

Montgomery County government's culture of secrecy

By Thomas Dagley,

In Montgomery County, senior management in government and the county attorney's office have grown too accustomed to operating behind closed doors and avoiding the tough questions.

This conclusion is based on my six years as Montgomery County's inspector general. This approach to governing hurts taxpayers by diminishing the ability of oversight organizations such as the inspector general's office, the ethics commission and the Merit Systems Protection Board to do their jobs. The result has been growing suspicion by residents and county workers of unchecked wrongdoing within government. The lack of transparency can only get worse if some things don't change.

As an example, consider a high-profile case dating to November 2008, when an assistant fire chief crashed his county car into a police cruiser and two civilian vehicles. Despite a witness's account that the driver had alcohol on his breath, an internal police probe concluded that officers showed no favoritism in its investigation of the accident. The chief received a \$130 fine for failure to control his speed.

My office began looking into the incident when questions were raised by a county employee who feared retaliation from management for coming forward. But our investigation got bogged down in drawn-out legal discussions with the executive branch. A second employee came forward with concerns that the county attorney's office and private counsel for the police officers were possibly working together to prevent or significantly delay the release of additional files to the inspector general.

We needed these files to compare the fire chief's investigative file (which had been turned over months earlier and was the basis of an inspector general's interim report) with the police department's file. The second whistleblower's conflict-of-interest concerns were discussed with representatives of the County Council, county attorney and ethics commission but, unfortunately, these concerns were never pursued. In the end, a split state Court of Appeals decided that police did not have to turn over the files, finding that the material amounted to "personnel records" not subject to disclosure.

It was a frustrating outcome, but this was not the only time my office ran into roadblocks while attempting to carry out our mission to detect and prevent fraud, waste and abuse. A similar lack of cooperation occurred when we investigated issues with the executive branch's tuition assistance and disability retirement programs, as well as payments to nonprofits and development-district contractors.

The main remedy must come from the Maryland General Assembly. State lawmakers should amend the Maryland Public Information Act to give municipal inspectors general access to the records, including those that are “confidential,” of any state or local government unit, or of another body that receives public funds, with respect to any matter under that inspector general’s jurisdiction. Taking this simple step is necessary to increase government transparency in Maryland.

But even with such a law, other changes need to happen, at least in Rockville. Montgomery County would benefit from a cultural change that encourages residents and employees to ask tough questions on difficult issues — and forces leaders to answer.

The writer was Montgomery County’s inspector general from 2005 until April.