

October 12, 2024

Public Ethics Commission
1 Frank Ogawa Plaza, # 104
Oakland, CA 94612

Commissioners,

After the Public Ethics Commission (PEC) meeting of 10/9/24, I thought of one more thing I wish I had said in response to Commissioner Gage's question about "how can the Commission best support the Enforcement Unit's work going forward?"

It would be enormously helpful to Enforcement if the Commission could encourage more community knowledge of, and comment on, Enforcement's casework. We are the community's watchdog, but we rarely get to hear their perspective on the things we investigate. The public's voice can be a crucial counterweight to the tendency towards tunnel vision or risk-aversion that can plague small regulatory agencies, particularly one (such as ours) that often steps on the toes of the powerful whenever we are doing our job right.

I've observed that the public cares a great deal whenever they find out about the things we've investigated, but that this does not always translate into meaningful engagement with the Commission itself. I am far from a public communications expert so I feel a bit self-conscious offering advice outside of my wheelhouse, but I do want to offer the following suggestions or impressions in this regard:

- I made an effort to make my written and oral submissions to the Commission as understandable as possible to a non-lawyer; and perhaps even somewhat engaging, to the extent that legal documents ever can be. I think future Enforcement staff should continue this practice. The law itself can get quite complex, but the ultimate meaning and importance of a particular case usually isn't; and communicating as much as possible in everyday language fosters public understanding and engagement. It also cuts down on the "intimidation factor" that leads people to erroneously believe that these matters are too complicated for them to comment on (or worse, too remote from their lives to care about).
- Though the Enforcement Chief can't discuss open cases, I made an effort to answer questions from interested members of the public and the media whenever they wanted to know more about our general processes or the law itself. Time and staffing constraints didn't always allow me to be as quickly responsive as I would have liked, but I do think Commissioners and staff should avoid boilerplate and prioritize meaningful dialogue with parties that are making good-faith efforts to understand our work and are in a position to communicate that understanding to the wider community.
- We need to inform the public more consistently about Enforcement's work, and proactively encourage public feedback. We have some experience doing this in other program areas, so to the extent possible and appropriate, we should do this for Enforcement as well. I'm not sure the public is aware that they can actually comment on our cases, and that even just sending in one or two sentences can provide valuable feedback. Of course, this would need to be done in a way

that encourages a balanced range of views, to minimize the possible effects of bias, misinformation or astroturfing.

I think the PEC benefits greatly from being in Oakland, whose people have a long tradition of principled and active engagement with their government (and indeed, it was they voted to essentially create the Enforcement Unit back in 2014). Whenever I was in a difficult witness interview or negotiation session (and believe me, there were a lot of them), I tried to imagine that the people of Oakland were watching in the stands like it was a sports event. Trying to do right by them gave me the will to keep pushing in the face of the indifference or outright hostility from the other side that can wear on a person over time. To make this imaginative exercise into something of a tangible reality would greatly boost the morale and sense of purpose of future Enforcement staffers (okay, we'll never have stands full of people watching our work, but hopefully my general point about the importance of community feedback is coming across). And unlike the ongoing efforts to get a modicum of the staffing that an effective Enforcement Unit needs, creating more public engagement seems like something that is relatively low-cost and largely within the control of the PEC itself.

Thank you again for all of your hard work and insightful feedback over the years, it was a pleasure working for each of you,

Simon Russell