

**ETHICS HOTLINE
CITY OF JACKSONVILLE
ETHICS OFFICE**



TITLE: Ethics Hotline Administrative Procedures

POLICY STATEMENT: Per Jacksonville Municipal Ordinance, sections 602.901(g); 602.1102(a), and the Mayor's Executive Order 2007-11, the City of Jacksonville has stated an intention to provide an ethics hotline program that provides a means of anonymously communicating concerns about potential violations of the law and state and local ethics codes. Such areas, as listed in Florida Statute section 112.3187, include cases of conflict of interest, improper use of government office, gross waste of public funds, gross neglect of duty, and malfeasance or misfeasance or gross mismanagement, such as fraud, theft, bribery, kickbacks, and dishonest or inaccurate accounting or record-keeping.

HOW HOTLINE CASES START: Cases can be put into the Hotline process by the following: a call to the Hotline phone (630-1015); a complaint being made in person to the Ethics Officer or Inspector General; referral by the Ethics Commission; a call to the Ethics phone number (630-1476); a written document or email to the Ethics Office; or initiated by the Inspector General or Ethics Officer on information received on violations

REFERENCES: This procedure references Florida Statutes 112, and Chapter 602 of the Jacksonville Ethics Code.

RESPONSIBILITY: The Ethics Officer, with the assistance of the Inspector General, General Counsel's Office and the City Council Auditor's Officer, is responsible for developing and maintaining the Ethics Hotline process.

The Mayor and President of City Council are responsible for assuring that the EO and the IG have the necessary access to records, systems, and information required to adequately and appropriately investigate the allegations described in the hotline calls. The Inspector General is responsible for the handling of investigations related to complaints. The City Council Auditor is responsible for the handling of complaints related to the Independent Authorities.

DEFINITIONS:

- ❖ **Ethics Hotline** - The Ethics hotline 904-630-1015; is a phone number that provides a mechanism to anonymously report criminal or unethical behavior as defined by Florida law and the Jacksonville Ethics Code. It is not connected to the city phone system and is located in the office of the Ethics Officer. When the Ethics Officer is not in the office, the calls get forwarded to a cell phone kept by the Ethics Officer or her assistant.
- ❖ **Ethics Hot Line Administrator (EHA)** - The Ethics Officer (EO) serves in this capacity and manages the intake of calls to the Hotline, coordination with the Inspector General and law enforcement agencies. Summary reports are also compiled by the EHA
- ❖ **Inspector General** - (IG) The employee appointed by the Mayor under Executive Order 2007-09 and 2007-10 to perform investigations on hotline call reports.
- ❖ **Human Resource Liaison** - The Human Resource employee assigned by the Chief of Human Resources, to perform investigations on hotline call reports connected to HR issues.
- ❖ **Ethical Behavior** - Conforming to professional standards of conduct as defined in the Jacksonville Ethics Code or the Ethics Laws of the State of Florida.
- ❖ **COJ Employee** - Any person in the executive and legislative branch of the city of Jacksonville, including full-time, contract, and temporary.
- ❖ **Conflict of Interest** - a situation in which a personal interest is in conflict with the best interests of the city of Jacksonville and its stakeholders.

- ❖ **Call Prioritization** - Each call received by the EO is prioritized according to the severity of the allegation made by the caller. There are four (4) call priorities, which are described below.

Priority “A” - An “A” priority call is one that requires immediate action due to immediate threat to person, property or environment.

Priority “B” - A “B” priority call is typically a serious issue that does not represent an immediate threat to person, property or the environment.

Priority “C” - All other types of calls that do not require immediate response.

Priority “D” - Not accepted as a Hotline Case.

PROCEDURE for Ethics Call Reports:

