

Roxanne Maher

From: Pamela Ball <pcball@earthlink.net>
Sent: Sunday, February 2, 2025 10:05 PM
To: Roxanne Maher
Subject: Ethics committee ordinance

Dear Council,

Having read the proposed ordinance and letters from town residents in support of the ordinance to create an Ethics Committee (EC), several issues and questions come to mind.

Being subjected to an “ethics” investigation, especially without an attorney, can have serious lifelong negative effects. I know of a situation in another town where a resident volunteering on a town committee made a decision that was correct, proper and in keeping with the duties of the committee but was not popular with the townsfolk. At a town meeting, I witnessed first hand how the town select person simply refused to listen to and consider any comments in support of her and the decision she made. Several of us gave statements that were rudely ignored. There was unflattering newspaper coverage and she was treated poorly by town residents and town authorities. She was subjected to such harsh treatment that she felt forced to - and did - move out of town to escape the hostility. This person was an acquaintance of mine and I know first hand how horrible this was for her.

Once an accusation is made to the EC, since there are no attorneys involved and thus no attorney-client privilege, is it not discoverable? Cannot all of the “confidential” information that is part of any EC investigation, from the filing of the complaint to the final decision, be discovered by a FOIA request? Would an accused have to turn over their personal email, texts or other documents to five members of the EC and could that information be discovered by anyone else via a FOIA request? Would all of their social media posts be subject to scrutiny? All it would take is one person in town with an issue with the accused to use that information to start rumors, post negative things on social media, post content of personal emails, etc. because without attorney-client privilege, isn't the information is accessible through a FOIA request? Potential employers could find out if a person was called before the EC and, without attorney-client privilege, wouldn't the town have to reveal that information if the employer filed a FOIA? Even if a person subjected to an accusation is found to be “innocent” there is no way to repair their reputation, their standing in the community, to gain back the hours of time spent in defense, or to be repaid expenses incurred to defend themselves. Once negative comments are out there, they are out there forever.

Will there be any requirements to be an EC committee member other than to be a registered voter in town? How will you determine if a committee member is qualified to sit in judgement of other townspeople? Will they receive any training such as intrinsic bias training? Will Council read the social media posts of potential EC members to see if they have made political, insulting or other disparaging comments against other residents? Who will determine what information should or should not be redacted from subpoenaed personal communications of the accused? Who will do the research to make sure that any documentation that an accuser submits is valid? Who will and how can an EC make sure that any proceedings are free from personal or political bias? If an attorney is not involved, could anyone make a FOIA request of the members of the EC to reveal information from their discussions and any communications on the topic?

Going before the EC has been compared to being judged by a jury of peers but that activity is carried out in a courtroom with a judge, attorneys (*i.e.*, trained professionals) and a jury selected to hear the case at hand; that is not the situation proposed here. Here you would have five untrained individuals who would sit in judgement on a fellow townsman. What if a person on the EC knows the accused or is familiar with the situation? In a jury selection process, that person would be removed; is Council going to vet and seat a new member each time this occurs? If the EC determines that a complaint is not valid, what plans will there be to stop the accuser from making their accusations public in other ways? The accused has no protection or privacy until an attorney is involved so the simple act of filing a complaint puts the accused in a position of needing one. What if they don't have the money to hire a lawyer? You may

argue that a FOIA could be requested for any proceedings under the current policies, but under the current policies situations are handled by professionals, not neighbors, and attorney-client privilege would likely be in place.

What kind of complaints have ECs in other towns received and what kinds of actions have they taken? Did they need an EC to address the issues or would the policies in place have worked just as well? I believe that it would be a good idea to reach out to other towns to see how their EC was used and to talk to the accusers and accused to see how they were affected, especially those who went through the process and were found innocent. I do not know if a formal EC in was in place for the situation I described above. Regardless, it devolved into a situation of neighbor attacking neighbor with awful consequences.

Have there been any "ethical violations" that have been identified that have not been or could not be adequately addressed by policies already in place? I understand that there have been some unpopular goings on in town (proposed blasting, proposed apartment complex) but just because a decision is unpopular does not mean it is a violation of ethics.

Some arguments for the committee included noting that Ledyard was one of the few towns in the state that didn't have an EC. Since we have policies in place, we don't need a committee. Other comments were directed to preparedness; there are policies in place so the town is prepared. And the last argument was that if you haven't done anything wrong, you don't have anything to worry about. All it will take is for someone in town to suspect you of doing wrong, filing a complaint and your life could be changed. Knowing that you haven't done anything wrong isn't going to protect you from an investigation. It's like arguing that you don't care about privacy because you have nothing to hide; do you really want people poking around in your life even if you haven't done anything wrong?

It seems to me that what is really needed is to make everyone aware of the policies already in place to handle complaints in a professional manner with trained personnel rather than asking five townspeople to make a judgement on another. Maybe the existing policies could be updated to include information from the ordinance about the "ethical violations" that would be subject to an investigation and outline the steps to file a complaint under the current system. Such an amendment would address those who say that the current guidelines are too vague.

Is Council going to make a town wide announcement should this committee be established? If so, why not make a town wide announcement to educate folks as to the (updated) policies in place?

If this committee is put in place, all present and future volunteers should be made aware that anyone in town can file an ethics complaint against them. My friend was simply volunteering to make a good thing happen for the town. If the situation had been handled professionally, perhaps she wouldn't have been harassed so badly as to have to move away. Who would want to be a volunteer in Ledyard knowing that anyone could make a complaint against them? Volunteering should be rewarding, not a risk.

Thank you for reading,

Pam Ball