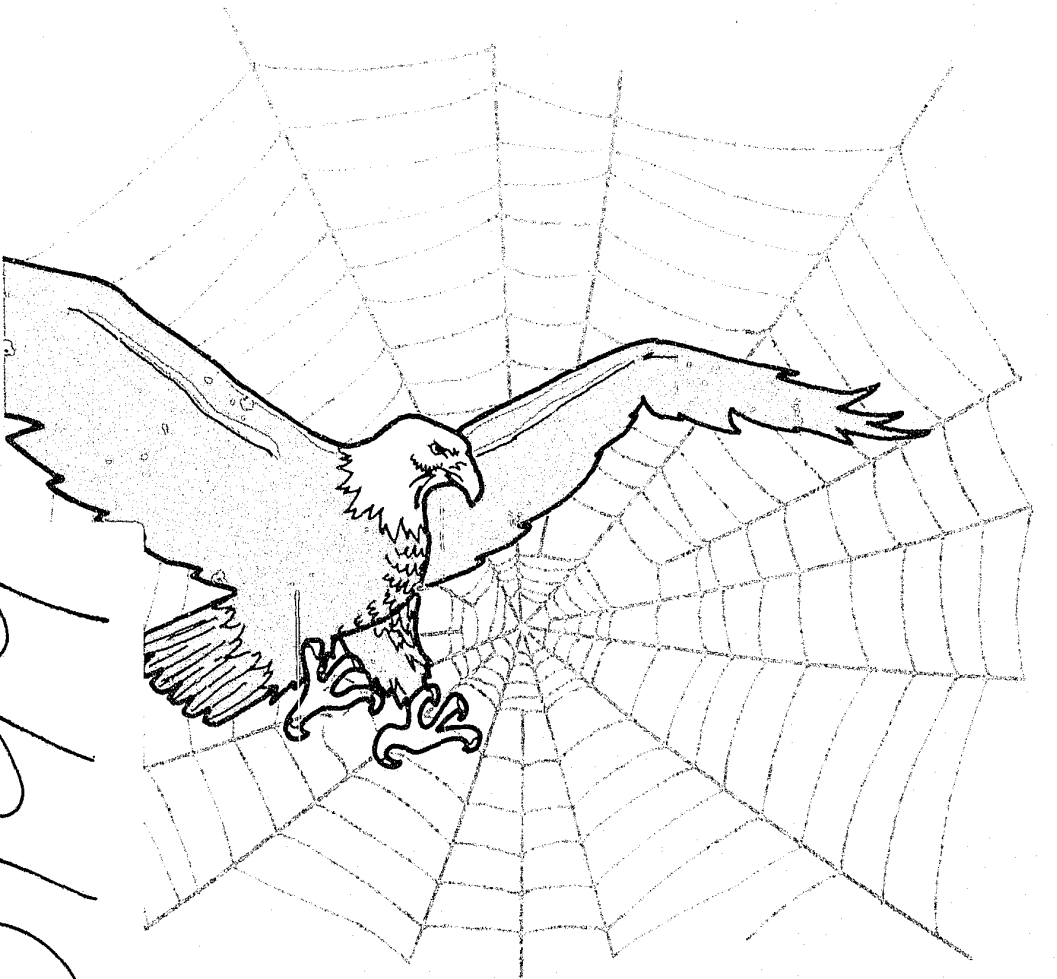
PROGRAM MODELS

PREVENTION, DETECTION, AND CORRECTION OF CORRUPTION IN LOCAL GOVERNMENT

A PRESENTATION OF POTENTIAL MODELS



Office of Development, Testing and Dissemination
National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
U.S. Department of Justice

Program Models are a synthesis of research and evaluation findings, operational experience, and expert opinion in a criminal justice topic area. Each report presents a series of programmatic options and analyzes the advantages and disadvantages of each. The intent is to provide criminal justice administrators with the capability to make informed choices in planning, implementing, and improving efforts in a program area. The Models may also serve as the basis for LEAA testing and demonstration efforts.

James M. H. Gregg
Acting Administrator,
Law Enforcement Assistance Administration

Blair G. Ewing
Acting Director, National Institute of Law Enforcement and Criminal Justice

PREVENTION, DETECTION, AND CORRECTION OF CORRUPTION IN LOCAL GOVERNMENT

A Presentation of Potential Models

November 1978

Prepared by:

Theodore R. Lyman
Thomas W. Fletcher
John A. Gardiner

Prepared under Purchase Order No. 8-0494-J-LEAA for the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice by SRI International. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Cover design by Lorraine Giroux

U.S. Department of Justice
Law Enforcement Assistance Administration
Office of Development, Testing and Dissemination
Model Program Development Division
Washington, D.C.

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

Stock Number 027-000-00736-8

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We'd like to know what you think of this Program Models. The last page of this publication is a questionnaire. Will you take a few moments to complete it? The postage is prepaid. Your answers will help us provide you with more useful Program Models.

PREFACE

Corruption by elected officials and public employees can be a major source of public dissatisfaction with local government. When officials take money from individuals or firms doing business with or regulated by the city, the costs of government rise, regulations go unenforced, and public health or safety may be endangered. Finally, corruption destroys the accountability of employees to their supervisors and of officials to the citizens they represent.

Official corruption can be as simple as a $10 payment to avoid a speeding ticket or to "expedite" a building permit, or it can be as complex as schemes to defraud welfare programs and tolerate organized crime. Corruption may involve a single "rotten apple" or an entire department or city council, a single payoff or an ongoing protection network. It can arise in virtually any program or activity conducted by local government.

Despite this multifaceted quality of local official corruption, many simple and inexpensive steps can be taken to prevent corruption or to reduce its impact when it occurs. Simple diagnostic procedures will identify the areas where corruption is most likely to occur or where it may already be taking place. Ordinances and codes can clarify expectations of official integrity and reduce potential conflicts of interest. Systematic management procedures can increase the ability of supervisors' to monitor the activities of their employees and to investigate actual or potential problem areas. Finally, private organizations and individuals can monitor the performance of public agencies.

These program models are designed to summarize and analyze the experience of local governments in the United States in preventing and responding to problems of official corruption. As is true with other forms of illegal behavior, police, prosecutors, and other criminal justice agencies have an important role to play in combatting official corruption. We believe that an even greater role must be played by elected officials, managers, and the public, since the first line of defense against corruption must be effective prevention, detection, and control programs. As a result, this report focuses on the experiences of local government agencies and citizens' groups rather than on criminal justice strategies. While much remains to be done by way of detailed experimentation and evaluation of corruption control programs, we hope that this report will assist local officials and citizens to analyze their problems and develop useful and effective programs.

This document has been prepared as a capstone report to two and a half years of research in the area of corruption in local land use and building regulation. This previous work, performed under a grant (No. 76-NI-99-0087) from the National Institute for Law Enforcement and Criminal Justice (NILECJ), is documented in a series of books and reports published variously by NILECJ, SRI International, and Praeger Publishers, (see bibliography herein). The authors of this program model performed much of the work done under the earlier project and have accordingly drawn heavily on the findings from the original research. On reading this report, it will be noted that this work, itself, represents a methodology for the prevention, detection, and correction of corruption in local

government — the methodology underlying the preparation of this report is discussed in the document entitled *Corruption in Land Use and Building Regulation, Volume I, An Integrated Report of Conclusions.*

Note: All scenarios and examples in this handbook, unless given an actual geographic location, are made up. In all cases, the point being made is derived from an actual situation, but the incident that makes the point in these pages is fictional. Any resemblance to any real situation is coincidental.

The authors wish to acknowledge the invaluable assistance of Shirley Hentzell who provided the editing and writing assistance that has made this document one of which we are especially proud. Anthony F. Pascuito, our NILECJ Project Monitor, was equally helpful in guiding our work toward the goals of the Office of Development, Testing, and Dissemination.

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*Reprinted from the *Cincinnati Post* (January 12, 1974).

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I THE PROBLEM OF CORRUPTION IN LOCAL GOVERNMENT

A. Corruption Is Not Beyond Our Control

The program alternatives outlined in these pages rest on the conviction that corruption in local government is not inevitable: where it does not now exist, steps can be taken to make it highly unattractive; where it does exist, steps can be taken to detect and eliminate it, and to make a recurrence unlikely. Furthermore, it is the conviction of the authors that preventing, detecting, and eliminating corruption are worth the effort of designing, mounting, and carrying out an anticorruption program.

No city, county, or special district has to put up with corrupt acts like those shown in Table 1, and throughout this volume. In these days of intense attention focused on local government, no one should be surprised if citizens refuse any longer to support misuse of their tax monies, misuse of government power for private ends, or administrations that appear to condone either the one or the other.

B. Corruption Is a Widespread Problem

No one really knows how much corruption there is in local government; those who commit corrupt acts try to conceal them, and no agency keeps score. The public feels that there is quite a lot of corruption. In a 1973 survey by Louis Harris, 60% of the respondents nationwide said they felt local corruption was "very serious" or "somewhat serious." In a Roper poll the same year, 22% of those questioned felt that "most people" in government took payoffs in return for favors, and another 36% felt that at least "fairly many people" took payoffs.

In 1976 and 1977, researchers from SRI International examined corruption problems, searching through more than 250 newspapers for reports of corruption incidents from 1970 through 1976. The newspapers searched reported 372 incidents of corruption over the period 1970-1976. There is no way of telling how many more incidents would have been found if all 1,700 newspapers had been examined, nor is there any way of telling how many incidents occurred that were never reported. Certainly, however, newspapers pay more attention to the misdeeds of high officials than to those of petty bureaucrats, and are more likely to report big-ticket scandals than nickel-and-dime payoffs.

Corruption is not confined to one area of the country. Incidents were reported in 103 cities in all states but North Dakota, South Dakota, and Hawaii. The Northeast accounted for 97 cases, the North Central region for 130 cases, the South for 100 cases, and the West for 45.

Similarly, corruption is not confined to any one type of local government. Of the incidents reported, 56% arose in central cities; 31% involved county governments; and 14% concerned suburbs or independent cities. Thus, corruption can appear almost anywhere; no area of the country or type of government is immune.

C. The Cost of Corruption Is High

A U.S. Chamber of Commerce report estimates that annual payoffs for corrupt actions cost about $3 billion, and *U.S. News and World Report* estimates $5 billion. *The New York*

Table 1

VARIETIES OF CORRUPTION

Example A — Land-Use Bribe

"Nice hardware store you have here, Mr. Roe."

"Thanks, you in hardware?"

"No, I'm an attorney. I wanted to talk to you about the zoning for the Smithfield land."

"Not much point in talking, I'm afraid. Our voters figure the town's grown too fast and we just can't afford to approve any more new developments."

"Well, now, Mr. Roe, that's just why I wanted to talk to you. You're the mayor, and the council and the planning commission will listen to you. Sooner or later, you're going to accept a new development, and my client stands to make a lot of money if it happens this year; we have an option on the Smithfield property, and we'd hate to lose that money. Be worth quite a bit to my client to have that zoning changed."

(After extended negotiations, they agreed that $70,000 would be divided among commissioners and council members. Despite strong opposition from citizens' groups, the development was approved.)

Example B — Procurement System Payoff

The city needed 20 truckloads of crushed gravel for street repairs. The request for bids specified that only Lockport dolomite gravel could be used, although its performance characteristics were no better than those of several other types of stone. Only one quarry in the area produced Lockport dolomite gravel, and won the contract without contest even though its bid was high. The purchasing agent for the city received a share of the quarry profits.

Example C — Extortion in the Permit System

The architect had brought his blueprints to the Building Department office two weeks before. When he returned the first time, the plans inspector was sorry, but the blueprints seemed to have been mislaid — nothing to worry about, they were in the office somewhere. When he returned the following week, the inspector was very sorry, but he'd only had time to check out the plans for the first floor. The architect would just have to wait and they'd get to the plans as soon as they could.

The contractors were waiting to start work, so the architect called up a colleague to ask him what to do, and was told to hire an "expediter." He did, being very careful not to inquire what the expediter did with the $100 "expediting fee," and the permit was delivered the next day.

Example D — Compromising Law Enforcement

"What's the problem, officer?"

"This is a 45-mile zone; you were doing 55. Let me see your license."

"I'm sorry, officer — I guess I just didn't see the sign."

"You can do your explaining to the judge — your license, please."

"Look, officer, I'm on my way to the lake for a couple of weeks — could you pay the fine for me? Here's a twenty."

(The officer pocketed the $20 and wrote no ticket.)

Example E — Organized Crime

At the victory party for large campaign contributors the Friday night after the election, the new mayor was approached by the owner of a local bar and a friend of his who was

Table 1 (concluded)

described as having "business interests" in the city. The friend wanted to discuss the selection of a police chief, and made it clear that it would be worth a good deal of money to have a chief who wouldn't make difficulties about local gambling. The mayor realized that it was more than just card games at the local lodge hall when the friend made it clear how much the syndicate was prepared to pay.

The mayor agreed to let the syndicate name the police chief and the head of the vice squad. For the next three years (until all were indicted by a Federal strike force), the syndicate paid off the mayor at the rate of $500 per week and the police chief at $100 per week, and the gambling went on without interference.

Example F — Disorganized Crime

"Gimme a beer, Sam. Hiya, Mike — you get off early, or something? You didn't get fired from that city job, did you?"

"Nah — you can't get fired if you're a friend of my alderman. I'm just taking a long lunch hour — I've got fifty bucks riding on the game and I want to see every dollar of it all the way to the end. One of the guys is covering for me — we trade off."

"Well, I'm glad you didn't get fired. Hey, you told me one time you had a little cement mixer I could borrow."

"It isn't mine, exactly. I got it out in the truck, but you can't use it this weekend — I'm laying a patio for a neighbor of mine."

"Would you ask the guy you borrowed it from if I could use it next weekend?"

"Don't have to ask him. It's just sittin' there in Corporation Yard. Long as the truck has city plates on it, all you gotta do is drive in, load it up, load up a couple of sacks of cement, and then bring it back on Monday. Shoot, nobody minds — guys do it all the time. They don't even check are you from Public Works or anything."

"You mean you borrowed a city truck?"

"Sure. How else could I get the cement mixer home?"

Times estimated that bribes relating to the construction industry alone reach $25 million a year in New York City alone. This is more than just the ordinary cost of doing business. The cost of a building whose permit has been held up by a corrupt Building Department (Example C in Table 1) is increased by more than the cost of the bribe; it is increased by the cost of having the contractors wait, and by the cost of the extra interest paid on the contractors' loans.

Corruption such as a low assessment for property in return for a campaign contribution or a no-interest loan costs more than the bribe; it costs the local government the missing revenue, and costs the other taxpayers in the area the difference between what should have been and what was. The ultimate cost of even a small bribe is quite large (Table 2). Corruption that lowers fees to government (undercounting electrical outlets in a city that charges a set fee per outlet) costs the city money, and costs the taxpayers money. It has been said that if all corruption could be wiped out, we would have found the answer to inflation.

The cost of corruption is paid in more than money. In Example A (Table 1), the rezoning of Smithfield farm from agricultural to residential, the majority of the citizens had made it clear that they did not want more growth. A tiny minority — those who were

"in on it" took the government away from the majority. Because the new development added more school children than there was room for in the local school system, schools had to schedule double sessions. Because there was more sewage than the treatment plant could handle, raw sewage polluted the creek to an extent that was noticeable throughout town. Because a new sewage treatment plant had to be built, a special assessment was levied, and when some of the poorer residents could not pay it, they lost their homes. The result was a pervasive sense of injustice.

Table 2

THE COST OF A BRIBE

Example A — City purchasing agent specifies Lockport dolomite gravel, produced by one company, when it has no advantage.

Cost to city	= Excess cost of gravel + Loss of city credibility in letting contracts + Increased likelihood of future "rigged" contracts
Cost to supplier	= Amount of bribe + Likelihood that future contracts will require bribes + Uncertainty about size of future bribes + Possibility of prosecution
Cost to competitors	= Cost of future bribes they will have to pay to obtain city business
Cost to taxpayers	= Inflation in the cost of public works

Example B — Speeder pays patrolman $20 to forget violation.

Cost to city	= Loss of fine + Loss of city credibility in traffic enforcement + Damage to police credibility
Cost to driver	= Amount of future bribes + Increased likelihood that he will be solicited for bribes in situations other than speeding + Possibility of being prosecuted
Cost to other drivers	= Increased likelihood that they will be stopped in marginal situations in the hope that they will pay a bribe
Cost to taxpayer	= Tax burden of law enforcement costs increased by loss of revenue from fines + Loss of some control over traffic because size of bribe is so much less than insurance premium increase for speeding ticket it no longer acts as an incentive to drive within the limits

The injustice of corruption adds to the sense of alienation of the poor who have no bottle of scotch to convince the police to take a burglary complaint; no fifty-dollar-bill to convince the building inspector not to notice the rat holes, rat droppings, and boarded up fire door; no twenty to fold inside the driver's license for the patrolman. The cost of corruption — and the inability to estimate what those costs will be in the future — add to the incentive business has to leave a corrupt city when profit margins shrink. The fear that

the pusher can offer the police more to let him stay in business than the parent can offer to get him out adds to the desire of many families to abandon a corrupt city for a less corrupt — or not corrupt — suburb.

We expect elected officials and city/county employees to serve the public interest to the best of their ability. When officials or employees sell public contracts or immunity from laws, the public has effectively lost control over its government. The resentment over one incident — even though it may not reveal itself in the next election — reveals itself in increasing contempt for politicians and public servants, increased voter apathy, increased resistance to tax increases and law enforcement efforts, and a strong sense that "equal treatment under the law" is a sick joke.

D. The Anatomy of Corruption

Corruption has three main components that are controllable and one that is not. The three controllable ones are opportunity, incentive, and risk; the uncontrollable one is personal honesty. Many public servants over a long period of time have had the freely available opportunity to be corrupt, a large incentive to do so, and little risk of being found out if they did, but have refused because "it wouldn't be honest."

Although we cannot control individual honesty — or even measure it reliably in spite of the flood of psychological tests on the market — we can control the conditions under which public employees and public officials operate. It may be true that the corrupt individual is a "bad apple," but we can only know that after he has committed a corrupt act and has been found out. It seems much more intelligent to control those aspects we can control, rather than to leave it all to individual differences that can only be discovered after damage has been done.

Controlling the incentive is the most difficult. There will be situations in local government where a zoning change can bring a developer hundreds of thousands of extra dollars of profit, where a contract is being let for a multimillion-dollar sports arena and convention center, where crime syndicates stand to lose millions of dollars if the laws are strictly enforced against gambling, prostitution, narcotics, and bootlegging. There will be situations in local government where a small incentive exists, but the opportunity comes up several times in the course of a day, as for building inspections, health and sanitation inspections, or traffic violations.

Sometimes increasing the penalty is mistaken for increasing the risk that attends a corrupt act. But the penalty is only one portion of the risk — if the bribetaker never gets caught, the weight of the penalty has little effect. In fact, too extreme a penalty may discourage discovery of corruption; the penalty for stealing a handkerchief in 17th century London was death, with the result that there was a brisk trade in stolen handkerchiefs, because victims were reluctant to press charges when the result would be the hanging of a 12- or 13-year-old child.

E. How To Defeat Corruption

Corruption is most likely to occur where incentives outweigh risks, and where opportunities exist (Table 3). A program of prevention, detection, and control should begin with those aspects of local government where the incentives are large (or small incentives arise very frequently), and should be based on limiting the opportunities and increasing the risks. Programs that depend on personal honesty are defeated by those who

Table 3

SCENARIOS WITH DIFFERENT ELEMENTS

Great opportunity, large incentive, low risk

In a state where the true owners of real estate need not be a matter of public record, and in a city where aldermen routinely vote for each other's measures without much investigation, an alderman who was actually the true owner of some land managed to get it leased to the city for a large parking facility at a price that would have given him most of a quarter million dollars over several years. (The risk was actually higher than it appeared because the land transactions of the alderman were under investigation by a citizen watchdog group.)

Great opportunity, small incentive, low risk

The building code of a large city requires, but does not define, Z-bars to brace building walls during certain remodeling and demolition activities. Because there is no agreed-on definition of what a Z-bar is, a building inspector can claim that what the contractor is using as Z-bars is not adequate, and order the contractor to stop work. To prevent that from happening, contractors routinely pay off building inspectors.

