

# ELEPHANTS, ETHICS AND ENIGMAS

## A PRACTITIONER'S ANALYSIS OF MUNICIPAL GOVERNMENT ETHICS AND ANTI-CORRUPTION PROGRAMS IN THE UNITED STATES

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### ABSTRACT

The *Blind Men and the Elephant* is an ancient Hindu fable that illustrates the tendency for a person to think that he has grasped the whole of a situation when, in fact, only a part of it is understood. This will be shown to be the case with government ethics programs based on a study of twelve municipalities of varying populations in the United States. It is a global concern that, as a result of inefficient, wasteful and corrupt dissipation of limited resources, services are diminished and the public trust lowered. This article explores various models for anti-corruption and ethics programs that have evolved in the U.S. and suggests avenues for research that could benefit municipalities in the challenging task of implementing reforms.

**Key Words** ethics management, code of ethics, ethics training, government ethics

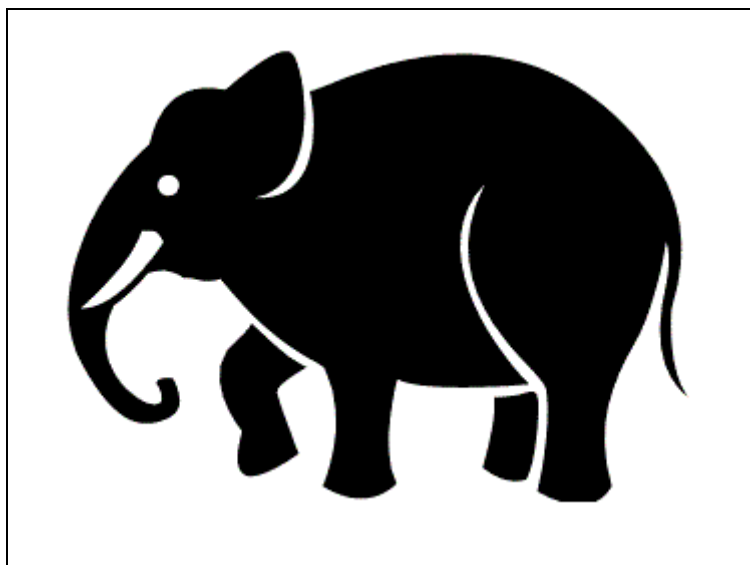


Figure 1

## **1.0 The Blind Men and the Elephant: A Hindu Fable**

The fable of the Blind Men and the Elephant became well known with the poem of John Godfrey Saxe in 1873. The story has many versions in cultures across the world. Essentially, the story is about blind men who touch different parts of an elephant to find out what it is about; they each think they know the whole, when, in fact, they have only experienced part of it. One feels the elephant's tail and thinks an elephant is a rope; one feels the tusk and thinks an elephant is like a spear, and so on.

*It was six men of Hindustan to learning much inclined,  
Who went to see the Elephant (though all of them were blind),  
That each by observation might satisfy his mind.*

...

*So oft in theologic wars, the disputants, I ween,  
Rail on in utter ignorance of what each other mean,  
And prate about an Elephant not one of them has seen.*

The fable underscores the need to have the “whole picture” of an activity to ensure success in the endeavor.

As noted by Menzel (2005), scholarly interest in the area of government ethics has increased significantly in the last several years. There has also been a corresponding increase in practitioners, mainly attorneys, implementing and expanding government ethics programs in the United States. It is the author's experience in working with government ethics programs across the United States, that practitioners are implementing ethics programs with the same handicap as in this fable—programs are created piecemeal, usually during, or right after, a crisis involving political corruption, without an analysis of the “whole picture” of what needs to be done to create an effective program. At best, this could be a result of limited budgetary resources; at worst, an effort to calm the public with ethics reforms that are illusory.

This article explores the following areas: 1. Definitional Challenges; 2. Elements of ethics programs found across the United States; 3. Illustrative examples of the ethics programs from 12 U.S. cities; and 4. Recommendations for future research, which are interwoven into the discussion.

