

CITY OF JACKSONVILLE



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March 1, 2019

The Honorable Mike Williams
Sheriff of Jacksonville
501 E. Bay Street
Jacksonville, FL 32202

Re: Use of City property in campaign commercials

Dear Sheriff Williams:

The Jacksonville Ethics Commission and the Office of Ethics, Compliance & Oversight have received complaints regarding recent campaign commercials that include city vehicles (in particular, marked patrol cars) and uniformed members of the Jacksonville Sheriff's Office wearing J.S.O.-owned equipment, such as firearms, badges, and radios. In particular, citizens have brought to our attention that the inclusion of those creates an appearance of bias or partisanship of those charged with the solemn and honorable duty of the City's protection.

In December 2018, the City Council (by Ordinance 2018-822-E) revised section 602.401, Jacksonville Code of Ordinances, to include the following:

(d) City Officers and employees should recognize their responsibility to protect and conserve City property and resources, and to make an honest effort to use official time and City property only for official business. To that end:

* * *

(3) Misuse of resources for campaigning. It is a violation of this Chapter for an officer [or] employee of the City or an independent agency to use any City resources, including property, employee time, computers and the Internet, for any political campaigning or campaign fundraising activities.

The City's General Counsel has informed us that allowing uniformed officers to participate in campaign commercials and the use of police vehicles in those commercials does not violate the Ethics Code. The Commission is bound by the General Counsel's interpretation, and we will honor our obligation to follow it.

**Office of Ethics, Compliance & Oversight
117 W. Duval Street, Room 450
Jacksonville, FL 32202
Phone: (904) 630-1476 HOTLINE: 630-1015**

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That said, using City resources and uniformed City employees in campaign commercials erodes the public trust in government in Jacksonville. Other jurisdictions recognize the public harm caused by politicization of our military and law enforcement. For example, federal law enforcement are prohibited by the Hatch Act from engaging in any political activity in uniform or while wearing official insignia. The U.S. armed forces, similarly, are prohibited by a Department of Defense directive from participating in campaigns while in uniform or using any government property. The International Association of Chiefs of Police also discourages the practice. The reason is simple. In the words of the I.A.C.P.'s Code of Ethics: "I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service." The then-Deputy Secretary of Defense made D.O.D. policy that even non-active duty military "should avoid inferences that their political activities imply or appear to imply official sponsorship, approval, or endorsement."

Based on the General Counsel's binding opinion, which the Commission is obligated to follow, the Commission will not continue these proceedings. The Commission requests that you work with us to propose laws or policies in keeping with national best practices that stop the use of our City's resources, property, and uniformed personnel for political purposes. We all should encourage voting and civic involvement by all our citizens (including, of course, our law enforcement), but we should not permit the use of the taxpayers' property for political campaigning. In the words of the Florida Department of Law Enforcement: "Law enforcement effectiveness depends upon community respect and confidence. Conduct which detracts from this respect and confidence is detrimental to the public interest and should be prohibited."

BY: _____

Joseph Rogan, Chair

WITNESS: _____

Carla Miller, Ethics Director

Vote (3/1/19): In Favor: 8 Opposed: 0

cc: The Honorable Lenny Curry, Mayor of Jacksonville
The Honorable Mike Hogan, Supervisor of Elections
Jason R. Gabriel, Esq., General Counsel