

## PLS 308 – Public Administration

### Topic: Accountability

#### Accountability

- Definition
  - The means by which public agencies and their workers answer to the citizens directly and indirectly for the use of their powers, authority, and resources
- Key questions are
  - To whom are administrators accountable?
    - At the most basic level it is the citizens
    - More complicated though. Also accountable to president/governor/mayor, congress/state legislature/city council, courts, interest groups, professional associations, and the media
  - For what are administrators accountable?
    - To make laws work as intended with a minimum of waste and delay
    - Exercise lawful and sensible administrative discretion
    - Recommend new policies and changes in the current policies when needed
    - Enhance citizen confidence in government
  - How do you assess accountability?
    - Often accountable to many different groups and the demands each places may conflict
    - Often many different organizations are involved in addressing a problem. Who then gets blamed for administrative failures
    - Often no rule tells agencies how to resolve interagency conflicts since the existing rules are typically what caused the conflict in the first place

#### Accountability Mechanisms

- External/Formal
  - Legislative oversight (e.g., sunset laws)
    - Inquires into agency performance that result in formal or informal recommendations to improve agency performance
  - Rule-making by legislatures
    - Give detailed requirements that agencies must follow in developing rules or implementing a program
  - Legislative veto
    - Requirement in a law that an agency must secure explicit approval from the legislature or a committee before acting. For example, legislature must approve rules adopted by an agency before they can take effect
  - Sunshine laws
    - Requirement that meetings and decisions are made in public
  - Budgetary review and enactment
    - Opportunity to assess agency performance during budget hearings and in authorization process
  - Investigations/Legislative Audits

- Congress/legislatures have broad authority to investigate agency operations, demand information on agency performance. It can also use organizations like the GAO to investigate and evaluate the performance of agency programs
- Legislative casework
  - Members will frequently intervene on behalf of constituent to solve problems or have special services provided. Frequently these requests receive special attention from an agency
- Control of one government by another
  - Power of one unit of government to check the power and authority of another level of government. Example, state agency may have to approve a local government's comprehensive land use plan or zoning requirements before they take affect
- Ombudsman
  - An official who receives complaints from citizens and investigates alleged wrongdoing or unfair treatment
- Ratification of appointments
  - The Senate committees can make their preferences known or reject appointments that appear hostile towards their preferences
- Judicial review
  - Courts can ensure that agency adheres to statutory requirements. Examples are citizen suits brought by groups such as the Natural Resources Defense Council to ensure that a city or company complies with CWA requirements
- Electoral processes
  - Chance for the electorate to change policy by voting for candidates who advocate specific changes
- External/Informal
  - Monitoring by interest groups/client groups
    - Interest groups typically pay close attention to the implementation and outcomes of public policies. Often have their own information on outcomes that they distribute. Will often monitor administrative decisions (e.g., issuance of environmental permits)
  - Monitoring by the professional community
    - Professional associations will often monitor the actions of its members and could intervene in agency decision-making processes or testify before congress/legislatures
  - Freedom of information laws
    - Includes access to meetings, minutes of meetings, and formal documents pertaining to agency operations. Example would be the information pertaining to a permit decision. Some information may be held confidential if it pertains to national security or patents
  - Media
    - Countless examples of how the media monitors agency decision-making processes as well as the implementation and outcomes of programs. See the short cases for some detailed examples.

- Internal/Formal
  - Executive control
    - Executive has the authority to control the actions of those below him/her in the hierarchy
  - Budget preparation and management
    - Regular opportunity to assess and control the actions of an organization and redirect resources within an organization
  - Rule-making procedures
    - Must follow specific procedures to ensure those opportunities for public comment, etc.
  - Inspectors general and auditors
    - Most federal agencies have an office, which investigates wrong doings and initiates criminal proceedings. Typically financial records of programs are audited on a periodic basis.
  - Chief financial auditors
    - They typically develop an accounting system to detect fraud and abuse and report such instances to top officials or the OMB
  - Investigative commissions
    - Look at each of the long cases. In each instance, a special investigative commission was created to investigate an agencies actions and make recommendations
- Internal/Informal
  - Professional standards
    - Various professions (e.g., law, medicine, accounting, engineering, etc.) have standards and ethical guidelines that its members must follow or could lose their certifications
  - Ethical codes and values
    - Must adhere to society's ethical standards and moral values.
  - Whistle-blowers
    - When employees encounter mismanagement or wrong doing within their organization. While the proper bureaucratic response is to confront the problem within the organization. However, there are times when the high-level officials are part of the problem and the only way to address this wrongdoing is to publicize it outside the agency (e.g., go to the press)

### **Other Ways to Categorize Accountability Mechanisms**

- Barbara S. Romzek and Melvin J. Dubnick (1994) in trying to assess accountability in the Challenger Disaster sees four alternative systems of accountability (See also Romzek 1996)
  - Four alternative systems are based on variations in two critical factors
    - Source of agency control (internal vs. external)
    - Degree of control over agency actions (high vs. low)
  - Hierarchical/Bureaucratic accountability systems (internal control, high degree of control over agency actions)
    - Expectation of public managers are managed through focusing attention on the priorities of those at the top of the bureaucratic hierarchy.

- Characteristics include the superior-subordinate relationship, orders are unquestioned, standard operating rules and procedures, and close supervision
- Superior-subordinate relationship
- Supervision is the basis of the relationship
- Legal accountability (external control, high degree of control over agency actions)
  - An outside individual or group is in a position to impose formal sanctions or assert formal contractual relations
  - Typically, the outsider makes laws or other policy mandates that the public administrator is obliged to follow
  - Principle-agent relationship
  - Fiduciary/contractual responsibility is the basis of the relationship
- Professional accountability (Internal control, Low degree of control over agency actions)
  - Public officials must rely on skilled or expert employees to provide appropriate solutions to problems. These employees expect to be held accountable for their actions but insist agency managers give them the latitude to do the best job possible
  - Layperson-expert relationship
  - Deference to experts characterizes this accountability system
- Political accountability (external control, Low degree of control over agency actions)
  - Question is whom does the public official represent and to whom is he/she accountable. Is it the public or the person that appointed them (elected official)
  - Constituent-representative relationship
  - Responsiveness to constituents (e.g., public, elected officials) characterizes this accountability system
- Argument is that professional accountability system which helped put a man on the moon no longer dominated in the 1980s and this helped lead to the Challenger Disaster