## **2.0 Definitional Challenges**

In order to develop a code of ethics for the American Society for Public Administration, Van Wart (2003) elaborated on the definitions for “ethics”, “morals”, “legality”, “codes

of ethics”, and “codes of conduct”.<sup>1</sup> It is the author’s experience from training sessions conducted with thousands of public officials and employees, that they are confused about basic concepts and words routinely used in ethics programs. For example, most cannot clearly distinguish between the concepts of law and ethics. An elected official who discusses an “ethics program” may understand this to mean that there should be more laws to govern certain behavior, whereas a Human Resources specialist will think this means a program to teach ethical decision-making. Employees, on the other hand, often become resentful that they have to participate in an ethics program because they believe that “ethics” is a matter to be dealt with by their families and/or church. Elected officials will also discuss how an action fits within the law as the sole inquiry as to the appropriateness of their behavior, eliminating the analysis of how the action impacts public trust.

Mark Davies, the Executive Director of the New York City Conflict of Interest Board, in distinguishing “conflict of interest laws” and “ethics”, states:

*“In most countries, though not in all, a conflicts of interest system does not regulate morality. Often conflicts of interest laws are referred to as ethics laws, but that is a misnomer. In most countries, so-called ethics regulations are not really about ethics at all, in the sense of right and wrong, good and evil, moral and immoral. Rather, as noted above, they are about the reality and perception of divided loyalty, of conflicts, primarily financial conflicts, between one’s private interests and public duties. It may be “unethical,” for example, for an education minister to spend 50,000 dollars for a new bathroom for his office when many students do not even have textbooks, but that is not a conflict of interest and would not violate most government conflicts of interest regulations, nor should it.”*

As a result of this reasoning, the “Ethics” body in New York City is specifically called the “The Conflicts of Interest Board” to avoid confusion between the two concepts.

Research and clarification on basic terms utilized in the field of government ethics is vital to other research, which must be built on agreed upon definitions. Some of the terms that need to be clarified in the context of government ethics are: ethics, conflicts, corruption, law, codes of conduct, ethics codes, and ethics commissions.

### **3.0 ELEMENTS OF ETHICS PROGRAMS**

Municipalities adopt combinations of the following elements in structuring an “ethics program”. If a municipality states that it has an “ethics program,” it can mean one or more of the below elements, illustrated in our fabled elephant.

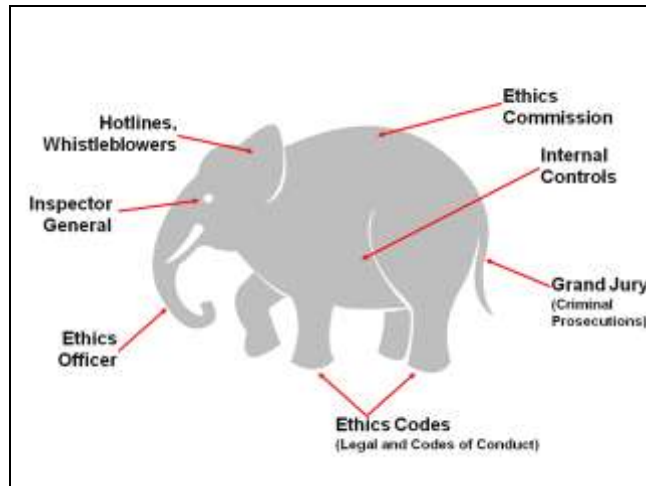


Figure 2

### 3.1 Ethics Codes.

Numerous cities across the U.S. have implemented ethics codes. This is often accomplished by copying other city’s codes in the same state (see Tampa, Florida Code<sup>ii</sup>) or by web research. The website for City Ethics has a model code that can be utilized by cities in this task: [www.cityethics.org](http://www.cityethics.org) “Model Code”<sup>iii</sup>. The author’s review of codes shows either a rule-oriented model with enforceable conflict of interest provisions, a values-oriented aspirational code of conduct, or a combination of the two.

As stated by Van Wart (2003), “the blurring of the systems of ideals, norms, and actions is inevitable”. He notes that codes become scrambled with provisions on self-dealing (conflict of interest, nepotism, gifts and use of public resources), with privacy provisions, whistleblower laws, and financial regulations. Some codes are purely aspirational with no clear guidance on behavior or penalties for violations. Swain and Duke (2001) argue for a “low-road” approach to ethics regulations, limiting rules solely to conflicts of interest and avoiding a values-based approach stating:

*“A high-road approach is not possible because of the number and kind of participants in public policy; simply put, if they were pursuing a philosophic life, they would not be engaged in public policy, and public policy participants cannot be required to learn to be ethical in any higher fashion.”*

As a practitioner, the author would advocate the exploration and development of a combination approach, models described by Menzel (2007) and Lewis (2005) in the “fusion model”. The City Ethics Model Code takes this approach.