Some opportunity, small incentive, high risk

Employees of a midwestern suburb that has avoided corruption turn in — unopened — Christmas gifts from local businessmen; the city manager then has the gift opened and returned to the sender by a policeman, who must get a receipt acknowledging the return. Failure to turn in such a gift could be grounds for dismissal.

Slight opportunity, large incentive, high risk

A city councilman has an opportunity to vote on a project in which he has a strong but indirect financial interest. If it passes, he stands to profit by nearly a hundred thousand dollars. However, the city has both a financial disclosure and a conflict of interest ordinance, and all council meetings are matters of public record, by law. He abstains from voting.

Great opportunity, small incentive, high risk

A highway patrolman stops a speeder who offers him a twenty along with the driver's license. But the patrolman is aware that there are a number of patrolmen — from another part of the state — driving unmarked cars and trying to trap bribe-taking patrolmen. He is also aware that his ticket pad is numbered, and that he must account for every voided ticket. He rejects the twenty indignantly.

believe that dirty money buys just as much as clean money. Programs that depend on preventing, detecting, and correcting corruption by controlling opportunity and risk can be tested by the dishonest, but are not likely to be severly damaged.

On the other hand, setting up a corruption-proof system that depends wholly on preventing corruption is like setting up an unbreakable code, an intrusion-proof computer, or an unbeatable burglar alarm. To incentive, it adds the element of challenge. Setting up a detection system and depending entirely on that — as has been done to some extent in New York City — results in a situation of institutional conflict and paranoia, and leaves the government and the citizenry still vulnerable.

No canned system, no "off the shelf" program can meet all needs. A large central city has different vulnerabilities from a swiftly growing outer suburb; a county doesn't have the same needs as a city.

The following pages allow you to build a program that fits the needs of your local government. From our work in studying the problem of corruption in local government, we have found that although corruption can surface in almost any setting to inflict major damage on a community, it can be (and is being) combatted successfully using relatively simple and straightforward techniques. If you really want to root corruption out of your local government, you can.

SUGGESTED READING

J. A. Gardiner and T. R. Lyman, *Decisions for Sale: Corruption and Reform in Local Land-Use and Building Regulation* (New York: Praeger, 1978).

BUILDING YOUR OWN ANTICORRUPTION PROGRAM

II DIAGNOSING CORRUPTION

A. Where To Start Looking

The most obvious starting place is where the incentive is greatest. In rapidly growing areas, zoning decisions and building regulation are likely to be the places where the most money is at stake. In older cities, very strong incentives may be created by the attempt to enforce laws that large groups of people prefer not to observe — laws on gambling, prostitution, narcotics, or liquor. In all large cities and urban counties, property tax assessments, contracts, and procurements will offer significant incentives for corruption.

The next place to look is where the individual incentive is smaller but the opportunities are frequent. In rapidly growing areas, building inspections at construction sites may be a likely target while in decaying central cities inspections of old buildings for code violations are more likely to present corruption incentives. Traffic code enforcement, sanitary code enforcement (as for restaurants), fire safety inspections, and processing of licenses and permits all offer only small incentives for corruption, but offer them daily.

Incentives are magnified in situations where action is not prompt; where offices have too few staff or too little supervision for efficient processing of the workload; where ambiguous, obsolete, inconsistent, or contradictory regulations remain on the books; and where employees of local government receive salaries or wages that are much below the level paid in private industry. Incentives are reduced where decisions are made promptly, processing is swift, and regulations are regularly reviewed and pruned back to only those whose enforcement is of serious concern.

Incentives by themselves do not necessarily result in corruption. The next place to look is where the opportunity is greatest; that is, where a decision is made by one or a very few people, where it need not be accounted for or explained, and where the outcome of the decision is not publicly visible. Opportunities for corruption are reduced where accountability for decisions is clear and where decisions are publicly visible.

Opportunities can produce corruption even in the absence of cash incentives. If there is no effective supervision of work crews, it may be much easier to stretch the work out as long as possible. If no one checks time cards, or checks whether or not an employee is indeed on the job, there may be no incentive not to stop down the block to watch the game on television and have a couple of beers. Similarly, if there is no effective monitoring of the use of government cars, or other government property, it may seem acceptable to use the government station wagon for the trip to the lake because it holds more, or to use government tools for private work.

Finally, corruption is most likely where the risk is least. The lowest possible risk exists in communities where there are no regulations intended to prevent corruption (Table 4), where ordinances forbidding it are not enforced, where even the most flagrant abuses result in little or no penalty, and where corruption is assumed to be the common way of doing business. Risks are minimized in communities where jobs are protected by patronage or by unwieldy civil service systems that allow for an almost infinite series of appeals, or where unions perceive any employee discharge as an intolerable threat. Risk is also minimized at higher levels of government where civic leaders and the media view

the public exposure of corruption as an attack on the economic health of the community or where public exposure of corruption is seen as merely an attempt to substitute a new set of rascals for the current one.

Table 4

DIAGNOSTIC CHECKLIST — OFFICIAL POLICY TOWARD CORRUPTION

	Yes	No
In your jurisdiction, do statutes and ordinances clearly forbid (and clearly define) bribery, extortion, and other forms of official misconduct?	____	____
Does your jurisdiction have an official code of ethics specifying what conduct is officially desired and what is officially prohibited?	____	____
Do these rules cover all elected officials, appointed commission members, department heads, and lower-ranking employees whose duties may offer opportunities for corrupt acts?	____	____
In addition to prohibiting cash payments, do rules prohibit the acceptance of meals, gratuities, discounts, and favors from any individual or firm doing business with the city or county or subject to regulation by the city or county?	____	____
Do rules forbid engaging in private business on city/county time or using city/county materials or equipment for private purposes?	____	____
Is outside employment that conflicts with official duties forbidden?	____	____
Are officials forbidden to represent private interests in dealing with city agencies, or take positions with firms they have previously regulated?	____	____
Do campaign finance laws set limits on contributions from individuals or firms doing business with the city/county?	____	____
If the answer to the above questions is "yes"		
Are all personnel covered by the statutes, ordinances, and rules regularly informed of what is required of them in the conduct of their official position or their job?	____	____
Are there mechanisms for detecting and dealing with violations?	____	____
Does every detected violation result in an appropriate disciplinary action or in prosecution?	____	____

A "no" answer to any question indicates a deficiency; the jurisdiction does not have all of the tools needed to combat corruption.

B. How To Start Looking

Some people who participate in corruption make no attempt to hide their activities, either believing that what they are doing is perfectly acceptable or expecting that no one will be watching. In most cases, however, participants will attempt to cover their tracks, both by making payoffs secretly and by attempting to provide a legitimate cover for their decisions. Where this is true, uncovering corruption problems can be difficult. Existing

investigative bodies, such as the police and the prosecutors' offices, are the obvious starting point because they can use surveillance techniques, subpoena powers, and the like, and can grant immunity to uncover evidence of specific crimes.

Elected officials and agency heads who have daily contact with first-line supervisors or middle-level management are likely to have a fairly good idea of where the soft spots are, although they may be protected from below from any knowledge of specific corrupt acts or practices. Those who deal with local government from the outside — lawyers representing developers, contractors seeking building permits, salesmen seeking orders, or companies seeking contracts — will have certain knowledge of specific acts of corruption. Some will have little interest in exposing the acts that they profit from while others will be eager to see an immediate end to corruption (although they may be reluctant to aid in a suppression effort that entails personal risk). Newspaper, wire service, and television reporters may have more knowledge of corrupt acts than is revealed in their news reports, but may be reluctant to reveal it for fear of cutting themselves off from sources of other news. Outside of specifically chartered investigative bodies, the least reluctant sources of information about acts of corruption are official records (Table 5).

Table 5

DIAGNOSTIC CHECKLIST — DETECTION TOOLS

	Yes	No
Does the city/county have ordinances or codes that require officials and employees to disclose conflicts of interest?	____	____
Are officials and employees required to disclose special knowledge of or contacts with firms or individuals subject to their authority?	____	____
Are officials required to disclose their assets, debts, and outside employment?	____	____
Are employees required to disclose any outside employment?	____	____
Is information provided by officials available for inspection by the public and the news media?	____	____
Are records kept of all actions and decisions that might be vulnerable to corruption?	____	____

A "no" answer to any of these questions indicates a deficiency: your jurisdiction may not have the tools needed to detect corruption.

If the answer to all of these questions is "yes"

Does the city/county have "sunshine" laws that open all meetings to public participation and observation?	____	____
Does the city/county have "freedom of information" laws that guarantee public access to official records and reports?	____	____
Does the city/county have an established mechanism to take complaints from the public and investigate them?	____	____
If so, are the complainants informed of the results of the investigation?	____	____

A "no" answer to these questions indicates that your jurisdiction may not have the tools needed to make detecting corruption easy.

C. What To Look For — Management Practices

Statutes, ordinances, regulations, and codes of ethics will not be effective tools in combatting corruption unless:

- Everyone concerned is aware of them.
- They are consistently enforced.
- Penalties for violation are strong enough to provide realistic disincentives and are consistently applied to violations.

Management practices affect both the opportunities for corruption and the risks that attend any act of corruption. Frequently, corruption results from poor management — management that does not use all of the tools at hand to limit the opportunities and maximize the risks. Officials and employees alike feel that they can get away with corruption if they perceive that no one is looking. If nothing bad happens as a result of one or more acts of corruption, it is likely to appear to the actors that nobody cares or even that such acts are condoned. A folklore may arise that corruption is permitted "because salaries are so low," or because the extra compensation is a perquisite that goes with the job ("supervisors get to take their cars home, and they get all the free gas they want," for example).

None of the tools management can use to prevent, detect, and correct corruption will prevent, detect, or correct a corrupt act by the manager or by an elected official; in general, management tools don't work upward. In addition, the absence of management tools to combat corruption is not evidence that corruption exists, only that nothing is being done to prevent it (Table 6).

D. What To Look For — Elected and Appointed Officials

The full light of public scrutiny is not a guarantee that no elected or appointed official will abuse his/her position or violate the public trust, but protection from public scrutiny maximizes the opportunity for corruption and minimizes the risk. In addition, there is no more reason to suppose that elected or appointed officials will be aware of what constitutes ethical behavior if nobody tells them than there is to suppose that employees are born knowing what ethical considerations should govern their public service.

The ultimate control over the acts of elected and appointed officials rests with the public, but exercise of that control can be made easier or more difficult by the policies of law enforcement agencies, the practices of local media, and presence or absence of citizen watchdog groups. See Table 7 for a diagnostic checklist.

E. What To Look For — Records and Actions

Corruption can arise in virtually any area of local government activity, and will leave distinct traces according to the area — law enforcement, land-use regulation, purchasing, or tax assessment. It is possible to put together a diagnostic check list that will indicate possible corruption in a particular area. Table 8 shows a sample diagnostic checklist for zoning and building regulation. Again, however, it must be emphasized that these diagnostic checklists will not show you whether or not corruption exists in your jurisdiction, only whether or not it is likely. Audits (both financial and performance audits) may be needed to turn up specific incidents.

Table 6

DIAGNOSTIC CHECKLIST — MANAGEMENT

	Yes	No
In recruiting candidates for positions that offer an opportunity for corruption, is information gathered about the candidates' backgrounds, and is that information verified?	____	____
Do training programs for new employees cover integrity expectations and the penalties for abuse?	____	____
Are these policies reinforced in subsequent retraining programs or review programs for those in service?	____	____
Does the city/county have a disciplinary code that specifies policies, penalties, and enforcement procedures for all employees?	____	____
If so, is the code enforced?	____	____
Are employees charged with ethics violations immediately suspended until the investigation is completed, or can they transfer, or retire and keep their pension rights?	____	____
Are the actions of employees regularly reviewed by supervisors, and are the actions of supervisors, department heads, and managers regularly reviewed by the chief elected or appointed official and the board or council?	____	____
Are all employees with decision-making powers required to record their decisions in writing, with their name attached, and to justify any deviation from existing policy?	____	____
Do rules provide penalties for failure to provide information on demand when it is a matter of public record, or failure to respond to questions or inquiries about decisions?	____	____
Do rules provide penalties for failure to report a corrupt act observed or failure to deal with an instance of corruption by a subordinate?	____	____

Table 7

DIAGNOSTIC CHECKLIST — ELECTED AND APPOINTED OFFICIALS

	Yes	No
In considering candidates for appointed positions, is information gathered about the background of the candidate, and is that information verified?	____	____
Is there an orientation/training program for new elected and appointed officials that sets forth what is expected of them in terms of integrity and what are the penalties for abuse?	____	____
Do officials encourage public participation in or inquiry about official decisions?	____	____
Are officials required to respond to questions from other officials, from the media, and from the public?	____	____
Are official activities regularly monitored by news media and by citizen organizations?	____	____
If so, are questionable activities reported to the public?	____	____
When a questionable activity is reported, is the official immediately suspended by the chief executive pending the outcome of the investigation, or is he/she allowed to resign?	____	____
Do local and state prosecutors investigate all allegations of official corruption?	____	____
Are formal charges brought against officials when improprieties are found?	____	____
Where elected or appointed officials are convicted of corruption, are penalties imposed that are substantial?	____	____

Table 8

DIAGNOSTIC CHECKLIST — ZONING AND BUILDING REGULATION

	Yes	No
Do master plans and zoning ordinances match reasonable estimates of the types of housing and commercial development likely to occur in the near future?	____	____
Do construction, plumbing, and electrical codes match current technology in the building industry?	____	____
Do housing codes strike a reasonable balance between health and safety goals, the economic status of tenants, and the profit goals of building managers?	____	____
Are codes and regulations written clearly enough that developers, architects, engineers, and landlords can find out exactly what is expected of them?	____	____

A "no" answer to any of these questions indicates a government stance likely to magnify incentives for corruption.

Are major policy and implementation decisions made in public settings where issues and their effect on the community can be discussed and where official actions can be challenged?	____	____
Are written records kept of what actions are being taken, who requests them, and who approves them?	____	____
If approvals are requested by corporations or trusts, must owners be identified by name?	____	____
If decisions differ from official policies — for example, variances or exceptions to zoning ordinances or waivers of code requirements — are reasons for the differences given in writing?	____	____
Are regulatory positions given only to persons with appropriate training, experience, and motivation?	____	____
Are full-time employees selected through competitive examination and protected by civil service rules?	____	____
Are compensation levels high enough to attract qualified applicants?	____	____
Are sufficient numbers of officials and employees available to handle the expected workload and provide the necessary technical expertise?	____	____
Are regulators' decisions routinely reviewed?	____	____

A "no" answer to any of these questions indicates a government stance likely to magnify the opportunity for corruption.

Do decisions appear to follow official policies?	____	____
When rules are waived, is there any more explanation than a vague "in the public interest"?	____	____
Are staff and commission recommendations adopted by higher officials almost always?	____	____

Table 8 (concluded)

Do officials refrain from suggesting that some applicants should be treated leniently or their applications expedited?	____	____
Is employee turnover about what would be expected — neither very high nor improbably low?	____	____
Are regulatory decisions made efficiently and promptly?	____	____
Are inspections made efficiently and promptly?	____	____
Do all applications follow a standard processing pattern with similar time scales?	____	____
Do applications for building permits match fees collected?	____	____
Do applications for building permits match inspection reports?	____	____
Are all contractors required to observe building code, industrial safety, and traffic regulations to the same degree?	____	____

A "no" answer to any of these questions indicates that corruption may exist.

Actions can also be examined in other ways. Builders' associations can be asked to evaluate the operations of the Building Department, vendors to comment on the Purchasing Department, and citizens to comment on law enforcement. The chief executive can establish a formal complaint center to receive and monitor all citizen complaints of corruption, inaction, inefficient action, or incompetence. (Inefficiency and incompetence both contribute greatly to the incentive and the opportunity for corruption. For example, mislaying a set of blueprints may not indicate corruption in the Building Department, but the inefficiency it reveals indicates a situation ripe for corruption.) Finally, chief executives can test the performance of their employees by sending "shoppers" to go through city routines. One manager, for example, arranged to have architecture students seek building permits; while they were not shaken down for payoffs, they quickly spotted inefficiencies in the ways in which permits were processed.

F. What To Look For — Attitudes and Climates of Opinion

An effective way to uncover discrepancies in attitudes toward types of corrupt or unethical acts is to carry out a survey of supervisory and managerial, client, and regulatory employee attitudes and beliefs. Table 9 shows a sample of a suggested questionnaire for health inspectors, which could be modified for their superiors and for their clients. Similar surveys could be made for police, building inspectors, and other regulatory personnel. Using the same idea, surveys could be devised to uncover discrepancies in attitudes for other government service personnel and practices.

If there is a discrepancy between the attitudes of superiors and line employees, it is an indication of a problem. Frequently, however, the most serious discrepancy is that between the expectations of the regulated public or client and the expectations and attitudes of the line employees. Using the example in Table 9, the luncheonette owner who offers the free cup of coffee may infer from its acceptance that health inspectors are corrupt, and hence that the government that employs them is corrupt.

Table 9

SAMPLE SURVEY INSTRUMENT — HEALTH INSPECTORS

	Strongly Agree	Agree	Do Not Agree	Strongly Disagree
1. The public has a right to expect health inspectors:				
a. To give up their off-duty time more than they would expect the average citizen to do so.	____	____	____	____
b. To have higher ethical standards than the average of the public.	____	____	____	____
c. To use extraordinary verbal restraint when dealing with citizens.	____	____	____	____
d. Not to work as consultants to private businesses.	____	____	____	____
e. To view their technical assistance role as being as important as their role as law enforcers.	____	____	____	____

	Yes	No
2. In terms of your personal standards of honesty, would it be difficult for you as a health inspector to justify:		
a. Accepting a free cup of coffee from a restaurant owner?	____	____
b. Accepting a free-meal from a restaurant owner?	____	____
c. Accepting money to overlook a code violation?	____	____
d. Accepting a gift from a restaurant for advance notification of an inspection?	____	____
e. Accepting a bottle of liquor at Christmas from a restaurant or store owner or manager?	____	____
f. Accepting a discounted meal from a restaurant owner?	____	____
g. Using your regulatory power to close down a friendly restaurant's competitor?	____	____

	Yes	No
3. If your immediate supervisor found out that you were engaged in any of the activities below, would he/she discipline you for:		
a. Accepting a free cup of coffee from a restaurant owner?	____	____
b. Accepting a free meal from a restaurant owner?	____	____
c. Accepting money to overlook a code violation?	____	____
d. Accepting gifts from a restaurant for advance notification of an inspection?	____	____
e. Accepting a discounted meal from a restaurant owner?	____	____
f. Accepting a bottle of liquor at Christmas from a restaurant or store owner or manager?	____	____
g. Asking a grocery store for an open line of credit for purchases?	____	____
h. Using your regulatory power to close down a friend's competitor?	____	____

Table 9 (concluded)

	Yes	No
4. I would report a fellow health inspector whom I observed engaging in:		
a. Accepting a free cup of coffee from a restaurant owner.	____	____
b. Accepting a free meal from a restaurant owner.	____	____
c. Accepting money from a restaurant owner to overlook a code violation.	____	____
d. Accepting a gift from a restaurant for advance notification of an inspection.	____	____
e. Accepting a discounted meal from a restaurant.	____	____
f. Accepting a bottle of liquor at Christmas from a restaurant or store owner or manager.	____	____
g. Asking a grocery store for an open line of credit for purchases.	____	____
h. Using his/her regulatory power to close down a friendly restaurant's competitor.	____	____

	Almost All	A Large Number	Quite a Few	Very Few	None
5. In some communities, health inspectors engage in the following activities. In your opinion, how many health inspectors in this city engage in:					
a. Accepting free meals and cocktails?	____	____	____	____	____
b. Shopping in establishments they have just inspected and accepting discounts, free groceries, and so on?	____	____	____	____	____
c. Accepting money or goods from janitorial companies, health and safety equipment manufacturers, or other suppliers for assisting in getting them work?	____	____	____	____	____
d. Removing, for their own personal use, unprotected property during inspections?	____	____	____	____	____
e. Accepting money to overlook violations in eating establishments, volunteer concessions, hotels, supermarkets, or other businesses?	____	____	____	____	____
f. Accepting money to cooperate with businessmen in harrassing a new business competitor?	____	____	____	____	____

Source: Drawn originally from work currently being done by John Jay College of Criminal Justice in New York City and specifically modified by SRI International.

