

THE SEVEN DEADLY SINS OF GOVERNMENT OFFICIALS & EMPLOYEES: WHY INTEGRITY MATTERS



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September 26, 2016

The Society of Corporate Compliance & Ethics 15th Annual Compliance & Ethics Institute

AGENDA

- ❑ Discuss how accountability and organizational structure of government affects the viability, effectiveness and implementation of compliance and ethics programs; and

- ❑ Explore and discuss the seven prevalent breaches that lead government officials and employees to violate the public trust in administration of public sector programs and services; and

- ❑ Learn the essential fundamentals of conducting internal investigations involving government employees.



City of ATLANTA



REPUTATIONAL DAMAGE

Ex-Mayor of Atlanta Gets 2 1/2 Years in Prison

June 14, 2006 | From Times Wire Reports



CAMPBELL - GUILTY

Former Atlanta Mayor Bill Campbell, who presided over one of the most prosperous and dynamic periods in the city's history, was sentenced to 2 1/2 years in prison and fined \$6,300 for tax evasion.

Campbell, 52, was convicted in March. He was cleared of charges he lined his pockets with payoffs as he guided Atlanta during the 1990s. But he was found guilty of failing to pay taxes on what prosecutors said were his ill-gotten gains.

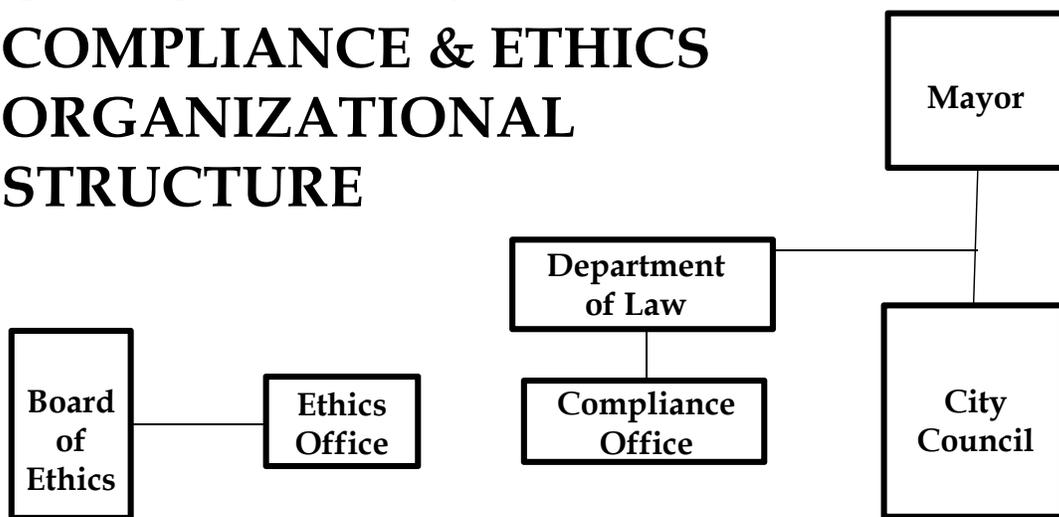
U.S. District Judge Richard Story said he was overcome with a "pall of disappointment over the breadth of misconduct in his administration."

RESTORING CONFIDENCE AND TRUST



"... changing the climate of corruption that characterized local government ..."

CITY OF ATLANTA COMPLIANCE & ETHICS ORGANIZATIONAL STRUCTURE



EFFECTIVE COMPLIANCE & ETHICS PROGRAM

U.S. Federal Sentencing Guidelines, 18 U.S.C.A. §8B2.1

- ☑ Standards and Procedures
- ☑ Oversight & Accountability
- ☑ Due Care in Delegating Authority
- ☑ Communication, Training and Awareness
- ☑ Monitoring, Auditing and Reporting
- ☑ Enforcement, Incentives and Discipline
- ☑ Response and Prevention
- ☑ Risk Assessment and Ongoing Improvement

ACCOUNTABILITY ?