**3.2 Ethics/Integrity Officers.** One of the first cities in the U.S. to establish the position of an Integrity Officer was Philadelphia, a position that is internal and answers directly to the Mayor. Recently, the city’s Integrity Officer launched a new Integrity website.<sup>iv</sup> Following the example of Philadelphia, Jacksonville, Florida passed a law in 1999 requiring the Mayor to appoint an Ethics Officer who would be responsible for all ethics activities for the city, including training, compliance and coordination of a “departmental

ethics officer” system in every department of the city.<sup>v</sup> Other cities that currently have Ethics/Integrity Officers include Miami-Dade, Florida, Tampa, Florida, Atlanta, Georgia, Detroit, Michigan, Austin, Texas, San Antonio, Texas and many others. These positions are generally considered to be preventative in nature, with an emphasis on education and advice. Some Ethics Officers, such as the one in Atlanta, Georgia,<sup>vi</sup> are appointed by independent Ethics Boards and have enforcement duties as well. It would be most useful to those in the field if there was research outlining the differences in these programs, with an emphasis on how outputs differ based upon the independence and roles of the Ethics Officer position.

**3.3 Inspector General.** Some ethics offices work with Inspector General Offices, as in Miami-Dade and Jacksonville, Florida. The Inspector General Offices investigate and coordinate cases that may violate criminal statutes, overlapping in jurisdiction with an Ethics Commission or Board that would consider the same act with a view towards non-criminal ethics code violations. As to the duties of this office, the Miami-Dade Inspector General mission statement is “to detect, investigate, and, where possible, prevent fraud, waste, mismanagement and abuse of power in County projects, programs or contracts. Above all, the principal objective is to promote ethics, honesty and efficiency in government, and to restore and promote the public’s trust in government.”<sup>vii</sup>

There are instances where one action by a public official can initiate action by the Inspector General (for fraud and abuse of power), the Ethics Commission (for conflict of interest violations) and a prosecutor’s office (for criminal violations). If the above Miami Inspector General mission statement reflects an interest in promoting ethics and restoring public trust, how does it differ from the objectives of an ethics commission? There is blurring in the mission and the functions of these two offices, experienced directly by the author, which calls for more detailed research as to the functions and outcomes of existing offices in order to determine the most effective model and the most likely areas of duplication and areas where coordination is desirable.

**3.4 Hotlines and Whistleblower Protection.** Corporate America, post- Enron crisis, now operates under federal laws and guidelines requiring the utilization of hotlines and protection for whistleblowers. (See the federal law of ‘Sarbanes Oxley’<sup>viii</sup> and the ‘Federal Sentencing Guidelines’<sup>ix</sup>.) Municipalities historically have implemented fraud alert phone lines in city auditor offices, but some Ethics Offices now have confidential Ethics Hotlines for the reporting of conflict of interest cases and political corruption. Some of these are outsourced to companies that also handle corporate hotlines and some are handled internally by staff of the municipality. An interesting challenge that could be studied further is the problem of implementing hotlines, including an inquiry as to how to do this in states that require disclosure of the hotline documents under public record laws.

**3.5 Ethics Commissions and Boards.** There are hundreds of Ethics Boards and Commissions across the U.S. They typically are volunteer citizen boards that may or may not have any budget or staff. For example, the city of Jacksonville, Florida’s Ethics Commission has a zero budget, but can rely on assigned staff from General Counsel’s office and the Ethics Officer to assist in accomplishing its duties. Miami-Dade’s Ethics

Commission is funded with a budget of \$2.2 million and has 17 staff.<sup>x)</sup> Commissions are set up to provide ethics advice and hear complaints of violations of local ethics codes and have widely divergent duties and enforcement mechanisms. Cities that have Ethics Commissions range from the city of Tybee Island, Georgia<sup>xi</sup>, population 3893, to the Los Angeles Ethics Commission, population 9,862,049. Menzel (1996) studied a state Ethics Commission (Florida) by interviewing those who had filed complaints and those who were the objects of complaints. Significantly, he found that “the ethics complaint-making process in Florida may be widening rather than closing the trust deficit.” An analysis of the stated and actual activities of municipal Ethics Commissions and an evaluation of outcomes would be most useful in developing model structures for these entities and for exploring their usefulness in increasing public confidence in government. This research could parallel the research emerging for state ethics commissions as described by Bradbury (2007).