The systematic administration of a large-scale survey costs money, which must be weighed against the value of the information such a survey could produce. However, the cost could be minimized by using volunteer survey crews, perhaps from local colleges. Another possibility would be to survey the public in terms of its expectations — using questions similar to those suggested in Table 9 or using something like Table 10 — by means of a newspaper survey form to be filled out and mailed in. There would be a definite bias in terms of who would bother to return the form, but it would be a way of both educating the public (some of whom may never have thought about it at all, or may have become discouraged about the possibility of change) and informing government. The results of such a survey may make it all too obvious where the soft spots are.

Table 10

SAMPLE SURVEY TO DETERMINE PUBLIC PERCEPTION OF CORRUPTION

	Yes	No
Do respected and qualified companies refuse to do business with the city or county?	____	____
Are contracts let to a narrow group of firms?	____	____
Are there frequent "emergency contracts" for which no bids are solicited?	____	____
Do some departments operate with almost total autonomy, accountable only to themselves?	____	____
Is there much of a gap between what is illegal and what people do?	____	____
Do those seeking office spend more of their own money on the campaign than they could make in salary during their term?	____	____
Do public officials own shares in firms doing business with this government?	____	____
Are citizens barred from public meetings?	____	____
Are there lots of patronage appointments?	____	____
Are vice operations tolerated in some parts of the city?	____	____
Is it common knowledge that you can get out of jury duty or have a ticket fixed if you know who to call?	____	____
Do public officials or employees use government equipment or materials for personal projects?	____	____
Do police discourage citizens from making complaints or pressing charges?	____	____
Have some prisoners received special favors while in jail?	____	____
Are bribe givers as well as bribe takers arrested and tried?	____	____
Are those arrested for narcotics and gambling mostly street-level people rather than higher ups?	____	____
Do bail bondsmen do a flourishing business in this community?	____	____
Are some government employees frozen into their jobs by an act of city council?	____	____

Table 10 (concluded)

Is there a high turnover rate in some departments or agencies?	____	____
Are public positions filled when there is no need for the job, as hiring a swimming instructor for a park with no pool?	____	____
Do business establishments give some public employees free meals, free passes, free merchandise, or special discounts?	____	____
Can sheriffs pocket the difference between what they are supposed to spend for jail-inmate meals and what they actually spend?	____	____
Can public employees retire and get pensions even though they have been accused of misconduct and not yet cleared?	____	____
Are kickbacks regarded by businessmen as just another cost of doing business locally?	____	____
A "yes" answer to any of these questions indicates the possible presence of corruption.		
Is competitive bidding required?	____	____
Are there enough qualfiied government personnel to really supervise public works projects?	____	____
Is the civil service system really based on merit rather than seniority?	____	____
Is moonlighting by government personnel effectively controlled?	____	____
Do the media report the existence of organized crime?	____	____
Does the chief executive really have solid control over the various departments?	____	____
Does anyone monitor court testimony of inspectors to see if it differs from the original report to the extent that charges are dropped?	____	____
When charges of corruption have been made, do witnesses always agree to testify?	____	____
A "no" answer to any of these questions indicates the possible presence of corruption.		

Source: National Advisory Commission on Criminal Justice Standards and Goals.

G. Subjective Indicators

In each kind of local government activity, there are standard ways of getting the job done quickly and properly that make up what might be called "professionalism." An experienced manager observing a transaction or an activity develops an instinct for spotting a situation that is not quite right. The following are some examples:

- The traffic officer who starts conversing with the driver instead of filling out the ticket at once.
- The building inspector who calls the contractor's attention to a violation and stands there without saying anything instead of saying "Here's what you have to do."
- The salesman who talks about the important people he knows instead of how good the product is, or who talks about how much an order that size would mean to him personally.
- The businessman who suddenly gets angry when the mayor or the county supervisor starts talking about running a clean government.

An experienced manager or official soon develops an instinct for trouble that picks up such clues. A hunch or instinct is not enough to act on, but it is enough to start from.

III USING LAWS AND POLICIES TO FIGHT CORRUPTION

The problem of ethics in government is as old as the notion of government itself. Public officials in a representative government have always been given the public's voucher — they are expected to act with only the public interest in mind. Of course, public officials have private lives; the ethics problem generally stems from the shading between public and private interests.

How far can we go in asking public officials to forego a private life? What controls over behavior (if any) are fair? Can ethics be legislated? We have seen a flood of "sunshine" legislation, conflict-of-interest laws, and open-meeting policies during the last five years. But do they really do any good?

A. What Laws, Formal Policies, and Written Rules Can Do

In the face of potential corruption problems, many communities have enacted local statutes to promote public integrity. Laws regarding conflicts of interest, financial disclosure, declaration of interest, campaign financing, open meetings and records, and codes of ethics seek to set down in formal fashion what a community expects of its public officials and public employees, and establish what the community intends to do if those expectations are not met. Formal policies and regulations or rules that do not have the force of law still embody a formal statement of expectations.

The absence of guidelines regarding outside financial interests, gifts and favors, treatment of information, outside employment, respect for professional judgment, political activity, and other aspects of public behavior will not result in a violation of public trust, neither will the presence of such formal guidelines prevent it. However, the corruption research on which this document is based suggests that such formalized guidelines and statutes play an important role in a broadly conceived strategy to combat corruption in local government. Table 11 shows the particular problems various types of laws (or formal policies or written rules) are designed to address.

B. Codes of Ethics

> *The proper operation of democratic government requires that actions of public employees be impartial; that government decisions and policies be made in the proper channels of government structure; that public office not be used for personal gain; and, that the public have confidence in the integrity of its government . . . The purpose of this Code is to establish ethical guidelines of conduct for . . . officials and employees by setting forth those acts or actions that are incompatible with the best interest of the city and its citizens.*
>
> *The adoption of this Code of Ethics will not eliminate municipal corruption. However, with employee cooperation, it will improve the attitude and practices of municipal employees, whether of high or low status, correct injustice and heighten public confidence in our local governmental institutions, positions, and men.*
>
> (Declaration of Policy from a Code of Ethics established after a major scandal.)

How a list of rules — a compendium of do's and don'ts — can control official corruption is shown by the following simple scenario:

> Building Inspector Johnson is completing an inspection of contractor acquaintance Kyle's room addition. The job may very well be "red tagged" because of a technical violation of the building code. Kyle has already overrun his job estimate and wants to

Table 11

STATUTORY REMEDIES AND THE PROBLEM AREAS THEY ADDRESS

Problem Area Addressed	Codes of Ethics	Conflict of Interest Laws	Financial Disclosure Laws	Declaration of Interest	Open Meetings and Records* Laws	Campaign Finance Laws
Official or employee has conflicting interest	X	X	X	X		X
Officials and employees differ on ethical standards, or citizens perceive a lack of ethical standards	X	X		X		X
Public not assured that high ethical standards are being followed because government processes are closed to their view			X	X	X	
Public not assured that high ethical standards are being followed because they cannot get access to files or records*			X	X	X	
Special interests are or appear to be dictating government policies	X	X	X	X	X	X
Decisionmakers differ in the amount of information they bring to their decisions				X		
Public hearings differ in the fairness with which they are conducted, or the public perceives that the hearings are "window dressing"	X		X	X	X	

*Personnel files and personnel records are specifically excluded.

avoid additional expense. He offers Johnson his tickets to the Sunday doubleheader claiming other commitments without suggesting any favoritism. Johnson is aware of no problem in accepting the tickets. He does so and engages Kyle in a discussion of baseball — dropping the obviously inappropriate discussion of possible code violations.

Codes of ethics establish formal guidelines for ethical behavior and thereby cut down on the ambiguity that can attend individual consideration of ethical rights and wrongs. Johnson saw "no problem" in either accepting the ticket or in overlooking the technical violation. In his opinion, neither was wrong, and he had no clue to city standards. If his city had a code of ethics governing gifts, and if Johnson had been asked to read and sign, acknowledging receipt and understanding of his personal copy of the code, and had there been ethics training, Johnson would have had little doubt of what was expected of him — he would have *known*, for example, that gifts of any kind were prohibited. Such is the strength of ethics codes — they clearly articulate the community's integrity policies.

Selected development and implementation considerations include the offerings below:

Requirements

- Codes of ethics must be buttressed with indoctrination and familiarization training.
- They must not describe only "should nots," they must also address "shoulds."
- They must not attempt to address all questions of ethics comprehensively; if they do, any situation not forbidden appears to be permitted. Instead, a Board of Ethics should be formed to interpret concise code declarations and establish a body of "case law."
- They must be associated with a disciplinary code and thus have "teeth."

Advantages

- Codes of ethics set forth the kind of behavior a community expects from its public officials and employees.
- They provide a standard against which to judge behavior.
- They demonstrate to the public that ethics is a matter of concern.

Disadvantages

- If not properly written, they may be difficult to enforce.
- If not given continued visibility through training, they may have little relevance.
- If they are not consistently observed, the public will have visible evidence that the chief executive lacks credibility.

Codes of ethics work to assure integrity only when they are "real." Well-used codes (and related procedures) are an important element of an anticorruption strategy (see Appendix A for an example of a code developed specifically in response to corruption problems).

C. Conflict of Interest Legislation

No elected or appointed official or employee of the City, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties.

(Example of a policy implemented in a scandal-free city.)

Like the code of ethics, a policy on conflicts of interest (which may be a part of an ethics code) is a fundamental policy articulating a community's expectations. Approximately 40 states have legislation regulating conflicts of interest but not all cover local officials. Such policies should be a visible component of a community's anticorruption strategy. How can a policy actually regulate official actions? Consider this scenario:

> Commissioner Rodgers finds himself sitting in a public hearing regarding the rezoning of a parcel of land from single family to high density use. He is an appointed official of the city, but he maintains a successful law practice in town. When it comes time to vote on the land use matter, his thoughts turn briefly to the impact the rezoning will have on one of his clients who owns adjoining property. Although he senses that his client will realize a sizable profit from the rezoning, Rodgers votes for the measure on its merits, and tries to dismiss the possible conflict from further consideration. However, when the local newspaper later editorializes about political cronyism he begins to worry about his ability to maintain objectivity and seriously considers giving up his position and leaving civic duties to others.

Local conflict of interest legislation not only regulates the most obvious conflict situations, it also seeks to illuminate the vast gray area that shades the intersection between what is in the public interest and what is in one's private interest. In the scenario above, a clearly articulated policy defining a conflict of interest would provide guidelines for the Commissioner who desired to objectively set public policy but who, because of professional circumstances, was often caught in situations where clients might benefit from his public duties. Obviously, part-time public officials (especially) routinely face conflicts of interest — but local policies can set forth clarifying guidelines to assist civic leaders in determining when to abstain from a vote.

Advantages

- Local conflict of interest policies, like codes of ethics, establish guidelines for officials who desire to serve the public properly.
- They tend to clear up the gray area between public and private interests.

Disadvantages

- They may be so stringent that no citizen could abide by the provisions.
- They may drive the most competent citizens out of public service because many aspects of the lives of some very busy individuals will conflict with potential public duties.
- They often rely totally on self reporting and judgment with no independent monitoring.

On balance however, local conflict of interest policies could serve an important role in an anticorruption strategy. While they may seldom detect corruption, they can prevent it by inhibiting the development of situations that too closely approach the unethical. Such legislation not only encourages officials to abstain from decisions involving conflicts, but can also encourage closer citizen scrutiny of decisions where conflicts might occur. (Appendix B contains the seven basic restrictions of the Common Cause model Conflict of Interest Act.)

D. Disclosure Policies

> *Each person subject to the provisions of this article shall file with the City Clerk on or before May 1 of each calendar year, a statement disclosing the ownership of any real property; gifts, loans or service; ownership of commercial interests conducting business with the City; and outside employment.*
>
> (An ordinance used by a City fighting corrupting influences.)

Disclosure policies seek to shed light on the outside interests of public officials. They require the routine reporting of situations that may suggest a conflict of interest and are therefore a more forceful tool than simple conflict of interest guidelines. Such policies are grounded in the belief that public officials, in choosing a public life and in having been entrusted with the public interest, have essentially opened their life to public scrutiny. How can disclosure policies control corruption situations? Consider the following scenario:

> City Manager Boyle's wife recently inherited her uncle's hardware store. The store had been the city's primary supplier of small hardware items for more than twenty years. Since Boyle and his wife had decided to hire a store manager to run the business without their having to attend to it, the City Manager saw no need to cancel the open purchase order his city had with the store. Two years later the city council required all supervisory employees to disclose their outside interests. Boyle decided to honestly claim ownership of the hardware store and wait to see if anybody said anything about a conflict of interest. The local newspaper headlined a scandal three days later and Boyle explained with embarrassment that "I saw no conflict."

Boyle entered into a commercial venture with his own city in direct contradiction with commonly accepted principles of ethics. Even though there may have been no improprieties, the appearance of a conflict of interest was there and thus the opportunity for wrongdoing. The disclosure policies worked — it seems that the local newspaper reviewed all the disclosure forms and picked up on a story. Although the City Manager was embarrassed, the new policies acted to eliminate a situation ripe for abuse.

Some development and implementation guidelines to consider include:

Requirements

- If disclosure policies of any kind are desired by a community, they must require disclosure of enough information so that indicators of conflict are relatively clear — otherwise the requirements simply harass officials and serve no purpose.
- Disclosed information should be broadly disseminated if the goal of public scrutiny is to be achieved.
- Disclosure policies are particularly strong anticorruption tools. They *are* an invasion of privacy, and decisions regarding their use should not be taken lightly.

Advantages

- Disclosure policies open the private affairs of public officials to public scrutiny.
- When disclosed information is disseminated broadly, it often is monitored, analyzed, and sometimes investigated by independent reviewers, thus further controlling corruption opportunities.

Disadvantages

- Such policies often require full time (e.g., councilmembers) as well as part time (e.g., commissioners) officials to open their lives to public scrutiny, possibly driving qualified civic leaders out of public service.
- Unless the disclosed information is in a format that allows analysis, and unless it is broadly disseminated (and thereby presumably is used), the entire requirement is little more than official harassment.

Disclosure policies are commonly extensions of ethics codes or conflict of interest policies, and as such derive much of their strength from these less drastic measures. An example of a disclosure form developed to control past official misconduct is seen in Appendix C.

E. Declaration of Interest and Related Policies

> *A Planning Commission member who has received evidence outside of a public hearing or has viewed the subject property, shall fully disclose at the hearing such evidence and his observations and familiarity with the property so that the applicant, opponent, interested persons, and other members of the decision-making body may be aware of the facts or evidence upon which he is relying and have the opportunity to controvert it.*
>
> (One of a series of policies enacted by a community after a corruption scandal.)

Declaration of interest policies are aimed primarily at the procedures of local legislative bodies. They seek to ensure that no individual, councilperson or commissioner debates the merits of a matter with a better understanding of the details than any other councilperson or commissioner. Such policies, in general, require that any member of the decision-making body who has learned the details of a matter from the staff, a citizen, or from a personal investigation, must declare to all others the additional knowledge he/she has. This can include receiving evidence outside of a public hearing, viewing a property (in the case of a land-use matter), outside discussion of the matter, and the like. How can such attention to the knowledge individual decision-makers have prevent abuses? Consider the following scenario:

> Commissioner Cates, after receiving his agenda package for the next meeting of the Zoning Commission, drove to the home of a citizen applying for a zoning variance. Commissioners Barnes and Jones were also there talking with the applicant and doing their "homework." The three commissioners decided that the variance was indeed appropriate (after being persuaded by the applicant over wine and cheese). At the next meeting of the Zoning Board, the matter was approved 3 to 2. The two other members of the Board based their "no" vote on information from discussions with the chief building official.

If declaration policies had been in effect, they would have required each set of commissioners to disclose the evidence they had obtained outside of the public hearing. The building official's remarks would probably have outweighed the applicant's self-serving comments. All the available evidence would have been heard, so that the decision reflected a more complete understanding of the problem.

There are a variety of rules and procedures that can be drawn together to serve similar purposes, with similar effect:

Inclusions

- Rules on the order of evidence that is presented in a hearing.
- Procedures for the preparation of evidence.

- Rules regarding continuances to gather additional data and on absences of decision-makers from hearings.
- Contact with staff outside of hearings, even on nonhearing matters.
- Training for part-time officials regarding the rules and procedures of the decision-making body.
- Penalties for not adhering to rules and procedures.

Advantages

- Such policies establish clear and firm guidelines regarding how public hearings are going to be conducted and how public officials should act when discussing the merits of a matter.
- They ensure that consistency is adhered to, hearing after hearing, minimizing citizen and applicant concerns regarding procedures.

Disadvantages

- They may keep officials from going out of their way to learn as much as possible about a matter.
- They don't provide for the procedural flexibility that might be necessary because of the nature of public hearings.

On balance, firm and clear procedures and rules on the conduct of public hearings minimize the opportunity for corruption by ensuring fairness and openness in the decisionmaking process. Such policies have often been implemented to address specific past abuses. An example of one such policy is seen in Appendix D.

F. Open Meeting and Records Policies

> *All meetings of any board or commission of any state agency or authority of any agency or authority of any county, municipal corporation or any political subdivision, except as otherwise provided in the constitution, as which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, regulation or formal action shall be considered binding except as taken or made at such meetings.*
>
> (State legislation affecting local government; enacted after corruption scandals.)

Open government laws, in general, seek to control the influence of special interests by ensuring that the general public can monitor the decisionmaking process. By opening up the inner workings of government, the work of special interests is open to challenge. Consider the following scenario:

> The City Council has a procedure for holding "executive sessions" at any time they desire to exclude a possibly bothersome audience from a meeting. At one such session Councilman Thompson raises the matter of bringing in a concessionaire to sell snacks at the city's Little League ballparks. This will be done to ensure that there will always be food available, thereby eliminating the past problems of relying on volunteers. As it happens, only one firm can handle the job and it has been lobbying for the license for months. This firm is retained and the food goes on sale at a 40% increase over the price established by the not-for-profit volunteers.

The city council decision affected all citizens who attend Little League games but gave them no opportunity to influence the decision. Indeed, most may not have known that such a change was even being contemplated. Obviously, had there been state legislation (or a local ordinance) prohibiting matters of substance from being discussed behind closed

doors, some citizens, the local press, and perhaps even a representative of the local citizen watchdog group would have been in attendance. They would have had an opportunity to influence the decision.

The notion of open government can extend well beyond the single aspect of open meetings, mostly to good effect:

Inclusions

- Open records policies provide access to select files regarding staff reports, minority reports, and the like (but specifically excluding personnel files).
- Minutes of past meetings and agendas of forthcoming meetings, when broadly disseminated, provide an opportunity for citizens to question official decisionmaking.

Advantages

- Open meeting and records policies militate against the influence of special interests by opening and shedding light on the mechanics of public policymaking.
- They provide the opportunity for citizens to monitor the integrity of the official decisionmaking process.
- They ensure that the media has full access to the inner workings of government.

Disadvantages

- Open meetings may inhibit frank discussion of certain executive matters (e.g., personnel matters or union-management negotiations).
- Open records policies have the potential of generating a significant number of time-consuming requests for assistance from citizens, reporters, and others desiring information.

As with the other kinds of laws and policies discussed in this chapter, open government legislation can be a major component of an anticorruption strategy. Sections of Florida's open government statute, the "Government in the Sunshine" law, are contained in Appendix E.

G. Campaign Finance Regulation

> *The Commission recommends that states impose and enforce realistic campaign spending limitations, requiring full disclosure of financial contributions to all parties and candidates for local and state office, and prohibit contributions from significant government contractors, labor unions, trade associations, and corporations.*
>
> (National Advisory Commission on Criminal Justice Standards and Goals)

Campaign finance regulation has been one of the more often implemented remedies for preventing the corruption of public officials. The point is to keep an elected official as independent and objective as possible by ruling out large contributions of money to a candidate's campaign that might obligate him/her to a few people or organizations. These regulations commonly take a variety of forms: limits on how much can be given by one person or group, formal reporting of all campaign donations, and ceilings on the total amount that can be spent in any single campaign. How can campaign finance regulations control corruption? Consider the following scenario:

> Councilmember Parker, caught in a vigorously contested election campaign, has recognized that her success depends largely on the amount of money she can raise. Home Developers, Inc. offers her campaign committee an astonishing $25,000 donation (with

the message that their business depends on a council majority that favors growth). Parker, always considered an unpredictable swing vote on land development issues, knows that she could easily swing over to, and stay on, the growth side with no questions asked. She accepts the $25,000 donation, wins the election, and becomes the community's new and highly influential advocate for local real estate and construction interests.

