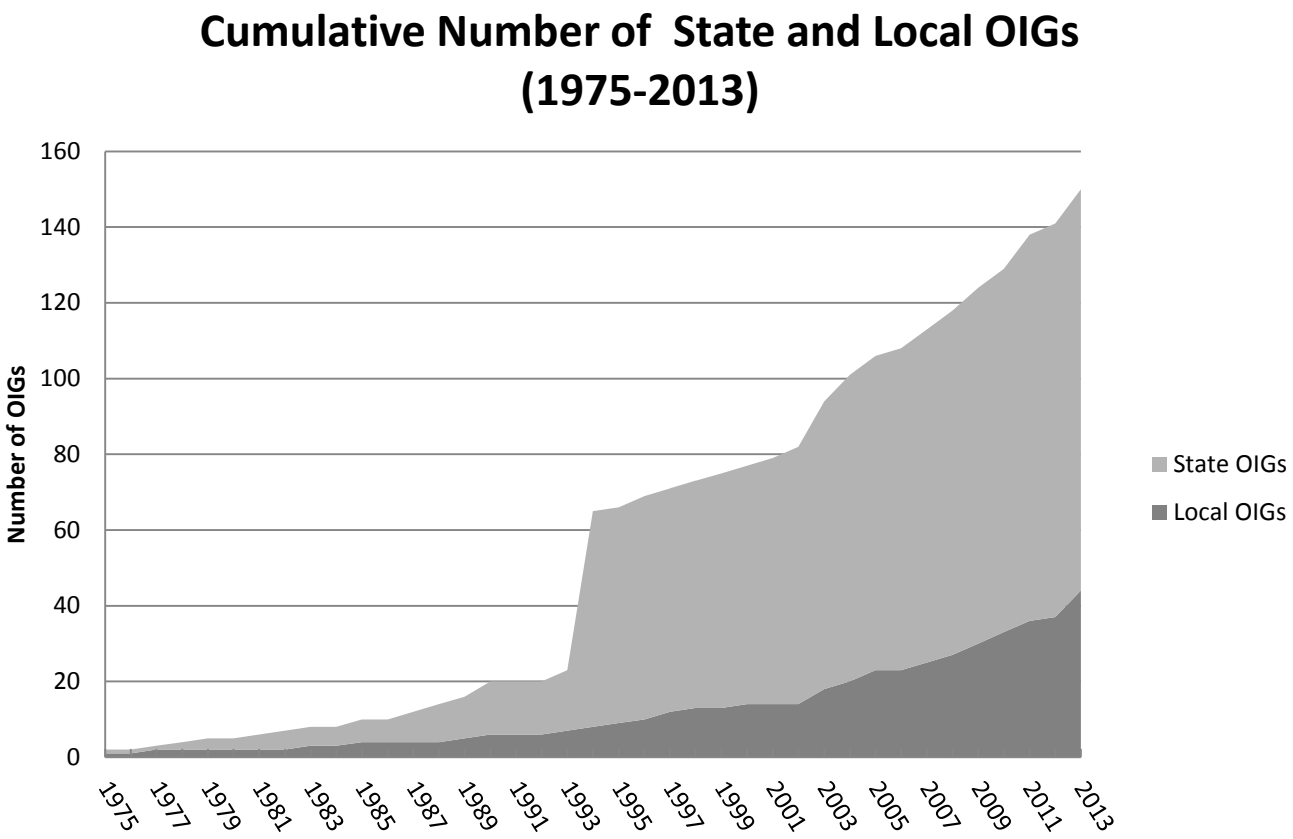
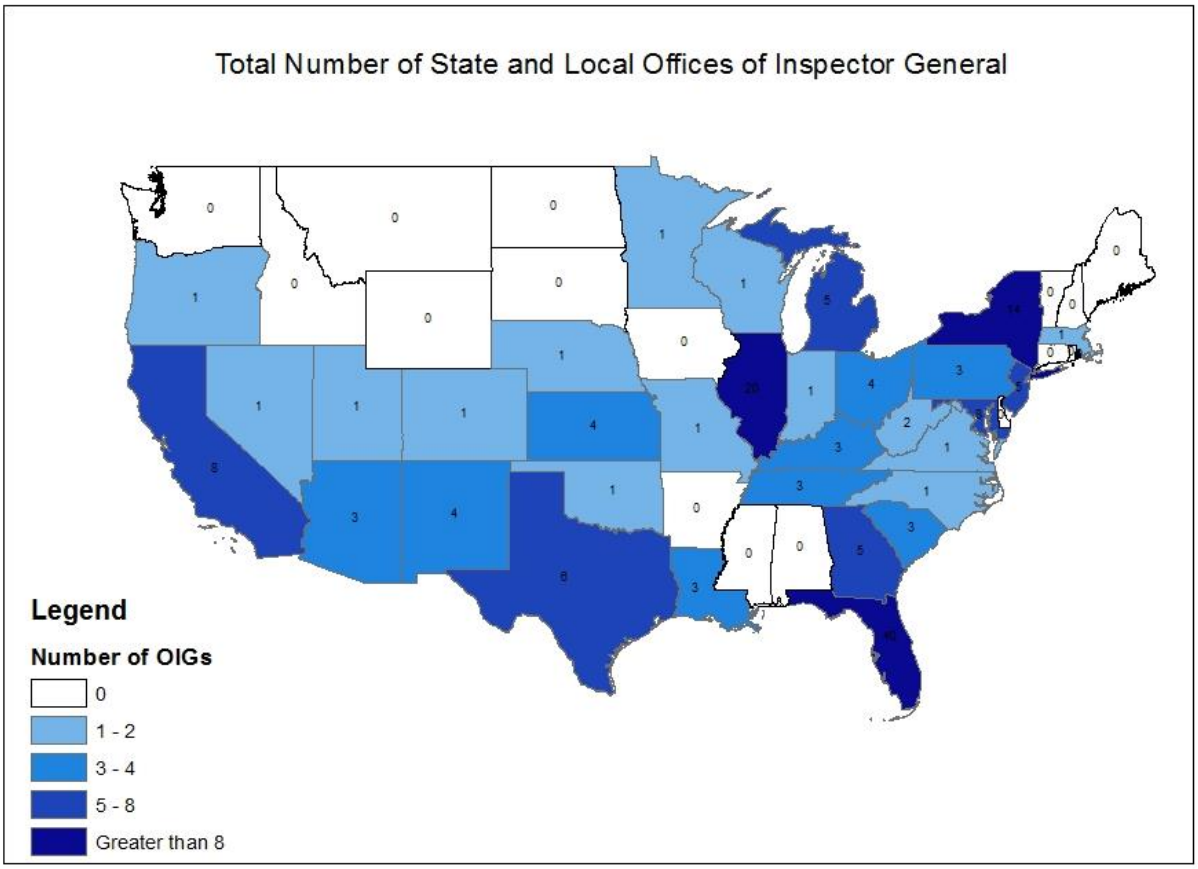


Figure 1.2 shows a large jump in the number of state OIGs in 1994, which is attributable to the enactment of the Florida OIG Act, which placed an OIG in every state agency. The average annual growth rate for local OIGs over the period of 1975 to 2013 was 10.6%. The average annual growth rate for state OIGs for the same time period was 16.6%. Today, there are 109 state level OIGs, 47 local OIGs, and 3 multi-jurisdictional OIGs. The total number of local and state OIGs, 159, is more than twice the number of civilian OIGs on the federal level.[4]

[4] Data on the dates of creation were not available for seven OIGs. The three multi-jurisdictional OIGs are also not included in this graph.

In the past decades OIGs have spread widely across most regions of the country. As of the end of 2013, 31 states had at least one OIG. The following map, Figure 1.3, shows where OIGs have been adopted and the number in each state (data collected by author). Although the map does not distinguish whether an OIG in a state is located on the state or local level of government, it shows clearly that New York, Illinois, and Florida are the leaders in OIG adoption. In addition, some regions, the upper northwest, the south-central, and the upper north east, have not followed the lead of the rest of the county in adopting OIGs.

FIGURE 1.3



As OIGs have spread across the nation, they have evolved from the original federal model and, as this dissertation will demonstrate, a generally accepted model, or archetype, of an OIG has emerged. The key components of the archetype have gained a wide consensus among inspector general practitioners, thereby illustrating a phenomenon of what scholars refer to as "institutionalization." In the words of Philip Selznick, a practice has become institutionalized when it comes to take on "value beyond the technical requirements of the task at hand," meaning that it is viewed as the right way to do something (Selznick 1957). The archetype of the OIG

grew from, but has grown beyond, the original OIG concept introduced on the federal level. Its key components are: a statutory basis for the OIG agency, independence from the entity that the OIG oversees, and legal authority to pursue both investigations and audit. These components give the OIG autonomy to investigate and report, free from fear of censorship by the agency being overseen. This dissertation will demonstrate the vibrancy and widespread adoption of this archetype of the OIG.

This dissertation will also show that some jurisdictions adopt deviations from the archetypal model. Despite the endorsement of an OIG archetype, state and local OIGs often deviate from this model. For example, a key element of the archetype is to have authority to conduct both *audits* (that examine issues of effectiveness and efficiency) and *investigations* (that look into allegations of fraud, waste, and abuse). This dual authority has been endorsed by the Association of Inspectors General and is part of an archetypal OIG; having the power of both investigations and audits is viewed as essential to a robust OIG. Nonetheless, on the state and local levels, while some OIGs perform both audits and investigations, a significant number of OIGs perform only investigations, and a few perform only audits. These deviations reflect a deliberate decision to remove significant powers from an OIG.

For example, OIGs vary in their independence from the entities they oversee. Independence helps OIGs produce unbiased reports, as opposed to reports that might be manipulated for political reasons. On the federal level, OIGs' independence is protected in that an inspector general (IG) is appointed based on his or her professional qualifications and not according to political affiliation (IG Act of 1978, as amended, §3). Additionally, many IGs are appointed by the president and confirmed by the Senate (IG Act of 1978, as amended, §3). Once

appointed and confirmed, the IG has full authority to manage his or her staff and decide which audits and investigations to pursue without independence (IG Act of 1978, as amended, §6).

The archetypical OIG has these and other protections to its independence; yet, state and local OIGs may have more *or less* independence than the federal OIGs. For example, the OIG for the Cook County, Illinois, Clerk of the Circuit Court, has much less independence than federal OIGs in that this IG is hired by the Clerk and can be fired at will (Confidential Personal Communication, 2013). Further, the IG reports to and is supervised by the Clerk. In contrast, the Palm Beach County OIG has greater independence. In this county, the IG is not selected by any county official but by a committee made up of the local state attorney, the local public defender, and the private citizens who make up the County's Commission on Ethics (Palm Beach County, Florida, Office of Inspector General 2009-049 §2-423.4). Like the federal IGs, this IG must meet specified professional qualifications (Palm Beach County, Florida, Office of Inspector General Ordinance 2009-049 §2-423.4), but unlike the federal IGs who can be removed by the president for any reason at any time, only with notice to Congress (IG Act of 1978, as amended, §3), the Palm Beach IG is appointed for a four-year term and can be removed only for cause (Palm Beach County Office of Inspector General Ordinance 2009-049 §2-430). In these ways the County's ordinance provides more protection of an IG's independence than the federal statutes.

OIGs also vary in the legal authority they are granted. On the federal level, OIG staff are granted law enforcement power when approved by the Department of Justice (IG Act of 1978, as amended, §6) and can issue subpoenas for documents (IG Act of 1978, as amended, §6). These statutory powers help the OIG staff pursue the information they need for thorough investigations and audits. State and local OIGs may have more *or less* authority than federal OIGs. The

Massachusetts OIG lacks law enforcement authority, but it can subpoena documents and, through a specific statutory mechanism, individuals to provide testimony (Massachusetts Office of Inspector General Act of 1980, §15). The Virginia OIG has authority to subpoena both documents and testimony, and it has blanket law enforcement authority for all its investigators (Virginia Office of the State Inspector General Act, §2.2-311).

This dissertation aims to increase our understanding of state and local OIGs. It applies theories of neo-institutionalism, policy diffusion and reinvention, agenda setting, and accountability, which are described in more detail below. Using these theoretical lenses, this study addresses the following three research questions:

- Why are OIGs spreading so rapidly among states and localities—or *some* states and localities? As we shall see, neo-institutional theories help explain the appeal of the OIG idea and its widespread diffusion. In brief, the OIG has emerged as a key model for how to address the perceived problem of bureaucratic accountability, and the power of this model propels its adoption in many places.
- Why do these OIGs vary so substantially in design? As we shall see, theories of policy reinvention, especially those attuned to cross-cutting political pressures in different jurisdictions, help explain why the specific form of the OIG is so different from place to place. In brief, powerful political elites sometimes push back against giving an OIG too much independence or power, producing design changes that sometimes leave an OIG in a weakened form.
- What are the implications of this variation in design for state and local OIGs as a mechanism of accountability? As we shall see, theories of bureaucratic politics help to illuminate how, after adoption, OIG officials work strategically to gain allies and enhance

their legitimacy for professional analysis so as to overcome the weaknesses of their offices' design. Although built-in design features sometimes deeply weaken an OIG, OIG officials' ongoing efforts to give life to this mechanism of accountability even in the face of great difficulty provide further evidence of the symbolic power of the OIG idea.

Past Studies of Offices of Inspector General

Despite the widespread adoption of OIGs on all levels of government, to date there is very little scholarship on OIGs. The scholarship that exists focuses solely on federal OIGs and the implications of the passage of the federal IG Act of 1978, as amended. None of these studies examines the spread of the OIG concept across states and localities, nor do they address the changes in design that are found in these OIGs.

The foundational piece is Paul Light's *Monitoring Government: Inspectors General and the Search for Accountability* (1993). In this book, Light reviewed the passage of the IG Act of 1978, including early organizational precursors, the passage of the 1988 IG Act amendments, and implementation of the Act through 1992. Light questioned Congress' investment in OIGs as an effective mechanism to pursue accountability and improve agency operations. This was not the fault of the OIGs themselves, he wrote, but instead was a product of the many statutory and political incentives that push these agencies to focus on narrow issues of legal or procedural compliance rather than on more complex issues of performance. For instance, one pressure comes from statutory provisions that require federal OIGs to report on numbers of audits and investigations, dollars saved, and number of cases referred for prosecution. Another reason may have arisen from the fact that many IGs at that time were law enforcement professionals and were predisposed to examine compliance issues. Light observed that compliance work products are simpler, take less time, and add to statistical accomplishments, but have little impact on programmatic effectiveness and outcomes. Ultimately Light (1993) characterized OIGs as more

useful as a method of political control of the executive than an accountability mechanism. He suggested that Congress adopted OIGs in order to help Congress better monitor federal agencies by providing a method by which it could receive more information about these agencies than it had in the past. OIGs were better positioned to perform this role than to improve executive performance.

Light's (1993) work on OIGs is important in that it provided the first scholarly look at an expansive system of federal oversight. His review of the IG Act's legislative history as well as the implementation of the Act by IGs appointed by Presidents Carter and Reagan provides a detailed picture into the complex oversight relationship between Congress and the executive agencies. Still, Light's research neither directly addresses the multitude of state and local OIGs that have sprung up around the country nor speaks to the spread of the OIG concept.

Katherine Newcomer (1994, 1998) followed Light's work with a comparison of program evaluation (PE) offices, which are units dedicated to performance evaluation, and OIGs. She surveyed PE and OIG staff twice within a four year period. The findings from her first survey echoed Light's conclusions in that she found that staff focus more on compliance audits and investigations than examining program performance. In 1994, she stated: "Both the (OIG) auditors and the (program) evaluators tend to focus on program process, rather than impacts" (Newcomer 1994, p. 152). In contrast, Newcomer's (1998) survey of the same organizations four years later found that declining budgets and the passage of the Government Performance and Results Act (GPRA) of 1993 had put pressures on OIGs, which altered their activities. The GPRA was a major federal statute that placed a greater emphasis on administrative outcomes than processes. Newcomer found that in this new statutory context many federal OIGs were pursuing more performance audits than before. Contrary to her earlier findings and Light's

(1993) conclusions, she found that although OIGs still focused on the old issues of compliance with rules prohibiting fraud and abuse, many were also focusing on improving their agencies' performance.

Newcomer's work responds to Light's (1993) critique of OIGs and their pursuit of compliance over performance and provides interesting insight into the evolution of federal OIGs. Nevertheless, Newcomer, like Light, only examines federal OIGs within the federal statutory scheme. She does not address the institutionalization of OIGs in state and local jurisdictions.

The most recent published study on OIGs is a book by Carmen Apaza (2011), who provides a direct response to the criticisms Light (1993) levied against OIGs. Based on an in-depth case study of the Department of Homeland Security's (DHS) OIG, she demonstrates that at least this Department's OIG does not simply pursue easier, compliance-based audits and investigations, but rather regularly takes on more substantive performance-related issues. One example is a study of the agency's system of contract administration and its vulnerabilities to fraud and corruption in times of emergency, such as occurred following Hurricane Katrina. The OIG identified inadequate acquisition, planning, and coordination with other agencies, as well as the agency's insufficient acquisition personnel, which resulted in inefficient spending and poor performance, in this case responding to the disaster. The OIG also then recommended how to improve these processes so that Department of Homeland Security would better respond to disasters in the future. Based on this case study, and acknowledging that each federal OIG has a different context due to its "hosting agency," Apaza rejects Light's (1993) critique of federal OIGs as focused only on compliance.

Apaza's work provides an insider's view into the DHS OIG, and an interesting picture of accountability as pursued by an OIG. That said, like any case study, without more information

on whether it is typical, it cannot be generalized to other OIGs. As Apaza acknowledges, other federal OIGs may not be comparable even though they operate under the same statutory regime. State and local OIGs, each of which has its own unique base of authority among other variations, are even further removed from the DHS OIG. Thus, Apaza's observations, while valuable, are limited to one context and to Light's (1993) critique of the federal OIG system.

In sum, the few scholars who have examined OIGs have not examined the spread of the OIG concept to states and localities, the variations of the OIG design that can be found therein, and the implications for these OIGs as accountability mechanisms. These things are the focus of this dissertation.

My Thesis: The Power of the "Office of Inspector General" Idea

This dissertation advances a three-part thesis regarding the spread of OIGs across state and local governments. First, the *concept* of an "office of inspector general," as an independent agency charged with overseeing a bureaucracy's fraud, waste, abuse, effectiveness, and efficiency, has gained widespread appeal. This appeal is based ultimately on the growing demand for government accountability. Government accountability has become a constant concern, or even an "obsession" (Dubnick & O'Brien, 2011) of elected officials, citizens and public managers alike. Accountability mechanisms promise increased control, improved performance, and appropriate behavior from governmental actors through a formal account-giving that provides an opportunity for decision makers to assess and determine appropriate consequences for those governmental actors (Dubnick & Frederickson, 2011; Bovens, 2007). Accountability also is thought of as helping to sustain the values of integrity, democratic legitimacy, and justice in our governmental system (Dubnick & Frederickson, 2011).

The demand for accountability is not enough to explain the spread of OIGs, however, as this is a specific institutional mechanism with a particular design. The key characteristics of this design are independence from the agency being overseen and appropriate authority to pursue the information it needs to make a thorough examination. Thus, the origin and appeal of this particular mechanism must also be explained. I find that when confronted with a scandal involving waste, fraud, or abuse in the bureaucracy, elected officials have widely come to think of an OIG as an appropriate institutional solution. The attractiveness of this idea, when conceived in a jurisdiction, is best understood as an instance of what scholars call the "institutionalization" of a common model. In fact, there is wide consensus among inspector general practitioners about the key elements of this common model or archetype.

The second element of my thesis is that while state and local elected officials find the *general* idea of an OIG appealing, some are leery of the consequences of having an office that has all of the institutional characteristics of independence and oversight that the common model demands. As a consequence, in many places the OIG as designed has been modified in key ways that reduce its effective independence and powers of oversight. As policy diffusion and diffusion scholars would suggest, local and state policy makers exert their political power to reduce the policy uncertainties related to the adoption of an OIG, which results in large variation in state and local OIGs. These design variations have not developed progressively, as would be expected if jurisdictions were learning about the policy implications of an OIG from other jurisdictions. Instead, jurisdictions' unique characteristics and needs, coupled with concerns about the potential exposure of embarrassing acts lead to the customization of OIG's structure, independence, and authority.

Third, once adopted, the officials in these offices and the agencies they oversee engage in a sometimes tense contest over the implementation of oversight. The agencies overseen by OIGs chafe under this oversight and seek ways to avoid or limit it. As a result, many OIGs experience significant pushback by political actors and those who are overseen by the OIG, in particular in the early stages of implementation, which can threaten the ability of an OIG to do the job it was intended to do. In response, and providing another indication of the normative power of the institutional model of the OIG, OIG personnel act in ways that protect the institutional role of the OIG in the accountability process. They pursue two primary goals that sometimes conflict: to position their offices as helpful consultants, rather than as threatening "junk yard dogs;" and to maintain their independence from those they monitor in order to safeguard their impartial position. To do this, Inspectors General (IGs) and their staffs navigate a very political environment in order to pursue government accountability. These efforts are made even though, as the accountability literature indicates, an OIG was originally conceived to have a limited and early role in the accountability process.

The common thread in each of these stages, the conceptualization phase, the design phase and the implementation phase, is the strength of the norm of accountability. "Norm" in this context does not mean "typical," but rather refers to an ideal or aspirational standard. The norm of accountability, i.e., the desire to achieve accountability in government, drives the adoption of an OIG in the first place. The norm of accountability becomes embodied in an OIG, even though the resulting designs vary from place to place. Yet these OIGs are not merely symbols of accountability or institutional shells. Rather, despite efforts to narrow the OIG's ability to perform its role in supporting the accountability process, OIG staff pursue the norm of accountability by striving to improve their OIG's ability to perform its role. This is possible

precisely because there has developed a shared body of knowledge about how best to design these institutions.

The power of the OIG idea, and battles over its implementation, are best understood through the lenses of neo-institutional theory and theories of policy diffusion and reinvention, to which I now turn.

Conceptualizing accountability: The neo-institutional model of an office of inspector general. OIGs are an expression of the growing desire to institutionalize "accountability." Accountability, as the term will be used here, is **"**a social 'mechanism,' . . . an institutional relation or arrangement in which an actor can be held to account by a forum" (Bovens et al., 2008, p. 227). To be held to account primarily means to be answerable for one's actions (Romzek & Dubnick, 1987). *Government* accountability is, therefore, a method by which a governmental actor will be made answerable for his or her actions. As will be discussed here, an OIG is an organization that monitors and reports on governmental actors to a forum, which is an entity separate and independent from the OIG. This forum may be the head of the agency that the OIG oversees, the chief political executive of the jurisdiction, the legislature, prosecutors, or the public.

Government accountability is a central concept in Western democracies. A foundational element of democracy is the periodic election, whereby the public can hold elected officials directly accountable for their actions. Employees in the executive branch are not subject to such elections by design. These employees are sheltered from reelection concerns, which in theory, allows them to do their jobs professionally, in light of expert knowledge and without fear of direct political reprisal (but cf. Stone, 1988). Still, democratic ideals demand that even these officials must be somehow accountable to the public, even if not immediately through electoral

control. An early debate on how best to ensure accountability for bureaucratic professionals can be seen in the writings of Finer (1939, 1941) and Friedrich (1940). Finer (1939, 1941) argues that bureaucracies should be held accountable through finely-detailed legislation and legislative oversight, whereas Friedrich (1940) suggests professional standards and peer review within the bureaucracy are more effective.

While the expectation of accountability has great power, it finds expression in a wide variety of institutional mechanisms. Multiple types of accountability mechanisms, including Finer's (1939, 1941) legislative oversight and Friedrich's (1940) professional standards, can and do exist concurrently. Romzek and Dubnick (1987) explain how public employees come to be subject to a variety of accountability mechanisms. Such mechanisms are borne by the expectations of entities with which the employee has a relationship. For example, professional expectations for the individual's occupation and position are developed by peers and are imposed through occupational standards or licensure. Hierarchical expectations for the individual are developed by the employees' superiors in the agency and may be enforced through performance review and other hierarchical controls. Legal expectations are found in formalized directives, such as statutes or constitutional provisions. Finally, political expectations arise from the opinions of political representatives of the public about the role of the public employee, which are communicated through letters or phone calls from legislators or in legislative hearings. Koppell (2005) augments Romzek and Dubnick's (1987) categories of expectations by adding a fifth set of expectations that arise directly from a public employee's relationship with the public: transparency, which may be supported by open meetings laws and the like.

The OIG concept is a particular way of institutionalizing accountability. It is as old as the country itself, but it has come into its own only in recent decades in the context of growing

concern for accountability. The first OIG was adopted in 1777, when General George Washington asked Congress to create an inspector general position to provide oversight of the revolutionary army's training, discipline and treatment of soldiers (U.S. Army OIG, n.d.). After that initial OIG adoption, OIGs were limited to the military context until the fourth quarter of the 20th Century. Although there were a few experiments with OIG-like oversight in the civilian context prior to 1976, such as the "Inspector General and Comptroller" for the International Cooperation Administration, the passage of the IG Act of 1978, ushered in a veritable federal OIG boom. Today, there are 73 OIGs on the federal level, and recently, Senator Claire McCaskill (MO-D) announced she would be drafting a bill to place OIGs in 41 small federal agencies that are not presently subject to this oversight (Moore, 2014). The OIG concept did not remain solely in the federal government, but as summarized above, this institutional model has spread widely among states and localities.

The attractiveness of the OIG idea is best understood as an instance of what scholars call the "institutionalization" of a common model or archetype. In fact, as chapter three will show, there is wide consensus among inspector general practitioners about the key elements of this archetype. The theory of neo-institutionalism helps explain this phenomenon. This body of theory, also known as "new institutionalism" (March and Olsen, 1989), developed out of sociological organizational studies. It was built on an earlier body of scholarship, or "institutionalism," that examined individual organizations' development of and response to institutions, which were defined as "cognitive, normative, and regulative structures and activities that provide stability and meaning to social behavior" (Scott, 1995, p. 33). The older institutionalists examined institutions in the form of a single organization and its immediate

environment. These scholars treated institutions as an efficient reaction to the task at hand and to threats from the environment.

Neo-institutionalism shares with the older institutionalism an understanding of institutions as "cognitive, normative, and regulative structures" (Scott, 1995, p. 33) but looks beyond a single organization to help to explain why many organizations in similar fields develop common structures and ways of doing things. The core idea is that individual organizations respond not only to local conditions but also to broader field-level ideas and norms. March and Olsen (1995) call these norms "logics of appropriateness." In their description, logics of appropriateness guide individuals and organizations in how to do things, not by maximizing utility, but by acting in the right or "appropriate" way. These logics become institutionalized in rules and organizational structures. Studies informed by this theory also observe that in responding to broader ideas and norms, individual organizations are often acting in ways that are inefficient or unresponsive to local conditions (Edelman et al., 1999; Scott, 1987, 1995; DiMaggio & Powell, 1983). Thus, institutions often "reflect the myths of their institutional environments instead of the demands of their work activities" (Meyer & Rowan, 1977, p. 341).

DiMaggio and Powell (1983) suggest that organizations adopt similar structures and processes for coercive, mimetic and normative reasons. Coercive reasons arise from formal and informal pressures from external organizations or society; mimetic reasons originate from following the model of other organizations in response to uncertainty; and normative reasons are created through professionalization and ideals about how things should be done. Adaptations in response to these forces are shaped by a desire for societal or market acceptance and legitimacy (Scott, 1987, 1995; Edelman et al., 1999). "Isomorphism," the process by which organizations change to look like each other, is driven by such issues as prestige, crisis and proximity rather

than efficiency (DiMaggio & Powell, 1983). Thus, neo-institutional theorists consider organizational behaviors and structures to be "determined not by the considerations of technical efficiency but by the need and desire to comply with widely accepted beliefs, rules, and norms" (Meyer, 2006, p. 52).

To be sure, Edelman, et al. (1999) point out that the early development of a new institution usually begins with a need to address an initial problem to which the external environment has demanded a solution. For example, the demand for greater accountability may put pressure on organizations to adapt new forms of responsiveness to this ideal. Periodic peaks in external pressure result in a process of "punctuated equilibrium" (True et al., 1999), as generally institutions are quite stable and resist change. When solutions are demanded, low-cost choices are often favored. After a new solution has been more broadly endorsed by the field, that solution becomes replicated by many organizations over time. Through this dissemination, the chosen solution alters from a practical, efficient solution to the initial pressure to one that has merely become accepted as the legitimate way to address the problem (Edelman et al., 1999). In other words, after the initial problem is addressed, the resulting norms are spread from organization to organization ultimately for reasons other than addressing the original problem. Some studies have shown that public organizations are more susceptible to isomorphic pressures than private organizations (Frumkin & Galaskiewicz, 2004) and that external forces, such as legislatures, are a stronger force for isomorphism than internal discretion of professionals (Ashworth et al., 2009).

The spread of OIGs can be explained to a large extent by neo-institutional theory. The initial impetus for creation of the first OIGs seems to have been to address a perceived practical need. Light (1993) explained that Congressional motivation for the passage of the IG Act of

1978 was to address perceived deficiencies in auditing and investigations units coupled with a growing demand for information about federal agencies associated with the expansion of Congressional committees and Congressional staff that was occurring at the same time (Light, 1933). Yet, over time, the OIG has come to be less a response to a clear immediate need than a widely-accepted and legitimate way to address the perceived need for greater accountability. For example, it is somewhat ironic that Congress decided to create an OIG to oversee the Government Accountability Office (GAO), itself an agency with a mission to aid Congress in ensuring the accountability of other government agencies. Likewise, Congress created an OIG over the Capital Police, an agency directly accountable to Congress. As the GAO and the Capitol Police are Congressional agencies, there are no barriers between them and Congress as there might between Congress and executive agencies. To learn about their activities, Congress only has to ask. These examples illustrate how the OIG concept has taken on a life of its own. It represents the ostensibly appropriate way to provide accountability over a governmental unit.

Subsequent adoptions of OIGs are mimetic. Jurisdictions have other multiple methods to increase monitoring, gain information about bureaucracies, and improve accountability and performance. For example, legislative auditing could be increased to boost monitoring. Transparency laws could be strengthened to improve the availability of information about bureaucracies. Increased funding to the programs could help improve performance (Light, 1993). Yet jurisdictions choose to implement a new office to perform such a role and they call the new office an OIG.

Thus, I will argue that a key force driving the widespread adoption of OIGs at the state and local levels is the perceived legitimacy of this form of accountability and the normative power of the OIG "idea" as a way to oversee bureaucratic agencies. This idea is powerful,

assisting the OIG concept to land squarely on the political and policy agenda (Kingdon, 1995). As I will show, many jurisdictions have come to copy the federal government's OIG model. In some jurisdictions, the imposition of an OIG is coercive when a legislative body imposes OIG oversight on an executive agency or the executive branch. In others, the adoption of an OIG is purely normative, as an agency chooses to impose OIG oversight on itself. In both cases, OIGs are viewed as a superior way to do business. The reasons for adopting an OIG and the conditions in a state that predict the adoption of an OIG are detailed in chapter two (focusing on the initial decision to adopt an OIG). Data gathered for this dissertation suggest that a stronger reason for adopting OIGs than an immediate, concrete need for an office dedicated to monitoring is appearing to legitimately pursue government accountability.

Still, while neo-institutionalism is useful in explaining institutional similarities across organizations, it is less useful in explaining localized or regional variations in a common institutional form (Levy, 2006). This variation is a key element of the state and local OIG phenomenon. As is detailed in chapter three (focusing on variations in the design of OIGs), state and local OIGs vary a great deal. Variations on a common model are better addressed by theories developed in the literature on policy diffusion and reinvention.

Designing accountability: Policy diffusion and reinvention of offices of inspectors general. While elected officials find appealing the normative idea of an OIG, some are leery of the consequences of having an office that has all of the institutional characteristics of independence and oversight that the common model demands. As a consequence, in many places the OIG has been modified in key ways that reduce its effective independence and powers of oversight. As policy diffusion and diffusion scholars would suggest, local and state policy makers exert their political power to reduce the policy uncertainties related to the adoption of an

OIG. In doing so they tweak or even fundamentally alter the design of the common model when adopting an OIG for their own jurisdiction. This results in large variation in the design of state and local OIGs. These design variations have not developed in an orderly fashion, either increasing or decreasing in strength, which would be expected if diffusion is shaped by a process of learning and improvement. Instead, as chapter three will show, variations in the design of OIGs seem related less to learning from one another than to differences in jurisdictions' characteristics, needs, and, especially, to concerns about giving this unit too much power.

Because variations in the design of OIGs seem driven by intra-jurisdictional battles over how much power to give this agency, I have not found particularly useful the dominant *learning*-focused theory of policy diffusion (Volden, 2006; Moynihan, 2008; Shipan & Volden, 2012) This theory suggests that jurisdictions learn from each other's experiences, and this learning leads to progressive improvements in policies over time as they spread from place to place. Thus, policies do not remain static as they spread from jurisdiction to jurisdiction, but rather change incrementally.

This learning-focused theory is based on a bounded rationality decision making process (see, e.g., Shipan & Volden, 2012). Bounded rationality describes decision making that is practically but not perfectly rational in terms of an individual or group weighing all the possible options and choosing the one that maximizes benefits and minimizes costs. People are limited in their ability to collect all the information necessary for fully rational decision making (Simon, 1964). As a consequence, decision makers use experientially-based shortcuts, or heuristics, in their analysis to help them make decisions that are as rational as practically possible.

In the case of policy diffusion, three types of learning heuristics are commonly used, emphasizing availability, representativeness and anchoring (Weyland, 2007). The *availability*

heuristic encourages decision makers to overestimate the value of available information when that information is "particularly striking, vivid or memorable" (Weyland, 2007). The *representative* heuristic induces decision makers to overestimate the extent to which sample information represents true population samples. The *anchoring* heuristic limits decision makers' analyses of how a particular policy should be modified for local conditions, because the decision becomes overly reliant on the original model.

Sources of heuristic information include decision makers' networks (Moynihan, 2008; Balla, 2001), the electorate (Pacheco, 2012), and political entrepreneurs (Mintrom, 1997). Another important factor in the use of heuristics is the extent to which a legislature is professionalized and has access to research staff, which varies from jurisdiction to jurisdiction (Boushey, 2010). Jurisdictions with more professionalized legislature and staff have the resources to do more analysis on the implications of policy implementation, while others must rely more on heuristics (Boushey, 2010). Decision makers are also often influenced by the policy decisions of neighboring jurisdictions, and this results in geographic clusters of policy adopters (Walker, 1969).

Even though the use of heuristics can be considered in a negative light, because it undercuts fully rational decision making, an alternative view suggests that in the case of policy diffusion, heuristics can help in organizational learning. Incremental learning can occur from evaluating the successes or failures of other jurisdictions' policy implementation. This evaluation reduces information costs and uncertainty about policy outcomes and allows for jurisdictions to steadily improve the policy (Glick & Hays, 1991). Thus, regional policy leaders have also been shown to have higher than typical influence in diffusion patterns as decision makers are more likely to imitate what they view as success stories (Volden, 2006).

Theories of bounded rationality, in the context of policy diffusion, may help to explain not only why adoptions of policies take similar forms across jurisdictions but also why the particular form or structure may change over time, as jurisdictions learn from earlier adopters (Glick & Hays, 1991). In other words, the dependent variable of incremental variation in a policy may be explained by the independent variable of bounded rationality and learning.