**3.6 Internal Controls.** Programs for anti-corruption efforts, ethics and avoidance of conflicts of interest can also be tucked away into various other departments in municipalities. They can show up in a city auditor’s office and reflect an accounting viewpoint; or a Human Resources department which tend to take a values-based ethics approach. Ethics provisions (conflicts of interest, gifts, and nepotism) can be found in civil service and employee manuals and can be administered by the Human Resources departments. Many times, the entire ethics program is administered by the Legal Office of the city.

Whenever there is a codification of ethics and conflict laws, it flows from the legal department. It does appear from initial research that larger cities tend to have dedicated ethics departments and do not rely upon other internal departments to develop and implement their ethics programs. Research on categorizing the variations that exist would be most helpful; in fact, with local budgetary constraints, using a combination of existing resources to achieve the same goals would be most efficient if it could retain its effectiveness and independence.

**3.7 Grand Jury/Prosecution.** If a municipality fails to implement a structure to handle essential advice, educational and monitoring controls for the development of ethical cultures and the avoidance of corruption, the end result could be that questionable actions flow to the local prosecutors to look at as potential criminal cases. If they don’t meet the evidentiary standards to be charged as crimes, then acts go “unpunished”, and can decrease the public trust. The establishment of an ethics system that can issue minor fines and letters of reprimand can be useful in resolving issues and establishing closure for citizens. An analysis of cases and outcomes of local ethics commissions and opinions from citizens as to the effectiveness of the outcomes (contrasted with outcomes in criminal cases) would help to shed light on how to develop public trust.

#### **4.0 ETHICS PROGRAMS OF TWELVE U.S. MUNICIPALITIES**

In studying the Pennsylvania State Ethics Commission, Bradbury (2007) described state commissions as the “street level enforcers of ethics”. Actually, the municipalities, rather than states, are closer to the “street level” in formulating ethics programs and enforcement mechanisms. And if Bradbury concludes that the 50 state commissions have numerous differences in structure and enforcement, one can only imagine the myriad forms that thousands of municipalities have adopted to implement their ethics programs.

In order to examine a wide cross section of cities in the U.S. for types of ethics programs, the 200 top cities by population were sorted into 4 quadrants. Initially, three cities in each quadrant were selected to analyze ethics program components and training needs. The Director of each of the programs was personally interviewed by the author. Numerous aspects of these cities’ ethics programs were studied and tabulated, and additional reports will be issued in the future. The initial inquiry was to see what type of structure (what parts of the “Ethics Elephant”) had been implemented in that municipality as to ethics and to ascertain their training needs.

#### **4.1 Quadrant A (Cities by population, group 1-50)**

##### **1. New York, N.Y.<sup>xii</sup>**

Population: 8,391,881 (Rank: 1/200 cities)

New York has implemented one of the most sophisticated ethics programs in the United States. In fact, with the number of municipal employees over 300,000 in 70 agencies, New York City Government is larger than the entire government of many countries. The ethics program, under the name of the “Conflicts of Interest” board, is a separate city division with a staff of 20 and a budget of \$1,882,779 (FY 2009). Their activities cover enforcement of the city conflict of interest codes, ethics advice, monitoring the city’s financial disclosure system, and training, which includes publications and newsletters, as well as the creation of computer game shows and puppet shows. The first Ethics Advisory Board in New York was legislated in 1959 and now, the city has in place all the elements of an ethics program, including a dedicated ethics staff, an Inspector General, a helpline, and internal controls. They train on not only the legal codes, but on values based ethics concepts.

The top 3 areas of concern for training are as follows: 1. misuse of city resources; 2. misuse of one’s city office and 3. inappropriate superior/subordinate relationships.