Campaign finance regulations could have controlled this situation in any of several ways: by establishing a $10,000 ceiling on city council elections, by limiting single contributions to $1,000, or by requiring that all contributions be reported to the election commission or other suitable authority. No single group could then have dictated the results of an election without becoming liable to prosecution. Moreover, the representatives of Home Builders, Inc. and Councilwoman Parker would have faced a higher risk and might have thought a little longer and more seriously about the consequences of trading money for votes had there been such explicit statutory prohibitions.

Campaign finance regulations have been enacted (at the state level) in all but a handful of states. However, the scope and depth of many of these regulations can be improved on. Many communities can make state regulations more effective simply in the way they are handled locally. For example, campaign finances can be reported orally at public meetings in addition to submitting the required written reports. Reports can be sent to the local news media, and summaries or analyses can be provided to make it easier for the editor; citizen groups can be encouraged to review the reports by a phone call to announce that they are available. A community can establish an environment that deters corruption by making public scrutiny easy and welcoming the cold light of the public gaze or it can make the truth very difficult to find by posting required reports in a back hall next to the Workmen's Compensation regulations and the summary of last month's job safety statistics.

Advantages

- Campaign finance regulations ensure that money is not the sole difference between candidates for public office.
- They provide for reporting and thus public scrutiny of the financial arrangements beneath the surface of a campaign.
- They make it hard for an affluent special interest to buy political support for that interest.

Disadvantages

- They may become administrative nightmares in the way reporting requirements are established.
- Unless the regulations include significant controls, they become only a harrassment of candidates with little offsetting benefits.

Campaign finance regulations abound. Perhaps the most widely reviewed is the Model Campaign Finance Bill endorsed by Common Cause.

H. Implementing Laws, Regulations, and Policies

The corruption research on which this document is based suggests that there are different anticorruption strategies from which reform-minded officials can draw. The remedies discussed here can set the stage for effective reform, but not all are appropriate

in every situation. Once a diagnosis of corruption (or a high potential for corruption) has been made, new local ordinances and policies may be a necessary foundation for an anti-corruption program. The approaches discussed here may entail either necessary changes in or additions to existing controls in the jurisdiction being studied.

In implementation, laws and policies must be closely tailored to local conditions. Models and standards cannot substitute for a community's own analysis, and the careful construction of laws and policies that fit a jurisdiction's needs. Furthermore, laws and policies cannot be laid on public officials and employees and expected to work as easily as though one had just switched on the lights. Those to be affected are more likely to be cooperative if they participate in the design of regulations. (The Cincinnati Middle Management Board was assigned to draft that city's Code of Ethics.) Instruction is also required in what new regulations mean and what they require. Current employees should be told exactly how they will be affected and new employees should receive a thorough indoctrination.

All anticorruption controls should be published, preferably in one document. Penalties should be clearly stated and reviewed in a training program. To ensure accountability, each employee who finishes a new-employee training session should be required to sign an affidavit indicating that both the nature and purpose of the anticorruption controls are understood.

Unfortunately, while a great deal of progress has been made with respect to developing and implementing anticorruption laws and policies, enforcement has made little progress. Too often, the control is felt to be the anticorruption tool, not the enforcement of the control. In Cincinnati, an Ethics Board was formed to oversee the Code of Ethics, but such a board could also enforce other controls. Where the prosecutor's office or the police department are inappropriate enforcers of local ethics ordinances or policies, the personnel office, chief executive's office, civil service commission, or other authority should be given formal authority and responsibility for enforcement.

SUGGESTED READING

Lawrence Gilson, *Money and Secrecy: A Citizen's Guide to Reforming State and Federal Practices* (New York: Praeger, 1972). Contains model bills for open meetings (pp. 252-254), conflict of interest (pp. 266-277), and campaign financing (pp. 278-293).

Committee on the Office of Attorney General, "Legislation Concerning the Corruption of Public officials," National Association of Attorneys General, Raleigh, NC (1974).

IV REMEDIES IN MANAGEMENT AND ADMINISTRATION

A. What Difference Can Management Make?

Management of public organizations must be concerned with the opportunity and incentive for corruption; no public organization is inherently exempt, and past avoidance says nothing about the future. It is up to management to establish an environment that will make corruption unlikely and a system that will provide corrective action where needed and will incorporate the lessons of experience.

There is nothing either easy or automatic about foreclosing opportunities for corruption. However, the alternative is worse, as shown by the following hypothetical example:

> For decades after the big reform of 1936, Metropolis City was squeaky clean, but gradually — perhaps because people got complacent or perhaps because they thought virtue was natural in Metropolis and it was only other cities that had problems — citizens and civic leaders stopped paying attention.
>
> In 1969, the city began to get disturbing signals that all was no longer well, but nobody paid much attention until 1971 when the new sports stadium collapsed before it was more than half built. The case is still in the courts. In 1976, an enterprising reporter did a story showing how it cost twice as much to repair a street in Metropolis as it did in the other cities in the state, and why — including interviews with some members of the public works department. As a result of the story, the head of the public works department was allowed to resign "for medical reasons," and his assistant was fired. A special investigative unit brought charges against a number of employees of the department for theft of city property, misuse of city property, fraud, and bribery. Two cases were dismissed for lack of evidence, and the other defendants changed their pleas to guilty in return for a fine and a suspended sentence. According to the new head of the Public Works department, some crooks had got into the department under the earlier head, but they had all been rooted out now and everything was fine.
>
> In February of 1978, during a divorce trial, testimony was given to the effect that the defendant in the case was in the habit of spending his afternoons at the local bar even though he was a full-time employee of Public Works, and that many employees covered for each other during long periods of the day. The reporter who had dropped in on the trial because it was a slow news day followed up by interviewing more than forty employees and former employees and uncovered a continuing pattern of abuse. His story made it clear that the previous investigation had been seen by the employees as just a temporary effort. "They put the heat on for a while, nailed a few guys the others were willing to testify against, and that was that. They never changed a thing," said one.
>
> The mayor lost the election in March, and the new mayor is slowly struggling to institute new management practices not only in the Public Works Department, where corruption has become a tradition, but in all of the city departments.

That was a hypothetical scenario, but in recognizing such a possibility in his city, a Midwestern city manager said:

> *when corruption exists in an agency, the potential for dealing effectively with the myriad of other problems a city faces is diminished, the quality of service deteriorates, and the public confidence is undermined.*

If that is so, then removing the corruption (or the ineffectiveness and inefficiency) should result in reversing the effects. Public services should improve, the ability to deal with problems should improve, and public confidence should be restored.

This city manager also said:

> *government is afflicted more by a lack of accountability than by an inherent desire to commit crime. The 'crimes' being committed by city employees are crimes of opportunity rather than hard core white collar corruption. The key was to take away the opportunity . . . making accountability work in city management cannot be accomplished by any single plan or by the application of a single management technique. It is tempting to look for a miracle solution but such a 'one track' approach is doomed to failure. A number of issues must be addressed, ranging from a need to establish professionally and objectively the integrity of a unit of administration to the need for new methods of productivity improvements.*

The approach set forth here has as its goal to establish management techniques that can maintain accountability and integrity in any level of government, or in any department or agency at any level of government. It is designed to be implemented by a management team. The five elements of this approach (management environment, management control, audit, training, and investigation) are discussed individually.

B. Management Environment

Management techniques are ineffective and even futile without managerial responsibility, interest, and leadership. Corruption can start from the top of an organization if management either sets a poor example or creates an atmosphere of lack of interest or concern. Consider the following scenarios:

> The City Manager has called the Chief of Police in. After asking about the Chief's new granddaughter, he turns serious and says: "Look here, John, you've got to do more with the discipline in your department. I'm still getting reports about cops accepting free coffee and free meals, and even if it's petty corruption, it's still corruption. Now, I already know every argument you're going to give me, John, and I'm sorry but I just don't have time to sit through all that today — I'm taking my grandson to the ballgame, and we want to get to the VIP box before the anthem." The Chief starts to argue that there's not much difference between using free tickets provided by the ballteam as a "thank you" for a favorable rental rate at the city stadium and free coffee or a meal except that the meal costs less, but the City Manager waves him out, saying "Just make it happen, John."

> The city's finance director has come to the City Manager's office to plead for tighter controls on employee expense accounts. The City Manager says "Alice, I've got two civic groups coming in to see me this afternoon, I've got to meet with the lawyers about this ruling that we have to have women on the fire crews, and I damn well don't have time for petty details. Anyway, what's it gonna do to morale when our public servants find out we don't trust them? We'd probably spend more money checking forms than we would paying a few padded claims."

In the first scenario, the city manager is giving the police chief two messages that contradict each other. The police chief could conclude that one message is a phony, that the city manager is just putting the heat on because of some complaints — in which case he would be likely to pass down the message to skip the coffee and meals for a while — or he could conclude that the city manager intends a wholly different message — "only if you're down in the ranks do you really have to toe the line." In the second scenario, the city manager is giving two very clear messages: that trying to prevent petty corruption is not something he's interested in, and that enforcing honesty is acceptable only where very large amounts of money are concerned. In neither case is there a message that "corruption is wrong and around here we don't stand for it."

In the next scenario, a different message is given and received, and it also is very clear:

> The City Manager learned, quite by chance, that a young programmer in the Finance Department, on night shift, had programmed the city computer to cast horoscopes, and

that these had become quite popular among the secretaries. He called in the head of the Finance Department and said: "Fred, I'm assuming you didn't know anything about this, and frankly I think that's not a very flattering assumption. But this is the city's computer, paid for by the taxpayers, and running it costs them money. I want that young man suspended for however long it takes at his salary to make up for the money he wasted. Furthermore, I want you to figure out how much every one of those horoscopes cost the city, and send me a list of who got every single one, because I'm going to send them a bill. Look, man, I don't even use the office Xerox for personal stuff — it's not right."

Although the message in this scenario is unambiguous, it has its own problems and dangers: First, unless it has already been clearly established by a code of ethics or a clearly articulated policy that the use of government property for private purposes is wrong, the city manager's action is going to be perceived as arbitrary and unfair. Even with prior warning, it may seem excessive. Second, if that city manager ever — for any reason — uses the office copier for personal purposes, even if just to make a copy of a canceled check to show that he did pay a bill, he will seriously compromise his credibility.

The personal example of the chief executive — whether of a department or agency or of the whole city/county government — is itself a very clear message to all those subordinate to him/her. That message can contradict and tend to nullify any formalized guidelines the government puts out, or it can reinforce them.

In addition, the atmosphere created by the chief executive can either enhance or diminish:

- The desire to be respected by the public, so that being a politician or civil servant can be considered an honorable career, and election, appointment, or employment in government can be considered evidence of high personal standards of conduct.
- Recognition that corruption has a high social as well as monetary cost, and that even though the public may not seem to care in situations where corruption exists, and may continue to vote-in administrations that are either dirty or too stupid to be believed, the social cost is still being paid. When corruption and the costs of corruption finally become unacceptable, the result is likely to be personal as well as civic peril.
- The awareness that there are standards of ethical conduct that can be agreed on, and principles of ethical action that can be applied, so that an employee or official can have confidence that he/she is acting ethically and need not be at the mercy of a superior's whim or an investigative reporter's slow news day.

The most important ingredient of a management environment that is hostile to corruption is a strong and principled leadership. Without that, formalized guidelines for ethical behavior will be of little use. The next ingredient is credibility, which rests not only on sending clear messages that reinforce one another but also on keeping it all open and public. For example, in the horoscope scenario, a report to the City Council of what happened and what was being done about it would have made it clear that the City Manager was serious, and that the offense was not being covered up — justice could be seen to be done.

Therefore, creating a management environment that is hostile to corruption has the following characteristics:

Requirements

- A strong and principled leadership.
- Credibility.
- Visibility.

Advantages

- Enhances all anticorruption strategies.
- By itself — even in the absence of formal or legal guidelines — increases the risk that attends corruption, decreases the incentive, and reduces the opportunity.
- Provides a signal to potential "whistle blowers" that their concerns are in concert with management concerns and that something will be done.

Disadvantages

- To the extent that the leadership is provided by a single person, high ethical standards may be discounted as an unrealistic personal freak of character.
- To the extent that leadership is assumed and personal example considered important, the demoralizing influence of any personal lapse within the leadership is magnified.
- Establishing a policy of ethical behavior, formal standards of ethical behavior, and an enforcement mechanism, and then carrying out all of these in the public view is likely to be seized on by political opponents and hostile groups of all types as evidence that corruption has been a problem (the "where-there's-smoke-there's-fire" syndrome). Therefore, any such effort may produce unfavorable publicity.
- By itself, establishing a management environment hostile to corruption is not enough.

C. Management Control

Lack of management control can, all by itself, provide opportunities for corruption. In addition, it can magnify existing opportunities and minimize the risks that attend them. Paradoxically, too much control can have the same effect as too little. For example:

> The Building Department processed plans very slowly; the department head knew there were some severe inefficiencies, but was spending most of his time trying to get the job of building inspector upgraded and a test of competence built into the hiring procedure. He was horrified to find that the inefficiency had resulted in developers — who had to pay extra interest on construction loans for every day of delay — paying bribes to get important, expensive jobs through the department with a minimum of delay.
>
> As a result, he overhauled procedures in the entire department, introduced several new forms that had to be filled out to indicate who was working on every permit application every day, requiring verification by a supervisor, and accounting for time down to 10-minute intervals. The forms were unwieldy, time-consuming, and unrealistic; the result was that under the new procedures, the Building Department processed plans even more slowly. He was again horrified to find that developers were still paying bribes to get important, expensive jobs through the department with a minimum of delay.

The purpose of establishing management control is to ensure that the functions and purposes of the organization are being carried out in an efficient, effective, and ethical manner. By failing to provide adequate guidance as to what level of performance is desired and exactly what responsibilities are involved, management leaves it to each employee to decide for himself. If guidance has been given but management fails to

monitor performance or to exercise close supervision — for whatever reason — then the employee must decide for himself whether or not he is performing as he should.

Management control entails establishing accountability, monitoring performance, and providing feedback. Attempts at control aimed at foreclosing any opportunity for impropriety are likely to succeed only in quashing individual initiative and hindering decisionmaking. It is more realistic to set up mandated reporting, disclosure, and evaluation procedures that will allow detection and correction of any improprieties than to try to prevent every conceivable one. For example, the exercise of discretion often provides ample opportunity for corruption, but preventing the exercise of discretion may well succeed in stopping the activity altogether, or making it more inefficient or ineffective than it already is. Making controls excessive may do no more than make it necessary to evade the controls to get any work done at all.

Management controls should aim not only at stopping corruption, but at stopping the inefficiency and ineffectiveness that provide much of the incentive for corruption. If the developer knows that it will take two weeks to process his plans and provide the building permit and that bribery will not speed things up, he has little incentive for bribery.

The ingredients of an effective management control system include such things as establishing budgeted productivity schedules that relate work produced to manpower assigned, establishing an effective reporting system, and clear communication not only about what is expected but about how the employee performance matches those expectations (Table 12). A prerequisite for an effective management control system is a detailed knowledge of the activities to be controlled, which implies that the system should not be installed without input from those who will have to work with it (managers often wrongly assume that because they walk about among the troops, they know what the different jobs consist of). An internal control system for a Buildings Department is discussed in Appendix F.

An effective management control system has the following characteristics:

Requirements

- Does not inhibit the useful exercise of discretion or make people afraid to take the responsibility for a decision.
- Provides standards for performance that are realistic and feedback as to whether or not those standards are met.
- Uses modern techniques (e.g., performance budgeting and management by exception) to keep it from being so cumbersome as to encourage evasion or so costly as to be an unjustifiably large drain on resources.
- Is evaluated at regular intervals to make sure that it is still working, and that needed modifications are made to take account of change.

Advantages

- A management control system will not by itself eradicate corruption, but when used with other anticorruption strategies it enhances the possibility of having a corruption-free government.
- Management control that extends to inefficiency and ineffectiveness will tend to prevent the development of corruption by removing some of the incentives.

Table 12

INSTALLING MANAGEMENT CONTROLS

1. Examine the existing system from the point of view of the public served to identify areas of inefficiency. Examples: Street crew waiting for asphalt truck, developer waiting weeks (or months) for permit, health inspector having to phone the office to get a decision on whether a condition is a violation.
2. Examine the system from the point of view of similar systems in other jurisdictions, looking for measures of productivity or improvements that might be adaptable.
3. Examine the system from the point of view of those who make it work, asking for ways in which they think it could be improved.
4. Draw up realistic expectations for getting the work done (e.g., building inspectors should be able to get through x site inspections per week; three-man park maintenance crews including one man on a riding mower and two helpers should be able to perform all routine grounds work on x acres of park but an extra clean-up man will be needed for heavy-use areas on Sunday and Monday mornings; health inspectors should log about x miles per week and use y gallons of gasoline).
5. Devise the minimum level of reporting that will say whether or not the work got done as expected and who did it, and will pass a warning upward when it didn't.
6. Budget for the expected workload using the performance expectations to develop manning schedules.
7. Monitor the report and spot check the actual performance to see that the system works, and where it needs fixing. It is important to be able to find out who was accountable for deficiencies.
8. Evaluate performance as in steps 1-3 and, to the degree possible, recognize good work as well as deficiencies.

Cautions: **Every form you add cuts down the time available for other work.**

Outside factors may limit your remedies: if a supervisor's pay grade depends solely on the number of people supervised, greater efficiency may not have top priority.

Disadvantages

- An obsolete, unworkable, or cumbersome management control system will enhance the incentives for corruption. If the controls are too restrictive, both employee and client have an incentive to beat the system.
- The costs of a management control system that depends on heavy documentation can take a significant portion of available resources. Every report form not only has to be filled out but read, and whether or not action is taken, every form is usually retained for some period and may be filed and stored as well.

D. Audit Control

The failure to audit functions and processes thoroughly for management accountability as well as fiduciary accountability allows corruption and abuses to remain concealed. For example, audit control would have prevented this:

A new employee in the parks department wrote a letter to the City Manager's office complaining that the park supervisor he was working for was keeping too high a percentage of the money paid the crew for work on private property.

Metropolis City hired a planning consultant to study ways to improve the central business district's traffic and parking system. His report indicates that the average income from parking meters was far below that of other cities with as many vehicles in circulation, similar parking space turnover, and the same meter rates. The report sparked a police investigation, during which it was discovered that the City Treasurer, who was responsible for both collection and accounting of parking meter funds, had been skimming thousands of dollars over the previous 10 years.

The audit procedure is geared primarily toward ensuring the financial integrity of operations, and their conformance with Federal, state, and local statutes. However, audit control should not be assigned to the auditors until the responsibilities of the audit team have been differentiated from those of management control, and decisions have been made as to who will determine the scope of the audits, who will be responsible for collecting the audit data, who will review the internal control systems developed, and how the audit schedule will be determined.

The purpose of audit control is twofold: to make sure that things are done correctly, and to make sure that they are done as well as possible. Audit control goes beyond merely checking financial or fiduciary transactions to make sure that they are accurate, legal, and free of improprieties; it serves the same purposes as quality control in manufacturing. The purpose is not to reveal dramatic illegalities, but to discover any error or wrong-doing (or area of difficulty) so that correction can be made, and similarly to provide confirmation that the system is working well. In the case of parking meter scandal, auditing also showed that in the Treasurer's case cash collection was not separated from accounting, which it should have been. A performance audit of the park department would not have shown that they were working on private property (unless the records were included with city work records), but it would have shown discrepancies in equipment use and in hours worked and acres mowed. These would have revealed the existence of some problem. A discussion of internal performance audits in a Buildings Department is given in Appendix G.

In view of the Comptroller General of the United States,

> *A fundamental tenet of democratic society holds that governments and agencies entrusted with public resources and the authority for applying them have a responsibility to render a full accounting of their activities. This accountability is inherent in governmental processes and is not always specifically identified by legislative provision. This governmental accountability should identify not only the objects for which the public resources have been devoted but also the manner and effect of their application.*
>
> (GAO, 1973, p. iv)

However, this refers to only one aspect of auditing; the other aspect is suggested by the words of Herbert Simon:

> *The phenomena we call 'corruption,' 'confusion,' and 'inefficiency' in large-scale organizations are the symptoms of the inadequacies of the control process.*
>
> (Simon, 1973)

The announcement of new audit controls should clearly indicate the goals and objectives of the audit control system, the scope of the system, and how it will work. If the

system is to work at all, it is essential that the purpose be to find out what happened, not to hang anyone. The scope of an effective audit control system is shown in Table 13.

