



# CITY AND COUNTY OF DENVER

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## CONSIDERATION OF ANONYMOUS COMPLAINTS BY GOVERNMENT ETHICS JURISDICTIONS

As discussed in the performance audit of Denver's citywide ethics program completed in November 2010 by the Denver Auditor's Office, the ability for an organization to consider anonymous ethics complaints is considered a best practice according to:

- Ethics Resource Center – National Business Ethics Survey (1994 – 2005) – Six Elements of a Formal Ethics Program includes “means to report misconduct anonymously.”
- United States Sentencing Commission Federal Sentencing Guidelines Manual, Chapter 8 – in order to have an effective ethics and compliance program, an organization “should take reasonable steps to have and to publicize a system, which may include mechanisms that allow for anonymity or confidentiality, whereby the organization's employees or agents may report or seek guidance regarding potential or actual criminal conduct without fear of retaliation.”

The Denver Board of Ethics engaged a recently-admitted Colorado attorney, Breann Alexander, as a summer intern to research how other United States governmental ethics jurisdictions deal with anonymous complaints. In her report to the Board of Ethics, Ms. Alexander found that:

- Of 77 governmental ethics jurisdictions in the United States that belong to the Council on Governmental Ethics Laws (COGEL), 45 reported to COGEL in 2010 that they do allow anonymous complaints to be considered (58%) – see Attachment A. These include many cities that are of comparable size to or larger than Denver and Colorado.
- Most of those 45 jurisdictions that responded to questions from Ms. Alexander reported that they deal with anonymous complaints in exactly the same way that they accept and process complaints that are not made anonymously.
- Several jurisdictions have codes that require the name of the complainant to remain confidential throughout the investigation.
- Many jurisdictions allow discretion to their Board of Ethics and/or staff to decide whether to process an anonymous complaint. For example a representative of the Seattle Ethics and Election Committee indicated that “the Committee won't go on wild goose chases based on anonymous complaints.” The website of the San Francisco Ethics

Commission informs readers that “Complainants may submit their complaints anonymously. Please be advised that the Ethics Commission may, but is not required to, process or respond to anonymous complaints...”

## Attachment A

**Jurisdictions reporting to COGEL that it accepts anonymous complaints. Jurisdictions with an asterisk (\*) are those that responded**

1. *Alaska Select Committee on Legislative Ethics\**
2. *Anne Arundel County Ethics Commission\**
3. **California Fair Political Practices Commission**
4. **Chicago Board of Ethics**
5. *City of Atlanta Board of Ethics\**
6. **City of Buffalo Board of Ethics**
7. **City of Detroit Board of Ethics**
8. *City of Jacksonville\**
9. **City of Los Angeles Ethics Commission**
10. **City of Milwaukee Ethics Board**
11. *City of Minneapolis Ethical Practices Board\**
12. **City of Oakland Public Ethics Commission**
13. **City of Phoenix Auditor's Office**
14. **City of Portland Auditor's Office**
15. *City of San Diego Ethics Commission\**
16. *City of Seattle Ethics and Elections Commission\**
17. **Connecticut Office of State Ethics**
18. **Cook County Board of Ethics**
19. *Delaware Public Integrity Commission\**
20. **Hawaii State Ethics Commission**
21. *Honolulu Ethics Commission\**
22. **Indiana State Ethics Commission**
23. **Iowa Ethics and Campaign Disclosures Board**
24. **Kansas Governmental Ethics Commission**
25. *Kentucky Executive Branch Ethics Commission*
26. **King County Board of Ethics**
27. **Maine Commission on Government Ethics and Election Practices**
28. **Maryland State Ethics Commission**
29. *Massachusetts State Ethics Commission\**
30. *New Castle County (DE) Ethics Commission\**
31. **New Hampshire Attorney General's Office**
32. *New Jersey State Ethics Commission\**
33. *New York City Conflicts of Interest Board\**
34. *New York State Commission on Public Integrity\**
35. **New York State Office of State Comptroller\***
36. **Ohio Ethics Commission**
37. *Ohio Legislative Inspector Generals Office\**
38. **Oklahoma Ethics Commission**
39. **Philadelphia Board of Ethics**
40. **San Antonio City Attorney's Office**
41. **San Francisco Ethics Commission**
42. *Washington State Commission on Judicial Conduct\**
43. *Washington State Executive Ethics Board\**
44. *West Virginia Ethics Commission\**

**Attachment A**

**Jurisdictions reporting to COGEL that it accepts anonymous complaints. Jurisdictions with an asterisk (\*) are those that responded**  
*45. Wisconsin Government Accountability Board\**