BREACHES OF THE PUBLIC TRUST

1. Misuse of Government Property
2. Theft & Fraud
3. Bribery and Influence Peddling
4. Conflicts of Interest & Self-Dealing
5. Divulging Confidential Information
6. Improper Conduct Post-Employment
7. Immoral Conduct



LONDON
Diet and exercise mistakes

CONGRATULATIONS ON WATCHING what you eat and working out, but do not lose their minds. We'll show you how to be smart about it.

THURSDAY, MARCH 24, 2016
www.AJC.com

The Atlanta Journal-Constitution
Credible. Compelling. Complete.

TRIOLED CITY DEPARTMENT
Two arrested at Watershed

Investigators accused of...
AJC.com

AJC AT THE GOLD DOME
Groups disagree about how to guard marshes

Crab fishermen...
AJC.com

CLARK ATLANTA COMMENCEMENT
Agents arrest 22 in Georgia child sex sting

Picture at a graduation
AJC.com

PEACE SUMMIT
New hope for Nobel summit

Africa Club agrees to...
AJC.com

GEORGIA
Qatar Airways chief veers off course in Delta attack

Qatar Airways...
AJC.com

BUY FORECLOSURE HOMES IN ATLANTA
100s of properties for sale at wholesale prices across the state
www.auction.com/ga

The Atlanta Journal-Constitution Tuesday, May 19, 2015

B METRO

More theft arrests at Watershed

4 accused of selling copper, brass, silver trinkets to recycling centers

CLARK ATLANTA COMMENCEMENT
Agents arrest 22 in Georgia child sex sting

Picture at a graduation

PEACE SUMMIT
New hope for Nobel summit

GEORGIA
Qatar Airways chief veers off course in Delta attack

METRO
Reasons for suspension disputed
 The city's schools board has a decision on whether to suspend the superintendent of schools. The board is expected to vote on the matter on Tuesday.

Office of Buildings probe results in dismissal of five
 The city's Office of Buildings has announced the results of its probe into the suspension of five city employees. The probe found that the employees were suspended for cause.

Judge rules autopsy to be unsealed
 A judge has ruled that the autopsy of a man who was killed in a shooting should be unsealed. The judge's decision is expected to be appealed.

Super Bowl shopping tax breaks progress
 The state's Super Bowl shopping tax breaks are making progress. The state is expected to pass legislation to extend the breaks.

Politics
 The state's politics are expected to be dominated by the upcoming election. The race is expected to be close.

Q&A on the News
 A Q&A session on the news is expected to be held on Tuesday. The session will address the state's current events.

The Atlanta Journal-Constitution Tuesday, Nov. 09, 2010

B METRO
Official: Delta leads opposition
 Packing commission chairman says CEO should give up chamber post.

ETHICS
Misuse of city's funds may lead to sanctions - again

State wins court dispute
 Georgia wins a court dispute with another state over a land issue.

BRIVES MOVE TO COBB COUNTY
Atlanta appeals to Braves to stay

Truth 4 Meter
Cancer among enemies targeted by U.S. military

The Atlanta Journal-Constitution Friday, Jan. 01, 2010

B METRO
Child welfare: another approach
 New, smaller effort to bypass foster care will hit Georgia Senate.

RALLY AGAINST POLICE BRUTALITY
Marchers make police demands

IN YOUR SCHOOLS
Math teaching methods could take a step back

Truth 4 Meter
Governor mostly correct about Georgia population moving up

STENOGRAPHER
Bond agrees to pay \$15,000 in ethics case

FRUITREE CITY
Police chief's wife reportedly paralyzed

LOWELL, OJ
Wet and wild near home

METRO
The Atlanta Journal-Constitution
 Credit: Competing. Complete.