##### **2. Los Angeles, California<sup>xiii</sup>**

Population: 3,833,995 (Rank: 2/200 cities)

Citizens in Los Angeles voted in an Ethics Commission in 1990. The local laws supplement California state law and have more restrictive provisions on use of city resources for private gain, gifts, outside income and post-employment lobbying. The office regulates lobbying and campaign finance and conducts audits on political candidates. It has a budget of \$2.3 million. It also has an extensive educational program coordinated with the City Attorney. The Ethics Commission has a whistleblower program and hotline, which was also mandated directly by the voters. The L.A. program focuses on the law and does not train on values based ethics, a contrast to New York City. Also, the Commission is prohibited from giving advice on ethics matters and must refer questions to the City Attorney’s office. Los Angeles has adopted an agency ethics liaison system, much like Jacksonville, Florida and has a separate webpage for these agency ethics representatives.<sup>xiv</sup>

The top 3 areas of concern for training are as follows: 1. gift regulations; 2. travel restrictions and 3. post-employment restrictions.

##### **3. Chicago, Illinois<sup>xv</sup>**

Population: 2,853,114 (Rank 3/200 cities)

This Board has been in operation since 1985 and in 2009, conducted mandatory ethics training for 35,776 employees and officials. This training is done online for 90% of the employees and there is live training for 10%. The Board has 7 employees and a budget in 2009 of \$605,942. In 2009, the Board became one of the first jurisdictions in North America to require training in ethics for lobbyists. The staff provides ethics advice, monitors campaign contributions and investigates complaints for the Board



members. There is a separate Office of Compliance<sup>xvi</sup> that handles incoming hotline calls on illegal or unethical activities and an Office of an Inspector General.<sup>xvii</sup>

The top 3 areas of concern in Chicago for training are as follows: 1. conflicts of interest; 2. outside economic interests, and 3. nepotism.

It can be seen that the largest cities in the United States have evolved intricate, expensive, structures for the administration of ethics programs. The key question is how this impacts on the ethical culture of the government and, ultimately, the public trust.

#### **4.2 Quadrant B (Cities by population, group 51-100)**

##### **4. Wichita, Kansas**

Population: 476,026 (Rank: 51/200 cities)

The city does not have a dedicated Ethics Commission or Ethics office. Wichita does have a Code of Ethics, but ethics issues are considered personnel matters and are handled by the Human Resources Director, who serves as the Ethics Officer. All ethics policies are contained in the civil service rules for employees. Employees and officials are also regulated by the State Ethics Commission with laws on campaign finance and conflicts of interest. Each department of the city has an “Ethics Liaison” that works with the Human Resources department in training and handling of ethics complaints. The city does not have an Inspector General or a Hotline.

The top 3 training needs are as follows: 1. state laws on filing disclosures; 2. conflicts in areas where elected officials have substantial financial interests; and 3. understanding of fiduciary duties; being impartial in deciding issues.

##### **5. Tampa, Florida**

Population: 340,882 (Rank: 53/200 cities)

Tampa has an ethics code as of 2004 that was pulled from several Florida cities, most notably, Jacksonville, Florida. The Human Resource Department handles the ethics program and has designated one person as the “Ethics Officer”. It is noted in the Tampa code that other city departments have duties to enforce the ethics code, including the Purchasing Department, the City Clerk and the Legal Department. Since the code passed in 2004, up until 2010, there have been 6 complaints to the Ethics Commission and the Commission rarely meets because of the lack of complaints. There is no Hotline and anonymous calls to the office are not accepted. As a contrast, Jacksonville, Florida has essentially the same provisions in its Ethics Code but has implemented a confidential Hotline. The Jacksonville Ethics Office has received over 300 Hotline calls to its Ethics Office in the last 2 years. There are regular meetings of the Commission in Jacksonville and various code changes proposed to strengthen ethics laws. Exploring the difference between the developments of these two programs would be of interest.

The top 3 areas for training noted in Tampa are: 1. Sunshine law of Florida (public meetings and public records); 2. gift regulations and 3. lobbying requirements.