1. The hotline phone is available during office hours and is forwarded to a cell phone carried personally by the Ethics Officer or her assistant, 24 hours a day 7 days a week to receive information (which can be anonymous) from persons who wish to report allegations of misconduct or wrongdoing. The number is 904-630-1015. The phone will be set up to take messages and will not record the phone number of the person calling into the hotline.
2. Generally, only the EO, an assistant, the City Council Auditor and the IG have direct contact with data gathered from the Hotline. All are required to sign a “Confidentiality Statement” (**See Attachment A**) which will be maintained and filed in the Hotline Notebook. When cases are finalized, the Ethics Commission members will have access to the records and will also sign confidentiality statements. In certain cases, the Ethics Liaison of the General Counsel’s office will have access to case information and will also sign a confidentiality statement.
3. Calls will be received by the Ethics Officer. Calls will be screened for those obviously not applicable to the Ethics Hotline (private legal issues; 630-CITY calls; general anonymous complaints, etc.) All other calls will be documented and discussed with the IG.
4. The EO will document all of the pertinent intake information provided by the caller into an “Incident Report”. The EO will ask the person if they wish to remain anonymous and note this on the intake sheet and will not write down any identifying data on the person (voice/sex, etc). If the person does not ask for anonymity, then the EO will get this documented in writing as soon as possible. The EO shall date and sign each intake sheet. The EO will discuss Priority A calls with the IG within 48 hours of the call to determine immediate action. Priority B calls will be coordinated with the IG within one week and Priority C calls within 30 days. Anonymous callers will be given an ID number to refer to when they call back and an approximate time framework in which to call back.
5. The EO and IG will determine a final priority of the call and the plan for handling. Some cases may be rejected as Hotline cases. If this is done, the complainant will be notified. (Basis: no merit upon initial investigation; minimal offense; other agency handling the case; time elapsed since incident; the reason for the dismissal will be documented and the complaining party contacted, if known.) The priorities are as follows:
 - **Critical “Priority A”** may require immediate attention regardless of the time of day. JSO or other appropriate terminal will be immediately notified by phone. Two alternate contacts will be identified in the event the primary cannot be reached.
 - **Urgent “Priority B”** may require prompt but not immediate attention.
 - **Non-urgent “Priority C”** may not require prompt or immediate attention.

- **Not-Accepted “Priority D”**; will not be accepted as a Hotline case. (This will be documented with explanation which could be referral to another more appropriate agency.)
6. Each caller will be provided with a identifying number if they wish to remain anonymous. Anonymous callers will be given a follow up date to call in and receive information from the EO on their complaint.
 7. If additional clarification is required, the EO can ask for additional information when the person calls back to follow-up. If a message is left on the Hotline, and the person does not leave their name or phone number, there will be no way to contact this person with updates on the processing of the complaint. Note: it is difficult on this type of call to pursue the case as it is more difficult to get additional information.
 8. The I/G and EO will process each case and generate a final report with recommendations that will be presented to the Ethics Commission for final closing.
 9. The Ethics Commission shall review each case presented by the EO and IG and either close the case, refer back to the EO and IG for further handling or make appropriate referrals, per their authority in the Code.

PROCEDURE FOR CALL REPORTS RELATING TO INDEPENDENT AUTHORITIES:

1. The EO will send all hotline reports related to Independent Authorities to the City Council Auditor, who has jurisdiction to review the activities of those entities under the Code.
2. The City Council Auditor will prepare the preliminary plan for handling and assign to a staff/investigator.
3. The Investigator will perform the investigation and deliver a report with conclusions and the action taken to the EO and IG.
4. The EO and IG will review the results of all investigations for completeness and reasonableness.
5. All City Council Auditor staff involved in the Hotline process will be required to sign a confidentiality statement which will be filed with the EO.
6. The I/G and EO will present the final report to the Ethics Commission for closing.
7. The Ethics Commission shall review each case presented by the EO and IG and either close the case, refer back to the City Council Auditor for further handling or make appropriate referrals, per their authority in the Code.

PROCEDURE FOR CALL REPORTS RELATING TO ELECTED OFFICIALS, INCLUDING CITY COUNCIL, CONSTITUTIONAL OFFICERS:

1. The EO confers immediately with the IG and General Counsel Ethics Liaison on all hotline reports related to any elected official. The cases accepted will fall under 3 categories: 1) a complaint alleging violation of a criminal law; 2) a complaint alleging violation of a state ethics code violation; and 3) a complaint alleging violations of the Florida Sunshine law on public meetings and public records. Complaints as to disagreements on policy decisions shall be rejected.

2. The preliminary investigation shall be conducted by the IG and the General Counsel Ethics Liaison for legal sufficiency. Criminal cases shall be referred to the State Attorney's Office.
3. A meeting shall be held between the IG, the EO and the GC Ethics Liaison to develop a plan for handling the case and who should be notified. Anyone notified shall sign a confidentiality statement.
4. The EO and IG will review the results of all investigations for completeness and reasonableness.

The Ethics Commission shall review each case presented by the EO and IG and either close the case, refer back to the IG/EO for further handling or make appropriate referrals, per their authority in the Code.

PROCEDURE FOR CALL REPORTS RELATING TO HUMAN RESOURCE MATTERS:

1. The EO will send all hotline reports that are essentially issues related to Human Resource policies and procedures to the Human Resource (HR) department Chief, or to his/her designee. The cases investigated by HR are limited to issues for which HR has established processes, such as, Harassment, Employee/Compensation, Performance Complaints, Discrimination, and Labor Relations.
2. The HR contact will prepare the preliminary follow-up response and the subsequent follow-ups based on information provided by the HR Investigator.
3. The HR Investigator will perform the investigation and deliver conclusions and the action taken to the EO.
4. If a call involves key staff in the HR area, and/or fraud, the IG will perform the investigation.
5. The EO and IG will review the results of all investigations for completeness and reasonableness.
6. All HR staff involved in the Hotline process will be required to sign a confidentiality statement which will be filed with the EO.
7. The Ethics Commission shall review each case presented by the EO and IG and either close the case, refer back to the EO and IG for further handling or make appropriate referrals, per their authority in the Code.

