



State of Connecticut
DIVISION OF PUBLIC DEFENDER SERVICES

HON. RICHARD N. PALMER, CHAIRMAN
PUBLIC DEFENDER SERVICES COMMISSION

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**DECISION OF THE PUBLIC DEFENDER SERVICES COMMISSION
IN THE MATTER OF CHIEF PUBLIC DEFENDER TASHUN BOWDEN-LEWIS
JUNE 4, 2024**

I

Summary of Background, Charges and Hearing, and Decision

Background. In accordance with General Statutes § 51-290 (a), on May 24, 2022, the Public Defender Services Commission (hereinafter "Commission") voted to appoint Attorney TaShun Bowden-Lewis to the position of Chief Public Defender, effective July 1, 2022, to complete the unexpired four-year term of her predecessor, who had resigned. Ms. Bowden-Lewis's current term of office expires on or about October 1, 2025.

In March 2023, all but one of the members of the Commission resigned following disagreement and conflict with Ms. Bowden-Lewis as reflected in a letter sent by Ms. Bowden-Lewis's attorney to the Commission on March 6, 2023, stating, among other things, that Ms. Bowden-Lewis "is concerned that the . . . Commission's actions of simultaneously hyper scrutinizing and undermining her decisions is a pretext for discrimination." New members of the Commission were appointed shortly after those resignations.

On October 3, 2023, the newly constituted Commission issued a Letter of Reprimand to Ms. Bowden-Lewis for conduct, identified with specificity in the Letter of Reprimand, "that [the Commission] deem[ed] inappropriate and unacceptable for the Chief Public Defender of

this State." To rectify that conduct, Letter of Reprimand, which is attached hereto, directed Ms. Bowden-Lewis to "comply with [nine enumerated] Expectations concerning the discharge of your obligations and responsibilities as Chief Public Defender." The Letter of Reprimand further informed Ms. Bowden-Lewis that, "[i]f the Commission determines that you failed to comply with the provisions set forth [herein] in any respect, be advised that you subject yourself to further disciplinary action by the Commission."

On February 9, 2024, the Commission notified Ms. Bowden-Lewis by letter that she was "being placed on administrative leave with pay [by the Commission] effective immediately pending investigation by the [Commission] into conduct which, if substantiated, is grounds for serious disciplinary action up to and including removal from the office of Chief Public Defender in accordance with the provisions of [General Statutes] § 51-290 (d)." The letter further stated: "This action is necessary, among other reasons, due to your alleged improper conduct as follows: (1) sending an unauthorized and erroneous email to all Division of Public Defender Services (Division) personnel, without prior notice to or consultation with the Commission, purporting to correct an action undertaken and announced by the Commission at its meeting on January 9, 2024, and subsequently asserting, to the Commission and to others in the Division, that you were justified in engaging in such conduct; (2) accessing the state email accounts of two senior Division attorneys, namely, Legal Counsel for the Division and the Director of the Complex Litigation Unit, without a legitimate basis for doing so and in retaliation against those two attorneys for criticizing you, disagreeing with you, and/or cooperating with the Commission; and (3) placing a Division employee on administrative leave with pay for no valid reason and issuing a Letter of Reprimand to a second Division employee for no valid reason and in retaliation against that employee for disagreeing with you and cooperating with the Commission." Ms. Bowden-Lewis has remained on paid administrative leave since February 9, 2024.

Charges and Hearing. On March 5, 2024, the Commission, acting pursuant to the authority vested in it by General Statutes §§ 51-289 and 51-290, and Policy 209 of the Division of Public Defender Services, Administrative Policies and Procedures Manual, and having reason to believe that just cause exists for the removal of Ms. Bowden-Lewis as Chief Public Defender, served Ms. Bowden-Lewis with a Notice of Charges and Hearing summoning her to appear before the Commission on April 16, 2024, at 2:00 p.m. in the Legislative Office Building, Hartford, Connecticut, to be heard as to why she should not be removed from office or subjected to any lesser sanction that the Commission may deem appropriate. Under General Statutes § 51-290 (d), "[t]he Chief Public Defender . . . shall not be removed . . . from office during [her term] except by order of the [C]ommission for just cause after due notice and hearing."

The Notice of Charges and Hearing contains sixteen Charges that provide the basis of the Commission's belief that there is just cause for Ms. Bowden-Lewis's removal as Chief Public Defender. In addition, the Notice of Charges and Hearing advised Ms. Bowden-Lewis that she had the right to counsel, the right to testify, the right to present witnesses, and the right to present closing argument at the Hearing, as well as the right to submit written responses to some or all of the Charges in advance of the Hearing, subject to questioning on those written responses by the Commission at the Hearing.

Prior to the Hearing, Ms. Bowden-Lewis and her counsel, Attorney Thomas Bucci, were provided with all the documentation, including witness statements, emails, memoranda, reports, statutory provisions, policies of the Commission and Division of Public Defender Services (hereinafter "Division"), and other materials that provide the factual and legal bases for the Charges. Those documents and materials are contained in sixteen separate exhibit files, each of which contains the documents and materials that support each of the sixteen Charges. In addition, exhibit 17 contains the Notice of Hearing and Charges dated March 5,

2024; exhibit 18 contains the Letter of Reprimand that was issued to Ms. Bowden-Lewis on October 3, 2023, and which is attached hereto; and exhibit 19 contains a letter from the Chairperson of the Commission, Hon. Richard N. Palmer (hereinafter "Chairperson"), to Mr. Bucci, dated April 12, 2024.

Mr. Bucci also was informed in advance of the Hearing that, at his request, the Commission would produce at the Hearing for cross-examination any and all witnesses whose complaints, statements, or information provided a basis or grounds for any of the sixteen Charges. Mr. Bucci notified the Commission that he wished to have the following witnesses available for possible cross-examination at the Hearing: Attorney Erin Ryan, the Division's former Human Resources Director, and three current Division members: Ms. Leonie Campbell, Executive Assistant; Attorney Deborah Del Prete Sullivan, Legal Counsel; and Attorney Joseph Lopez, Director of the Complex Litigation Unit.

Because the Hearing involves a personnel matter, the Commission was required by law to conduct the Hearing in executive session unless Ms. Bowden-Lewis chose to have the Hearing conducted in public session. Prior to the Hearing, Mr. Bucci informed the Commission that Ms. Bowden-Lewis had elected to have the Hearing conducted in public session.

The Hearing commenced on April 16, 2024, and was conducted in public session in accordance with Ms. Bowden-Lewis's election. The nineteen exhibits discussed previously were made a part of the record of the Hearing and are publicly available.

Prior to any testimony, the Commission explained that Ms. Bowden-Lewis is subject to discipline if, and only if, upon its review of all the evidence, the Commission finds that a preponderance of the evidence establishes with respect to any one or more of the Charges that there is just cause to take disciplinary action against Ms. Bowden-Lewis, up to and including removal as Chief Public Defender. Thus, Ms. Bowden-Lewis carried no burden of

proof at the Hearing. Rather, the Commission is tasked with determining whether a preponderance of all the testimonial and documentary evidence demonstrates that just cause exists for the Commission to remove Ms. Bowden-Lewis from office.

Both Mr. Bucci and Ms. Bowden-Lewis then proceeded with opening statements. Thereafter, Ms. Bowden-Lewis was sworn and elected to provide a narrative response to each Charge. At the completion of Ms. Bowden-Lewis's testimony on each Charge, the Commission had the opportunity to question her on that Charge. All the witnesses who Mr. Bucci had asked the Commission to produce at the Hearing for possible cross-examination, as well as one additional potential witness, Mr. Greg Dion, Systems Director, were present at the Hearing so that Mr. Bucci could call them if he wished to do so. After Ms. Bowden-Lewis had completed her testimony, however, Mr. Bucci requested that the Hearing be continued to a future date so that he could have additional time to decide whether to call any one or more of those witnesses. Mr. Bucci's request to continue the Hearing to a subsequent date was granted, and the Hearing was concluded for the day. The Commission then entered into executive session to discuss the matter.

The hearing resumed on April 25, 2024. Prior thereto, Mr. Bucci informed the Commission that he would not be calling any of the witnesses who Mr. Bucci had asked the Commission to produce at the Hearing for possible cross-examination. Having previously been notified by the Commission of a statement recently provided to the Commission by Attorney Arnold Amore following Ms. Bowden-Lewis's testimony on April 16, 2024, the Commission informed Mr. Bucci that Mr. Amore was present and available for cross-examination, if Mr. Bucci so wished. Mr. Bucci stated that he would not be calling Mr. Amore to testify but that he and Ms. Bowden-Lewis intended to address the matter in their closing statements. Mr. Bucci also informed the Commission that he would not be introducing any additional testimonial or documentary evidence on behalf of Ms. Bowden-Lewis.

Mr. Bucci therefore proceeded to give a closing statement, followed by a closing statement from Ms. Bowden-Lewis. The Commission stated that it would not be rendering a decision that day but, rather, would take the matter under advisement. The Hearing concluded and the Commission entered into executive session to consider the matter. At the direction of the Commission, the Hearing proceedings were recorded and transcribed, and a transcript of those proceedings has been provided to Mr. Bucci and Ms. Bowden-Lewis. At a subsequent Special Meeting of the Commission on May 21, 2024, the Commission once again considered the matter in executive session.

Decision. Upon due consideration of all the evidence, including Ms. Bowden-Lewis's testimony and the opening and closing statements of Mr. Bucci and Ms. Bowden-Lewis, the Commission unanimously finds that fifteen of the sixteen Charges are substantiated, as explained more fully in Part II of this Decision. Although required by law to determine only whether each of the fifteen substantiated Charges is proven by substantial evidence or a preponderance of the evidence, which the Commission unanimously so finds, the Commission further finds unanimously that each of the fifteen substantiated Charges was proven by the more demanding standard of clear and convincing evidence. As explained more fully in Part III of this Decision, the Commission also unanimously concludes that Ms. Bowden-Lewis's conduct as found by the Commission constitutes just cause to remove her as Chief Public Defender and, further, that in light of that conclusion and all other relevant circumstances, her removal as Chief Public Defender is the appropriate sanction for her conduct.¹ Accordingly, pursuant to General Statutes § 51-290 (d), Ms. Bowden-Lewis is hereby ordered removed as Chief Public Defender, effective immediately.

¹In his opening and closing statements, Mr. Bucci raised certain claims of law pertaining to the Hearing and the Commission. These claims are addressed briefly in Part IV of this Decision.

The Charges and the Commission's Findings

The Commission's Findings on Each Charge. The Commission's findings on each Charge are set forth below. With respect to each of the Charges, the allegations of the Charge are enumerated first, followed by a summary of Ms. Bowden-Lewis's testimony in response to the Charge. The Commission's findings pertaining to the Charge follow that summary. As noted above, the Commission finds that each of the substantiated Charges has been proven not just by substantial evidence or a preponderance of the evidence, but by the higher standard of clear and convincing evidence.

Charge 1: Treatment of Attorney Erin Ryan

(a) Allegations of Charge 1

On August 2, 2022, the Commission appointed Attorney Ryan as Director of the Division's Human Resources Unit. In a complaint that she filed with the Commission, Ms. Ryan alleged that Ms. Bowden-Lewis engaged in improper conduct toward her for the specific purpose of making her working conditions so intolerable that she would feel compelled to resign from her position.

The Commission engaged the law firm of Shipman & Goodwin to investigate Ms. Ryan's allegations, and the report Shipman & Goodwin submitted to the Commission reached the following conclusions. When the Director of the Human Resources Unit position became open, Ms. Bowden-Lewis strongly preferred Ms. Paula Lohr for appointment to that position. Prior to posting the Director position, in an effort to assure Ms. Lohr's appointment, Ms. Bowden-Lewis instructed the outgoing Director to change the then-existing job description for the Director position—without notice to the Commission and over the objection of the outgoing Director—to fit the qualifications of Ms. Lohr, who otherwise would not have met the requirements of the position for lack of supervisory experience. Ms. Bowden-Lewis disagreed

with and resented the decision of the Commission to appoint Ms. Ryan instead of Ms. Lohr, and Ms. Bowden-Lewis engaged in actions to force Ms. Ryan out of her position. Ms. Bowden-Lewis took these actions, which, the Shipman & Goodwin report found, included undermining her, embarrassing her in front of her colleagues, and otherwise treating her in a dismissive, belittling, and disrespectful manner, not because of any problem with her work performance but because she wanted to appoint Ms. Lohr as interim Director. As a result of Ms. Bowden-Lewis's actions toward Ms. Ryan, she did resign, and Ms. Bowden-Lewis did appoint Ms. Lohr as interim Director.

Among other things, the findings of the Shipman & Goodwin report reflect treatment of Ms. Ryan by Ms. Bowden-Lewis that violates Policy 101 of the Division's Administrative Policies and Procedures Manual, which provides that "[e]very employee should be provided a work environment that is characterized by professionalism, cooperation, respect and clear performance standards," as well as Policy 209 of that Manual, which prohibits "[o]ffensive, . . . abusive or improper conduct toward . . . co-workers."

(b) Ms. Bowden-Lewis's testimony

In her narrative response to Charge 1, Ms. Bowden-Lewis testified that the Shipman & Goodwin report did not state that her conduct violated Policy 101 and Policy 209 of the Division's Administrative Policies and Procedures Manual. Ms. Bowden-Lewis also testified as follows about certain allegations by Ms. Ryan that the Shipman & Goodwin report was unable to substantiate: (1) to the extent that Ms. Ryan alleged that Ms. Bowden-Lewis's treatment of her violated her rights under state and federal anti-discrimination statutes as a member of a protected class, that claim was not proven; (2) the evidence did not establish that the reason for Ms. Bowden-Lewis's misconduct toward Ms. Ryan was retaliatory; and (3) the report did not find that Ms. Bowden-Lewis had violated any explicit ethical rules or policies.

On questioning by the Commission following her narrative statement, Ms. Bowden-Lewis was asked about the report's finding that she had purposefully mistreated Ms. Ryan with the intent of forcing her out as Human Resources Director so that she could replace Ms. Ryan with Ms. Lohr. Instead of answering those questions by the Commission, Ms. Bowden-Lewis merely repeated her prior testimony that the report did not find a violation of any state or federal anti-discrimination statute because the evidence did not establish that Ms. Bowden-Lewis's conduct toward Ms. Ryan was the product of an unlawful discriminatory intent. When told by the Commission that her answer was not responsive to the question, and asked again to answer it, Ms. Bowden-Lewis insisted that her earlier narrative statement was responsive, and again refused to answer the question posed. In addition, when queried as to whether Ms. Lohr would have been qualified to apply for the position of Director of Human Resources if Ms. Bowden-Lewis had not changed the job description for that position to eliminate the requirement of prior supervisory experience, Ms. Bowden-Lewis responded that, "[m]ost definitely she would have."

(c) The Commission's findings

The evidence establishes that, as the Shipman & Goodwin report found, Ms. Bowden-Lewis engaged in highly improper conduct toward Ms. Ryan with the intention of forcing Ms. Ryan to resign as Human Resources Director—not because Ms. Ryan job performance was in any way inadequate but, rather, because Ms. Bowden-Lewis preferred Ms. Lohr for the position. Moreover, Ms. Bowden-Lewis's refusal to answer the Commission's questions about the report's finding of serious misconduct toward Ms. Ryan reflects Ms. Bowden-Lewis's complete lack of appreciation of the gravity of her conduct.

In addition, as the Shipman & Goodwin report observed, Ms. Bowden-Lewis's conduct in compelling Ms. Ryan to resign and replacing her with Ms. Lohr circumvented the Commission's appointment of Ms. Ryan and the established requirements of the job.

Furthermore, because Ms. Lohr did not have the supervisory experience necessary for the Director position under the job description for that position prior to the elimination of that experience requirement, Ms. Bowden-Lewis's contrary testimony is false. In fact, the reason why Ms. Bowden-Lewis changed the job description without notice to the Commission and despite the objection of the retiring Human Resources Director was so that Ms. Lohr would be eligible to apply for the position.

The Commission finds that the allegations of Charge 1 are substantiated.

Charge 2: Treatment of Ms. Leonie Campbell

(a) Allegations of Charge 2

Ms. Leonie Campbell, who is currently employed by the Division and, for a time, served as Ms. Bowden-Lewis's Executive Assistant, also filed a complaint against Ms. Bowden-Lewis, and the Commission engaged Shipman & Goodwin to investigate that complaint, as well. The following conclusions of the Shipman & Goodwin report substantiate material aspects of Ms. Campbell's allegations. Ms. Bowden-Lewis effectively demoted Ms. Campbell by changing her job title and reassigning her to two other members of Ms. Bowden-Lewis's office, albeit at the same rate of pay. Before Ms. Campbell's reassignment, Ms. Bowden-Lewis essentially ignored her and otherwise treated her dismissively and, sometimes, disrespectfully, and Ms. Bowden-Lewis did not allow Ms. Campbell to perform her role adequately or otherwise afford her a fair chance to succeed. Although Ms. Bowden-Lewis sought to justify the decision to reassign Ms. Campbell on the grounds that her work performance was subpar, that explanation is not credible, first, because, by all accounts, Ms. Campbell performed capably as Ms. Bowden-Lewis's Executive Assistant, and second, because Ms. Bowden-Lewis did not communicate with Ms. Campbell about the tasks that she wanted her to complete. Ms. Bowden-Lewis reassigned Ms. Campbell not because there was

any problem with the quality of her work but, rather, because Ms. Bowden-Lewis wanted a different Executive Assistant.

Among other things, Ms. Bowden-Lewis's treatment of Ms. Campbell as found by the violates Policy 101 and Policy 209 of the Division's Administrative Policies and Procedures Manual.

(b) Ms. Bowden-Lewis's testimony

In her testimony, Ms. Bowden-Lewis pointed out that the Shipman & Goodwin report did not expressly state that her conduct violated Policy 101 and Policy 209 of the Division's Policies and Procedures Manual. Ms. Bowden-Lewis also underscored two claims that Ms. Campbell raised or arguably raised that were not substantiated by the Shipman & Goodwin report, namely: (1) to the extent Ms. Campbell was alleging that her mistreatment by Ms. Bowden-Lewis violated state and federal anti-discrimination statutes, that claim was not supported by the evidence because Ms. Bowden-Lewis's treatment of Ms. Campbell was not the product of animus any toward Ms. Campbell due to her race, gender, or other protected characteristic; and (2) Ms. Bowden-Lewis's conduct toward Ms. Campbell was not motivated by a desire to retaliate against Ms. Campbell for any complaint she had raised against Ms. Bowden-Lewis. However, Ms. Bowden-Lewis did not address the report's findings that she did, in fact, mistreat Ms. Campbell and demote her without any legitimate reason to do so.

(c) The Commission's findings

The Commission finds, as the Shipman & Goodwin report concluded, that Ms. Bowden-Lewis was rude, dismissive, and disrespectful toward Ms. Campbell and demoted her not because she had any difficulty in performing her duties but, rather, because Ms. Bowden-Lewis preferred another person for the position. In treating Ms. Campbell in this improper manner, Ms. Bowden-Lewis did not allow Ms. Campbell to perform her role adequately or otherwise afford her a fair opportunity to succeed.

In addition, as the Shipman & Goodwin report also observed, Ms. Bowden-Lewis's action in demoting Ms. Campbell was taken to circumvent the Commission's appointment process.

The Commission finds that the allegations of Charge 2 are substantiated.