## **6. New Orleans, Louisiana<sup>xviii</sup>**

Population: 311,853 (Rank: 59/200 cities)

New Orleans implemented its ethics code in 2007 and hired an Inspector General; this office handles an anonymous hotline for the reporting of violations. In 2009, the first Ethics Counsel for the newly formed Ethics Review Board was hired. Training is done by the State Ethics Commission, not the local Board. The history of the ethics structure is interesting. This is an excerpt from the program's website (emphasis added by the author):

*“In 1996, citizens of New Orleans voted to amend the Home Rule Charter to mandate the Council to establish by ordinance an Ethics Review Board. Under that ordinance the Board is empowered to issue advisory opinions, promulgate rules regarding interpretation and enforcement of the Code of Ethics, retain counsel and impose fines. ...The selection of board members occurred in December 2006 at which time the members met to begin their initial task of educating themselves on their new role. ...The inspector general search began in March 2007 and a final selection was made in June 2007. In the subsequent months, the inspector general and the Ethics Review Board worked to secure an adequate joint budget appropriation for the Office of Inspector General and the Ethics Review Board in the amount of \$3.4 million.”*

It should be noted that Hurricane Katrina flooded New Orleans in August of 2005. This had a devastating impact on the local economy and infrastructure. What effect did this disaster have, and the resulting influx of federal money, on the acceleration of the ethics program?

The main areas of interest for training in New Orleans are: 1. gift laws of the state; 2. contract and financial relationships of employees and officials; and 3. nepotism issues.

It is interesting to note the difference in the Ethics Program of the three cities in this quadrant; two of the cities handle their ethics programs internally with Human Resources personnel and the third city has an independent Ethics Review Board, independent Inspector General and a budget in excess of 3 million dollars. It would be of interest to research why and when the changes occurred in New Orleans; why it took ten years to implement; and what role citizens had in this process. A long term study of this program could analyze its past history, watch for how it develops, its accomplishments and citizen opinions. Could it be that there has to be a major corruption incident, or a disaster, to provoke taxpayers into the creation of an independent Board with high amounts of funding? Is there any city that has created a Board like New Orleans in the absence of rampant corruption—purely as a preventative activity?

### 4.3 Quadrant C (Cities by population, group 101-149)

#### 7. Boise, Idaho<sup>xix</sup>

Population: 205,314 (Rank: 100/200 cities)

Boise created an Ethics Commission in 2005 that works with the city's Legal and Human Resource Departments. This Commission was the first in the State of Idaho. Ethics training is conducted and advisory opinions issued to employees, officials and the public. Interestingly, there is no state ethics commission in Idaho and so the conflict of interest laws are local only. The city does have an anonymous Ethics Hotline that has been outsourced to a professional hotline company. Although training is not required by the city's code, constant training sessions are offered for all employees. The training is on law and values with exercises in ethical decision making. Creating an ethical culture was emphasized in the interview as a goal of the program, and the newly elected Mayor was credited for pushing the implementation of the new ethics code and for revitalizing the ethics program.

The three top topics for training are as follows: 1. transparency and appearance issues; 2. abuse of position; and 3. misuse of city property.

#### 8. Montgomery, Alabama

Population: 202,696 (Rank 103/200 cities)

The state of Alabama implemented an ethics code in 1995; training is done by the State Ethics Commission for the municipalities.<sup>xx</sup> At the local level, the Finance Department (city auditor) is charged with coordinating the ethics efforts implemented by the Mayor in 2008. There is no training at the local level but new employees are given copies of the city ethics policy, fiscal policies and the state law on conflicts of interest. There is no official hotline for the city. In reviewing the State's ethics training, one can observe the "attorney lecturing on the law" model. Recently, the state implemented online training. Training is done by the State Ethics Commission, so there wasn't a local list of topics needed for training.

#### 9. Yonkers, New York

Population: 201,588 (Rank: 106/200 cities)

Yonkers has had a local ethics code since 1990 but this was superseded by a citizen Charter Amendment in 2005 that created an Ethics Board that is coordinated by the Legal Department. New York state law mandates that there be local codes of ethics for all cities except New York City. As to training, employees are asked to read the local ethics code and acknowledge in writing that they understand it. There is an Inspector General for the city who handles a confidential, but not anonymous, hotline. The Inspector General's website contains a publication on the history and activities of the office.<sup>xxi</sup> It is significant that the IG issues "ethics" opinions<sup>xxii</sup> and issues plain English guidelines of the law for training purposes.

