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Summary:

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Gotcha! Moments

Agencies caught in the eye of a scandal need a pre-plan for defusing the storm of media attention.

By Jonathan Walters

At first it was just a sniff of trouble: A Nov. 15, 2008, front-page story in the Albany Times Union by reporter Brendan Lyons described a long-running arrangement whereby Albany parking-enforcement officers were issuing "ghost tickets" to certain individuals. The ghost tickets were apparitions in orange and white that carried no financial penalty. A coded windshield sticker -- a bull's-eye design -- alerted parking police of the car owner's special status.

According to Lyons' story, the ghost tickets began as a way to keep the city from ticketing personal vehicles used by police officers attending court hearings. But it expanded, and spouses, friends and civilians employed by the city were being issued stickers. It was an exercise in parking privilege that was being practiced, noted the story, even as anticipated city revenues from parking violations were falling well below expectations.

The story contained many potentially damning facts and, like all harbingers of a mushrooming scandal, raised more questions than it answered. How many stickers were out there? Who had them? Who was in charge of distribution, and on what basis were stickers distributed? How long had the practice been going on? And the perennial favorite when the hint of scandal blossoms into a full-blown storm: Who knew about the stickers, and when did they know about them?

Based on those questions -- and the unsatisfactory responses from the public officials involved -- the scandal and its coverage cost two high-level public officials their jobs, not to mention badly damaging the city police department's credibility.

If it sounds familiar, that's because it is -- the Albany mess raises that long-standing

question about government and the media: When bad news starts to percolate, why don't public officials practice the sensible art of getting out in front of it by owning up to the problem? That question is becoming increasingly relevant in this smothering electronic media age where keeping a secret involving public officials' conduct is almost impossible.

"From Three Mile Island back in the 1970s to the Sen. Larry Craig story, there are hundreds of examples," says Doug Muzzio, a professor of public affairs at Baruch College in New York City, "where, arguably, if you had admitted wrong-doing early on, then you might be able to control the narrative and limit the damage." Muzzio, who is working on a book chapter on public-sector media relations, notes that "many public officials seem to have this hubristic belief that, 'I can get away with it.' And the longer someone has been in office and the higher up they are, the more likely it is that they hold that view."

For veterans of the public officials versus media wars, the parking-sticker story had all the earmarks of trouble down the road. For more than a year, the Times Union ran around a dozen stories on the issue, while key city officials tried to stonewall. At first, the city's treasurer, Betty Barnette, whose office oversees parking fines collection, did not respond to the Times Union reporter's requests for comment. Albany Police Chief James Tuffey initially feigned ignorance. "There's no policy here on that, I can tell you, that I know about," Tuffey said when Lyons asked about the sticker phenomenon. "If there's something out there that's been abused, I'm going to deal with it." Later stories revealed that Tuffey launched the practice years earlier while he was head of the city's police union.

What to do when confronted with a story like this? When Lyons called Tuffey, the police chief essentially had two options: lie or tell the truth.

Tuffey might have believed -- or prayed -- that by lying, Lyons and his editors would back off and allow the chief time to get to the bottom of the scandal as he had promised, and perhaps produce some credible, official explanation for why cops' wives and girlfriends were being exempted from city parking laws. Or Tuffey might have thought that the whole thing could be shoveled under a snow bank until it melted away.

Praying that the Times Union would stand by, awaiting a rigorous internal investigation by Tuffey, wasn't likely to be answered. The paper has a well deserved reputation for breaking juicy local stories, and then following them to their often bitter conclusions. The same goes for the snow bank strategy.

Had Tuffey come clean right from the start, it would have been painful -- but the pain probably wouldn't have lasted long. The chief and the police force might actually have scored some points for being forthright. At the same time, the chief and department might also have gained some control over the story early on -- before it became a long-running serial story.

And yet, Tuffey chose to lie. As any reporter, editor or savvy government public information officer will say, this is almost always a bad idea. It's an especially bad idea when the lying in question deals with an issue that centers on special treatment for friends and relatives of

well placed public officials. It suggests abuse of power; it looks like fundamental unfairness. In this case, the controversy in question revolved around a highly visible and publicly unpopular government function: parking enforcement. Because it is a system that is so unloved, it should be fair, striving to treat all citizens equally.