Nonetheless, theories of bounded rationality do not help explain changes in policy that are not progressive in nature and cannot be attributable to learning, as in the case of variations in the design of OIGs. In those cases, diffusion scholars have developed the concept of policy reinvention.

Reinvention, or as Karch (2007) prefers "customization," is a term developed by policy diffusion scholars to address policy variations in policies adopted across jurisdictions that did not seem to be explained by neo-institutionalism or learning. These policy changes may appear to be ad hoc, but reinvention suggests that state-specific or locally-specific concerns or conditions produce systematic variations (Rogers, 2003). Local conditions such as a state's political, economic and social characteristics or interstate competition (Berry & Berry, 1990), liability threats (Epp, 2009), and pressure from interest groups or other organized constituencies (Daley & Garand, 2005; Jun & Weare, 2011) have been found to influence variations in shared policies from place to place. If the policy is motivated by political considerations, then the shape of the policy is likely to reflect the interests of those in political power (Jun & Weare, 2011).

These theories of policy diffusion and reinvention help explain why the design of OIGs varies from place to place. As chapter three shows in more detail, state and local OIGs vary from the original federal model as well as among themselves. Many of these variations are quite striking and significant in that they work to *weaken* an OIG's role in the accountability process.

For example, a state or local OIG may not be given the authority it needs to collect the information required for an audit or investigation or it may lack the independence from the entities it oversees to ensure that its reports are not influenced by those entities. Yet, these structural variations do not appear to be developing in a clear line representing progressive strengthening (or weakening) of OIGs as theories of bounded rationality would suggest. Instead, as reinvention studies have shown in other contexts, policy makers in different jurisdictions reinvent the OIG design in ways that respond to local pressures, political and otherwise, such as desires of those in political power or the perceived need to not offend preexisting bureaucratic units. The particular local forces that influence OIG design are explored in chapter three.

Implementing accountability: Bureaucratic politics and offices of inspectors general. Once an OIG is adopted, the officials in these offices and the agencies they oversee engage in an ongoing, sometimes tense contest over the terms of oversight. This struggle over implementation is the subject of chapter four. Descriptive theories of government accountability and theories of bureaucratic politics help to explain the character of these struggles.

These tensions are activated and heightened by a design feature that is inherent in the very concept of an OIG. This is the fact that an OIG has authority only to gather and provide information—but not to take any kind of corrective action on the basis of this information. To put this key point in the context of accountability generally, consider Bovens' (2007) summary of the nature of accountability as a process: "accountability is a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement (sic), and the actor may face consequences" (Bovens, 2007, p. 450). Behn (2001) added that the forum must have the authority to impose *punishment* (although Bovens (2010) thinks this is a uniquely American element).

It is apparent that the role of an OIG is limited to the beginning of this accountability process. The role of the OIG, while not insignificant, is limited to collecting and analyzing information, whether through audits or other investigations, and then reporting the information to the forum. It is the role of the broader forum—whether this be the CEO of the agency in question, the mayor, the legislature, or the governor, to decide what to do with this information: whether to issue a sanction or some other consequence. For example, when the OIG for the Port Authority of New York and New Jersey announced it would investigate alleged abuses of government power related to the lane closures on the George Washington Bridge (Zernike & Rashbaum, 2013), its job was not to ask the governor or his staff to defend their actions or to sanction them. Instead, the role was to provide reliable, objective information upon which the Port Authority, the New Jersey legislature, or the public can act. These other bodies receive the OIG's information, and they, not the OIG, determine what consequences, whether punitive or not, shall fall on the individuals involved. An OIG can recommend consequences, but these recommendations are non-binding.

The implications for the OIG that arise from this early and limited role in the accountability process are significant. First, the quality of information produced by an OIG is very important. To fulfill the OIG's role, the information it provides must be objective, accurate, and reliable, because the entire accountability process on which this information rests depends on its validity and reliability. Similar concerns about the quality of information and its minimal impact on accountability arise in extensive systems of transparency where the data are too complicated for the public to understand (Pollitt, 2011). Second, regardless of how accurate and objective the information provided by the OIG may be, an OIG's role in the accountability process is rendered virtually irrelevant without the willingness of another entity, or in the terms

of Bovens (2007), "a forum," to review and act upon the information. For both of these reasons, an OIG simultaneously holds both a crucial and a relatively minor role in achieving government accountability.

Chapter four of this dissertation shows that this tension between an OIG's role in accountability and the concerns of those being overseen results in a powerful dynamic. Those who are subject to the information-gathering and reporting fear the consequences, and this leads them to push back against oversight in both the design and implementation phases of the OIG. OIG staff are strongly dedicated to their mission of accountability, and this results in their committed efforts to ensure they produce quality and useful work products which will have relevance in the accountability process. This dynamic is expanded upon in chapters three and four, addressing the design and implementation of state and local OIGs.

My analysis of this dynamic draws on theories of bureaucratic politics (see, e.g., Allison, 1971; Carpenter, 2001) that posit that bureaucratic agencies are powerfully shaped in practice by the strategies and actions of key bureaucratic leaders and their external opponents and allies. Likewise, the design of an OIG and how it proceeds to do its job are affected negatively by opponents who wish to reduce potential threats that arise from OIG work. As a result, OIGs, and in particular, IGs are required to negotiate a politicized environment and develop allies to support its role and its work.

The common thread in each of these stages, the conceptualization phase, the design phase and the implementation phase, is the strength of the norm of accountability. This norm drives the adoption of an OIG in the first place. The norm of accountability becomes embodied in an OIG, even though the resulting designs vary from place to place. Yet these OIGs are not merely symbols of accountability or institutional shells. Rather, despite methods to narrow the

OIG's ability to perform its role in supporting the accountability process, OIG staff pursue the norm of accountability by striving to improve their OIG's ability to perform its role. This is possible precisely because there is a shared body of knowledge about how best to design these institutions.

Possible alternative explanations. In sum, the thesis of this dissertation is that the normative ideal of accountability and the institutionalized model of an "Office of Inspector General" have driven the widespread adoption of OIGs. The particular designs of these agencies vary considerably, however, and this variation is best understood as shaped by a local politics of contention over whether to have independent accountability, and how much of it to have. Supporters of the OIG model strive to adopt and implement agencies that have all of the key characteristics of the OIG archetype. Opponents try to chip away at key elements of independence or investigatory authority. At the implementation stage, OIG leaders and staff prove to be especially committed to the OIG model and seek to carry out independent oversight—even when the design of their agency limits their independence or authority or in the face of opposition from those who are being overseen. This, too, indicates the power of the normative ideal of OIG accountability. Simply put, my interpretation of Offices of Inspector General focuses on ideas: a *model* of an "ideal" OIG that is shared among professional networks, which has as its sole goal to contribute to government accountability.

To lend greater support for my thesis, I will consider several possible alternative explanations for the spread, design, and bureaucratic politics of OIGs at the state and local level. The first is that OIGs are simply a functional response to problems of bureaucratic corruption. If this is so, we might expect OIGs to be most prevalent in jurisdictions with histories of recurrent corruption. Thus, a state that experiences high numbers of federal public corruption convictions

year after year would be more likely to have one or more OIGs whereas states with fewer numbers of convictions over time would be less likely to have even one OIG.

The second possible alternative explanation is that OIGs are a particular element of the growth of state and local administration generally. Administrative bureaucracy has expanded considerably in some states and localities since the 1960s. OIGs are undoubtedly administrative agencies. Perhaps the adoption of OIGs is simply part of the expansion of administrative capacity in some states and localities. If this is so, we might expect OIGs to be most prevalent in jurisdictions that have invested more heavily in administrative bureaucracy generally, and to be less prevalent in areas that have not done so.

Third, it is possible that OIGs are a political project, either of Democrats or Republicans. Perhaps OIGs are seen as a tool that one party may use to impose heightened scrutiny on the other party's administration. If this were the case, we would expect OIGs to be found in states that experience high levels of partisan competition, while states with a single party dominance would not be as likely to have an OIG within their borders.

Ultimately, as will be demonstrated in chapter two, none of these explanations seems satisfactory, lending further support for my thesis. OIGs are adopted in places known for corruption, but also in places known for "good government;" in fact, the rate of OIG adoption decreases a moderate amount when public corruption convictions per 1000 state full time equivalent (FTE) employees over time decreases. OIGs are adopted in places that have invested heavily in administrative capacity but also in places that have not. OIGs are adopted in places with high levels of partisan competition, but also in places with a single party dominating. Across all of these different settings, what motivates adoption of OIGs, what inspires fights over their design features, and ongoing conflict over their implementation is the *power of the idea of*

accountability as embodied in an OIG: an independent agency with the authority to investigate and audit, demand documentation, and report any findings.

Methodology

This study employs a mixed methods approach, using both quantitative and qualitative data to inform the conclusions. The preliminary step was to identify existing state and local OIGs, as this data had not yet been compiled by any source. The OIGs were identified through a series of database and internet searches, including Lexis Nexis (looking for any state statute or regulation that mentioned an IG), state websites (such Kansas.gov), Google and Bing (searching for the name of the state and the term "inspector general" in the same document), and the membership lists of the National Association of State Auditors, Comptrollers, and Treasurers, and of the Association of Inspectors General. For each OIG, an e-mail address was obtained.

It should be noted that each office included in the data set used the term "inspector general" in some way, but not all offices are officially titled Office of Inspector General. For example, in the data set, there is an Inspector General's Office, an Office of Inspector General Services, an Office of Legislative Inspector General, an Office of the Independent Inspector General, and the like. For the purposes of this paper, each of these offices is referred to as an OIG and the head of the OIG as an IG.[5]

[5] It should be emphasized that OIGs are not the only units on the state and local levels that perform oversight akin to that provided by OIGs. Units such as legislative auditors or city auditors perform similar functions. Thus, it should not be concluded that states and cities without OIGs lack oversight. Nevertheless, the focus of this research is the increasing spread of

My search for OIGs yielded a universe of 159 of these units, including 109 (69%) at the state level, 47 (29%) OIGs at the local level, and three (2%) multijurisdictional OIGs. I then sought to obtain a variety of information from each of these OIGs through a combination of an on-line survey, using Qualtrics electronic survey software, and follow-up telephone interviews, and a review of OIG websites. In the online survey, I asked a number of questions about the offices' formation, activities, and evolution. A total of 59 OIGs responded to the survey, for an overall 37% response rate, comprising 42 (71% of 59) responses from state-level OIGs (including the OIG for Washington D.C.), 16 (27% of 59) responses from local-level OIGs, and one (2% of 59) multijurisdictional OIG. I then supplemented the data obtained via the online survey with website reviews and telephone calls to the OIGs that had not responded to the survey. In these telephone calls I did not try to obtain all of the information addressed via the survey because the people I was able to talk with by telephone were not in a position to address the full range of the survey questions. Instead, I used the telephone survey and website review to gather basic facts about these OIGs, such as the date of their creation and their key design features. This resulted in basic information for 91 OIGs, when combined with the 55 full survey respondents, yielded data from 150 OIGs, or 94% of the universe. This includes 103 (69% of 150) state OIGs (including the OIG for the Washington D.C.), 44 (29% of 150) local OIGs, and three (2% of 150) multijurisdictional OIGs.

In addition to the data obtained from the online survey, follow-up telephone interviews, and website reviews, I conducted semi-structured interviews, both in person and on the phone,

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the OIG the concept and a state or city's deliberate choice to create an OIG or rename its oversight unit with the title "Inspector General."

of 35 IGs, two deputy IGs, and one general counsel to an agency subject to OIG oversight. These interviews were conducted in eight states: Colorado, Florida, Illinois Indiana, Louisiana, Massachusetts, Minnesota, and Virginia. The states were selected to maximize variation on key variables, as follows:

- Corruption: I examined two indicators of corruption. The first was the average annual number of federal public corruption convictions for the state from 2002-2011. These data are generally available from the Department of Justice's Criminal Division, Public Integrity Section (U.S. Department of Justice, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012) and are published annually in statutorily required reports to Congress. To normalize these, I divided the average number of convictions by the number of state and local full time equivalent (FTE) employees from the year 2011. Minnesota ranked the lowest of the states at fifth, while Louisiana rated the highest at 49th. The other states fell in between these two outliers. The second indicator of corruption I examined was a numerical equivalent of Standard and Poor's state bond ratings averaged from 2001-2012. S&P Bond ratings have been found to correlate with corruption convictions (Butler et al., 2009), but take into account many other factors related to the assessment of state government, including the institutional framework, economy, management, budgetary flexibility, budgetary performance, liquidity, and debt and contingent liabilities (Standard and Poor's Rating Services, 2013). These data taken from a report published by the Pew Charitable Trusts (Stateline Staff, 2012). On this measure, of the states in the sample, Minnesota ranked

eighth, and Louisiana, 49th, with the other states falling in between. Both of these indicators of corruption and the states' rankings can be found in Appendix A.

- Size of government: I examined two indicators of the size of a state's government: state and local FTE per 1000 of state population for the year 2010 and the size of state and local payroll by $100 per 1000 state population for the same year. These data were taken from the US Census's Census of Governments (2010a, 2010b). On the first measure, of the states in the sample, Florida had the lowest ranking in terms of FTE per population, ranking sixth of all states. Louisiana had the highest ranking, 42nd of all states. On the second measure, of the states in the sample, Florida also had the lowest ranking in terms of payroll per population, ranking fourth. Massachusetts ranked the highest at 36th. On each of these measures, the other states fell in between. These rankings can be found in Appendix B.
- Political culture: To identify variation on a state's political culture, I relied primarily on the Ranney index of partisan dominance of each state's governing institutions. This index measures the extent to which either party controls the legislature and governorship of each state (Ranney, 1976). The Ranney index usefully distinguishes states that are dominated by the Democrats from those dominated by the Republicans, as well as those in which control of different branches of state government is divided between the two parties or flips back and forth from election to election. Selecting states from each of these general categories allows me to see whether patterns of adoption of OIGs, conflict over the design of OIGs, or conflict over the implementation of OIGs are associated

with dominance of state government by one or the other party or with close party competition. I also used a classic measure developed by Sharkansky (1969) and augmented by Baker (1990), which measures political culture as conceived by Elazar (1966). Elazar (1966) suggested that states' political culture fall on a 9 point continuum of political culture ranging from Moralist to Individualist to Traditionalist. Elazar (1966) suggested, and Sharkansky (1969) and Baker (1990) confirmed, that Moralist states tend to have citizens who prefer government intervention into policy problems, whereas Traditionalist states tend to disapprove of such intervention, preferring to rely on political elites to solve problems. Although this measure is dated and has been criticized (Baker 1990), I found it a useful indicator of variation. On this measure, of the states in the sample, Minnesota ranked first, as the most Moralist state, while Louisiana ranked 41st, on the Traditionalist side of the continuum. This ranking can be found in Appendix C.

- OIG characteristics: In addition, the key independent variables listed above, I also chose states according to what one might consider dependent variables. States varied on the number of OIGs in the state, the levels of government that had adopted OIGs, and the dates of OIG adoption. Colorado and Minnesota both had one state agency OIG within its borders, but Colorado's was created in 1999 (Colorado Revised Statutes §17-1-103.8 (2013)), while Minnesota's was created in 2011 (Minnesota Department of Human Services, 2011). Indiana and Massachusetts likewise has one OIG, but these states' OIGs oversaw the entire jurisdiction rather than only one state agency (Massachusetts Office of Inspector

General Act of 1980 (2013), Indiana Inspector General Act of 2005 (2013)). Massachusetts' OIG was the first statewide OIG, created in 1980 (Massachusetts Office of Inspector General, 2014), and Indiana's OIG was adopted in 2005 (Indiana Inspector General Act of 2005 (2013)). Virginia and Louisiana have a mix of state and local OIGs. Virginia has a single state OIG, which is a predecessor to several state agency OIGs (Virginia Office of the State Inspector General Act, 2013). In addition, the city of Richmond, Virginia, has adopted an OIG (Richmond, VA, Inspector General Function, 2008). Louisiana also has a statewide OIG (Louisiana Office of the State Inspector General Act of 2008 (2013)); and OIGs have also been adopted in New Orleans (New Orleans, Louisiana Office of Inspector General Ordinance, 2006) and in Jefferson Parish (Jefferson Parish, Louisiana, Home Rule Charter, 2013). Florida and Illinois both have the most OIGs within their borders, both on the local and state levels. Florida's OIGs date from 1994 (Florida Inspector General Act of 1994 (2013), while the first OIG in Illinois was established in 1987 (Illinois Department of Human Services Office of Inspector General, n.d.).

I augmented the information obtained from each interview with a review of the following: the OIG's website, any statutory provisions and legislative history, and a review of news articles mentioning the creation of the OIG or the activities of the OIG, collected from the America's News database. I coded these documents along with the transcripts of the interviews in Atlas.ti, a qualitative analysis software.

Finally, two states, Connecticut and North Carolina, were identified as having, via statute, adopted and then repealed a state level OIG. For these two states the legislative history of the OIG and any news reports of the OIG were collected and analyzed with Atlas.ti.

Overview of Chapters

Looking through a neo-institutional lens, the concept of the OIG undergoes different types of tensions in three distinct phases, each of which is addressed in a separate chapter. Chapter two examines phase I, the conceptualization phase, which is when the policy maker, whether legislative or executive, decides that an OIG is a good idea. Chapter three looks at phase II, the design phase, when decisions about issues regarding function, jurisdiction, authority and independence are hammered out. Chapter four addresses phase III, implementation, in which, the OIG staff get to work. The final chapter, chapter five, concludes with an examination of the implications for government accountability policies and practice that arise from the tensions described in chapters two through four.

Chapter Two
Phase I: Conceptualization

Why are OIGs spreading so rapidly among states and localities—or *some* states and localities? To answer this question, it is important to understand the conditions that lead to the adoption of an OIG. As the various theories summarized in the past chapter might suggest, I ask: are jurisdictions responding functionally to problems of corruption? Are OIGs, like any other government agency, simply an expression of a jurisdiction's commitment to administrative solutions to problems? Are they adopting OIGs as a tool of partisan battle? Are jurisdictions learning from each other? Or, as neo-institutional theory would suggest, is the adoption of OIGs driven less by particular needs than by the power of normative ideas about accountability?

The first phase of adopting an office of inspector general (OIG), examined in this chapter, is what I call the conceptualization phase. This is when the concept, the broad idea of adopting an OIG, is: (1) introduced into the jurisdiction; and (2) the idea is endorsed through adoption. During this phase, demands for accountability result in proposals to adopt OIGs: I theorize that OIGs have come to be perceived as a legitimate approach to provide government accountability and a method to meet normative desires for increased oversight of bureaucratic agencies. I posit that theories of neo-institutionalism provide a better explanation for the spread of OIGs than alternative explanations. First, using an event history analysis (EHA), which has often been used to examine the conditions that influence the diffusion of policies, I test and reject the hypotheses that OIG adoptions represent responses to long-term corruption, growth in administrative bureaucracy, or partisan dominance (or competition). I also reject other explanations relating to theories of policy diffusion and learning by examining the influence of neighboring jurisdictions and the increasing number of OIGs on the federal level on state-level OIG adoption. Second, after considering and rejecting these hypotheses, I turn to survey and interview data to

demonstrate how the theories of neo-institutionalism and agenda setting coupled with the norm of accountability best explain the conceptualization phase of OIG adoption.

Conditions Making the Diffusion of Offices of Inspector General Ripe for Adoption

To test standard hypotheses, I performed an Event History Analysis (EHA), which has been used often in policy diffusion studies (see, e.g., Berry & Berry, 1990), to analyze the adoption of state-level OIGs.[6] A benefit of EHA is that it can identify the relationship between the timing of the dependent variable or event, in this case the adoption of an OIG, and covariates of interest, which may also change over time. Additionally, EHA is inherently comparative, because it allows analysis of many observations over time for multiple entities, in this case American states, as opposed to a traditional time series model which utilizes longitudinal data for a single entity (Box-Steffensmeier & Jones, 2004). Thus, EHA provides a method by which a researcher can identify key predictors of the timing of states' adoption of OIGs while also factoring in the conditions of those states who have not adopted an OIG during the relevant time period.

The year of an initial OIG adoption in a state at the state level is a key dependent variable for the EHA. Additional OIG adoptions in the same state are included in the analysis, even though, as discussed more fully in the second half of this chapter, it is more likely that subsequent OIG adoptions are influenced by previous OIG adoptions in the same state. The adoption variable is coupled with a calculated duration variable, which measures the number of years from 1975, the year the very first state-level OIG was adopted in Kansas, to the date of

[6] Local OIG adoptions are not included in this analysis because comparable data about local conditions are not available.

adoption, and a censor variable, which indicates with a one or zero whether an OIG was adopted in the state at all. The remaining data used in the analysis are the independent variables, which represent alternative explanations for the diffusion of the OIG concept. Based on the information discussed in the first part of the chapter and previous diffusion studies, there are several alternative possible independent variables that may explain for these adoptions. Each of these variables is explored in turn below.

Intrastate conditions of long-term corruption, size of bureaucracy, and partisan competition. Policy diffusion scholars emphasize that internal conditions in states often influence adoption of innovations (see, e.g., Berry & Berry, 1990). The internal conditions that affect the rate adoption relate to both the obstacles of innovation and the impulse to innovate. As Mohr (1969) posited, "the probability of innovation is inversely related to the strength of the obstacles to innovation and directly related to (1) the motivation to innovate, and (2) the availability of resources for overcoming obstacles" (Berry & Berry, 1990). The motivations to innovate and the obstacles against such innovation vary as the nature of innovation itself varies. As such, the literature on diffusion of innovations provides a wide range of internal conditions, such as problem severity, state wealth, legislative professionalism, and political ideology, which have been proposed to impact the adoption of an innovation in new locations (Karch, 2007). This research tests whether several internal conditions of a state either motivate the adoption of an OIG, support overcoming barriers to adoption, or the opposite: demotivate or erect barriers against the adoption of an OIG. In this EHA, I will focus specifically on levels of long-term corruption, size of government, and partisan dominance.

Levels of long-term corruption provide both a strong motivation for a jurisdiction to innovate and adopt an OIG and an obstacle to adopting a unit that provides increased scrutiny.

Thus, if a state has higher levels of corruption, state policy makers may be greatly interested in adopting additional watchdogs for state government. One would consider this a rational response to a policy problem. Alternatively, high levels of corruption in a state might serve to prevent the creation of an OIG, as powerful actors who are engaged in corrupt practices may oppose establishment of an independent agency with the authority to expose those practices. Similarly, low levels of corruption may indicate a state's commitment to "good government," and this commitment may in turn find expression in widespread support for OIGs as simply another tool to assure good government. To be sure, low levels of corruption might also decrease the perceived need for having an OIG. Thus, while it is plausible that the level of corruption may be related to adoption of OIGs, it is difficult to predict the direction of the relationship.

Corruption is measured here by the number of federal public corruption convictions in a state, here referred to as "convictions." Although it has been shown that there is some bias in conviction data based on the presence of prosecutorial discretion (Gordon, 2009; Boylan & Long, 2003), this is a common measure of relative corruption among the American states. The source of these data is a report from the Department of Political Science and the Institute for Government and Public Affairs of the University of Illinois at Urbana-Champaign (Simpson et al., 2012), containing convictions in federal court, by federal judicial district, from 1976 through 2010 (the data are compiled from U.S. Department of Justice sources). These scores are summarized and aggregated per state. To normalize the data across states, the totals are divided by 1000 full time equivalent (FTE) public employees, state and local, within the borders of the state. The conviction ratio, "convictions," runs from a low of .24 (Oregon) to a high of 2 (Louisiana). If higher corruption levels predict of OIGs adoption, states with a higher ratio of convictions per 1000 FTE public employees should have higher rates of OIG adoption.

Size of government represents a state's investment in its bureaucracy. If adoption of OIGs is an expression of a general state commitment to bureaucracy, we should find that a larger payroll per capita should be positively associated with adoption of OIGs. Further, a larger, more complicated bureaucracy is at higher risk for inefficiency and ineffectiveness. These factors may provide motivation for adoption of an OIG and, if so the higher the bureaucratic investment is in a state, the higher the rate of OIG adoption should be. This variable, "state investment," is based on states' 2010 annual payroll (in $1000s) per 1000 individuals of the state's population. It runs from a low of $450.51 (Florida) to a high of $1406.52 (Delaware). A related variable, a legislature's capacity and professionalism, is not included in the model because many state-level OIGs are adopted by actors other than the state legislature.[7]

[7] Boushey (2010) suggests that such things as salaries of legislators, numbers of days in session, and size of legislation staff are important predictors of innovation, because those states have legislators with the capacity to do more analysis than other states. Further, Boushey (2010) notes that capacity has a different impact on diffusion depending on the type of innovation. He finds that regulatory innovations are more likely to be adopted in states with greater capacity, whereas morality-based or governance based innovations are more likely to be adopted in states with lower capacity. He attributes this to the fact that regulatory issues are more technically complex and require more study, as opposed to issues of morality or governance. Also, he notes that governance issues, such as term limits, are more likely to be adopted in states that have direct democracy mechanisms, such as initiatives or referendums. Nonetheless, legislative capacity may not be as applicable to OIG adoption as it might be for other policies. First, OIGs are not exclusively adopted by legislators. Sometimes it is the governor or an agency head who acts to

Finally, partisan control of the reins of government, or the degree of partisan competition for control of these reins, may influence adoption of OIGs.[8] Some states are solidly controlled by Republicans; others are solidly controlled by Democrats; and in others the party in power may vary between the different branches of government and from election to election. It is possible that the relative level of competition between parties may provide motivation for the creation of an OIG. If a state has a great deal of competition between parties, this will be accompanied with suspicion about how the other party is administering the government. This suspicion may find provide motivation to adopt an OIG. In a state where one party dominates party government, there may be less motivation to increase bureaucratic oversight. The measure of "partisan competition," i.e., political control of state government, used here is the Ranney Index (Ranney, 1976). This index weighs popular votes for gubernatorial candidates, the percentage of seats held in state legislatures, and the amount of time a party has held the governorship and the majority of the legislature. Using data dating from 1976 through 2004 (Lindquist, 2012), I calculated an average score for each state based on the number of observations. The index runs

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adopt an OIG on the state level. Second, according to the survey, OIG adoption is rarely called for by the public. In order to capture capacity that is most relevant to OIG adoption, this research examines levels of a state's investment in its bureaucracy.

[8] Although I have not included legislative capacity as a variable in this analysis, I include a measure of partisan control/partisan competition on the grounds that this variable is more comprehensive in that it includes consideration of partisan control of the governor's office in addition to the legislature, and governors may have direct influence over bureaucratic reorganization (Ranney 1976).

from zero, representing total Republican control, to one, representing total Democrat control, and has a low of 0.272 (Idaho) to a high of 0.792 (Alabama).

I also tested for the influence of other measures of political culture and partisan ideology, including Sharkansky's (1969) political culture measure, Putnam's measure of social capital (2000), and several measures developed by Erikson, Wright and McIver (2006) that quantify a state's political ideology and partisan identification of the populace., However, I consistently found these variables had no statistically significant influence on adoption of OIGs. Since these political measures are collinear with partisan competition, as measured by the Ranney Index, I decided, in the name of parsimony, not to include these closely related variables and focus on partisan competition.

The influence of other jurisdictions. In addition to intrastate factors, traditional policy diffusion studies suggest that neighboring jurisdictions learn from each other's experiences, which reduces policy uncertainty (Berry & Berry, 1990). Even though Shipan and Volden (2012) have suggested that in the contemporary period, with the advent of "low barriers to communication and travel," the idea of states learning about innovations from their neighbors is simplistic, the map of OIG adoption seems to show that while fairly well-delineated regions of the country have adopted OIGs, other regions have not. Responses to my survey suggest that some state policy makers may have learned from the example of other states—but others report that other states had no influence. As shown in Table 2.1 below, while about half of all the respondents to my survey reported that the adoption of an OIG in their jurisdiction was influenced by adoption of OIGs in other jurisdictions, about half reported that the establishment of an OIG in other jurisdictions had no influence on the creation of their OIG. A higher

percentage of respondents from local and multi-jurisdictional OIGs (64%) reported they were not influenced at all by other jurisdictions compared to state OIGs (46%).

TABLE 2.1
Survey question: How much did the establishment of an OIG in another jurisdiction influence the establishment of your OIG?

Respondents	Was the primary influence	A lot	Some/ A little	Not at all	Total Responses
All OIGs	2 (6%)	3 (8%)	13 (36%)	19 (50%)	37
State OIGs	2 (8%)	0 (0%)	12 (46%)	12 (46%)	26
Local/ Multi-jurisdictional OIGs	0 (0%)	3 (27%)	1 (9%)	7 (64%)	11

The follow up question, shown in Table 2.2, asked survey respondents to identify the jurisdiction that had an influence on their OIG adoption. The responses suggest that federal OIGs appear to have the greatest influence along with previously existing OIGs within the state. A few other jurisdictions' OIGs are also pointed to by survey respondents, which are listed below, but only three other states, Massachusetts, New York, and California, are identified as influential. Only local OIGs pointed to other local OIGs as influential.

TABLE 2.2

Survey question: Which jurisdiction or jurisdictions influenced the establishment of your OIG?

Federal OIGs:
**The federal OIG system (4 respondents)*
**US Department of Transportation*
State OIGs:
** Massachusetts*
**New York*
**California Highway Patrol*
Previously adopted OIGs in the same jurisdiction:
**Other state agency OIGs in the state (2 respondents)*
**Various preexisting agencies OIGs in the city of Chicago (2 respondents)*
Local or other influences:
**The New Orleans OIG*
**Blue Cross/Blue Shield*

These survey results lend some support to learning-based theories of policy diffusion. At the same time, however, the results suggest that, at least in the view of OIG respondents, in many instances neighboring jurisdictions had no influence whatsoever. Since the survey evidence seems mixed, it is unlikely that the adoption of OIGs by neighboring jurisdictions will increase the rates of adoption of OIGs. The measures of geographical proximity used here were adopted by Berry and Berry (1990): the percentage of states sharing a border with the state in question that have previously adopted an OIG. This measure, "% neighbors," runs from zero to one. As neither Alaska nor Hawaii have geographical neighbors (nor do they have OIGs), these data are only available for 48 states.

On the other hand, of those who do point to other jurisdictions as being an influence (13 respondents), five refer to the federal OIG system as influential. Karch (2007) suggests that the dominant influence of federal intervention appears during the agenda setting stage on the state level, and Boushey (2010) notes that federal actions influence the adoption of innovations. With

regards to OIG adoption, the federal government does not influence states with typical carrots and sticks, grants and sanctions that are used in such policy areas, such as the federal welfare reform under President Clinton, and which have found to impact state policy making (Karch, 2007; Boushey, 2010). No federal policy directly encourages states and localities to adopt OIGs. Still the federal OIG model is prominent and well known, and may serve as an informal model for state and local adoption of similar agencies. The model tests for the possible influence of federal OIG adoptions. The measure of federal OIGs, "federal OIGs," is the number of federal OIGs adopted at the time that the state adopted its first OIG.

Analysis and Findings. Using the five variables above, I created the following model:

Rate of OIG adoption= f (convictions, state investment, partisan competition, % of neighbors, federal OIGs)

To perform the EHA, I used a Cox Proportional Hazards model, which is a statistical approach that neither requires parametric statistics nor a normal distribution of time to event, i.e. the number of years until the adoption of an OIG in a state. The model is also amenable to discrete periods of time, as is used here, each year being the period of time in question. The Cox model results in the following statistics, rounded to the nearest 0.001, found in Table 2.3 below. A discussion of this model's diagnostics is found in Appendix D.

TABLE 2.3
Results of the Cox Proportional Hazard Model

Variable	**Variable Definition**	**Hazard Ratio**	**Standard Error**	**p value**
Corruption Convictions	Total number of public corruption convictions in the state from 1976 to 2010, per 1000 of FTE state and local employees in 2010	0.698	0.103	0.015*

State investment	Total payroll for 2010 for all state employees divided by 1000 of state population	0.998	0.001	0.106
Partisan competition	The Ranney Index (Ranney 1976), measuring party dominance, running from zero, representing total Republican control, to one, representing total Democrat control	0.782	1.380	0.889
% neighbors	Percentage of neighboring states with OIGs prior to a state's adoption of an OIG	0.108	0.102	0.015*
Federal OIGs	The number of federal OIGs established prior to a state's adoption of an OIG	.947	.011	0.000**

* Statistically significant at $p < 0.05$

** Statistically significant at $p < 0.01$

This table shows that three variables have a statistically significant influence on adoption of state OIGS: corruption convictions ($p<.05$); adoption by neighbors ($p<.05$); and adoption of federal OIGs ($p < 0.01$). *However, the latter two variables are in an unexpected direction.* Neither the partisan competition variable (Ranney Index) nor the variable reflecting a state's investment in its bureaucracy are statistically significant. The statistically significant findings and accompanying hazard ratios above can be interpreted as follows:

- As the total number of public corruption convictions in a state *increases* by one conviction per 1000 state FTE, and all other variables are constant, the rate of OIG adoption *decreases* a moderate amount, by 30.2% (1.0 - 0.698= 0.302).
- As the percentage of neighbors with OIGs *increases* one unit, and all other variables are held constant, the rate of adoption *decreases* fairly significantly by 89.2% (1.0 - 0.108= 0.892).
- As the number of federal OIGs established prior to a state's adoption of an OIG increases by one, and all other variables are held constant, the rate of OIG adoption *decreases* slightly by 5.3% (1.0 - 0. 947= 0.053).

Among these associations, the most easily interpretable is the significant negative association between corruption convictions and adoption of state-level OIGs. Each additional federal corruption conviction per 1000 state employees reduces the rate of OIG adoption by 30%. OIGs are *not* a response to federal public integrity convictions. Rather, it may be that states with lower levels of these convictions are also likely to have less government corruption and a culture that emphasizes good government, and it is possible that this variable is tapping this underlying commitment to good government. Thus, this association is consistent with the expectation that states with cultures of commitment to good government are more likely to adopt OIGs, and states with cultures of corruption of less likely to do so. If so, adoption of an OIG is an expression of this underlying commitment. OIGs are of course but one method of improving government accountability, but this analysis suggests that their adoption is consistent with the active pursuit of other accountability goals which is reflected in reduced corruption convictions. It is also possible that in states with higher numbers of public corruption convictions over time, policy makers may see federal prosecutors are a successful method of maintaining government accountability and, therefore, feel that they have no need to create an OIG to do the same; however, this explanation is much less convincing. It often takes years for a federal prosecutor to complete a federal corruption case in the federal courts. As a result, the conclusion of a conviction is quite removed in time from the act of corruption.

In other respects the results are counter-intuitive. Despite an apparent regionalism shown through a visual inspection of a map of the United States, adoption of an OIG by a state's neighbors seems to *decrease* the likelihood that a state will adopt an OIG. As additional surrounding states adopt OIGs, the rate of OIG adoption decreases significantly and substantially by nearly 90%. This result is consistent with the survey observation that 50% of respondents

were not influenced by other jurisdictions when they adopted OIGs; but the negative effect suggests that regarding the issue government accountability and bureaucratic reorganization, states may actually be negatively influenced by the examples of neighbors.