Charge 3: Treatment of Attorney Deborah Del Prete Sullivan

(a) Allegations of Charge 3

Attorney Deborah Del Prete Sullivan serves as Legal Counsel. In that position, Ms. Sullivan provides advice and counsel to the Division and the Commission. With respect to her role as Counsel to the Commission, Ms. Sullivan has worked cooperatively and collaboratively with the Commission, in the best interests of the Division, since her appointment in 1994. However, Ms. Bowden-Lewis has refused to recognize that Ms. Sullivan is authorized to serve as Counsel to the Commission even though Ms. Bowden-Lewis has been informed, both by the Commission and Ms. Sullivan, that she has served in that capacity for thirty years, that her role as counsel to the Commission has never before been questioned by any prior Commission or any prior Chief Public Defender, and that the current Commission is fully satisfied that Ms. Sullivan properly serves as its Counsel. Despite Ms. Bowden-Lewis's objections, Ms. Sullivan regularly advises the Commission, and, on more than a few occasions, she has disagreed with Ms. Bowden-Lewis's view of the scope of the Commission's authority relative to that of the Chief Public Defender. As discussed more fully hereinafter, substantial evidence supports the conclusion, first, that Ms. Bowden-Lewis's refusal to accept Ms. Sullivan's role as Counsel to the Commission has caused Ms. Bowden-Lewis to distrust Ms. Sullivan and to question her loyalty to Ms. Bowden-Lewis, and further, that Ms. Bowden-Lewis has acted improperly toward Ms. Sullivan merely because of her continued assistance to the Commission.

An example of Ms. Bowden-Lewis's improper conduct toward Ms. Sullivan are her actions at an Executive Team meeting on October 16, 2023, at which Ms. Sullivan asked Ms. Bowden-Lewis if she could be included in meetings of the field office heads—meetings that she customarily had attended under prior Chief Public Defenders. As witnessed by the other members of the Executive Team, in responding to Ms. Sullivan, Ms. Bowden-Lewis became irate, disrespectful, and hostile; she told Ms. Sullivan that she alone decides who attends meetings; and she further told Ms. Sullivan that she expected that Ms. Sullivan would inform the Commission of Ms. Bowden-Lewis's refusal to allow her to attend the meetings and that the Commission would then direct Ms. Bowden-Lewis to authorize Ms. Sullivan's attendance at those meetings. The conduct Ms. Bowden-Lewis exhibited toward Ms. Sullivan was so intemperate that it was characterized by members of the Executive Team who were present at the meeting as shocking and alarming. After the meeting was completed, Ms. Bowden-Lewis directed Ms. Sullivan to stay behind, and she continued to speak to Ms. Sullivan in a rude and unprofessional manner.

As reported by Ms. Sullivan, on another occasion, at a meeting she had with Ms. Bowden-Lewis on October 31, 2023, about Freedom of Information Act (FOIA) matters, Ms. Bowden-Lewis rebuked Ms. Sullivan, the FOIA Officer for the Division, in an indignant and disrespectful manner about her handling of an FOIA request for Ms. Bowden-Lewis's calendars. Ms. Bowden-Lewis then directed Ms. Sullivan to follow her into a conference room, where she had Mr. Dion, who, as Systems Manager, is head of the IT Unit, join Ms. Bowden-Lewis. At that time, Ms. Bowden-Lewis continued to speak to Ms. Sullivan about related matters in a loud and irate manner, and she spoke to Mr. Dion in the same way.

Ms. Bowden-Lewis also has sought to place such severe and unreasonable restrictions on Ms. Sullivan's ability to discharge her responsibilities as Legal Counsel that, if followed, those restrictions would make it impossible for Ms. Sullivan to conduct the day-to-

day activities of her office. More specifically, Ms. Bowden-Lewis has repeatedly directed Ms. Sullivan to "email [Ms. Bowden-Lewis] weekly all actions or decisions that [Ms. Sullivan] make[s] in the name of or on behalf of this agency before anything is done." Ms. Sullivan could not possibly perform her many multi-faceted duties if she were required to comply with Ms. Bowden-Lewis's directive because as Legal Counsel, her work entails innumerable daily actions and decisions, the vast majority of which cannot wait for Ms. Sullivan to draft a written report for Ms. Bowden-Lewis's review and approval "before anything is done," as Ms. Bowden-Lewis required. Ms. Bowden-Lewis has not provided an explanation as to how Ms. Sullivan possibly could do her job burdened with such an unworkable condition nor has Ms. Bowden-Lewis identified any reason or justification for imposing that requirement, asserting only that she has the authority to do so as Chief Public Defender.

As another example of her inappropriate conduct toward Ms. Sullivan, Ms. Bowden-Lewis recently directed Ms. Sullivan to "email [Ms. Bowden-Lewis] each Friday by 5 pm, what [she has] done in the name of or on behalf of this agency so that [Ms. Bowden-Lewis has] the opportunity to discuss with [Ms. Sullivan] what is happening with contracts, committees/subcommittees, negotiations, FOIA, the Attorney General's Office, external stakeholders, the Commission, and in the field." No such requirement has been placed on any other Executive Team member, and in Ms. Sullivan's long tenure as a Public Defender, no such requirement had ever before been imposed on her. When viewed in that context and considered together with Ms. Bowden-Lewis's directive to Ms. Sullivan that she obtain Ms. Bowden-Lewis's prior approval before taking any work-related actions, it is apparent that the weekly written reporting requirement and compliance deadline Ms. Bowden-Lewis imposed on Ms. Sullivan is not for the purpose of "assist[ing Ms. Bowden-Lewis] in leading the agency and being better informed," as Ms. Bowden-Lewis contended, but, rather, to serve as a

warning to Ms. Sullivan that she can and will wield her authority over Ms. Sullivan if she displeases Ms. Bowden-Lewis.

In addition, Ms. Bowden-Lewis has excluded Ms. Sullivan from meetings, both inside and outside the Division, that pertain directly to her assigned responsibilities. Previously, Ms. Sullivan has always attended those meetings because her attendance is necessary to enable her to effectively discharge those duties. Among the meetings to which Ms. Bowden-Lewis has declined to include Ms. Sullivan are those with legislators and others associated with the legislative process, her exclusion from which has adversely affected her ability to perform her duties as Legislative Liaison. Because there is no legitimate reason to exclude Ms. Sullivan from those meetings and compelling reason for her to attend them, it is clear that Ms. Bowden-Lewis's decision to bar her from the meetings is motivated by an intent on Ms. Bowden-Lewis's part to undermine and marginalize Ms. Sullivan.

Further, the Commission has learned that, on February 6, 2024, Ms. Bowden-Lewis directed Ms. Kate Kowalyshyn, a Systems Specialist in the IT Unit, to conduct a search to identify all the emails of the Chairperson to or from any Division employee for the period of January 27, 2024, to February 6, 2024. Ms. Bowden-Lewis also directed Ms. Kowalyshyn to conduct a similar email search on February 9, 2024, to capture any emails that the Chairperson had sent to or received from any Division employee after the prior search for his emails on February 6, 2024. These searches were conducted without the Chairperson's knowledge and revealed email correspondence between the Chairperson and several Division employees, including Ms. Sullivan, who also had no knowledge of the email searches. Ms. Bowden-Lewis also directed Ms. Kowalyshyn to print out certain of the emails between the Chairperson and Ms. Sullivan and to provide them to Ms. Bowden-Lewis. As discussed more fully hereinafter in Charge 10, although Ms. Bowden-Lewis has the right to access the emails of a Division employee without his or her knowledge, she may do so only

for a valid or legitimate reason, and not merely to seek information that she could use to retaliate against an employee who has criticized or stood up to her. In response to questions from the Chairperson as to why Ms. Bowden-Lewis gained access to Ms. Sullivan's emails without her knowledge and why Ms. Bowden-Lewis believed that action was appropriate, Ms. Bowden-Lewis responded with vague and unsubstantiated expressions of concern about transparency and cooperation that, in fact, provide no justification for accessing Ms. Sullivan's emails without her knowledge. Secretly accessing Ms. Sullivan's emails in the absence of valid cause is especially troubling because some or all of Ms. Sullivan's emails may contain communications subject to the attorney-client privilege given her position as Legal Counsel.

As discussed more fully below, Ms. Bowden-Lewis issued a Letter of Reprimand to Ms. Sullivan at approximately 10 a.m. on February 8, 2024. Thereafter, on February 9, 2024, Ms. Bowden-Lewis directed Ms. Kowalyshyn to update her prior email search to include emails sent or received on February 8, 2024, and February 9, 2024, knowing that that search was likely to reveal emails to or from Ms. Sullivan. Whatever justification Ms. Bowden-Lewis claims to have had to secretly access Ms. Sullivan's emails prior to issuing her the Letter of Reprimand, there is no such purported justification for doing so immediately following its issuance. Accessing Ms. Sullivan's emails on the day after her receipt of the Letter of Reprimand evinces Ms. Bowden-Lewis's intent merely to learn what Ms. Sullivan was doing and saying and with whom, in respect to the Commission and otherwise, and not because Ms. Bowden-Lewis reasonably suspected Ms. Sullivan of any improper conduct.

In addition, because the reasons cited as the basis for Ms. Sullivan's Letter of Reprimand do not support its issuance, it is evident that those reasons are pretextual and that Ms. Bowden-Lewis issued Ms. Sullivan the Letter of Reprimand to punish her for cooperation with the Commission and what Ms. Bowden-Lewis perceives as Ms. Sullivan's disloyalty to her. The Letter of Reprimand's very first allegation supports this conclusion

because it admonishes Ms. Sullivan for advising and assisting the Commission, which is precisely what Ms. Sullivan's position requires her to do. The other allegations in the Letter of Reprimand, which relate generally to Ms. Sullivan's discharge of her duties under the FOIA and questions she posed to Ms. Bowden-Lewis about the unfair way Ms. Bowden-Lewis treated her, are also groundless. Because the Letter of Reprimand was entirely unwarranted, the Commission, at its special meeting on February 9, 2024, issued a statement that reads, in part, as follows: "Having reviewed the matter of the Letter of Reprimand issued to Deborah Del Prete Sullivan on February 8, 2024, the Commission finds and concludes that there was no basis in fact or law for that action and, therefore, the issuance of that Letter of Reprimand was unjustified and inappropriate. . . . Accordingly, the Letter of Reprimand is hereby retracted, and any [record] reflecting the issuance of the Letter of Reprimand shall be expunged. . . ."

Among other things, Ms. Bowden-Lewis's treatment of Ms. Sullivan violates Policy 101 and Policy 209 of the Division's Administrative Policies and Procedures Manual.

(b) Ms. Bowden-Lewis's testimony

In her narrative testimony, Ms. Bowden-Lewis asserted that Ms. Sullivan had failed to provide her with sufficient evidence of Ms. Sullivan's appointment as counsel to the Commission and, further, that Ms. Sullivan has "prioritized providing counsel and advice [to the Commission], crafting written policies to change the structure of the Division, and met with the . . . Commission to discuss matters concerning this [D]ivision and its employees to the detriment of both in clear violation of Ms. Bowden-Lewis ethical responsibilities." Ms. Bowden-Lewis also maintained that Ms. Sullivan has engaged in misconduct by withholding certain unspecified information from her. Regarding the issue of excluding Ms. Sullivan from meetings in which her participation is important to the discharge of her responsibilities, Ms. Bowden-Lewis testified that, as Chief Public Defender, she can "choose who [is] involved in

meetings and who [is] not." In addition, Ms. Bowden-Lewis accused Ms. Sullivan of not promptly complying with a directive to provide Ms. Bowden-Lewis with certain information about Ms. Sullivan's work activities and decisions; asserted that Ms. Sullivan had falsely informed the Commission that Ms. Bowden-Lewis caused delays in the handling of FOIA requests; criticized Ms. Sullivan for questioning Ms. Bowden-Lewis about the propriety of accessing Ms. Sullivan's emails without her knowledge or permission; maintained that Ms. Sullivan had been disrespectful in objecting to Ms. Bowden-Lewis's directive that Ms. Sullivan notify her before engaging in any activity on behalf of the Division; and alleged that Ms. Sullivan treated her differently than other Division employees by not affording Ms. Bowden-Lewis the opportunity to determine for herself which Division documents are responsive to FOIA requests pertaining to Ms. Bowden-Lewis.

In response to questioning from the Commission, Ms. Bowden-Lewis testified with respect to the email access matter that she had directed Ms. Kowalyshyn to retrieve certain emails of Ms. Sullivan without Ms. Sullivan's knowledge. Ms. Bowden-Lewis further stated that she gave advance notice to Mr. Dion, the Systems Manager and Ms. Kowalyshyn's supervisor, that she had directed Ms. Kowalyshyn to access an employee's emails but did not identify the employee. Ms. Bowden-Lewis also testified that although she would not access a Division employee's email merely because she did not like that employee, she had the right, under Policy 605 of the Division's Administrative Policies and Procedures Manual, entitled Expectation of Privacy and System Monitoring, "to go in anyone's emails for any reason at any time. . . ." When asked whether she had told Ms. Kowalyshyn to retrieve any of the Chairperson's emails with members of the Division, Ms. Bowden-Lewis could not remember mentioning the Chairperson's name to Ms. Kowalyshyn. In addition, Ms. Bowden-Lewis stated that she could not recall whether she had read any emails between Ms. Sullivan and the Chairperson, explaining that the events happened some time ago and, further, because

of her many responsibilities as Chief Public Defender, it is not surprising that she cannot remember certain details of her activities, including the actions she took with respect to the email access matter.

When asked by the Commission why she had accessed Ms. Sullivan's emails, Ms. Bowden-Lewis responded that she had done so because she "was interested in finding out what I was missing as the [C]hief" due to Ms. Sullivan's purported failure to provide her with information that she needed as the Chief Public Defender. According to Ms. Bowden-Lewis, "[a] perfect example" of Ms. Sullivan's impropriety in failing to keep her informed of important matters was Ms. Sullivan's failure to tell Ms. Bowden-Lewis of a brief extension of time that was sought and obtained for the filing of an application for renewal of a Division insurance policy.

(c) The Commission's findings

The Commission makes the following findings with respect to Charge 3. Contrary to her testimony, Ms. Bowden-Lewis knew that Ms. Sullivan serves as counsel to the Commission, and has done so for thirty years, because she has repeatedly been advised of Ms. Sullivan's role in that regard both by the Commission and Ms. Sullivan. The Commission also rejects Ms. Bowden-Lewis's claim that Ms. Sullivan is unduly focused on the activities of the Commission to the detriment of the Division and otherwise has failed to discharge the duties of her office in a timely and responsible manner, because Ms. Bowden-Lewis has offered nothing to support these contentions. Ms. Bowden-Lewis has also presented no evidence to suggest that Ms. Sullivan has engaged in unethical conduct or that she has treated Ms. Bowden-Lewis unfairly or disrespectfully.

Ms. Bowden-Lewis also has presented no evidence to justify the Letter of Reprimand issued to Ms. Sullivan by Ms. Bowden-Lewis. On the contrary, it is evident that the reasons given by Ms. Bowden-Lewis for the Letter of Reprimand are pretextual, and the true reason

for its issuance was not to address any inappropriate conduct by Ms. Sullivan but, rather, to punish her for discharging her responsibilities in advising the Commission and her perceived disloyalty to Ms. Bowden-Lewis.

Similarly, Ms. Bowden-Lewis had no legitimate reason for accessing Ms. Sullivan's emails without her knowledge because her explanation for doing so—that Ms. Sullivan was improperly withholding information from her—has no basis in fact. Indeed, the sole example given by Ms. Bowden-Lewis to support her belief that Ms. Sullivan was withholding such information, namely, Ms. Sullivan's failure to afford her details about an insurance policy renewal, does not justify Ms. Bowden-Lewis's decision to retrieve Ms. Sullivan's emails without notice because the insurance policy renewal was an entirely routine matter that did not require Ms. Bowden-Lewis's attention.

Moreover, a forensic examination was conducted to determine what Ms. Kowalyshyn had done at Ms. Bowden-Lewis's direction to obtain Ms. Sullivan's emails without her knowledge. As a result of that investigation, along with limited information obtained from Ms. Kowalyshyn, it was determined that on February 6, 2024, Ms. Kowalyshyn conducted an email trace of the Chairperson's email address for the period between late January 2024, to February 6, 2024. That trace enabled Ms. Kowalyshyn to determine which Division employees had sent emails to or received emails from the Chairperson—whose email address is not associated with the Division—during that time period. Ms. Kowalyshyn informed Ms. Bowden-Lewis of the results of the email trace, which revealed that Ms. Sullivan was one of the Division employees with whom the Chairperson had email correspondence in that time frame. Upon being informed of those emails, Ms. Bowden-Lewis directed Ms. Kowalyshyn to surreptitiously access Ms. Sullivan's email box and print out Ms. Sullivan's emails with the Chairperson as instructed. Ms. Kowalyshyn did so and provided those emails to Ms. Bowden-Lewis. At Ms. Bowden-Lewis's direction, on February 9, 2024, Ms. Kowalyshyn again gained

access to Ms. Sullivan's email box without her knowledge and printed out additional emails, generated from February 6, 2024, to February 9, 2024, for Ms. Bowden-Lewis. Neither Ms. Sullivan nor the Chairperson would have discovered that their emails had been obtained and reviewed by Ms. Bowden-Lewis if Mr. Dion had not notified Ms. Sullivan that he had received an email security alert from the Division's computer monitoring system that someone, subsequently identified as Ms. Kowalyshyn, had accessed the email box of another person, subsequently identified as Ms. Sullivan.

It is evident that Ms. Bowden-Lewis was targeting the Chairperson's email address to determine which Division employees had exchanged emails with the Chairperson, and that Ms. Bowden-Lewis sought and was provided emails between the Chairperson and Ms. Sullivan during the time frame discussed above. Thus, it is also clear that Ms. Bowden-Lewis was concerned about the content of email communications between the Chairperson and certain Division employees, in particular, Ms. Sullivan. Consequently, Ms. Bowden-Lewis's testimony that she could not recall whether she told Ms. Kowalyshyn to search for any of the Chairperson's emails with Division employees, including Ms. Sullivan, is not credible. Similarly lacking in credibility is Ms. Bowden-Lewis's testimony that could not recall whether she read any of Ms. Sullivan's emails to or from the Chairperson. Although it is true that the Chief Public Defender has many responsibilities, it is simply not plausible that Ms. Bowden-Lewis cannot remember whether she sought and reviewed email correspondence between the Chairperson and Ms. Sullivan given Ms. Bowden-Lewis's purported serious concern about Ms. Sullivan's association with and assistance to the Chairperson and the Commission.

It is especially difficult to credit Ms. Bowden-Lewis's testimony about her inability to recall her instructions to Ms. Kowalyshyn in light of the seriousness of the matter as reflected in the Commission's decision to place Ms. Bowden-Lewis on paid administrative leave immediately upon learning that she surreptitiously accessed Ms. Sullivan's email box, and

because of the unprecedented nature of Ms. Bowden-Lewis's decision to secretly target the Chairperson's emails. Indeed, it is not surprising that Ms. Bowden-Lewis would prefer not to acknowledge her involvement in that activity.

The Commission also finds that Ms. Bowden-Lewis testified untruthfully with respect to the information she gave Mr. Dion about the task she had assigned Ms. Kowalyshyn on February 6, 2024. According to Ms. Bowden-Lewis, on that day, she informed Mr. Dion that she had directed Ms. Kowalyshyn to access a Division employee's email box but did not identify that employee. This version of events differs markedly from Mr. Dion's account as memorialized in a memorandum he drafted on the day of the events, February 6, 2024. In his memorandum, Mr. Dion explained that Ms. Bowden-Lewis came into his office at approximately 10 a.m. that day, asked a question pertaining to an IT matter, and stated to Mr. Dion, "I am having Kate [Kowalyshyn] look into something for me." Mr. Dion then asked Ms. Bowden-Lewis, "[O]k, can you tell me what it is, so I can be aware?" and Ms. Bowden-Lewis responded by repeating what she had just told Mr. Dion, stating, "Kate is looking into something for me." Ms. Bowden-Lewis thereupon left Mr. Dion's office. As Mr. Dion stated in his memorandum reporting on the incident, he "was bewildered by the fact that [Ms. Bowden-Lewis] would ask one of my staff to perform some type of investigation and not inform me."

