

Best Practice: Citywide Public Integrity Strategy

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CITY: HAMBURG

POLICY AREAS: PUBLIC INTEGRITY

BEST PRACTICE

Hamburg has a multi-faceted approach to tackle corruption. The main instrument is the Department of Internal Investigation (DII), which is tasked with corruption investigation and prevention. It is supported by several other integrity structures. These include internal auditors (Internal Audit Units) in all of the ministries of city government, a volunteer civil society organization that serves as a liaison between the government and the business community (pro Honore e.V.), and a bi-annual anti-corruption conference (AKK) composed of leaders from different government agencies. Together, these elements work in tandem to produce the most innovative and comprehensive public integrity programs in Germany.

ISSUE

The need for an anti-corruption agency and framework grew out of a 1994 scandal where Hamburg police officers were accused of xenophobia. The following year the DII was established with a focus on inquiries into police conduct. Further provisions in 1997 and 2001 respectively, created the Central Advisory Office, which works within the DII and focuses on corruption prevention. This broader mandate to investigate public sector graft and implement training programs, in addition to probing police abuse, meant the DII was able to branch out beyond just internal law enforcement oversight.

GOALS AND OBJECTIVES

In 2001, the Hamburg Senate developed a citywide approach for battling corruption called the General Administrative Regulations on Measures for Combating Corruption. Some of its primary strategies included:

- Identification of areas of work vulnerable to corruption (risk analysis)
 - Based on the results obtained from risk analysis, working procedures should be modified
- Consistent execution of the supervision of conduct
 - Supervisors must be aware of hazards or corruption that could affect employees
- Separation of planning, allocation, and settlement of accounts
- Bolstering Internal Audit (Internal Audit Units)
 - Check of public administration is conducted appropriately
 - Ensure effectiveness and efficiency of internal control systems
 - Check if legal and administrative rules are being observed
- “Multiple-Eye” Principle
 - In areas that are vulnerable to corruption, this principle guarantees that more than one employee co-examines all contracts.

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- Job rotation in sensitive areas
 - A “forced rotation” aimed at detaching an employee from his or her familiar scope of duties and work environment in order to suppress corruptibility

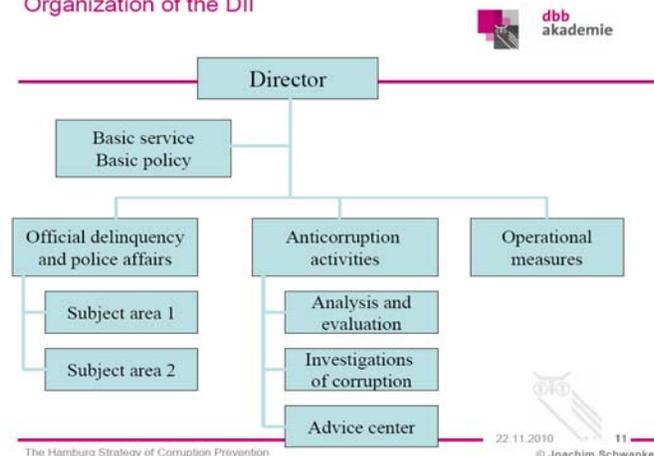
IMPLEMENTATION

Hamburg’s citywide strategy is spearheaded by the Department of Internal Investigation, but the department also partners collaboratively with outside groups. Besides the DII, these are the Internal Audit Units, the Anti-Corruption Conference (AKK), and pro Honore e.V.

Department of Internal Investigation: The DII has four major responsibilities including: corruption prevention strategies, investigating criminal acts of police officers, corruption in public administration and business, and analysis and evaluation of information.

- The Official Delinquency and Police Affairs deal with the processing of "police matters" - i.e. offenses allegedly committed by police officers while on or off duty. The units under the Anti-corruption activities department focus on offenses such as accepting or gaining an undue advantage by a public official, bribery of an official or aiding the perpetrator of an offense after the fact. Other investigations include fraudulently obtaining subsidies, criminal breach of trust, forgery of documents, competition-restraining agreements in the case of public tenders, false certification by public officer or violation of official secrets.

