

The battle against public corruption in Miami-Dade

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In the ongoing and frustrating battle against the corruption of government, few phrases are as common as “the appearance of impropriety.” But while many of us recognize it, few of us could define it.

The phrase represents a catchall judgment about the failure of government officials to conform to our ethical expectations of them. It seethes with common misgivings about our elected representatives. It also provides a convenient tool in partisan attacks that exaggerate their tiniest sins.

Appearances alone do not translate into criminal or even ethical misconduct. Unless connected to other hidden acts, they offer only a scent, not any legally measurable evidence of wrongdoing.

Statutes that outlaw bribery or conflicts of interest are useless in confronting common sense judgment calls about poor behavior. Lawyers’ skills, indispensable to the forging of legislation or regulations, as well as to the proof of corruption crimes, are often useless and counterproductive in helping us to recognize, quantify, or respond to appearances of unethical activity.

Yet, nothing is so central to our anti-corruption policies, from ethics training to administrative sanctions, to enforcement, as our ability to respond to official acts that promote appearances of impropriety. Left unchecked, they lead to more serious corruption. Over time, questionable impressions create a level of public cynicism that undermines democracy and fosters a culture of tolerance that subverts enforcement efforts.

Ethics codes set only a minimum level of ethical conduct for public servants. While they sometimes succeed in describing the exploitation of public office that often underlies bad appearances, they are of little use when the acts in question do not fit them cleanly, yet still produce an odor of wrongdoing. Enforcement of both criminal and ethics laws cannot escape these limitations.

One might expect that public administrators, charged with supervising and disciplining public

employees, would be able to respond to problems involving appearances. But the bureaucratic inertia created by personnel rules often leads them to await the outcome of criminal or ethical investigations, rather than directly confront the appearance problem. And let's not forget that elected officials are usually beyond the rule of public administrators.

So where do we turn if we are to continue the fight against both corruption and corrupt appearances, beyond indictments and ethics fines, to curb the baser instincts of public servants? Three areas present possible solutions.

Stronger ethics training

Teaching rules to public officials and employees can be helpful for those unfamiliar with public sector ethics, but will not automatically create sensitivity to wrongful appearances. To do so will require a type of training more akin to boot camp. Putting new public servants through a lengthy, intensive, interactive, and challenging regimen can alter perspectives and nurture latent ethical values. We need to mold a generation of true "public servants" who begin their careers with a deeper understanding of the meaning of those two words. And then keep reminding them of it.

Civil society

Public servants will never be better than the public's expectations. Ethics needs to be part of the public debate, what all of us think about every time we interact with government, from paying taxes to casting ballots. The Founders understood that civic virtue is indispensable to democracy. Civic education in schools and a greater focus by business and civic institutions on citizenship can lead to a healthier democracy and higher expectations for public servants. A strong, independent and responsible media is crucial to this effort.

Restoring honor

There was a time in this country when anyone who held a public office was believed to merit being addressed as "The Honorable," a reference that today is often given derisively. Sometime in the last few decades, we lost that sense of respect and honor for our leaders. Those in public service are the only ones who can recover it. They can be helped and inspired by better training and supported by value-driven civic institutions, but only they can build a culture of honor by putting loyalty to the public ahead of self-interest. There will be no honor in public service without humility in public servants.

Public servants do not need to be heroes. They need to treat people honestly and fairly and act as loyal employees to earn their constituents' respect. But they also need to understand the public's frustration toward government due to improper appearances that lie beyond enforcement. Everyone in public service today faces that challenge.

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