The Commission fully credits Mr. Dion's version of the events as explained in his memorandum, which was written on the same day as those events. Moreover, Mr. Dion had no reason to falsify his version of those events in his contemporaneous memorandum; in contrast, when Ms. Bowden-Lewis spoke to Mr. Dion on February 9, 2024, she did not want him to know the nature of the assignment she had given Ms. Kowalyshyn because Ms. Bowden-Lewis's surreptitious targeting of the Chairperson's emails to Division employees would have caused Mr. Dion serious concern. Accordingly, the Commission finds that Ms.

Bowden-Lewis testified untruthfully as to what she told Mr. Dion about the task she had assigned Ms. Kowalyshyn on February 6, 2024.

The Commission finds that the allegations of Charge 3 are substantiated.

Charge 4: Treatment of Attorney Joseph Lopez

(a) Allegations of Charge 4

Attorney Joseph Lopez is the Director of the Complex Litigation Unit. He is the only attorney in that Unit, and since Ms. Bowden-Lewis's appointment as Chief Public Defender, he has requested, without success, that Ms. Bowden-Lewis authorize a second attorney for the Unit. Mr. Lopez has publicly disagreed with Ms. Bowden-Lewis about her handling of his request, as well as other matters, and he has been an outspoken critic of Ms. Bowden-Lewis leadership of the Division. The actions Ms. Bowden-Lewis has taken to frustrate Mr. Lopez's efforts to obtain a second attorney for his Unit support the conclusion that Ms. Bowden-Lewis has done so in retaliation for the public criticism Mr. Lopez has leveled at Ms. Bowden-Lewis.

When the Complex Litigation Unit was approved by the Commission and established in 2020, it was anticipated that the Unit would have at least two attorneys. That did not occur immediately, however, and shortly after Ms. Bowden-Lewis's appointment, she rejected requests by Mr. Lopez to add a second attorney. On April 25, 2023, Mr. Lopez spoke at the first meeting of the then newly constituted Commission, stating that the Division is "in trouble," morale is low, and there are "lots of complaints and people are afraid to come forward with those complaints." On May 19, 2023, Mr. Lopez followed up with Ms. Bowden-Lewis about the needs of the Complex Litigation Unit, reminding Ms. Bowden-Lewis that the second attorney position had remained unfilled for almost two years, and inquiring about the status of the position. On May 24, 2023, he again spoke at a Commission meeting, expressing his view that the Division has "fractured along racial lines" under Ms. Bowden-

Lewis's leadership and that Division members are unwilling to disagree with her for fear that "anybody who pushes back against this administration . . . will be labeled a racist."

On July 27, 2023, soon after the Division had returned over \$2 million in personal services funds due to Ms. Bowden-Lewis's refusal to authorize the expenditure of those funds because, Ms. Bowden-Lewis asserted, the Division had no need for additional personnel, the Commission told Ms. Bowden-Lewis that it wanted her to authorize a second attorney position for the Complex Litigation Unit. In a meeting with the Commission, Ms. Bowden-Lewis resisted doing so, agreeing only to appoint a "resource" person to assist that Unit as well as other offices, and informing the Commission that the attorney would not be a member of the Complex Litigation Unit and would report to Ms. Bowden-Lewis, not Mr. Lopez. In September 2023, when Ms. Lohr eventually contacted Mr. Lopez about posting the position, she indicated that the state's most recent bar admittees would be eligible for the position. Mr. Lopez informed her that a recent law school graduate would not be qualified to work in the Complex Litigation Unit because of the nature of that Unit's work. On October 3, 2023, upon learning of Ms. Bowden-Lewis's failure to work cooperatively with Mr. Lopez to fill the position and the delay in doing so, the Commission directed Ms. Bowden-Lewis to post the position. The Commission also told Ms. Bowden-Lewis that the severe limitations she had placed on the position made no sense from a management perspective and appeared to stem from Ms. Bowden-Lewis's desire to limit Mr. Lopez's control over and use of the attorney because Ms. Bowden-Lewis resented his public criticism of her. As a result, those conditions were removed.

On November 12, 2023, Mr. Lopez emailed Ms. Lohr with proposed language for the posting. Because the position had not been posted by January 11, 2024, Mr. Lopez asked Ms. Bowden-Lewis when the position would be posted, and she responded "as soon as possible." Mr. Lopez emailed Ms. Bowden-Lewis on January 24, 2024, requesting a

timeframe for the posting, and Ms. Bowden-Lewis stated, "I had verbalized that it would be as soon as possible. The response is still the same." That same day, Mr. Lopez emailed Ms. Bowden-Lewis again, stating that he had been told that the posting would occur months ago and inquiring whether it would happen within the next month. The next day, Ms. Bowden-Lewis told Mr. Lopez that she "cannot commit to a date." When Mr. Lopez then requested that Ms. Bowden-Lewis "provide some idea of when this may happen . . . [a]re we talking one month, 6 months, one year?" Ms. Bowden-Lewis responded that she was "not able to commit to any timeframe," and further stating that "[t]he entire Division is my priority. I give no preference to any individual, office, team, Unit, or Department." Moreover, when Ms. Bowden-Lewis was asked at a meeting of the Commission on February 6, 2024, about her repeated refusal to permit the posting of the attorney position for the Complex Litigation Unit, she was unable to provide the Commission with any legitimate reason for doing so, either in her written submission to the Commission or in her discussion of the matter with the Commission.

Notwithstanding the directives of the Commission, Ms. Bowden-Lewis has stonewalled Mr. Lopez in his efforts to fill the vacant attorney position in the Complex Litigation Unit, and she has sought to deceive Mr. Lopez with respect to her intentions. Ms. Bowden-Lewis's actions bespeak an animus toward Mr. Lopez resulting from his criticism of Ms. Bowden-Lewis and her administration.

Further, on February 6, 2024, Ms. Bowden-Lewis directed Ms. Kowalyshyn to conduct a search to identify all the Chairperson's emails to or from Division employees for the period of January 27, 2024, to February 6, 2024. Ms. Bowden-Lewis also directed Ms. Kowalyshyn to conduct a similar email search on February 9, 2024, to capture any emails that the Chairperson had sent to or received from Division employees after the prior search of his emails on February 6, 2024. These searches were conducted without the Chairperson's

knowledge and revealed email correspondence between the Chairperson and several Division members, including Mr. Lopez, who also had no knowledge of the email searches. Although Ms. Bowden-Lewis has denied doing so, Ms. Bowden-Lewis directed Ms. Kowalyshyn to print out certain of the emails between the Chairperson and Mr. Lopez and to provide them to Ms. Bowden-Lewis. As is discussed more fully hereinafter in Charge 10, although Ms. Bowden-Lewis has the right to search the emails of a Division employee without his or her knowledge if she has a legitimate reason to do so, she is not entitled to conduct such a search for an improper reason, such as for vindictive or retaliatory purposes. Because Ms. Bowden-Lewis had no valid reason to secretly access Mr. Lopez's emails, it is apparent that Ms. Bowden-Lewis did so to try to find information that she could use against him as punishment for his public criticism of her. It is also evident that Ms. Bowden-Lewis falsely denied directing Ms. Kowalyshyn to access Mr. Lopez's emails without his knowledge because she could not provide a legitimate reason for doing so.

Among other things, Ms. Bowden-Lewis's treatment of Mr. Lopez violates Policy 101 and 209 of the Division's Administrative Policies and Procedures Manual.

(b) Ms. Bowden-Lewis's testimony

In her narrative testimony, Ms. Bowden-Lewis asserted that although Mr. Lopez did not receive a second attorney for the Complex Litigation Unit from the inception of the Unit in early 2021 until Ms. Bowden-Lewis was appointed Chief Public Defender in mid-2022, Mr. Lopez did not complain to any Chief Public Defender that the second attorney had not been authorized. Ms. Bowden-Lewis further testified that she did not reject his request outright but, rather, indicated that it would be "handled in increments." To that end, in March 2023, Ms. Bowden-Lewis informed Mr. Lopez that an Assistant Public Defender assigned to Part A in Hartford would be available to assist the Complex Litigation Unit, although that attorney would maintain his existing caseload and, therefore, his availability to the Unit would be

limited. In addition, Ms. Bowden-Lewis explained that Mr. Lopez has filed appearances in twelve cases over the past two years while heading the Complex Litigation Unit, whereas the "majority of attorneys in the field offices carry caseloads of over 250 cases." According to Ms. Bowden-Lewis, she was required to consider Mr. Lopez's request for an additional attorney with due regard for that caseload disparity, and mindful of her "responsib[ility] for the overall supervision and direction of all personnel and offices."

In response to questions from the Commission, Ms. Bowden-Lewis stated that the kind of cases in which the Complex Litigation Unit is involved are not significantly different from the cases handled in Part A by Division attorneys throughout the state. Although Ms. Bowden-Lewis testified that she couldn't "remember everything that [the Complex Litigation Unit] does," she did acknowledge that Mr. Lopez consults in cases statewide that involve DNA testing. With respect to the delay in authorizing and posting the position for a second attorney, Ms. Bowden-Lewis explained that "it just took time," and that she was "waiting to get [Mr. Lopez's] revised" job description for the position. Ms. Bowden-Lewis further explained as follows: "But again, there's a lot of things that I have to do, and not to diminish one from the other, but there are a lot of things that I am taking care of. And there's one specialty unit that handles cases where there's only been [twelve] appearances filed and other field offices that are having people ask me on a regular basis I need another attorney, TaShun, can you give me somebody else right now who have considerably more caseloads, you know, you have to weigh what is, you know, something that needs to have immediate attention and something that could wait a few more months."

Ms. Bowden-Lewis was reminded that seventeen vacant positions remained unfilled last fiscal year, and the Division returned \$2 million to the general fund in unspent personal services appropriations. When asked why, if other Division managers had requested that their vacant positions be filled, the Division had returned so much money from the personal

services account, Ms. Bowden-Lewis changed course, stating that "almost all of the office heads said they didn't need another attorney, they didn't need anything else." Ms. Bowden-Lewis also acknowledged that she had delayed filling some of the vacant positions because she was holding them open for two new Units that she hoped to establish, namely, a Reentry Unit and a Public Affairs Unit, even though, as Ms. Bowden-Lewis also acknowledged, she had not received authorization from the Commission to establish either one of those Units. Ms. Bowden-Lewis was asked why, with all those positions and funding available, she had not taken the opportunity to authorize a second attorney for Mr. Lopez, and she responded, "I don't know." Ms. Bowden-Lewis also conceded that Mr. Lopez has significant DNA expertise, that not all Division attorneys have his level of knowledge and experience in that area, and that the Commission frequently receives requests to authorize payment for expert assistance in Division cases in which DNA plays a prominent role. Finally, Ms. Bowden-Lewis agreed that it was "possible" that the same Division attorney who recently had been appointed to the Complex Litigation Unit on Mr. Day's recommendation following Ms. Bowden-Lewis's placement on paid administrative leave could have been recommended by Ms. Bowden-Lewis herself and appointed by the Commission almost two years earlier.

(c) The Commission's findings

As alleged in Charge 4, the facts establish that, for almost two years, Ms. Bowden-Lewis intentionally thwarted Mr. Lopez's efforts to obtain a second attorney for the Complex Litigation Unit, and she did so while telling him that the position would be posted and filled in due course. Since the prior Commission had already authorized a second position for the Unit, there was ample money in the budget for the position, and the current Commission had repeatedly urged Ms. Bowden-Lewis to fill it, there was no legitimate reason for Ms. Bowden-Lewis's refusal to do so. With respect to funding for the position, although Ms. Bowden-Lewis testified that budgetary considerations required her to prioritize other staffing needs within the

Division, she then contradicted herself, stating that the \$2 million surplus in personal services funds was due to Division managers declining her offers of additional personnel. Given that large surplus, it is apparent that the budgetary concerns identified by Ms. Bowden-Lewis did not exist, and that Ms. Bowden-Lewis had raised that purported issue in a misguided attempt to rationalize her persistent refusal to fill the second attorney position in the Complex Litigation Unit.

Ms. Bowden-Lewis's contention that Mr. Lopez did not complain to the prior Chief Public Defender that the position had not been filled is entirely beside the point because the prior Chief Public Defender had recommended the establishment of the Unit, with Mr. Lopez as Director, in the first place; she previously had facilitated the appointments of an administrative assistant and an investigator for the Unit; Mr. Lopez was not pressing for the appointment of a second attorney due to his own commitments; and the financial circumstances of the Division were completely different during the tenure of the prior Chief Public Defender. Furthermore, Ms. Bowden-Lewis's suggestion that the work of the Complex Litigation Unit is not important enough to justify appointing a second attorney is wholly unpersuasive given the significant expertise and critical assistance that the Unit has provided to Division offices throughout the state since it was established.

In sum, it is apparent that the reasons given by Ms. Bowden-Lewis for not allowing Mr. Lopez to fill the second attorney position in the Complex Litigation Unit are merely pretextual, and that her true motivation in treating Mr. Lopez as she did is the animosity she harbors toward Mr. Lopez and the disdain she has for his Unit. The Commission finds that Ms. Bowden-Lewis never intended to fill the Unit's second attorney position, and that in refusing to do so, and in repeatedly seeking to mislead Mr. Lopez by misrepresenting her true intent, Ms. Bowden-Lewis acted in an improper, unfair, and unreasonable manner toward Mr. Lopez.

In addition, on February 6, 2024, at Ms. Bowden-Lewis's direction, Ms. Kowalyshyn conducted a search to identify emails that the Chairperson had sent to or received from Division personnel, and Ms. Bowden-Lewis had Ms. Kowalyshyn conduct a similar search on February 9, 2024, to capture any additional emails between the Chairperson and Division personnel. Among the emails identified were emails between the Chairperson and Mr. Lopez, and although she denies doing so, Ms. Bowden-Lewis directed Ms. Kowalyshyn to print out those emails for Ms. Bowden-Lewis's review. These email searches were conducted without the knowledge of the Chairperson or Mr. Lopez. Although, as discussed more fully in Charge 10, Mr. Lopez did not have a reasonable expectation of privacy in his emails, he did reasonably expect that his emails would not be searched surreptitiously unless there was a valid reason for doing so. It is apparent that Ms. Bowden-Lewis had no legitimate basis for secretly accessing Mr. Lopez's emails, and that she did so to try to find something in those emails that Ms. Bowden-Lewis could use against Mr. Lopez as punishment for his public criticism of Ms. Bowden-Lewis. It is also apparent that Ms. Bowden-Lewis falsely denied directing Ms. Kowalyshyn to access Mr. Lopez's emails without his knowledge because Ms. Bowden-Lewis could not provide a valid reason for gaining such access.

The Commission finds that the allegations of Charge 4 are substantiated.

Charge 5: Pattern of Mistreatment of Division Members

(a) Allegations of Charge 5

The actions that Ms. Bowden-Lewis took against Ms. Ryan, Ms. Campbell, Ms. Sullivan, Mr. Lopez and others are indicative of a pattern of misconduct toward members of the Division that has persisted during Ms. Bowden-Lewis's tenure as Chief Public Defender and, as explained in the Shipman & Goodwin report, has resulted in a Division-wide climate of fear and intimidation. The Shipman & Goodwin report found that members of the Division who Ms. Bowden-Lewis perceives as loyal receive preferential treatment while those who do

not wholeheartedly support her agenda for the Division are frequently treated dismissively, unprofessionally, and unfairly. As the report states, Ms. Bowden-Lewis "would often bully or marginalize employees who she did not favor or who questioned her in any way," and, further, she engages in "unfair treatment . . . [of Division personnel including] [f]avoritism and retaliation based on perceived loyalty to her and public questioning of Ms. Bowden-Lewis's decisions and initiatives." The report further states that, among other retaliatory actions Ms. Bowden-Lewis has taken, she makes "decisions about the distribution of resources in various offices at least in part based on perceived loyalty to her and has denied resources to office heads who questioned [her] decisions." In addition, the report found that Ms. Bowden-Lewis would often resort to baseless claims of racism against Division members merely because they disagree with her, conduct which, the report found, "has contributed to an environment within [the Division] where employees are fearful to raise any issues regarding [Ms. Bowden-Lewis's] leadership, lest they be labeled racists." The report observed, as well, that while Ms. Bowden-Lewis purports to have an open-door policy, she has a closed-door policy in practice, especially with respect to Division members who she believes are not sufficiently supportive of her and her agenda.

Although Ms. Bowden-Lewis also asserts that she does not take punitive action against those who she perceives as having crossed her, Ms. Bowden-Lewis's retaliatory practices are apparent to members of the Division and, consequently, the fear of engendering her disfavor by criticizing her or disagreeing with her is pervasive throughout the Division. As the Shipman & Goodwin report found, if Ms. Bowden-Lewis viewed a Division member "as 'disloyal' or on her 'bad' side, [she] would take steps to ensure that [that Division member] remained that way." According to the report, the culture of bullying, mistrust, and fear that she has created extended to the Human Resources Unit, for Ms. Lohr—who she placed in the position of acting Director of the Unit after circumventing the choice of the Commission for the

position, Ms. Ryan, by forcing her out as Director—is largely "viewed as an extension of Ms. Bowden-Lewis [and] not a separate and impartial resource for employees."

Ms. Bowden-Lewis's retaliatory and otherwise improper treatment of members of the Division, as exemplified by her misconduct toward Ms. Ryan, Ms. Campbell, Ms. Sullivan, and Mr. Lopez, among others, violates Policy 101 and Policy 209 of the Division's Administrative Policies and Procedures Manual.

(b) Ms. Bowden-Lewis's testimony

Ms. Bowden-Lewis elected not to provide any additional testimony with respect to Charge 5, relying, instead, on her responses to the allegations Charges 1, 2, 3, and 4 pertaining to Ms. Ryan, Ms. Campbell, Ms. Sullivan, and Mr. Lopez, respectively.

(c) The Commission's findings

In its report on the results of its investigation into the complaints filed by Ms. Ryan and Ms. Campbell against Ms. Bowden-Lewis, Shipman & Goodwin also found that Ms. Bowden-Lewis often retaliates against Division employees who criticize her or who she perceives as disloyal to her; she accuses employees of racism merely because they disagree with her; she bullies, marginalizes, and otherwise treats unfairly employees she does not like, and affords preferential treatment to employees she favors; and she has contributed to a culture of fear and intimidation within the Division. The Commission credits Shipman & Goodwin's findings. Moreover, statements from other Division employees corroborate those findings. Although Ms. Bowden-Lewis had the opportunity to address those findings at the Hearing, she elected not to do so. Furthermore, we previously have concluded that the first four Charges, concerning Ms. Bowden-Lewis's mistreatment of Ms. Ryan, Ms. Campbell, Ms. Sullivan, and Mr. Lopez, are all substantiated. Her misconduct toward them and, as found by the Shipman & Goodwin report and corroborated by witness statements, her improper conduct toward other members of the Division who she disfavors, reflects a broad pattern of mistreatment of

employees throughout the Division. Finally, to the extent that Ms. Bowden-Lewis suggests that her actions in engaging in hostile and bullying behavior toward both Division employees were somehow justified because she was promoting her vision for the future of the Division and because her behavior was not motivated by racial animus against the targets of her hostile treatment, the Commission cannot accept this explanation. There is no justification for her mistreatment of Division employees, and the fact that her misconduct was motivated by something other than racial animus does justify or excuse it any way.

The Commission finds that the allegations of Charge 5 are substantiated.

