



Reed: A blueprint for ethics reform

Sunday, August 2, 2009

BY INGRID REED

The Record

Ingrid W. Reed is a policy analyst and director of the New Jersey Project at the Eagleton Institute of Politics, Rutgers University. Her study, "Local Government Ethics Law and Assessment of its Effectiveness," can be found on the Eagleton Web site under the New Jersey Project at www.eagleton.rutgers.edu.

THERE PROBABLY isn't a person in New Jersey who hasn't heard the latest story of local officials arrested for bribes and other wrong-doing in office – this time, an unprecedented number, 44, if you include rabbis accused of money-laundering.

But who has offered suggestions for what to do next?

The usual reasons – or excuses – were offered: Too many small towns resulting in too many local officials to be tempted. Too many non-competitive elections so voters don't participate in campaigns that might "throw the bums out." Not enough media coverage of the state and our towns to alert citizens to what is going on in New Jersey.

It is highly unlikely that any of these will get at the heart of ethical behavior.

But one thing we can try to change is the so-called culture of corruption that is so frequently mentioned as the source of our ethical problems.

In fact, we have confronted that challenge in New Jersey, but only at the state level.

Alas, little has been done to change the ethical behavior in local governments, but that doesn't mean it can't or shouldn't be done.

As director of [the New Jersey Project at the Eagleton Institute of Politics](#), I have been studying ethics administration in our state for more than two years.

Here are my observations:

Ethics codes

We all have personal experiences with a culture based on ethics and codes of conduct. We have professional codes such as in law and medicine. We are used to having rules that reflect our values for how we live together. Good examples are the Ten Commandments or the Golden Rule, which appears in every religion.

We talk about what they mean and when they apply – often it is not clear or easily defined. Nevertheless, we agree about what to do if rules are violated and what the appropriate consequences should be.

This approach is reflected in the reshaped state Ethics Commission created five years ago. Professor Paula Franzese and former state Supreme Court Justice Daniel O'Hern were appointed by Gov. Dick Codey to serve as special counsel on ethics reform. Governor Corzine followed through on their recommendations with executive orders.

The result is that all staff and appointed officials in state government have a plain-language ethics guide instead of the formal language of the ethics statute.

They attend an ethics training program and file a financial disclosure form posted online for all to see. The public can call to report a complaint using a toll-free number (800 257-7490). The state Ethics Office has its own Web site.

The commission that deals with ethics code compliance has a majority of public members, provides advisory memos on its decisions and awards clear and significant penalties to those who violate the rules.

Soon after the reform of the state Ethics Commission, the Legislature changed its own ethics administration. Financial disclosure forms are now online. Ethics training is required and the Joint Legislative Ethics Commission was reorganized with only public members, not legislators.

But what about local government ethics? Sadly, nothing has changed.

The old statute covering local ethics applies to thousands of people in local governments, including all officials and decision-making staff in municipalities, counties, county colleges and local authorities. (School boards and school administrators have a separate ethics office.)

That statute unfortunately is hard to find on the Web unless you know to go the Department of Community Affairs and look under the Local Government Division.

There is no 800 telephone number to call to report violations. The ethics code in the statute is in dense legal language, not plain English like the state ethics code.

Complaints are heard by the local finance board, already understaffed and overloaded with important matters related to municipal budgets rather than a commission for local ethics well-trained to deal with complaints.

Under the statute, local officials have an obligation to complete a two-page financial disclosure form that is kept on file for public review in the office of the municipal clerk, but the requirement to file is simply to fill out a form. No ethics code explains it, and no ethics training accompanies it.

None of the municipal Web sites reviewed for the Eagleton local ethics study mentioned ethics or the availability of the disclosure forms, a clear problem in public accountability when the Web is increasingly becoming the main source for information.

Local government ethics laws, the Special Counsel's report stated starkly, "[have] no clear ban on gifts, no explicit ban on nepotism, insufficient disclosure requirements for business interests, inadequate penalties...."

Skeptics are likely to downplay an emphasis on codes and rules, convinced they have never turned a bad person into a good person.

Public assurance

We will never know, but the public deserves to be assured of what their leaders will live up to when they say they are working in the public interest and not their own self-interest.

The shared values embedded in codes reinforces those who want to do good, and alerts those who are unaware of their responsibilities.

It holds those who don't uphold the code accountable.

Ethics laws and their administration can be seen as preventive medicine. It may not always work, but it's much more effective than doing nothing. Relying on only law enforcement to catch those who ignore the public is expensive, time-consuming, demoralizing and is no way to ensure honest government.

New Jersey's best route to restoring its image and the public's trust is to expand the state's commitment to ethical practices in government and see that its codes apply to all local officials.

Ingrid W. Reed is a policy analyst and director of [the New Jersey Project at the Eagleton Institute of Politics](#), Rutgers University. Her study, "[Local Government Ethics Law and Assessment of its Effectiveness](#)," can be found on the Eagleton Web site.

Find this article at:

http://www.northjersey.com/news/opinions/op-ed/reed_080209.html?page=all

 [Click to Print](#)

[SAVE THIS](#) | [EMAIL THIS](#) | [Close](#)

Check the box to include the list of links referenced in the article.