Third, increasing numbers of OIGs on the federal level have a slight negative effect on the rate of state OIG adoption. This finding runs counter to the survey respondents' comments shown in table 2.7 and several other sources (personal communication #6, May 18, 2012; personal communication #32, October 17, 2013; personal communication #33, October 17, 2013; Minnesota Department of Human Services, 2011; Massachusetts Special Commission, 1980; Connecticut HB 5090 (1985, May 29)), all of which suggest that the federal OIG system has positively, rather than negatively, influenced state adoption of an OIG. Additionally, although 50% of survey respondents noted that no other jurisdiction had influence on their adoption of an OIG, the EHA analysis indicates that that, like the influence of surrounding states' OIG adoptions, increasing numbers of federal OIGs actually discouraged OIG adoption in the state somewhat.

Finally, neither the size of state government nor partisan competition influences the rate of OIG adoptions. Thus, states that invest heavily in their state government are not more drawn to create OIGs to oversee state bureaucracies than states with smaller governments. Also, OIG adoption is not related to sharp competition between the parties or, conversely, to dominance by one of them.

In light of the counter-intuitive nature of the statistical results, it is possible that some key influences on adoption of state OIGs have not been included in the model. One strong possibility may be that the idea of an OIG is transferred by subject matter experts within particular policy fields. As mentioned before, the NCSL website has studies of OIGs, but only in

the context of a larger substantive policy area, such as Medicaid (Comlossy, 2013). It is likely that governmental professionals in particular fields are sharing the idea of an OIG through associations such as the National Association of Medicaid Directors or the American Correctional Association. Survey data show that 19 states have adopted an OIG to oversee a health and/or human services agency, and 11 states have adopted an OIG to oversee a corrections agency. These are the most common areas for which OIGs are adopted on the state level. Additional evidence supporting this conjecture about field-specific networks includes a statement from an inspector general for a state corrections department who told me that although he does not network with inspectors general in other fields because he does not find it useful, he does talk with his counterparts in other corrections agencies (confidential personal communication, 2013). Similar evidence is shown in the announcement of the creation of the Minnesota Department of Human Services OIG in which the Department cited other OIGs in the field of human services as influential (Minnesota Department of Human Services, 2011).

In sum, this Event History Analysis shows that the reasons for OIG adoption are more complex than would otherwise have been expected. The remainder of this chapter explores theories of neo-institutionalism and agenda-setting as they apply to OIG adoption.

Agenda Setting and the Power of the OIG Idea: The Conceptualization and Adoption of OIGs

Although adoption of OIGs does not appear to be a direct response to federal corruption convictions or the example of neighboring states or the federal government, this does not mean that the policy makers who adopt these agencies are unconcerned about corruption or uninfluenced by shared ideas about how to address it. My survey data, to be reviewed below, indicate that OIGs are adopted as a way to reduce bureaucratic waste, fraud and abuse. In fact,

they have emerged as a key way to do this. To understand the survey data, it is useful to review the literature on agenda setting.

A policy agenda is "the list of subjects or problems to which government officials, and people outside the government closely associated with those officials, are paying some serious attention at any time" (Kingdon, 1995, p. 3). Due to time limitations, policy makers can only pay attention to so many problems at one time. Building on Cohen, March and Olsen's (1972) "garbage can" model of the policy process, Kingdon (1995) suggests that for any problem to receive attention, three "streams" of thought must come together simultaneously for an item to move up on the policy agenda and receive attention. These are the problem stream, the policy stream, and the political stream. The problem stream is made up of various pieces of information about a vague policy problem, which often coheres into a clear definition of the problem upon the advent of a focusing event or crisis. The policy stream includes the various solutions that could be applied to the problem. This stream unifies into a single solution that becomes preferred over others. Finally, the political stream refers to the political climate, which can be either amenable to political action or indisposed to pursue a solution to the problem. Kingdon (1995) suggests that if key stakeholders agree on a problem definition and a policy solution at a time when the political climate is ready for the adoption of the solution, an issue will move onto the policy agenda and be acted on, often with the push of a policy entrepreneur.

In the case of OIGs, the power of neo-institutional norms of accountability and of the OIG model are evident in each of these streams. The remainder of this chapter reviews how the OIG gains a place on the policy agenda as a normative solution to government accountability needs.

Problem definition and offices of inspector general. Why are OIGs introduced? What is the primary purpose for these proposed OIGs? How does Kingdon's (1995) problem stream converge into a single problem for which the OIG is the solution? My survey and interview data suggest that government accountability, writ large, is the problem which an OIG was adopted to address. Thus, the "problem" to which OIGs become the solution is a perceived lack of accountability for government agencies, specifically a concern about waste, fraud and abuse resulting from what is perceived to be too little accountability. That said, government accountability can encompasses a number of types of specific problems related to government performance and spending. The data show that OIGs are adopted to address a variety of specific problems under the broad heading of accountability. These specific performance and spending problems are not new to government, but rather, what is new is identifying performance and corruption issues as *accountability* issues. And accountability is precisely the problem to which OIGs are the solution.

The primary goal for the adoption of an OIG that was cited by survey respondents is to reduce fraud, waste and abuse. A full 64% of all survey respondents state that this was the *primary goal* of establishing their OIG, and 32% state that fraud, waste, and abuse held a *lot of importance* in the establishment of their OIGs. Other common goals, to improve the effectiveness and the efficiency of government programs, were cited as the primary goal by only 28% and 19% of all respondents respectively. Responses from state-level OIGs and local/multi-jurisdictional OIGs did not vary to a great extent, except that issues of program effectiveness and efficiency were of less importance to the establishment of local and multi-jurisdictional OIGs than issues of fraud, waste, and abuse. These survey responses are summarized in Table 2.4.

TABLE 2.4

Survey question: How important were the following goals to the establishment of your OIG?

Answer	Was the primary goal	A lot	Some/ A little	Not at all	Total Responses
To reduce fraud, waste, and abuse *All OIG respondents*	33 (63%)	17 (33%)	2 (4%)	0 (0%)	52
State OIGs	22 (61%)	12 (33%)	2 (6%)	0 (0%)	36
Local/ Multi-jurisdictional OIGs	11 (69%)	5 (31%)	0 (0%)	0 (0%)	16
To improve the effectiveness of government programs *All OIG respondents*	13 (28%)	28 (61%)	4 (9%)	1 (2%)	48
State OIGs	11 (33%)	21 (64%)	1 (3%)	0 (0%)	33
Local/ Multi-jurisdictional OIGs	2 (13%)	9 (60%)	3 (20%)	1 (7%)	15
To improve the efficiency (reduce costs) of government programs *All OIG respondents*	9 (18%)	31 (64%)	9 (18%)	0 (0%)	49
State OIGs	7 (21%)	20 (58%)	7 (21%)	0 (0%)	34
Local/ Multi-jurisdictional OIGs	2 (13%)	11 (74%)	2 (13%)	0 (0%)	15
Other *All OIG respondents*	2	1	1	3	7
State OIGs	2	1	1	2	6
Local/ Multi-jurisdictional OIGs	0	0	0	1	1

Several survey respondents commented on other reasons that led to the creation of their OIGs. Comments include:

- *To address liability issues*

- *To improve integrity*
- *To lower child mortality*
- *To provide accountability*
- *To support ethical practices*
- *To provide support to executive management and supervisors*
- *To improve compliance with federal oversight*
- *To address concerns about contracting and procurement*
- *To lend a level of objectivity to investigations*

An additional reason for an OIG is found in legislative testimony from Connecticut in favor of a statutory OIG. One legislator stated:

> We need an inspector general. I am convinced that this office will help restore the public's confidence in State government, and will ensure that we have adequate safeguards against the loss of State assets. This is what this office is all about, and clearly, ladies and gentlemen, for those of you who have been here for a few years, you well know that there has been much money lost in mismanagement in state government. (Connecticut HB 5090, (1985, May 29), pp. 9806-9807).

The common thread of all these concerns is a sense that an OIG can solve a plethora of problems from finding fraud, improving government programs and operations, and providing public confidence in government. In short, for supporters of OIGs, they are a solution to a range of problems that all relate to government performance and accountability (Kingdon, 1995).

A generalized concern about government performance is frequently augmented by a focusing event (Kingdon, 1995), such as a concern about a highly publicized case of fraud, waste, and/or abuse occurring in the jurisdiction. Nearly half (46%) of all survey respondents

point to a government corruption scandal or scandals as having a primary influence on the establishment of their OIG, although for local and multi-jurisdictional OIGs, a scandal is more frequently reported as a primary influence as compared to state-level OIGs. In addition, 32% of all respondents say such scandals had either a lot, some, or a little influence in their jurisdiction on the establishment of their OIG. On the other end of the scale, only 20% of all respondents (and 0% of local/multi-jurisdictional respondents) note that a corruption scandal had no influence on the establishment of their OIG. These results are shown in Table 2.5, which follows.

TABLE 2.5
Survey question: How much did a government corruption scandal or scandal influence the establishment of your OIG?

Respondents	Was the primary influence	A lot	Some/ A little	Not at all	Total Responses
All OIGs	19 (46%)	7 (17%)	7 (17%)	8 (20%)	41
State OIGs	11 (37%)	5 (17%)	6 (20%)	8 (26%)	30
Local/ Multi-jurisdictional OIGs	8 (73%)	2 (18%)	1 (9%)	0 (0%)	11

Narratives of the creation of OIGs provide detail about such focusing events. I asked the interviewees to tell me the story behind the creation of their OIG. The interviews coupled with news reports of the time demonstrate that following a big public corruption scandal, these OIGs were proposed as the appropriate response to this scandal (personal communication #7, June 18, 2012; personal communication #16, July 24, 2013; personal communication #17, July 24, 2013; personal communication #19, July 25, 2013; personal communication #25, July 26, 2013; personal communication #26, July 30, 2013; personal communication #35, November 5, 2013; personal communication #36, November 6, 2013; personal communication #38, November 7, 2013).

An example of a focusing event leading to the proposal of an OIG to solve the problem is found in Massachusetts. Massachusetts is the home of the first statewide OIG (Massachusetts OIG, 2014), which was established by the legislature, the Massachusetts General Court, by statute in 1980 (Massachusetts Office of the Inspector General Act of 1980, 2013). The OIG was born out of work directly related to widespread allegations of corruption in public construction contracting (Massachusetts Special Commission, 1980). It was proposed as an essential component of a larger package of statutory reforms (Massachusetts Special Commission, 1980).

The history of the formation of the Massachusetts OIG is well documented. Following reports of pieces of buildings on the University of Massachusetts Boston campus dropping to the ground and the convictions of two state senators on charges of extortion, the General Court created a special commission to investigate corruption related to public construction and to propose legislation to address the problems (Massachusetts Special Commission, 1980). This commission became known as the Ward Commission, named after the chair John William Ward (Massachusetts OIG, 2014), an American history professor and former president of Amherst College (Massachusetts Special Commission, 1980). It was made up of reputable citizens, including the Massachusetts Attorney General, a professor from the Suffolk University School of Management, an architect, two attorneys from prominent Boston law firms, and a professor of civil engineering at the Southeastern Massachusetts University, who met for nearly 3 years and drafted a 12 volume report of their findings and recommendations (Massachusetts Special Commission, 1980).

The Ward Commission's final report provides an extensive review of how the award of public construction contracts had become intertwined with political donations, kickbacks, political favors, and bribes. Through a careful review of testimony and documents, the

Commission noted that both political parties were implicated in this culture of corruption (Massachusetts Special Commission, 1980). The Ward Commission concluded:

> In the award of design contracts for the construction of state and county buildings, we have learned that—
>
> - Corruption is a way of life in the Commonwealth of Massachusetts
> - Political influence, not professional performance, is the prime criterion in doing business with the state
> - Shoddy work and debased standards are the norm
> - The 'system' of administration is inchoate and inferior. (Massachusetts Special Commission, 1980, Vol. I, p. 21).

The Commission suggested a number of legislative reforms to address the problems, including the creation of an agency to oversee public buildings and public construction; improved regulation of public construction; the establishment of an ethics commission; several components of campaign finance reform; increased criminal penalties for bribery, extortion and false record keeping; and the adoption of an OIG (Massachusetts Special Commission, 1980). The OIG was touted as important tool because the Commission concluded that the Commonwealth lacked the capacity to be "self-critical" and "self-corrective" (Massachusetts Special Commission, 1980, Vol. I, p. 42). Hearing testimony from a federal inspector general, the Commission concluded that although the Attorney General could address specific cases of allegations of fraud on a case by case basis, and the State Auditor could review state transactions, neither could complete investigations into systemic fraud or abuse (Massachusetts Special Commission, 1980). The OIG was proposed to not only investigate fraudulent and abusive

practices, but to reduce program costs diverted to corruption, correct wasteful practices, and support prosecution of fraud and corruption (Massachusetts Special Commission, 1980).

Illinois offers a similar case, where a focusing event was the occasion for consideration of an OIG. As in Massachusetts, the OIG for the Illinois Department of Children and Family Services was created directly in response to a public scandal, but in Illinois, the scandal was a real tragedy: the murder of a child by her mother, Amanda Wallace, both of whom had been under the care of the Department of Children and Family Services (Baldacci, 1993b). Wallace had been a ward of the state since the age of seven (McWhirter & Gottesman, 1993). She had been in and out of foster homes and mental institutions due to violent and criminal behavior towards herself and others. According to the Chicago Tribune, "From 1987 until 1992, Elgin [a suburb of Chicago] police compiled 68 reports involving Wallace" (McWhirter & Gottesman, 1993). During this period of time, Wallace conceived a son with a fellow mental hospital resident (McWhirter & Gottesman, 1993). Although the child was immediately taken into foster care upon his birth, Wallace petitioned to be reunited with her son, and in fact, the child was returned to her and removed from her two times, before the final fatal time (McWhirter & Gottesman, 1993; "Justice and Amanda Wallace," 1996). In 1993, with an even younger son in the bedroom nearby, Wallace hung her 3 year old son (Dold, 1996).

After his death, the public was so outraged about the fact that this woman and her child had so clearly slipped through the cracks that they demanded a solution through letters to the editor immediately following the tragedy and for several years after the event (see, e.g., BuGay, 1993; Leonaitis, 1993; Longmire, 1993; Millard, 1993; Yasutake, 1997). Several newspapers added to the pressure with editorials (see, e.g., Baldacci, 1993b; "In Memory of Joseph Wallace," 1993; "The System is the Scapegoat," 1993; "What went wrong in the Courtroom,"

1993; "Lynching of Joseph Wallace," 1993; Roeper, 1993; "3-year-old Joseph's Death Was a Tragedy of Errors," 1993; "What about Joshua?," 1994; "Victimization of Joshua Wallace," 1995; Dold, 1996; "Peace Comes to Amanda Wallace," 1997). For example, the *Chicago Tribune* stated: "The child welfare and juvenile justice systems cannot go on as they have, jolted briefly, but not significantly, by each tragic murder of a child" ("In Memory of Joseph Wallace," 1993). The governor at the time, Jim Edgar, reportedly proposed the OIG in order to "weed out bad managers and caseworkers" in the Department (Baldacci, 1993a). He proposed an OIG along with other legislative reforms to address the standards that family court judges use when considering cases of family reunification (Baldacci, 1993a).

These data show that the problem stream varies in specifics from jurisdiction to jurisdiction, but that overall, regardless of the specific problem of a poor construction or a foster child's death, a deficit is found in the government's ability to perform as desired for the public good. Poor performance coupled with lax oversight unifies within the problem stream (Kingdon, 1995) and becomes a government accountability problem for which a solution is needed. This failure in providing support for the norm of accountability becomes a rallying cry for a solution to this problem.

Offices of inspector general as policy solutions. In each of these jurisdictions, many other solutions might have been proposed to deal with these various accountability problems. Yet, as neo-institutional theories would suggest, the idea of an OIG has become a powerful normative model for how to address the perceived problem of lack of accountability. Indeed, OIGs are widely endorsed as *the* key bureaucratic accountability mechanism.

In state after state, the OIG concept has been proposed by a policy entrepreneur. My survey of state and local OIGs indicates that political, policy leaders, such as legislators,

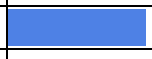
executive leaders, and agency heads, are the primary individuals who bring the OIG concept to their jurisdictions (see Table 2.6 below). Thirty two percent of all respondents note that a legislator or legislators came up with the idea of establishing an OIG, and 23% point to executive heads (i.e., the governor or mayor) as the source of the idea. The next most common source (21%) is the head of the agency/agencies to be overseen, i.e., high level government appointees. Occasionally career accountability bureaucrats are identified as the source of idea. The survey also indicates that, unlike the diffusion of the Amber alert or stiffer penalties for drunken driving (Boushey, 2010), there is not a clamoring for an OIG by advocacy groups or the media. This latter finding is quite different than typical findings in diffusion studies (see, e.g., Karch, 2007; Boushey, 2010) that interest groups have a large role in both the diffusion process. In short, the agents of the phenomenon of the diffusion of OIGs are found within the government itself, either elected or appointed. Tables 2.7 and 2.8 break out responses from state OIGs and local/multi-jurisdiction OIGs for comparison. These tables show remarkably similar results from both sets of respondents.

TABLES 2.6-2.8

Survey question: Who came up with the idea of establishing your OIG? (Please select all that apply) *(Total responses: 44)*

Answers from all respondent OIGs		**Response**	**%**
A legislator or legislators		14	32%
The head of the executive branch, such as the governor or mayor		10	23%
The head of the agency/agencies to be overseen		9	21%
Interest groups or citizen advocates		3	7%
An individual running for political office		1	2%
Lawyers in public service (not prosecutors)		1	2%
Local, state or federal prosecutors		1	2%
The media		0	0%
Lawyers in private practice		0	0%
Other individual or entity		5	11%

Answers from State OIGs Only		**Response**	**%**
A legislator or legislators		9	28%
The head of the executive branch, such as the governor or mayor		9	28%
The head of the agency/agencies to be overseen		6	19%
Interest groups or citizen advocates		1	3%
An individual running for political office		0	0%
Lawyers in public service (not prosecutors)		1	3%
The media		0	0%
Local, state or federal prosecutors		0	0%
Lawyers in private practice		0	0%
Other individual or entity		6	19%

Answers from Local/Multi-Jurisdictional OIGs Only		**Response**	**%**
A legislator or legislators		5	38%
The head of the executive branch, such as the governor or mayor		3	23%
The head of the agency/agencies to be overseen		2	15%
Interest groups or citizen advocates		2	15%
An individual running for political office		1	8%
Lawyers in public service (not prosecutors)		0	0%
Local, state or federal prosecutors		0	0%
The media		0	0%
Lawyers in private practice		0	0%
Other individual or entity		0	0%

In the follow up question below, reported in Table 2.9, nine percent (4/44 respondents) point to leaders in existing oversight units as the source of the idea. (All of these respondents were from state OIGs.)

TABLE 2.9

Survey question: You indicated that individuals or entities not listed above came up with the idea to establish your OIG. Please explain. *(Total responses: 5)*

**The head of or leader in the existing internal oversight unit (4 respondents)*
**A federal judge*

The positive normative value of an OIG as a policy solution seems especially prominent in two contexts:

- In a context of widespread patterns of corruption and recent scandals, a candidate for elected office tries to distinguish him- or herself from the corrupt by campaigning to launch a new era of good government. In the process, he or she promises to enact an OIG as a symbol of this commitment. (personal communication #5 , May 18, 2012; personal communication #9, July 3, 2013; personal communication #12, July 22, 2013; personal communication #15, July 24, 2013; personal communication #20, July 25, 2013; personal communication #23, July 26, 2013; personal communication #29, October 10, 2013; personal communication #33, October 17, 2013).
- Administrative professionals within the jurisdiction propose the adoption of an OIG as a method to improve accountability as a measure of "good government" (personal communication #8, May 29, 2013; personal communication #18, July 25, 2013; personal communication #28, July 31, 2013; personal communication #37, November 6, 2013; personal communication #39, November 7, 2013).

Examples of both of these cases follow.

The OIG for the Minnesota Department of Human Services was promoted as part of a gubernatorial campaign. The candidate for governor at the time, Mark Dayton, ran on a platform of increased government accountability (Minnesota Department of Human Services, 2011). The Governor's newly appointed Commissioner for the Department of Human Services seized on the OIG concept as a method to support the Governor's priorities, pointing to the health and human services OIGs on the federal level and in other states as inspiration (Minnesota Department of Human Services, 2011). The press release announcing the new office emphasized: "This change is part of an increased emphasis by DHS on fraud prevention and recovery, furthering

Gov. Mark Dayton's commitment toward cultivating a more transparent state government that works for all Minnesotans" (Minnesota Department of Human Services, 2011, para. 1).

Likewise, the catalyst for the OIGs in Florida and Indiana were newly elected governors, both of whom had worked with the federal government and had become familiar with the federal OIG system. Florida's Governor Lawton Chiles had served in the US Senate during the time that the IG Act of 1978 and its 1988 amendment were enacted (Clift, 2014). After his election, he introduced a bill that placed OIGs in every state agency (Florida Inspector General Act of 1994, 2013). Similarly, Governor Mitch Daniels of Indiana entered elected office directly after serving as the director of the US Office of Management and Budget under President George W. Bush (www.biography.com, 2014). Upon his election as governor, Daniels immediately created a statewide ethics OIG by executive order, which was endorsed by the Indiana General Assembly in the proceeding legislative session (Morris, 2004; "Inspector General," 2005; Kelly, 2005; Indiana Executive Order No. 05-03, 2005; Indiana Inspector General Act of 2005, 2013).

In Illinois, a state beset with a long-term culture of corruption, two OIGs were adopted upon the simultaneous exposure of a major public scandal and an election of a candidate who proposed an OIG as part of a political platform. The first example is the creation of the OIG for the city of Chicago. Mayor Richard M. Daley, the son of Mayor Richard J. Daley, made a campaign promise to create an OIG (Merriner & Rotenberk, 1989). Daley used this OIG campaign promise to distinguish himself from the sitting mayor, Eugene Sawyer, a popular African American politician who had admitted a failure in filing taxes. Daley also wanted to establish himself as standing on an ethical high ground, perhaps in part because several of his staff were accused of forging petition signatures (Hardy, 1989). He also used it to distance himself from his father, the well-known, powerful political boss who had been tainted by scandal

(Schmidt, 1989). The OIG for the city of Chicago was created in 1989 (Chicago, Illinois, Office of Inspector General city ordinance, 1989) less than one year after Mayor Daley's election.

In 2002-03, Illinois Governor Rod Blagojevich ran on the issue of ethics reform. His plan included ending "pay-to-play" contracting and government corruption (Saulny, 2008; Sweeney, 2011). The candidate took this position as the corruption scandal related to his predecessor, Governor George Ryan, emerged (Saulny, 2008; Sweeney, 2011). Governor Ryan was eventually indicted and convicted, along with several of his aides, for using his campaign organization and his previous position as Secretary of State to promote his political aims ("Events Leading to Ryan's Indictment," n.d.). Federal prosecutors documented multiple instances of the misuse of the granting of state contracts and licenses. Soon after being elected, Governor Blagojevich established an executive branch OIG by executive order to oversee the agencies under the Governor's jurisdiction (Illinois Executive Order 3, 2003) and pushed through legislation to codify a set of OIGs in each of the constitutional offices within one year of his election (Illinois Executive Ethics Commission and Executive Inspectors General Act of 2006, 2013). Governor Blagojevich chose to pursue the creation of an OIG, and held the OIG up as a solution to the ethical problems in the state, despite the fact that concurrently Governor Ryan's own inspector general had become implicated in Ryan's corruption schemes and ultimately pled guilty to obstructing justice ("Reformers Hope Ryan Indictments Resurrect Ethics Legislation" 2002; "Past Problems with Inspectors General Cloud Blagojevich Ethics Plan," 2003). Although this might suggest that an OIG in Illinois amounts to empty symbolism, the OIG and ethics system that Blagojevich endorsed created a system of OIG monitoring, ethics training, and sanctions for state employees that had not existed before and which remains alive and well.

An example of an OIG proposed by professional public administrators can be found in the Colorado Department of Corrections. Initially, the Department's Executive Director created the unit as an internal affairs unit that was to provide an investigative presence in the Department, staffed by correctional experts (Colorado Senate Judiciary Committee, April 5, 1999). The department's leadership believed that this unit would be more responsive to major crimes, such as homicides, within the correction facilities than external law enforcement because internal staff would better understand the closed culture of a prison (confidential personal communication 2013). Further, there were concerns that traditional supervision of staff misconduct had become inadequate with the increase in the size of the correction system (confidential personal communication, 2013). The Department of Corrections requested the General Assembly (the Colorado legislature) to codify the role in statute, mainly to assure the legitimacy of granting the OIG staff the authority to carry guns and serve as law enforcement officers (Colorado Senate Judiciary Committee, April 5, 1999). Another reason for the legislation, according to legislative staff summaries at the time, was to authorize a small reorganization of the unit (Colorado Legislative Council Staff, 1999). The existing investigative staff were located in the Executive Director's office and reported to the Deputy Director (Colorado Senate Judiciary Committee, April 5, 1999). The legislation created the position of IG, who would oversee the OIG and report to the Executive Director (Colorado Legislative Council Staff, 1999).

Another example of an OIG promoted by professional staff is found in the city of Richmond, Virginia. The city auditor of Richmond had identified instances of fraud in the course of his work, but he felt that sufficiently looking into those issues would be outside his jurisdiction and expertise (confidential personal communication, 2013). He approached the city

council about creating an OIG to investigate fraud, and the council agreed (confidential personal communication, 2013), creating a new OIG in ordinance (Richmond, Virginia, Inspector General Function, 2008). A nearly identical story is found in Pinellas County, Florida, where the OIG was initiated by internal audit staff (confidential personal communication, 2013) and adopted by the County Clerk of the Court and Comptroller (Clerk of the Circuit Court of Pinellas County, Florida, Division of Inspector General, 2003).

All of these examples demonstrate how the OIG has become the dominant policy solution to the broad problem of accountability. In each case the desire to pursue the norm of accountability pushes the OIG to the forefront of many other possible solutions in the policy stream (Kingdon, 1995). Thus, OIGs have become a key bureaucratic expression of the norm of accountability.

Offices of inspector general and political climate. As Kingdon (1995) suggests, a final condition is necessary for adoption of a key policy proposal: the political climate must become favorable to the solution proposed in the policy stream. The current political climate is very much in favor of addressing accountability problems (Dubnick & O'Brien, 2011). As one of my interviewees stated: "It is hard to be opposed to accountability" (personal communication # 27, July 31, 2013).

Political support for the OIG concept is necessary even when a policy is adopted by means other than legislation, as is the case with many OIGs. In fact, nearly 40% of OIGs were adopted in other ways. As Table 2.10 shows, 22% of all survey respondents noted their OIG was formed purely under the discretion of the agency head or the head of the executive branch, and 14% were established more formally, albeit still through the use of executive discretion, by executive order. Tables 2.11 and 2.12 break out responses from state OIGs and local/multi-

jurisdiction OIGs for comparison. These tables show that local OIGs, in comparison to state OIGs, are more frequently created formally in statute.

TABLES 2.11-2.12

Survey question: Which of the following best describes the legal form of the establishment of your OIG?

Answer from all OIG respondents		**Response**	**%**
The OIG was established in legislation by the legislative body of your jurisdiction, such as the state legislature or city council		36	61%
The OIG was established under an agency head's discretion		10	17%
The OIG was established by written executive order		8	14%
The OIG was established under the executive leader's discretion, but not by written executive order		3	5%
Other		2	3%
Total		59	100%

Answer from State OIGs Only		**Response**	**%**
The OIG was established in legislation by the legislative body of your jurisdiction, such as the state legislature or city council		22	57%
The OIG was established under an agency head's discretion		9	23%
The OIG was established by written executive order		6	15%
The OIG was established under the executive leader's discretion, but not by written executive order		2	5%
Other		0	0%
Total		39	100%

Answer from Local/Multi-Jurisdictional OIGs Only		Response	%
The OIG was established in legislation by the legislative body of your jurisdiction, such as the state legislature or city council		14	70%
The OIG was established under an agency head's discretion		1	5%
The OIG was established by written executive order		2	10%
The OIG was established under the executive leader's discretion, but not by written executive order		1	5%
Other		2	10%
Total		20	100%

Other means of establishment are also noted by respondents when responding to the follow up question, located below in Table 2.13. The first answer was offered by a state OIG, while the second was offered by a local OIG.

TABLE 2.13

Survey question: You indicated that your OIG was established through a manner not listed above. Please explain.

**Originally established by federal court order and later codified in statute*
**Established by voters with the passage of a new city charter*

One might imagine that political climate is a more important factor when considering the adoption of an OIG by legislative action than by a discretionary act; however, political actors, whether elected or appointed, are unlikely to adopt an OIG unless the OIG is politically attractive. The key difference is that governors or agency heads need not encounter political delays. They can create OIGs immediately and then claim credit for the solution to the accountability problem.

For those OIGs that are adopted through formal legislative action, the process is not always immediate. Scholars have noted that policy innovations often take considerable time between initial proposal and final adoption (Karch, 2007; Kingdon, 1995), and this is true with legislative OIGs as well. The idea is often introduced over a period of years before the idea is adopted. Although a protracted process was not the rule in many of the jurisdictions I examined, there are several examples in my case studies where multiple years passed from initial introduction to formal adoption.

One example is found in Cook County, Illinois. In 1988, newspapers reported that the County Board President was considering backing off on his campaign promise to create a county OIG (Ortiz, 1993). He had argued for the creation of an OIG following an incident of county employees stealing paint, lumber and other similar materials; however, after election, he stated that he was not sure that another bureaucracy was needed (Ortiz, 1993). The OIG was eventually created 11 years later in 2004 (Patterson, 2004), but formalized as an independent office in ordinance in 2006 (Pallasch, 2006).

Likewise, a bill to create an OIG for the Illinois Tollway was first introduced in the Illinois General Assembly in 1994, but it did not go anywhere (Korecki, 1997). Following the indictment of the Tollway director in 1997 for stealing $250,000 and other fraudulent practices, a second bill was introduced. It was opposed both by a citizen's watchdog group, who argued the bill did not create an OIG with enough teeth, and Tollway staff, who argued that problems had been corrected and that they were already audited by the State's Auditor General (Korecki, 1997). A third bill was introduced in 2002 after the Tollway was roundly criticized for building a new headquarters, which was dubbed the Taj Mahal, for $25 million (Associated Press, 2002). This bill ultimately failed because a legislator inserted an amendment that required a certain type

of expensive brick to be used for any Tollway sound barriers (Sabotaging Tollway Reform, 2003). Because of this addition, the bill was vetoed. An internal office of investigations was created by the Tollway board, and with the help of a legislator, a bill was finally passed in 2010 to create the Tollway OIG (confidential personal communication, 2013; Illinois Toll Highway Inspector General, 2013).

A final example in found in Minnesota. In this state, three different legislators had introduced four bills in 2008 and 2010 to create an OIG for the Minnesota health programs, several years prior to the Commissioner's creation of the Department's OIG (Minnesota HF 3047, 2010; Minnesota HF 2256, 2010; Minnesota HF 4049, 2008; Minnesota HF 4119, 2008). The bills did not pass; however after the Commissioner announced the creation of the agency's OIG in 2011, these legislators claimed credit for the idea (confidential personal conversation, 2013). To date, the Minnesota Legislature has passed a statutory reference to the OIG, which assigns it duties related to fraud investigations (Minnesota Child Care Provider and Recipient Fraud Investigations, 2013), but a more formal adoption has yet to be considered.

Although the process to get an OIG on the legislative or policy making agenda may be protracted, typically there is little opposition to an OIG when it is adopted. Very few survey respondents, whether on the state, local, multi-jurisdictional levels, identified opponents. The largest groups identified by all respondents are preexisting oversight agencies and agency heads of the agency or agencies to be overseen, as is illustrated in Table 2.14 below.

TABLE 2.14

Survey question: After the concept of an OIG was introduced, to what degree did the following individuals or organizations support or oppose the establishment of your OIG?

Answer	Strongly supported or somewhat supported	Neutral	Strongly opposed or somewhat opposed	Total Responses
Interest groups or citizen advocates				
All OIG respondents	26 (87%)	3 (10%)	1 (3%)	30
State OIGs	15 (83%)	2 (11%)	1 (6%)	18
Local/ Multi-Jurisdictional OIGs	11 (92%)	1 (8%)	0 (0%)	12
Legislators				
All OIG respondents	28 (85%)	4 (12%)	1 (3%)	33
State OIGs	19 (90%)	1 (5%)	1 (5%)	21
Local/ Multi-Jurisdictional OIGs	9 (75%)	3 (25%)	0 (0%)	12
The media				
All OIG respondents	23 (82%)	5 (18%)	0 (0%)	28
State OIGs	12 (80%)	3 (20%)	0 (0%)	15
Local/ Multi-Jurisdictional OIGs	11 (85%)	2 (15%)	0 (0%)	13
The head of the executive branch, such as the governor or mayor				
All OIG respondents	32 (80%)	5 (13%)	3 (7%)	40
State OIGs	24 (89%)	3 (11%)	0 (0%)	27
Local/ Multi-Jurisdictional OIGs	8 (62%)	2 (15%)	3 (23%)	13
The public at large				
All OIG respondents	20 (77%)	6 (23%)	0 (0%)	26
State OIGs	11 (79%)	3 (21%)	0 (0%)	14
Local/ Multi-Jurisdictional OIGs	9 (75%)	3 (25%)	0 (0%)	12
The head of the agency/agencies to be overseen				
All OIG respondents	26 (68%)	8 (21%)	4 (11%)	38
State OIGs	23 (85%)	3 (11%)	1 (4%)	27
Local/ Multi-Jurisdictional OIGs	3 (27%)	5 (46%)	3 (27%)	11
Local, state or federal prosecutors				
All OIG respondents	19 (%)	7 (%)	1 (4%)	27
State OIGs	15 (75%)	4 (20%)	1 (5%)	20
Local/ Multi-Jurisdictional OIGs	4 (57%)	3 (43%)	0 (0%)	7
Lawyers in public service (not prosecutors)				
All OIG respondents	11 (69%)	4 (25%)	1 (6%)	16

State OIGs	9 (82%)	2 (18%)	0 (0%)	11
Local/ Multi-Jurisdictional OIGs	2 (40%)	2 (40%)	1 (20%)	5
Lawyers in private practice *All OIG respondents*	10 (55%)	5 (28%)	3 (17%)	18
State OIGs	8 (66%)	2 (17%)	2 (17%)	12
Local/ Multi-Jurisdictional OIGs	2 (33%)	3 (50%)	1 (17%)	6
A preexisting oversight agency *All OIG respondents*	10 (48%)	6 (28%)	5 (24%)	21
State OIGs	9 (56%)	4 (25%)	3 (19%)	16
Local/ Multi-Jurisdictional OIGs	1 (20%)	2 (40%)	2 (40%)	5
Other interested individual or entity *All OIG respondents*	2 (25%)	6 (75%)	0 (0%)	8
State OIGs	1 (17%)	5 (83%)	0 (0%)	6
Local/ Multi-Jurisdictional OIGs	1 (50%)	1 (50%)	0 (0%)	2

Interviewees' comments further illustrate these patterns. Most interviewees stated there was no opposition to the creation of their OIG (personal communication #9, July 3, 2013; personal communication #25, July 26, 2013; personal communication #27, July 31, 2013; personal communication #28, July 31, 2013; personal communication #29, October 10, 2013; personal communication #37, November 6, 2013; personal communication #38, November 7, 2013; personal communication #39, November 7, 2013). The following quotes illustrate this point.