Charge 6: Refusal to Acknowledge the Statutory Authority and Responsibilities of the Commission

(a) Allegations of Charge 6

Section § 51-289 (g) of the General Statutes provides that the Commission is "responsible for carrying out the purposes" of the public defender system, and "to carry out those purposes, the [C]ommission shall adopt rules relating to the operations of" the Division. Therefore, the Commission, which has been characterized by our state Supreme Court as having been created by the legislature "to administer the public defender system," necessarily possesses the oversight authority required to discharge that statutory mandate, which, as indicated, includes the responsibility to adopt policies and rules for the Division and to ensure that the Chief Public Defender conducts himself or herself in a fair, reasonable and responsible manner in accordance with those policies and rules. Since her appointment as Chief Public Defender, however, Ms. Bowden-Lewis has refused to acknowledge the overarching authority vested in the Commission to meet its broad responsibilities. Ms. Bowden-Lewis's unwillingness to accept the Commission's supervisory function is reflected in a letter from her attorney to the prior Commission members accusing them of "hyper scrutinizing and undermining [her] decisions," "hamstringing [her] from making decisions,"

"undermin[ing her] . . . statutory authority," and engaging in "unwarranted and unjustified . . . micromanagement." Thereafter, in emails to the current Chairperson, Ms. Bowden-Lewis has repeatedly reasserted these allegations, claiming that the Commission has "micromanaged [her] and intervened in [her] ability to carry out [her] statutory duties"; "overstep[ed its] statutory authority" in giving her directives relating to budgetary and personnel matters; "continued to micromanage [her], and insert [itself] into individual personnel matters and day to day operations for which [the Commission has] no statutory authority to do"; and engaged in "actions [that] far supersede any authority" bestowed upon the Commission. Ms. Bowden-Lewis has also made her allegations known to members of the Division.

Consistent with these assertions, Ms. Bowden-Lewis has conducted herself in an antagonistic and adversarial manner toward the Commission, even though she frequently has been advised and counseled—by the Commission, by Legal Counsel, Ms. Sullivan, and by others both inside and outside the Division who have tried to mentor and guide her—that her view of the Commission's authority is wrong. For example, at Ms. Bowden-Lewis's request, Ms. Sullivan provided Ms. Bowden-Lewis with a memorandum explaining, among other things, that the duties and responsibilities of the Chief Public Defender are subject to the Commission's "overarching responsibility to carry out the purposes" of the statutes creating the public defender system. Nevertheless, as the Shipman & Goodwin report concluded, Ms. Bowden-Lewis continues to have a "fundamental disagreement" with the Commission regarding its authority, such that, for example, with respect to personnel, the report explained that, in Ms. Bowden-Lewis's view, the Commission should serve merely as a "rubber stamp" for all her hiring recommendations. Ms. Bowden-Lewis's refusal to respect and accept the Commission's authority in this regard is reflected in her actions to circumvent the Commission's appointment of Ms. Ryan as Director of the Human Resources Unit by severely mistreating Ms. Ryan and thereby causing her to resign so that Ms. Bowden-Lewis

could install Ms. Lohr in her place on an interim basis. No prior Chief Public Defender has shared Ms. Bowden-Lewis's view of the Commission's authority as so narrow and restricted because that view is clearly incorrect, and, in the words of the Shipman & Goodwin report, reflects Ms. Bowden-Lewis's "overall disconnect regarding the Commission's statutory authority."

Ms. Bowden-Lewis's lack of respect for the role of the Commission was also made manifest by her recent statement to the Chairperson that she views emails from him as nothing more than "unnecessary distractions that pull [her] away from [her] duties as Chief [Public Defender]," and, further, that the Chairperson's issuance of emails to her "falls in line with [the Chairperson's] practice of sending troublesome emails to distract [her] from [her] job duties." By refusing to accept the oversight function of the Commission with respect to the administration of the Division, and by constantly challenging the Commission's authority to take corrective measures if the Commission determines that she has acted unreasonably or improperly, Ms. Bowden-Lewis has created an untenable situation that has gravely, if not irrevocably, impaired her ability to work constructively with the Commission.

Among other things, Ms. Bowden-Lewis's refusal to acknowledge the statutory authority and responsibilities of the Commission violates General Statutes § 51-289 et seq. and Policy 209 of the Division's Administrative Policies and Procedures Manual.

(b) Ms. Bowden-Lewis's testimony

Ms. Bowden-Lewis testified briefly with respect to the allegations of Charge 6, stating, first, that she has "never disagreed" that "[t]he Commission has oversight." Ms. Bowden-Lewis then summarized the statutory duties of the Chief Public Defender. Ms. Bowden-Lewis provided no further response to Charge 6. As discussed in Part IV of this Decision, Mr. Bucci addressed the subject of the allegations of Charge 6 in his closing statement.

(c) The Commission's findings

Notwithstanding her purported acknowledgement of the oversight function of the Commission, in fact, Ms. Bowden-Lewis consistently has refused to recognize that the legislature, in holding the Commission broadly responsible for ensuring that the purposes of the public defender system are carried out, has vested the Commission with the authority necessary to discharge that responsibility. Since her appointment as Chief Public Defender, Ms. Bowden-Lewis has repeatedly challenged the authority of the Commission – both the prior Commission and the current Commission – concerning actions by the Commission with which she disagrees. Although Ms. Bowden-Lewis claims that the Commission has a far more expansive view of its authority than have prior Commissions, she has provided nothing to support her contention, relying instead on bare assertions unsubstantiated by any evidence.

Indeed, Ms. Bowden-Lewis has been so obstinate in her unwillingness to accept the Commission's authority that, on January 12, 2024, the Chairperson was compelled to email her to address, among other things, what the Chairperson characterized in the email as Ms. Bowden-Lewis's "unyielding refusal to recognize the authority of the prior and current Commissions to reject recommendations, to take necessary corrective steps, or otherwise to discharge its statutory responsibility in a way that does not meet with your approval." The Chairperson stated, "[a]s I have told you repeatedly, the Commission has no interest in involving itself in the day-to-day activities of the Division, and we have undertaken to address and rectify your conduct only when that conduct has been manifestly improper or unreasonable. Despite your insistence to the contrary, it is the Commission's statutory obligation to do so." The Chairperson further pointed out that, as our state Supreme Court has explained, "it is the function [and duty] of the Commission to '*administer* the public defender system' by virtue of its broad statutory 'responsib[ility] under General Statutes § 51-289 (g)] for carrying out the purposes of' [our public defender system and that] '[b]y

designating the [C]ommission as the agency responsible for carrying out the purposes of the chapter governing public defender services, the legislature has charged the [C]ommission with protecting the rights of indigent criminal defendants." *State v. Wang*, 312 Conn. 222, [250], 92 A.3d 220 (2014). Thus, if a Chief Public Defender conducts himself or herself in a manner that is antithetical to the mission and best interests of the Division, the Commission has no choice but to intervene. In response Ms. Bowden-Lewis stated in relevant part as follows: "[Your] email . . . falls in line with your practice of sending troublesome emails to distract me from my job duties," and, further, "you continue to micromanage me, and insert yourself into individual personnel matters and day to day operations for which you have no statutory authority to do. All of these actions interfere with my ability to carry out my statutory responsibilities."

The foregoing exchange reflects Ms. Bowden-Lewis's steadfast view that the Commission has micromanaged her and, in so doing, undermined and usurped her statutory authority. Indeed, in her closing statement at the Hearing on April 25, 2024, Ms. Bowden-Lewis once again expressed that contention, stating as follows: "[T]he twenty months that I have actively been in [the] position [of Chief Public Defender] was plagued with hyper scrutiny and micromanaging. . . . [Section 51-291 of the [General Statutes] gives me authority over day-to-day operations for this entire agency. Yet the Commission does not believe I have this authority without first getting its approval, advice, or consultation." Ms. Bowden-Lewis's belief that the Commission may not take corrective action against her for conduct falling within her statutory duties—even in the event the Commission concludes that Ms. Bowden-Lewis has acted improperly or unreasonably, thereby jeopardizing the fair and efficient administration of the Division—has frequently put Ms. Bowden-Lewis in conflict with the Commission. As indicated in Charge 6, the resulting discord between the Commission

and Ms. Bowden-Lewis has seriously impaired her ability to work cooperatively with the Commission and, among other reasons, her ability to lead the Division, as well.

In fact, Ms. Bowden-Lewis is so resistant to Commission oversight that, as discussed more fully in Charge 9, she has secretly taken steps to obtain a change in the statutes pertaining to the Division, the Chief Public Defender, and the Commission that would afford the Chief Public Defender greater authority while reducing the authority of the Commission. As explained by Assistant Public Defender Arnold Amore in a memorandum he was prompted to submit to the Commission after viewing Ms. Bowden-Lewis's testimony at the Hearing on April 16, 2024, Ms. Bowden-Lewis asked him on January 3, 2024, to draft legislation for the purpose of increasing the statutory authority of the Chief Public Defender and restricting the authority of the Commission. Mr. Amore further explained that Ms. Bowden-Lewis stated that neither Ms. Sullivan, who is primarily responsible for matters pertaining to legislation, nor the Commission, would be told of the proposed statute, and that once it had been drafted, Ms. Bowden-Lewis would contact certain unknown legislators to get the legislation passed without the knowledge of the Commission. Because he believed that Ms. Bowden-Lewis's request to circumvent the Commission was highly inappropriate and, indeed, unethical, Mr. Amore declined to draft the statute. Although Ms. Bowden-Lewis was angry with Mr. Amore for refusing her request, she indicated that she would revisit the matter in several months. The mere fact that Ms. Bowden-Lewis would attempt such a ploy demonstrates how unwilling she is to recognize and accept the legitimate authority of the Commission.

The Commission finds that the allegations of Charge 6 are substantiated.

Charge 7: Repeated Unfounded Accusations of Discrimination, Bias, and Retaliation Against the Commission

(a) Allegations of Charge 7

Following Ms. Bowden-Lewis's appointment as Chief Public Defender by the prior Commission in 2022, her attorney wrote to that Commission on March 6, 2023, expressing Ms. Bowden-Lewis's concern that certain Commission decisions with which the Commission did not agree were a "pretext for discrimination." Thereafter, in an email from Ms. Bowden-Lewis to the current Chairperson on August 17, 2023, she indicated that the Chairperson had conducted himself in a racially discriminatory manner toward her. Although she subsequently denied that she was alleging such conduct by the Chairperson, it is clear from her email's plain language, as well as from a letter her attorney sent to the Commission on December 19, 2023, expressly reiterating her claim of discrimination against the Chairperson, that Ms. Bowden-Lewis was, in fact, claiming such discrimination. In that December 19, 2023, letter, Ms. Bowden-Lewis's attorney also accused the Commission of "continued acts of [racial and gender] discrimination and retaliation against" Ms. Bowden-Lewis. The letter further alleged that the Commission's actions "demonstrate an apparent disregard for [Ms. Bowden-Lewis's] right to oppose discrimination, free from retaliation," and asserted that the Letter of Reprimand she received from the Commission on October 3, 2023, was issued in retaliation for her complaints of racial discrimination against the Commission. Subsequently, in an email Ms. Bowden-Lewis sent to the Chairperson on January 18, 2024, she stated that "[the Chairperson's] continued assertions that [her] complaints about discrimination and retaliation are 'unfounded' and 'baseless' demonstrate [the Chairperson's] own animus and bias." Again, on January 23, 2024, in a third letter sent to the Commission on Ms. Bowden-Lewis behalf, her attorney accused the Commission of "continued retaliation and discrimination against" Ms. Bowden-Lewis, stating, as well, that, "[s]adly, the Commission continues to retaliate and discriminate against [Ms. Bowden-Lewis], inflict damage on her reputation and her career, and undermine her ability to effectively carry out her mission." Even more recently, on February 9, 2024, in Ms. Bowden-Lewis's response to questions posed to her by the

Chairperson concerning her accessing of emails of certain Division members without their knowledge, she expressed the belief "that the Chair's response and handling of this . . . issue represents additional discrimination and retaliation against me."

Contrary to Ms. Bowden-Lewis's allegations, both this Commission and the prior Commission have made every effort to work cooperatively and supportively with her to help her succeed as Chief Public Defender. However, Ms. Bowden-Lewis has made it impossible for the Commission to do so because she has refused to respect or even acknowledge the Commission's authority and responsibility to ensure that the purposes of the Division are carried out, both by the Chief Public Defender and by the other members of the Division. Instead, Ms. Bowden-Lewis has consistently claimed that the Commission's necessary and appropriate exercise of its authority is both a usurpation of her statutory prerogatives and evidence of the Commission's discriminatory and retaliatory intent toward her.

As Ms. Bowden-Lewis has been advised repeatedly, both in the Letter of Reprimand and thereafter, her claims are unfounded because nothing that the Commission has done during her tenure as Chief Public Defender has exceeded its statutory mandate or arrogated her authority. Consequently, there is nothing to support Ms. Bowden-Lewis's contention that the actions and decisions of the Commission with which she disagrees were motivated by a discriminatory or retaliatory intent. On the contrary, those actions and decisions represent the best efforts and judgment of the Commission, in the legitimate and good faith exercise of its broad statutory authority, to promote and protect the best interests of the Division and its clients.

Ms. Bowden-Lewis's claim of racial discrimination by the Commission is also belied by the Shipman & Goodwin report, which concludes that she has a propensity to resort to baseless allegations of racism merely because someone disagrees with her. As that report found, "Ms. Bowden-Lewis often makes comments about race as a factor in other employees'

comments or decisions when they question her agenda or do not agree with her. . . . Further, while perhaps legitimate in certain instances, the sheer number of instances in which she has used race-based comments to insinuate or outright state that other employees or members of the Commission are racist based on their legitimate disagreements with her management of [the Division] could be classified as bullying, and has contributed to an environment within [the Division] where employees are fearful to raise any issues regarding her leadership, lest they be labeled racists."

In addition, as Ms. Bowden-Lewis knew, her recurring allegations of discrimination and retaliation, against both the prior Commission and the current Commission, would become public, and they have become public, with the inevitable result of a loss of public confidence in the Commission and the Chief Public Defender and, as well, in the ability of the Commission and the Chief Public Defender to work together effectively in the best interests of the Division and its clients. Ms. Bowden-Lewis nevertheless has persisted in making such allegations even though they are insupportable and reflect her proclivity to resort to baseless claims of discrimination against those who raise legitimate concerns about the manner in which she has conducted her office or who otherwise disagree with her.

Among other things, Ms. Bowden-Lewis's repeated unfounded accusations of discrimination, bias, and retaliation against the Commission violate Policy 209 of the Division's Administrative Policies and Procedures Manual.

(b) Ms. Bowden-Lewis's testimony

In her brief testimony in response to the allegations of Charge 7, Ms. Bowden-Lewis did not attempt to justify or defend her claims of discrimination and retaliation against the Commission, nor did she otherwise address the merits of Charge 7. Rather, Ms. Bowden-Lewis stated that "retaliating against someone because they complain about discrimination is another form of discrimination," that "a good faith belief of discrimination has constitutional

safeguards attached to it," and that "[t]he law is clear that the October [3, 2023] Letter of Reprimand is evidence of retaliation." In his closing statement, Mr. Bucci maintained that it would be inappropriate and unlawful for the Commission to consider Ms. Bowden-Lewis's claims of discrimination against the Commission in any way.

(c) The Commission's findings

Ms. Bowden-Lewis's first claim of discrimination was raised in a letter from her attorney to the members of the prior Commission dated March 6, 2023, only nine months after her appointment by those same Commission members. In addressing Ms. Bowden-Lewis's claim against the prior Commission in the Letter of Reprimand that the current Commission issued to Ms. Bowden-Lewis on October 3, 2023, we stated that, "a review of the relevant facts and the reasons given in [the letter dated March 6, 2023] to substantiate [her] allegation [of discrimination] reveals that the contention is not supported by those facts."

Shortly thereafter, all but one member of the prior Commission resigned, and the members of the current Commission were appointed. The current members all pledged to do everything possible to work cooperatively and supportively with Ms. Bowden-Lewis to ensure her success as Chief Public Defender. Despite sincere efforts by the Commission to do so, Ms. Bowden-Lewis has consistently exhibited resentment toward the Commission whenever it has seen the need to exercise its statutory oversight authority.

Only a few months after the current members of the Commission were appointed, Ms. Bowden-Lewis again raised a claim of discrimination in an email to the Chairperson on August 17, 2023. Despite the clarity of her accusation, Ms. Bowden-Lewis thereafter maintained that she had not been alleging that the Chairperson was discriminating against her. However, in another letter to the Commission dated December 19, 2023, Ms. Bowden-

Lewis's attorney renewed the claim of discrimination against the Chairperson that Ms. Bowden-Lewis had made and then attempted to disavow.

Subsequently, Ms. Bowden-Lewis and her attorney have continued to make claims of discrimination and retaliation against the Commission. These claims are the product of Ms. Bowden-Lewis's underlying contention—which is explained more fully in Charge 6—that the Commission does not understand or appreciate the limits of its statutory oversight authority and, as a result, the Commission has micromanaged and otherwise interfered with Ms. Bowden-Lewis in disregard of her authority, thereby impairing her ability to manage the Division. Ms. Bowden-Lewis further alleges, albeit without any supporting evidence, that she has been treated differently than any other Chief Public Defender, and that this disparate treatment is due to her race and gender.

Significantly, the observations made by the Commission in the Letter of Reprimand issued to Ms. Bowden-Lewis on October 3, 2023, regarding claims of racial discrimination made by Ms. Bowden-Lewis against Commission members prior thereto are equally applicable to the post-October 3, 2023, conduct by Ms. Bowden-Lewis that is the subject of the present Charges. As the Letter of Reprimand stated: "These claims involving members of the Commission reflect [Ms. Bowden-Lewis's] propensity to resort to unfounded allegations of racial discrimination when [she] disagrees with [the] actions or decisions of the Commission. Moreover, these and other disputes [she has] had with the Commission are predicated, in large measure, on [her] unwillingness to accept the broad [statutory] mandate of the Commission. . . . In that regard, each of [Ms. Bowden-Lewis's] claims of discrimination against members of the Commission was predicated on the contention that, during [her] tenure as Chief Public Defender, Commission members had involved themselves in 'micromanag[ing]' the Division's 'day-to-day affairs' without due consultation with and deference to [her], which, [Ms. Bowden-Lewis] further maintained, was 'unwarranted,'

'unjustified' and 'unprecedented' and has 'undermine[d]' and 'hamstr[u]ng' [her] ability to lead the Division. In fact, those complaints are baseless because they take issue with conduct and decisions by members of the Commission that fall squarely within their lawful duties and responsibilities; were made in good faith for the sole purpose of advancing the mission of the Division; and, in the fully informed and considered judgment of the members of the Commission, were necessary and appropriate to achieve that end."

Of course, Ms. Bowden-Lewis has the right to raise whatever claims she wishes against the Commission, including claims of discrimination and retaliation. The Commission, however, also has the right—and, indeed, the obligation—to respond forthrightly to such claims when, as here, it believes that the allegations are spurious and, consequently, detrimental to the Division. As explained, the Commission's experience as the target of such allegations by Ms. Bowden-Lewis is fully consistent with the finding of the Shipman & Goodwin report that Ms. Bowden-Lewis frequently resorts to claims of discrimination merely when someone disagrees with her. In the Commission's view, Ms. Bowden-Lewis's claims of discrimination stem from her disagreement with the Commission about the nature and extent of its authority, and not from a reasonable, good faith belief of discrimination by the Commission. In such circumstances, and given the divisiveness, acrimony, and loss of public confidence in the Division, the Chief Public Defender, and the Commission that has resulted from her claims, the Commission has had no choice but to address and repudiate those claims in a frank and straightforward manner.

In deciding whether this Charge is substantiated, the Commission has considered the fact that none of its actions with respect to Ms. Bowden-Lewis was in any way caused by or related to her race or gender and the Commission unequivocally rejects her contrary allegations. Indeed, the evidence in the record indicates that Ms. Bowden-Lewis lodged

discrimination claims without a reasonable, good faith basis as a strategy to silence dissent and foreclose disagreement.

Nevertheless, the Commission must also consider the gravely serious nature of Ms. Bowden-Lewis's claim that she was subjected to discriminatory and retaliatory treatment. Because of the gravity of the claim - and because the interest in protecting the right to oppose discrimination outweighs the interest in avoiding meritless claims of discrimination - the law rightly affords broad protection to such claims, whether well founded or not. For those reasons, the Commission will not substantiate or consider the Charge that Ms. Bowden-Lewis improperly lodged complaints of discrimination without a good faith basis. To be clear, in reaching this decision, the Commission does not conclude that Ms. Bowden-Lewis's complaints were made with a good faith basis. The Commission decides only that it will take no action against Ms. Bowden-Lewis based on this Charge.