MEMORIAL DAY
Vets remember those we've lost

ACWATCHESS
Lawn service may break ethics rules

WORKPLACE RULES
Office gossip finds new legal support

SPORTS
Georgia Tech wins

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PREVENTING BREACHES

1. Ethics Training is Essential
2. Public Education is a Priority
3. Ethics Advice provides Guidance
4. Disclosure of Conflicts
5. Accountability through Enforcement



ETHICS ADVICE BY ISSUE: 2010-2015

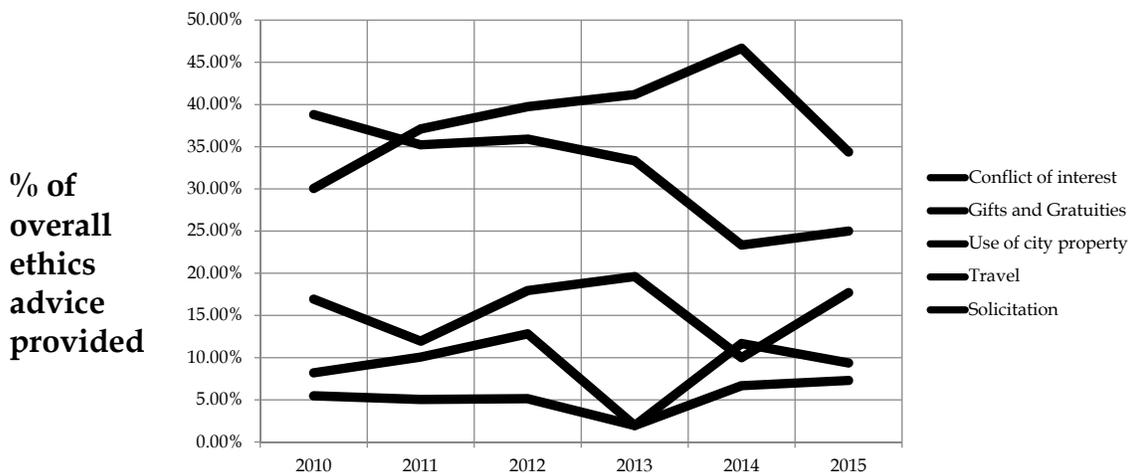


Chart Notes: *Gift and Gratuities include:* advice related to tickets, food, and other things of value
Conflicts of Interest Include: advice related to outside employment, post employment, doing business with the city, financial disclosure, and contract participation



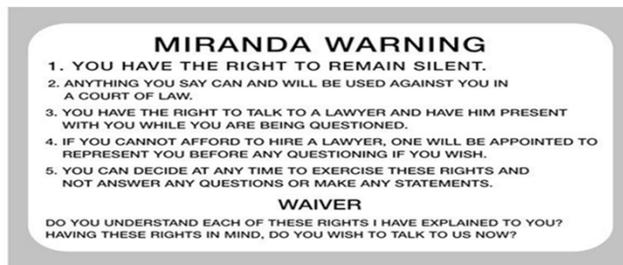
PUBLIC SECTOR EMPLOYEE RIGHTS



Public sector employers hire employees to fulfill official functions and perform public service, such as law enforcement, public education and public safety. Because public sector employers are government agencies, **constitutional law** grants public employees certain rights that their private sector counterparts do not enjoy.

MIRANDA

In the case of *Miranda v. Arizona*, 384 U.S. 436 (1966), the U.S. Supreme Court established new guidelines to ensure that the individual is accorded his **privilege** under the **Fifth Amendment** not to be compelled to incriminate himself.



GARRITY

In the case of *Garrity v. New Jersey*, 385 U.S. 493 (1967), the U.S. Supreme Court determined that **public employees** could not be forced, under clear threat of discipline, to violate the principles of compulsory self-incrimination provided for under the **Fifth Amendment** of the United States Constitution.



CERTIFIED VOICE STRESS ANALYZER (CVSA) – Truth Verification

Employee Polygraph Protection Act of 1988 (EPPA)

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

Federal, State and local governments are not affected by the law.

GARCETTI



In the case of *Garcetti v. Ceballos*, 547 U.S. 410 (2006), the U.S. Supreme Court held that the **First Amendment** does not protect statements that a government employee makes as part of the employee's **official job duties**. Government employees only enjoy protection for statements they make as citizens on issues of **public concern**, unless the speech hurts the government agency's ability to function.



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