

Program Report Card: Legal Compliance, Advice (Connecticut Office of State Ethics)

Quality of Life Result: Connecticut residents will have ethical government at the state level.

Contribution to Result: When registered lobbyists, public officials, state employees, legislators and other regulated parties encounter questions regarding the Code of Ethics, they are encouraged to contact the OSE's Legal Division for compliance assistance. This assistance provides them with the correct course of action, leading to more ethical government. (The following measures do not include ethical violations, as such a measure is neither easily nor directly comparable. For example, the nature of the enforcement process – statutorily separate from the legal division – leaves many would-be violations settled without admission of guilt. Additionally, studies show that increased knowledge results in increased enforcement activity, not less, so a positive correlation between advice sought and violations reduced would most likely be absent.)

Partners: State agency ethics liaisons/compliance officers, regulated individuals (public officials, state employees, legislators, lobbyists, contractors), the Attorney General

Performance Measure 1: The OSE will respond to all requests for staff advice within one week

Baseline Data: (for July – December, 2009)

Out of 221 telephone responses, 218 answered same day; the remaining 3 answered within 5 days.

Out of 188 written opinions, 100 answered in 5 days or less; 88 longer than 5 days.

Story Behind the Baseline: The OSE is now establishing the baseline, as it is a new agency and these measures have not been taken before.

Proposed Actions to Turn the Curve: Expedited answers cannot be provided to the detriment of the legal research process. As education is conducted with increased efficiency the Legal Division will likely receive more requests for advice. To truly turn the curve in turnaround time for an increased number of requests while maintaining the highest legal standards, the OSE would need to add staff attorneys to the division. The agency will keep up with the current baseline by effectively allocating the resources of the division and relying on a no-cost summer intern program for assistance. The agency will also make use of its no-cost communications to agency ethics liaisons to answer questions that arise frequently and thus lessen the number of repeat questions coming in. The OSE has proposed for the mid-term budget adjustment the addition of a Legislative Liaison/Education staff member. As it is now, almost one-third of the staff attorney time in the Legal Division is taken up with legislative liaison and regulations review process activities. The addition of this staff member would free up the Legal Division attorneys to focus on answering questions in keeping with the baseline.

Development Agenda: The OSE is already investigating a post-advice survey (perhaps a quarterly e-mail to those who have sought written advice) to determine if the requestors are better off and how their actions or beliefs may have changed because of the advice received. The danger in this activity is that it will divert resources from the OSE's core mission and could result in delayed response times from attorneys, thus hurting this performance measure.

Performance Measure 2: Board Opinions drafted and presented to Board in efficient/timely manner

Baseline Data:

25 days: average to draft a board opinion.

Average 1 opinion adopted per Board meeting.

Story Behind the Baseline: This, as above, is a new baseline. Some questions are controversial or concern a high-level policy issue or other significant matter that require more than a staff opinion as an answer. Requestors may also ask for a Board opinion at any time. Board opinions provide an absolute defense in any criminal action brought under the Code of Ethics. Because the Citizen’s Ethics Advisory Board meets only once a month, it is important for the agency to maximize this Board time and bring before them these high-level matters as often as possible. Some factors remain outside of the OSE’s control, such as a requestor’s right to withdraw a request for an opinion even at the last minute (after a staff attorney’s research is completed and draft written).

Proposed Actions to Turn the Curve: Without more staff attorneys in the division, it will not be possible to put forth additional Board opinion drafts and retain the high-level of customer service evidenced above. The Legal Division under the General Counsel will continue to monitor staff effectiveness and efficiency while respecting that the legal research and analysis process takes time for thoroughness and accuracy. We will use our no-cost summer intern program to assist the division so that the three staff attorneys can focus more of their time to answering questions and drafting opinions. The addition of a Legislative Liaison/Education staff member will greatly add to the efficiency of the staff attorneys.

Performance Measure 3: No Board Opinions will be successfully appealed.

Baseline Data:

Number of Board Opinions Appealed: 1
Successful Appeals: 0 (above action still pending in Superior Court)

Story Behind the Baseline: While any requestor is free to appeal a decision of the Citizen’s Ethics Advisory Board to the Superior Court, it is the goal of the OSE to “get it right.” If the agency does come to the correct legal conclusion in an opinion, an appeal effort should not be successful.

Proposed Actions to Turn the Curve: Zero is right where the agency wants to be. To keep this percentage, the OSE’s three experienced staff attorneys and General Counsel will continue to provide thorough and accurate advice to requestors and to the Citizen’s Ethics Advisory Board. The agency will also work with the Attorney General regarding any such appeals.