Charge 8: Dishonesty Toward the Commission

(a) Allegations of Charge 8

In the Letter of Reprimand issued to Ms. Bowden-Lewis on October 3, 2023, the Commission admonished her for being untruthful with the Commission. Despite that admonition, however, Ms. Bowden-Lewis has persisted in not being honest and forthright in her dealings with the Commission and the Division since the issuance of the Letter of Reprimand. For example, as set forth more fully in Charge 12, and as reported by Ms. Sullivan and Mr. Dion, Ms. Bowden-Lewis told Ms. Sullivan, in the presence of Mr. Dion, that she was prohibited from responding to an FOIA request for her calendars and that she would respond to the request personally. Thereafter, Ms. Bowden-Lewis falsely informed the Commission that she never told Ms. Sullivan either that she was barred from responding to that request or that Ms. Bowden-Lewis would respond to the request herself.

Ms. Bowden-Lewis also was untruthful to the Commission and the Division in connection with an unauthorized and erroneous email she sent to all Division personnel on January 18, 2024, without notice to the Commission. In her email, she purported to correct the Commission's action on January 10, 2024, notifying Division employees that the Commission, at its meeting on January 9, 2024, had reaffirmed Policy 205 of the Division's Administrative Policies and Procedures Manual, entitled "Recruitment, Hiring, and Advancement," dated October 2014 (hereinafter "Commission Policy 205"), and originally adopted by the Commission at that time to establish and memorialize procedures pertaining to the interviewing, hiring and promotion of employees and prospective employees. More specifically, Ms. Bowden-Lewis stated in her email that "the Policy distributed [by the Commission] on January 10, 2024, was incorrect," and she attached what she characterized as the "correct version" of Policy 205, namely, a document entitled "Division of Public Defender Services, Administrative Human Resources Policies & Procedures, Policy #205, Employee Selection, Transfer and Promotion, Effective April 1, 2019 (hereinafter "Human Resources Policy 205").

Ms. Bowden-Lewis sought to justify the email by falsely advising the Commission that Human Resources Policy 205 had been approved by the Commission and thereby superseded Commission Policy 205. Furthermore, after the Chairperson issued a Division-wide memorandum correcting Ms. Bowden-Lewis's email and explaining that the Commission had never approved Human Resources Policy 205 and, moreover, fully intended to reaffirm Commission Policy 205, Ms. Bowden-Lewis's attorney, in the January 23, 2024, letter she sent to the Commission on Ms. Bowden-Lewis's behalf, falsely characterized the Chairperson's memorandum as "wildly incorrect," and, in addition, demanded that the Commission "apologize to staff for causing confusion." As Ms. Bowden-Lewis knew, however, the Commission's memorandum was correct in all respects, whereas the emails and letter

from Ms. Bowden-Lewis and her attorney were untrue. At no time has Ms. Bowden-Lewis or her attorney acknowledged that their representations to the Commission and the members of the Division were false or otherwise sought to correct them.

Ms. Bowden-Lewis was again untruthful to the Commission with respect to certain representations she made concerning Mr. Lopez's request, as Director of the Complex Litigation Unit, that she authorize and post a second attorney position for the Unit, a request that Mr. Lopez had repeatedly made to Ms. Bowden-Lewis since her appointment as Chief Public Defender. Although Ms. Bowden-Lewis told the Commission in July 2023 and again in October 2023 that she would have the position posted, she did not post the position and refused to provide Mr. Lopez with any timeframe for doing so. The reason Ms. Bowden-Lewis gave the Commission on February 6, 2024, for refusing to post the position, namely, that the need to fill other positions had taken precedence, strains credulity because Ms. Bowden-Lewis failed to fill seventeen positions for the fiscal year ending on June 30, 2023, because she insisted that there was no need or demand to do so and, as a result, the Division returned to the General Fund approximately \$2 million in unspent personal services funds. Moreover, there have been and remain numerous unfilled positions in the Division. And finally, the reasons Ms. Bowden-Lewis has given for the delays in posting the position have varied, suggesting that those reasons are merely a pretext for delay. In view of Ms. Bowden-Lewis's conduct, it is apparent that, despite her representations to the Commission and Mr. Lopez, she had no intention of authorizing the posting and appointment of a second attorney position for the Complex Litigation Unit.

In addition, Ms. Bowden-Lewis recently obtained access to Mr. Lopez's emails without his knowledge. When asked by the Commission why she secretly accessed his emails, Ms. Bowden-Lewis denied doing so. Her false denial is another example of her dishonesty toward the Commission.

Among other things, Ms. Bowden-Lewis's dishonesty toward the Commission violates Policy 209 of the Division's Administrative Policies and Procedures Manual.

(b) Ms. Bowden-Lewis's testimony

Ms. Bowden-Lewis provided brief testimony on Charge 8, first defending the propriety of certain statements she made in connection with her allegation against the Chairperson on August 17, 2023, which is discussed more fully in Charge 7. In response to the allegation that she sent a false and misleading email to all Division members on January 18, 2024, purporting to correct an action of the Commission concerning Commission Policy 205 without prior notice to the Commission, Ms. Bowden-Lewis stated that, "[as] Chief, I can send any email to the Division without first giving notice to the Commission." Finally, Ms. Bowden-Lewis testified that, as set forth in the Division's Administrative Policies and Procedures Manual, actions by the Division may from time to time vary from the policies and procedures set forth in the Manual and be guided by policies and procedures not contained in the Manual.

(c) The Commission's findings

In her testimony concerning Charge 8, Ms. Bowden-Lewis did not address the substance of any of the allegations of dishonesty that are the subject of that Charge. Each of those allegations is corroborated and otherwise supported by the evidence.

In addition, on multiple occasions at the Hearing, Ms. Bowden-Lewis provided false testimony and statements to the Commission. Several such examples are set forth below.

As discussed in greater detail in Charge 3, Ms. Bowden-Lewis testified that she cannot recall whether she directed Ms. Kowalyshyn to identify the Chairperson's email correspondence with Division members—as was established by the forensic examination of Division computers and email system after the Commission learned of Ms. Kowalyshyn's entry into them—or whether she read any of the Chairperson's emails that Ms. Kowalyshyn

obtained at her request. Ms. Bowden-Lewis's testimony that she cannot remember whether she surreptitiously targeted the Chairperson's emails and directed Ms. Kowalyshyn to identify and print those emails is not credible given the unprecedented nature of Ms. Bowden-Lewis's conduct and considering the state of the relationship between Ms. Bowden-Lewis and the Chairperson, and Ms. Bowden-Lewis and the entire Commission, at that time.

As set forth in Charge 3, Ms. Bowden-Lewis also testified that she told Mr. Dion that she was directing Ms. Kowalyshyn to access a Division employee's emails without that person's knowledge but did not disclose the identity of that employee to Mr. Dion. In a memorandum written on the day of the incident, Mr. Dion reported that Ms. Bowden-Lewis told him that she was having Ms. Kowalyshyn "look into something" for her, and that she would not be more specific when asked by Mr. Dion to do so. Ms. Bowden-Lewis testified falsely that she told Mr. Dion that, at her direction, Ms. Kowalyshyn would be accessing a Division employee's email without that employee's knowledge.

As discussed in Charge 1, when the position of Director of Human Resources became vacant, Ms. Lohr was Ms. Bowden-Lewis's preferred candidate, but Ms. Lohr did not have the supervisory experience necessary to qualify for the position. Ms. Bowden-Lewis then had the job description changed, without the knowledge of the Commission and over the objection of the retiring Human Resources Director, to eliminate the supervisory experience requirement. Ms. Bowden-Lewis falsely testified that Ms. Lohr would have been qualified for the position before Ms. Bowden-Lewis eliminated that requirement.

In addition, Ms. Bowden-Lewis made false statements at the Hearing on April 25, 2024, pertaining to her request that Mr. Amore draft proposed legislation regarding the authority of the Commission and the Chief Public Defender. Those false statements are discussed more fully in Charge 9.

The Commission finds that the allegations of Charge 8 are substantiated.

Charge 9: Insubordinate Conduct Toward the Commission

(a) Allegations of Charge 9

In addition to Ms. Bowden-Lewis's unwillingness to acknowledge the authority of the Commission, her unfounded accusations of discrimination against the Commission, and her dishonesty toward the Commission, Ms. Bowden-Lewis also has been insubordinate toward the Commission by purporting to speak for the Commission, knowing that she lacked the authority to do so, in respect to action taken by the Commission concerning Commission Policy 205.

As discussed in Charge 8, the Commission, at its meeting on January 9, 2024, announced that it was reaffirming Commission Policy 205, pertaining to Recruitment, Hiring and Advancement, a policy that the Commission originally approved and adopted in 2014. The next day, January 10, 2024, Ms. Sullivan, at the behest of the Chairperson, informed all Division personnel of that action. However, over a week later, on January 18, 2024, and without notice to the Commission, Ms. Bowden-Lewis emailed all Division members purporting to correct the Commission's action. In her email, Ms. Bowden-Lewis asserted that the notice sent on behalf of the Commission by Ms. Sullivan informing Division members that the Commission had reaffirmed Commission Policy 205 was "incorrect," and she further stated that the "correct" version of the policy was contained in a document entitled "Division of Public Defender Services, Administrative Human Resources Policies & Procedures, Policy #205, Employee Selection, Transfer and Promotion, Effective April 1, 2019," which Ms. Bowden-Lewis attached to her email. Ms. Bowden-Lewis issued her email even though she never inquired of the Commission regarding its intent in reaffirming Commission Policy 205, and she never notified the Commission that she was issuing the email. Moreover, as Ms. Bowden-Lewis knew, she was not authorized to speak for the Commission about the matter, and, as the Chairperson told her, her decision to do so was "inexplicable." In purporting to act

on behalf of the Commission, and in purporting to correct the Commission, Ms. Bowden-Lewis knowingly exceeded her authority in deliberate disregard of the authority of the Commission.

Furthermore, Ms. Bowden-Lewis was incorrect in asserting that the Commission had notified Division members of the wrong policy. Contrary to the representations in her email, the Commission had, in fact, reaffirmed Commission Policy 205, and had not addressed, let alone affirmed or reaffirmed, the Human Resources Policy 205 that was attached to Ms. Bowden-Lewis's email.

Even when so informed, Ms. Bowden-Lewis refused to acknowledge either the impropriety of her conduct or her erroneous factual assertions, stating as follows in an email to the Chairperson: "My email to this agency was correct. . . . [The Human Resources Policy 205] is part of the Administrative policy manual of this Division. It was revised as of April 2019 and approved by the Commission at that time. . . . The documentation supports my corrective action." In fact, contrary to Ms. Bowden-Lewis's representation, Human Resources Policy 205 was never approved by the Commission and is not a part of the Division's Administrative Policies and Procedures Manual.

Finally, when the Chairperson asked Ms. Bowden-Lewis to provide him with whatever documentation she had to support her assertions, she did not do so, stating only that Ms. Sullivan "will find what [the Chairperson] need[s]." Ms. Bowden-Lewis responded in that manner despite knowing, contrary to her representations, that neither she nor Ms. Sullivan could provide the Chairperson with any supporting documentation because that documentation does not exist. Ms. Bowden-Lewis's contrary assertions were false.

Ms. Bowden-Lewis's conduct regarding the Commission's reaffirmance of Commission Policy 205 was disrespectful and insubordinate. The gravity of Ms. Bowden-Lewis's insubordination is compounded by her refusal to acknowledge either the impropriety of her

conduct or the fact that her assertions about the Commission's actions regarding Commission Policy 205 were false.

Among other things, Ms. Bowden-Lewis's insubordinate conduct toward the Commission violates General Statutes § 51-289 et seq. and Policy 209 of the Division's Administrative Policies and Procedures Manual.

(b) Ms. Bowden-Lewis's testimony

In her narrative testimony in response to Charge 9, Ms. Bowden-Lewis briefly testified that, as Chief Public Defender, she "can send an email to the Division without first giving notice or requesting permission from the Commission." Ms. Bowden-Lewis further testified that her authority to do so derives from General Statutes § 51-291 (9), which provides that the Chief Public Defender shall "[p]romulgate necessary rules, regulations and instructions, consistent with this chapter, defining the organization of [her] office and the responsibilities of public defenders, assistant public defenders, deputy assistant public defenders and other personnel." In addition, Ms. Bowden-Lewis again explained that, as set forth in the Division's Administrative Policies and Procedures Manual, actions by the Division may from time to time vary from the policies and procedures set forth in the Manual and be guided by policies and procedures not contained in the Manual.

In response to questioning from the Commission, Ms. Bowden-Lewis stated that the Commission should have consulted with her before reaffirming Commission Policy 205, in part because for some years, the Division has been operating in a manner different from the dictates of that Policy. Ms. Bowden-Lewis also testified that since the Commission had not provided her with notice before reaffirming Commission Policy 205, she was under no obligation to notify the Commission before purporting to correct the Chairperson's earlier Division-wide email informing Division members of the Commission's reaffirmance of Commission Policy 205.

Ms. Bowden-Lewis further testified that she believed that Human Resources Policy 205 had been approved by the Commission. In support of that testimony, Ms. Bowden-Lewis stated as follows: "And when I looked at the Commission minutes in my good faith belief from April 2019, what I saw was that [Human Resources Policy 205, dated April 1, 2019] was affirmed at that point in time. It said that the HR plan had been approved. And so I took that to mean that this was what it was. So that's my good faith belief." The Commission reminded Ms. Bowden-Lewis that immediately after she sent her email purporting to correct the Commission, the Chairperson asked her to provide him with whatever evidence she had demonstrating that Human Resources Policy 205 had been approved by the Commission, and she refused to do so. Nevertheless, Ms. Bowden-Lewis reiterated her testimony that the minutes of the Commission's April 2019 agenda contained the Commission's approval of the policy. Finally, when asked by the Commission if, given the opportunity to address the Commission's reaffirmance of Commission Policy 205 "all over again, would [she] repeat [her] actions or would [she] do it differently." Ms. Bowden-Lewis responded, "Well, I'm here right now facing termination. . . . So clearly, yes, I could have and should have done something differently."

Ms. Bowden-Lewis further commented on Human Resources Policy 205 in her closing statement at the Hearing on April 25, 2024. In doing so, Ms. Bowden-Lewis was responding to the memorandum that Mr. Amore had provided the Commission, after viewing Ms. Bowden-Lewis's testimony at the Hearing on April 16, 2024, in which he explained, first, that Ms. Bowden-Lewis met with him on January 3, 2024, and asked him to draft proposed legislation, without the knowledge of the Commission, incorporating the provisions of Human Resources Policy 205; second, that the purpose of that proposed legislation was to increase the hiring authority of the Chief Public Defender and limit the authority of the Commission; and third, Ms. Bowden-Lewis would seek to have the legislation enacted without the

knowledge of the Commission. In her statement on April 25, 2024, Ms. Bowden-Lewis acknowledged meeting Mr. Amore on January 3, 2024, and indicated that she was "proud to say" that she had requested that Mr. Amore draft legislation "to clarify the roles of the [C]ommission and the Chief [Public Defender]." Ms. Bowden-Lewis further stated that she, like all other Chief Public Defenders, routinely seeks such assistance in drafting proposed legislation. However, Ms. Bowden-Lewis asserted that she "did not talk to Attorney Amore about [Human Resources] Policy 205," explaining that she would have had no reason to raise that Policy with Mr. Amore because she didn't learn of the Commission's interest in the Policy until January 9, 2024, nearly a week after her meeting with Mr. Amore.

(c) The Commission's findings

It is undisputed that, as alleged in Charge 9, Ms. Bowden-Lewis sent an email to all Division employees stating that the Commission's earlier email informing Division employees that the Commission had reaffirmed Commission Policy 205 was incorrect, and that Human Resources Policy 205, which she attached to her email, was, in fact, the correct policy. Moreover, Ms. Bowden-Lewis sent this email to Division employees without notifying the Commission. In purporting to correct the Commission in this manner, Ms. Bowden-Lewis clearly exceeded her authority.

In her testimony, Ms. Bowden-Lewis claimed that her conduct was appropriate because the Commission had not notified her of its intention to reaffirm Commission Policy 205 prior to doing so, and further, she has the right to send emails to Division employees without first notifying or receiving permission from the Commission. Ms. Bowden-Lewis's attempt to justify her conduct is unavailing. First, the Commission was not obligated to notify Ms. Bowden-Lewis that it intended to reaffirm its own policy, but even if it was, that is no reason for Ms. Bowden-Lewis to purport to correct the Commission as she did, without prior consultation with or notice to the Commission. Second, Ms. Bowden-Lewis's contention that

she may email Division employees whenever she likes, without prior approval or permission from the Commission, reflects Ms. Bowden-Lewis's inability or unwillingness to appreciate the impropriety of her conduct. Although of course, Ms. Bowden-Lewis has the authority to email Division employees generally, that does not mean that it is *proper* for her to do so in all circumstances, and about all subjects, and at all times. Clearly, this was a circumstance when it was improper for Ms. Bowden-Lewis to email all Division members because she had no justification for unilaterally attempting to reverse or modify a decision of the Commission, and it was insubordinate for her to do so.

Ms. Bowden-Lewis was incorrect in asserting that the Commission had reaffirmed the wrong policy. On the contrary, reaffirming Commission Policy 205 is exactly what the Commission intended to do and what it did. Even when Ms. Bowden-Lewis was so informed, however, she insisted that she was right to correct the Commission. Moreover, she declined to provide any documentation to the Commission to substantiate her claim.

Ms. Bowden-Lewis also testified that she believed that the minutes of the Commission's April 2019 meeting reflected the Commission's approval of Human Resources Policy 205. A review of the agenda and minutes of that meeting reveal no such action by the Commission in April 2019. The minutes of the Commission's March 2019 meeting do reflect the Commission's unanimous "approv[al] [of] the hiring plan presented by the Chief Public Defender." However, the only agenda items that relate to that action by the Commission fall under "Personnel Matters," and are identified as "Staffing/Hiring Request for FY 2019" and "Diversity Hiring Update." Neither of these agenda items bear any apparent relation to Human Resources Policy 205. Consequently, Ms. Bowden-Lewis's claim of a "good faith belief" that Human Resources Policy 205 was approved by the Commission, either at its March 2019 meeting or its April 2019 meeting, has no support in the Commission minutes that she has identified.

The evidence therefore demonstrates that it was improper for Ms. Bowden-Lewis to send an email to all Division personnel, without prior notice to the Commission, purporting to correct the Commission. In doing so, Ms. Bowden-Lewis not only contradicted the Commission and misrepresented its actions, reflecting her obvious disdain for the Commission, she created wholly unnecessary confusion within the Division about Commission policy. The evidence further establishes that even when she was told by the Commission that her email was inaccurate and inappropriate, Ms. Bowden-Lewis insisted that she was correct and that it was proper for her to have notified the Division as she did. With respect to Ms. Bowden-Lewis's testimony about her alleged "good faith belief" that the Commission had approved Human Resources Policy 205 at a 2019 Commission meeting, that testimony is not credible because it is not supported by the facts or the evidence.

Furthermore, the evidence establishes that, at their meeting on January 3, 2024, Ms. Bowden-Lewis attempted to enlist Mr. Amore to draft proposed legislation incorporating the provisions of Human Resources Policy 205 for the purpose of increasing the authority of the Chief Public Defender and reducing the authority of the Commission. Although Ms. Bowden-Lewis acknowledged meeting with Mr. Amore on January 3, 2024, and asking him to draft legislation "clarify[ing]" the role of the Chief Public Defender, Ms. Bowden-Lewis denies that they discussed Human Resources Policy 205. However, as reported by Mr. Amore in his memorandum detailing what occurred at the meeting, Ms. Bowden-Lewis did, in fact, ask Mr. Amore to incorporate the provisions of Human Resources Policy 205 into the proposed statute, and, to that end, she gave Mr. Amore a copy of Human Resources Policy 205, which he appended to the memorandum he provided the Commission.