It may be possible to scrutinize all actions of one type if that type occurs rarely or is of overwhelming importance (for example, the granting of zoning variances), but it will certainly not be possible in all cases. If all actions of one type cannot be scrutinized, then it is necessary to determine how the ones to be scrutinized will be selected, and how many should be scrutinized to provide assurance that audit control is being exercised.

Advantages

- Provides an independent check on management.
- Early warning of difficulties can aid prevention, as well as detection.

Table 13

AN EFFECTIVE AUDIT-CONTROL SYSTEM

1. Any audit should include financial record-keeping and accounting, including conformance with the law in keeping separate funds separate, and in making expenditures, compliance with good practice in accounting methods, and compliance with budgeted allocations.
2. Verify that any monies received are being accounted for and looked after properly. Spot checks are usually made at unannounced times to verify that cash on hand matches records of receipt.
3. Check pay scales — are personnel being paid according to proper pay scales? How do pay scales conform with averages for similar jobs in other government organizations and in private industry?
4. Check staffing — is everyone on the payroll actually working or otherwise properly accounted for? Are promotions, transfers, and dismissals properly documented?
5. Check actual time worked with payroll records, and verify (spot check) that worktime is being used for public service.
6. Check benefits — are benefits being used correctly? Recorded correctly?
7. Check inventory — are pieces of equipment where the records say they should be? Where supplies are used, does the amount on hand (of gasoline, or bullets, or copier paper) conform to the inventory records? Is all of the office equipment where it should be, including any typewriter, tape recorder or dictation equipment that may be checked out for use at home?
8. Check computer use — if your computer is being used to play Star Wars, to cast horoscopes, or for other non-work-related uses, then it may be vulnerable to misuse of worse types (computer crime is a growing field).
9. Check the efficiency and effectiveness of units, using measures of input (allocation, staff, equipment, time) and measures of actual performance (not only number of transactions, but how well the transactions are carried out — are the streets clean? are complaints dealt with promptly?).
10. Check transactions with other governments or other organizations within the government — are mandated reports being provided on time? legal restrictions on grants management being met? complaints being resolved swiftly?
11. Check "perks" — are official cars, or club memberships, or travel funds, or expense accounts, or other position-related privileges being used properly?

Disadvantages

- Can cause turf problems with management.
- Can result in a significant expenditure of resources to obtain information that is of no value because it is not used.

E. Training

The purpose of training is to make sure that everyone — officials as well as employees — in the organization understands not only the special nature of public services, but the obligations imposed by the responsibility to maintain the public trust. Many improprieties result from ignorance — perhaps ignorance that the act was wrong, perhaps not knowing that the organization cared whether improprieties were committed or not. For example:

> The police department in Metropolis City has its own auto repair shop, well equipped. When it was discovered that the mechanics were using the shop equipment to repair their own cars, the mechanics claimed there had never been any rule against it, and cited the fact that the shop supervisor did not only repair his own car but his wife's.
>
> The burglary squad in Metropolis City, which routinely checks out all salvage dealers and scrap metal dealers for stolen merchandise, discovered that new brass fittings were being sold by a City water crew. The police established that the supervisor, although he had not profited from the thefts and sales, had known about them. He explained that the fittings were the wrong size and had been "just lying around" for several years, and he didn't see that much harm in it. Besides, if he turned any of his crew in, "the others wouldn't have much respect for me, would they?"

Training efforts should be designed at least in part to overcome specific problems identified in management controls, audits and investigations as well as to address (and prevent) more general practices and behaviors that are inefficient, ineffective, or potentially corrupt. A strong training strategy can be a very effective means of getting across the ideas of accountability and integrity, their importance, and how to assure that they are present.

The purpose of training is not to give every employee every answer to every problem that could conceivably occur. Even if that could be done, it would provide no guidance for new situations. However, one purpose should be to communicate to all public servants the laws, executive orders, regulations, conditions of employment, and so on to which they must conform, and to provide them with a set of ethical principles and standards they can apply to determine whether any action is in the public interest.

Training is an important part of preventing corruption. If you have not provided employees with the proper and relevant training, you cannot claim reasonably that an errant employee "should have known better." In addition, job training and retraining can produce the understanding and competence that will tend to reduce the incidence of corruption.

In the two scenarios, training supervisors as well as employees on what was expected of them would have been of value. After incidents of this type are discovered, training programs can be introduced to prevent continuing problems. There is an advantage in designing a specific training program on the special nature of public service, the requirements for high ethical standards, and the requirements for accountability and integrity that can be given to all — elected and appointed officials, new and present employees. In this way, everyone — to the extent possible — has the same information. Provision should be made for refresher training on a regular basis.

In designing an ethics and integrity training program one city adopted the following criteria for program content:

All public servants need to know:

- The framework of statutes, ordinances, formal codes of ethics, regulations, and rules within which they must operate, and the penalties for not observing them.
- The management philosophy and rules of the organization, how they are enforced, what safeguards there are against groundless accusations or unfairness, how disciplinary codes are enforced, and the procedures for appeal.
- What constitute high ethical standards, and in particular, what kinds of behavior are unethical. This would include, at a minimum, the following:
  - Conflict of interest — A person to whom some private benefit may come as a result of some public action should not be a participant in that action.
  - Outside employment — Full-time staff members owe their loyalty, energy, and powers of mind to the service of their organization.
  - Gifts and favors — Favors or advantages must not be accepted by those who hold an office of public responsibility, even though they may be offered, even though the office-holder has no intention of violating his/her trust as a result of the gift or favor, and even though "nobody else would know."
  - Information — The public has a right to know all but that information that must be withheld for legal or ethical reasons, but information that is legally or ethically confidential must be protected from any disclosure. (For example, bids received must not be revealed before the date when bids are officially opened.)

In addition to training new hires, and routine refresher training, when establishing, analyzing or changing a city's control system, the training needs should also be assessed relative to that control system. Finally, whenever inappropriate or potentially dangerous practices have been uncovered through a control system, training is usually needed to correct the system.

Training to support control systems has the following characteristics:

Needs met

- The installation of a control system creates training needs. For example, management control measures to ensure accountability and integrity need to be understood before they can be applied. Audit control measures need to be clearly understood. The separation of audit from management control needs to be made clear. Investigative powers, safeguards, and responsibilities need to be made clear.
- Other areas in which training is needed are areas in which difficulties or problems have been noted, either in the analysis and review component of management control, or in audit control, or from investigation.
- Training is particularly needed for new kinds of services. As one example, the abuse of computers and the rise of computer crime come about in part because computers are such a new addition to government and government organizations that the ethical standards governing their use are only beginning to be recognized.
- Training of supervisors is particularly important because of their personal responsibility for controlling accountability and integrity for the employees under their supervision.

Advantages

- Unless employees understand the purpose of the techniques they are expected to use, it is difficult to hold them accountable.
- Training can frequently overcome employee resistance to change.

Disadvantages

- Unless good training methods are used, training will be counterproductive no matter how much it costs.
- Training can take a significant share of resources not only for the use of trainers but also for the time off the job by the employees.

G. Investigation

Management monitoring of performance may be inadequate to identify all instances of inefficiency, ineffectiveness, or corruption. Furthermore, when a complaint or allegation is made, management is necessarily implicated, even if it is not the agency head, department head, or section head who is named in the complaint or allegation. Therefore, it may be necessary to set up a unit (permanent or temporary) to investigate allegations that arise either from inside or from outside the organization.

The management team needs to determine what powers the investigative unit has, how it can be set up so that employees can make complaints or allegations directly to the unit rather than going through channels, what kind of complaints, allegations, and charges are the proper province of the investigative unit.

> The City Manager received an anonymous letter reporting that city employees were receiving kickbacks from contractors in the city's urban renewal projects. The letter was turned over to the police department for any necessary action, but the matter was viewed as low priority and no investigation was conducted. A few months later a major scandal broke out which ultimately resulted in indictments of city employees, and a new city council and City Manager were returned.
>
> After receiving a complaint about improper activities in the City building department the Mayor sent a copy of the complaint to the department heads asking for a report. After investigation the department head called the Mayor to tell him that he had taken care of it but didn't want to write a report because of potential bad press. When the press ultimately found out about the case (from the original source), headlines appeared charging corruption, coupled with coverup.

When an allegation is received, an initial check should be made to determine if an investigation is indeed warranted. If it is, then the investigation team should have representatives from police, management, and attorney's office and should be directly responsible to the chief city administrator. The independence of the unit is as important as the skills represented.

An investigation team approach is important because it brings together the talents necessary to perform a thorough investigation and to provide for follow up and corrective action. It is also essential that top management be directly involved in the process (Table 14).

The results of any investigation must be made a matter of public record and made available to the public. Furthermore, investigation must not operate in secrecy, except in those few instances where any indication that an investigation is going on would result in possible harm to potential witnesses or probable complainants or in destruction of evidence. In general, secrecy about the nature of the investigation will do more harm than

Table 14

THE SEQUENCE OF AN INVESTIGATION

1. The complaint is received and evaluated:
   - Can the complaint be disposed of by checking audit evidence?
   - Is the complaint specific enough or clear enough to investigate?
   - Is the offense alleged or complained of one that is within the proper scope of the investigation unit?
2. The complaint and the decision made about it are posted.
3. If it is decided that the complaint is investigatable, and is a proper subject for investigation, then:
   - A log is opened.
   - A determination is made as to what kind of evidence is needed to prove or disprove the allegation — with the preference going to hard evidence in the public record — and the determination is entered in the log.
   - The managers of the units that may be involved are visited and the nature of the complaint or allegation is explained, and the nature of the investigation that will be made. It is explained that the purpose of the investigation is at least as much to clear the innocent as to identify the guilty. Each visit is recorded in the log.
4. The investigation is carried out to the point where it is possible to either prove or disprove the allegation or complaint.
5. The results of the investigation are examined to determine what action should be taken. If the offense has been disproved and the allegation shown to be untrue, then a case is made to the management that a change may be needed in procedures so that innocence can be demonstrated at once, without incurring the cost of an investigation. If the offense has been verified, and it appears that a crime has been committed, the investigation unit swears out a complaint and turns the evidence over to the criminal justice system for prosecution. If the offense has been verified but the wrongdoing does not constitute a crime, the investigation unit keeps the evidence, shows it to the managers involved and to the chief administrative or executive officer, and requests that disciplinary action and corrective procedures be undertaken.

good. Broad understanding of the reason for the investigation, along with assurance that it will be impartial, is not politically motivated, and will be honest will tend to open more doors than it will close.

Corruption tends to grow in the dark and to spread when management does not show any interest in the warning signs that informed citizens or employees are sending. However, the reverse is true also: when corruption or wrongdoing is exposed to the light, and it becomes apparent that management is serious about ending it and about having things done properly, corruption tends to wither and those who "went along" or complained only in private, shift sides, often with surprising suddenness.

When one City Manager established an investigation unit he prepared a public report to the City Council with copies to all city employees. The report gave the reason for the investigative unit, the powers it had (and did *not* have), what kinds of things were likely to happen, how complaints were to be received, what safeguards there were for those submitting complaints or making allegations, *and* for those who were the subject of complaints or allegations, and what would be done with the results. A series of reports on programs, results and actions taken were also used.

The characteristics of this anticorruption tool are these:

Advantages

- Discovery and corrective action can be taken only if good investigatory procedures are used.
- When the public and city employees are aware that corrective action is going to be taken, their awareness may have the double benefit of producing more information as well as reducing corrupt actions.

Disadvantages

- If not done professionally it may become simply harrassment.
- It can produce negative public reaction.

H. The Management Team

To create conditions that encourage accountability and integrity on the part of employees, five management functions are needed: environment, management control, audit, training, and investigation. Without a central coordinating unit that can develop and apply these elements in an integrated fashion, it may be very difficult for those who are responsible for operating the individual tools to address the complex of incentives and opportunities that lead to corrupt behavior or abuses of position.

> The new mayor and city council said "clean it up," and left it to the City Manager to figure out how. He assigned the middle managers to write a code of ethics, got the training officer to put together an ethics unit, had the department heads institute management controls, brought in an auditing firm, and put together an investigative unit. But he also had to handle a very difficult contract negotiation with two unions and cope with a freeway extension controversy. The first he knew that it wasn't working out was when the head of Public Works came in shaking with rage, with the figures in his hand — hours lost to training, hours lost answering the questions of the audit staff, and now "that damned auditor is makin' out like I don't know how to run my department, and I got some polite cop takin' more time askin' questions!" The City Manager tried to pull it all back together, and managed to do it for two departments, but at the end of the year, the costs far outweighed the results.

A management team should consist of the chief administrator or his/her principal deputy, the finance director, the budget or management officer, the training officer or personnel director, and the head of the investigation unit if one exists. In order to implement a program designed to reduce the opportunities and incentives to corrupt behavior, the management team must define the goals and objectives of each unit of the organization, specify indicators of ongoing goal or objective attainment activity, and specify standards of performance against which performance and behavior can be compared. Then, using indicators and standards (or approximations) as guidelines for the development of intervention strategies, the management team can plan and supervise an overall approach for implementation and monitoring feedback. Planning is not just an initial step or a one time activity. It is, given the learning process that would occur during the first implementation period, incremental and continuous. Adaptation and improvement are inevitable if management is to maintain sufficient flexibility.

The ongoing audits and reviews of operations should be monitored in order to determine which corrective actions might be necessary. The role of the training officer in identifying interventions during this process may be very important to improving conditions. The management team may also assume the function of supervision and review the various policies, rules, regulations and guidelines of the organization. This activity should be an ongoing process.

The coordination of participants and processes in the system is essential. The management team should consider the needs and response of each group who will be implementing and monitoring management controls, and the problems associated with an intensive assault on a given problem, such as bribery in building inspections, or decision-selling by officials.

Development and inculcation of a code of ethics for all employees should underlie the entire concept. Having ascertained the credibility and reasonableness of the code well in advance of implementation, the team should go to sufficient lengths to ensure that all employees are familiar with it and understand its implications, particularly the consequences of violation.

The characteristics of a management team are these:

Requirements

- Coordinate the anticorruption strategies so that each reinforces the others.
- Provide continuity of effort, and feedback.

Advantages

- More viewpoints on the problem — prevents an anticorruption program from turning into a one-man band.
- Multiplies the number of problems that can be dealt with.

Disadvantages

- Takes time.

SUGGESTED READING

Albert Solnit, "The Job of the Planning Commissioners — A Guide to Citizen Participation in Local Planning," University Extension, University of California, Berkeley, CA (1974).

In a short section on ethics (pp. 92-94), this author points out that corruption can still occur when the letter of the law is met (he gives the example of a meeting that is effectively closed simply by being continued past midnight). Although he is addressing citizens who would be working with a planning commission, he provides useful insights for the manager.

AICPA, "Audits of State and Local Governmental Units," an Industry Audit Guide, prepared by the Committee on Governmental Accounting and Auditing of the American Institute of Certified Public Accountants (New York City: 1974).

Discusses budgeting and audits, including a discussion of performance audits (pp. 38-40) and auditing procedures (pp. 45-69), and giving examples of various types of reports. A useful guide to what kinds of things auditing can (and cannot) uncover.

GAO, "Standards for Audit of Governmental Organizations, Programs, Activities, & Functions," Comptroller General of the United States, U.S. Government Printing Office, Washington, D.C. (1973).

Puts forward audit standards for application to audits of all government organizations, programs, and activities at all levels, whether the audit is internally conducted or conducted by an external organization.

Paul R. Micox (Ed.), "Getting Started with Training," Part 1 of the series of Municipal Training and Development Guides, League of California Cities, Sacramento, CA 94814 (1976).

Explains what training can and cannot do, how to raise the likelihood that training will be effective, and presents a model city training policy and program, as well as a list of training sponsors and resources (pp. 19-25).

V REMEDIES FROM THE OUTSIDE

A. What Difference It Makes

If citizens leave the entire job of preventing, detecting, and correcting corruption to the local officials they pay to run their government, then they are neglecting their own job, which is to be vigilant. Many of the most serious outbreaks of official corruption have occurred in communities where citizens and news media paid little attention to government affairs, where tolerance levels were never formally established or communicated, or where government officials were never held accountable for protecting the public interest. The research on which this document rests suggests that even though local policies and management controls can go a long way toward preventing, detecting, and correcting corruption, in the final analysis an alert, interested, and watchful public may well be the most vital ingredient of a successful anticorruption strategy. Citizen vigilance is worth encouraging.

The word "vigilance" is used intentionally, not only because of ringing declarations like "The price of liberty is eternal vigilance," but because the word suggests a very real danger that many local governments have experienced in the past. Unless citizen vigilance is encouraged and accepted as being an important part of government of, for, and by the people, it is likely to seem to fade away, only to erupt in a group of vigilantes more intent on ripping out what they see as rotten than on being fair, or careful, or rational.

B. What Citizens Can Do

Citizens can organize vigilance groups or watchdog groups that can not only observe and comment (as in the model provided by the League of Women Voters) or push for reductions in waste and inefficiency (taxpayer groups) but also investigate possible instances of corruption that local governments appear to be ignoring (as in the model provided by Chicago's Better Government Association). Citizens can participate in decision-making processes to the extent local government permits, and can push for open decisions, openly arrived at. Citizens can cast informed votes (more likely when issues have received a thorough airing).

The media provide an organized way in which the citizens can receive information. No local government should ever be pleased if the media pay no attention to what's going on: the inattention may not last, the existence of a news vaccuum may attract regional media to fill what they see as a need even though they must operate at a greater distance (and a story must be larger to be attractive), and the absence of news coverage may appear to suspicious citizens as indicative of collusion and corruption. Local governments often try to manage the news by submitting press releases or having press conferences to announce new programs or achievements, but refusing to talk to reporters who ask questions. The impression left by such practices is not that of open, honest government, and the result is a loss of credibility.

Finally, public officials in their public capacity but outside of their governmental role can exert strong anticorruption influence on each other, by means of public interest organizations such as the International City Management Association, or the Municipal

Finance Officers Association. Such organizations can not only provide a forum for exchange of "how to" information, but provide mutual support.

Table 15 shows how each type of public (nongovernmental) remedy can address the various problems that contribute to corruption.

Table 15

REMEDIES IN THE PUBLIC DOMAIN AND OUTSIDE OF THE GOVERNMENT

	Citizen Watchdog Group	Investigative Reporting	Public Interest Groups
Systemic problems			
Poor visibility of the decisionmaking process	X	X	
Lack of independent monitoring capability	X	X	X
Lack of means for investigating allegations of corruption	X	X	X
Situational problems			
Concealment of the decisionmaking process	X	X	
Refusal of independent monitoring	X	X	
Refusal to investigate allegations of corruption	X	X	
Other			
Lack of government capacity			X
Public apathy		X	
Lack of media coverage	X		

C. Citizen Watchdog Groups

Whatever the costs of establishing a nationwide network of citizens' watchdog organizations, vigilance is a price we must pay to see that government works. What is needed is a new form of collaboration — one in which citizens band together and select their own expert professional government-watchers that can hold government officials accountable for their actions each day of the year.

(Volume V — From the series: "Corruption in Land Use and Building Regulation; Establishing a Citizens' Watchdog Group," Peter Manikas and David Protess)

Since the Watergate scandals of 1974, new and old forms of citizen watchdog groups have gained increased attention as mechanisms for monitoring government. Such groups operate on the theory that, in the end, only citizens can control government and thereby ensure that it operates in the public interest rather than for private gain. Where these groups have been organized, they have been relatively successful in shedding light on

waste, inefficiency, and outright corruption. However, unless such requirements as independent funding, permanent staff, and close relationships with the news media are addressed, watchdog groups can find it difficult to sustain long-term operation. The Better Government Association (BBA) of Chicago has proved to have at least one formula for success and is discussed herein as a model. To be sure, other organizations such as the many chapters of the League of Women Voters and narrowly based municipal taxpayer groups have been successful, but they focus more often on objective analyses of issues (League of Women Voters) or advocacy of cost reductions (most taxpayers associations).

How can a group of organized citizens attack the root causes of waste, inefficiency, and corruption?