GENERAL NOTES:

1. There are other persons/agencies that solicit complaints and work on resulting cases, such as the city procurement Ombudsman, City Council Auditor, IG, State Attorney, Human Rights Commission and the Care Center. Although the Ethics Office and IG can be consulted on these cases, they will not take responsibility over these cases unless there is a written referral to the Hotline/Ethics Office on individual matters or if the case comes into the Hotline independently. If it comes into the Hotline when it is already being processed by another agency, this will be noted and considered as to whether or not it will be accepted also as a Hotline case. The integrity of the investigations of these other departments will be respected.
2. There will be care taken in the investigation to discover and handle false or mistaken accusations.
3. Cases that allege criminal activity will be referred to the appropriate law enforcement agencies for investigations.

4. Cases involving elected officials, or candidates for elected office shall not be accepted or released to the Ethics Commission within 21 days of an election unless the official or candidate agrees to the release in writing.
5. Yearly, in July, the following persons will meet to discuss Hotline procedures for any revisions deemed necessary in the record keeping or process of the Hotline: General Council Ethics Liaison, City Council Auditor, Inspector General, Ethics Officer, and Human Resources representative. In June of each year, the Ethics Commission Hotline Committee shall submit a report to the Ethics Officer as to any of the Commission's recommended changes to the Hotline procedures. The Commission's recommendations shall be considered by the group in determining their final updates/revisions to the Hotline procedures.
6. As a result of general information coming into the Hotline, the Ethics Officer will develop data for the ethics website on FAQs and also incorporate issues into training of city employees.
7. Per Florida state law, all information coming into the Hotline, when the case is rejected or closed, will become public record. If a person does not want their name to become public knowledge, then it is important for them to not give their name when the complaint is made. During the investigation of the complaint, the all names are confidential. After the investigation is complete, the written information is released and becomes a public record. So if you do not want your name to be known, do not tell us your name; we can assign you a number.
8. It is the intention of the city to protect persons who in good faith report allegations of wrongdoing to the Hotline with whistleblower protection, as stated in Florida law, section 112.3187.
9. Incidents will be evaluated as to whether they are credible, whether they allege an ethics related matter and whether they are timely.
10. Prior to the completion of the case, those persons working on the case shall not discuss any aspects of the case with anyone; and will not confirm or deny the existence of an active case.
11. Breaches of confidentiality on hotline matters may result in disciplinary action. Breaches in confidentiality by an Ethics Commission member shall be grounds for removal from the Commission.
12. All cases that involve a city department shall be reviewed when appropriate by a representative from the department. Any comments of the department as to the matter shall be included in the final report on the case.

This table outlines actions to be taken by the EO and IG upon notification of a Hotline case:

Call Priority	Action	Follow-up / Action Steps
Priority A	immediate action such as calling police or emergency personnel, as appropriate	<ul style="list-style-type: none"> • The EO with assistance of the IG will determine the action needed based on the caller's allegation. Action could include calling local authorities or using internal security when warranted. • The EO and IG compile the relevant data, determines if there is a need for immediate reporting & to whom. • The EO and IG will determine if further investigation is required & will prepare a plan for the investigation including a time estimate for when the caller can follow-up for a response if appropriate. • The EO will provide an initial response to the caller, if not anonymous, within one week.
Priority B & C	The EO or assistant will take prompt action	See Procedure for Ethics Call Reports Section.

Special Considerations and procedural steps for fraud, theft, bribery, kickbacks, and any conflicts of interest that may result in an investigation:

Consideration/Observation	Steps Required
The EO and IG review of the allegation indicates that an investigation is required.	<ul style="list-style-type: none"> • Consider the need to contact law enforcement, management and or the OGC, if necessary. • If necessary, the EO will seek additional information from the caller • The IG with assistance of the EO prepares an investigation plan with objectives when appropriate. • A time estimate will be prepared (when appropriate) and a caller follow-up date will be given to the caller, if known • The EO and IG jointly approve of the plan for investigation and the time line and sign the Plan. • The IG and/or the EO will collect, document, and file sufficient, reliable, and relevant information to support any issues, and or irregularities discovered during the investigation
The investigation reveals material irregularities (Fraud, theft, bribery, etc).	The IG and EO contact law enforcement, as applicable.
It is determined that the issues &/or irregularities can be handled by COJ Management.	<p>Management will receive a report of the results of the investigation and Management action plans will be provided to the IG and EO. The caller will be notified that the matter is being investigated. The IG and EO will follow-up on the action taken by Management and the results will be added to the documentation of the case. Once the case is closed, the caller will be notified of the final disposition of the case.</p>
It is determined that the issues &/or irregularities must be handled by the OGC	<p>The OGC will be supplied with all pertinent information relevant to the investigation. The caller will be notified that the matter is being investigated. The EO and IG will follow-up on the action taken by the OGC and the results will be documented in the case file. Once the case is closed, the caller will be notified of the final disposition of the case.</p>