- Regarding the creation of a local OIG: Interviewer: "Were there any opponents to the concept?" Respondent: "No. At that time, there were none" (personal communication, #28, July 31, 2013).
- Regarding the conversion of a local internal audit unit to an OIG: Interviewer: "When you changed the name of the OIG, was there any opposition?" Respondent: "No" (personal communication #39, November 7, 2013).

- Regarding a state agency OIG created by the legislature following a public scandal: "[There were] no opponents. I think everyone was so horrified" (personal communication #25, July 26, 2013).
- Regarding a statewide OIG created in statute: "It was almost like a World War I Sarajevo assassination, all that kind of stuff. There were powder kegs that had been found in audits. It was one of the governor's campaign promises, to bring accountability and integrity across the government . . . Obviously [the legislature] saw the writing on the wall and thought it would be a good thing" (personal communication #27, July 31, 2013).
- Regarding an internal OIG, created by a state agency head through her discretion: "I would hear from people that [the OIG] was their idea. . . . I told the [agency head] that the theme out there is: finally someone at this agency listened" (personal communication #9, July 3, 2013).
- Regarding the passage of a state statute creating several state OIGs: "I don't know of anybody that fiercely fought the bill at all" (personal communication #29, October 10, 2013).
- Regarding the creation of a local OIG in ordinance: "I think that it's hard to publically oppose an inspector general's office, especially in the wake of a scandal. I think you saw a lot of public support and behind the scenes, some grumbling" (personal communication #38, November 7, 2013).

When opposition was noted, it was from individuals who did not want to be overseen by the OIG, and in particular one whose IG is chosen by someone who could potentially be a political enemy (personal communication #23, July 26, 2013; "Future of Ethics Reform in the Hands of the Governor, 2003; Roeper, 2003), or unions who wanted to make sure their

employees would maintain their union rights (personal communication #17, July 24, 2013; personal communication #18, July 25, 2013). For example, when Governor Blagojevich proposed the creation of an OIG to oversee the whole of the executive branch, the other constitutionally elected officials, the Comptroller, the Treasurer, the Attorney General, and the Auditor General argued against the Governor's appointment of someone who would oversee their offices ("Future of Ethics Reform in the Hands of the Governor, 2003; Roeper, 2003). Nevertheless, at the conceptualization phase, these protests are few and far between.

Absence of opposition is striking in that 66% of all survey respondents report that at the time their OIG was created, there was at least one, and as many as seven non-federal entities already overseeing the agency/agencies that were to be within the proposed OIG's jurisdiction. (To be sure, fewer local and multi-jurisdictional OIGs reported preexisting oversight.) These survey results are shown in Table 2.15-2.17 and Figure 2.2.

TABLES 2.15-2.17

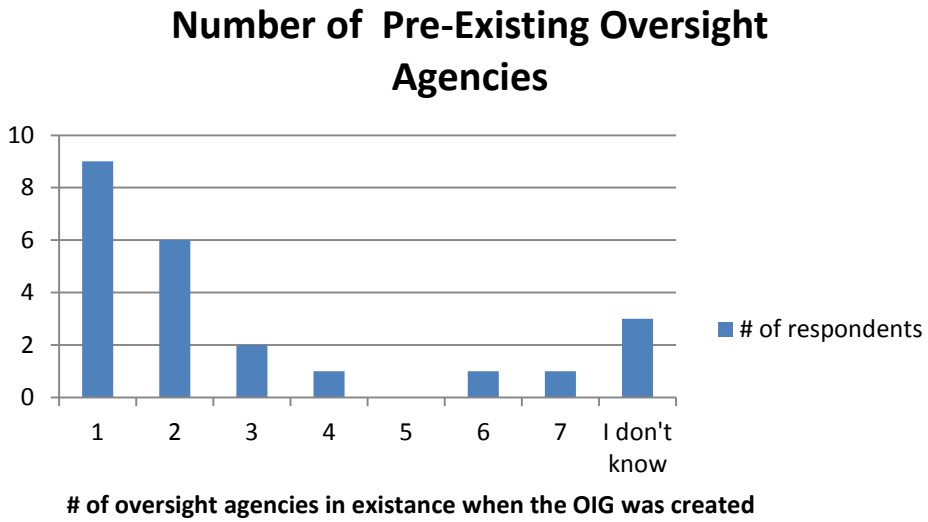
Survey question: At the time the establishment of your OIG was being considered, were there other non-federal agencies, such as internal auditors, legislative auditors, etc., who had oversight for same agency/agencies the OIG was intended to oversee?

All Respondent OIGs		**Response**	**%**
Yes		29	67%
No		14	33%
Total		43	100%

State OIGs		**Response**	**%**
Yes		21	78%
No		6	22%
Total		27	100%

Local/Multi-Jurisdictional OIGs		Response	%
Yes		7	47%
No		8	53%
Total		15	100%

FIGURE 2.2
Survey question: How many? *(Total responses: 23)*



In summary, the norm of accountability as embodied in an OIG unites Kingdon's (1995) political stream to make the OIG a politically attractive policy solution to accountability problems. Even though the OIG may not be adopted automatically in every jurisdiction, the fact that very few opponents to the OIG step forward, even though other oversight entities may already be in place, seems to illustrate the power of the norm.

Conclusion

This chapter has examined the process of placing the OIG concept on the political agenda and adopting it. In this process, one thing is abundantly clear: the OIG idea has considerable normative power. This chapter has suggested that the power of this idea, understood through the theoretical lens of neo-institutionalism, holds more explanatory power than other explanations

such as levels of corruption, investment in bureaucracy, and partisan competition. The institutionalization of the OIG and the norm it embodies has more influence on OIG adoption than the adoption of OIGs by neighboring states or by the federal government.

Kingdon's (1995) description of the three streams of agenda making is demonstrated by the adoption of OIGs, which adoptions are fueled by the norm of accountability. When the idea is initially introduced to the jurisdiction, it is generally brought policy entrepreneurs who are either campaigning for an elected office or by professional bureaucrats pursuing "good government." The idea often is introduced following a public scandal, which serves as a focusing event. Nevertheless, during this phase, the role of the OIG tends to be rhetorically inflated as a solution to all manner of governmental ills, suggesting that OIGs are able to solve all manner of problems and bring about accountability. The claims for OIGs' effectiveness are especially striking in light of the fact that OIGs typically have *no* authority to impose solutions but only may collect information and make recommendations. This observation only punctuates the point that OIGs have become a symbolic solution to the perceived need for bureaucratic accountability. This normative power is reemphasized by the fact that the proposal to establish an OIG has remarkably few opponents. Who can oppose greater accountability of government agencies? Who stands in favor of corruption, fraud, and abuse? At least at the conceptualization phase, the idea of an OIG seems unassailable. It is wrapped in the symbolic legitimacy of accountability itself.

Given the power of the norm of accountability and its influence in the widespread adoption of OIGs, it is striking to remember that OIGs have limited authority in the accountability process. Although their role is to monitor government activities through audits, investigations, and reports, they are billed by their proponents as able to address a range of

issues, from fixing problems to providing public confidence in the government. The idea of an OIG becomes much bigger and broader than the actual role of an OIG in the accountability process. The normative expectations of OIGs are large and perhaps unrealistic.

In fact, at this initial adoption phase, OIGs seem to have the cachet of a magic wand, able to solve nearly any accountability problem. This high expectation stands in sharp contrast to the reality of OIGs' limited authority: they can report information but not act on this information. An interviewee, the first IG for his jurisdiction, dramatized this conflict between dream and reality:

> I came here and . . . I was asked one day, what do you think is going to happen when you're here? And I said, nothing. And they said, what do you mean? And I said, nothing, because you are all so apathetic. Change doesn't come from me. Change is going to come from all of you, members of the public, the citizens, finally, when you get sick of seeing the same old thing happen again and again. Because you could have 100 IGs here, it's not going to matter. Until your voices are made public and they are loud, there won't be change. So that's really the message that I try to tell anyone is that you could put 100 of me and 100 of [another IG] and 100 of everybody else, it doesn't matter. Until you as citizens decide enough is enough, that's when the real changes come. And that goes not just for [this jurisdiction] but for any jurisdiction anywhere, any business, any jurisdiction. (personal communication # 20, July 25, 2013)

As the limitations of an OIG to affect accountability appear to be ignored in the conceptualization phase, they are similarly overlooked in the design and implementation phases. Instead the norm of accountability overshadows these limitations, but instead of encouraging OIG adoption as is found in this first phase, the new accountability looms large and gives rise to

opposition to an OIG in the design and implementation phases. These phases and the dynamics that arise are addressed in chapters three and four.

Chapter Three
Phase II: Design

As was demonstrated in the previous chapter, since 1976, the powerful norm of accountability in the context of bureaucratic agencies has come to be embodied by an office of inspector general (OIG). This office has come to be seen as an appropriate—and perhaps the ideal—solution to the problem of ineffective government programs, bureaucratic waste, and corruption. Political leaders who seek to style themselves as bureaucratic reformers have seized on this model as a symbol of their commitment to reform, and professional bureaucrats have proposed OIGs in order to embrace "good government" ideals. Jurisdictions have adopted OIGs mainly at the instigation of these reformers, often after an event of public corruption is publicized. This chapter takes the story of the conceptualization and adoption of OIGs to the next stage: the design phase. I explore how the norm of accountability impacts OIG design, and how these designs vary from state to state.

The design phase refers to the point at which pencil is put to paper and the details of how the OIG will be structured and what the OIG will do are worked out. Sometimes the design process occurs through a political process resulting in the passage of legislation imposing new oversight on an agency or agencies (see, e.g., Chicago, IL, Office of Inspector General city ordinance (1989); Florida Inspector General Act of 1994 (2013); Illinois Executive Ethics Commission and Executive Inspectors General Act of 2006 (2013); Indiana Inspector General Act of 2005 (2013)). Other times, the design process occurs within an agency and results in a reorganization of staff (see e.g., Minnesota Department of Human Services, 2011; personal communication #34, 2013; personal communication #36, 2013; personal communication #37, 2013). As this chapter will show, OIGs vary considerably in their design in ways that matter to the pursuit of accountability.

Most studies of policy diffusion examine only whether a policy is *adopted;* they do not go on to examine whether, or how, common policies that are widely adopted vary in their *design.* To be sure, some studies of policy diffusion analyze how common policies vary in their design in relation to varying conditions among jurisdictions, particularly demographic characteristics of the population as a whole, the relative power of particular constituencies or interest groups, the degree of legislative professionalism, or other factors (Rogers, 2003; Berry & Berry, 1990; Epp, 2009; Karch, 2007, Daley & Garand, 2005; Boushey, 2010; Jun & Weare, 2011). Diffusion scholars call variations in policies that arise from location to location "reinvention," although Karch (2007) prefers "customization." These terms suggest progressive *improvements* or *adaptations* in the design of policies that make them appropriate for local conditions. Often, these changes in policy design are credited as progressive improvements in a policy over time based on learning from other jurisdictions' experiences about policy implementation.

This chapter builds on these studies but reaches a very particular conclusion about the factors shaping the place-to-place variations in the design of offices of inspector general. In contrast to the image cast by the idea of reinvention, the thesis of this chapter is that many jurisdictional variations in the design of offices of inspector general are best characterized instead as *deliberate debilitation:* the intentional effort, based on a recognition of the potential power of an OIG structured according to the ideal model, to disable the office in ways that undercut its effectiveness. Put another way, in some places the designers of these agencies seem to want to have it both ways: they want the symbolic legitimacy of adopting an office styled as an "inspector general," but they do not want that office to have too much real power and influence.

This thesis rests on the premise that there is a common normative model of the office of inspector general that is remarkably specific regarding the ideal design of this office: its legal form, independence, activities, and authority. This chapter's analysis is structured in relation to this "ideal model," or archetype, as a baseline and describes how OIGs are consistent with or vary from the archetype.

This chapter focuses first on the characteristics of a shared concept of the "ideal" OIG. Second, I explore how state and local OIGs differ and the reasons for this variation. I focus on the following four specific areas of variation:

- The legal form of the OIG's establishment
- The duties that the OIG staff perform
- The authority granted the OIG to perform its duties
- The independence granted to the OIG

The Common Model of an "Ideal," or Archetypal, OIG.

Since the federal Inspector General Act of 1978, a common model of the structure and powers of an office of inspector general has developed. This common model is codified in three sources: the federal Inspector General Act of 1978 (as amended), and two publications of the Association of Inspectors General: Principles and Standards for Offices of Inspector General (Association of Inspectors General [AIG], 2004), also known as the "Green Book," and Model Legislation for the Establishment of Offices of Inspector General (2002). The federal legislation is important to consider because it represents the modern civilian OIG, from whence the general idea of an OIG came. It illustrates several innovations that have developed into the shared understanding of an OIG. Building on the federal prototype, the Association's publications provide an outline of an archetypal OIG that is thought to be best positioned to contribute to the

accountability process. The Association of Inspectors General's model expanded out of the federal model, strengthening the characteristics that exemplify what has become a shared understanding of an OIG. These three sources of the elements of the archetype are reviewed briefly, followed by a more detailed description of the OIG archetype.

The prototype of the OIG archetype: The federal Inspector General Act of 1978. The initial federal model was established with the passage of the IG Act of 1978. By and large, this federal model has not been altered since its first enactment. To be sure, in 1998, a set of less independent federal OIGs were created for 34 small agencies headed by independent regulatory boards, and in 2008, oversight and coordination of all federal OIGs was formalized; however, the OIGs for the large cabinet agencies and agencies headed by presidentially-appointed secretaries have not changed in design.

Before the passage of the IG Act of 1978, Congress made some forays into experimenting with civilian OIGs. First, Congress created an "Inspector General and Comptroller" in 1959 to oversee the State Department, but its legislation was repealed ten years later. This entity had a unique authority in that it could alter or discontinue programs it disapproved of, rather than simply make nonbinding recommendations; however, the Inspector General and Comptroller never exercised this authority (Light, 1993). This authority was eschewed by Congress with the IG Act of 1978, and has not been endorsed by the Association of Inspectors General.

Second, the Secretary of Agriculture created a non-statutory OIG in 1962 following the exposure of the infamous Billie Sol Estes scandal. Estes was a Texas businessman who was found to be involved in:

> clandestine lease-back arrangements, phony mortgages on nonexistent fertilizer storage tanks, illegal transfers of federal-compensation rights, kickbacks for bankers and bribes for Washington. The scams were so complex that prosecutors eventually had to break them down into 50 state and federal indictments. (McFadden, 2013)

An OIG was one of 12 reforms recommended for the Department of Agriculture by the House Intergovernmental Relationship subcommittee (Light, 1993) after an exhaustive investigation into Estes' actions. Fourteen years later, the Secretary did away with the OIG, highlighting the weakness of an oversight body established on a discretionary basis.

Third, two statutory OIGs were created in 1976 and 1997, when Congress created OIGs for the Department of Health, Education and Welfare and the Department of Energy respectively. Finally, the federal model of the office of inspector general was formalized with the passage of the Inspector General Act of 1978, which created OIGs for 12 large federal agencies. This act established the broad brush strokes of a federal OIG model that continues to exist today in 73 federal OIGs. The 1978 Act instituted several innovative characteristics that previously were not present in federal internal oversight. This nascent OIG prototype is found in the federal Act, the characteristics of which have largely been incorporated in the Association of Inspectors General's Green Book and model legislation.

Codifying the OIG archetype: the Association of Inspectors General's Green Book and model legislation. The Association of Inspectors General is the author of the two documents that together make up today's accepted understanding of an archetypal OIG. This Association dates to 1996, when, according to its website,

> Approximately thirty inspectors general and professional staff met in Atlanta, Georgia. The group recognized the growing trend of the inspector general concept on the federal,

> state, local, and international level [sic]. The need for an organization to provide leadership in the promotion of integrity efforts in government became evident. (Association of Inspectors General, n.d.)

The Association's mission is:

> To foster and promote public accountability and integrity in the general areas of prevention, examination, investigation, audit, detection, elimination and prosecution of fraud, waste and abuse, through policy research and analysis; standardization of practices, policies, conduct and ethics. (Association of Inspectors General, n.d.)

To do so, the Association has drafted not only *Principles and Standards for Offices of Inspector General*, also known as the "Green Book," and model OIG legislation, but a constitution and bylaws, a policy manual, and a strategic plan. It also provides annual training conferences, and has developed professional certifications for three types of OIG personnel: an IG, an auditor, and an investigator (Association of Inspectors General, n.d.b). The Association has become a vital professional organization bringing together OIG staff from around the world to discuss how to perform OIG work.

A review of the Association's Green Book and model legislation shows that many key components of these documents grew out of the federal legislation; however, characteristics of the federal OIG model have been strengthened in several instances. These key components have gained wide support among the professional networks around OIGs and are widely regarded as key elements of a structure best positioned to provide objective, reliable analyses.

The office of inspector general archetype. Four key elements have come to be accepted by OIG practitioners as keys to a strong OIG archetype. These are: (1) the legal form of the OIG's establishment; (2) the complementary duties of audits and investigations; (3) the

authority granted the OIG to perform its duties; and (4) the independence granted to the OIG. Each of these elements is discussed separately below.

The first key characteristic of this model is its establishment of OIGs by *statute*. The legal form of the OIG is important as statutory creation ensures that the OIGs cannot be done away with easily by the entity that is overseen if this entity does not like the OIG's oversight. As Light (1993) states in reference to the internal OIG created by the Secretary of Agriculture in 1962:

> [T]he problem with having one boss and no statutory base is clear: What the secretary giveth, the secretary can take away. Despite the [Department of Agriculture] IG's enviable record and strong endorsement from GAO, Nixon's Secretary of Agriculture, Earl Butz, abruptly—some say casually—eliminated the position in 1974, dividing it into the two offices from which it came, audit and investigation. (Light, 1993, pp.33-34)

Of course, statutes can be repealed, but the hurdles to do this are great and hard to surmount. It requires sufficient salience to land on the legislative agenda, a majority vote of two houses of Congress, and approval by the president. Thus, a statutory foundation provides more permanence and legitimacy than establishment merely at the fiat of an agency executive.

A statutory basis for authority has been endorsed by the Association of Inspectors General. The Association's Green Book states: "An OIG should be formally created as a legal entity. The [Association of Inspectors General] recommends that the OIG be established by statute or, if necessary, by executive order" (Association of Inspectors General, 2004, p. 3). This legal form should also "establish the OIG's mandate, authority, and powers; provide for confidentiality of records and proceedings; identify qualifications for the inspector general and staff; protect the office's independence; and provide protection to whistleblowers" (Association

of Inspectors General, 2004, p. 3). In furtherance of these principles, the Association of Inspectors General drafted its model legislation.

As one IG explained, the fact that his OIG was created in statute helps to give the OIG a basis of authority and legitimacy. As a result, the agency management has to "figure out how to work with his office rather than try to get around it" (personal communication #24, July 26, 2013). He stated:

> We're created by state statute. So that is definitely stronger than being created by municipal ordinance or some internal board action that creates an IG office. So to change anything, there needs to be legislation. Not to say that couldn't be done, but that gives us more power. And our subpoena power comes from that statute as well. So that gives us more stability that way. That gives us a little independence, because at the whim of some board, they are not going to change some IG rules or [a] board created IG. (personal communication #24, July 26, 2013)

The opposite is true for OIGs that are not created in statute. A deputy IG explained her view about the precarious position of her office as follows:

> If we never get a legislative base for our existence and this [agency head] goes away, I'd be concerned about our… what kind of authority would you call that? Political presence, or something. Because all the long-standing division directors and everybody are here as they were before the [agency head arrived]. And she is our champion, and [the IG] is our champion, and without her I'm not certain that we wouldn't lose a lot of force and energy and presence and ability. There are persons and functions within a bureaucracy that raise issues and raise challenges, but the bureaucracy doesn't necessarily respond particularly strongly and . . . we could be relegated down . . . quickly if we lost suddenly both of

> them [the agency head and the IG] with no coverage of authority and rule. So I don't think we should go bare [without statutory authority] ongoing. Doesn't have to be next year, but the year after that for sure we should establish ourselves. (personal communication #10, July 3, 2013)

In short, creation in statute provides a firm authority for an OIG to play an independent part in the accountability process by giving it a presence and a level of legitimacy that is recognized by those being overseen and those who may receive and review the OIG's work product.

The second characteristic of an archetypal OIG is that its duties encompass both auditing and investigations. This characteristic was a federal innovation (Light, 1993). Prior to the IG Act, investigations and audit were two disciplines that operated separately in federal agencies. Both functions were identified by Congress as being woefully inadequate after the Billie Sol Estes scandal came to light, particularly because the two units operated in silos and did not communicate (Light, 1993). The Act merged investigation and audit units in order to address fraudulent behavior alongside inefficient practices. An interviewee who worked in the federal OIG system before moving to a state OIG explained:

> When we started making IGs in the federal government, what happened with Billie Sol Estes was the underlay of a lot of the Inspector General Act, especially with Department of Agriculture. In that case, the people who were doing the investigations didn't talk to the people who were doing the audits at the Department of Agriculture. And for that reason, [Estes] would run circles around them both. And so afterwards we said, we can't have that happening. (personal communication #29, October 10, 2013)

Despite the arguably practical need to strengthen both units, enhanced accountability was a byproduct. Federal OIGs began to investigate compliance with rules and regulations, which is a

reactive, or *post-factum,* approach to oversight, and began to carry out audits with an eye towards improving performance, which is a proactive, or *pre-factum,* approach to oversight (Light, 1993; Dubnick & Frederickson, 2011b). Since the decision to bring these two functions together, this combination has been widely viewed as essential to effective oversight. In fact, Dubnick and Frederickson (2011b) assert that to "break or qualify the link between the two [post-factum and pre-factum dimensions of accountability] . . . is something that is accountability in name only" (p. 8). The ideal of an OIG performing both auditing and investigations has been codified in the Association of Inspectors General's Green Book and model legislation.

The Association suggests that the archetypal OIG "audit, inspect, evaluate, and investigate the activities, records and individuals affiliated with contracts and procurements undertaken by the government entity and any other official act or function of the government entity" (Association of Inspectors General, 2004, p. 4; Association of Inspectors General, 2002, §11). Investigations here include "criminal, civil and administrative investigations." (Association of Inspectors General, 2004, p. 4; Association of Inspectors General, 2002, §11). Audits encompass the "economy, efficiency, and effectiveness of the agency's operations and functions" (Association of Inspectors General, 2002, §11). Although additional activities, such as training and issuing public reports, are detailed in the model legislation, the Association of Inspectors General emphasizes that OIGs pursue both audit and investigatory disciplines by providing the following comment: "The intent of this section is to detail the authority that the [Association of Inspectors General] recommends be provided to *every* Inspector General function" (Association of Inspectors General, 2002, §11, *emphasis added*). A benefit to having both disciplines in one office was explained to me as follows:

> There's a synergistic value to having auditors and investigators work together. And that's what the theory underlying the Office of the Inspector General is. I never wanted to see it be auditors and investigators – I wanted – I don't want to call them "audigators" – but I want them to have both skills. Because I think both of them use the same skill set, they just apply it a little differently. . . . And auditors make good investigators once they get their dander up; I mean they're really good. And investigators make good auditors once they understand what they're doing. (personal communication #29, October 10, 2013)

Although most OIGs do not cross-train their employees for carrying out both tasks, this interviewee saw advantages in having both disciplines present, not only to improve accountability and the OIG's work product, but to manage an OIG's resources efficiently. He stated:

> A lot of auditors want to be auditors – that's the truth. And a lot of investigators don't want to audit. But I think you have to have [both]. We just are not big enough to have that degree of specialty. I think there's a comfort level in doing what you know. Well, there probably is, but at the same time, to be effective, you've got to make every resource you have count and you just can't have one resource dedicated that can't work in the other area. (personal communication #29, October 10, 2013)

Management concerns aside, an OIG with both investigators and auditors can not only identify wrongdoers and legal violations, but review systems for weaknesses to prevent the wrongdoing before it happens. Combining both disciplines in one OIG allows the OIG to be more holistic in its oversight and provide a wider base of information for the accountability process.

The third characteristic of an archetypal OIG is that it is granted several types of authority to perform its role. These authorities are found in both the Association of Inspectors General's Green Book and model legislation. Each of these powers helps an OIG to collect information, follow the facts where they lead, and then report its findings and recommendations to others in the accountability process.

The list includes:

- The right to full and unrestricted access to agency records and the records of those involved with the agency under its jurisdiction (Association of Inspectors General, 2002, §12; Association of Inspectors General, 2004). The OIG keeps any confidential items as such to the extent to the law (Association of Inspectors General, 2002, § 9)
- Access to the head of any public entity when necessary for purposes related to the work of the OIG (Association of Inspectors General 2002, §12; Association of Inspectors General, 2004).
- The authority to subpoena witnesses, administer oaths or affirmations, take testimony, and compel the production of such records as may be relevant (Association of Inspectors General, 2002, §12; Association of Inspectors General, 2004). This authority extends to documents and individuals outside the authority of the public entity.
- Law enforcement authority (Association of Inspectors General, 2004). Law enforcement authority generally includes authorization to carry a firearm on duty; seek and execute warrants for arrest, search and seizure; and make arrests without a

warrant when either witnessing a crime or having reasonable grounds to believe a felony has been committed (see, e.g., IG Act of 1978, as amended, §6).

Also, the publications include a provision that requires all public employees to report fraud, waste, corruption, illegal acts, and abuse to the OIG (Association of Inspectors General, 2002, §12; Association of Inspectors General, 2004). To encourage this reporting, the OIGs are authorized to keep complainants' identity confidential unless disclosure of their identities is unavoidable in the course of an investigation (Association of Inspectors General, 2002, §9; IG Act of 1978, as amended, §7).

Most of these authorities are found in the federal IG Act of 1978, as amended, but several have been expanded in the subsequent publications so as to provide an OIG with the full authority it needs to obtain the information required to fully monitor an agency's programs and operations. For example, federal OIGs may use subpoena power to obtain documents relevant to their inquiries (IG Act of 1978, as amended, §6); however, they lack the authority to compel testimony.[9] Additionally, the IG Act provides that OIG investigators may be granted law enforcement authority, but only upon application to the Attorney General for a grant of law enforcement powers.[10]

[9] A bill to grant such authority was introduced as recently as 2010 (HR 5815, 111th Congress).

[10] A 1991 bill that would have provided all OIGs blanket law enforcement authority is discussed in Light (1993), pp. 189-194. Currently only certain specified OIGs are exempt from needing to obtain the Attorney General's approval of law enforcement designation (IG Act of 1978, as amended, §6).

The fourth and most important characteristic of an archetypal OIG, which was an innovation of the IG Act of 1978, is independence for an OIG from the agency it oversees. As Light (1993) states,

> At its most elemental level, the IG Act was an organizational device for unifying two simple functions, audit and investigation into one unit. However, what made the IG Act much more significant was the decision to protect those new units from administration politics. (Light, 1993, p. 23)

Independence from the agency that the OIG oversees is crucial because it allows the OIG to be in the best position to provide the most objective, reliable information it can without external influence, which is the essence of the OIG role. The Green book explains: "The inspector general is responsible for establishing and maintaining independence so that OIG opinions, conclusions, judgments, and recommendations will be impartial and viewed by others as impartial" (Association of Inspectors General, 2004, p. 8).

In order to do so, both internal and external "impairments," the Green Book's term for risks to the independence of an OIG, must be examined and addressed. Internal impairments arise from an individual's relationships, preconceived ideas, previous involvement or employment, and biases (Association of Inspectors General, 2004). Such impairments could hinder the individual from fairly evaluating the evidence. OIG staff are counseled to evaluate whether they have personal impairments that might create actual or perceived conflicts of interest, which might impact the outcome of a report's conclusions, and disqualify themselves from the project. If disqualification is not possible, the individual must disclose his or her impairments in the final report.

External impairments are those things external to the office that "can restrict the efforts or interfere with the OIG's ability to form independent and objective opinions and conclusions" (Association of Inspectors General, 2004, p. 9). Specific examples of external restrictions include such things as "influences that jeopardize continued employment of the inspector general or individual OIG staff for reasons other than competency or the need for OIG services" (Association of Inspectors General, 2004, p. 9); "restrictions on funds or other resources dedicated to the OIG, such as timely, independent legal counsel, that could prevent the OIG from performing essential work" (Association of Inspectors General, 2004, p. 9); interference in the hiring or firing of OIG staff or the selection and scope of the OIG's work; and interference with OIG access to documents or individuals necessary for OIG work (Association of Inspectors General, 2004).

Personal impairments are largely a matter for OIG management, but external impairments can be prohibited by design. The Association of Inspectors General's model legislation provides guidance on how to protect an OIG's independence from external impairments. First, the model legislation includes a clear statement of intent: "The intent of this legislation is to create a *wholly independent* office of Inspector General" (Association of Inspectors General, 2002, § 2, *emphasis added*). This statement provides a signpost for not only the OIG and the jurisdiction that it oversees, but also to the public, who are ultimately the final stakeholders in government accountability.

Second, certain hiring and firing protections are afforded the IG. The model legislation provides for appointment by either the governor with advice and consent of the senate, the governor, the legislature, or a high ranking government official with a position equal to or higher than an agency head over whom the OIG has jurisdiction (Association of Inspectors General,

2002, §4). The IG holds a term of office of five years, after which he or she may be reappointed (Association of Inspectors General, 2002, § 5). Finally, the IG may be only removed for cause (Association of Inspectors General, 2002, § 6). The model legislation addresses personal impairments for the IG as well. It provides that the IG is selected based on professional qualifications and without regard to political affiliations; and the IG may not have previously served as a manager within the agency for at least five years before appointment (Association of Inspectors General, 2002, § 4).[11]

Third, the model legislation addresses budgetary independence. It states: "The Office of Inspector General will be funded from the General Fund of the Agency and will receive no less than (X percent) of the General Funds annual appropriation each year" (Association of Inspectors General, 2002, §7). This method of funding aims to ensure that the OIG will receive a guaranteed level of funding each year, which will be directly proportional to the funds allocated

[11] In the federal system, hiring and firing protections are currently limited to three. First, IGs are to be selected on the basis of professional qualifications (IG Act of 1978, as amended, §3). Second, IGs of large agencies are appointed by the president and confirmed by the Senate (IG Act of 1978, as amended, §3); however, IGs of smaller regulatory boards are appointed by the boards (IG Act of 1978, as amended, §8G). If removed from the position, the president is required to communicate reasons for removal to Congress in writing (IG Act of 1978, as amended, §3).

for the agency within the OIG's jurisdiction.[12] This funding scheme also removes the OIG budget from the annual political budgetary process.

Fourth, an OIG's independence is buttressed by giving the IG full authority to manage the OIG without interference. The model legislation, much like the federal statute, states:

> The Inspector General shall establish the organization structure appropriate to carrying out the responsibilities and functions of the office. The Inspector General shall have the power to appoint, employ, promote, and remove such assistants, employees, and personnel as deemed necessary for the efficient and effective administration of the office. (Association of Inspectors General, 2002, §7)

Further, "[The OIG] is operationally independent from the appointment authority, the legislative branch, and the agency. The appointing authority, legislative body, or agency head shall not

[12] The budgets for federal OIGs are proposed by the IGs and aggregated by the president or agency head. Those OIGs whose IGs are appointed by the president have access to Congress to discuss their budgets and request increases. This independent relationship assures that the agency cannot unilaterally retaliate against the OIG by cutting its budget if there is an audit or investigation that it does not like (IG Act of 1978, as amended, §6; Project on Government Oversight, 2008). Those OIGs with IGs appointed by the agency head, usually a regulatory board, do not have the opportunity to discuss their budget with Congress. They are dependent on their agencies to make their budget requests. Thus, "their budgets are dependent on the good will of their agency heads" to get their full requests (Project on Government Oversight, 2008, sec. "Budget Line Items and Transparency", para. 2).

prevent, impair, or prohibit the Inspector General from initiating, carrying out, or completing any audit, investigation or review" (Association of Inspectors General, 2002, §8).

Finally, to ensure that the OIG's work product has an independent audience, which is necessary for a government actor to be ultimately held to account for their actions, the model legislation states:

> The Inspector General will report the findings of the Office's work to the head of the investigated/audited agency, to the appropriate elected and appointed leadership and to the public. The Inspector General shall also report criminal investigative matters to the appropriate law enforcement agencies." (Association of Inspectors General, 2002, § 10)

Further, if any serious or flagrant issues are uncovered, the IG reports this immediately to the agency head, who is required in turn to report the issue to appropriate representatives of the executive and legislative branches, with any comments that the agency head wants to add (Association of Inspectors General, 2002, § 10). Finally, the IG issues an annual report that describes its activities over the previous year to the agency head and any interested oversight bodies (Association of Inspectors General, 2002, § 10).[13] Regarding this annual report the model legislation states: "Upon issuance, members of the media and the public shall be promptly advised of the issuance of the report. Such reports will be provided to their representatives upon request" (Association of Inspectors General, 2002, § 4).

Following the Model—and Deviating from It

[13] Federal OIGs are required to provide their prescribed semiannual reports. Any egregious and flagrant problems or abuses uncovered by the OIG are required to be reported to both Congress and agency head (IG Act of 1978, as amended, §5). Thus, an OIG has a secondary audience for its information and recommendations outside the agency it oversees.

Some designers of state and local OIGs closely follow the recommended archetype. This illustrates its influence. Many other designers, however, deviate from the recommended model in significant ways. Ironically, this, too, illustrates the model's influence, as often designers who choose to deviate clearly do so in order to undercut the OIG's position in the accountability process in specific, well-planned ways. The deliberate deviation occurs in states that have both high and low levels of corruption and states that have both Democratic and Republican control of state government. Two examples illustrate the breadth of variation found across state and local OIGs: the Massachusetts OIG, in a state that tends to have more Democratic control of state government and that falls in the middle range of average federal public corruption convictions, and the Minnesota Department of Human Services OIG, in a state with governance more balanced between parties as measured by the Ranney index and with very few corruption convictions.

The Massachusetts OIG is an example of an office that does not deviate much from the archetypal model, even though it predates the codification of the model by the Association of Inspectors General. As we saw in the previous chapter, the Massachusetts OIG was designed by the Ward Commission, a special commission that was tasked to examine corruption in contracting for public building construction in the State of Massachusetts. It recommended the creation of an OIG as part of a larger set of reforms to address the problems it found, and it modeled its legislation after the federal OIGs, having taken testimony from a federal IG (Massachusetts Special Commission, 1980). The Massachusetts OIG embodies the archetype OIG in several key ways.

First, the Massachusetts OIG was created by statute, and thus, has a strong legal base of authority. This statute was adopted in 1980 by the Massachusetts General Court, the term for the Commonwealth's legislature (Massachusetts Office of the Inspector General Act of 1980).

