



City of Atlanta Ethics Office

*Task Force Presentation
October 7, 2024*

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Ethics Office Overview

- Established in 2003, the Ethics Office is an **independent agency** within city government headed by the Ethics Officer. The Office currently has 13 full-time funded positions.
- The Ethics Officer reports to the nine-member citizen board (Governing Board) nominated by legal, business, civic, and educational organizations and confirmed by the city council and mayor.
- The staff provides ethics training to city officials and employees, gives advice on conflicts of interest and gift rules, investigates ethics complaints, prosecutes violations of the Code of Ethics, manages the financial disclosure system, and coordinates the Integrity hotline.

Ethics Office Jurisdiction

The Ethics Office has jurisdiction over city elected officials, employees, vendors and city-appointed board members who are subject to the Atlanta Code of Ethics.

The Code of Ethics covers the following matters:

- Gifts and gratuities
- Participation in contracts
- Use of city property
- Representation of private interests
- Solicitations
- Confidential information
- Outside employment
- Doing business with the city
- Post-employment
- Financial disclosure

Ethics Investigative Process

- Complaints and tips received from various sources
- Information and allegations thoroughly reviewed by investigative staff in consultation with the Deputy Ethics Officer (preliminary review)
- Investigations initiated pursuant to City Charter and the statutory jurisdiction of the Ethics Office (Code of Ethics/Standards of Conduct)
- **Investigative plans are developed under the supervision of licensed attorneys (Ethics Officers)**
- Standard of review for initiating investigations is the “**reasonable articulable suspicion**” standard, pursuant to City Charter.

Ethics Investigative Process

- Requests for access to review city records pertinent to our investigations comply with city law and procedures and limited to the jurisdiction of Ethics Office
- Access to sensitive city records is limited to **key personnel** within the office and includes oversight by attorneys on staff
- Any access to city-issued devices is coordinated with AIM and agency to adhere to city policy regarding chain of custody and authorized release of devices.

Ethics Investigative Process

- Maintaining the integrity of all investigations is paramount
- The Ethics Office utilizes separate interview requests for subjects and witnesses to include general purpose of the interview
- All employee witnesses and subjects of investigations are allowed representation during interviews, including a personal attorney, union representative, or an attorney from the Department of Law.
- **An Employee Interview Acknowledgment Form** is provided outlining scope of interview and employee's rights
- **Employee interviews are only conducted in-person at city facilities or virtually via Microsoft Teams or Zoom**

Conclusion of Investigation

- **After the fact-finding phase concludes, the following occurs:**
 - If no violation is found, the matter is closed administratively with findings and rationale outlined in a final report or memo
 - If a violation(s) is found, a Final Decision is issued by the Ethics Office outlining the findings of fact, analysis and conclusions of law, and any administrative sanctions or penalties issued to the subject of the complaint
- The recipient of an adverse decision (Respondent) is afforded the right to appeal the final decision to the Governing Board
- If no appeal is filed, the matter is considered closed, and the Respondent is subject to the sanctions imposed by the Ethics Office

Ethics Investigations – work in progress

- Developed and worked on our investigative process over the years
- Partnerships and collaboration with other city departments and agencies are critical to our work and encourages cooperation and response from city personnel
- Investigative reports are only released pursuant to city law and the GORA to preserve the integrity and independence of our process
- Ongoing education and outreach efforts is critical

Accountability to Governing Board

- The Ethics Office is accountable to the Governing Board, the City of Atlanta, and the public due to the critical nature of our work
- Detailed reports on investigations and enforcement (inclusive of matters opened and closed) are provided to Board every month
- The Office provides status reports on its activities to the Board during regular board meetings
- The Ethics Office keeps the Board informed of high-profile matters and seeks guidance and direction when appropriate

Final Thoughts: Legislative Revisions Needed

Restore the Board of Ethics as the oversight board for the Ethics Office as consistent with best practices:

- Ethics Office must be **independent and autonomous**
- The functions are *different and distinct*. OIG does not issue decisions nor does the Governing Board hear appeals for the OIG
- The existing structure is not *efficient or effective*. Administrative and operational challenges with two offices reporting to one board. Meetings are disjointed and lengthy due to the different functions.
- **Public interest better served with separate oversight functions.** The public and employees are often confused and believe Ethics and OIG are the same office
- Ethics could investigate the OIG and vice versa; which raises a **potential conflict** under existing oversight board structure.

An aerial photograph of a city skyline at sunset. The sky is filled with soft, orange and yellow light from the setting sun on the right. In the foreground, a multi-lane highway interchange curves through a green landscape. To the left, there are large, modern buildings and a green field. To the right, there are residential-style buildings with blue roofs. The city skyline in the background features several tall skyscrapers of varying heights and architectural styles.

Questions?