Security:

The EO will receive initial calls. All calls shall be documented, dated, signed and kept in an “Ethics Notebook”. Employees that have access to confidential information must be briefed on confidentiality requirements, and will be required to sign a “Confidentiality Statement”. (See Appendix A)

Case documents such as work papers, reports, investigative notes, etc. must be filed and locked in a secure location at all times. Any emails on Hotline subjects shall be noted in BOLD “CONFIDENTIAL” and shall be kept in a separate email file. These emails are not public records until the case is closed.

Two reports will be generated on the Hotline:

1. **“Quarterly Management Summary Report”** - This report is generated by the EO on a quarterly basis. The report displays the following:
 - Number of calls taken over the current period and referral status
 - Number of calls year to date (YTD)
 - Number of cases finalized in the time period.

The "Quarterly Management Summary Report" will be distributed to the Mayor, President of City Council, General Counsel, and City Council Members. A copy shall also be distributed to the City Council Auditor, Ethics Commission and the Chief of Human Resources.

2. **Individual Reports on the Hotline Cases** - The Ethics Commission shall receive reports on each of the cases prior to the case being closed. They will receive a brief description of the cases investigated, back up documents, and the proposed handlings. The cases will not be closed until approved of by the Ethics Commission in their overview capacity.

Appendix A

Confidentiality Statement

All persons that have access to or knowledge of information gathered from calls made to the Ethics Hotline are accountable and responsible for maintaining confidentiality. By signing this “Confidentially Statement” you are attesting that you accept and understand this responsibility. The following are some precautions that must be adhered to:

- 1) Discussions related to the subject matter must be limited to only those individuals with a need to know; those persons should also sign this confidentiality statement;
- 2) Notes and/or reports should not be left out when not being used, and should be locked up in a secure location.
- 3) No related reports or documents should be released to anyone internal or external to City without the written approval of the IG or EO.
- 4) E-mails must not be used when it could breach confidentiality; all emails sent out on Hotline data shall be isolated in a separate file in your email program.
- 5) Due diligence and reasonable care must be used when handling confidential materials and information.

COJ Ethics Hotline reports and documentation are protected from public disclosure under Florida Statute 112.3187/3188. Upon complete resolution and closure of the Ethics Hotline investigation, the reports and documents become public records.

Signature _____

Date _____

Witness (IG or EO) _____

Date _____

CASES THAT ARE NOT HOTLINE CASES:

- Complaints on policy decisions (Why did the City Council vote that way?)
- HR complaints that are being processed by that department; or should be.
- General complaints that things should be more “ethical” or reach a higher standard.
- Complaints about city issues that should be handled by the CARE line, 630-CITY. (problems with roads, potholes, city hearings, etc.)
- Issues that are, or could be, in legal proceedings. This is something for which a person might need to hire an attorney.
- An issue that is in any administrative procedure that has not been completed; once completed, it is final, unless there are fraud or ethical problems in the procedure itself. This does not mean just a disagreement with the findings.
- Insufficient data given to proceed and no other way to document the alleged offense.
- Private business matters.
- Matters that do not involve city employees or officials.
- Tips and ideas for better government; these will be passed on to the relevant department.
- Issues that occurred in other cities/counties. We only handle issues for the City of Jacksonville and Duval County employees and officials.
- Issues that relate to the Jacksonville Sheriff’s Office; they have their own investigative procedures. (phone number: 630-2187, Internal Affairs) (Examples: calls about police officers, calls about people being arrested.)
- Issues that have been sent to many entities at the same time (JSO, State Attorney, Governor, etc.). These may or may not be taken up by the Hotline.

EXAMPLES OF CASES THAT ARE APPROPRIATE FOR THE HOTLINE

- Danger to the public health, safety and welfare
- Fraud/waste/abuse
- Criminal activity
- Misappropriation of funds
- Any financial irregularities
- Any violation of the State Ethics Code, Section 112
- Any violation of the local Jacksonville Ethic Code, Section 602; (gifts, secondary employment violations; post employment issues; misuse of office)
- Any vendor fraud involving contractors or consultants that deal with the city
- Nepotism violations
- Lobbyist law violations (Chapter 602.801-803)
- Irregularities in the procurement process, including sole source or proprietary contracts
- Disappearance of assets or equipment of the city
- Violation of Florida Sunshine law, public records and meetings