In this quadrant, it can be observed that one city has focused on the creation of an ethical culture, advocated from the "top down" by the Mayor; one city relies upon a

state system with a heavy legal emphasis and the third has the Inspector General acting in many respects as an Ethics Officer.

#### **4.4 Quadrant D (Cities by population, group 150-200)**

##### **10. Sioux Falls, South Dakota**

Population: 154,997 (Rank: 150/200 cities)

The local ethics law for Sioux Falls was created in the Charter in 1995. There is no state Ethics Commission in South Dakota, so the local laws are the only ones that apply to officials and employees. The Ethics Commission in Sioux Falls only has an advisory function and no enforcement duties. The system for handling ethics complaints against City Council members is different from that for handling complaints against employees. The Ethics Board meets as needed and is coordinated by the General Counsel's office. The city does not have an Inspector General but does have a hotline for the filing of complaints. Although ethics training is not required, the General Counsel conducts training on the ethics laws every other year using examples of real situations employees might encounter in their jobs.

The top topics for training are as follows: 1. conflicts of interest and 2. gift and entertainment issues.

##### **11. Port St. Lucie, Florida**

Population: 154,353 (Rank: 151/200 cities)

Florida cities are governed by state law administered by the Florida Ethics Commission. There is no local ethics program in Port St. Lucie, but the General Counsel's office has recently been asked to look into creating one by a City Council member. No training is required by the state of Florida; at the local level in Port St. Lucie, City Council members and Board members are initially trained in state law by General Counsel's office. There is no ethics training of employees.

The top topics for ethics training are as follows: 1. Sunshine law (open records and meetings); 2. gifts from vendors; and 3. the difference between ethics and criminal violations.

##### **12. Corona, California**

Population: 124,966 (Rank: 157/200 cities)

Corona is an example of an ethics program administered by a City Clerk's office. There are extensive state ethics laws in California administered by the Fair Political Practices Commission<sup>xxiii</sup> which require ethics training at the local level. If legal questions come up, they are outsourced to local legal counsel. The local ethics law was implemented in 2007 and covers conflicts of interest and aspirational values. There is an anonymous hotline for employees to report violations.

The top 3 areas for training are listed as 1. conflict of interest; 2. fraud; and 3. the Brown Act (public records/meetings).

It can be seen in this quadrant that in two of the three cities, the State law and Commission have a significant role to play in the local ethics programs. The third city, Boise, Idaho, had no guidance or input from state law. Sometimes ethics training is required by the state; sometimes it is required locally and most often it is put together by the local General Counsel's office and is heavily based on conflicts of interest laws.

## **5.0 Conclusion**

Ethics programs are emerging throughout the United States. Some are tightly controlled by existing state law, while other cities create unique programs. Cities of essentially the same size can have extremely divergent approaches in their ethics structures. Ethics programs are mainly dependent on lawyers and offices of General Counsels, and training places a heavy emphasis on the study of conflict of interest laws.

There is a strong need for interaction between academic inquiry and practitioner implementation. Such interaction could provide solutions for the vital function of ethics in public administration. Practitioners need the input and research of the academic community to develop a unified description of essential ethics program components, a way to measure success of those programs and definitions for the terms utilized. Models must be examined for the appropriateness of certain provisions to the size of the city. What works in a large metropolitan city like New York may not be necessary or affordable in a smaller municipality. Additionally, the argument must be made and supported that effective ethics programs, tailored to the needs of the community, enhance public trust, and programs that are poorly defined and implemented are a disservice to the public. Practitioners are eagerly awaiting information that will help them create ethics programs that are not just for show, but actually change the ethical climate of their institutions.

## ***ABOUT THE AUTHOR***

Carla Miller received her Juris Doctorate from the University of Florida and is a former Federal Prosecutor for white collar crime cases in the Middle District of Florida. She is a Senior Fellow of Government Ethics for the University of North Florida's Blue Cross Blue Shield Ethics Center. She has chaired the Jacksonville, Florida municipal ethics commission and implemented a new ethics code for the city. She has served as the initial Ethics Officer for the consolidated city-county of Jacksonville, Florida, and in this position has trained thousands of city employees in ethics and implemented an ethics hotline. She has been an officer of COGEL (Council on Governmental Ethics Laws for the United States) and is the Founder and President of a national ethics center for municipalities ([www.cityethics.org](http://www.cityethics.org)). Her research focuses on municipal ethics.