> For years businessmen in the city's older southeast section had been quietly complaining to each other about the extortion-like pressures placed on them by street-level bureaucrats — building inspectors, traffic cops, and fire inspectors. It seemed as though they had little recourse — everybody in City Hall was apparently involved in a petty but pervasive game of "payment or harrassment." Finally, the businessmen organized, hired investigators and gathered evidence. A front-page story convinced the District Attorney to accept their complaints.

Chicago's Better Government Association recently faced a similar situation; BGA staff launched a full-scale, covert investigation in collaboration with the *Chicago Sun Times* — completely independent of City Hall. In this particular investigation, a small business was bought and an upstairs loft fitted with cameras and recording equipment. BGA and *Sun-Times* staff then filmed and recorded a parade of inspectors, policemen, and street maintenance workers demanding cash payments in return for necessary permits and licenses. Armed with this proof of corruption and certain that City Hall would fail to tackle the problem, the investigation's reports were serialized and played on the front page of the *Sun-Times* for 28 consecutive days. The resulting pressure — from institutions and citizens alike — was of a kind to which elected officials had to respond, and was strong enough to force response. This scandal resulted in numerous suspensions and investigations of public employees at all levels. Signaling an interest in more comprehensive reform, the Mayor eventually called for formation of a fully staffed commission and Office of Professional Review — an anticorruption agency largely independent of City Hall to review allegations of wrongdoing and make recommendations for reform.

An investigation carried out by unskilled volunteers may succeed, but effectiveness is more likely when trained investigators are hired who can devote the necessary time. Volunteers can often help. While there are as many techniques of investigation as there are techniques of interviewing, Table 16 lists some alternatives.

Groups like the BGA have proven to be effective monitors of local government. Such groups can be viewed as one of many elements of a community's anticorruption strategy. Where the impetus for such an organization comes from within City Hall, officials can encourage their formation and aid their operation by routinely sending them minutes and agendas of meetings and hearings. An independent but collaborative effort would very likely establish an anticorruption environment controlling many of the most uncontrolled opportunities for corruption by providing both internal and external monitoring. (Appendix H contains the bylaws of the Better Government Association and provides a more thorough description of the organization.)

Table 16

INVESTIGATIVE TECHNIQUES AND PRINCIPLES

Open Techniques

- Digging through public records (perhaps with volunteer labor).
- Using a computer to sort through large amounts of data and find patterns of abuse.
- Interviewing former employees, clients, or contractors no longer in a position to be forced to be quiet.

Covert Techniques (may require prior legal clearance)

- Using hidden television cameras to record transactions or events.
- Introducing an undercover investigator into the institution as an employee.
- Setting up a dummy unit to do business with the agency or group suspected of corruption.

Principles

- Make no public allegations before the proof is in hand.
- Avoid investigations that can be turned to purely partisan ends.
- Accept anonymous tips, but act only on those that can be verified, preferably through public documents.
- Understand that an investigation is likely to include only a few moments of drama and hundreds of hours of detailed, routine work (such as sorting through thousands of records of real-estate transactions).
- Make no public allegations about an official before giving him/her a chance to explain what appears to be an impropriety.
- Protect anonymous sources.
- Maintain a high ethical standard in investigations: avoid subterfuge, deception, artifice, and entrapment.

The citizen watchdog group has the following characteristics:

Advantages

- Citizen watchdog groups provide an organized and staffed capability for monitoring and shedding light on the activities of elected officials and public employees.
- They provide a trained, professional staff of investigators for following up on allegations of wrongdoing by public servants.
- They provide a forum for proposing (and exerting pressure for) reforms not likely to be supported by special interests within City Hall (e.g., employee associations).

Disadvantages

- Such groups must continually fight off the forces of partisanship. If their fight against City Hall took on a partisan tone they could lose credibility with the public, news media, and even their constituents.
- They may become "toothless tigers" or simply wither away if their sources of funding evaporate or if their members lose interest. Without sustained and meaningful activity they may become only petty harrassers of public officials — easily discredited or even ignored.

D. Investigative Journalism

> *Although there has been some shift in emphasis in recent years, I believe the nation's newspapers, magazines, and television stations still devote far too much of their energy and manpower recording what officials say and therefore far too little energy and manpower reporting what is occurring in the agencies headed by these officials.*
>
> (David Burnham, *New York Times*)

Investigative journalism can be an even more powerful tool for educating citizens and pushing them toward action than is the watchdog group. Where the citizen watchdog group can provide depth to an investigation, investigative journalism can provide breadth. Together investigative journalism and the citizen watchdog group become a powerful force against a corrupt city hall. This kind of relationship has been described as the "marriage of manpower and talent"; a marriage of these two anticorruption models more than doubles the firepower that either could produce alone.

Reporters can usually find access to the inner workings of government, and their editors will usually give them the freedom to write about corruption. In addition, City Hall usually feels pressured to take some action when a newspaper breaks a scandal. For example,

> In his paper's popular Action Line column, a reporter on the city hall beat saw shadows of something wrong. A citizen had requested help in obtaining a special use permit that had been applied for six months earlier. The citizen was complaining of delay, uncalled for harrassment and thinly veiled solicitations of bribes from the city Building Department. Of course, the Action Line reporter was able to cut through red tape and secure the permit. However, no reason was given for the original problem. The situation was ripe for an investigation — were Building Department employees "on the take"? He sought (and got) the editor's permission to find out and the resulting story caused a shakeup in the department.

Reporters receive many indicators of solid investigative stories — some from their own newspapers. "Action line" appeals can offer some of the more telling tips of wrongdoing, but other sources are also good. The *Boston Globe* spotlight team draws its investigative leads from sources as farreaching as anonymous tips and spin-offs from routine stories on public hearings and city council meetings. Jack Anderson follows up on the reports of "whistleblowers." Marilyn Baker of San Francisco is an investigative reporter who has been said to have a "nose for official misconduct."

Whatever the sources, the investigative reporter can use conventional journalism techniques (e.g., document review, and interviews) as well as unconventional (e.g., undercover work) to get to the bottom of the story. Unconventional techniques are often more time consuming and therefore more costly, but are likely to turn up more solid information. Furthermore, investigative reporters can do little without the support of their editors and the freedom to follow a lead to its logical conclusion. In turn, editors must have the support of owner/publishers, particularly if the story developed could embarrass highly visible and politically sensitive public officials.

Of course, the media can do more than just investigate and report. For example, after the National Commission on Criminal Justice Standards and Goals published their report on community crime-prevention, the *Cincinnati Post* began a campaign to ferret out corrupt situations; they ran a story headlined "How Clean is Your Town?" A lengthy checklist was adapted from the National Commission's report, and citizens were asked

to fill out their community "report card." Citizens were encouraged to phone a city desk "hot line" if patterns of corruption emerged from their evaluation of their own community. For someone who has never thought about corruption much, the checklist can be an eye opener and can throw into focus practices that had been accepted as normal. (The check list from the *Post* is shown in Appendix I.)

The role of the media in controlling corruption is vital. Investigative journalism can put public officials into the spotlight and when irregularities are found can alert citizens to official misconduct. Because the news media commonly assign reporters to city hall, there are media representatives at most government meetings. The investigative journalist strives to go beyond simply reporting what officials did and said, to learn what motives are behind official actions. Where those motives appear to benefit one or a very few, at the expense of the majority, it is the duty of the media to surface the issues and ask pointed questions, thus providing yet another way of holding officials accountable.

Investigative reporting has the following characteristics:

Advantages

- Can be an ever-present monitor of government affairs that by simply its presence deters public officials and public employees from wrongdoing.
- It has the clout of audience size — thousands of citizens get the message and can be reminded of the lack of city hall response if officials take no action.
- Reporters often have access to information, by way of personal relationships, that ordinary citizens do not have.

Disadvantages

- If investigations and related editorials are not even-handed and objective, the newspaper or newscast can lose credibility.
- Investigative stories can be forced off the front page (and therefore out of the spotlight) by "hotter" stories or stories of even greater local significance.
- Newspaper accounts or television broadcasts providing sensational exposes of corruption risk being labeled and discounted as "yellow journalism."
- Long-continued campaigns of revelations can be seen as having the element of unfair attack — public sympathies may shift to those being attacked if they appear to be the underdogs.

E. Public Interest Organizations and Professional Associations

Public officials claiming to be from the professional ranks of management specialists are represented by professional or public interest organizations to which they or their communities belong. Prominent among these are the International City Management Association, Municipal Finance Officers Association, American Public Works Association, and so forth. These groups commonly promote codes of ethics, canons, principles and other guidelines to official behavior. They also police their memberships by way of procedures to review allegations of misconduct. Peer pressure is achieved through censure procedures.

In the case of the International City Management Association, if charges of unethical or nonprofessional conduct are made against a member by one or more other members, an investigation is made at the state membership level. If the charge is supported by the investigation and further action seems warranted, the results of the investigation are sent

to the national ICMA Board of Directors. Their ethics committee will investigate and hold a closed hearing at which time the accused will be given the opportunity of answering the allegations. If the charges are correct and are serious enough to justify censure, the Board can cancel membership in ICMA and publish the cancellation in their monthly newsletter. This puts all members on notice that their peers are watching and that public embarrassment is the penalty for misconduct. For example,

> A youngish political appointee who described himself as "a political hack," attended his first American Public Works Association convention. There, for the first time, he received information that many of the practices in his city and in his new department were considered corrupt and, if discovered, would result in censure by the organization. He had gotten so used to thinking of politics as necessarily dirty that he had neglected to be aware that some practices were dirtier than others. The notion of political life as potentially honorable, which had struck him as funny in his student days, was made manifest by some of the people who were introduced to him as his peers from other cities. For the first time, he began to realize that there could be some value in cooperating with the reform faction in government, rather than with the "get it while you can" faction, and to his own surprise, he returned from the convention committed to reform.

Action by professional or public interest organizations has the following characteristics:

Advantages

- Can proceed when all other modes fail (i.e., when the government has no interest in reforming severe corruption, the citizen watchdog groups have been disabled by lack of funds or partisanship, and the media are in collusion).
- Is personally serious to the person censured and thus threat of censure can act as a dissuader from further corruption.

Disadvantages

- Is a slow process and one engaged in only reluctantly by professional organizations, and only with great cause.
- Persons already corrupt may be less likely to accept public embarrassment as a serious penalty; censure is not, after all, jail.
- May produce divided loyalties.

SUGGESTED READING

David Burnham, "The Role of the Media in Controlling Corruption," Criminal Justice Center, John Jay College of Criminal Justice, New York (1977).

Peter Manikas and David Protess, "Corruption in Land Use and Building Regulation: Volume V, Establishing a Citizens' Watchdog Group," SRI International, Menlo Park, CA (1978)

NACCJSG, "Criminal Justice Standards and Goals in Community Crime Prevention," National Advisory Commission on Criminal Justice Standards and Goals, Washington, D. C. (1976).

APPENDIXES

Appendix A

MODEL CODE OF ETHICS

I

CODE OF ETHICS

The City Manager of the City of and the employees of the City of shall adopt the "City of Employee's Code of Ethics:"

Declaration of Policy:

The proper operation of democratic government requires that actions of public employees be impartial; that government decisions and policies be made in the proper channels of government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals there is hereby established a Code of Ethics for all officials and employees appointed by City Manager, the City Solicitor or by independent commissioners. The purpose of this Code is to establish ethical guidelines of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interest of the City of and its citizens.

The adoption of this Code of Ethics will not eliminate municipal corruption. However, with our cooperation, it will improve the attitude and practices of municipal employees, whether of high or low status, correct injustice and heighten public confidence in our local governmental institutions, positions and men.

As employees of the City of we should:

1. Strive to protect and enhance the reputation of the City of and its employees, remembering that City employees are public servants.
2. Treat all citizens equally with courtesy and impartiality, and refrain from granting any special advantage to any citizen beyond what is available to all citizens.
3. Give efficient, productive and economic service to the public, always putting in a full days' labor for a full days' pay.
4. Avoid real or potential conflicts between private and public duties, remembering that the public interest must be the principle concern.
5. Keep confidential all information acquired by reason of ones' position which may be used for personal or financial gain for the employee or other persons.
6. Refrain from securing special privileges or exemptions for oneself or ones' relatives or other persons that are not available to all citizens.
7. Avoid receiving, soliciting or otherwise obtaining anything of valuable benefit from any other public official or employee which is intended to influence the performance of official duties.
8. Use City vehicles, equipment, supplies, and/or property only for City work, and not for personal benefit or profit, except when it is available to the public generally or provided by administrative regulations.

9. Declare to the appropriate authority the nature and extent of any financial or personal interest in a City contract or other legislation, when participating in discussions of or giving an official opinion on the matter.

10. Avoid exceeding one's authority or stretching the law or asking other persons to do so. Cooperate fully with other employees unless prohibited by law or confidentiality.

11. Handle all matters of personnel on the basis of merit, with impartiality and fairness.

12. Seek no favor; believe that personal profit by misuse of public time is dishonest.

II

GUIDELINES FOR THE CODE OF ETHICS

These guidelines are tools for interpreting the Code of Ethics for the City of employees. They are designed to deal with more specific situations which may confront the City employees in the course of their duties. These are not absolute but serve as indicators for ethical behavior for public servants. These guidelines should be used as a frame of reference by all employees and by the Board of Ethics, remembering that all violations are of the Code, not of the guidelines.

I. Definition

A. Official or Employees - Any person who is appointed by the City Manager, the City Solicitor or independent commision of the City of , whether paid or unpaid.

B. Financial Interest - Any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than duly authorized salary or compensation for services to the City) to the employee or any other person retaining the services of the employee.

C. Personal Interest - Any interest arising from blood or marriage relationships or from close business or political association whether or not any financial interest is involved.

D. Person - Any person, (marriage or blood relationship), firm, association, group, partnership, or corporation or any combination thereof.

E. Contract - Any contract, agreement, authorization, loan, claim, service, sale or memorandums of understanding made under the auspices of the City of or any litigation out of or involving the aforementioned items.

F. Authority - The Department Director, Commissioner, Superintendent or his appointee who is accountable for the proper and ethical operation of the agency.

II. Fair and Equal Treatment

A. Impartiality - No employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or made available to all citizens.

B. Use of Public Property - No employee shall request, use, or permit the use of any publicly-owned public-supported property, vehicle, equipment, or labor, service, or supplies (new, surplus, scrap or obsolete) for the personal convenience or the private advantage of said employee or any other person, except when those of aforementioned items are available to the public generally.

C. Appointments - All appointments shall be made according to the rules and judgement of the Civil Service Commission and should be made on the basis of merits. No employee shall accept any solicitation or item of valuable benefit or personal interest in exchange for an appointment or a promotion.

III. Conflict of Interest

A. Gift and Favors

A City employee should not directly or indirectly solicit any gift, or accept or receive any gift whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it can be reasonably inferred that the gift was intended to influence him, or reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official actions on his part. It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence.

B. Incompatible Employment (See Civil Service Rules XVII)

C. Representation of Private Persons (Ohio Revised Code 102.04)

D. Confidential Information (Ohio Revised Code 102.03)

E. Interest in City Contracts (Ohio Revised Code 2921.42) (includes stock ownership or interest)

IV. Interpretation

A. All employees shall attempt to secure interpretation of the Code and its guidelines from his/her Head of Division, Department, Commission or Board. It should be noted that the restrictions for one agency may not apply to another, depending on the service that agency provides.

B. Any questions as to interpretation shall be referred to the Code of Ethics Advisory Board for resolution.

III

CODE OF ETHICS ADVISORY BOARD

MEMBERS:

The Board shall be appointed by the City Manager and shall consist of:

1. Deputy City Manager (permanent)
2. Personnel Director (permanent)
3. A Department Director
4. President of the Middle Management Board
5. President of one of the three unions

The department director is selected by the two permanent members for a two year term, the union president will change every eighteen months and the President of the Middle Management Board will serve six months or the length of his term in office.

The Deputy City Manager will serve as chairperson and the department director as secretary.

PRIMARY FUNCTIONS:

The primary functions of the Board will be to act as an advisory body relative to the Code, to City officers and employees, the Council, the City Manager, and the Independent Boards and Commissions.

They are charged with keeping all information confidential. They shall monitor the Code of Ethics and recommend changes as the need arises.

They shall publish all positions which set precedents, making sure the privacy of those involved is protected.

They shall make interpretations of the code and shall publish those interpretations quarterly.

STAFF:

The City Solicitor, the Personnel Director and the Director of Research, Evaluation and Budget shall supply staff support as necessary.

The Middle Management Board will be charged with the publishing and distribution of all decisions and interpretations.

MEETINGS:

The Board will meet at least once a month to reply to all inquires, complaints and requests.

Three shall make a quorum.

If a member of the Board or Working Committee has other than a neutral interest in a matter before the Board, he shall disqualify himself. The remaining members shall constitute the full Committee.

IV

LAWS, RULES AND ORDINANCES

The following is a listing of laws, rules and ordinances pertaining to City employees. The complete documentation of the above are available from the Department or Division Director or the Middle Management Board for further scrutiny.

I. Ohio Revised Code - Chapter 102

102.01 Definitions - "... any person ... employed by a public agency."

102.03 (B) Disclosure of Confidential Information

102.03 (C) Licensing and Ratemaking

102.04 (B) Compensation or Services Received other than from the Agency Served

Chapter 124

124.34 Tenure of Office; reduction, suspension, and removal; appeal

124.57 Political Activity Prohibited

124.58 Frauds in Examination Prohibited

124.59 Payment for Appointment or Promotion

124.60 Abuse of Official Power for Political Reasons

124.61 Abuse of Political Influence

124.71 Unauthorized Operation of Motor Vehicle of State or Subdivision

Chapter 2921 - Offenses against Justice and Public Administration

2921.01 Definitions - "employee...of the state or any political subdivision thereof" or "any person performing ad hoc a governmental function."

2921.02 Bribery

2921.03 Intimidation

2921.11 Perjury

2921.12 Tampering with Evidence

2921.13 Falsification

2921.21 Compounding a Crime

2921.22 Failure to Report a Crime

2921.42 Interest in City Contracts

II. Civil Service Rules

Rules XVII Outside Employment Permits

Section 1 Application

Section 2 Restrictions

Section 3 Part-Time

Section 4 Liability

Section 5 Department Review

Appendix B

BASIC RESTRICTION OF THE COMMON CAUSE MODEL CONFLICT OF INTEREST ACT

The restricted activities set out in the Common Cause act are neither harsh nor novel:

1. Public office (and confidential information received therein) shall not be used for personal financial gain. This is a well-established common law principle based on the concept of a public office as a public trust. The restriction aims at such familiar practices as officials awarding public contracts to their own firms or providing advance notice to clients on pending governmental actions.

2. No person shall offer and no official shall accept anything of value on the understanding that the official's action would be influenced thereby. This is a standard antibribery provision.

3. No person shall offer and no official shall accept from any one person gifts (excluding campaign contributions and gifts from close relatives) that exceed $100 in value in a year. Even where there is no explicit intention to offer a bribe, at some point in a succession of gifts and favors a threshold is crossed whereby special, privileged access to a public official may be secured. Given the tremendous time pressures and information gaps that harried public officials face, access means influence.

4. No official shall have an economic interest in a contract with the government unless it has been awarded through a competitive and open process. This is less harsh than the common law cases that prohibited such contracts no matter how negotiated.[16] Perhaps the most fertile ground for conflicts of interest is the area of government procurement of goods and services.[17] However, in the limited context of a code of ethics, the intent is simply to establish minimum ground rules of openness applying to public officials' participation in their own public contracts.

5. No official shall represent a person for compensation before a governmental body unless the matter is of a ministerial nature, or is a matter of public record before a court of law. This restriction addresses the widespread cronyism and back scratching among public officials that undermines public confidence in the fairness of official decision making. It prevents the state lawyer-legislator from representing a client before a state agency whose budget that legislator approves. It prevents the part-time city attorney from seeking a zoning variance for a client from the city planning commission. It prevents logrolling of the most subtle and worst kind.

6. No official shall represent a person before his former governmental body for one year after he leaves that body. This should lessen the incentive for businesses to hire former government officials more for their political clout than their professional expertise and lessen as well the temptation for public officials to accommodate prospective employers. Additionally, such a provision should insulate public bodies from the special influence and access that can be asserted by their former colleagues.