In falsely denying that she and Mr. Amore had discussed Human Resources Policy 205, Ms. Bowden-Lewis stated that, "[t]here would've been no way that [she] would have discussed Policy 205 on January 3rd with Attorney Amore when [Policy 205] was not even an

issue until January 9th." On the contrary, Ms. Bowden-Lewis had received an email from the Chairperson on November 30, 2023, informing her that, at the Chairperson's initiative, the Commission was considering significant changes to Commission Policy 205 with respect to the interviewing and appointment of candidates for positions in the Division. If ultimately approved by the Commission, those prospective changes to Commission Policy 205, which were attached to the Chairperson's email to Ms. Bowden-Lewis, would increase the role of managers and supervisors in the field relative to the role of the Chief Public Defender and the Director of Human Resources. It is apparent, therefore, that Ms. Bowden-Lewis sought Mr. Amore's assistance in drafting the statute because she knew that the Commission was considering changes to Commission Policy 205 that modified the role of the Chief Public Defender by strengthening the role of managers and supervisors in the field. Thus, Ms. Bowden-Lewis's assertion that she could not have known that Commission Policy 205 was an issue prior to her meeting with Mr. Amore is untrue.

As previously discussed, the evidence further establishes that Ms. Bowden-Lewis intended to have that proposed legislation passed without the knowledge of the Commission. Ms. Bowden-Lewis's efforts to have such legislation enacted without the Commission's knowledge or consent is patently improper and reflects Ms. Bowden-Lewis's disregard for the Commission and its role. Indeed, the impropriety of Ms. Bowden-Lewis's conduct was readily recognized by Mr. Amore, who, after noting that he has lectured extensively on the legal and ethical responsibilities of attorneys while practicing law for over thirty years, explained his refusal to draft the legislation as follows: "I do not see how it is legally and ethically possible to circumvent the statutory oversight authority of the Commission and bypass Attorney Sullivan's review of any proposed legislation that would seek to revise the authority of the Commission under General Statutes § 51-289 and give greater hiring and regulatory authority to Chief Bowden-Lewis under any proposed revision to General Statutes § 51-291." Ms.

Bowden-Lewis's duplicitous and insubordinate conduct in scheming to have legislation passed to reduce the Commission's authority without the Commission's knowledge, followed by her unapologetic and dishonest defense of that conduct, falls well below the ethical standards expected of the Chief Public Defender, in her dealings with the Commission and otherwise, and it is revealing of the lengths to which Ms. Bowden-Lewis will go to circumvent the authority of the Commission.

The Commission finds that the allegations of Charge 9 are substantiated.

Charge 10: Accessing Emails of Division Employees Without Their Knowledge and Without Valid Reason to Do So

(a) Allegations of Charge 10

Under Policy 605 of the Division's Administrative Policies and Procedures Manual, Division employees do not have a reasonable expectation of privacy in email accounts issued to them by the Division. It is axiomatic, however, that Division employees reasonably may expect that their email accounts will not be secretly accessed for improper or impermissible purposes. Consequently, as Chief Public Defender, Ms. Bowden-Lewis may conduct an email search without the knowledge of a Division employee if she has valid cause to do so. Such cause exists when, for example, there is reason to believe that an employee is using his or her email account for an improper purpose or the employee's emails contain evidence of wrongdoing. Because it is improper to access Division emails surreptitiously with no valid reason to do so, neither the Chief Public Defender nor anyone in the Division may conduct a fishing expedition into an employee's emails merely to find information to use against that employee or for any other impermissible purpose.

As discussed previously in Charges 3 and 4, on February 6, 2024, Ms. Bowden-Lewis directed Ms. Kowalyshyn to access emails of Ms. Sullivan and Mr. Lopez, for the period of January 27, 2024, to February 6, 2024, that they either received from the Chairperson or sent

to the Chairperson between those two dates. In addition, Ms. Bowden-Lewis accessed the emails of Ms. Sullivan and Mr. Lopez in the same manner on February 9, 2024. A forensic investigation into surreptitious searches of Division emails confirms that Ms. Kowalyshyn accessed the emails of Ms. Sullivan and Mr. Lopez without their knowledge. The evidence also demonstrates that Ms. Bowden-Lewis instructed Ms. Kowalyshyn to do so for an improper purpose, namely, to find information that Ms. Bowden-Lewis could use to retaliate against them. In each case, her conduct fits a pattern of retaliation: in the case of Ms. Sullivan, for cooperating with the Commission; in the case of Mr. Lopez, for publicly criticizing Ms. Bowden-Lewis. Ms. Bowden-Lewis's conduct in secretly accessing the emails of Ms. Sullivan and Mr. Lopez without a legitimate reason to do so is particularly troubling because of the potentially privileged and/or confidential nature of those targeted email communications.

Ms. Bowden-Lewis's accessing email accounts of Division employees without their knowledge and without a valid reason for doing so violates Policy 209 of the Division's Administrative Policies and Procedures Manual.

(b) Ms. Bowden-Lewis's testimony

Ms. Bowden-Lewis first addressed Charge 10 in narrative form by reading verbatim from Policy 605, which provides in relevant part: "All activities involved in the use of state systems are not personal or private, therefore, users should have no expectation or privacy in the use of these resources. . . . Pursuant to Public Act 98-142 and the State of Connecticut's '[E]lectronic [M]onitoring [N]otice,' the Division of Public Defender Services reserves the right to monitor and/or log all activities without notice. This includes but is not limited to correspondence via email and facsimile. . . . The assignment of equipment or the ability to access various systems does not confer implicitly or explicitly any expectation of privacy with respect to the issue of such equipment or systems to anyone acting as an agent of the

Division or employed by the Division regardless of the type of position. The Division reserves the right to access at any time and for any reason all equipment and systems without the specific knowledge and permission of such individuals."

Ms. Bowden-Lewis was then asked by the Commission whether email communications between members of the Division and Ms. Sullivan, acting in her capacity as Legal Counsel to the Division, might be subject to the attorney-client privilege. Ms. Bowden-Lewis responded only that she would "stand by the policy for our [D]ivision, [Policy] 605." Ms. Bowden-Lewis was then asked whether Policy 605 authorizes her to search Division members' emails for an impermissible reason, and she was requested to answer the question in her own words and not merely to read the policy. Nevertheless, Ms. Bowden-Lewis stated, "I stand by Policy 605." When asked a final time whether she had to have a reason to access the emails of Division members, Ms. Bowden-Lewis stated, "I believe I answered that question and I will stand by [Policy 605]."

(c) The Commission's findings

The Commission's findings that Ms. Bowden-Lewis improperly accessed the emails of Ms. Sullivan and Mr. Lopez, and the Commission's reasons for those findings, are set forth in our discussion of Charges 3 and 4, respectively, and they are incorporated herein by reference as the findings of the Commission with respect to Charge 10, as well. In sum, Ms. Bowden-Lewis did not have valid cause to surreptitiously access the emails of Ms. Sullivan and Mr. Lopez. She did so, rather, in an effort to find something adverse or embarrassing about them and to learn about their communications with the Chairperson. Because neither is a permissible reason to conduct a secret search of a Division member's emails, Ms. Bowden-Lewis's conduct in doing so was improper.

The Commission finds that the allegations of Charge 10 are substantiated.

Charge 11: Accessing Emails of the Chairperson of the Commission Without His

Knowledge and Without Valid Reason to Do So

(a) Allegations of Charge 11

As discussed in Charges 3, 4, and 10, above, on February 6, 2024, Ms. Bowden-Lewis directed Ms. Kowalyshyn to conduct a search identifying all the Chairperson's emails to or from any Division employee for the period of January 27, 2024, to February 6, 2024. Ms. Bowden-Lewis also directed Ms. Kowalyshyn to conduct a similar email search on February 9, 2024, to capture any emails that the Chairperson had sent to or received from any Division employee after the prior search for his emails on February 6, 2024.

These searches were conducted without the Chairperson's knowledge and revealed email correspondence between the Chairperson and several employees, including Ms. Sullivan and Mr. Lopez, none of whom had knowledge of the email searches. Ms. Bowden-Lewis directed Ms. Kowalyshyn to print out certain of the emails between the Chairperson and Ms. Sullivan and between the Chairperson and Mr. Lopez, and to provide those emails to Ms. Bowden-Lewis. Although Ms. Bowden-Lewis sought to keep her actions secret, when the Chairperson learned from Mr. Dion and Ms. Sullivan that she had accessed the emails of Ms. Sullivan and Mr. Lopez without their knowledge, the Chairperson inquired of Ms. Bowden-Lewis as to why she had done so. As set forth in Charge 3, the reasons Ms. Bowden-Lewis gave for accessing Ms. Sullivan's emails were pretextual, and as set forth in Charge 4, she denied accessing Mr. Lopez's emails despite evidence to the contrary, including Ms. Kowalyshyn's statement that Ms. Bowden-Lewis instructed her to do so and forensic evidence corroborating Ms. Kowalyshyn's statement. Ms. Bowden-Lewis has never informed the Chairperson that she targeted and reviewed his email correspondence, however, and the Chairperson learned that she did so only after a forensic computer examination was conducted.

Ms. Bowden-Lewis's conduct in directing Ms. Kowalyshyn to identify and access the Chairperson's emails to Division employees merely to determine the nature of his communications with those employees was exceedingly disrespectful to the Chairperson and the Commission, as well as to those employees. Ms. Bowden-Lewis's conduct is particularly concerning with respect to her secret targeting and review of emails between the Chairperson and Ms. Sullivan due to Ms. Sullivan's position as Counsel to the Commission and the potentially privileged and/or confidential character of those email communications. Among other things, Ms. Bowden-Lewis's accessing emails of the Chairperson without his knowledge and without a valid reason to do so violates Policy 209 of the Division's Administrative Policies and Procedures Manual.

(b) Ms. Bowden-Lewis's testimony

In response to Charge 11, Ms. Bowden-Lewis testified that, "I stand by Policy 605." When asked by the Commission whether the Chairperson is subject to Policy 605, Ms. Bowden-Lewis replied that "[a]nyone who emails a person in the Division," including the Chairperson, is subject to Policy 605, and therefore has no reasonable expectation of privacy with respect to any email sent to or received from a member of the Division.

In earlier testimony concerning Charge 3, Ms. Bowden-Lewis was asked whether she had directed Ms. Kowalyshyn to retrieve any of the Chairperson's emails with members of the Division, Ms. Bowden-Lewis could not remember mentioning the Chairperson's name to Ms. Kowalyshyn. Ms. Bowden-Lewis further testified that she could not recall whether she had read any of the Chairperson's emails.

(c) The Commission's findings

As discussed in Charge 3, a forensic examination was conducted to ascertain the steps taken by Ms. Kowalyshyn at Ms. Bowden-Lewis's direction to surreptitiously identify and obtain Ms. Sullivan's emails. As a result of that investigation, along with limited

information obtained from Ms. Kowalyshyn, it was determined that on February 6, 2024, Ms. Kowalyshyn conducted an email trace of the Chairperson's email address for the period between late January 2024, to February 6, 2024. That trace enabled Ms. Kowalyshyn to determine which Division employees had sent emails to or received emails from the Chairperson—whose email address is not associated with the Division—during that time frame. After learning that the Chairperson had communicated via email with Ms. Sullivan and Mr. Lopez, among others, Ms. Bowden-Lewis instructed Ms. Kowalyshyn to surreptitiously access the email boxes of Ms. Sullivan and Mr. Lopez and print out their emails with the Chairperson. Ms. Bowden-Lewis had no legitimate reason for targeting the email address of the Chairperson, and she undoubtedly did so, at least in part, because she wanted to know what the Chairperson was discussing with Ms. Sullivan and Mr. Lopez, presumably because Ms. Bowden-Lewis was distrustful of the Chairperson, Ms. Sullivan, and Mr. Lopez. It is difficult to conceive of a circumstance when it would ever be appropriate for the Chief Public Defender to secretly access emails of the Chairperson of the Commission, and it was manifestly improper for Ms. Bowden-Lewis to do so with respect to the Chairperson's emails with Ms. Sullivan and Mr. Lopez.

Furthermore, as discussed in Charge 3, given the highly unusual nature of the task she assigned Ms. Kowalyshyn, Ms. Bowden-Lewis's testimony that she could not recall whether she told Ms. Kowalyshyn to search for any of the Chairperson's emails with Division employees, including Ms. Sullivan, is not credible. Similarly lacking in credibility is Ms. Bowden-Lewis's testimony that could not recall whether she read any of Ms. Sullivan's emails to or from the Chairperson. A primary reason why Ms. Bowden-Lewis enlisted Ms. Kowalyshyn's assistance was to determine who in the Division had been sending emails to or receiving emails from the Chairperson, and having obtained that information as well as the

emails themselves, it simply is not believable that Ms. Bowden-Lewis cannot remember whether she read the emails between Ms. Sullivan and the Chairperson.

The Commission finds that the allegations of Charge 11 are substantiated.

Charge 12: Interference With the Handling of FOIA Requests

(a) Allegations of Charge 12

Policy 606 of the Division's Administrative Policies and Procedures Manual, concerning Freedom of Information Requests, provides that, "[i]t is essential that any request for information be handled courteously and professionally. However, Division employees should not independently determine what information may or may not be released." Rather, "[r]equests for information, no matter how received, should be immediately referred to the Legal Counsel, Director, Office of the Chief Public Defender. . . ."

Policy 601 of the Office of the Chief Public Defender, Indigent Defense Policies & Procedures, further provides that, "[a]s the Freedom of Information (FOI) Officer, Legal Counsel of the Office of Chief Public Defender responds to all oral and written requests made pursuant to the Freedom of Information statutes. . . . Legal Counsel will determine which information shall be provided to the requester and respond to all FOI requests. After review by Legal Counsel, only public information shall be provided. Any information that is protected by the attorney-client privilege or is exempt pursuant to the exemptions articulated under General Statutes § 1-210, [entitled] "Access to public records. Exempt records," will not be disclosed. . . . Failure to strictly comply with the time periods articulated in the statute may result in the requester filing a complaint with the FOI Commission naming the Public Defender Services Commission as the Respondent. Any finding against the Commission may result in the imposition of sanctions against the Division." Ms. Sullivan, as Legal Counsel, is also the Division's FOIA Officer.

Ms. Bowden-Lewis has interfered in Ms. Sullivan's handling of FOIA matters in violation of Division policy. For example, on October 18, 2023, the Division received an FOIA request for Ms. Bowden-Lewis's calendars. Upon receiving the request, Ms. Sullivan asked Mr. Dion to conduct a search of the Division's computer system to obtain any documents that might be responsive to that request. He did so and provided Ms. Sullivan with those documents. On October 31, 2023, upon being informed that Ms. Sullivan had received Ms. Bowden-Lewis's calendars from Mr. Dion, Ms. Bowden-Lewis angrily told Ms. Sullivan, in the presence of Mr. Dion, that she was not to take any action regarding the request and that Ms. Bowden-Lewis would handle it personally. Ms. Sullivan told Ms. Bowden-Lewis that her directive violated Division policy and impaired her ability to ensure that the requirements of the FOIA were followed. Ms. Bowden-Lewis nevertheless insisted on responding personally to the request.

In addition, the Commission has learned from Mr. Dion that Ms. Bowden-Lewis instructed him not to comply with any computer search request pursuant to the FOIA that he might receive from Ms. Sullivan without first obtaining Ms. Bowden-Lewis's permission to do so. Ms. Bowden-Lewis also instructed Mr. Dion that, upon granting him permission to conduct the search, he was not to provide the retrieved documents to Ms. Sullivan; rather, he was to turn them over to Ms. Bowden-Lewis. Ms. Bowden-Lewis further told Mr. Dion that after she had reviewed those documents, she would notify him whether he could then provide some or all the documents to Ms. Sullivan.

When the Chairperson contacted Ms. Bowden-Lewis to inform her that she could not interfere with Ms. Sullivan's discharge of her responsibilities as FOIA Officer in that manner, Ms. Bowden-Lewis denied prohibiting Ms. Sullivan from responding to the FOIA request for her calendars. The Chairperson also informed Ms. Bowden-Lewis that she could not otherwise interfere in Ms. Sullivan's duties as FOIA Officer by prohibiting Mr. Dion from

conducting computer searches requested by Ms. Sullivan until Ms. Bowden-Lewis approved the searches or by barring Mr. Dion from providing documents to Ms. Sullivan that he had retrieved in accordance with her request without first obtaining Ms. Bowden-Lewis's permission to do so. Ms. Bowden-Lewis responded by challenging the Chairperson's authority to issue such a directive and continued to require Mr. Dion to comply with the instructions that she had given him regarding the handling of FOIA computer search requests by Ms. Sullivan.

The evidence establishes that, despite Ms. Bowden-Lewis's denial, she did, in fact, prohibit Ms. Sullivan from handling the FOIA request for Ms. Bowden-Lewis's calendars. By doing so, and by refusing to follow the Chairperson's directive concerning Ms. Sullivan's discharge of her duties as FOIA Officer, Ms. Bowden-Lewis ignored Division policy, interfered with Ms. Sullivan's ability to comply with the requirements of the FOIA, caused delays in responses to FOIA requests, gave rise to concerns about the Division's adherence to the FOIA, and improperly refused to comply with the Chairperson's directive. Among other things, Ms. Bowden-Lewis's conduct violates Policy 606 of the Division's Administrative Policies and Procedures Manual; Policy 601 of the Office of the Chief Public Defender, Indigent Defense Policies & Procedures; and Policy 209 of the Division's Administrative Policies and Procedures Manual; and is contrary to the provisions of the FOIA.

(b) Ms. Bowden-Lewis's testimony

In response to Charge 12, Ms. Bowden-Lewis read an email that she sent to the Chairperson on December 22, 2023, stating, among other things, that she did not instruct Ms. Sullivan "to take any action" regarding Mr. Mahony's FOIA request, and that although Ms. Sullivan's practice has been to ask individual employees to search their records for documents subject to a FOIA request, Ms. Sullivan did not afford her the same courtesy and,

instead, went directly to Mr. Dion to have him locate Ms. Bowden-Lewis's calendars in the Division computer system.

(c) The Commission's findings

Based on the statements of Ms. Sullivan and Mr. Dion, the evidence establishes, contrary to the testimony of Ms. Bowden-Lewis, that she expressly prohibited Ms. Sullivan from responding to Mr. Mahony's FOIA request. The evidence also establishes that Ms. Bowden-Lewis directed Mr. Dion not to comply with Ms. Sullivan's requests for documents sought under the FOIA without first getting permission to do so from Ms. Bowden-Lewis. Ms. Bowden-Lewis then ignored the Chairperson's directive informing her that she was not to interfere in Ms. Sullivan's discharge of her duties as the Division's FOIA Officer. Ms. Bowden-Lewis's conduct in this regard was contrary to Division policy, caused delays in the Division's response to FOIA requests, impeded Ms. Sullivan's ability to respond to FOIA requests, and otherwise raised concerns about the integrity of the Division's responses to such requests. The impropriety of Ms. Bowden-Lewis's conduct is compounded by her false denial that she directed Ms. Sullivan not to respond to Mr. Mahony's FOIA request.

The Commission finds that the allegations of Charge 12 are substantiated.

Charge 13: Failure to Comply with Statutory Requirement Concerning Disclosure to Commission of Requests to the Governor for Appropriations

(a) Allegations of Charge 13

Under General Statutes § 51-291 (13), the Chief Public Defender is required to "[p]repare and submit to the [C]ommission estimates of appropriations necessary for the maintenance and operation of public defender services, and make recommendations with respect thereto; and with the approval of the [C]ommission, and after such modification as the [C]ommission directs, submit the budget requests to the Governor." In September 2023, Ms. Bowden-Lewis submitted a request for appropriations to the Governor and the Office of

Policy and Management (OPM) on behalf of the Division in the amount of \$15,199,077, without prior notice to or approval by the Commission. When, months later, the Commission eventually learned of Ms. Bowden-Lewis appropriations request from other sources, the Chairperson informed Ms. Bowden-Lewis by email on December 21, 2023, that her request violated General Statutes § 51-291 (13) because, contrary to the dictates of that statutory provision, the Commission had no notice of the request and therefore had no opportunity to approve, modify or disapprove it. Ms. Bowden-Lewis also was informed that the Commission did not approve of, and would not have authorized, at least one of her appropriations requests, namely, a request for an hourly rate increase for investigators retained by assigned counsel, because, as Ms. Bowden-Lewis well knew, there were ample funds in the existing budget to grant such an increase and the Commission had full authority to do so. In fact, the Commission thereafter did approve such an increase from existing funds without any supplemental appropriation.