Second, like the archetype, the Massachusetts OIG performs both audits and investigations into fraud, waste, abuse, effectiveness and efficiency (Massachusetts Office of the Inspector General Act of 1980, §8). It can also make recommendations to agencies that arise from its oversight work and weigh in on proposed legislation in relationship to public integrity issues (Massachusetts Office of the Inspector General Act of 1980, §8). In addition to these primary oversight activities focused on detecting fraud, the Massachusetts OIG had developed an extensive training program based on its mandate to prevent fraud (Massachusetts Office of the Inspector General Act of 1980, §7). The OIG administers the Massachusetts Certified Public Purchasing Official (MCPPO) program, which trains public administrators across the state about cost effective, ethical purchasing practices (Massachusetts OIG, 2014). In connection with MCPPO training, the OIG has created six different certifications, which people can receive through initial training and maintain through continuing education (Massachusetts OIG, 2014). The OIG provides specific assistance on local procurement of supplies, services, equipment and real property, as well as dispositions of the same, which support includes maintaining a hotline for questions from local governmental bodies (Massachusetts OIG, 2014). Last but not least, it performs statutorily required monitoring of special initiatives, such as Medicaid and large construction projects, e.g., the Big Dig (see, e.g., Annotated Laws of Massachusetts GL ch. 6A, §16V (2013))

Similar to the archetypal OIG, this OIG has several statutory provisions that provide it legal authority to pursue its mission. For example, by statute, all government unit heads within

the OIG's jurisdiction are required to cooperate with the office and make all necessary employees and documents available to OIG staff (Massachusetts Office of the Inspector General Act of 1980, §9). Further, the OIG is granted access to all documents maintained by public contractors and public grantees (Massachusetts Office of the Inspector General Act of 1980, §9). Access is granted even if documents are confidential, and further, OIG documents are confidential unless required to be made public in the course of performing the statutory duties. (Massachusetts Office of the Inspector General Act of 1980, §13). Also, the IG has subpoena power, called summons power in Massachusetts, for documents (Massachusetts Office of the Inspector General Act of 1980, §9). The OIG also may summon individuals for sworn testimony, but to do so, it must comply with a much more cumbersome process than is required for documents. Here, the OIG is required to petition for permission from the IG Council, a statutory body made up of the four constitutional officers of the state and five appointees, and it must receive approval from three fourths of the Council (Massachusetts Office of the Inspector General Act of 1980, §15). The only area where the Massachusetts OIG varies significantly from the archetypal OIG in terms of authority is that it lacks law enforcement authority; however, it does have authority to institute a civil action to recover funds from a bad actor, with permission from the attorney general, or refer such cases to the attorney general (Massachusetts Office of the Inspector General Act of 1980, §11).

As for independence, this is where the OIG is closest to the archetypal model. Although the statutes that create the OIG do not specifically refer to it as an independent unit, several other protections to the office's independence from the agencies it oversees are in place. The appointment of the IG is to be made only on demonstrated professional experience and without regard to political affiliation, upon a majority vote of the Governor, the Attorney General, and

the State Auditor (Massachusetts Office of the Inspector General Act of 1980, §2). The IG holds office for a term of five years for a maximum of two terms, and can only be removed for a finding of neglect of duty, gross misconduct, or a conviction of crime upon a majority vote of the appointees (Massachusetts Office of the Inspector General Act of 1980, §2). Reasons for the removal must be made public in writing and provided to the legislature (Massachusetts Office of the Inspector General Act of 1980, §2). Regarding its budget, the Massachusetts OIG derives its budget directly from the legislature, but unlike the archetypal OIG, it is *not* a set percentage of the commonwealth's general fund budget. The OIG submits a budget for approval like any other state agency, with some supervision from the IG Council (Massachusetts Office of the Inspector General Act of 1980, §4). Nevertheless, by statute, the IG has sole authority to hire, set salaries, and fire OIG staff, and promulgate personnel regulations for the office, and further, no OIG employees shall hold or be a candidate for an elective public office during the term or employment or for three years after employment (Massachusetts Office of the Inspector General Act of 1980, §4). Finally, annual and interim reports go to the legislature, the governor, and all agencies that were reviewed in the past year, as well as to the public (Massachusetts Office of the Inspector General Act of 1980, §12).

By contrast, the OIG for the Minnesota Department of Human Services is designed rather differently from the archetype in multiple ways. It was created in 2011 through the agency head's reorganization of staff and, therefore, lacks any statutory legal base (Minnesota

Department of Human Services, 2011).[14] The duties this OIG performs are limited to investigations only, and do not extend to conducting audits. Additionally, its investigative duties do not extend to the agency's employees, but rather, its jurisdiction is external, over contractors, licensees and beneficiaries of the Department. A separate preexisting unit, a compliance office, oversees internal activities. The OIG has no formal subpoena power or requirements for cooperation.

Finally, the Minnesota OIG has no independence in the sense recommended by the Association of Inspectors General in its Green Book and model legislation. There are no hiring or firing protections for the IG, and the agency head sets the budget, so there is no budgetary independence. Most important is the fact that this OIG is in charge of all licensing duties for the agency, which provides an external impairment to the OIG's independence. Licensing is clearly a regulatory function, not an oversight function. With the assignment of these duties, the OIG immediately lacks independence to monitor one of the primary duties of the Department. In other words, the OIG cannot without bias oversee the licensing program as it runs the program itself.

In sum, the Minnesota OIG is nearly as different from the archetypal OIG as possible: it has no statutory basis, no budgetary independence, no job security for the inspector general at its helm, only investigatory duties (and not audit duties), few investigatory powers, no protections from retaliation, and its independence is compromised by being weighed down with regulatory

[14]In 2013, the OIG did succeed in receiving a statutory reference to the OIG, which provides it a specific role in the Minnesota Child Care Provider and Recipient Fraud Investigations Act (2013), even though it lacks statutory creation.

duties in addition to oversight duties. This is not to say that within these confines, the OIG is not improving accountability and performance. In fact, it has identified weaknesses in home child care and methadone programs and suggested legislation to fix these problems, both of which were passed by the Minnesota legislature (Minnesota Department of Human Services Office of Inspector General, 2013).

The examples from Massachusetts and Minnesota provide stark contrasts in the design of state-level OIGs. Which is more typical: Massachusetts or Minnesota? How much do other states adhere to the archetypal model, how much do they depart from it, and why? Data from my survey help to answer this question.

Beginning with legal form, of the 159 OIGs surveyed, 68% were established formally through statute or ordinance, whereas the remaining 32% were established by a discretionary act. Put another way, while two-thirds of these OIGs are designed in keeping with the statutory element of the archetype, a full one-third of state and local OIGs lack a basis for legal existence and can be eliminated at any time at the discretion of a policy leader. These patterns vary between state-level OIGs and local or multi-jurisdictional OIGs. While three-fourths of state level OIGs have been created in statute, only a little more than half (52%) of local and multi-jurisdictional OIGs were established by statute.

The nature of the discretionary act that creates an OIG varies as well, as is illustrated in Tables 3.1-3.3 below. These tables provide survey respondents' answers to a question about their OIG's discretionary legal form. The first table includes the responses from all OIG respondents (Table 3.1); the second (Table 3.2) and third tables (Table 3.3) break out the data according to whether the respondents are on the state level or from the local and multi-jurisdiction respondents.

TABLES 3.1-3.3

Survey question: Which of the following best describes the discretionary legal form of the establishment of your OIG?

Answer from All Respondent OIGs		**Response**	**%**
The OIG was established under an agency head's discretion		11	42%
The OIG was established by the executive leader by written executive order		8	31%
The OIG was established under the executive leader's discretion, but not by written executive order		3	12%
Other		4	15%
Total		26	100%

Answers from State OIGs		**Response**	**%**
The OIG was established under an agency head's discretion		10	53%
The OIG was established by written executive order		6	32%
The OIG was established under the executive leader's discretion, but not by written executive order		2	10%
Other		1	5%
Total		19	100%

Answers from Local/Multi-Jurisdictional OIGs		**Response**	**%**
The OIG was established under an agency head's discretion		1	17%
The OIG was established by written executive order		2	33%
The OIG was established under the executive leader's discretion, but not by written executive order		1	17%
Other		2	33%
Total		6	100%

Although the number of cases is small for this survey question, these data show that the most common discretionary action creating a state level OIG is from the agency head. This approach has the least permanence, and therefore protects an OIG's basis of authority the least,

as is it well within an agency head's discretion to reorganize his or her staff. The second most common legal form for state OIGs is an executive order by a governor or mayor, which provides more protection to an OIG than action by an agency head. Although a governor or mayor's authority to issue an executive order comes out of the same discretionary authority an agency head has to reorganize an agency, the reversal of an executive order requires a public announcement. The political ramifications of doing away with an OIG created by executive order in the eyes of the public would discourage a reversal. Respondents from local and multi-jurisdictional OIGs indicated that executive orders were the most common form of discretionary establishment.

How often are state and local OIGs designed to perform both *audits* and *investigations*, as advised by the archetype? As shown in Table 3.4, 67% follow the archetype model of performing both audits and investigations, while 30% performed only investigations. The minority of OIGs, 3%, perform only audits. Local and multi-jurisdictional OIGs tend to conform to the archetype and perform both investigations and audits more often than state OIGs, although the difference is not great.

TABLE 3.4
Activities pursued by OIGs

	Both	**Investigations**	**Audits**	**Total**
All OIGs	107 (67%)	47 (30%)	5 (3%)	159
State OIGs	71 (65%)	35 (32%)	3 (3%)	109
Local/Multi-Jurisdictional OIGs	36 (72%)	12 (24%)	2 (4%)	50

Additionally, twelve respondents reported that their OIGs perform activities other than audits, investigations or evaluations. These respondents include seven state level OIGs and five local

OIGs. Like the Minnesota OIG, these twelve are potentially weighed down with duties that may hamper their role of collecting unbiased information for the accountability process. In Table 3.5 below, these additional duties are listed and categorized as consistent with oversight or inconsistent with oversight. The table does not indicate this fact; however, the local OIGs' extra activities were all consistent with archetypal OIG oversight, while some state OIGs reported performing activities that appear to be inconsistent with the archetype. Without more detail about these activities than was provided in the survey, I cannot be sure whether the duties constitute an external impairment to independence, i.e., the OIG's participation results in the OIG's inability to provide an impartial assessment. Nevertheless, certain duties, because of their programmatic or regulatory nature, appear to be directly inconsistent with the concept of OIG independence.

TABLE 3.5
Survey question: You indicated that your OIG performs activities other than investigations, audits and evaluations.

Total responses: 12

Other duties that appear *consistent* with oversight
*Complaint intake and reporting (2 respondents)
*Coordination of external audits, investigations, and reviews (2 respondents)
*Ethics guidance, formal and informal (4 respondents)
*Inspections (2 respondents)
*Policy and procedure recommendations and other technical assistance to management (3 respondents)
*Referrals to law enforcement (1 respondent)
*Reviews of trust account activities (1 respondent)
*Training on corruption, error reduction, and ethics (3 respondents)
Other duties that appear *inconsistent* with oversight
*Administrative sanctions, suspensions, and terminations, and/or appeals (2 respondents)
*Development of automated security system (1 respondent)

*Licensing (1 respondent)
*Special projects (1 respondent)
*Technical assistance for out of state criminal background checks (1 respondent)

How much does the design of state and local OIGs follow the archetype regarding specific authority to carry out the OIG mission? 72% of the responding OIGs report that they have subpoena power or other authority to compel cooperation. Although the extent of this authority is not specified, i.e., who is required to cooperate with the OIG and whether the OIG has authority to compel both record and testimony, these OIGs generally seem to have formal authority to gather the information they need to perform their oversight duties. Nonetheless, nearly 28% of OIGs lack any authority to compel disclosure of information. On this matter, state- and local or multi-jurisdictional OIGs do not seem to differ significantly, although fewer local and multi-jurisdictional OIGs have this authority. Specifically, 76% of state level OIGs and 62% local and multi-jurisdictional OIGs have some authority to compel cooperation with their work.

Finally, there is large variation in OIGs' levels of independence. For example, one key way that an OIG's independence is protected is through a grant of autonomy to the OIG to determine which issues to audit or investigate. Without this grant of autonomy, the OIG's work can be directed by those who have a political stake in the outcome of the OIG's work product. Most survey respondents noted that they have full authority to audit or investigate without interference from the agency or agencies they oversee; however, 14% (of an n of 51) lack that independence, as is shown in Table 3.6, which follows. Tables 3.7 and 3.8 show the breakdown of responses from state OIGs vs. the local and multi-jurisdictional OIGs. A higher percentage of local and multi-jurisdictional OIGs have this aspect of independence than state OIGs.

TABLES 3.6-3.8

Survey question: How broad is your OIG's authority to determine what to investigate or audit?

Answers from all OIGs		**Response**	**%**
Full authority, without any interference from the agency/agencies that your OIG oversees		46	87%
Less than full authority, subject to direction from the agency/agencies that your OIG oversees		7	13%
Total		53	100%

Answer from State OIGs only		**Response**	**%**
Full authority, without any interference from the agency/agencies that your OIG oversees		31	84%
Less than full authority, subject to direction from the agency/agencies that your OIG oversees		6	16%
Total		37	100%

Answers from Local/ Multi-Jurisdictional OIGs		**Response**	**%**
Full authority, without any interference from the agency/agencies that your OIG oversees		14	93%
Less than full authority, subject to direction from the agency/agencies that your OIG oversees		1	7%
Total		15	100%

OIGs also vary in the extent to which they have budgetary independence from the agency that is overseen. The manner in which the OIG is protected from budgetary retaliation in response to an audit or investigation may be a flat percentage of the general fund of the agency that is over seen, as is proposed in the Association of Inspectors General's model legislation, or simply a method by which the agency that is overseen is not setting the budget for the OIG. Frequently, this protection is provided when an OIG's budget is appropriated directly from the legislative body. Less than half--44%, to be precise--of OIGs of 149 survey respondents reported they have budgetary independence from the entities they oversee. Budgetary independence is much greater in local and multi-jurisdictional OIGs than state OIGs: 62% of local and multi-jurisdictional respondents report some type of budgetary independence, while only 35% of state-level OIGs report the same.

A third type of independence relates to the appointment of the IG. The archetype recommends an appointment process that is not under the discretionary control of the agency being overseen. In some locations, this hiring independence is maintained with an IG's appointment by an entity external to the agency to be overseen. Other jurisdictions have a statute that requires the IG be hired on the basis of his or her professional qualifications, and others require external confirmation of the appointment by an entity such as a senate. Regarding this type of independence, just over half of the OIGs have hiring protections. Out of 155 respondents, 53% reported some type of hiring protection, such as those mentioned above, while the remaining 47% lacked any such protections. In this aspect, local and multijurisdictional OIGs (74%) have more independence than state level OIGs (43%).

To understand the adherence to and deviation from the archetype across the universe of state and local OIGs, I created a simple additive index on three key characteristics of

independence: statutory creation, budgetary independence, and hiring protections for the IG. This independence index ranges from zero to three. If an OIG reported having all three protections, they rank a 3, but if it has none of these protections, it ranks a 0. Table 3.9 below shows that nearly the majority of state-level OIGs, almost 50%, have only one of these protections available. Only a little more than 25% have all three indicators of independence. Although there are fewer local OIGs, the data show that they are generally more independent, with nearly 50% having all three indicators of independence. The local OIG independence is not surprising as the government structure is less complex. Many of the local IGs are appointed by a city or county council and get their budget from that source rather than from the mayor or the city manager, which provides them with two points on this index.

TABLE 3.9

Independence Index (0 is low, 3 is high)	**State**	**Local**	**Total**
0	11 (11%)	11 (25%)	22 (15%)
1	47 (46%)	5 (11%)	52 (36%)
2	16 (16%)	7 (16%)	23 (16%)
3	27 (27%)	21 (48%)	48 (33%)
Total # of OIGs	**101**	**44**	**145**

The data in Table 3.9 reveal considerable deviation from the archetypal model of OIG independence. Local OIGs generally appear to be more similar to the archetype than state level OIGs. Many state-level OIGs have only one or none of the three attributes of independence favored by the archetype. Although there are other ways to support an OIG's independence and its ability to produce unbiased, reliable information than just these three methods of statutory creation, budgetary independence, and IG hiring protections, they are widely regarded as key

conditions for effective OIG independence. In sum, design variations often potentially undercut an OIG's ability to do its job.

What is the source of these variations? As noted in the introductory chapter, studies on the diffusion of innovation identify several sources of variation in policy design. Perhaps the most important of these, as noted, is reinvention or customization (Karch, 2007) that results from policy-makers' adjustments of common models to local conditions. This explanation seems to describe some of the variations in OIG design. Nonetheless, much of the variation in OIG design seems to result from another consideration: policymakers' deliberate effort to undermine the effectiveness of OIGs.

The Minnesota case, although a dramatic deviation from the archetype, ironically illustrates the first pattern: adaptation of the common model to fit local conditions. This benign customization occurs in a state that has experienced low numbers of corruption convictions over time and fairly even competition between the two major political parties. The state's single OIG, which is described at the beginning of this chapter, is found in the Department of Human Services. Before its adoption, governor-elect Mark Dayton had run on a campaign pledge to increase government transparency and performance. The Governor appointed Lucinda Jesson as Commissioner of the Department of Human Services and, following the Governor's lead, she announced a plan to increase accountability, fraud prevention, and recovery through the creation of an OIG (Minnesota Department of Human Services, 2011). The public announcement of the OIG noted that the Commissioner had been influenced by the federal OIGs and other state OIGs in the area of human services (Minnesota Department of Human Services, 2011).

Although Commissioner Jesson was firmly committed to having an effective OIG, her design choices—establishment of the OIG by discretionary reorganization, without legal

authority and independence, focused only on investigations and not audits, and mixing regulation (licensing) with oversight—reflected pragmatic adaptations to existing Minnesota governing structures and policies (Featherly, 2011). The decision to establish the office by means of her discretion rather than pursing an executive order or statute resulted from an interest to move quickly after her appointment to consolidate the agency's existing fraud investigators who were located in individual program units across the agency (Featherly, 2011). The decision to include the regulatory licensing unit in the new OIG was a result of her learning that the head of licensing was concerned about the limitations of using licensing sanctions to address fraud (confidential personal communication 2013). He had concerns, for instance, that if a licensee was found in violation of licensing requirements, the licensing unit could only take administrative action against the license. Meanwhile, the licensee could continue receiving payments from the state for substandard service. As his ideas to address these issues were in line with the Commissioner's concerns about program integrity, she asked him to become the first IG and brought the agency's licensing staff into the OIG (Featherly, 2011).

The decision to craft the OIG's jurisdiction to include monitoring of contractors, licensees, and beneficiaries but not Department employees, was an effort to avoid turf battles (confidential personal communication, 2013). At the time the OIG was created, the Department already had an internal compliance unit, tasked with compliance activities of employees throughout the agency, and an internal audit office, which examined and evaluated the Department's fiscal and program management (Minnesota Department of Human Services, n.d.). Thus the OIG was crafted to provide a different focus than already existed. The unique combination of the Commission's vision, the licensing director's interest, and the existing compliance and auditing functions resulted in a very uniquely designed OIG in Minnesota.

Despite its deviation from the OIG archetype, it has been well received in the state and within the Department (Confidential personal communication, 2013). Further, the OIG has spearheaded multiple legislative amendments to improve the Department's oversight over external stakeholders (Minnesota Department of Human Services Office of Inspector General, 2013).

Another example of localized needs shaping the design of an OIG is found in the OIG for the Illinois Department of Human Services. This OIG, which is one of many in the state of Illinois, has many characteristics of the archetypal OIG. It is created in statute; has subpoena powers for documents and testimony; has access to any facility, agency or employee within its jurisdiction; has an IG appointed by the Governor for a term of four years; and a line item appropriation from the Illinois General Assembly (Illinois Department of Human Services Act. 2013). Still, this Illinois OIG differs from the archetype in one key way: it has a very narrow statutory mission, to investigate allegations of abuse, neglect, or financial exploitation of adult individuals receiving services in state facilities or agencies licensed by the Department (Illinois Department of Human Services Act, 2013). It also investigates any deaths of individuals in these facilities (Illinois Department of Human Services Act, 2013). The statute that creates the OIG specifically states the OIG has *no* oversight over the routine programmatic, licensing, and certification operations of the Department (Illinois Department of Human Services Act, 2013).

This unique jurisdiction was created to address a very particular concern of the Illinois General Assembly, that older citizens were being exploited and the Department was not effectively addressing the issue with its internal investigations unit (Illinois Department of Human Services Office of the Inspector General, n.d.b). A task force report prepared for the Department exposed poor conditions in the state's 21 institutions including "patients . . . starved, beaten, sexually assaulted, locked in bathrooms, tied to toilets and had alcohol poured into open

wounds" (Briggs, 1986). The Department's Director responded to the report by creating an internal OIG (Lawrence, 1987). Advocacy groups complained about this action stating: "Instead of addressing the underlying problem of abuse, all they are doing is reorganizing within the department" (Gerber, 1987), and "Throwing more millions of dollars at the large institutions or tightening up on procedures is not the answer" (Gerber, 1987). These groups lobbied for an independent OIG, whose work would be open for public review (Illinois Department of Human Services Office of the Inspector General, n.d.). As a result, the General Assembly created the OIG in 1987 to investigate suspected abuse or neglect (Illinois Department of Human Services Office of the Inspector General, n.d.). In sum, this OIG's narrow jurisdiction seems to be directly the result of the specific problem to which it was addressed.

In contrast to these examples, other instances of deviation from the archetype OIG seem based on a desire to undermine its effectiveness. In these cases, concerns about the potential power of an archetypal OIG result in design characteristics that lessen the ability of the OIG to do its job. In the following pages I will summarize a number of examples of deliberate efforts to limit the independence or authority of OIGs at the design stage. In doing so, I will consider whether these efforts are more likely in states (or cities) with high levels or traditions of corruption (where we might expect powerful actors to fight to limit the power of an OIG). I will also consider whether these efforts are more likely in states (or cities) strongly controlled by one or the other political party (where powerful actors may want to limit the authority of an agency like an OIG that has an independent base of power). Ultimately, the evidence does not support either of these hypotheses. These design choices aimed at undercutting the independence or authority of OIGs are made in states with high and low levels of corruption (as measured by conviction rates) and states with Republican and Democratic control as well as states with

divided party control. Instead, efforts to weaken an OIG at the design stage seem somewhat idiosyncratic, based on somewhat unpredictable political dynamics in each setting.

Simple evidence of the foregoing point is the absence of any clear correlation at the state level between my index of OIG independence and my measures of corruption and party control. (For states with more than one OIG, I summed the index scores for all OIGs and divided by the number of OIGs to produce a state average OIG independence score.) The *n* of states with state-level OIGs is 30. The Pearson correlation coefficient between this state-level OIG independence score and level of corruption (measured by federal conviction rate) is .26, and is far from statistically significant. The correlations coefficient between OIG independence and the Ranney party dominance measure is -.15, again far from statistically significant. (Nor is there a significant correlation with the "folded" Ranney index [calculated as 1-|(.5-Ranney)|), which measures the level of single-party dominance of state government, whether it be by Democrats or Republicans (Bibby & Holbrook, 2004); the Pearson correlation with this variable is -.01.)

One example of an effort to weaken an OIG's design is from Massachusetts. This OIG, as described above, follows the archetypal model closely except in certain key respects. I will now describe the source and context for these key deviations. It is important to note that Massachusetts has been historically dominated by the Democratic Party and has had moderate levels of public corruption—neither very high, like Louisiana, nor very low like Minnesota—as measured by the rate of federal convictions for public corruption. As was described in the previous chapter, the OIG was adopted by the state legislature, the General Court, in the wake of a major public construction scandal (Massachusetts Special Commission, 1980). The Ward Commission, which was established to investigate the problem, exposed a statewide culture of extortion for campaign donations in exchange for public contracts (Massachusetts Special

Commission, 1980). The OIG was one of several reform methods suggested by the Commission (Massachusetts Special Commission, 1980).

The Ward Commission completed its final report following the passage of the OIG legislation, and it sharply criticized the General Court's design decisions regarding the OIG (Massachusetts Special Commission, 1980). These criticisms document how legislators' fears of OIG power motivated it to weaken the design in key ways. To be sure, the Massachusetts OIG was established by statute, had several appropriate powers to do its job, and had many protections to its independence, all key elements of the archetypal OIG. Nonetheless, the Ward Commission was quite frustrated that the General Court had exempted itself and its documents from the subpoena powers of the OIG as it had recommended (Massachusetts Special Commission, 1980). Indeed, the legislature and its campaign fundraising practices were implicated in the corrupt practices that the Ward Commission documented (Massachusetts Special Commission, 1980). The Commission noted that the amendments to exempt the legislature were written into the bill in a Senate back office between the second and third readings of the bill in the second house (Massachusetts Special Commission, 1980). The provisions never had a public hearing, and despite the best efforts of the Commission and its staff, no one seemed to be able to explain how these amendments came about (Massachusetts Special Commission, 1980).

It is important to acknowledge that the Ward Commission's proposal to grant the OIG power to investigate not only state agencies but also the Massachusetts legislature itself was in some respects radical. By granting an executive agency investigative authority over the legislature it would have introduced novel checks in the traditional concept of the separation of powers (and to some eyes, this might amount to a significant revision of this structure). But it is

equally important to note that the Ward Commission thought this innovation necessary to address a major corruption scandal in Massachusetts. Whichever view one takes, it is clear that the Massachusetts legislature's decision to strike this key element from the legislation undercut the OIG's effectiveness, at least in the view of the Ward Commission.

The Ward Commission also criticized the legislature's decision to statutorily prevent the OIG from making referrals to federal prosecutors upon finding evidence of the violation of a federal crime (Massachusetts Special Commission, 1980). Under these provisions, if the OIG collected relevant information regarding a violation of federal law, it would be unable to provide it to the precise entity that could hold individuals accountable for their actions. Ultimately, this issue was addressed by the legislature the year following the issuance of the Ward Commission's final report (Massachusetts Office of Inspector General Act, 2013, §10), but the exemption of the General Court has never been changed (Massachusetts Office of Inspector General Act, 2013, §9).

A similar story of a legislative body exempting itself from oversight by an OIG that otherwise had jurisdiction-wide authority can be found in Chicago where battles erupted over the creation of a city-wide OIG. Like Massachusetts, Chicago is dominated by the Democratic Party, but it has a considerably deeper tradition of corruption than Massachusetts. Mayor Richard M. Daley proposed the creation of the city's OIG to replace the existing Office of Municipal Investigations, a unit that lacked an independent director, subpoena power (Merriner & Rotenberk, 1989) and authority to investigate contractors and city council members ("Chicago is Ready for Reform," 1989). When the city council considered the proposal, it agreed to all of these elements but balked at giving the OIG jurisdiction over the council ("Council Fears

Inspector General's Bite," 1989; Kaplan, 1989). Aldermen stated that they were concerned the office's power could be abused for political purposes (Kaplan, 1989).

In Chicago, however, unlike Massachusetts, this objection by the council was met with a public outcry that demanded more independent oversight over the aldermen and their staff. At that point, the council begrudgingly created what is known as the Office of the Legislative Inspector General (Bogert, 2010; Chicago, Illinois, Legislative Inspector General city ordinance, 2013). This new office, which clearly has a mission of oversight, is required to follow very restrictive investigatory procedures, which were carefully designed by the city council (Bogert, 2010; "Thanks, Alderman," 2010; Chicago, Illinois, Legislative Inspector General city ordinance, 2013). Thus, although this OIG has several characteristics that would be considered as consistent with the archetypal model, such as the hiring and firing protections recommended in the Association of Inspectors General's model legislation (Chicago, Illinois, Legislative Inspector General city ordinance, 2013), the IG may not investigate unless upon a sworn complaint (Chicago, Illinois, Legislative Inspector General city ordinance, 2013). The problem with this requirement is that many potential complainants may not be willing to come forward if they cannot make an anonymous complaint against powerful aldermen. Additionally, the OIG must get approval from the Board of Ethics (BOE) to pursue a full-blown investigation, who must find reasonable cause in the complaint), and criminal investigations are prohibited (Chicago, Illinois, Legislative Inspector General city ordinance, 2013). The Chicago Legislative OIG provides a good example of an OIG that was designed very narrowly by those subject to its oversight with the goal of reducing its ability to pursue its mission.

Florida provides a third example of an OIG designed to weaken its ability to do its job. Like Massachusetts, it occurred in the context of moderate levels of corruption but, unlike

Massachusetts, it occurred in a state characterized by stiff party competition for control of the reigns of state government. The state of Florida has an extensive system of state OIGs that dates to 1994 (Florida Inspector General Act of 1994, 2013). That year, the Florida legislature adopted a law that places an OIG in every state agency (Florida Inspector General Act of 1994, 2013). This law was passed on the urging of then-governor Lawton Chiles, a former US senator who was familiar with the federal OIG system and wanted to implement it in Florida (Clift, 2014). Yet the Florida OIGs were designed to have considerably less independence than the federal OIGs. Specifically, Florida OIGs lack the budgetary independence and appointment protections that the federal OIGs have, and their reports do not go to anyone besides the agency head. When I asked an IG who was present in the legislature's chamber when it passed the Florida IG Act why these changes occurred, the IG stated: "It just didn't work out. It wasn't something they could get sponsored, you know? They [the legislature] already had something [the Office of the Auditor General]—someone they thought was looking after them" (confidential personal communication, 2013). The political actors were concerned about the policy implications of this new office and reduced its power in the design phase.

A post script to the story of the design of the Florida OIG Act illustrates the significance of these earlier efforts to debilitate Florida OIGs: there have been ongoing efforts to overcome these limitations. This year, the legislature passed legislation that increased the independence of the OIGs (Florida House of Representatives, 2014). This legislation was sponsored by two legislators who had accounting backgrounds and deliberately wished to strengthen the OIGs' independence (confidential personal communication, 2013). The new law instituted several changes to bring the Florida IGs into closer congruence with the archetypal OIG. IGs are now appointed by the Chief IG, an appointee of the governor, rather than the head of the agencies

they oversee, and the IG may be removed only for cause by the Chief IG with prior notification to the governor (Florida House of Representatives, 2014). IGs have the independent authority to hire and remove staff within the OIGs, after consulting with the governor's chief inspector general, and are no longer subject to agency control in this crucial personnel matter (Florida House of Representatives, 2014). Finally, IGs report to the Chief IG, rather than the agency head, and final audit reports are provided to the agency head, the Auditor General, and the Chief IG (Florida House of Representatives, 2014). The bill was signed into law by Governor Rick Scott on June 13, 2013.

A final example of designing an OIG in a way that limits its independence is found in the Colorado Department of Corrections OIG. Across the period of this study Colorado's state government, too, was controlled mainly by one political party, in this case the Republicans, but it has very low rate of federal convictions for public corruption. Nonetheless Colorado designed its key OIG much like the Florida OIGs by withdrawing key elements of independence. Although the Colorado OIG was created in statute in 1999 (Colorado Revised Statutes 16-2.5-134), other than this statutory foundation it has little independence from the agency head. It functions more like an internal affairs unit in a police department (confidential personal communication). This OIG carries out investigations of criminal acts by employees, inmates, and co-conspirators, performs background checks and random drug testing, manages sexual offender registration, and coordinates the agency's compliance with the federal Prison Rape Elimination Act. (Colorado Department of Corrections, n.d.)

When testifying in favor of the bill that created the OIG, the Deputy Director of the Department asserted that the OIG would be an independent voice in various Department functions (Colorado Senate Judiciary Committee, April 5, 1999). For example, the OIG's

participation in hiring staff by completing background checks was useful to make sure human resource staff were not hiring friends and family. Yet when he was asked by a Senator whether an internal unit as was contemplated in the bill could truly be independent, the Deputy Director brushed off the question. He said that there is always a question about whether any agency can police itself, but in this case, if it is seems to be working, then it ought not be questioned. He also stated that citizens seem satisfied with how the department is working, thereby suggesting that independence need not be an issue of concern to the legislators (Colorado Senate Judiciary Committee, April 5, 1999).

In fact, the OIG of the Colorado Department of Corrections never has been independent from the executive director (confidential personal communication, 2013), which would be considered an external impairment to the OIG's independence. The IG answers to the executive director and performs the duties assigned to it in statute and by the executive director (confidential personal communication, 2013). The OIG is, however, independent from other units in the Department, which allows it to provide oversight of other units' compliance with professional standards and policy violations without interference from those units (confidential personal communication, 2013). That said, it also is assigned several duties that are programmatic in nature, having more to do with performing the mission of the Department of Corrections than overseeing the performance of the mission. For example, the OIG oversees the sex offender registration program, ensuring that sex offenders released from prison register with local law enforcement. Also, the OIG maintains a K-9 unit that is used to search for drugs or escapees (Colorado Department of Corrections, n.d.).

In sum, states and localities commonly design new OIGs in ways that withdraw key forms of independence and authority from these agencies. Sometimes these withdrawals seem

benign in light of the expectations of the archetypal model, but sometimes these withdrawals of independence or authority, or both, seem to be deliberate, strategic efforts to limit the power of an OIG. Neither the benign nor the deliberate variations seem related to partisan control of the state (or partisan competition) or to the level of corruption. Instead, these variations seem idiosyncratic, related to how particular political fights over OIG design have played out in particular contexts.

Conclusion

This review describes the institutionalized design of an ideal OIG, a generally accepted archetype of an office that is designed to provide thorough and unbiased oversight over a governmental agency or agencies. This model has certain characteristics related to its legal form, activities, authority, and independence that help to ensure the OIG has a legal basis, can be both proactive and reactive to problems in the entity it oversees, has the powers to obtain the evidence it needs to make a fair evaluation, and can operate without interference and bias.

Despite the emergence of this archetype, many jurisdictions have deviated from its core requirements when designing their OIGs. Although some of these deviations arise directly from practical, localized needs, most grow out of political concerns about the implications of heightened oversight. These political concerns result in deviations from the archetype that weaken an OIG's ability to pursue its mission of monitoring fully, and these deviations occur in states with both high and low long-term corruption and Republican, Democratic, or balanced party competition. Many OIGs are based in an executive order rather than statute or ordinance; perform only investigations or audits, but not both; lack subpoena power or other authority that helps it obtain the documents and testimony it needs; or do not have independence from the entity to be overseen.

The adherence to the archetype, where it occurs, as well as the deviation from the model both demonstrate the power of the idea of accountability as embodied in OIGs. On one hand, the fact that a definitive archetype has emerged and has been endorsed by OIG practitioners and that the concept has been widely adopted, demonstrates the general enthusiasm for this archetype as a powerful solution to accountability issues. On the other hand, the power of the idea of an OIG is so strong that it simultaneously gives rise to concerns about the policy implications of its oversight. Deviations from the archetype for this reason result in a weakening of the model. How does this push and pull for and against the idea of an OIG play out in implementation? This is the topic of the next chapter.

Chapter Four
Phase III: Implementation

Now we turn to the third phase: implementation. After the idea of an OIG has been endorsed and the OIG has been designed, OIG staff have the difficult task of doing the job. Most studies of the diffusion of innovations conclude their analysis with the adoption of these innovations. This implicitly assumes that once an innovation is adopted the process of creation, at least for that jurisdiction, is finished. At least with regard to offices of inspector general, as the evidence in this chapter will reveal, the process of refining and shaping the final form of these offices is far from complete at the point of adoption. Rather, this phase is characterized by two opposing forces documented in this chapter: the overseen agency's opposition to this new form of oversight and the OIG's staff activity to defend the OIG's ability to pursue its mission. The opponents of the OIG work strategically to weaken the office or its reputation. OIG staff, in turn, work strategically to strengthen it and protect its ability to pursue its mission. Both the opponents and the proponents of this form of oversight continue their struggles, which shapes these offices.