Organization of the DII



- Within Operational Measures, the Central Advisory Unit is in charge of prevention and training. Training programs prevent corruption before it begins while other instructional sessions promote the security for whistleblowers who report graft. The DII has satellite anti-corruption departments in each city bureaucratic office, allowing for employees in city agencies to file reports directly with the DII and circumvent their superiors if they suspect corruption.
- The Basic Services Office replies to requests for information and inquiries, and prepares analyses, statistics and annual reports.

Internal Audit Units: During the police scandal of the mid-1990s, the Hamburg Senate determined that the performance of the independent Auditor General was not sufficient to fight graft and Internal Audit Units were necessary to work with the DII to root out corruption. These departments have been established in all ministry departments in Hamburg with a particular focus on weak internal processes that could be at risk for corruption. The Internal Audit Units are generally entitled to inspect all files under its scope and can review the effectiveness of supervision. Should the audit reveal flaws in the provisions against corruption, the Internal Audit Unit will recommend appropriate changes.

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Anti-Corruption Conference (AKK): This is regular meeting that is presided over by the Chief of the Department of Internal Investigations and has participants from virtually all Hamburg government agencies. The recommendations from the conference result in resolutions in the Senate. Some of these include the updating of legal regulation on the acceptance of rewards and gifts, the development of measures to exclude companies from public tender procedures, and the improvement of programs for the rotation of personnel.

Pro Honore e.V.: An organization of business leaders that fulfills the role of fiduciary liaison body. Its primary purpose is to increase ethical awareness among fellow business people and to work towards a corruption-free society. It is self-financed through Hamburg-based business corporations and it a link between the public and private sectors in the city.

COST

The DII currently has nearly 60 employees. The personnel budget of the Department is supported by the Hamburg State Police. The cost of material resources for the department is approximately €210,000 per year while the salaries of the employees are paid by the Hamburg Police Department.

RESULTS AND EVALUATION

The activities of the DII, and specifically the Central Advisory Office since 2001, have led to a considerable increase in tips and resulting criminal proceedings. In terms of the Internal Audit Units, although these units have no authority to ask for changes within public agencies or to intervene directly in their decision-making processes, recommendations they give to supervisors of departments are taken serious and implemented even without formal sanctions.

TIMELINE

1994: A Hamburg police scandal leads to the creation of a corruption investigation.

1995: The DII is founded as a special investigative unit within the Department of the Interior with a mandate to investigate allegations of police conduct.

1997: An anti-corruption law creates the Central Advisory Service within DII for combating corruption. This new department concentrates on training and prevention while further broadening the initial scope of DII investigations.

2001-2002: The Hamburg Senate passes the General Administrative Regulations on Measures for Combating Corruption in 2001. DII established central anti-corruption offices the following year in each city bureaucratic office, allowing for employees in city agencies to file reports directly with the DII and circumvent their superiors if they suspect corruption.

LEGISLATION

- In 1997, Hamburg passes an anti-corruption law that codified many recommendations for focusing on corruption prevention in the public sector.



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- Hamburg increases anti-corruption protection in 2001, passed the General Administrative Regulations on Measures for Combating Corruption which greatly expanded safeguards for whistleblowers.

LESSONS LEARNED

Despite regulations put into place to protect whistleblowers, convincing employees who experience bribery to come forward continues to be a problem. A dialogue between whistleblowers and investigators is important because anonymous reports often need follow-up details to formulate a case. Hamburg worked to mitigate this problem by offering a “virtual letterbox” that allows whistleblowers to contact authorities anonymously and continued an online dialogue to provide more details of a case, without provoking the suspicion of coworkers or supervisors.

TRANSFERABILITY

While some global cities have agencies similar to DII, no other city in Germany has a dedicated agency to fighting graft like Hamburg and implementing some of its progressive systems could represent breakthroughs for other German cities with corruption problems. This is especially in the case of the AKK and pro Honore e.V. A regular conference to confer about corruption among government bureaucratic leaders and outreach to the business community to self-police private sector graft, represent two areas that are missing from other anti-corruption strategies and could supplement the work of dedicated public integrity agencies.

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