When asked by the Chairperson why she did not notify the Commission prior to submitting the appropriations request, Ms. Bowden-Lewis did not accept responsibility for failing to comply with the statutory requirement. Rather, in an email to the Chairperson, Ms. Bowden-Lewis sought to justify her conduct, even suggesting that the Commission's inquiry into the matter was unfair and discriminatory, stating that, "[h]istorically, Chief Public Defenders in CT, submit their budget options and proposals without instruction or directives by the . . . Commission." Ms. Bowden-Lewis then asked, "Is there a reason to treat me differently?" Ms. Bowden-Lewis further stated that she would be "happy to inform the Commission of future budgetary information but again, prior Chief Public Defenders in CT have not received directives on this issue. I am sure that the current Commission sees the importance of continuity and equal treatment."

In fact, information obtained from former Chief Public Defenders and former and current Division members reveals that prior Chief Public Defenders have complied with their obligation under General Statutes § 51-291 (13) to keep the Commission apprised of proposed budgetary requests before their submission to the Governor, thereby enabling the Commission to discharge its oversight responsibility under that statutory provision.

Ms. Bowden-Lewis's decision not to notify the Commission of the appropriations request in violation of law and her unwillingness to acknowledge the impropriety of her decision is indicative of a cavalier and dismissive attitude toward the role and responsibilities of the Commission. It also reflects Ms. Bowden-Lewis misguided belief that she should be able to manage all aspects of the Division without any supervision by or interference from the Commission.

Among other things, Ms. Bowden-Lewis's failure to notify the Commission of her September 2023 appropriations request to the Governor and OPM violates General Statutes § 51-291 (13).

(b) Ms. Bowden-Lewis's testimony

Ms. Bowden-Lewis commenced her narrative response to Charge 13 by reading the entire email that is quoted, in part, in the allegations of Charge 13. However, Ms. Bowden-Lewis's only reference in that email to her failure to notify the Commission of her appropriations request is set forth in the language of that email quoted in the allegations of Charge 13. In the remainder of her email, Ms. Bowden-Lewis explains, first, that she had discussions about requesting the appropriation with the Co-chairs of the Appropriations Committee, who, according to Ms. Bowden-Lewis, were supportive of the request, and second, that she decided to seek the additional funding for the investigators' increase in pay only after consulting with her Executive Team and because the Co-chairs had previously raised that issue with her. After reading the email, Ms. Bowden-Lewis testified that although

she was aware of the statutory provision requiring the Chief Public to obtain Commission approval before submitting appropriations requests to the Governor, she had been informed by Mr. Steven Hunt, the chief fiscal officer of the Division, that previous Chief Public Defenders traditionally were not required to do so.

In response to questions from the Commission, Ms. Bowden-Lewis again acknowledged the statutory notice requirement, and she also conceded that she had never spoken to any former Chief Public Defenders to ascertain whether they had complied with that statutory requirement. However, Ms. Bowden-Lewis repeated her testimony that she was not required to abide by the requirement because, according to Mr. Hunt, her predecessors had not been required to do so. At the conclusion of her testimony, Ms. Bowden-Lewis was asked by the Commission, "[D]o you acknowledge now in retrospect knowing all that Ms. Bowden-Lewis know now that that probably was not the best way to handle that budget [request]," and Ms. Bowden-Lewis replied, "Yes."

(c) The Commission's findings

General Statutes § 51-291 (13) clearly requires that the Chief Public Defender notify the Commission of any appropriations request that the Chief Public Defender wishes to submit to the Governor so that the Commission may determine whether to approve or modify the request. Contrary to Ms. Bowden-Lewis's testimony with respect to Mr. Hunt's statements on this issue, prior Chief Public Defenders have not been exempted from compliance with that requirement. Rather, as Mr. Hunt has explained, previous Chief Public Defenders have given notice to the Commission before submitting an appropriations request so that the Commission can discharge its statutory responsibility to approve or modify the request. As Mr. Hunt further explained, in practice, if, after receiving notification of the proposed request, the Commission expresses no objection to it, the request is deemed approved, and only then submitted to the Governor. Indeed, the Chairperson informed Ms. Bowden-Lewis of this

practice months before the Hearing, explaining that he had discussed the matter with prior Chief Public Defenders and both current and former Division members. Although Ms. Bowden-Lewis has told the Chairperson that she has been advised by "team members" that no such prior Commission notification or approval is necessary, Ms. Bowden-Lewis has never identified any such team member despite the Chairperson's request that she do so. Finally, even if it were true that other Chief Public Defenders failed to follow the requirements of General Statutes § 51-291 (13), Ms. Bowden-Lewis should have consulted with the current Commission before assuming that she was not obligated to comply with the statutory mandate.

Ms. Bowden-Lewis has indicated that she will comply with General Statutes § 51-291 (13) in the future, and she also has acknowledged, albeit belatedly, that, in retrospect, her decision not to notify the Commission about her appropriations requests was not the best way to handle such matters. Nevertheless, her explanation for failing to comply with the statute, namely, that other Chief Public Defenders have not done so, is simply untrue. Moreover, after being informed of the Commission's displeasure with her failure to follow the requirements of the statute, Ms. Bowden-Lewis refused to take responsibility for her actions, insisted that previous Chief Public Defenders had not been required to comply with the statute, and accused the Commission of unfair and unequal treatment. It is apparent that Ms. Bowden-Lewis's decision not to inform the Commission of her appropriations requests is largely due to her belief that the Commission has micromanaged her, thwarted her initiatives, and otherwise impaired her ability to lead the Division, and that as a result, the less the Commission knows about her activities, the better.

The Commission finds that the allegations of Charge 13 are substantiated.

Charge 14: Loss of Confidence in Ms. Bowden-Lewis Leadership and Low

Morale of the Division

(a) Allegations of Charge 14

It is apparent that there has been a significant loss of confidence in Ms. Bowden-Lewis's leadership of the Division, as well as a serious decline in Division morale during her tenure as Chief Public Defender. Among the reasons for these developments is the apprehension resulting from the widespread perception that Ms. Bowden-Lewis will take punitive action against members of the Division who stand up to her or criticize her. Although Division members report that Ms. Bowden-Lewis has dismissed this fear of retaliation out of hand, the concern is justified in view of her propensity to strike out at those who cross or disagree with her. As the Shipman & Goodwin report found, Ms. Bowden-Lewis will "often bully or marginalize employees who she [does] not favor or who [question] her in any way" and, further, Ms. Bowden-Lewis engages in "unfair treatment . . . [including] [f]avoritism and retaliation . . . based on perceived loyalty to Ms. Bowden-Lewis and public questioning of Ms. Bowden-Lewis's decisions and initiatives." The Shipman & Goodwin report also found that Ms. Bowden-Lewis raises unfounded claims of racism against members of the Division merely because they disagree with or stand up to her. According to the Shipman & Goodwin report, this "culture" of bullying, retaliatory treatment, and unfounded allegations of racism has extended to the Human Resources Unit for Ms. Lohr is widely regarded "as an extension of" Ms. Bowden-Lewis rather than a "separate and impartial resource for employees." This has compounded the apparent crisis of confidence in Ms. Bowden-Lewis's leadership because Division members feel they have no recourse for unfair and unjust treatment, either by Ms. Bowden-Lewis or others whom she wishes to protect. Ms. Bowden-Lewis's general lack of transparency, honesty, and good faith in her dealings with Division members and the Commission as set forth in these Charges is another reason for the loss of confidence in her ability to lead the Division, as is her unwillingness to take responsibility for and correct poor decisions or mistakes that she or her administration may make. In addition, as the Shipman &

Goodwin report also concluded, although Ms. Bowden-Lewis claims that her door is always open to Division members, in fact, she has employed a closed-door policy, a practice that is a further cause of discontent and dissatisfaction in the Division.

Another reason for the decline in Division morale and confidence in Ms. Bowden-Lewis's leadership stems from her unwillingness to accept the statutory authority of the Commission, which has led to frequent complaints, both in letters and emails subject to disclosure under the FOIA, from Ms. Bowden-Lewis and her attorney claiming that the Commission has undermined Ms. Bowden-Lewis and seriously impaired her ability to lead the Division. Ms. Bowden-Lewis repeated allegations of racial discrimination and retaliation against both the prior Commission and the current Commission have also resulted in ongoing public reports of a rift between Ms. Bowden-Lewis and the Commission, with divisive and disruptive consequences.

In that regard, when all but one member of the prior Commission resigned in March 2023, the current Commission members vowed to work supportively and cooperatively with Ms. Bowden-Lewis. However, Ms. Bowden-Lewis's unwillingness to reciprocate the Commission's efforts in that regard caused the same conflict with the current Commission that marked her relationship with the prior Commission, and she soon resumed her unfounded and public claims of racism, micromanagement, and unfair treatment by the Commission. Ms. Bowden-Lewis has not demonstrated an appreciation for the deleterious effect that those allegations have had on the members of the Division, the Division's clients, those who might wish to seek employment with the Division, and the broader public perception of the Division. Instead of cooperating with the Commission to address these and other pressing issues, Ms. Bowden-Lewis has consistently rejected the Commission's efforts to work collaboratively, largely because she refuses to acknowledge the Commission's overarching supervisory responsibility with respect to the Division.

Recently, the Connecticut Public Defender Attorneys Union decided to vote on whether union members have confidence in Ms. Bowden-Lewis leadership. As the union's Executive Committee stated in explaining the timing of its decision, "[t]he vote is being held now based on a litany of incidents over the past year dealing with parity negotiations, lapses in leadership, and the inability to work with the [C]ommission. Many of these instances have occurred within the last few months. . . . The current situation is very different from what it was a year ago. The Chief [Public Defender] has refused to work amicably with the Commission. Whether to have a no confidence vote has been a yearlong debate, extending through two separate [union] Executive Boards. Many are outraged it has taken so long, however, the [Executive] Board wanted to give every opportunity to see the new Chief [Public Defender] succeed. But the Chief [Public Defender] has consistently disregarded rules and directives." As reported by the union, the no confidence vote prevailed, 121-9. This vote reflects an overwhelming consensus among the members of the union that the Division is suffering from a lack of responsible, even-handed, and effective leadership at the top.

Prior to the vote being tallied, Ms. Bowden-Lewis was placed on paid administrative leave. After the vote was tabulated, the union gave the following statement: "While we have made concerted efforts over the past year to work with the Chief [Public Defender], the perpetual state of controversy and dysfunction at the highest levels has been an unwelcome distraction in serving the interests of our clients. . . . We urge the Commission to provide Attorney Bowden-Lewis with the appropriate due process protections that all public defenders champion every single day, and, if there is just cause, remove her from her position as Chief [Public Defender] so that the Division can refocus its efforts on our mission to provide the best possible defense to the people of Connecticut."

Although not dispositive with respect to the extent of Ms. Bowden-Lewis's support within the Division or the cause of the Division's low morale, the resounding vote of no

confidence by the union members, who comprise a large majority of the Division's public defenders, is an extremely worrying and, unfortunately, telling, sign of the state of the Division and Ms. Bowden-Lewis's perceived inability to lead it. No less unfortunate has been Ms. Bowden-Lewis's unwillingness to recognize the serious, difficult, and self-reflective work that would be required of her if she were to have any chance of regaining the confidence of the Division's members and raising their morale. Ms. Bowden-Lewis has not given the Commission or the Division's members any indication that she is ready, willing, or able to do that work.

(b) Ms. Bowden-Lewis's testimony

In her testimony, Ms. Bowden-Lewis pointed out that although 121 union members cast votes of no confidence, the Division has over 450 employees. Ms. Bowden-Lewis also testified that although she has always been in favor of pay parity with prosecutors, the union hierarchy and the Commission created the false narrative that she opposed parity, thereby "plac[ing] doubt and uncertainty in the minds of many." According to Ms. Bowden-Lewis, "the fact that [she] has been in the [news]paper consistently over the past 22 months has understandably contributed to anxiety and caused frustration," and she further stated, "I have not been the person giving information to the paper consistently for the past 22 months. I've been criticized and maligned in the papers on a regular basis. This contributes to the low morale within the Division." Ms. Bowden-Lewis further stated: "Actions like [the Commission's] rescinding [Mr. Dion's] administrative leave pending an investigation contribute to low morale. Denying funds to have an employee appreciation day also contributes to low morale." In concluding her testimony on Charge 14, Ms. Bowden-Lewis expressed the view that, even with "all of these things," recruitment continues, excellent attorneys have been hired, diversity has been increased, caseloads have decreased,

partnerships with external stakeholders have been expanded, and Division clients are "still getting the best criminal defense in the state."

(c) The Commission's findings

Charge 14 identifies several areas of significant concern that have led to low Division morale, and for which Ms. Bowden-Lewis bears responsibility. They include retaliating against Division employees who disagree with or stand up to her, and otherwise bullying, marginalizing and leveling unfounded allegations of racism against employees she disfavors; a lack of transparency, honesty and fairness in her dealings with Division members; her refusal to take responsibility for problems of her making; maintaining a closed-door policy; her unwillingness to accept the statutory authority of the Commission; her repeated allegations of discrimination and micromanagement against the Commission; and a loss of confidence in her leadership.

However, Ms. Bowden-Lewis addressed only one of these concerns in her testimony: the loss of confidence in her leadership, as reflected in the 121-9 no confidence vote by the public defender's union. However, Ms. Bowden-Lewis took no responsibility for the lack of confidence that the vote reflects; rather, she blamed the vote on the union and the Commission for misrepresenting her position on pay parity with the prosecutors. Ms. Bowden-Lewis also attributes blame to others for the three reasons she herself gives for low Division morale – negative press, the rescinding of Mr. Dion's administrative leave, and the denial of funds for an employee appreciation day.

Each of the reasons set forth in Allegation 14 for the decline in Division confidence and morale is established by the evidence, and Ms. Bowden-Lewis bears significant, if not sole, responsibility for them. Yet Ms. Bowden-Lewis accepts no responsibility for any of those reasons, or for any of the reasons that she has identified. Ms. Bowden-Lewis's complete refusal to take any responsibility for the lack of confidence in her leadership and for the

Division's serious morale issues clearly demonstrates her inability to appreciate or address those problems.

The Commission finds that the allegations of Charge 14 are substantiated.

Charge 15: Refusal to Accept Responsibility for Her Actions

(a) Allegations of Charge 15

Ms. Bowden-Lewis has compounded the seriousness of her improper conduct by consistently refusing to acknowledge the impropriety of that conduct even after being informed of its wrongfulness by the Commission. For example, Ms. Bowden-Lewis sent an email to all Division employees without the knowledge of the Commission purporting to correct the Commission's action, taken at its meeting on January 9, 2024, reaffirming Commission Policy 205. After the Chairperson learned of Ms. Bowden-Lewis's unauthorized email and admonished her for sending it, he also made it clear that she was incorrect in asserting that the Commission had not intended to reaffirm that Policy because, in fact, that is exactly what the Commission intended to do. Instead of agreeing that her conduct was improper and accepting responsibility for her actions, Ms. Bowden-Lewis defended the email she sent to Division personnel and insisted that the factual assertions contained therein, although demonstrably false, were accurate. Soon thereafter, Ms. Bowden-Lewis's attorney went even further, falsely characterizing the Chairperson's corrective memorandum as "wildly incorrect."

Another example of Ms. Bowden-Lewis's refusal to accept responsibility for her improper conduct pertains to her failure to inform the Commission of appropriations requests she made to the Governor and OPM in September 2023, despite the requirement of General Statutes § 51-291 (13) that the Chief Public Defender must provide notice to the Commission of any such request so that the Commission may, if it chooses, disapprove or modify the request. Upon learning of Ms. Bowden-Lewis's submission of the appropriations request

months later, the Commission admonished her for failing to follow the requirements of General Statutes § 51-291 (13) and directed her to comply with that mandate in the future. Ms. Bowden-Lewis was also informed that the Commission did not agree with at least one of her requests and that that request would be rescinded by the Commission. In response, instead of acknowledging the impropriety of her failure to comply with the statutory notice requirement, Ms. Bowden-Lewis explained, incorrectly, that, "[h]istorically, Chief Public Defenders in CT, submit their budget options and proposals without instruction or directives by the . . . Commission," and asked, "Is there a reason to treat me differently?" Ms. Bowden-Lewis further stated that she would be "happy to inform the Commission of future budgetary information but again, prior Chief Public Defenders in CT have not received directives on this issue. I am sure that the current Commission sees the importance of continuity and equal treatment." In fact, prior Chief Public Defenders have complied with their obligation under General Statutes § 51-291 (13) to keep the Commission apprised of proposed budgetary requests so that it may act in accordance with its statutory responsibilities. Even if that were not the case, however, Ms. Bowden-Lewis's refusal to acknowledge her obligation to do so exemplifies her unwillingness to take responsibility for her actions and to assign blame to the Commission or others for her own mistakes and improprieties.

In addition, after the Commission made it clear, in July 2023 and again in October 2023, that it expected Ms. Bowden-Lewis to honor her representation to the Commission and Mr. Lopez that she would authorize the posting of a second attorney position for the Complex Litigation Unit, Ms. Bowden-Lewis had not done so by the end of January 2024. At that time, on January 29, 2024, Mr. Lopez forwarded a letter to the Commission setting forth Ms. Bowden-Lewis's repeated and longstanding efforts to thwart his requests to obtain that additional position. In a letter hand-delivered to the Commission on February 6, 2024, Ms. Bowden-Lewis addressed the points raised by Mr. Lopez, stating that she did not believe that

a second attorney position for the Complex Litigation Unit was needed and explaining that any Division public defender can do the work of that Unit, and further, that the training department is responsible for assisting, mentoring, and training all Division attorneys. Ms. Bowden-Lewis also met with the Commission at its meeting on February 6, 2024, and attempted to justify her refusal to honor her commitment to Mr. Lopez and the Commission with similar reasoning, expressing her belief that, despite sufficient Division funds to fill the position sought by Mr. Lopez, those funds would be better spent elsewhere. As the Commission explained to Ms. Bowden-Lewis, her unwillingness to admit that she was wrong in not following through on her promise to fill the second attorney position in the Complex Litigation Unit compounded her impropriety of refusing to honor her commitment.

Ms. Bowden-Lewis also has repeatedly refused to acknowledge that Ms. Sullivan serves as Counsel to the Commission as well as Counsel to the Division. As Ms. Sullivan has told Ms. Bowden-Lewis on many occasions, she has served in that capacity since her appointment by the Commission as Legal Counsel in 1994. Further, on January 18, 2024, the Chairperson expressly informed Ms. Bowden-Lewis in writing that Ms. Sullivan "was appointed to serve as Legal Counsel to the Commission and to the Division in 1994. . . . As Ms. Bowden-Lewis knows, [Ms. Sullivan] continues to serve in that capacity and the Commission has no question about her authority to do so." Accordingly, at the request and direction of the current Commission and all prior Commissions commencing in 1994, Ms. Sullivan has provided legal assistance and support to each of those Commissions.

Nevertheless, despite the clarity of the Chairperson's representation to Ms. Bowden-Lewis that Ms. Sullivan serves as Counsel to the Commission, Ms. Bowden-Lewis continues to insist otherwise. In fact, in the Letter of Reprimand that Ms. Bowden-Lewis issued to Ms. Sullivan on February 8, 2024, Ms. Bowden-Lewis admonished Ms. Sullivan for not providing her with written proof that she serves as Counsel to the Commission. Ms. Bowden-Lewis also

claimed that Ms. Sullivan has "met with the . . . Commission to discuss matters concerning this Division and its employees to the detriment of both in clear violation of [Ms. Sullivan's] ethical responsibilities," and stated further that, "[a]s [Ms. Sullivan is] aware, matters such as these can be referred to the Office of the Chief Disciplinary Counsel for further review."