This chapter explores the challenges that occur as an OIG is implemented on the state and local levels; however, a recent example can be found on the federal level, which demonstrates that pushback against OIG oversight can occur even if an OIG is well established. In August 2014, 36 years after the enactment of the federal IG Act of 1978, 47 federal IGs sent letters to the Congressional oversight committees alerting them that the agencies they oversee were preventing OIG staff from accessing agency records. These agencies were arguing that the material was privileged or otherwise protected and not required to be disclosed to OIG staff, despite the Act's requirement that OIG staff be allowed full access to all agency materials (Hicks, 2014).

This struggle between OIGs and those they oversee largely echoes the Congressional debate about the role of the federal OIG that is described by Light (1993). Congress struggled with deciding whether the role of the OIG was to an independent, critical overseer or a helpful, analytical consultant. Some members of Congress (as well as President Ronald Reagan) wanted a federal IG to be a "lone wolf" or a "junkyard dog," policing management, while others preferred to create OIGs that would serve as a "strong right hand" of management (Light 1993).

Today, OIG opponents or those under an OIG's oversight fear the junk yard dog image of an OIG. They have great trepidation about OIG monitoring and the potential fallout from OIG reports. Most OIG staff, on the other hand, cast their offices as consultants. They suggest that the OIG's role is to improve government programs and to assist management. Both groups use tactics, both adversarial and non-adversarial, that end up shaping the OIG itself.

This chapter explores the strategies used by opponents of the OIG and OIG staff. My analysis is informed by the theory of bureaucratic politics (Allison, 1971, and extended by Carpenter, 2001), which posits that institutional policies are subject to ongoing contestation among elite decision makers in and around bureaucratic agencies. Where that theory has sometimes been criticized for assuming that bureaucratic officials act on the basis of a narrow self-interest that is tied to the interests of their agencies, my analysis brings to the discussion a focus on the norms that inform these officials' understanding of their agencies' mission. Thus, as will be demonstrated, OIG staffers are deeply committed to the normative ideal of bureaucratic oversight that is associated with the OIG concept, and, collectively, have developed strategies to support their office while reducing conflict with those that are being overseen. The power of the idea of an OIG has been explored in previous chapters in the contexts of

conceptualizing OIG oversight and the *institutional design* of these agencies. This chapter will extend it to the bureaucratic politics context.

First, I will summarize the nature of the opposition to OIGs during the implementation phase. Second, I will describe the strategies that OIG staff pursue to help support the OIG's role in the accountability process. As in chapter three, I will consider whether more intense challenges tend to occur in states (or cities) with high levels or traditions of corruption and whether these efforts are more likely in states (or cities) strongly controlled by one or the other political party. Ultimately, the evidence suggests that OIGs in states with higher levels of corruption do experience more challenges to OIG implementation. There is no clear relationship, however, between the extent of these challenges and whether the jurisdiction is controlled by a single political party or is subject to fierce competition between the parties. Challenges described in this chapter occur in both Republican and Democratic dominated jurisdictions, as well as states that have balanced competition between the parties.

Continuing Pushback against the Office of Inspector General

As chapter two illustrated, those who are to be monitored by the OIG and other policy makers sometimes are suspicious of the OIG. In the implementation phase, these suspicions only deepen. These challenges to oversight are so prevalent that practitioners in OIGs often fully anticipate them. One of my interviewees, a local IG, simply referred to these challenges as "expected bumps in the road" (personal communication #18, July 25, 2013). Another local IG from a different state reported: "We always have these kinds of disputes, not [that] often, but I'm always up for a challenge, and they know it" (personal communication #37, November 6, 2013).

Efforts to undermine the OIG come in two general forms: (1) attempts to reduce the OIG's ability to do its job; and (2) challenges to the OIG's credibility. The first is similar to

what is seen in the design phase, but now the opposition is more intense because, at this stage, OIG staff are in place and the OIG is no longer merely a theoretical possibility. Thus, opponents either protest the OIG's jurisdiction and authority in order to weaken the OIG's ability to monitor or challenge an OIG's credibility by calling into question the validity of an OIG's reports. Agencies that are overseen by the OIG naturally feel threatened by the possibility of public exposure and criticism by an entity over which they have little or no control. They fear an unfair witch hunt from an overaggressive overseer. Even though OIGs by design only produce the information that is used by others and, thus, are not the authorities that ultimately hold agencies accountable for whatever this information reveals, agencies naturally feel threatened by the activities of OIGs.[15]

Although a major theme of this chapter is conflict over the role of the OIG, it should be acknowledged at the outset that the majority of state, local, and multi-jurisdictional survey respondents report that their relationships with key stakeholders are more supportive or cooperative than challenging or openly hostile. The results of the survey are shown in Table 4.1 below. The survey indicates that the most difficult relationship to navigate for OIG staff is with the upper management of the agency or agencies that the OIG oversees; however, only 9% report this relationship is challenging or openly hostile. Of those that reported any challenging or hostile relationships, the locus of these external challenges seems to vary with whether the OIG

[15] It should be noted that this negative reaction to oversight is not unique to OIGs. A local IG who previously was the head of internal audit before the unit transitioned into an OIG stated: "This kind of fight [against our presence and our work], we've always had it. It's not the change of the name or the title that caused it" (personal communication #37, November 6, 2013).

is at the local level or at the state level. Local and multi-jurisdictional OIGs reported challenges by the jurisdiction's executive (commonly the mayor) or the legislative body (commonly the city council). By contrast, state-level OIGs more commonly reported that challenges came from lower-level professionals or interest groups/citizen advocates. A few respondents from both types of OIGs reported challenging relationships with the upper management of the entities they oversee.

TABLE 4.1
Survey question: Please identify the quality of the relationships your OIG has with the following stakeholders.

Answer	Openly supportive or cooperative	Neutral	Challenging or openly hostile	Varies too much to categorize	Total Responses
The lower level professional staff of the agency/agencies that the OIG oversees *All respondents*	43 (84%)	4 (8%)	1 (2%)	3 (6%)	51
State-level OIGs	29 (82%)	2 (6%)	1 (3%)	3 (9%)	35
Local/Multi-Jurisdictional OIGs	14 (88%)	2 (12%)	0	0	16
The upper management of the agency/agencies that the OIG oversees *All respondents*	41 (86%)	1 (2%)	4 (8%)	2 (4%)	48
State-level OIGs	31 (88%)	0	2 (6%)	2 (6%)	35
Local/Multi-Jurisdictional OIGs	10 (77%)	1 (8%)	2 (15%)	0	13
The head executive, such as the governor or the mayor *All respondents*	33 (74%)	9 (20%)	2 (4%)	1 (2%)	45
State-level OIGs	24	6	0	1	31
Local/Multi-Jurisdictional OIGs	9	3	2	0	14
The legislative body *All respondents*	26 (61%)	13 (30%)	1 (2%)	3 (7%)	43

State-level OIGs	16 (52%)	12 (39%)	0	3 (9%)	31
Local/Multi-Jurisdictional OIGs	10 (84%)	1 (8%)	1 (8%)	0	12
Interest groups or citizen advocates	24 (60%)	11 (27%)	1 (3%)	4 (10%)	40
All respondents					
State-level OIGs	15 (56%)	8 (29%)	1 (4%)	3 (11%)	27
Local/Multi-Jurisdictional OIGs	9 (69%)	3 (23%)	0	1 (8%)	13

Despite this rosy report, interviewees report episodic challenges to their office and their work that goes to the heart of their ability to do their job. These episodes, while infrequent or, alternatively more frequent when an OIG is initially being established or with a change in personnel, are quite intense for interviewees. Understandably, an agency's attempts to reduce the OIG's ability to do its job and challenge its credibility can be taken quite personally by IGs and their staff. Alternatively, these challenges to an OIG's presence are taken as evidence of suspicious behavior indicating that the agency staff have something to hide and wish to avoid accountability. Thus, these episodes loom large in my interviewees' memories. As the examples in the following pages will illustrate, pushback seems more extensive and sharp in places with traditions or high levels of public corruption. In these jurisdictions, vigorous OIG oversight directly challenges standard ways of doing things, and some officials respond by trying to weaken the OIG.

Reducing an OIG's ability to do its job. When agencies challenge an OIG's ability to do its job, there are three primary targets for their pushback. Agency staff challenge: (1) the

scope of their OIG's jurisdiction; (2) the OIG's powers and authority to do their job; and (3) the OIG's access to the tools needed to do its job. I detail each of these methods in turn below.

Challenging an OIG's jurisdiction. Agencies that are presumptively subject to OIG oversight, and/or their political advocates, often resist this oversight by claiming that the OIG has no jurisdiction over them. A very public example of this pushback can be found in Cook County, Illinois, home to a well-known tradition of public corruption. There, the County's State's Attorney long objected that the county's OIG had no jurisdiction over her office. The county's OIG was created in 2007 in ordinance by the Board of Commissioners for the purpose of "detect[ing], deter[ring] and prevent[ing] corruption, fraud, waste, mismanagement, unlawful political discrimination or misconduct in the operation of County government" (Cook County, Illinois, Office of Independent Inspector General ordinance 2013, §2-283). Individuals subject to OIG oversight include county employees, elected and appointed officials, contractors, subcontractors and those doing or seeking to do business with County government (Cook County, Illinois, Office of Independent Inspector General ordinance 2013, §2-284). This language seemed to include the State's Attorney's Office within the OIG's jurisdiction, but the State's Attorney for the County objected to this. From the earliest deliberation by the County Board on the OIG concept, the County's State's Attorney objected that it would be unconstitutional for the OIG to have jurisdiction over her office on the grounds that the office was a state agency rather than a county agency (Olmstead, 2007). The Board eventually approved the ordinance "against the advice of the state's attorney (Patterson, 2007).

The issue was neither resolved nor addressed until four years later in 2011. That year, the 2004 murder of a young man in a street brawl suddenly became a highly publicized and politically charged situation when the press learned that the alleged attacker, Richard J. Vanecko,

was a nephew of former Chicago Mayor Daley (Novak & Fusco, 2011; Kass, 2012). To many observers, the role of the police and the State's Attorney for the County, who had declined to charge Vanecko, appeared to be a result of political power rather than criminal justice (Schmadeke, 2014). When the OIG set out to investigate the State's Attorney's Office's handling of the case, the State's Attorney again rejected the idea that OIG had jurisdiction over the office for the same reasons she had asserted before: that her office was not within the County government, but rather was a state agency operating in the county (Novak & Fusco, 2011). In response, the IG chose not to challenge the State's Attorney's refutation of its jurisdiction.

The following year, the county assessor, an independently elected county official, followed the State's Attorney's lead and refused to cooperate with OIG investigators and rejected a subpoena (Donovan, 2012). The Assessor's argument was that it was an unconstitutional overreach for the Board of Commissioners to impose oversight over another elected official. In this case, the IG sought to enforce the subpoena in court (Seidel, 2013). Two years later, a judge ruled that the OIG's jurisdiction over the Assessor was constitutional, and that the agency had authority to investigate the Assessor and other independently elected county officials and their staff (Associated Press State Wire: Illinois, 2014). Thus, the jurisdiction of the Cook County OIG was shaped by the actions of both the State's Attorney and the assessor during implementation.

Another method to challenge an OIG's jurisdiction is to claim the OIG has oversight over only particular kinds of governmental actions and not others. For example, one local IG told me that those under the OIG's oversight claim his office may investigate only ethics violations, but not incidents of fraud, waste, or abuse (confidential personal communication, 2013). This critique rests on a narrow interpretation of the OIG's statutory authority, which is to: "receive

and register complaints alleging *misconduct* against [those within the OIG's jurisdiction]" (confidential personal communication [italics added], 2013). The OIG favors a broader interpretation of the term "misconduct." In this case, the dispute has not yet been resolved.

A third jurisdictional argument made against an OIG is that another oversight body has preemptive jurisdiction. In a state with high levels of corruption, an IG who heads a state agency OIG related an incident where the OIG's staff were investigating several high level appointees within the state agency over which it had jurisdiction, and staff from the governor's own oversight unit stepped in to take over the investigation, claiming that their authority to investigate trumped the OIG's authority, due to an interpretation of which piece of authorizing legislation had priority (confidential personal communication, 2013). In the course of this conflict, the governor's staff confiscated the agency OIG's computers. The conflict seemed to be triggered by allegations that one of the OIG's staff had leaked news of the investigation to the press, which ultimately proved to be untrue. The state's ethics commission, an external body to both the OIG and the governor's oversight unit, backed up the agency OIG. The commission determined that the OIG had sufficient independence from the individuals being investigated to be objective and, therefore, should not be preempted. Eventually the governor's staff backed down, and the computers were returned. The agency OIG proceeded with the investigation, which eventually led to federal charges of fraud and theft against the governor's appointees (confidential personal communication, 2013).

Challenging an OIG's Authority and Legal Powers. Agencies subject to an OIG's oversight sometimes push back against the accountability regime by claiming that its authority or powers granted an OIG to do its job are not appropriately exercised. For example, a local IG in a city with a reputation for corruption told me that when his office was newly formed, the agency

they oversaw resisted providing the OIG with virtually every document that the OIG staff asked for, including pictures of agency employees (confidential personal communication, 2013). The agency claimed that the OIG had no authority to demand these documents, despite the wording of the authorizing legislation, which provided that the OIG had the authority to "request information related to an investigation from any employee, officer, agent or licensee of the [jurisdiction]" (confidential personal communication, 2013).

Another local IG, in another city with a reputation of corruption, explained that critics of his office claim that he can only perform narrow, reactive investigations. He stated:

> That's a point of contention here in the [jurisdiction] so far. My interpretation of the statute is that there is nothing preventing me from looking at doing an audit or being proactive, which I think is essential for any inspector general position. I think that is exactly what the position is designed for, to be proactive. Unfortunately, the way this law is written, you'll see the vagueness in it and the not-so-clear language. And so that has been a contention, whether I can be more proactive or not. There are some that believe I should only be reactive, and so a complaint will have to come through the door, but I disagree with that view. But at the same time, I operate within the boundaries of the law. We will not violate any rules here or break the law, on the face of that, we can't do that. It's a source of contention. We try to do what we can. (confidential personal communication, 2013)

The subpoena authority granted many OIGs is often a particular target of criticism. Subpoena, or summons, authority granted to an OIG generally allows the office to use the force of law to require an entity to provide access to agency records or to compel someone's testimony. If an entity or individual rejects the subpoena, the OIG may take the subpoena to

court to request judicial enforcement. For example, early in its existence the Massachusetts OIG had to resort to court enforcement (confidential personal communication, 2013). After the court, in an unpublished opinion, agreed that the agency in question was legally required to give the documents to the OIG, agencies generally stopped resisting these subpoenas.

More recently, the OIG for the City of Chicago encountered a similar challenge to its authority to obtain documents. Unlike the case of Massachusetts, which, as we just saw, was resolved relatively quickly and in favor of the OIG, the challenge to the Chicago OIG was drawn out and ultimately was decided against the OIG in a decision by the Illinois Supreme Court (*Ferguson v. Patton*, 2013). The litigation focused on the interpretation of the following provision of city ordinance: "It shall be the duty of every officer, employee, department, agency, contractor, subcontractor and licensee of the city, and every applicant for certification of eligibility for a city contract or program, to cooperate with the inspector general in any investigation or hearing undertaken pursuant to this chapter" (Chicago, Illinois, Office of Inspector General city ordinance §2-56-090). Still, when the OIG asked for documents from the mayor's law department, the department refused to comply (*Ferguson v. Patton*, 2013). The IG issued a subpoena, which was rejected, and then took the subpoena to court to enforce it. The law department responded that the OIG did not have independent authority to represent itself and enforce subpoenas in court, but rather had to be represented by the city's corporate counsel, i.e., the law department. This argument, which was ultimately accepted by the Illinois Supreme Court (*Ferguson v. Patton*, 2013), makes it impossible for the OIG to have access to any documents in the law department in the course of an investigation if the law department refused to acknowledge the OIG's authority to access. Further, it is unlikely that the law department will willingly represent the OIG if it wants to enforce a subpoena against the Mayor's office because

the law department represents the Mayor's interests as well. The Supreme Court reinforced the Mayor's superior position by stating: "Where a conflict of interest precludes such representation [of the OIG by corporate counsel] under [Illinois Rules of Professional Conduct], the dispute is for the mayor to resolve . . ." (*Ferguson v. Patton*, 2013).

Challenging subpoena power is only one way to thwart the OIG's access to information. Another way is much more subtle: to make the presence of an OIG unwelcome. One interviewee, a state-level IG, explained the negative impact of ambivalence on an OIG's work:

> I've seen [hostile relationships between an OIG and an agency head]. Yes, I've seen that. But I think probably more typically, it would be not that there's a hostile relationship but [that] there's an ambivalence toward the Office of Inspector General by the agency head which can impact productivity. . . . I mean, if the agency head really isn't interested, you're just cut out. I mean, you don't get invited to the meetings that you should be going to learn what's happening in the organization. You don't get support from him in areas where you may need it. He may not necessarily comment on any of the reports you send out, so you don't know if you're being helpful or not being helpful, and really, to me I'd rather deal with an agency head who's happy with my work and says so, or who's displeased with my work and says so. Not getting any feedback at all is the worst of the three options. It hinders the effectiveness of the OIG. (personal communication #32, October 17, 2013)

Hindering access to the tools an OIG needs to do its job. A third way to undercut an OIG's ability to do its job is to either: (1) fail to facilitate the OIG's efforts to get the staff, equipment, and funding it needs; or (2) take away such essential items. In my case studies, I found multiple examples where it appeared difficult even to appoint an IG in order that the OIG

could begin work. In the case of the Massachusetts OIG, the original legislation required appointment to be made through unanimous agreement by the three state constitutional officers, the attorney general, the state auditor, and the governor; however a year after the statute had passed, the three officers had yet to agree on a candidate (Massachusetts Special Commission 1980). The Ward Commission, which had proposed the creation of the OIG, expressed great disappointment in this result and recommended that the selection by made by the deans of the state's law schools. In the end, the statute was amended to clarify that only two constitutional officers need agree on the appointment of an IG (Massachusetts Office of Inspector General Act of 1980, §2).

A similar story is found in Cook County, Illinois. There, a year passed after adoption of the OIG before an IG was hired (Olmstead, 2008). According to the enacting ordinance, the initial IG was to be selected from a slate of three candidates chosen by the Chicago and Cook County Bar Associations, who were to be helped by a search firm selected by the Board of Commissioners (Cook County, Illinois, Office of Independent Inspector General Ordinance, § 2-282 (2013). Some of the delay was attributed to the fact that the Bar Associations did not like the search firm that the board picked, claiming it was infringing on their independence (Olmstead, 2008). Also some argued that the salary was too low. One Board member announced that he would offer an amendment that authorized another entity to select the IG if the bar associations did not offer a slate of candidates within 75 days. Eventually, with a higher salary, a slate of three candidates was submitted to the Board of Commissioners.

Another method to prevent an OIG from operating is to prevent the office from getting necessary supplies. Both the New Orleans OIG and the Chicago Legislative OIG dealt with challenges to getting office space and computers. Notably, both of these jurisdictions have long

histories of public corruption, and the fights over basic supplies for the OIG reflect an open hostility to this office that seems common in such a context. In New Orleans, a city staffer requisitioned the OIG's computers and stored them in the basement of city hall, without informing the IG of the computers' location (Association of Inspectors General conference presentation, 2013). Similarly, the Chicago Legislative OIG was not given staff, an office, or even basic supplies (Tarrant, 2013). In the absence of these supplies, the Chicago Legislative IG was reduced to pleading for office space, using his personal computer, and relying for supplies from other city departments. In some instances he paid for supplies out of his own pocket. He borrowed money from other departments to set up a complaint line, and he hired part-time employees while waiting through several budget requests to receive enough funding to hire full time employees.

Among the most important necessities for an adequately functioning OIG is funding. Two state-level OIGs dealt with proposals to defund their offices by their critics. The Massachusetts OIG endured several periods over the course of a decade in which a hostile governor entirely defunded the office (see, e.g., Phillips, 1991). Each time, the legislature reinstated the OIG's budget during the legislative session, even at times providing the IG with a raise (see, e.g., Wong & Aucoin, 1997). Likewise, the Louisiana state OIG lost its funding from the Louisiana House of Representatives during the 2012 legislative session (Deslatte, 2012; Association of Inspectors General conference sessions, 2012, 2013). Only following a large statewide grassroots movement to support the OIG did the Senate reverse the decision (Association of Inspectors General conference session, 2013; "Notes and Quotes from the Louisiana Legislature," 2012; Erwin, 2012).

Battles over the funding of the New Orleans OIG, a jurisdiction with a well-deserved reputation for public corruption, represent an extreme case. In this case, the OIG was added to the city charter by voters in 1996 but denied funding a 10 years later (New Orleans, Lousiana, Office of Inspector General, 2014). Implementation and funding came only after Hurricane Katrina shifted local politics due to what New Orleanians call the "Katrina Effect," which caused many reforms to be taken to address corruption in city and state government (Association of Inspectors General Conference session 2013). Still, even after the initial funding, the staff believed that future funding was likely to be precarious as it was dependent on the good will of the city council, which had declined to fund the OIG for many years. The staff helped initiate a local referendum (confidential personal communication, 2012), which is required for a city charter amendment, that guarantees future OIG funding will be based on a flat percentage of the city's general fund budget (Rhoden, 2013). Today, the OIG's existence, as least based on having the moneys to operate, seems to be protected for the future.[16]

Palm Beach County, Florida, provides a final but more complex example. This jurisdiction, like Cook County, Illinois, has a long tradition of public corruption. Here the OIG experienced a one-two punch: an expansion of jurisdiction coupled with refusals to fund the expanded tasks. This OIG was created by public initiative, following several major public scandals, and codified in county ordinance (Palm Beach County Office of Inspector General Ordinance, 2009). The OIG's original jurisdiction was to be the county government, but a year later, the county board placed an amendment on public ballot to ask the voters of each

[16] This approach to funding is now recommended in the Association of Inspectors General's model legislation (AIG 2002).

municipality within the county whether they wanted OIG oversight (Palm Beach County, Florida, Ordinance No 2010-019). In all 38 municipalities, the majority favored an OIG (Town of Gulf Stream et al., 2011). Funding had been assessed to county residents through the county government, and after the vote, funding for the OIG was requested from the municipalities (Palm Beach County, Florida, Ordinance No 2010-019). Several of the large cities, including West Palm Beach, sued the county arguing that this was double taxation (Town of Gulf Stream et al., Complaint for Declaratory Relief 2011). The litigation is ongoing (see Palm Beach County OIG's website, http://www.pbcgov.com/oig/lawsuit.htm), but like in Chicago, the court determined that the OIG could not represent itself in the law suit (Palm Beach County Office of Inspector General, 2013). The IG has appealed the denial of her motion to intervene (Palm Beach County Office of Inspector General, 2013); however, the IG has noted that the OIG's inability to represent itself in court in this case raises a larger question: does the Palm Beach OIG have independent authority to enforce its subpoenas? This is the same question that was litigated by the Chicago, Illinois, OIG.

Calling into question an OIG's objectivity and credibility. Another method to lessen the impact of an OIG's oversight is to suggest that their work product is biased and unreliable. If the public or decision makers come to believe they cannot trust the OIG's reports about the actions of the people and entities they oversee, then the OIG's influence is compromised. Challenging the OIG's credibility is a common strategy of opponents, whether justified or not.

In Indiana, opponents of the state IG and his office have repeatedly claimed the agency is politically biased in favor of the state's Republican elected officials. Immediately after the state OIG was created in statute in 2005, the legislature's Democrats, who had initially been worried about the OIG's prosecutorial authority proposed by the Republican governor, asked the OIG to

investigate the governor himself (Smith, 2005). At issue was the governor's use of a state recreational vehicle (RV) to attend a political fundraiser (Smith, 2005). After an investigation, the OIG issued a report that stated that the governor's use of the RV violated no ethics rule (Nesbit, 2005). In response, the chairman of the Indiana Democratic Party "scoffed at the idea that [the IG] would have done anything but clear his own boss. 'I was shocked that [the governor's] personal political inspector would let him off. This goes to [the IG's] independence and the fact that he is purely an extension of [the governor,' he said" (Kelly, 2005).

In another instance, Indiana Democrats castigated the OIG for clearing an outgoing Republican appointee of allegations of improper travel reimbursement. The spokeswoman for the state Democrats declared: "It shows yet again [that the inspector general] is nothing more than a partisan prosecutor who does the governor's bidding and doesn't act in a fair and impartial way" (Kelly, 2007). The next month, the OIG's finding that state lottery employees did not act unethically by attending a Republican political fundraiser was called a "whitewash," an example of "cronyism," and "a joke" (Associated Press, 2007). The Democratic chairman "said the report made [the OIG] 'irrelevant,' in part because it was playing politics by favoring Republicans and treating Democrats more harshly" (Associated Press, 2007). The chairman claimed that the OIG had acted inconsistently by finding ethical violations the previous year when examining state contractors attending a Democratic fundraiser. The IG responded that he had interpreted the ethics rules consistently and vigorously, and that this had resulted in more than 40 arrests (Associated Press, 2007). These attacks on the Indiana OIG's credibility represent an attempt to undermine the OIG's role to produce reliable reports for the accountability process.

In Cook County, Illinois, charges of bias arose upon the appointment of the first IG. The new IG had previously worked as an attorney in the Cook County State's Attorney's Office, and it was alleged he had political connections that gave rise to conflicts of interest (Konkol, 2008b). A leading local reformer, Michael Skakman, who had successfully sued the county for political corruption in hiring, and against whom the new IG had defended the county in his previous position, threatened to sue the county over the appointment (Konkol, 2008a; Olmstead, 2008). Shakman stated: "You cannot be a lawyer for a party accused of illegal misconduct in several lawsuits and then take off your lawyer's hat and begin to enforce against . . . clients the very rules your former clients were accused of violating. . . . This is legal ethics 101" (Olmstead, 2008). The IG responded he disagreed that conflict of interest would be a problem, but that he would recuse himself from any investigation if conflict arose (Omstead, 2008).

Two aldermen for the City of Chicago who were targets of investigations publically railed against the Legislative OIG (Spielman, 2013). The tone of the charges was quite ugly. A newspaper article (Spielman, 2013) reported:

> [E]mbattled Ald. Joe Moore (49th) . . . is still on the warpath nearly two months after Khan [the Legislative IG] accused him of using his taxpayer-funded ward office to do political work, firing an employee who blew the whistle on it, and giving the former staffer an $8,709 payment equal to 81 days' worth of severance to try to cover it up. Moore has tried to salvage his reputation as a self-declared champion for ethics reform — by accusing Khan of violating the law in his investigation of him. On Tuesday, Moore insisted that he's not alone — and that Council dissatisfaction with Khan is about to come to a head.

> "There's been an incredible amount of dissatisfaction with the lack of professionalism exhibited by Mr. Khan and his blatant refusal to follow the guidelines governing his office. The City Council has the ability to remove him from office. The City Council also has the ability to refuse to fund his office," he said. Moore said he's well aware that "it can't just be me" leading the charge against Khan or it would look like he was getting even. "Ideally, it'll be a coalition of independents and others in the City Council who are all united in believing that Mr. Khan gives reform and inspectors general a bad name," Moore said. "The alleged misconduct he's uncovered, even if all true, is such penny-ante stuff, it makes you wonder how he justifies his existence.

Moore's statements were supported by a second alderman who also had been subject to an OIG investigation. He stated: "A lot of people have a lot of questions about how he has conducted his investigations and whether it's been done legally and fairly" (Spielman, 2013).

One year later, the Chicago aldermen continue to fight against the OIG's presence. After IG Khan received permission from the City's Ethics Commission to investigate an alderman's campaign finances, the same alderman sponsored a proposal that blocked the OIG from investigating campaign finance issues and placed that responsibility with the Ethics Commission itself, which reportedly had stated it did not want the authority (Ruthhart & Dardick, 2014). The Alderman claimed that the timing was coincidental. Rather he was motivated to "close a loophole" and "ensure there was a review process in place before we got into the next election." (Ruthhart & Dardick, 2014). Although Inspector General Khan spoke against the proposal as a "cynical ploy" to avoid scrutiny, the measure passed 41-6 (Dardick, 2014).

In Richmond, Virginia, opponents of the IG/City Auditor leveled charges of bias against the office. Mayor L. Douglas Wilder called the IG "unprofessional" for issuing an audit that

noted the city had yet to implement security measures on gas cards (Ress, 2008). "Wilder accused [the IG/City Auditor] of playing politics, saying he gave $250 to [the] City Council President's mayoral campaign. [The IG] said his wife, a businesswoman, gave the money (Ress, 2008). The following year, the City Council appeared to withdraw support for the IG by ceasing to issue press releases upon the publication of the IG/City Auditor's reports (Jones, 2009, October 4). The *Richmond Times-Dispatch* came to the defense of the IG in an editorial that condemned the decision to stop issuing these press releases ("City Government Buried," 2009).

It must be noted that charges that some OIGs lack objectivity are not always without merit. IGs may exhibit bias or may be unqualified for the job. For example, in Connecticut, the perception of the state IG as an overly aggressive and incompetent watchdog led to the repeal of the OIG in its entirety. This OIG was created in 1985 and repealed only two years later. According to the testimony on the floor of the Connecticut House of Representatives and Senate, the primary reason was the IG's actions since taking office. Certainly, partisanship played a role in the repeal, as the OIG was an initiative of the Republicans when they were in the majority in the state legislature but who were no longer in the majority; however, much was said about the IG's management of his office. The representative who carried the bill, whose testimony was indicative of others' comments, stated:

> And so we got the Office of Inspector, soon to be followed, ladies and gentleman, by a series of rather embarrassing episodes. The first of those was the Inspector General asking for guns so he could fight organized crime and whackos. And after that electronic equipment to sniff and snoop. Followed by wanting remote control starters to see that their cars didn't explode. . . . But I might just turn a little attention to some of the casework that was done. You know last night when we were talking about TAB [the

> Transportation Accountability Board], the minority leader said TAB wasn't at least an office that embarrassed us. Well, I'm afraid that wouldn't necessarily [be] true for the inspector general. (Connecticut HB 6742, 1987, May 19, pp. 7876-7877)

Arguments were made in response to this line of testimony suggesting that the behavior of the officer should not jeopardize the entire office and that two years was too little time to judge the potential of the office. These arguments did not prevail, and the office was repealed by a vote of 87-52 in the House and 23-10 in the Senate (Connecticut HB 6742, 1987, May 19 & May 27).

A second example of an IG having questionable qualifications for the job is found in the state of Kansas. The qualifications of the IG appointed to oversee the Kansas Medicaid program were questioned. The *Topeka Capitol Journal* broke the story of the appointment and pointed out that the IG had neither a college degree nor career experience in the field of insurance, health care, accounting, law, or law enforcement (Carpenter, 2014a). Further, the appointee had filed for a bankruptcy in a personal business, had experienced personal financial problems, and had been found guilty of a DUI and campaign finance violations (Carpenter, 2014b), which did not suggest a strong ethical compass. Even though some legislators who supported the appointee noted that he was technically only "acting" IG, because he had not yet been confirmed by the Senate (Carpenter, 2014c), the appointee resigned within a few days of the story hitting the press.

A final example is found on the federal level. Although federal OIGs are not the primary topic of this research, this example demonstrates how an OIG could be manipulated in such a way as to fail in its accountability mission. A recent Congressional investigation found that the acting IG for the Department of Homeland Security (DHS) regularly deleted portions of OIG reports, amended the reports to minimize findings, or delayed issuance of such reports to make the DHS and its staff look good (Leonnig, 2014). In addition, he socialized with high level

management staff in the agency and "gave them inside information about the timing and findings of investigations" (Leonnig, 2014, para. 2). The investigation began after several whistleblowers stepped forward from the acting IG's own staff complaining about his lack of objectivity. He resigned days before a Senatorial hearing at which he was scheduled to answer questions in relation to the Congressional investigative report.

Working collaboratively with an OIG. Pushback against the OIG from those who are subject to OIG oversight is not inevitable. OIGs seem to be less subject to challenge when the upper management of the agencies being overseen have respect for the role of the OIG. For example, in response to my question about a state agency IG's relationship with the head of the agency he oversees, he replied, "It's great, actually. I get a lot of support. She asks me if she's butting in when she shouldn't. I generally do get a lot of support. I work for a really impressive [woman] . . . I mean she's sharp as a tack and ethical, too. It makes the job a lot easier" (confidential personal communication #30, October 10, 2013).

Another state agency IG explained that the executive director of the agency his office oversaw was a career bureaucrat and she understood and accepted the OIG's oversight role (personal communication #17, July 24, 2013). In particular, the executive director understood the value of the OIG's independence. He stated:

> She understands that I'm independent, and [she understands that] if any issues [about her actions or those of her staff] come up, I need to talk with the Board Chairwoman. And if there are any issues with [actions of] the Board, I have to talk with the Governor. I don't think there is an issue. I think she understands. (personal communication #17, July 24, 2013)

Similarly, a general counsel of a local agency overseen by an OIG told me although he does not agree with every finding or conclusion made by the OIG, he respects the role and the professionalism of the IG (personal communication #21, July 25, 2013).

Conclusions about pushback against OIGs. In summary, although survey respondents generally indicate good relations with agencies that they oversee, my interviews revealed many instances of pushback against the OIG and its oversight. These incidents arise either from concern that the OIG is a "lone wolf" who is out to do some damage or suspicion that the IG is a committed partisan who is seeking dirt on members of the opposing political party. Ultimately, the extent of pushback does not seem related to the partisan political context. Thus, these incidents have occurred in states that are characterized by energetic party competition, such as Illinois and Indiana, and in states that are dominated by the Democratic Party, such as Louisiana and Massachusetts.

By contrast, the extent and intensity of these incidents of pushback seems directly related to the level of corruption in the jurisdiction. They seem to occur more frequently and become more intense in states and cities that have a tradition of government corruption. Interviewees in states with higher levels of federal public corruption convictions, such as Louisiana, Virginia, Illinois and Florida reported more challenges in the implementation stage than those in states with lower numbers of convictions, including Massachusetts, Indiana, Colorado and Minnesota. In several of these cases, political opponents succeeded in cutting funding or other crucial resources for the OIG. These fundamental challenges to an OIG occurred exclusively in places with high levels of corruption. By contrast, interview respondents in Colorado and Minnesota, the states in my sample with the lowest levels of public corruption, did not report any problems with the implementation of their OIGs.

Pushback against OIGs thus may be seen as a product of an OIG's level of threat to established ways of doing things. Where an OIG's commitment to clean, honest government is consistent with state or local culture, the OIG is more or less accepted and faces no open hostility or fundamental challenge. But where an OIG clashes with a tradition of corruption, it often faces hostility and direct challenges aimed at undermining its ability to do the job.

That said, intense confrontations appear to be relatively infrequent and seem to be concentrated either in the first few years of the establishment of an OIG or upon a personnel change in either the position of the IG or the head of the agency/agencies to be overseen, when the role of the OIG needs to be newly understood and new relationships need to be developed. Further, OIG staff are on the look-out for such challenges. However, with time, and with the institutionalization of the OIG concept in a jurisdiction, the conflict can lessen. One local OIG explained: "It's a learning curve for them [those being overseen] to really understand what an IG does. . . . You have to keep working, working towards getting a better relationship, getting the job done" (personal communication #20, July 25, 2013). The strategies that are used by OIGs to improve relationships with the entities that they monitor are discussed in the next section.