7. A majority of the members of a governmental body shall not have a personal economic interest in the matters subject to the jurisdiction of the body. This provision is an attempt to acknowledge the need for professional expertise on public bodies while giving the public assurance that state and local decision-making bodies are not stacked in favor of special interests. This would allow realtors to sit on local zoning boards but not to dominate them. The question of self-regulation by special interests is particularly critical in the many state and local situations where public officials are unsalaried or only part-time.

NAME ___ _____ _____ (Rev. 4/76)

DEPARTMENT (if County employee) _____ Position held _____

I. A. EMPLOYMENT (as of date of filing) - List all corporations, companies, firms, partnerships, institutions (including non-profit) providing income to you, your spouse or any relative residing in your household, of more than $1,000 per year.

PERSON EMPLOYED

1. Employer _____ Self__Spouse__Relative__ (If relative,
   Address _____ list name and relationship)
   Nature of organization _____ _____
   Position held _____

2. Employer _____ Self__Spouse__Relative__ (If relative,
   Address _____ list name and relationship)
   Name of organization _____ _____
   Position held _____

3. Employer _____ Self__Spouse__Relative__ (If relative,
   Address _____ list name and relationship)
   Name of organization _____ _____
   Position held _____

4. Employer _____ Self__Spouse__Relative__ (If relative,
   Address _____ list name and relationship)
   Name of organization _____ _____
   Position held _____

5. Employer _____ Self__Spouse__Relative__ (If relative,
   Address _____ list name and relationship)
   Name of organization _____ _____
   Position held _____

Use another sheet for additional listings

B. MEMBERSHIPS (OFFICES AND DIRECTORSHIPS) (as of date of filing) - On behalf of you, your spouse or any relative residing in your household, list all corporations, companies, firms, partnerships, institutions, etc. (other than charitable, religious, recreational organizations) within which an office or directorship is held.

PERSON

1. Name of organization _____ Self__Spouse__Relative__ (If relative,
   Address _____ list name and relationship)
   Nature of organization _____ _____
   Position held _____

2. Name of organization _____ Self__Spouse__Relative__ (If relative,
   Address _____ list name and relationship)
   Nature of organization _____ _____
   Position held _____

3. Name of organization _____ Self__Spouse__Relative__ (If relative,
   Address _____ list name and relationship)
   Nature of organization _____ _____
   Position held _____

4. Name of organization _____ Self__Spouse__Relative__ (If relative,
   Address _____ list name and relationship)
   Nature of organization _____ _____
   Position held _____

5. Name of organization _____ Self__Spouse__Relative__ (If relative,
   Address _____ list name and relationship)
   Nature of organization _____ _____
   Position held _____

Use another sheet for additional listings

II. OTHER INCOME AND SECURITIES (as of January 1 of the year filed) - List all sources of income, other than employment and real estate, providing an income in any form (cash, goods, services) of more than $1,000 per year to you, your spouse or any relative residing in your household (include trust funds, retirement, etc.), and all securities having a market value of more than $1,000 or providing more than $1,000 per year income owned by you, your spouse or any relative residing in your household. It is not necessary to list amount of income or value of securities.

Source of Income/Type of Securities	Recipient of Income/Owner of Security
1. Name _____	Self__Spouse__Relative__ (If relative,
Address _____	list name and relationship)
Nature of organization _____	_____
2. Name _____	Self__Spouse__Relative__ (If relative,
Address _____	list name and relationship)
Nature of organization _____	_____
3. Name _____	Self__Spouse__Relative__ (If relative,
Address _____	list name and relationship)
Nature of organization _____	_____
4. Name _____	Self__Spouse__Relative__ (If relative,
Address _____	list name and relationship)
Nature of organization _____	_____
5. Name _____	Self__Spouse__Relative__ (If relative,
Address _____	list name and relationship)
Nature of organization _____	_____

Use another sheet for additional listings

III. REAL PROPERTY

A. Common address of personal residence (assessed value not necessary) own _____ rent _____

B. All other real estate interests or holdings in Virginia, Maryland or the District of Columbia, held by you, and your immediate family, or spouse or any other relative who resides in the same household, as well as their holdings in any corporation, partnership or any other business association or entity whose primary purpose is to own or develop real estate interests in Virginia, Maryland, or the District of Columbia.

	PROPERTY	OWNER
1.	Common address _____	Self__Spouse__Relative__ (If relative,
	Legal description (lot, section, subdivision, etc.)	list name and relationship)
	_____ Assessed Value: _____	_____
	Provides income of more than $1,000 per year Yes___No___	
2.	Common address _____	Self__Spouse__Relative__ (If relative,
	Legal description (lot, section, subdivision, etc.)	list name and relationship)
	_____ Assessed Value: _____	_____
	Provides income of more than $1,000 per year Yes___No___	
3.	Common address _____	Self__Spouse__Relative__ (If relative,
	Legal description (lot, section, subdivision, etc.)	list name and relationship)
	_____ Assessed Value: _____	_____
	Provides income of more than $1,000 per year Yes___No___	

The above record is true and complete to the best of my knowledge. Date _____

THIS FORM IS NOT VALID WITHOUT SIGNATURE

_____
Signature

Appendix D

EXAMPLE OF POLICIES REGARDING
CONDUCT OF PUBLIC HEARINGS

ARTICLE XXIa

(A new Article, consisting of Sections 375 through 375.17, added by Ord. 4781 (NS) effective 12-16-76.)

RULES OF CONDUCT AND PROCEDURE
FOR PLANNING AND ZONING PROCESS

SECTION 375. DEFINITIONS. These definitions shall govern the construction and application of this article:

(a) Decision-making Body. As used herein "decision-making body" shall mean the Board of Supervisors, Planning Commission, Board of Planning and Zoning Appeals and the Zoning Administrator.

(b) Clerk. As used herein "clerk" shall mean the officially designated clerk or secretary of the decision-making body.

(c) Hearing. As used herein "hearing" shall mean a noticed public hearing required by State law or County ordinance relating to planning and zoning and land use.

SECTION 375.1. RECORD. When a written request is submitted to the Clerk at least 24 hours before the commencement of the hearing, the Clerk shall cause a record of such hearing to be made. If a hearing is tape recorded, a copy of the tape may be purchased at its reproduction cost from the Clerk provided that a deposit in an amount estimated by said Clerk to cover the cost of reproduction shall first be made. If any person desires to have a hearing reported by a stenographic reporter, he may employ one directly at his expense or he may request that the Clerk arrange, also at the requesting party's expense, for a reporter. Any such request to arrange for a reporter shall be submitted to the Clerk in writing at least two working days before the hearing and shall be accompanied by a deposit of $40.00.

SECTION 375.2. AGENDA. Twenty-four hours prior to the beginning of all hearings, copies of the decision-making body's agenda shall be available at the office of the Clerk.

SECTION 375.3. STAFF REPORTS. (a) When a Planning Commission and/or a planning staff written report exists, copies of such report shall be available for public inspection at the office of the Clerk at least 24 hours prior to the commencement of the hearing; provided, however, the decision-making body may allow in its discretion the filing of supplemental reports which shall be made public at the commencement of the hearing.

(b) When any hearing is held, a written staff report with recommendations and the basis for such recommendations shall be filed as a part of the record of the hearing. Said report shall discuss each issue upon which a finding must be made.

SECTION 375.4. ORDER OF EVIDENCE. The order of presentation of evidence, unless otherwise directed by the Chairman or the decision-making body, shall be as follows:

(a) Staff report and/or Planning Commission report;

(b) Environmental Impact Report, as applicable;

(c) Disclosures by members of decision-making body;

(d) Testimony of persons in favor of proposal;

(e) Testimony of persons in opposition to proposal.

SECTION 375.5. RULES OF EVIDENCE. The following rules of evidence shall apply:

(a) The hearing need not be conducted according to technical judicial rules of evidence.

(b) Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

(c) Ordinarily, witnesses will not be sworn unless a specific request therefore is made prior to the hearing.

SECTION 375.6. CONTINUANCE. Any hearing may be continued by the decision-making body to a date certain. The Clerk shall give notification of the continuance to any person who, prior to such continuance, has filed with the Clerk a written request for such notice. One or more continuances may be granted to the proponents of each position being presented to the decision-making body upon request and upon a showing of good cause therefore to the satisfaction of the decision-making body. Where during the course of a hearing it appears desirable that the applicant or the planning staff submit a revised or modified plan for incorporation in the decision of the decision-making body, the decision-making body shall continue the hearing to permit the filing thereof.

SECTION 375.7. ABSENCE FROM HEARING. A member who was absent from a hearing or a portion of a hearing conducted by the decision-making body may vote on the matter provided that the member:

(a) Listens to the tape recording made of the entire hearing or the entire portion of the hearing from which the member was absent;

(b) Examines all of the documentary material received in evidence during the hearing or portion of the hearing from which the member was absent; and

(c) Deems oneself to be as familiar with the record and with the evidence presented at the hearing as the member would have been had the member personally attended the entire hearing, and so states in public session for the record; and

(d) Upon request the Clerk shall provide the member with the tape recording and all documentary material received in evidence during the hearing or portion of the hearing from which the member was absent.

SECTION 375.8. RECEIPT OF EVIDENCE OUTSIDE OF HEARING.

(a) Except as provided herein, no member of the decision-making body shall, after an application necessitating a hearing has been filed with the County, solicit or receive evidence outside of the public hearing.

(b) The provisions of this section do not apply, however, to major general plan proposals or amendments to The Zoning Ordinance involving definitions of words or uses in an entire zone, which have broad application in the County as distinguished from application to individual parcels of property.

(c) Receipt of unsolicited letters or other documents shall not constitute a violation of this section but shall be disclosed as provided in Section 375.10.

(d) Members of the decision-making body may receive evidence after the close of a hearing for the limited purpose of determining whether to request the decision-making body to order that the matter be reheard.

(Amended by Ord. 4795 (NS) effective 1-6-77.)

SECTION 375.9. VIEW OF PROPERTY.

(a) After an application necessitating a hearing has been filed with the County, no member of a decision-making body shall view the subject property with a proponent or opponent of said application, or other interested parties.

(b) Where, during the course of a hearing it appears that one or more decision-making body members desire to view the subject property, the hearing shall be continued for that purpose. When the hearing is continued and if the members of the decision-making body so desire, they may individually view the site and shall thereafter report their observations at the continued hearing or as a body may view the site and may be accompanied by proponents, opponents, and other interested parties.

SECTION 375.10. DISCLOSURE. A member who has received evidence outside of a hearing or has viewed the subject property, or is familiar with the subject property, shall fully disclose at the hearing such evidence and his observations and familiarity with the property so that the applicant, opponent, interested persons, and other members of the decision-making body may be aware of the facts or evidence upon which he is relying and have an opportunity to controvert it. All written evidence received outside of the hearing shall be filed with the Clerk.

SECTION 375.11. DISCUSSION OF PENDING MATTERS. No member of a decision-making body shall, after an application necessitating a hearing has been filed with the County, discuss said matter with other members of a decision-making body or with proponents, opponents, or other interested parties, except in the course of and during said public hearing.

SECTION 375.12. CONTACT WITH STAFF ON MATTERS FOR WHICH HEARINGS ARE REQUIRED.

(a) No member of the decision-making body shall, after an application necessitating a hearing has been filed with the County, solicit or receive any substantive information from County staff outside of the public hearing on said matter.

(b) The provisions of this Section do not apply, however, to those matters which have broad application in the County as distinguished from specific application to individual parcels of property subject of the hearing, nor do they apply to those matters which relate to only procedural aspects of the hearing process, such as anticipated dates of hearings or reasons for delays in setting dates.

SECTION 375.13. DECISION

(a) Members of the decision-making body who receive evidence after conclusion of a hearing shall not participate in the vote on the matter except where the matter is reheard after appropriate notice pursuant to decision-making body order.

(b) Following completion of the hearing, the decision-making body shall make its decision. Unless otherwise provided by law, the decision-making body shall render its decision within 10 days following the close of the public hearing.

(c) Whenever the Board of Supervisors holds a hearing on a Board agenda item relating to rezoning and thereafter takes no action because a motion on the item failed to carry by the required affirmative vote, the Clerk of the Board of Supervisors shall set the matter for a noticed public hearing de novo if such hearing is requested by the Board of Supervisors. Such a request must be made within 30 days of the date on which the motion failed to carry. If no such request is made within such period, the application for rezoning shall be deemed denied.

(d) Whenever the Board of Supervisors holds a hearing on a Board agenda item relating to an appeal from the decision of the Zoning Administrator or the Planning Commission relating to the issuance, revocation or extension of a variance or permit pursuant to The Zoning Ordinance or the extension of a tentative map pursuant to the Subdivision Ordinance and thereafter takes no action because a motion on the item failed to carry by the required affirmative vote, the Clerk of the Board of Supervisors shall set the matter for a noticed public hearing do novo if such hearing is requested by the Board of Supervisors. Such a request must be made within 30 days of the date when the motion on the item failed to carry. If no such request is made within such period, the decision of the Zoning Administrator or Planning Commission from which the appeal has been taken shall be deemed sustained.

(e) In cases where a decision-making body lacked jurisdiction to make the original decision in any planning or zoning matter, whether due to improper notice or other defect, an application for a hearing de novo on such matter will be entertained by the decision-making body.

(f) No application for rehearing or reconsideration of matters involving major and minor subdivision map approvals or denials, special use permits, variances and other adjudicatory proceedings will be entertained by a decision-making body.

(g) An application for rehearing or reconsideration of amendments to The Zoning Ordinance, including but not limited to reclassifications of land, general plan adoptions and amendments, and specific plan adoptions and amendments, will be entertained by a decision-making body only in those instances involving intentional or negligent misrepresentation of facts at the original hearing.

(h) A request for hearing de novo, rehearing, or reconsideration under the guidelines set out above will be accepted and considered only upon written application signed by the applicant therefore and setting out in detail the reasons for such request including a statement of all facts upon which the application is based.

(Amended by Ord. 4795 (NS) effective 1-6-77.)

SECTION 375.14. CONTACT WITH STAFF ON NON-HEARING MATTERS.

(a) Members of the decision-making body may contact County staff at the level of Department Head, either personally or in accordance with an adopted departmental policy. Such contacts shall, however, be limited to a factual inquiry not involving either the taking of administrative action or the compilation of information not already available and shall not involve matters subject of a hearing.

(b) All contacts involving complaints, communications regarding administrative matters, requests for information not readily available, or requests involving the promulgation of an opinion or position shall be made in writing to the appropriate Department Head, who shall be responsible for referral of the contacts to the appropriate staff member and for insuring the complete records in writing shall be kept on all such contacts. Such records shall include the date the contact was received, the department and the name(s) of the staff member(s) who actually performed any necessary work, a record of any response prepared, the date the response was forwarded and the names of all persons to whom the response was forwarded. Replies to such communications shall be published to each member of the decision-making body.

(c) No member of the decision-making body shall request from County staff the preparation of a report or other written compilation of material, not readily available and involving the expenditure of significant staff time (8 hours or more), unless the decision-making body by motion duly made and adopted shall have approved the preparation of the report or the compilation of the material.

SECTION 375.15. SUPPLEMENTAL RULES OF PROCEDURE. The decision-making body may adopt additional and supplemental rules of procedure as needed.

SECTION 375.16. TRAINING. County Counsel shall for each member of a decision-making body, upon the member's election or appointment thereto, conduct a training course upon the State laws and County ordinances relating to planning and zoning and land use. County Counsel shall also, for all members of decision-making bodies, conduct an annual supplemental training course to keep said members apprised of current developments and changes in laws and ordinances relating to planning and zoning and land use.

SECTION 375.17. MISDEMEANOR. Every member of a decision-making body who knowingly and willfully violates any section of this article is guilty of a misdemeanor punishable by imprisonment in the County Jail for a period not exceeding six months, or by a fine not exceeding $500, or by both.

Appendix E

SELECTIONS FROM FLORIDA'S
GOVERNMENT IN THE SUNSHINE LAW

The most famous state open government law is Florida's "Government in the Sunshine Law," enacted in 1967, which has been judicially construed to cover both the legislative and executive branches:

> 286.011 Public meetings and records; public inspections; penalties. - (1) All meetings of any board or commission of any state agency or authority of any agency or authority of any county, municipal corporation or any political subdivision, except as otherwise provided in the constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, regulation or formal action shall be considered binding except as taken or made at such meetings. (2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state. (3) Any person who is a member of a board or commission or state agency or authority of any county, municipal corporation or any political subdivision who violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in sec. 775.082 or sec. 775.083.

Appendix F

INTERNAL CONTROL

Background

Internal control can be defined for the City as a program designed and utilized by management to effectively administer the City's current operations, plan for the future, and safeguard the City's assets. From this definition it can be seen that the internal control of a department is the responsibility of management. Collectively, the five major components of internal control: organization, policies and procedures, standards of performance, reports, and internal evaluation should be examined by management to identify weaknesses resulting from actual operation requirements changing over time. Such an examination should help management in apprising the soundness of operating controls, the quality of performance and compliance with established policies, and the reliability of reports and records.

The following are notes and recommendations regarding the Department of Buildings and Inspections' internal control. These notes and recommendations are not all inclusive. They were developed as the result of meeting with various members of the department during the week of April 3, 1977. They are broad and general in nature. Greater in-depth interviewing and research would be necessary if more specific recommendations are to be made.

Notes and Recommendations

I. Licenses and Permits Division

A. The periodic follow-up review conducted by the supervisors in this division should be documented as to frequencies, scope, findings, and dispositions in order to better strengthen internal control. The information furnished by this review could be used to compile statistical information if needed at a later date.

B. The plan examiner, after he has assigned a valuation to a set of plans, should also post this valuation to a log maintained by himself. All postings should be in ink and would safeguard against anyone altering the valuation assigned on the back of the application by the plan examiner between the time it leaves his desk and the time the permit is typed. Periodic review could then be made comparing the valuation on the completed permit back to the log book.

C. It is recommended that the Supervisor of Central Services periodically perform the close out/balancing procedure of daily cash receipts for the division. Discrepancies noted should be reconciled immediately.

D. Members of the division seem to have had a greater reliance on the audit recently conducted by the State Auditor's office for the detection of collusion than the audit was intended to provide. Accordingly, it may be well for the division head to discuss the objectives of the State Examiner's audit with representatives of his office and then to implement any recommended changes in procedures as well as any other changes deemed appropriate to strengthen the internal control of the operation.

II. Contract Servicing

A. Before contracting with non-profit organizations out of Community Development funds, reviews should be made of the objectives of each contract in order to determine whether the contract should be on a reimbursement basis or a performance-incentive basis.

B. Staff assigned to monitor third party contracts should be rotated at least annually as to the contractors serviced.

C. Staff assigned to monitor third party contracts should have a thorough working knowledge of Federal Management Circular 74-7. Possibly, the Research, Evaluation and Budget Office should conduct a seminar to acquaint the staff with this circular.

III. Homeowner Rehabilitation Loan Fund

A. Periodically, assignment of field inspectors should be rotated.

B. Appointment to the Rehabilitation Finance Board should be for a minimum of two years with non-consecutive terms.

C. The program director of this project should have well defined limits of authority and responsibility in carrying out his duties.

IV. Homesteading

A. Guidelines used to determine eligibility and selection in the homesteading lottery process could be developed and maintained as current as possible for regular distribution by the acting assistant director's office.

B. The use of pre-numbered interview forms should be initiated. The pre-numbering system should be done in such a way that it could not be duplicated by a member of the team. We suggest having the forms pre-numbered by an outside printer or being coded by the acting assistant director's staff.

C. The excess inventory of the blank interview forms should be kept in the custody of the acting assistant director's secretary and issued only in blocks of one hundred. When issued to the interview team, these numbers should be logged out by the secretary and all numbers accounted for.

D. Interview folders could be filed numerically by interview form number with the cross-referencing to an alphabetic index easily accessible.

E. All discussions and decisions made by the interview team should be well documented in the interview folders.

F. Interview forms should be a three part form and should allow for the applicant's signature on all copies. One copy should be given to the applicant. One copy should be given to the acting assistant director for his review, comments and staff development. One copy should be kept by the interview team to be retained in the interview folder.

G. All applications received should be maintained in a separate alphabetic file documenting what effort was taken on each application.

Appendix G

INTERNAL PERFORMANCE AUDIT

Background

Internal performance auditing can be defined for the City as a system designed and utilized by management to review a program's statutory compliance, efficiency and economy, and results. Such an audit is complimentary to a financial audit and is coming to the forefront as management and the citizenry seek answers on how best to spend limited tax dollars.