The chief's lie had ramifications. Albany Times Union Editor Rex Smith believes that Tuffey wasn't able to survive a subsequent mini-scandal -- he was accused of using a racial epithet -- because he'd been so weakened by the parking ticket mess.

Had Tuffey been honest from the start, things might have gone differently. "If he had just admitted that the department had been giving out stickers to police to use as they saw fit, and that the practice had been going on for a while but would be stopped," says Smith, "there would have been a lot of hullabaloo, but the story would have been contained instead of dragged out. It wouldn't have been a one-day story, but it wouldn't have been a year-and-a-half story, either."

The other big loser in the scandal was the city treasurer: Barnette was ousted by voters in the next election. (The comical low point of the sticker caper was when Barnette argued that revealing the identity of recipients of ghost tickets would be a violation of the Health Insurance Portability and Accountability Act because some of the people who got the toothless tickets were parked for doctor visits.)

Tuffey's decision to lie may have been a reflex response to bad news. The department simply had no pre-plan for fielding scandal. Bill Leighty, former chief of staff to Virginia Govs. Mark Warner and Tim Kaine -- and a grizzled veteran of the bad news wars -- has some advice for all highly placed public officials when it comes to a gotcha moment: At some point, scandal will arrive. Be ready for it.

In fact, generic types of scandals will almost certainly visit large government, says Leighty, the two most likely being embezzlement and loss or theft of sensitive data. Examples of government data breaches abound, but the most famous recent example was in 2006 when a Department of Veterans Affairs (VA) employee took a laptop home with him -- a laptop loaded with thousands of veterans' personal information. The laptop was stolen, and when news of the theft broke, all hell broke loose. The pounding the VA took from the press (and from Congress) was brutal. The essential problem, say top VA officials who were involved in damage control at the time, was that the agency lost control of the story from the beginning.

Having learned a hard lesson the hard way, the VA handled a second data breach in an entirely different manner. When a laptop disappeared from a secure room in a VA facility in Birmingham, Ala., the bad news quickly climbed the chain of command, and the VA broke the news quickly and completely. Plus, thanks to the previous breach brouhaha, the agency was ready with a long list of actions that it was already pursuing to protect those individuals whose personal data might have been compromised. It was also ready with a long list of actions it was pursuing to secure all VA data. Not only did it look like it was on top of the breach, the agency got some media attention for the steps it was taking to protect all VA

data. The Birmingham story didn't have anything like the legs or the negative consequences of the first breach.

But bad news visits itself on governments in all sorts of unpredictable ways. The point, says Leighty, is to be ready no matter what that news happens to be. For example, when a Virginia-owned weapons cache was pilfered with the help of an employee "who basically looked the other way," the governor's office had to determine what to do: hush it up to avoid embarrassment or get in front of the story? It didn't take long to decide, says Leighty. "The last thing in the world the governor wanted was to pick up the paper and read that a police officer had been killed by one of our own guns." So the governor's office put out a press release reporting that all kinds of stuff had been stolen from a state warehouse, including guns.

The point was to control the story from the start. The governor's office announced the thefts and let citizens know that the governor and staff were working to recover the stolen items. Deciding to break the story themselves wasn't that difficult of a calculation, especially in the Internet age with all its tweeting, blogging and instant messaging glory. "If the press senses they're being snookered, it only makes them more interested," Leighty says. "Then it's a piranha feeding frenzy, and everyone is trying to get in on the story." If the story feels complete, however, it's less likely the newspaper will sic the dogs on it.

It's a good lesson to learn: Bad news is a public-sector perennial and will almost always leak out, whether it's criminal conduct, official misconduct, good old-fashioned bumbling or personal indiscretion. Those who don't see themselves as somehow invisible, invincible or untouchable -- and who have a plan in place for how to handle bad news -- will be the ones who survive it.

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