OIG Responses to Pushback

In the face of pushback, OIG staff act strategically to strengthen the OIG's position in the accountability process and position the office as a helpful consultant, rather than a lone wolf or partisan attack dog. Yet, OIG staff must constantly balance the consultant role with their independence and professionalism, which are key to their ability to monitor objectively. My interviews indicate that OIG staff employ four types of strategies to protect the role of their offices. These include: fixing design flaws as soon as possible; strengthening independence; developing alternative methods to get work product to an audience; and building a reputation of

objectivity, helpfulness, and professionalism. When these strategies fail, an IG often has to confront criticism and challenges directly. I describe each of these approaches in turn.

Fixing design flaws. If possible, an initial step is to advocate for amendments to the OIG's authorizing legislation in the first year after establishment. For example, as mentioned above, the Massachusetts Grand Court amended the appointment provisions in the first session after the OIG had been created (Massachusetts Office of Inspector General Act of 1980, 2013, § 2), ostensibly because an appointment was not possible under the original rules requiring unanimity (Massachusetts Special Commission, 1980). In Virginia, the state IG pursued law enforcement authority for OIG investigators in order to ensure the office had the authority to pursue its mission (Virginia Office of the State Inspector General Act, 2013, §2.2-311). Another state agency IG strove to improve her office's independence by requesting an amendment to her OIG's enacting legislation to clarify statutory reporting lines (confidential personal communication, 2013). The amendment ensured that IG would report to the governing board of the agency as opposed to the Executive Director, which increased the OIG's independence from top management (confidential personal communication, 2013). In Minnesota, the OIG, which is a purely discretionary unit on the part of the Commissioner of the agency, pursued a handful of legislative initiatives, one of which assigns a statutory role to the OIG (Minnesota Department of Human Services Office of Inspector General, 2013). Thus, although the office has not been formally created in statute, it has been referenced in statute (Minnesota Child Care Provider and Recipient Fraud Investigations, 2013).

Shoring up the OIG's independence. When formal steps to strengthen an OIG's authority or independence are not possible, other informal strategies are implemented to increase an OIG's independence. A notable method to improve an OIG's independence is for the IG to be

selected from outside the community. To be sure, this is not within an IG's control. In the case of the Chicago Legislative OIG, the individual who was hired as the first IG was from New York (Chicago, Illinois, Legislative Inspector General, n.d.). Several aldermen considered his outsider status as essential for the IG's effectiveness (Dardick & Byrne, 2011). Thus, an alderman stated: "This is nobody nobody sent," meaning that the new IG neither had political power (was a nobody) nor was sent by someone with political power (nobody picked him for a partisan task) (Dardick & Byrne, 2011). In other words, the new IG was not beholden to anyone, and this independence was of considerable importance, particularly considering the history of Chicago patronage.

When outsider status is not readily available, as is more often the case, IGs commonly choose office space that is physically separated from the rest of the agency as a means of enhancing the independence of their staff, physically and symbolically, from the agency being overseen. Multiple IGs reported to me that they employ this tactic (personal communication #13, July 23, 2013; personal communication #14, July 23, 2013; personal communication #18, July 25, 2013; personal communication #19, July 25, 2013; personal communication #24, July 26, 2013). One local IG explained the importance of his insisting his office move to separate space as follows. When he launched the OIG, he was located on the same floor as the executive director, and was located between legislative affairs and marketing. This was an inauspicious location as both of these functions were dedicated to promoting the agency and looking out for its best interests and representing the agency in the public eye (personal communication #18, July 25, 2013). As the IG stated, these advocacy roles are the "antithesis" of an OIG's role in maintaining objectivity. By being located in close proximity to these advocacy offices, the IG found it difficult to discuss issues with staff who wanted these conversations to remain

confidential and unknown to other agency personnel. He also found the location hindered complainants from stopping in to visit. Likewise interviewees were uncomfortable providing information when they had to walk through the halls in close proximity to the executive director and her staff. As a result, the IG quickly looked for office space that was nearby, but in a separate building. He noted that the new investigators he had hired would be in a better position to do surveillance if necessary, because they would not be generally recognized by the staff.

To be sure, this IG acknowledged that having been present among the upper level managers for a period of time had some benefits. He noted that it was helpful that people got to know him and to see that he was not a "nasty person" (Personal communication #18, July 25, 2013). This comment was echoed by other IGs on both state and local levels. Despite the importance of physical distance to help strengthen an OIG's independence, or appearance of independence, it was equally important to be approachable. Some told me that they visit the main office at least once a week, not to catch people behaving badly, but to be seen as available to answer questions or receive complaints (confidential personal communication #13, July 23, 2013; Personal communication #14, July 23, 2013). Despite having established a separate office, a local IG told me he thinks it is important to understand the "ebb and flow" of the government unit his office oversees (personal communication #19, July 25, 2013). He encourages staff to conduct interviews out in the field, to "carry the flag to let people know we are there," to "develop relationships and put boots down" (personal communication #19, July 25, 2013).

Another state-level IG told me that for similar reasons she deliberately located her office at the primary site of the agency she oversees (personal communication #22, July 26, 2013). She finds that her presence is useful to emphasize the importance of accountability and to be on hand to provide preventative advice whenever possible.

Nevertheless, among my interviewees most preferred to have their office at a distance from the agency's headquarters. Thus, a local IG reported that when the chair of his governing board suggested moving the OIG back into central offices in order for the agency to save money, the IG spoke to him about the importance of separation to maintain independence, and the chair reversed his position (personal communication #24, July 26, 2013).

Another method to help shore up an OIG's independence is to obtain separate legal counsel. As indicated by the lawsuits involving the Chicago OIG and the Palm Beach County OIG, noted above, independent legal counsel ensures that the OIG is not dependent on the legal counsel of an agency that is within the oversight jurisdiction of the OIG. Both state and local IGs emphasized that they had obtained permission to hire their own general counsel (personal communication #9, July 3, 2013; personal communication #19, July 15, 2013). The OIG for the Chicago Public Schools (CPS) achieved a similar result through a somewhat more convoluted path. It involves a formal agreement with the CPS legal department, endorsed by the Board through the adoption of a formal resolution. While the CPS general counsel will provide legal advice to the OIG, the IG has authority to retain his own counsel if he determines that there is a conflict of interest with the CPS general counsel or with the Board (Chicago Board of Education, 2003).

Developing alternative ways to get attention for the OIG's work product. Both state and local OIGs may enhance their position by developing positive publicity or attention for their reports. These efforts are relevant in light of the nature of OIGs' role in the policy process, which is limited to providing objective, reliable information about the actions of the agency or individual for whom the OIG has oversight. Once the information is provided, whether it is acted upon depends on the decisions of other officials, such as the head of the agency in

question. Thus, while an OIG plays an important role, ultimately this role is limited to providing information and making recommendations about how to fix problems or improve processes.

OIGs can improve the chances that their findings and recommendations are acted on if they develop alternative ways to bring attention to their work products. Three methods pursued by OIGs to do so are discussed here: developing relationships with prosecutors, who serve as an alternative forum; providing information directly to the public for action and reaction; and working with the press to create an additional conduit to the public.

Productive relationships with prosecutors are important when OIGs find evidence of criminal behavior. Although a few OIGs, like the Indiana State OIG (Indiana Inspector General Act of 2005, 2013), have independent prosecutorial authority, most do not. As a result, these OIGs can only be a catalyst to the imposition of criminal penalties when a prosecutor is willing to pursue the violations through the courts. Thus, many state and local IGs proactively build relationships with local, state, and federal prosecutors (personal communication #8, May 29, 2013; personal communication #9, July 3, 2013; personal communication #11, July 22, 2013; personal communication #14, July 23, 2013; personal communication #20, July 25, 2013; personal communication#26, July 30, 2013; personal communication #33, October 17, 2013; personal communication #35, November 5, 2013). One state agency IG explained how he believed his OIG's office could be more effective with strong relationships with prosecutors. He said:

> I think we've got a pretty good relationship with [prosecutors in the Attorney General's office] . . . And so they do a significant amount of prosecution of cases provided to them, and some of our investigators are former [Attorney General] investigators, so we've got some good stuff going there. . . . In the last two years, we've been meeting pretty

> regularly with county attorneys, too, especially metro area county attorneys, and trying to establish with them, kind of, that we want to be as supportive as we can in the criminal prosecution of these cases. Because we want criminal prosecution to be a deterrent, and unless there is prosecution, there is no deterrent on that end. Then what we're left with is the worst thing that happens to these people is that they steal from us like crazy until we catch them and then we tell them don't do it anymore. We're not going to let you do it, and maybe we're not going to let you do it for a while, and then you can come back, because there are all these grace periods in there. It's crazy. We want there to be a little more teeth there. If we catch you with your hand in our pocket, we want you to go to jail. It sounds harsh, but we want that message to get out there. So we have county attorneys that are in the metro area who are very supportive of our kind of moving forward and establishing some kind of service here that's going to be supportive of them. (personal communication #9, July 3, 2013)

Survey respondents report that their relationships with prosecutors are largely positive, as is shown in Table 4.2 below. Tables 4.3 and 4.4 break out the data by state and local/multi-jurisdictional OIGs, indicating that all the responses that report neutral relationships with prosecutors were from state-level OIGs.

TABLES 4.2-4.4

Survey questions: Please identify the quality of the relationships your OIG has with the following stakeholders.

Answers from all OIGs	Openly supportive or cooperative	Neutral	Challenging or openly hostile	Varies too much to categorize	Total Responses
State-level prosecutors	38 (90%)	4 (10%)	0	0	42
Local prosecutors	38 (89%)	4 (9%)	0	1 (2%)	43
Federal prosecutors	37 (84%)	7 (16%)	0	0	44

Answers from State OIGs	Openly supportive or cooperative	Neutral	Challenging or openly hostile	Varies too much to categorize	Total Responses
State-level prosecutors	25 (86%)	4 (14%)	0	0	29
Local prosecutors	24 (83%)	4 (14%)	0	1 (3%)	29
Federal prosecutors	22 (76%)	7 (24%)	0	0	29

Answers from Local/Multi-Jurisdictional OIGs	Openly supportive or cooperative	Neutral	Challenging or openly hostile	Varies too much to categorize	Total Responses
State-level prosecutors	13 (100%)	0	0	0	13
Local prosecutors	14 (100%)	0	0	0	14
Federal prosecutors	15 (100%)	0	0	0	15

Often, IGs may lend their investigative staff to support prosecutions arising from the OIGs work product (personal communication #8, May 29, 2013; Personal communication #9, July 3, 2013).

Additionally, many OIGs ensure that their staff are well trained in preserving evidence for effective prosecutions (See, e.g., Colorado Department of Corrections Administrative Regulation 300-20 (2009); Chicago Board of Education Office of Inspector General, 2013).

The second alternative forum for an OIG's work is the public. Reaching out to the public not only informs the public about the actions of their government but also encourages complainants to contact the OIG with concerns. To encourage the public's attention to an OIG's role and work product, most OIGs develop robust websites that detail the OIG's mission, provide contact information, and post public reports (see, e.g., the Massachusetts OIG's website at http://www.mass.gov/ig/; the website for the Office of the Executive Inspector for the agencies of the Illinois Governor at http://www2.illinois.gov/oeig/Pages/default.aspx; the website of the OIG for the city of Chicago, Illinois, at http://chicagoinspectorgeneral.org/; and the New Orleans, Louisiana, OIG's website at http://www2.illinois.gov/oeig/Pages/default.aspx). For example, the Chicago OIG's website provides the following explanation:

> By providing narrative summaries of investigative cases, OIG will better ensure that its activities are more transparent and more accountable to both the City's elected officials and the City's residents. The quarterly reports are intended to provide the City's taxpayers with a clearer, more informed understanding of City government, and to describe OIG's ongoing efforts to uncover and prevent fraud, corruption, misconduct, mismanagement, and waste in the pursuit of a more effective and efficient provision of City services. (Chicago, Illinois, Office of Inspector General, n.d.).

In addition to websites, many OIGs develop regular newsletters to provide guidance on legal obligations or ethics rules (see, e.g., Office of Executive Inspector General for the Agencies of the Illinois Governor, 2014). Others have adopted social media campaigns. The Chicago

Office of the Legislative Inspector General; the Baltimore, Maryland, OIG; the Los Angeles, California, Police Commission OIG; and State of Ohio OIG are among the OIGs on Facebook, and the New York State Medicaid OIG, the Pinellas County Clerk of the County Court OIG, and the Philadelphia OIG are some of the OIGs on Twitter. The New Orleans, Louisiana, OIG has a robust e-mail distribution about its activities.

Finally, several IGs make themselves available to local citizen groups or clubs to speak about the role of the OIG and its work (personal communication #25, July 26, 2013; personal communication #35, November 5, 2013). The IG from Palm Beach County, Florida, explained that she views this tactic as crucial for her office as the public created the OIG and the public is the ultimate forum for the OIG's work. She also measures the impact of her public speaking. She stated: "We do a before and after [test], so that we can see how much they knew before and how much they knew after. So we have lots of measures that we look at about enhancing the knowledge base of the people in the county" (confidential personal communication, 2013).

Statutory limits on the publication of information can pose problems for OIGs that want to reach out to the public but are prohibited by particular provisions in their authorizing legislation. The Green Book (2004, p. 5) recommends that an OIG should be granted statutory authority to maintain confidentiality of records and identities of individuals who provide information to the OIG, unless this information must be made public for purposes of prosecution or other OIG-related duties. Yet, often OIGs are subject to additional confidentiality requirements in order to protect the reputations of individuals who may be wrongly accused. One deputy IG for a state agency OIG noted that the strict confidentiality requirements initially imposed on her OIG limited its effectiveness, because "nobody ever knew what we did. Only the affected agencies [who received a report knew], but they were obviously not very interested

in disclosing our reports or what we found. So it was very difficult, right, to have some teeth or to get people to do what we wanted" (personal communication #16, July 24, 2013). A statutory change allowed this OIG to report to the public general information on investigations that resulted in sanctions, and the interviewee asserted that relaxing the confidentially requirement has led to both specific deterrence of an individual's behavior and generalized deterrence from others who learn about what behavior is problematic.

The third forum that OIGs develop for their work product is the news media. While most IGs prefer not to engage with the press and some actively avoid the press in order to avoid embarrassment for the agency that they oversee (personal communication #12, July 22, 2013; personal communication #25, July 26, 201; personal communication #27, July 31, 2013), some told me that they will strategically issue press releases to draw attention to significant problems. For example, one state-level IG told me she does not go to the press often, but has done so in extreme cases. One time she approached the press when she found that "the department was [endorsing unsafe conditions for state wards] intentionally and looking the other way" (personal communication #25, July 26, 2013.) Others more aggressively court the press. One state agency OIG explained that his office's findings and recommendations are seen as protecting vulnerable people and freeing up moneys for more deserving citizens (personal communication #9, July 3, 2013). He also pointed out that media coverage about bad acts provides a deterrent for others considering fraud, waste or abuse in a way that a single prosecution will not. Another local OIG asserted that change will not arise unless the public pushes for change, and the only way they will know to push for change is if they are fully informed of problems through the media (personal communication #23, July 26, 2013).

An example of an OIG working closely with the news media can be found in a series of articles published by the *Star Tribune* called "Day-Care Threat," about infants dying in home daycare in 2012-2013. The Minnesota Department of Human Services IG worked closely with the reporters, Jeremy Olsen and Brad Schrade, who ultimately won a 2013 Pulitzer Prize for the series, to provide facts about the OIG's discovery of the problem and recommendations for a solution (see, e.g., Olsen et al., 2012). The series brought together the OIG's findings with the positions of stakeholders and legislators, which ultimately resulted in legislation changes requiring increased training for home daycare providers (Minnesota Department of Human Services Office of Inspector General, 2013). The collegial relationship between the IG and the reporters shine clearly throughout the series as the IG is quoted in nearly every article.

Building the OIG's reputation as helpful. An affirmative strategy adopted by most IGs is to present their office as a valuable partner in the wellbeing of the agency. In other words, the majority of IGs prefer to strike the balance between lone wolf and strong right hand in favor of helping rather than policing. This is a challenge because being a partner must be carefully balanced with asserting the OIG's independence and meeting professional standards. As one state IG stated:

> To me, my job is to make the agency head look good, in a way. But I'm independent and . . . I'm trying to make the agency look good, too. Sure, you've got to do audits and investigations, [but] you want to be able to go and evaluate things on an independent basis [in order] to add value and to help the Secretary to be able to do their mission, for management to accomplish their mission, goals and objectives. If you can stop things from getting in the press; . . . the things you can try to help them make improvements [to

prevent problems]; that's what you're trying to do is help your agency to not look bad. (personal communication #31, October 13, 2013)

This is not an easy task. Thus, another state-level IG stated:

> It's walking on that razor's edge. I mean, you have to be independent in your work, and you have to know that sometimes your work might not be necessarily pleasing for the boss to hear about, but you've got to find a way to do the work and couch it in such a way that you can, you know, retain your position, [and] at the same time you're doing the right thing. Because if you don't, either one way or the other, if you go ahead and do it the way the management team and the agency would like to see it done, then you've compromised your independence from a work perspective and from a service-to-the-citizens perspective. But if you blindly disregard the perspectives of the agency head, and just blurt it out there and say it precisely and exactly the way it is, you might find yourself looking for employment. (personal communication #32, October 17, 2013)

Still, overall IGs emphasize that their offices are there to help rather than hurt. In my interviews, a number of IGs on both the state and local levels stressed this point. For example:

- "We view it as one of our responsibilities not to play gotcha but to look at how things are being done according to the policies and procedures manual. And when we see the need to make recommendations about how to improve it, [we will]. But not to say that you're doing all this wrong, but that there is a better way" (personal communication #17, July 24, 2013).
- "The job is not to be the police, not the boogieman. I want to have presence, not to check up on people, but to let people know me. This helps people ask me questions" (personal communication #14, July 23, 2013).

- "Doing annual training helps staff know who I am, as well as the background of the [OIG] legislation and the [OIG's] role. It helps that I am a local guy. I am relatable" (personal communication #13, July 23, 2013).
- "That was one of the things that I thought was important . . . to create an entity that was not only trusted and professional, very professional. But the people, the citizens and employees wouldn't view us as doing our business of the dark hallways of the county government. I wanted to have a face to the office" (personal communication #19, July 25, 2013).
- "Well, [we gain] credibility because we are fair. . . We're thorough but fair. We're not out to get anybody; we don't put cases on anybody; we don't make up stuff. We're fair. . . . There was a case where [I was asked whether an employee should have been sanctioned. I could have easily twisted some things around and said yes, but we don't do that. We're not the gotcha people" (personal communication #24, July 26, 2013).
- "The key is to build credibility. When complainants call, we act on the complaint as soon as possible. [Also we] do thorough, reasonably objective investigations. . . . Now you're always going to have some conflict, as you are investigating people. Then the people learn not to like you because they don't like being investigated vs. is it right, when they are a victim or a complainant to have enough faith in the office to call" (personal communication #18, July 25, 2013).
- "Our general approach is that we want to work with people, not against people" (personal communication #26, July 30, 2013).

- "[W]e are not 'gotcha police.' We do investigations, but we're here to make things better. But also we're here to tell the truth, too. So we, you know sometimes the truth is not very pleasant. But, that's our job, too" (personal Communication #29, October 10, 2013).
- "I've always had more of a proactive approach, more proactive in the IG shop. I always feel that's the way we'll move to, being more proactive to help management on the front side instead of the back side [when] you have to do audits and investigations. Try to be more proactive to help out. Be more proactive, and that's a deterrent to fraud and anybody doing things. Helping management out" (personal communication #31, October 13, 2013).
- "That's what I want to be is fair. You may not agree with the report, you may not agree with what was said, but were we fair in our approach. So far people have been very receptive. We have been very open with them. Any issues that have come up, we have worked out. And I don't think there's any major issues out there that I'm aware of at present" (personal communication #34, October 30, 2013).

Building positive relationships takes time. A local IG stated:

> I tell the . . . managers, I'm here to add value to your operation, and so you got to get buy-in. There was such fear and rumor about how bad this was going to be it took years, a couple years, for me to calm people down. I said, look, you are not going to trust me, because you don't know me. Trust my work product. So the work product has spoken for itself, and over time, we have built the confidence of the government officials, because they know we're not out to get them. We're here to provide value. Those who don't want to be told what to do, you offer them some value, they say, I've been in the job 30 years and you can't tell me anything, you'll never get buy in from them. They just

need to go when their time is up and get out. But for the majority of people down there, they are seeing the value of this service and it's beginning to change, which is great. (personal communication #35, November 5, 2013)

IGs use several methods to craft their offices' reputation for being a helpful consultant. One is to work closely with top management in order to create a cooperative rather than adversarial relationship. As one local IG stated: "We measure our effectiveness [on whether] we have such a good relationship with everybody. And to me, it's important. If you don't have that relationship, you can't get things done" (personal communication #37, November 6, 2013).

Several state level IGs in different states told me that if the agency head asks for a review of a program, they make it a priority to review the program and provide consultation and advice (personal communication #13, July 22, 2013; personal communication#14, July 22, 2013; personal communication #27, July 31, 2013). Another noted that his predecessor was not very communicative with the agency, so he deliberately expanded and improved communication. He explained "without positive communication, it's difficult to suggest change in policy" (personal communication #11, July 22, 2013).

Another method for establishing a good reputation is to avoid embarrassing the entities that are overseen. Thus, a state IG stated: "We're not trying to get headlines on everything we do. We are trying to work with the administration to try to correct the things that need to be corrected, and I think we are fair in our investigations. And people see that. And I've been here long enough to know there are times where people call us and we work things out. . . . [This is preferable to] us just standing on the side firing bullets at people. I think that helps" (personal communication #24, July 2013). Another put the same idea more tersely: "I try to be less

splashy for a lot of stuff, although I will testify at legislative hearings as needed" (personal communication #25, July 26, 2013). A third IG stated:

> We can work together to get to the right place, but remember that we are independent of each other. It doesn't have to be a fight every time. It doesn't have to be a battle to get to the truth. There are good honest people that you oversee that will help you and you just have to recognize that. I have colleagues that will fight their battles in the press . . . I just don't see success in that, other than creating a bigger wall of animosity. It doesn't send the right message. (personal communication #20, July 25, 2013)

It should be noted, however, that not all IGs subscribe to a low profile approach. For example, one local IG said that for real change to happen the public had to be involved and, for this reason, he pursues regular coverage in the press of his office's actions (personal communication #23, July 26, 2013).

A final strategy is to exercise careful discretion in selecting the topics for review. For example, one local IG told me that while he views the oversight role to be responsive, he thinks it is important not to review every new initiative that management undertakes, because to do so would accentuate the adversarial relationship that can exist between an OIG and the agency it oversees ~~(personal communication #24, July 26, 2013). A state IG referred to his law enforcement background and restated the same idea: "You don't have to arrest everyone" (personal communication #14, July 23, 2013). To target issues in a more objective manner, some OIGs complete risk assessments to focus their staff's efforts on programs that are of high dollar or are vulnerable to fraud, waste and abuse (personal communication #23, July 26, 2013; personal communication #27, July 31, 2013; personal communication #28, July 31, 2013; personal communication #31, October 13, 2013); others prefer to use complaints as the primary

source of their work (personal communication #20, July 25, 2013; personal communication #18, July 25, 2013).

Maintaining professional standards. Being a helpful consultant does not mean that an OIG may compromise the quality of its work or the ethical and legal behavior of staff. Compromises of these types would diminish the OIG's ability to contribute to the accountability process. These qualities are emphasized in the Association of Inspectors General's Green Book. The introductory material states:

> Accountability is key to maintaining public trust in our democracy. Inspectors general at all levels of government are entrusted with fostering and promoting accountability and integrity in government. While the scope of this oversight varies among Offices of Inspectors General (OIGs), the level of public trust, and hence pubic expectation, embodied in these offices remains exceptionally high. The public expects OIGs to hold government officials accountable for efficient, cost-effective government operations and to prevent, detect, identify, expose and eliminate fraud, waste, corruption, illegal acts and abuse. This public expectation is best served by inspectors general when they follow the basic principles of integrity, objectivity, independence, confidentiality , professionalism, competence, courage, trust, honest, fairness, forthrightness, public accountability and respect for others and themselves. Inspectors general are granted substantial powers to perform their duties. In exercising these powers, inspectors general regard their offices as a public trust, and their prime duty as serving the public interest.
>
> By the nature of their work, OIGs are held to the same or higher expectations than other government officials in using prudence with pubic resources. Because OIGs often identify and describe wasteful use of public resources by organizations under scrutiny,

> they have a concomitant duty to conduct their own work in an efficient and effective manner. Office of the Inspector General (OIG) work should adhere to professional standards and include quality controls to assure that all products are of the highest possible quality. This requires an internal quality assurance program and suggests periodic external quality reviews for each OIG.
>
> An OIG is judged by the results of its efforts and the timeliness, accuracy, objectivity, fairness, and usefulness of these results. These are the cornerstones of OIG accountability. Qualitative and quantitative performance measure should be developed, measured internally, and reported to the public. (Association of Inspectors General, 2004, p. 3)

What do these exhortations mean in practice? A local IG told me she operationalizes these principles as follows:

> [I coach my staff to] be polite, show respect, follow the rules 120%, because [if] we're going to tell other people what to do, we better follow those rules. I had to fire several of my staff that didn't. All my staff are at will because I will not tolerate [unethical behavior]. I have a 0% tolerance policy . . . But I tell my staff, be mission focused, do your job and do it well, quality is the most important thing, and you got to produce and get a good return on investment. (personal communication #35, November 5, 2013)

The same IG holds herself to these strict ethical standards as well, and she advises:

> I think the bottom line for an IG is that you have to have courage, and that is the key, you have to be ready to walk out the door. If someone, in my situation, I don't technically have someone to report to, but I've had in the agency setting, if you are asked to do something that is not kosher, you've got to be able to handle it or be willing to walk out

> the door. You can't ever question. You have to have the integrity and you can't ever break that because you will lose all credibility. It takes courage to do this job, no matter where you are. (personal communication #35, November 5, 2013)

IGs also emphasize the necessity of following the law. All the IGs I interviewed noted that they are very careful to follow the law that applies to their office in order to protect the reputation of their offices (personal communication #20, July 25, 2013; personal communication #27, July 31, 2013; personal communication #35, November 5, 2013). Several IGs reported to me that they have asked for legal opinions from their Attorney General to make sure they were acting appropriately (personal communication #27, July 31, 2013; Virginia Attorney General Opinion 12-076, 2013). One IG publically recused himself from an investigation because he had a prior relationship with the person who was being investigated (*Associated Press State Wire: Indiana*, 2013). Many IGs told me they in particular follow confidentiality restrictions very carefully. In Illinois, many IGs take confidentially so seriously that it hampers their ability to ask each other for professional advice (personal conversation #18, July 25, 2013; personal conversation #20, July 25, 2013; personal conversation #23, July 26, 2013; personal conversation #25, July 26, 2013; personal conversation #25, July 26, 2013). An IG in another state observed that careful protection of confidential information encourages cooperation as the parties know that their information will remain within the OIG (personal conversation #26, July 30, 2013).

To ensure that their work product is of high quality, IGs may play to the particular strengths of the professional staff, in particular their own professional skills (personal communication #7, June 18, 2012; personal communication #17, July 24, 2013; personal communication #18, July 25, 2013; personal communication #20, July 25, 2013; personal communication #27, July 31, 2013, personal communication #39, November 7, 2013). For

example, if the IG is an accountant or has an auditing background, the IG may focus his or her efforts on audits. On the other hand, if the IG has a law enforcement background, he or she may focus on investigations. In Minnesota, the IG for the Department of Human Services has worked in social service licensing, and several major initiatives the OIG has taken address licensees: home daycare providers and methadone clinics (Minnesota Department of Human Services Office of Inspector General, 2013). A local IG explained the rationale for this approach as follows:

> I didn't want to spend a year doing all planning. I wanted to get going from day one. And so, knowing the investigative side a lot better, even though the [OIG] does have an audit function in the IG's Office, . . . I wanted to get the investigations side going, kind of make a name for the office, let people know we're here. And now if a second term takes place, I think that's where I want to concentrate on, the . . . program audit side. (personal communication #18, July 25, 2013)

A final method to help ensure the quality of an OIG's work is to join professional organizations, follow professional standards, and gain professional certifications for staff. As shown in Table 4.5, 82% of all survey respondents reported that they are members of Association of Inspectors General or another professional organization. Slightly fewer local and multi-jurisdictional OIG respondents are affiliated with a professional organization than respondents from state, as shown in Tables 4.6-4.7. Table 4.8 lists the organizations with which the respondents have memberships.

TABLES 4.5-4.7

Survey question: Is your OIG a member of the Association of Inspectors General or other similar professional organization?

Answers from all OIGs		**Response**	**%**
Yes		42	82%
No		9	18%
Total		51	100%

Answers from State OIGs		**Response**	**%**
Yes		29	85%
No		5	15%
Total		34	100%

Answers from Local/Multi-Jurisdictional OIGs		**Response**	**%**
Yes		11	73%
No		4	27%
Total		15	100%

TABLE 4.7

Survey question: Which professional organizations does your OIG belong to?

Total responses: 29

**Association of Inspectors General (22 respondents)*
**Institute of Internal Auditors (7 respondents)*
**Association of Certified Fraud Examiners (6 respondents)*
**Association of Government Accountants (5 respondents)*
**ISACA (formerly Information Systems Audit and Control Association) (3 respondents)*
**American Corrections Association (2 respondents)*

**American Institute of Certified Public Accountants (2 respondents)*
**Association of Local Government Auditors (2 respondents)*
**Council on Governmental Ethics and Laws (2 respondents)*
**National Association for Medicaid Program Integrity (2 respondents)*
**National White Collar Crime Center (2 respondents)*
**Government Finance Officers Association*
**Illinois Chiefs of Police*
**International Law Enforcement Auditors Association*
**International Association of Financial Crime Investigators*
**Missouri Corrections Association*
**National Association of Professional Women*
**National Fraud & Abuse Technical Advisory Group*
**National Health Care Anti-Fraud Association*
**Ohio Investigator's Association*
**Society of Corporate Compliance and Ethics*
**The International Association of Chiefs of Police*
**United States Secret Service Electronic Crimes Task Force*

As Table 4.8 below shows, survey respondents report that these professional organizations affect their OIGs in a variety of ways. Half of the respondents reported strong benefits in the area of staff training; nearly half reported benefits in the area of establishing standards for audits, investigations and evaluations. Significant proportions also reported benefits in the areas of how to draft written reports and the content of written policies. By contrast, majorities found professional associations to be of little help in the areas of peer review, cultivating positive relationships with the agency being overseen, internal hiring and firing decisions, and external public relations (with the press or elected officials). In sum, professional associations are seen as especially helpful in the technical areas of the job, but much less helpful in the more political areas of the job.

TABLE 4.8

Survey question: How much would you say these professional organizations have influenced your OIG in the following areas?

Question	Extremely or very influential	Somewhat or slightly influential	Not at all influential	Total Responses
Training for staff	17 (50%)	16 (47%)	1 (3%)	34
Standards and/or processes for audits, investigations, evaluations, etc.	15 (44%)	18 (53%)	1 (3%)	34
Written work products and findings, such as audit or investigation reports	11 (32%)	18 (53%)	5 (15%)	34
The content of written policies	8 (24%)	22 (67%)	3 (9%)	33
Peer review	4 (13%)	10 (31%)	18 (56%)	32
Relationships with the agency/agencies that the OIG oversees	3 (9%)	14 (42%)	16 (48%)	33
Human resource management, such as hiring and firing	1 (3%)	14 (41%)	19 (56%)	34
Working with the press or public	1 (3%)	9 (27%)	23 (70%)	33
Relationships with elected officials	0 (0%)	9 (27%)	24 (73%)	33
Other	0	0	9 (100%)	9

Several of the IGs reported that they have gained certification as an inspector general, which is offered by the Association of Inspectors General (personal communication #17, July 24, 2013; personal communication #18, July 25, 2013; personal communication #19, July 25, 2013; personal communication #29, November 7, 2013; personal communication # 37, November 6,

2013). The certification requires a 40-hour training session over five days, and the curriculum covers issues such as the context of the IG function, ethics, law, office management, investigating, and auditing (Association of Inspectors General, n.d.). The Association offers two other professional certifications for a certified IG inspector and a certified IG auditor. These certifications cover the nuts and bolts of auditing and investigation, taught in the same time period as the IG certification. The auditor curriculum covers the audit process, professional audit standards, working with investigators, internal controls, and forensic and information technology auditing., and the investigator curriculum covers the investigative process, professional investigative standards, working with auditors, procurement fraud, and computer crime (Association of Inspectors General, n.d.). Most IGs encourage their staff to become certified, although several noted that they are hampered by funding (personal communication #17, July 24, 2013; personal communication #19, July 25, 2013; personal communication # 37, November 6, 2013). Other professional certifications are commonly pursued as well. For instance, an IG told me he was a certified public accountant, a certified internal auditor, certified government financial manager, and a certified government auditing professional (personal communication #34, October 20, 2013).

Although my survey data suggest that OIG staff appreciate professional associations mainly for their technical help and less so for their political advice, there is some evidence that these professional associations provide support from colleagues in dealing with pushback and balancing the consultant and oversight roles. Of course, the Association of Inspectors General's Green Book provides quality standards for OIG auditing and investigations, which include topics such as independence, planning, organization, staff qualifications, supervision, and sufficient evidence (Association of Inspectors General, 2004). Following these standards and undergoing

peer reviews every three years helps insure that an OIG is producing quality work, but networking and candid conference presentations provide peer-to-peer coaching about the careful balancing of being helpful and at the same time being an independent monitor. For instance, at the 2013 Association of Inspectors General annual conference, the IG from Massachusetts presented on his experience of embedding his staff in an agency for the first time, negotiating those relationships, and maintaining professional standards (Association of Inspectors General conference sessions, 2013). A local IG explained the value of this type of networking:

> It's huge. [The Association of Inspectors General Conference] is the place where you are among your peers. We all understand the seriousness of the job, the politics of the job, you can talk to people who have been there, done that. All of us have had different experiences, and we share them. It is a place where you can go and be confident that you know somebody understands your work. (personal communication #35, November 5, 2013)

At these conferences, presenters convey a common message that this job is tough and to do it, you need to be tougher. Toughness is required in large part due to the conflict and pushback from the entities who are being monitored. Mary Schiavo, Former IG for the Federal Aviation Administration, exhorted attendees of the 2008 Association of Inspectors General spring conference to do the best job possible, but have an exit strategy in the form of an emergency bank account (Association of Inspectors General Conference Session, 2008). Other speakers have asserted that if an agency or other entity pressures you to compromise your principals, you need to quit (Association of Inspectors General Conference Sessions, 2013). In short, the profession teaches that it is essential to both focus on doing the job as professionally as

possible and making small strategic changes to strengthen the office's reputation as objective, independent, and friendly.

In sum, OIGs widely share among each other information about pushback and how to deal with it. In anticipation of pushback they develop a range of strategies to shore up their credibility and to develop external allies who may help protect the OIG in the face of challenges.