The following is a proposed internal performance audit guide for the Department of Buildings and Inspections. It was developed as a result of meeting with various members of the department during the week of April 3, 1977. It is not all inclusive and would need to be revised as procedures and programs change.

I. Licenses and Permits Division

Objectives

To institute a documented system of internal control for the Division of Licenses and Permits and the Plan Examiners Section.

Performance Audit Program

A. The supervisor of the licenses and permits counter daily select at random permits to match the amount of fees collected against what should have been collected. This is done in the following manner.

   1. Determine that the valuation on the back of the applications do agree with the values of the issued permits.

   2. Determine that the proper fee was collected for those selected miscellaneous licenses and permits issued.

B. The supervisor of Central Service Bureau perform the following:

   1. Periodic cash balancing of the cash register receipts on a surprise basis.

   2. Determine that the total of the checks and cash received for a given day are in agreement with the total value of the permits issued that day.

   3. Determine that total value of the permits issued for a given day is in agreement with the valuation assigned by the plan examiner on the back of the applications processed and the log maintained by the plan examiner. A reconciling item should be the total value of other miscellaneous licenses and permits issued for that day.

C. The commissioner of the licenses and permits division periodically review work performed in A. and B. above.

D. The commissioner of licenses and permits should submit his review findings to the Director of Buildings and Inspections explaining any unusual occurrences and their disposition.

II. Contract Servicing

Objectives

To institute a system of contract monitoring within the Housing Assistance Division and to perform an ongoing evaluation of the monitoring performed by this division.

Performance Audit Program - Reimbursement Contracts

The employee responsible for evaluating and monitoring contract services should perform the following:

A. Determine that all reports prescribed in the contract are submitted in accordance with the timetable contained in the contract.

B. At the time of the receipt of the monthly claim voucher from the contractor, review it to insure it contains the following:

1. A listing summarizing actual and budgeted expenditures by the categories or line-items required in the contract. Both the current month and the contract period to date figures should be presented comparing actual to budgeted amounts.

2. Review the supporting documentation to determine its concurrence with the expenditures reported for the month. This documentation should include but not be limited to the following: payroll register with approvals; copies of original invoices properly approved for payment and cancelled; a check register listing by expense category the invoices paid; and, any other detail peculiar to the contract.

3. Monthly, visit the contractor and perform the following:

a. Become familiar with the employees reimbursed under the contract and their job assignments. This would include determining that the employees reported on the payroll register are in fact the ones working and noting that employee job duties are in accordance with the objectives of the contract.

b. If possible, interview a few recipients of the contractor's services.

c. Become familiar with the activities of the contractor including his internal policies and procedures. If possible, encourage the contractor to provide the City with written personnel policies as well as written operating procedures for his employees.

d. Look for activities performed by the contractor which are not in the City's best interest or are possibly in conflict with the objectives which the City hopes to achieve through the contract.

e. Use other procedures as deemed necessary in the circumstances. Where such other procedures are found appropriate and yield noteworthy results, bring them to the supervisor's attention for possible implementation by others.

Performance Audit Program - Performance/Incentive Contracts

Performance/incentive contracts are relatively new instruments being used to improve the quality of services rendered by contractors. These contracts should contain quantifiable accomplishments which, together with a timetable, serve as benchmarks in the performance of the contracts. As a contractor attains a benchmark, he is paid for his services. The payment is an incentive to the contractor to satisfactorily fulfill the scope of services defined in the contract.

The employee responsible for evaluating and monitoring contract services should perform the following:

A. At the time of the receipt of the monthly claim voucher from the contractor, determine that the progress reports are present in a format prescribed by the contract.

B. Visit the contractor monthly to become familiar with the activities, policies and procedures of the contractor. Look for activities performed by the contractor which are not in the City's best interest or in conflict with the objectives the City hopes to achieve through the contract.

C. By inspection of the contractor's files and by contacting parties serviced by the contractor, satisfy yourself as to the accuracy of the progress reports submitted.

Conclusion

Prepare a narrative report to the supervisor each month expressing an opinion as to the performance and expenditures of the contract. All potential problems or areas of concern should be brought immediately to the attention of the contractor for his response and possible remedial action.

III. Homeowner's Rehabilitation Loan Fund

Objectives

To institute a system of accountability to monitor the Homeowner Rehabilitation Loan Program. To provide a system of reporting the status of the program on an ongoing basis to the Assistant Director and/or the Director's office.

Reporting Requirements

Monthly, a report is to be prepared by the Housing Assistance Division and submitted to the Office of the Director. This report, at a minimum, is to include the following:

A. Monthly and cumulative totals of the number of loan applications received by the proposed consortium.

B. Monthly and cumulative totals of the number of loan closings by the proposed consortium.

C. Monthly and cumulative totals of the number of loan applications rejected or disapproved by the proposed consortium.

D. Monthly and cumulative totals of the number of loan applications in process by the proposed consortium.

E. Total amount of funds dispersed by the City to the proposed consortium for the month and cumulatively since the program's inception. This section on disbursements should further be detailed into the following categories:

    1. Payments for loan closings to be made.
    2. Payments for operating costs of the program.
    3. Payments for other charges such as title searches, credit reports, etc.

F. A comparison of the data in items A. through E. above to previously established objectives.

G. A summary of costs incurred by the Housing Assistance Division to administer this program and a comparison of this amount to the budgeted amount.

H. A brief monthly statement signed by the project director indicating significant accomplishments and problems encountered during the month.

Audit Program

A. Periodically, the project director should visit the servicing agent's office and satisfy himself that the representations on the monthly report fairly present the status of the program. This can be done in the following manner:

1. Inspect the files and review a few of the loan applications.
2. Interview the person in charge of the office and subordinates as deemed necessary.
3. Make inquiries and use other procedures to insure that proper contacts were made by the servicing agent.

B. Make on-site visits of a few rehabilitation projects performing the following.

1. Interview homeowners and ask if there are any complaints, comments or suggestions about the program.
2. Inspect the rehabilitation work being performed.
3. Interview the contractor for his comments and suggestions.

C. Quarterly, it is recommended that the project director ascertain the independence of the rehabilitation finance board in its ability to make fair, impartial and non-colluding decisions.

D. Document findings, opeinions, and conclude.

E. Perform subsequent follow-up work on any problems identified and remedial action taken.

IV. Homesteading

Objectives

To institute a system of program monitoring within the Housing Assistance Division for the Homesteading Program to properly evaluate compliance and success.

Audit Program

A. Application review.

1. Insure that all interview forms issued are properly accounted for.
2. Review a randomly selected sample of completed applications, determined to be ineligible for the program, and satisfy oneself that the proper guidelines were used to determine such ineligibility.
3. Review a randomly selected sample of completed applications, determined to be eligible for the program, and

a. Determine that the proper guidelines were used.

b. Determine if income figures reported by the applicant were verified by the interview team.

c. Determine that the interview team's file has no deficiencies regarding the selected application and that all material items were properly investigated.

d. Determine that the interview team made the correct decision in regards to the applicant's eligibility.

B. Publicity review.

The reviewer should satisfy himself that the program is properly advertised. All citizens of the community should be given ample opportunity to become informed about the program. This would include:

1. No one area in the City is being circularized more than another.
2. If a large proportion of the applications are from a few neighborhoods, investigate why, and make suggestions to improve equitable representation.

C. Lottery review.

1. The reviewer should satisfy himself that applicants selected to participate in a particular lottery qualify under the guidelines of family size, size of home requirements, etc. In addition, those denied participation in a particular lottery should be reviewed to ascertain that ineligibility was properly determined under the guidelines.
2. The reviewer should satisfy himself that the lottery was conducted in a statistically fair manner. Any suggestions to insure fairness in future drawings should be documented for management's consideration.
3. The reviewer should visit the homes of lottery winners to ascertain that the guidelines of the program are being adhered to.

Appendix H

BY-LAWS

of the

BETTER GOVERNMENT ASSOCIATION, INC.

Article I - Name

The name of this organization shall be BETTER GOVERNMENT ASSOCIATION, INC.

Article II - Objects

The objects of this organization are (a) To promote respect for law; (b) To support public officials in the rightful performance of their duties; and (c) To act as a watchdog agency over waste, inefficiency, and corruption in government. This organization shall not participate in, or intervene in, any political campaign on behalf of any cnadidate for public office, including the rating or endorsement of candidates.

Article III - Membership

1. All persons without regard to race, sex, religious or political affiliations who sympathize with the objects of this organization shall be eligible for membership. Corporations shall also be eligible.

2. The Board of Trustees may establish membership classifications, and fix the amount of membership dues for each class.

Article IV - Board of Trustees

1. The Board of Trustees shall consist of not less than nine nor more than twenty-five members. At each annual meeting, the Board of Trustees shall elect one-third of its members for a term of three years.

2. The Board of Trustees, at its annual meeting, shall determine the basic program of the organization for the year, adopt a budget, and elect the Chairman and Vice Chairman of the Board of Trustees from among its members.

3. The annual meeting of the Board of Trustees shall be held on a date and at a time and place to be determined jointly by the Chairman of the Board of Trustees and the President. The Board may, by resolution, provide for additional regular meetings. A special meeting of the Board may be called at any time by the Chairman or by any five Trustees. Written notice of all meetings of the Board of Trustees shall be issued to each Trustee, stating the date, time and place of the meeting, and the purpose thereof, not less than seventy-two hours preceding the meeting. At all meetings of the Board, a majority of the Board shall constitute a quorum; provided that, if the Board exceeds thirteen members, seven shall constitute a quorum.

4. Vacancies arising in the Board of Trustees, or in the office of Chairman or Vice Chairman shall be filled at any regular or special meeting of the Board of Trustees by a majority vote of all Trustees, who, if unable to be present, may indicate their vote by letter delivered to the Chairman or Vice Chairman, as the case may be, before the time of the regular or special meeting. Persons to fill vacancies on the Board shall be nominated by a Nominating Committee appointed by the President. Names of persons proposed for election will be furnished to all Trustees 30 days prior to the proposed election.

5. The Board of Trustees, upon the recommendation of the Board of Directors, shall employ an Executive Director who shall be in charge of the Association's headquarters, shall be responsible for the implementation of the program, and the policies of the Association, employ and supervise personnel, and perform such other duties as may be assigned to him by the Board of Trustees and the Board of Directors.

Article V - Board of Directors

1. The Board of Directors shall consist of not less than twelve nor more than forty-eight, and shall include the President, Secretary, and Treasurer (or Secretary-Treasurer). Members of the Board of Directors shall be elected for three year terms, one-third to be elected each each year at the meeting in January. Interim vacancies on the Board of Directors shall be filled for the unexpired terms at any regular or special meeting of the Board of Directors by a majority vote of all Directors, who, if unable to be present, may indicate their vote by letter delivered to the President or Vice President, as the case may be, before the time of the regular or special meeting. Persons to fill vacancies on the Board shall be nominated by a Nominating Committee appointed by the President. Names of persons proposed for election will be furnished to all Directors at the regular meeting preceding the time of election.

2. The Board of Directors shall pursue the basic program of the organization and decide all questions of policy arising between meetings of the Board of Trustees. The Board of Directors shall have such other powers and duties as may be delegated to it by the Board of Trustees. A copy of the minutes of each meeting of the Board of Directors shall be sent to each member of the Board of Directors and Board of Trustees.

3. Prior to each annual meeting of the Board of Trustees, the Board of Directors shall prepare for the Board of Trustees a recommended basic program for the coming year, and a recommended budget.

4. The Board of Directors shall meet, following the annual meeting of the Board of Trustees at a time, place, and date determined by the President. At this meeting, the Board of Directors shall, by resolution, provide for additional regular meetings. A special meeting of the Board of Directors may be called at any time by the President or by any five Directors. Written notice of all meetings of the Board of Directors shall be issued to each Director not less than seventy-two hours preceding the meeting, and shall set forth the date, time, place, and purpose of the meeting. At the meetings of the Board of Directors, seven shall constitute a quorum.

Article VI - Officers

1. The officers of the Association shall consist of a Chairman and Vice Chairman of the Board of Trustees, a President, Vice President, Secretary and Treasurer (or Secretary-Treasurer). The President shall be ex officio a member of the Board of Trustees. In addition the Board of Trustees may create such other offices as the Board may deem necessary. Officers shall serve for one year commencing on the date of the regular Board of Directors meeting in December of each year, and until their successors have been elected.

2. The President shall preside at meetings of the Board of Directors. The duties of the officers shall be as their titles, by general usage, indicate and such as are required by law.

Article VII - Committees

1. Committees may be created from time to time by the Board of Trustees or Board of Directors.

2. At committee meetings, a majority shall constitute a quorum, except that when a committee consists of more than nine members, five shall constitute a quorum.

Article VIII - Procedure

All questions of parliamentary procedure shall be settled according to Robert's Rules of Order, Revised, whenever such rules are not inconsistent with the By-Laws of this organization.

Article IX - Fiscal Year

(The fiscal year shall be from the first day of December through the last day of November of the succeeding year.) A financial audit of the books and records by a certified public accountant selected by the Board of Trustees shall be made each year.

Article X - Amendments

These By-Laws may be amended at any regular or special meeting of the Board of Trustees, by a vote of two-thirds of the members present, provided that a notice in writing of the proposed amendment is mailed to each member of the Board of Trustees at least two weeks in advance of such meeting, and provided that the amendment is concurred in by the Board of Directors after similar notice.

My town's report card

Check the questions you can answer 'Yes'

CINCINNATI POST JAN 12 1974

These questions are offered to assist citizens in determining whether official corruption might exist in state or local government.

Questions in the first list are worded so a "yes" answer tends to indicate the presence of corruption or an atmosphere conducive to corruption. But keep in mind that a few affirmative answers are not conclusive indications of corruption. Further inquiry into laws and regulations would be necessary for that. And only official investigation and prosecution could establish the existence of criminal activity.

But this list of questions compiled by the National Advisory Commission on Criminal Justice Standards and Goals is a good start in determining the integrity of local government.

- ☐ Do respected and well-qualified companies refuse to do business with the city?
- ☐ Are municipal contracts let to a narrow group of firms?
- ☐ Are there frequent "emergency contracts" for which bids are not solicited?
- ☐ Do some departments operate with almost total autonomy, accountable only to themselves?
- ☐ Is there a wide gap between what the law declares illegal and the popular morality?
- ☐ Do office-seekers spend more of their personal funds campaigning for political positions than the salary they would receive during their term of office?
- ☐ Do officials have significant interest in firms doing business with the government?
- ☐ Would officials benefit financially for projects planned or underway?
- ☐ Are citizens barred from public meetings?
- ☐ Are there extensive patronage appointments?
- ☐ Are vice operations tolerated in certain sections of the city?
- ☐ Is it common knowledge that jury duty can be avoided or a ticket fixed?
- ☐ Do officials use government equipment or material for personal projects?
- ☐ Is there a high turnover rate within municipal departments?
- ☐ Do police discourage citizens from making complaints or pressing charges?
- ☐ Have some prisoners received special favors while in jail?
- ☐ Are some government employes frozen into their jobs by an act of city council?
- ☐ Are bribegivers, as well as bribe takers, arrested and prosecuted?
- ☐ Do large campaign contributions follow favorable government rulings?
- ☐ Are those arrested for narcotics and gambling violations primarily bottom-rung violators (street pusher and numbers runner vs. wholesaler and numbers banker)?
- ☐ Do bail bondsmen flourish within the community?
- ☐ Are public positions filled when there is no need for such jobs, such as swimming instructor at a location where there is no pool?
- ☐ Do business establishments give some public employes free meals, passes or discounts?
- ☐ Are sheriffs permitted to pocket the difference between the sum they are authorized to spend on food for inmates and what they actually spend?
- ☐ Can public employes retire and receive pensions despite pending charges of misconduct?
- ☐ Are kickbacks regarded by businesses as just another cost of doing business?
- ☐ Is it customary to tip sanitation workers, letter carriers and other government employes at Christmastime?
- ☐ Is double parking permitted in front of some restaurants or taverns but not in front of others?
- ☐ Do some contractors keep the street and sidewalks free of debris while others do not, despite ordinances prohibiting litter?
- ☐ Do architects add a sum to their fees to cover "research" at the city's planning and building department?
- ☐ Do investigations of police corruption result merely in a few officers being transferred?
- ☐ Are there long delays in applying for a driver's license, a building permit or for payment for services rendered the city?
- ☐ Are government procedures so complicated that a middleman often is needed to unravel the mystery and get through to the right people?
- ☐ Do projects for which money has been authorized fail to materialize or remain only partially completed?
- ☐ Can city employes represent private interests before city boards?
- ☐ Are zoning ordinance variances granted that generally are considered detrimental to the community?
- ☐ Are court fines regarded as a source of revenue for the municipality?
- ☐ Are records of official government agencies closed to public inspection?
- ☐ Are archaic laws still on the books?
- ☐ Have public officials accepted high posts with companies having government contracts?

Check the questions you can answer 'No'

For these questions, a "no" answer tends to indicate corruption or an atmosphere conducive to corruption.

- ☐ Is competitive bidding required?
- ☐ Is there an agency to investigate organized crime and conduct of public employes?
- ☐ Are there enough qualified government personnel to supervise public works projects?
- ☐ Is there a civil service merit system?
- ☐ Do government salaries approximate those in comparable business positions?
- ☐ Is moonlighting by government personnel regulated?
- ☐ Is there an effective independent investigative agency to hear complaints of official misconduct?
- ☐ Is there an effective bribery statute that covers all government personnel?
- ☐ Do the media report the existence of organized crime?
- ☐ Does the police department have an internal investigation unit?
- ☐ Are complainants in judicial proceedings notified of their court date?
- ☐ Are key public officials required to disclose sources of income and the nature of their investments?
- ☐ Are public employes required to answer questions pertaining to their official conduct?
- ☐ Does the mayor have adequate control over the departments of the executive branch?
- ☐ Do dedicated policemen relish assignment to vice or plainclothes units?
- ☐ Is there a mechanism to monitor court testimony of building inspectors, liquor inspectors and other enforcement personnel to determine if their testimony differs from their original reports to the extent that the defendants are freed?

Copies of the report of the National Advisory Commission on Criminal Justice Standards and Goals on community crime prevention may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Price is $3.75.

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☆ U.S. GOVERNMENT PRINTING OFFICE : 1978 O—281-380 (4514)

CONTINUED

1 OF 2

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PROGRAM MODELS: "Prevention, Detection, and Correction of Corruption in Local Government"

To help LEAA better evaluate the usefulness of Program Models documents, the reader is requested to answer and return the following questions.

1. What is your general reaction to this Program Models report?
   [ ] Excellent [ ] Above Average [ ] Average [ ] Useless [ ] Poor

2. Does this document represent best available knowledge and experience?
   [ ] No better single document available
   [ ] Excellent, but some changes required (please comment)
   [ ] Satisfactory, but changes required (please comment)
   [ ] Does not represent best knowledge or experience (please comment)

3. To what extent do you see the document as being useful in terms of: (check one box on each line)

	Highly Useful	Of Some Use	Not Useful
Modifying existing projects	[ ]	[ ]	[ ]
Training personnel	[ ]	[ ]	[ ]
Adminstering on-going projects	[ ]	[ ]	[ ]
Providing new or important information	[ ]	[ ]	[ ]
Developing or implementing new projects	[ ]	[ ]	[ ]

4. To what specific use, if any, have you put or do you plan to put this particular document?
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   [ ] Training personnel
   [ ] Administering on-going projects
   [ ] Developing or implementing new projects
   [ ] Others:

5. In what ways, if any, could the document be improved: (please specify), e.g. structure/organization; content/coverage; objectivity; writing style; other)

6. Do you feel that further training or technical assistance is needed and desired on this topic? If so, please specify needs.

7. In what other specific areas of the criminal justice system do you think a Program Models report is most needed?

8. How did this document come to your attention? (check one or more)
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   [ ] National Criminal Justice Reference Service
   [ ] LEAA Newsletter
   [ ] Other (please specify

9. Check ONE item below which best describes your affiliation with law enforcement or criminal justice. If the item checked has an asterisk (*), please also check the related level, i.e.

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[ ] LEAA		[ ] Court *	
[ ] State Planning Agency		[ ] Correctional Agency*	
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[ ] Commercial/Industrial Firm		[ ] Professional Association *	
[ ] Citizen Group		[ ] Crime Prevention Group *	

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