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<sup>i</sup> Definitions: **Ethics:** “Ethics is derived from the Greek term *ethos*, which refers to character and conduct. Ethics is generally defined as the study of moral judgment and the practice of high standards of conduct, but it is important to note that the term implied that this was based on ideals and abstract principles. It also implies analysis, and its strongest roots lie in philosophy.”

**Morals:** “Derived from the Latin term *moralis* which refers to manners or customs; making or being capable of making, distinctions between right and wrong conduct at the individual level.”

**Legality:** “derived from the Greek term, *legein*, which means to collect, and the Old English term *lag*, which refers to something laid down and settled.” It has an emphasis on authority and preciseness, its strongest roots are with politics/rule-making and jurisprudence.

**Codes of Ethics:** “generally articulates aspirational principles, such as forthrightness.”

**Codes of Conduct:** “generally asserts aspiration values or sets minimum expectation values.”

<sup>ii</sup> [http://www.tampagov.net/dept\\_human\\_resources/files/City\\_of\\_Tampa\\_Ethics\\_Code.pdf](http://www.tampagov.net/dept_human_resources/files/City_of_Tampa_Ethics_Code.pdf) Accessed August 13, 2010.

<sup>iii</sup> <http://www.cityethics.org/content/model-code-introduction> Accessed August 13, 2010.

<sup>iv</sup> <http://www.phila.gov/integrityworks/index.html> Accessed August 13, 2010.

<sup>v</sup> Section 602.1101-1104, Jacksonville Ethics Code.

<http://www.coj.net/Departments/Ethics+Office/Ethics+Code+.htm> Accessed August 13, 2010.

<sup>vi</sup> [http://www.atlantaga.gov/government/boards/boardofethics\\_about.aspx](http://www.atlantaga.gov/government/boards/boardofethics_about.aspx) Accessed August 13, 2010.

<sup>vii</sup> <http://www.miamidadeig.org/> Accessed August 13, 2010.

<sup>viii</sup> The Sarbanes–Oxley Act ([Public Law 107-204](#), enacted July 30, 2002 and known as the 'Public Company Accounting Reform and Investor Protection Act' set standards for all U.S. public companies and accounting firms. There are penalties for interfering with whistleblowers-- [18 U.S.C. § 1513\(e\)](#).

<sup>ix</sup> <http://www.ussc.gov/orgguide.htm> Accessed August 13, 2010. Section 8B2.1, Guide to Effective Compliance and Ethics Programs requires an organization under section 5C: “to have and publicize a system, which may include mechanisms that allow for anonymity or confidentiality, whereby the organization’s employees and agents may report or seek guidance regarding potential or actual criminal conduct without fear of retaliation.”

<sup>x</sup> <http://www.miamidadeethics.com/Publications/annual2009.pdf> Accessed August 13, 2010.

<sup>xi</sup> <http://www.cityoftybee.org/EthicsCommission.aspx> Accessed August 13, 2010.

<sup>xii</sup> <http://www.nyc.gov/html/conflicts/html/home/home.shtml> Accessed August 13, 2010.

<sup>xiii</sup> <http://ethics.lacity.org/govethics/> Accessed August 13, 2010.

<sup>xiv</sup> <http://ethics.lacity.org/infofor/ethicsliaisons/index.cfm/> Accessed August 13, 2010.

<sup>xv</sup> <http://www.cityofchicago.org/city/en/depts/ethics.html> Accessed August 13, 2010.

<sup>xvi</sup> <http://www.cityofchicago.org/city/en/depts/comp.html> Accessed August 13, 2010.

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<sup>xviii</sup> <http://nolaethics.org/main/inside.php?page=mission> Accessed August 13, 2010.

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<sup>xix</sup> <http://www.cityofboise.org/CityGovernment/EthicsCommission/> Accessed August 13, 2010.

<sup>xx</sup> <http://www.cullmancity.org/FINAL%20Alabama%20Ethics%20Handbook.pdf> Accessed August 13, 2010.

<sup>xxi</sup> <http://www.yonkersny.gov/Index.aspx?page=97> Accessed August 13, 2010.

<sup>xxii</sup> See 2006 opinion on a conflict of interest matter involving “Ridge Hill litigation”.  
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