Conclusion

As this chapter has documented, after implementation, many OIGs eventually develop fairly positive relationships with the entities they oversee; however, in the early stages of implementation and with changes in personnel, contentious conflicts between OIGs and the entities they oversee occur. These conflicts center on an OIG's role in the accountability process, its powers, and credibility. In these cases, individuals subject to OIG oversight who either do not understand its role, do not wish to be subject to oversight, or fear the OIG will not provide a fair report, fight the extent of an OIG's jurisdiction, its authority, and its presence. As a result IGs are thrust into an antagonistic position with those they oversee. They are required to strategically defend the OIG or, at least, position the OIG to be more palatable to those being overseen. They pursue the role of a "strong right hand" to management.

As Daniel Carpenter (2001) observed with the U.S. Postal Service, OIGs gain power and influence to the extent that they are able to cultivate external allies and build their reputation as competent, relevant, and helpful. This bureaucratic authority will also help OIGs deflect threats from opponents and allow them to pursue their mission. In essence, this means that IGs must act politically in order to protect and promote their offices and accountability missions. Doing so, however, places them in an awkward position. Engaging in political maneuvering may erode their reputation as neutral, objective, and non-partisan, which is fundamental to their role in

monitoring. Any damage to an OIG's reputation or even a suggestion of lack of independence or bias may compromise the quality and reliability of the information reported by the OIG. Even if an OIG is successful in cultivating alternative forums for its information, those forums will not be willing to value the information unless it is believed to be valid and truthful. So while addressing the need to be political and strategic in order to impact the accountability process, OIGs also must constantly maintain independence.

With these strategies, it is clear that OIGs are creatively entrepreneurial in defending their office and their efforts at oversight. These entrepreneurial efforts include trying to make the OIG's work truly useful—like a helping hand—to the agency being overseen. Nonetheless, it is notable that there is little evidence that OIGs are willing to compromise their oversight role so as to buy off the opposition. Even—perhaps especially—in the face of determined opposition, OIG staffers are deeply committed to their role as an agency of independent oversight. They are guided in this role by the archetypal model that I have summarized in previous chapters. In this way the politics of OIG implementation is shaped by more than simply the self-interested defense of one's agency: it is deeply shaped by the normative model of the Office of Inspector General as a key agency of accountability.

Chapter 5
Conclusion: Are OIGs Empty Symbols or Engines of Accountability?

This research has explored the phenomenon of the spread of the OIGs across the country and the dynamics that arise with this diffusion. Yet the important question remains: what is the result of the increasing numbers of OIGs? Given the opposition to OIGs that arises during the design and implementation phases, as described in chapters three and four, are OIGs ultimately reduced to ineffectiveness through the efforts of those they oversee? Is the result that OIGs become empty symbols, appeasing the public's demand for increased accountability but not actually assisting in achieving accountability? Or have emerging OIGs helped improve the effectiveness and efficiency of governmental programs and reduced the advent of fraud, waste, and abuse? Although, as discussed further below, this dissertation does not directly examine OIG effectiveness (that is a topic for a future study), the present analysis does suggest that OIGs have helped the cause of accountability despite the challenges they face. This chapter first summarizes the findings of the previous chapters and then explores the broader implications of these findings for the question of OIG effectiveness. The chapter closes with a discussion of the limitations of this research and future research questions that emerge.

Research Summary

The proliferation of the Office of Inspector General (OIG) concept across state and local jurisdictions is at its base a neo-institutional story. Neo-institutionalism suggests that institutions, rules, or norms spread from organization to organization as they become endorsed by a broad professional field as an acceptable way to do things, regardless of whether other options might be more effective in reaching the desired goal. In this case, we find OIGs spreading far and wide across the county because the OIG has become generally accepted as a primary means to address government accountability. This diffusion, from the federal to the

state and local levels, is fueled by the fact that government accountability has become a public "obsession" (Dubnick and O'Brien 2011). OIGs are held up as a key method to combat fraud, waste and abuse, and to promote effectiveness, efficiency, and good government.

Throughout the conceptualization, design and implementation phases, the power of the idea of an OIG is demonstrated. The idea encourages OIG adoption; then, when expressed through the development of an archetype, it both attracts and alarms policy makers; and the idea propels those subject to OIG oversight to resist the oversight at the same time that it drives OIG officials to support the ideals of the OIG. The idea of an OIG generates a push and pull in the name of accountability.

In fact, data on the state level show that the rate of initial OIG adoption is not influenced by long-term levels of corruption, the size of a state's bureaucracy, or a partisan dominance within a state. Thus, responding to problems of corruption, protecting a state's investment in its bureaucracy, or the temptation to use OIGs as tools of partisan competition are rationales that have little impact on the rate of OIG adoption on the state level. Neither are states directly learning to adopt OIGs from their neighbors or the federal government, which has been thought to be a traditional method of diffusion. In fact, OIG adoption is negatively influenced by neighboring states' adoption of OIGs and the increasing numbers of OIGs on the federal level.

Instead, the idea of an OIG is spreading based on the simple weight of the norm of accountability and the idea that OIGs are the answer to a wide range of problems that fall into a broad category of perceived accountability and performance deficits. The OIG gains a place on a policy agenda (Kingdon, 1995) because the problem stream produces a clear definition of a policy problem, the need for accountability; the policy stream focuses on an OIG as the solution to these problems as the OIG concept has become institutionalized; and the political stream

encourages political and policy makers to find a solution for accountability issues. The triggering event that spurs an OIG adoption is often a specific major public corruption scandal. Typically, OIGs are promoted by a candidate for elected office who wishes to demonstrate to the public their commitment to issues of accountability or by an internal, professional bureaucrat who sees the adoption of an OIG as an important step to improve accountability and performance. The strength of the norm of accountability is demonstrated by the fact that these OIGs have very few opponents at the initial stage when the idea is proposed and begins to move toward adoption.

OIGs are adopted to demonstrate a legitimate commitment to government accountability despite the fact that their role in the accountability process, while important, is limited. This role is restricted to collecting unbiased information about a governmental actor's conduct and then reporting it to some authoritative forum, such as an agency head, a mayor, a governor, or the general public, often accompanied with recommendations for actions. These other actors then may review the OIG's reports and call the actor to answer and explain his or her actions. They may or may not impose consequences based on the explanation. An OIG's role in this process is limited in that if the official or agency being overseen decides not to respond to the OIG's findings and recommendations, or if the authoritative forum chooses not to review or not to act on the OIG's information, the official or agency will not actually be held accountable.

The OIG's limited role in this process is by design. The role is not unlike the traditional roles that auditors or investigators have always had in government. Indeed, the specific duties most often assigned to OIGs are those of auditing and investigating. The role of the OIG is similar to that of fact finders used in arbitration proceedings. OIGs collect information that has otherwise been unexamined, or perhaps has been deliberately hidden, and provide it to decision

makers along with recommendations for action. The information collected should be unbiased and reliable, and thus, actionable.

To ensure the credibility of the information supplied by the OIG, the OIG must have (1) the appropriate authority to collect the information needed; and (2) clear independence of the OIG from the governmental actor being overseen so as not to be improperly influenced by the actor when collecting information. Producing complete, objective information is essential for an OIG as a participant in the accountability process.

OIG practitioners, who are well aware of the role an OIG plays in the accountability process, have developed a detailed archetype of an OIG that has these necessary attributes. This archetype has four necessary elements: foundation in statute (as opposed to executive order or other discretionary form); the authority to perform both audits and investigations; the authority to compel access to the documents and the testimony needed to fully collect information; and structural and budgetary independence from the entity that it oversees. If designed thus, the archetypal OIG will have the independence, legitimacy, permanence, powers, and structure that are necessary to perform its role without manipulation. It is important to emphasize that these features have emerged through a process of refinement and honing of administrative knowledge, and are summarized in several key model policies generated by the Association of Inspectors General.

Yet the same expectations of heightened scrutiny and accountability that motivate *adoption* of an OIG become a source of concern in the *design* phase. When designing a particular OIG, many government officials would like to maintain a check on it rather than grant it fundamental independence and broad investigative powers. These concerns arise from the fact that OIGs have the potential to produce information that governmental actors may prefer not to

be made public. This fear is justified because, their only real power is to produce such egregious or alarming information about an actor's conduct that the forum simply cannot ignore it. Put another way, the OIG's only tool to ensure government accountability is to shame or embarrass the actor. Realistically, shame and embarrassment could lead directly to reductions in funding for the programs exhibiting problems, but this would depend on another actor taking those steps. Nevertheless, being able to publicize information that is potentially embarrassing is a powerful tool, and in many instances shocking information demands action to correct the problem. For example, if an OIG can produce comprehensive and reliable information that someone has committed a significant fraud against the jurisdiction, a prosecutor will be more likely to charge the individual with a crime, or a supervisor will be more likely to take an administrative action, or a legislator may reduce funding.

The potential for an OIG to embarrass and shame is precisely why OIGs are so threatening to those they oversee. Officials under oversight feel this threat even if they have done nothing wrong. These officials fear the unknown and seek to control it.

As a consequence, while the idea of an OIG has great popularity and appeal, and this motivates adopting such a body in some form, when it comes to designing this form the same idea can seem very threatening to policy makers and those subject to its jurisdiction. They tweak or radically revise the design, and the end result is often an office that does not match up with the archetype. Some reasons for these changes are undoubtedly benign. Sometimes a jurisdiction's particular conditions and needs shape the OIG in unique ways. However, it is more common that policy makers withdraw from the OIG key elements of the archetypal OIG's authority or independence. To minimize the potential threat of a new OIG, these policy makers deliberately design an OIG to have a narrow jurisdiction, limited authority, or minimal independence.

Similar concerns about an OIG's role arise during the implementation stage. The trepidation experienced by those to be overseen is more intense because the OIG is no longer theoretical. As the OIG begins its work, those who are to be overseen by the OIG chafe under the monitoring. One method used to try to reduce the threat of an OIG is to challenge the scope of OIG's jurisdiction. Another is to challenge the OIG's authority. A third is to hinder an OIG's access to necessary staff, equipment, and funding. Opponents of the OIG also try to limit its influence by alleging that it is biased and therefore unable to provide reliable information for the accountability process.

These challenges, while intense and difficult for OIG staff to respond to, are not inevitable. If the individuals who are overseen by an OIG understand and accept the role, the relationship can be smoother. Additionally, OIGs can take steps to build a more productive relationship, but this takes time. OIG staff can pursue a number of strategies to protect their office's role in the accountability process and build positive relationships with the entities that they oversee in order to reduce the conflict and protect the OIG's ability to pursue its mission.

Strategies employed by OIG staff are both formal and informal. An example of a formal method is to pursue amendments to the OIG's authorizing statute, ordinance, charter or other founding document to correct deviations from the archetype. Another formal strategy is to take challenges to the OIG's authority or jurisdiction to court for a judicial decision. An example of an informal approach commonly employed to strengthen the office's independence, which may be lacking, is to locate the physical site of the OIG at a distance from the management of the entity they oversee. Another is to develop alternative outlets, or "forums," for the information they produce to ensure it receives the proper attention. Finally, OIG staff work to build a positive reputation of their office as helpful consultants rather than punitive, "gotcha" overseers.

To pursue this last goal, OIG staff work closely with management, investigate or audit the programs that management is concerned about or otherwise use careful discretion in selecting topics to study, and work to avoid publically embarrassing the agency being overseen.

At the same time, OIG staff must be vigilant in upholding professional standards and independence, because if they are seen as too "cozy" with the individuals who within the OIG's jurisdiction, their findings and conclusions will be compromised. Thus, OIG staff make great efforts to comply with laws, rules, ethical, and professional standards, which is considered essential if the OIG is going to review others' compliance with the same. In addition, OIGs try to produce work products that add value. Training staff and joining professional organizations helps ensure that the OIG's work quality is high. Communications through the networks associated with these professional associations helps to improve training and to share information to help staff deal with the pushback from those being overseen.

Balancing a reputation as helpful rather than threatening with independence and professionalism is very important. If viewed as threatening, an OIG will have an antagonistic relationship with those it oversees and will struggle to gather the information it needs to perform its role. On the other hand, it is vital that the work product of an OIG meets professional standards and is accurate, because if their work product comes to be considered shoddy or politically motivated, the OIG will lose all credibility. Its ability to provide information to the accountability process will be called into question and ultimately ignored. In the same vein, if an OIG's staff is considered unethical or biased, their findings and recommendations will be discounted. Thus, OIG staff must be helpful, but maintain distance. They must support the entity they oversee, but not become biased. They must not be overly aggressive or embarrassing,

but they must produce high quality information about the weaknesses in the activities of those who are overseen by the OIG. This is no easy task.

Although I am reasonably confident in the basis for the brief summary above, inevitably there are some limitations to my data. One is found in the statistical model presented in chapter two. Although illuminating in some ways, it also yielded some counterintuitive and puzzling results. For example, despite an apparent regionalism evident in a visual inspection of a map of patterns of adoption of OIGs, the results of the event-history model suggest that adoption of an OIG by a state's neighbors seems to decrease the likelihood that a state will adopt an OIG. This is puzzling. It is possible that the model is missing one or more important variables. For example, my interviews suggest that information about OIGs is shared from state to state via specialized networks. These networks may be organized less by geographic proximity than professional connections. Developing a measure of these networks would be difficult but, if accomplished, might add important missing information to the statistical model. On this question there is room for further work and refinement.

Another limitation is that the perspectives of individuals subject to OIG oversight were not obtained due to time constraints and logistical issues. Some conclusions about their motives were drawn from their actions. A more complete picture of the character of opposition to OIGs during the design and implementation phases would require additional interviews with OIG opponents and those overseen by OIGs. Such interviews may also help identify missing variables in the statistical model presented in chapter two.

Broader Implications: Accountability and a Politicized Bureaucracy

To what extent can OIGs actually can contribute to accountability? Does the pressure placed on OIGs during the design and implementation phase reduce the OIG to ineffectiveness

and empty symbolism? Or, alternatively, are IGs and their staff able to establish a substantive role for their office in the accountability process?

Murray Edelmen (1964) proposed that many public policies and even public agencies are created not so much to solve a problem as to convey the impression that elected officials are trying to solve it. Put another way, administrative agencies, such as OIGs, perform important expressive or symbolic functions. They create an impression in the public that actions are being taken for the public good. Although it might be argued that such symbolism is valuable in that it may reassure the public and confirm support for the values that are embraced (e.g., "fraud, waste, and abuse is wrong" or "corruption is wrong"), it is also true, as Edelman argued, that as a practical matter a merely symbolic expression may bring no change to the status quo.

On first blush, it appears that the diffusion of OIGs may be just such a merely symbolic effort to pursue accountability. Adopting an OIG may be used by an elected official to demonstrate that he or she is following through on his or her promises; however, the politician may not be as concerned with whether the OIG is actually effective. Several of the key observations reported in this dissertation are consistent with this jaundiced interpretation. As we have seen, the idea of enacting an OIG most often arises in the political process and is endorsed by a politician wishing to promote an image of him- or herself as a reformer. Likewise, in many jurisdictions the initial OIG proposal is weakened or watered down during the design phase so that the resulting agency is bereft of key forms of independence and authority.

Nevertheless, some other observations in this dissertation run counter to this "empty symbolism" interpretation. The OIG model is hardly an "empty" symbol if, as I have shown, it is widely seen as a key way to bring effective oversight to bureaucratic agencies. Although there is clearly a symbolic component to this image, it is more akin to a powerful symbol that motivates

widespread support for this particular solution. This support is surely based in part on how the particular design features of OIGs are aimed at enabling this agency to match the expertise of the overseen agency with an equal expertise, and other design features give the OIG the independence and authority to do the job effectively. Although too often these effectiveness-ensuring features are watered down in the design phase, as we have seen that is not the end of the story. The symbolic power of the OIG concept is also felt in the high level of dedication by OIG staff to pursuing the OIG's mission and even to overcome these weaknesses in particular OIGs' designs. Nearly everywhere that I conducted interviews, these staff showed a strong commitment to meeting the professional ideals associated with the OIG idea. They emphasized how hard they work to meet the standards, training, professional certifications, and peer review that have emerged as the "nuts and bolts" of the OIG model. Likewise, staff use the OIG model as a way to recruit allies and public support for their mission. Although these efforts at recruiting allies are inherently political in nature, the politics are normative (motivated by March and Olsen's "logics of appropriateness") rather than horse-trading in nature. So, here too, the normative symbolism of the OIG model is revealed as potent rather than empty.

In employing the normative symbolism of the OIG idea to marshal allies and public support, OIGs become what might be called "*politicized bureaucracies*." Unlike a typical agency, for OIGs it is not enough to do the job well. The staff are also required to act strategically—even politically—to overcome determined opposition in highly politicized environments. Carpenter (2001) describes a similar dynamic in the U.S. Post Office's efforts in the late 1800s to gain allies and strengthen its portfolio of services and thus its budget. What seems different and distinct in this dissertation's analysis of OIG officials' similar efforts to shore up their agencies is the central role played in this story by the normative model of the OIG.

This is a case of bureaucratic politics in pursuit of a *normative mission*. The OIG staff are influenced by the norm of accountability and thus pursue the model of the OIG as a way to give teeth to this norm. Although they are tasked with a relatively straightforward mission of monitoring, they face considerable pushback in carrying out this mission and, in response to this pushback, they use the normative symbolism of the OIG model to defend their agency and gain political support for it. This is a bureaucratic politics of a particular type: a normatively mission-centered bureaucratic politics.

For instance, OIGs, when experiencing intense challenges, cannot maintain their monitoring role without external champions. These external champions have two important roles. The first is to support the presence and the work of the OIG. For example, if leadership in the entity that is being overseen understands, supports and values the OIG's monitoring, the OIG can operate with little conflict. On the other hand, if the leadership in the entity that is being overseen resents the OIG or tries to undermine its authority, the OIG can hold out against these attacks and remain effective only for so long. At some point external attacks and resistance are likely to undermine an OIG's capacity and influence. Thus, when the governor of Massachusetts decided to defund the state OIG because he no longer desired oversight, the OIG would have disappeared had the legislature not come to its aid with funding. When the county assessor rejected the Cook County OIG's jurisdiction over his office, there was little the OIG could do until the jurisdiction was confirmed by the local district court.

The second key supporting role of an external champion is to be the receiver of the OIG's monitoring reports. This external champion must be in the position to value the report and act on it. Without a receptive audience, the OIG's basic role becomes irrelevant. To be sure, various external actors can play this key supporting role. If, for instance, an agency head were

uninterested in an OIG's monitoring and tried to ignore the OIG's reports, these reports may still gain a hearing if the governor, legislature, press, or the public step up and demand a response. For example, even though the Indiana OIG's credibility was challenged by Democrats in the legislature and its work could have been discredited and ignored, local and state prosecutors found the information collected by the OIG worth pursuing in the courts, receiving convictions in multiple cases. Thus, accountability was achieved in those cases. But if no external authority champions an OIG's reports, they become irrelevant.

In sum, when an OIG cultivates external allies who will have its back, so to speak, this becomes an essentially political act. In turn, the OIG must produce professional work or risk losing this champion's support. Only with the OIG staff's commitment to the mission and dedication to professionalism *and* appropriate political strategizing, such as cultivating an external champion, can the OIG meet the full potential of its intended role.

Other bureaucracies may become politicized in a similar mission-centered way. One example is a state's vital statistics unit. Their role is record keeping, but the unit has been thrust into many political issues of the day: surrogacy, same sex marriage, and abortion. In order to keep accurate records, these units must negotiate highly political atmospheres, much like an OIG. There are other possible examples: environmental protection agencies whose staff and external supporters face powerful political pushback yet are motivated to forge ahead by their commitment to the environmental-protection mission; public schools whose staff face political skepticism or even opposition yet remain motivated by the public-education mission; and so on. These examples suggest many significant questions for further research, focused particularly on how the politicization of an agency's mission both draws out opposition and also motivates allies to support the agency and staff to work all the harder.

Two other observations on accountability arise from this research. First, although strategic efforts to build allies are often essential, what is really required to achieve accountability is what I previously called the external forum that holds the overseen agency to account. OIGs may gather and present information, but they also need a forum that *hears and acts* on this information: a governor or mayor who pays attention, a legislature that listens, news media that reports the results, a public who cares. This observation makes clear that many types of accountability mechanisms, such as open meeting laws, transparency measures, and performance budgeting are similar to OIGs in that they alone do not deliver accountability. They provide information to the public decision making process, which is important, but, like OIGs, their contribution to government accountability ends there. A separate forum is required to act on the information and call the governmental actors to explain or defend their decisions. As in the case of OIGs, much effort is being put towards implementing these mechanisms of transparency and accountability. These efforts to provide heightened government accountability can be easily undercut if there is no forum paying attention. Second, a broader conclusion about government accountability can be drawn. This research shows how adversarial relationships easily arise between overseers and the overseen. Overseers are required to be critical and at times suspicious, while at the same time those being overseen resent having their flaws pointed out and made public. They would prefer not be told what to do. They would prefer to "steer," rather than "row" (Osborne and Gaebler 1993). Although tensions between the overseer and the overseen thus naturally arise, ideally the goals of the two should be aligned. Each is ultimately interested in positive outcomes of government programs and appropriate spending of public funds. If both entities could operate as partners who are invested in similar missions, perhaps the adversarial relationship could be lessened and accountability supported rather than challenged.

Although some natural resentment may be understandable when someone is monitoring your actions, in the public sector, public managers ought not have the luxury to complain. Instead, their stance should be: "I always welcome the opportunity to do a better job for the public." At the same time, OIG staff should not be heavy-handed sentries. They should understand that most pubic managers are well motivated. If this shift in attitude could occur, the antagonism between public managers and OIG staff could be reduced.

It may be too much too hope for congenial relations between Offices of Inspector General and the agencies they oversee. After all, the model of an ideal OIG that has emerged in recent decades is of an oversight agency that has the independence and tools necessary to conduct thorough audits and investigations, identify problems with effectiveness and efficiency, root out waste, fraud, and abuse, and publicize the results. In many instances OIGs have performed these tasks admirably. OIGs have provided crucial independent reports on a wide range of issues. Despite the ongoing conflict over the OIG role, it is increasingly clear that these units play a valuable role in the government accountability process and are here to stay.

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Appendix A: State Rankings on Two Indicators of Corruption

(States in which I conducted interviews are in bold)

Average annual public integrity convictions (2002-2011) per 1000 state and local FTE		
Ranking	State	Average
1	Kansas	2.044020836
2	Oregon	2.161313894
3	South Carolina	2.237245298
4	New Hampshire	2.311543061
5	**Minnesota**	**2.364873331**
6	Nebraska	2.397753461
7	Washington	2.412164186
8	Idaho	2.805677291
9	Utah	2.924181463
10	**Colorado**	**3.071091345**
11	Iowa	3.091914322
12	Nevada	3.426111005
13	North Carolina	3.617387934
14	New Mexico	3.676378797
15	California	3.691144264
16	Wisconsin	3.96673846
17	**Indiana**	**4.138008814**
18	Wyoming	4.456912904
19	Vermont	4.543705727
20	Connecticut	4.649632722
21	Maine	4.731373982
22	New York	4.759696428
23	Georgia	4.873777785
24	Michigan	4.95125554
25	Texas	5.35246332
26	Rhode Island	5.698994158
27	Missouri	5.839227188
28	Arkansas	5.840518746
29	Hawaii	6.198070627
30	**Massachusetts**	**6.412578856**
31	Arizona	6.61177554
32	Oklahoma	6.793499467

33	**Florida**	**7.188741556**
34	West Virginia	7.489992204
35	**Illinois**	**7.675433605**
36	Ohio	7.715853782
37	Tennessee	8.089634436
38	New Jersey	8.522833346
39	Alaska	8.687862811
40	Pennsylvania	8.914181215
41	Maryland	9.108005188
42	Alabama	9.688
43	Mississippi	9.929649585
44	**Virginia**	**10.21430118**
45	Montana	11.05469198
46	Kentucky	12.5301795
47	North Dakota	13.25021984
48	South Dakota	14.49261047
49	**Louisiana**	**18.60076651**
50	Delaware	23.92205221

Numerical equivalent of Standard and Poor's State Bond Ratings, Averaged from 2001-2012		
Rank	State	Average Rating
1	Delaware	25
2	Georgia	25
3	Maryland	25
4	Missouri	25
5	North Carolina	25
6	Utah	25
7	**Virginia**	**25**
8	**Minnesota**	**24.90909091**
9	**Florida**	**24.72727273**
10	Iowa	24.45454545
11	**Indiana**	**24.27272727**
12	South Carolina	24.27272727
13	Nebraska	24.18181818
14	Kansas	24
15	New Mexico	24

16	Ohio	24
17	Vermont	24
18	Washington	23.81818182
19	Tennessee	23.63636364
20	Wyoming	23.63636364
21	Alaska	23.6
22	Nevada	23.45454545
23	Oklahoma	23.45454545
24	Texas	23.36363636
25	South Dakota	23.28571429
26	Idaho	23.18181818
27	New Hampshire	23.09090909
28	Alabama	23
29	Arkansas	23
30	Connecticut	23
31	Maine	23
32	Mississippi	23
33	New York	23
34	Pennsylvania	23
35	North Dakota	22.90909091
36	**Massachusetts**	**22.81818182**
37	Michigan	22.81818182
38	Oregon	22.81818182
39	New Jersey	22.72727273
40	Rhode Island	22.72727273
41	**Colorado**	**22.54545455**
42	Hawaii	22.54545455
43	Arizona	22.45454545
44	Montana	22.45454545
45	Wisconsin	22.45454545
46	West Virginia	22.36363636
47	**Illinois**	**22.27272727**
48	Kentucky	22
49	**Louisiana**	**21.18181818**
50	California	19.72727273

Appendix B: State Rankings on Two Indicators of Size of Government

(States in which I conducted interviews are in bold)

State and Local Full Time Equivalent Employees per 1000 State Population (2011)		
Rank	State	FTE
1	Nevada	41.97336929
2	Arizona	43.31581696
3	Michigan	46.23018985
4	Pennsylvania	46.45148674
5	California	46.48397778
6	**Florida**	**46.60406888**
7	Rhode Island	47.31846796
8	**Massachusetts**	**48.68861438**
9	**Illinois**	**48.71462276**
10	Idaho	49.57081613
11	Wisconsin	49.64628284
12	**Indiana**	**50.56113914**
13	Washington	50.71230936
14	Oregon	50.95717587
15	Tennessee	51.13836454
16	Ohio	51.51126237
17	Connecticut	51.72411386
18	**Minnesota**	**51.85897257**
19	Georgia	51.88640895
20	Utah	52.38884263
21	Maryland	52.67943988
22	Missouri	52.7909617
23	**Colorado**	**52.79983802**
24	Hawaii	53.584859
25	South Carolina	54.19139474
26	**Virginia**	**54.20013131**
27	New Hampshire	54.82728642
28	Delaware	54.84409707
29	New Jersey	55.33447717
30	South Dakota	55.6388806
31	West Virginia	55.89253645
32	Texas	56.48358396

33	Kentucky	56.49779968
34	Oklahoma	56.64157902
35	Maine	56.74648468
36	North Carolina	57.58511893
37	Iowa	57.88703883
38	Montana	57.97841913
39	Alabama	59.29490249
40	New Mexico	60.35085562
41	New York	60.39913185
42	**Louisiana**	**61.55346334**
43	Vermont	63.29348324
44	Mississippi	64.46003911
45	Arkansas	64.53688062
46	Nebraska	65.65250638
47	North Dakota	65.86473509
48	Kansas	68.55823168
49	Alaska	75.74600328
50	Wyoming	92.81221069

State and Local Payroll (by $1000) per 1000 State Population (2011)		
Rank	**State**	**Payroll**
1	Tennessee	2,050.85
2	Idaho	2,077.46
3	Arizona	2,100.18
4	**Florida**	**2,172.27**
5	Maine	2,173.22
6	South Dakota	2,188.27
7	Georgia	2,190.36
8	Missouri	2,197.76
9	**Indiana**	**2,213.09**
10	Kentucky	2,223.31
11	West Virginia	2,223.42
12	Oklahoma	2,235.38
13	South Carolina	2,272.36
14	Utah	2,311.65
15	Arkansas	2,389.26

16	Nevada	2,399.76
17	Pennsylvania	2,411.23
18	Mississippi	2,442.51
19	North Carolina	2,470.75
20	Alabama	2,477.42
21	Montana	2,508.15
22	Michigan	2,515.96
23	Wisconsin	2,537.01
24	New Hampshire	2,537.51
25	Texas	2,542.99
26	**Virginia**	**2,548.88**
27	Ohio	2,568.27
28	New Mexico	2,574.37
29	**Louisiana**	**2,623.52**
30	Hawaii	2,679.94
31	Oregon	2,688.67
32	**Illinois**	**2,731.75**
33	**Colorado**	**2,736.71**
34	Delaware	2,773.27
35	**Minnesota**	**2,805.80**
36	**Massachusetts**	**2,841.22**
37	Rhode Island	2,851.23
38	Iowa	2,862.93
39	Kansas	2,872.21
40	North Dakota	2,934.52
41	Vermont	2,991.04
42	Nebraska	3,021.70
43	Maryland	3,081.37
44	Washington	3,138.40
45	California	3,138.80
46	Connecticut	3,229.66
47	New Jersey	3,607.12
48	New York	3,877.23
49	Wyoming	4,422.56
50	Alaska	4,573.12

Appendix C: State Rankings on Two Measures of Political Culture or Partisanship

(States in which I conducted interviews are in bold)

Average Ranney Index (Ranney 1975) from 1975 to 2004 (Lindquist 2012)		
1	Idaho	0.2723667
2	South Dakota	0.28405
3	Utah	0.3102417
4	Wyoming	0.3216417
5	New Hampshire	0.3514
6	Kansas	0.361775
7	Arizona	0.3787167
8	North Dakota	0.38035
9	Nebraska	0.3937333
10	**Colorado**	**0.3958083**
11	Pennsylvania	0.4196
12	**Indiana**	**0.4267917**
13	Montana	0.442475
14	Ohio	0.44365
15	Alaska	0.448275
16	New York	0.4836667
17	Michigan	0.4852083
18	Iowa	0.4973917
19	Vermont	0.5212167
20	New Jersey	0.5241667
21	Delaware	0.537
22	**Illinois**	**0.5381833**
23	Nevada	0.5429083
24	Oregon	0.5579333
25	Wisconsin	0.5591833
26	Maine	0.5740167
27	**Minnesota**	**0.5833333**
28	Washington	0.5899
29	**Florida**	**0.5914333**
30	Connecticut	0.5994833
31	**Virginia**	**0.6113**
32	Tennessee	0.6178667
33	Missouri	0.6238

34	Texas	0.628825
35	South Carolina	0.6497667
36	New Mexico	0.6517417
37	California	0.6564417
38	Oklahoma	0.6816917
39	North Carolina	0.695625
40	Kentucky	0.7235917
41	**Massachusetts**	**0.7237333**
42	Maryland	0.7323083
43	Georgia	0.7378083
44	Rhode Island	0.7423167
45	West Virginia	0.74455
46	**Louisiana**	**0.7466333**
47	Hawaii	0.7582583
48	Arkansas	0.7756667
49	Mississippi	0.7866583
50	Alabama	0.7917833

State Political Culture (Sharkansky 1969; Baker 1990)		
Rank	State	Political Culture
1	**Minnesota**	**1**
2	Washington	1.66
3	**Colorado**	**1.8**
4	Iowa	2
5	Michigan	2
6	North Dakota	2
7	Oregon	2
8	Utah	2
9	Wisconsin	2
10	Maine	2.33
11	New Hampshire	2.33
12	Vermont	2.33
13	Idaho	2.5
14	Connecticut	3
15	Montana	3
16	Rhode Island	3

17	South Dakota	3
18	California	3.55
19	New York	3.62
20	Kansas	3.66
21	**Massachusetts**	**3.66**
22	Nebraska	3.66
23	New Jersey	4
24	Wyoming	4
25	Pennsylvania	4.28
26	**Illinois**	**4.72**
27	Nevada	5
28	Ohio	5.16
29	Arizona	5.66
30	Alaska	6
31	**Indiana**	**6.33**
32	Delaware	7
33	Maryland	7
34	New Mexico	7
35	Texas	7.11
36	West Virginia	7.33
37	Kentucky	7.4
38	Missouri	7.66
39	**Florida**	**7.8**
40	**Virginia**	**7.86**
41	**Louisiana**	**8**
42	Hawaii	8.25
43	Oklahoma	8.25
44	North Carolina	8.5
45	Tennessee	8.5
46	Alabama	8.57
47	South Carolina	8.75
48	Georgia	8.8
49	Arkansas	9
50	Mississippi	9

Appendix D
Diagnostics of for the Event History Analysis/ Cox Proportional Hazards Model

The Event History Analysis (EHA) model used here is:

Rate of OIG adoption= f (convictions, state investment, partisan competition, % of neighbors, federal OIGs)

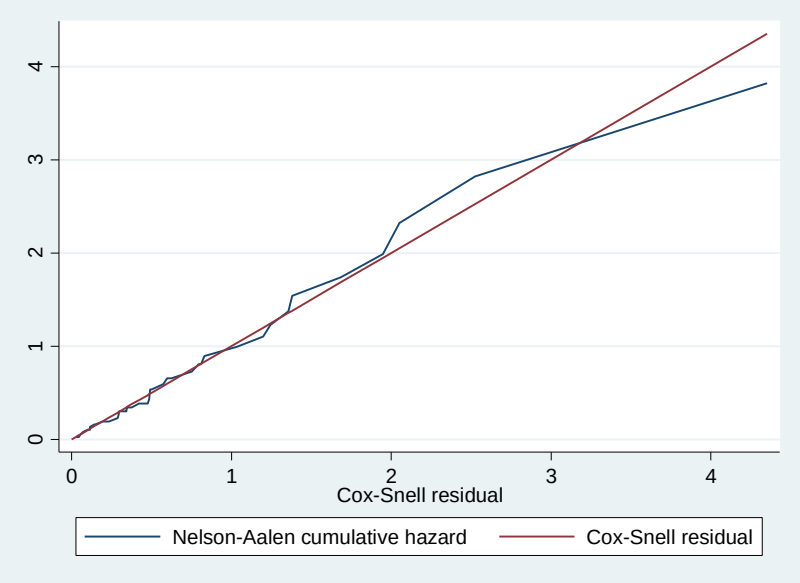
To perform the EHA, I used a Cox Proportional Hazards model, which is a statistical approach that neither requires parametric statistics nor a normal distribution of time to event, i.e. the number of years until the adoption of an OIG in a state. The model is also amenable to discrete periods of time, as is used here, each year being the period of time in question.

As a preliminary step to test the appropriateness of this model, I checked potential multicollinearity in the model. As recommended by Allison (2010), I used a linear regression with time until OIG adoption as the dependent variable, because the Cox regression does not provide collinearity diagnostics. This diagnostic demonstrates that the variance inflation factors for each of the independent variables ranges from 1.13 to 2.00, well below 10, the level at which multicollinearity is a problem.

A second step before running the model for purposes of interpretation is to examine whether any of the variables violate the assumption of proportionality of hazards, which is required for the Cox model. Comparing the full model with a model made up of time dependent variables, I found that none of the variables violated this assumption at $p < 0.01$. No other variable diagnostics were required.

The final model, which has an overall p value of .0000, has a fairly good result to a goodness of fit test, comparing Cox-Snell residuals with the Nelson-Aalen cumulative hazard, as shown below in Figure A.1.

FIGURE A.1


0
1
2
3
4
0
1
2
3
4
Cox-Snell residual
Nelson-Aalen cumulative hazard
Cox-Snell residual