Not only is Ms. Bowden-Lewis wrong in asserting that Ms. Sullivan is not Counsel to the Commission, but Ms. Bowden-Lewis has also refused to accept the Chairperson's unequivocal contrary representation on behalf of the Commission. To make matters worse, Ms. Bowden-Lewis subjected Ms. Sullivan to discipline for doing exactly what the Commission has directed her to do. Moreover, Ms. Bowden-Lewis's assertion that Ms. Sullivan's work with the Commission has somehow been detrimental to the Division and its employees is transparently false given how exceptionally important and consequential Ms. Sullivan's work on behalf of the Division and the Commission has been. Finally, falsely accusing Ms. Sullivan of ethical violations—without a shred of evidence to support the allegation and after being told by the Commission that Ms. Sullivan has acted properly and honorably in all respects as Counsel—is, in fact, a serious violation of Ms. Bowden-Lewis's own ethical responsibilities.

Ms. Bowden-Lewis also has repeatedly continued to claim that the Commission has exceeded its authority and, in so doing, usurped the authority vested in the Chief Public Defender. Ms. Bowden-Lewis has been advised by the Commission that this accusation, which she also made against the prior Commission, is wrongheaded and untrue. Indeed, in the Letter of Reprimand issued to Ms. Bowden-Lewis by the Commission, she was told expressly that these claims are meritless, and she was directed by the Commission to recognize the "overarching statutory authority of the Commission in regard to the functions and operation of the Division." Instead of following that directive, Ms. Bowden-Lewis continued to oppose the Commission's legitimate exercise of its authority, leveling baseless

claims of overreaching against the Commission. By doing so, Ms. Bowden-Lewis sent a strong message that she has no intention of working cooperatively and constructively with the Commission.

In addition, Ms. Bowden-Lewis instructed Ms. Sullivan, in the presence of Mr. Dion, that she was not to take any action regarding the FOIA request for her calendars and that Ms. Bowden-Lewis would handle that request personally. When the Chairperson contacted Ms. Bowden-Lewis to inform her that she was impermissibly interfering with Ms. Sullivan in the performance of her duties as FOIA Officer, Ms. Bowden-Lewis falsely told the Chairperson that she had not given Ms. Sullivan any such directive. Furthermore, when the Chairperson also informed Ms. Bowden-Lewis that she could not interfere with Ms. Sullivan's requests to Mr. Dion in accordance with Ms. Sullivan's efforts to comply with FOIA requests, Ms. Bowden-Lewis opted to defy the Chairperson's directive. By falsely denying that she had prohibited Ms. Sullivan from handling the request for Ms. Bowden-Lewis's calendars and refusing to comply with the Chairperson's directive concerning Ms. Sullivan's requests of Mr. Dion, Ms. Bowden-Lewis compounded the seriousness of her original impropriety.

(b) Ms. Bowden-Lewis's testimony

In response to the allegations of Charge 15, Ms. Bowden-Lewis testified in full as follows: "Again, I am not perfect. Anything I have done to offend anyone, I apologize for. I need and I desire and deserve to be allowed the ability to make mistakes, learn from them, and correct them. I deserve a learning curve and an opportunity to fully develop and receive assistance in this position. As all of my predecessors, I should be able to work in my authority as [C]hief, which means making decisions on my own, having the flexibility to change my mind, and operating within my statutory authority unencumbered." Ms. Bowden-Lewis did not address any of the specific allegations of Charge 15.

In addition, in her closing statement at the conclusion of the Hearing on April 25, 2024, Ms. Bowden-Lewis stated in relevant part as follows: "Every decision that I have made as [C]hief has been rooted in two priorities, the clients and their families we serve and every employee within this agency. This isn't personal, this is all business. Therefore, it is inconceivable to me that anyone believes that I have made any decision within this agency with impermissible intent or with a desire to hurt, offend or marginalize. To anyone that I have hurt, offended or marginalized . . . [i]t was not my intention and I do apologize."

(c) The Commission's findings

As the allegations of Charge 15 reflect, Ms. Bowden-Lewis has rarely, if ever, taken responsibility for any of her missteps or improprieties, no matter how serious or flagrant they may have been. Instead, Ms. Bowden-Lewis has refused to acknowledge that her conduct was misguided or improper, and invariably responded to concerns about her conduct by denying any impropriety. When the Commission has expressed such concerns and undertaken corrective action, Ms. Bowden-Lewis has almost always challenged that action, frequently claiming that the Commission is treating her unfairly or discriminatorily or both.

Although Ms. Bowden-Lewis's testimony in response to Charge 15 contains some fleeting conciliatory language, her purported apology is vague and generic, and she accepts no blame or responsibility for any specific conduct, professing regret only for what she may have done that may have caused offense. Her closing statement similarly contains no true expression of remorse or acceptance of responsibility, focusing, instead, on her good faith and pure motives. In fact, neither of her statements is really an apology at all.

Ms. Bowden-Lewis has had myriad opportunities over many months to take responsibility for her improper conduct. Most recently, her testimony at the Hearing in this matter afforded her that opportunity, perhaps most significantly with respect to her mistreatment of her own Division colleagues. At no time, however, has Ms. Bowden-Lewis

seen fit to do so, presumably because she doesn't believe that she has engaged in any impropriety or wrongdoing at all.

The Commission finds that the allegations of Charge 15 are substantiated.

Charge 16: Violation of Terms and Directives of Letter of Reprimand

(a) Allegations of Charge 16

On October 3, 2023, Ms. Bowden-Lewis received a Letter of Reprimand from the Commission for her "inappropriate and unacceptable . . . conduct" as Chief Public Defender. The Letter of Reprimand, which is attached hereto, sets forth ten reasons why that sanction was necessary, as well as nine Expectations that Ms. Bowden-Lewis was directed to meet in the future discharge of her obligations and responsibilities as Chief Public Defender. The Letter of Reprimand further notified Ms. Bowden-Lewis that, "[i]f the Commission determines that you failed to comply with the provisions set forth [herein] in any respect, be advised that you subject yourself to further disciplinary action by the Commission."

Since October 3, 2023, Ms. Bowden-Lewis has failed to comply with the first five Expectations set forth in the Letter of Reprimand, as follows.

1. Ms. Bowden-Lewis has failed to comply with the Expectation that she shall, "[a]t all times and in all of [her] dealings, treat all Division employees and everyone associated with the Division honestly, transparently, and with respect." The facts demonstrating Ms. Bowden-Lewis's failure to comply with this Expectation are set forth more fully in Charges 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, and 15, above.

2. Ms. Bowden-Lewis has failed to comply with the Expectation that she shall "refrain from conduct toward any Division employee or anyone associated with the Division that is dismissive or otherwise likely to cause that person to feel marginalized and/or unworthy of his or her association with the Division." The facts demonstrating Ms. Bowden-Lewis's failure to

comply with this Expectation are set forth more fully in Charges 3, 4, 5, 6, 8, 9, 10, and 13, above.

3. Ms. Bowden-Lewis has failed to comply with the Expectation that she shall "[a]dhere to all Division policies and procedures." The facts demonstrating Ms. Bowden-Lewis's failure to comply with this Expectation are set forth more fully in Charges 3, 4, 5, 6, 8, 9, 10, 11, 12, and 13, above.

4. Ms. Bowden-Lewis has failed to comply with the Expectation that she shall "[a]cknowledge the overarching statutory authority of the Commission in regard to the functions and operation of the Division and comply with all directives and requests of the Commission." The facts demonstrating Ms. Bowden-Lewis's failure to comply with this Expectation are set forth more fully in Charges 6, 8, 9, 11, 12, and 13, above.

5. Ms. Bowden-Lewis has failed to comply with the Expectation that she shall, "[a]t all times, work cooperatively and collaboratively with the Commission in an open and truthful manner." The facts demonstrating Ms. Bowden-Lewis's failure to comply with this Expectation are set forth more fully in Charges 6, 8, 9, 11, 12, and 13, above.

Ms. Bowden-Lewis's failure to comply with the Expectations as set forth herein violates the express terms of the Letter of Reprimand and reflects Ms. Bowden-Lewis's unwillingness to follow the reasonable directives and requests of the Commission as articulated in that Letter of Reprimand. Ms. Bowden-Lewis repeated violations of those Expectations, coupled with Ms. Bowden-Lewis's insubordinate and otherwise unacceptable conduct toward the Commission, manifest a profound lack of respect for the Commission and its role in the administration of the Division.

(b) Ms. Bowden-Lewis's testimony

Ms. Bowden-Lewis explained that her response to Charge 16 is the same as her response to the previous three Charges.

(c) The Commission's findings

As reflected in the Commission's findings on the prior fourteen substantiated Charges, the evidence establishes that Ms. Bowden-Lewis has repeatedly violated the first five Expectations of the Letter of Reprimand, as follows.

The first Expectation of the Letter of Reprimand directs Ms. Bowden-Lewis to always treat everyone associated with the Division honestly, transparently, and respectfully. The following conduct by Ms. Bowden-Lewis reflects her failure to comply with one or more of the requirements of the first Expectation: (1) her mistreatment of Ms. Sullivan as found in Charge 3; (2) her mistreatment of Mr. Lopez as found in Charge 4; (3) her pattern of mistreatment of Division members as found in Charge 5; (4) her refusal to acknowledge the statutory authority and responsibilities of the Commission as found in Charge 6; (5) her dishonesty toward the Commission as found in Charge 8; (6) her insubordinate conduct toward the Commission as found in Charge 9; (7) her accessing emails of Division employees with their knowledge and without valid reason to do so as found in Charge 10; (8) her accessing emails of the Chairperson without his knowledge and without valid reason to do so as found in Charge 11; (9) her interference with the handling of FOIA requests as found in Charge 12; (10) her failure to comply with the statutory requirement concerning disclosure to the Commission of requests to the Governor for appropriations as found in Charge 13; (11) the loss of confidence in her leadership and low morale of the Division as found in Charge 14; and (12) her refusal to accept responsibility for her actions as found in Charge 15.

The second Expectation of the Letter of Reprimand directs Ms. Bowden-Lewis to refrain from conduct toward anyone associated with the Division that is dismissive or otherwise likely to cause that person to feel marginalized and/or unworthy or his or her association with the Division. The following conduct by Ms. Bowden-Lewis reflects her failure to comply with one or more of the requirements of the second Expectation: (1) her

mistreatment of Ms. Sullivan as found in Charge 3; (2) her mistreatment of Mr. Lopez as found in Charge 4; (3) her pattern of mistreatment of Division members as found in Charge 5; (4) her refusal to acknowledge the statutory authority and responsibilities of the Commission as found in Charge 6; (5) her dishonesty toward the Commission as found in Charge 8; (6) her insubordinate conduct toward the Commission as found in Charge 9; (7) her accessing emails of Division employees with their knowledge and without valid reason to do so as found in Charge 10; (8) her accessing emails of the Chairperson without his knowledge and without valid reason to do so as found in Charge 11; and (9) her failure to comply with the statutory requirement concerning disclosure to the Commission of requests to the Governor for appropriations as found in Charge 13.

The third Expectation of the Letter of Reprimand directs Ms. Bowden-Lewis to comply with all Division policies and procedures. The following conduct by Ms. Bowden-Lewis reflects her failure to comply with the requirements of the second Expectation: (1) her mistreatment of Ms. Sullivan as found in Charge 3; (2) her mistreatment of Mr. Lopez as found in Charge 4; (3) her pattern of mistreatment of Division members as found in Charge 5; (4) her refusal to acknowledge the statutory authority and responsibilities of the Commission as found in Charge 6; (5) her dishonesty toward the Commission as found in Charge 8; (6) her insubordinate conduct toward the Commission as found in Charge 9; (7) her accessing emails of Division employees with their knowledge and without valid reason to do so as found in Charge 10; (8) her accessing emails of the Chairperson without his knowledge and without valid reason to do so as found in Charge 11; (9) her interference with the handling of FOIA requests as found in Charge 12; and (10) her failure to comply with the statutory requirement concerning disclosure to the Commission of requests to the Governor for appropriations as found in Charge 13;

The fourth Expectation of the Letter of Reprimand directs Ms. Bowden-Lewis to acknowledge the Commission's overarching authority regarding the functions and operations of the Division and comply with all directives and requests of the Commission. The following conduct by Ms. Bowden-Lewis reflects her failure to comply with one or more of the requirements of the second Expectation: (1) her refusal to acknowledge the statutory authority and responsibilities of the Commission as found in Charge 6; (2) her dishonesty toward the Commission as found in Charge 8; (3) her insubordinate conduct toward the Commission as found in Charge 9; (4) her accessing emails of the Chairperson without his knowledge and without valid reason to do so as found in Charge 11; (5) her interference with the handling of FOIA requests as found in Charge 12; and (6) her failure to comply with the statutory requirement concerning disclosure to the Commission of requests to the Governor for appropriations as found in Charge 13.

The fifth Expectation of the Letter of Reprimand directs Ms. Bowden-Lewis to always work cooperatively and collaboratively with the Commission in an open and truthful manner. The following conduct by Ms. Bowden-Lewis reflects her failure to comply with one or more of the requirements of the fifth Expectation: (1) her refusal to acknowledge the statutory authority and responsibilities of the Commission as found in Charge 6; (2) her dishonesty toward the Commission as found in Charge 8; (3) her insubordinate conduct toward the Commission as found in Charge 9; (4) her accessing emails of the Chairperson without his knowledge and without valid reason to do so as found in Charge 11; (5) her interference with the handling of FOIA requests as found in Charge 12; and (6) her failure to comply with the statutory requirement concerning disclosure to the Commission of requests to the Governor for appropriations as found in Charge 13.

The Commission finds that the allegations of Charge 16 are substantiated.

The Commission's Findings on Charges 1-16. As discussed above, the Commission unanimously has found that fifteen of the sixteen Charges contained in the Notice of Charges and Hearing dated March 5, 2024, have been substantiated by substantial evidence and a preponderance of the evidence, and, further, by the higher, more demanding standard of clear and convincing evidence. The Commission did not find that Charge 7 was substantiated and therefore Charge 7 will not be considered by the Commission. Accordingly, the Commission must next determine whether, considering those substantiated Charges and findings, there is just cause for Ms. Bowden-Lewis's removal as Chief Public Defender, and that Ms. Bowden-Lewis should be removed from office.

III

JUST CAUSE

The Standard. Having unanimously concluded that fifteen of the sixteen Charges are substantiated by clear and convincing evidence, the Commission now must decide whether just cause is established to remove Ms. Bowden-Lewis as Chief Public Defender. For the following reasons, the Commission unanimously concludes that the conduct by Ms. Bowden-Lewis that forms the basis for those Charges constitutes just cause for her removal from office and that her removal is the appropriate sanction.

Just cause is not defined in General Statutes § 51-290 (d) or elsewhere in our statutes. Moreover, as our Appellate Court has observed regarding the definition of the term, "[t]he term just cause, despite its relative ubiquity [in employee disciplinary matters], does not lend itself to a single universal characterization or test. . . . A common understanding of what just cause requires in this context involves not only a determination of whether the employee committed the infraction in question, but whether the proven conduct constitutes sufficient grounds to support the discipline or discharge imposed." (Citation omitted; internal quotation marks omitted.) *Burr Road Operating Co. II, LLC v. New England Health Care Employees*

Union, District 1199, 162 Conn. App. 525, 542, 131 A.3d 1238 (2016). Courts have observed, however, that perhaps the most well-recognized and widely accepted standard for evaluating just cause is a multi-factored analysis comprised of seven factors, which frequently are enumerated as questions. See, e.g., *Bridgeport Firefighters Local 834 v. City of Bridgeport*, Docket No. FBT-CV19-6091120-S, 2023 Conn. Super. LEXIS 2210, at *14 n.2 (Super. Sept. 1, 2023); *Amaty v. International Organization of Masters*, Docket No. 3:18-cv-741 (AWT), 2020, U.S. Dist. LEXUS 104038, at *23 n.1 (D. Conn. Feb. 25, 2020). Given the extensive use and approval of this test and its evident utility as a guide for evaluating the various considerations relevant to applying the just cause standard, we will use it here.

The Test and Its Application. The test's seven questions, as articulated for purposes of determining just cause in the context of this matter, are as follows: (1) Was Ms. Bowden-Lewis forewarned of the consequences of her conduct? (2) Was the rule or order that Ms. Bowden-Lewis allegedly violated germane to the orderly, efficient, and safe operation of the Division of Public Defender Services? (3) Was the alleged rule or order violation investigated prior to the Commission taking disciplinary action? (4) Was the investigation into the alleged violation conducted fairly and objectively? (5) Is there substantial evidence or proof that Ms. Bowden-Lewis engaged in the improper conduct as alleged in the Charges brought against her? (6) Does the Commission apply its rule or penalties evenhandedly and without discrimination? (7) Is the disciplinary action taken reasonably related to (a) the seriousness of Ms. Bowden-Lewis's proven misconduct or improprieties, and (b) the record of Ms. Bowden-Lewis's employment with the Division of Public Defender Services? We address each consideration in turn.

1. Was Ms. Bowden-Lewis forewarned of the consequences of her conduct? The answer is "Yes."

Like all Division employees, Ms. Bowden-Lewis is required to read all Division policies, procedures, and rules, and, upon completing that review, sign a statement confirming that she has done so. Moreover, as the head of the Division, it is especially important for Ms. Bowden-Lewis to be familiar with all such policies, procedures, and rules since she is responsible for applying them and ensuring they are followed by Division personnel. In addition, Ms. Bowden-Lewis is required to have a working knowledge of all state statutes and regulations applicable to the Division, especially those statutes and regulations that govern the Division, the Chief Public Defender, and the Commission and which delineate the functions, responsibilities and authority of each. Moreover, many of the allegations against Ms. Bowden-Lewis involve conduct in which she continued to engage despite having been directed by the Commission to refrain from doing so. Indeed, with respect to much of the conduct that forms the basis of the Charges against Ms. Bowden-Lewis, it was not until Ms. Bowden-Lewis made it clear that she did not intend to heed the Commission's warnings and directives that the Commission proffered Charges against her.

In fact, the Letter of Reprimand that the Commission issued to Ms. Bowden-Lewis on October 3, 2023, directs her to comply with certain express Expectations "concerning the discharge of [her] obligations and responsibilities as Chief Public Defender." As discussed in Charge 16, the first five Expectations of the Letter of Reprimand are as follows: "1. At all times and in all of your dealings, treat all Division employees and everyone associated with the Division honestly, transparently and with respect; 2. To that end, refrain from conduct toward any Division employee or anyone associated with the Division that is dismissive or otherwise likely to cause that person to feel marginalized and/or unworthy of his or her association with the Division; 3. Adhere to all Division policies and procedures; 4. Acknowledge the overarching statutory authority of the Commission in regard to the functions and operation of the Division and comply with all directives and requests of the Commission;

[and] 5. At all times, work cooperatively and collaboratively with the Commission in an open and truthful manner." Ms. Bowden-Lewis largely ignored those Expectations and repeatedly engaged in conduct that they explicitly prohibited.

In addition, the Letter of Reprimand admonished Ms. Bowden-Lewis for certain specific conduct, thereby placing her on notice of its impropriety. The Letter of Reprimand also informed Ms. Bowden-Lewis of the consequences of engaging in such conduct in the future, stating, "If the Commission determines that you failed to comply with the provisions set forth in the preceding paragraphs in any respect, be advised that you subject yourself to further disciplinary action by the Commission." Notwithstanding the clarity and specificity of the notice given to Ms. Bowden-Lewis regarding the nature of the conduct that the Commission found improper and unacceptable, as set forth in the Letter of Reprimand or otherwise, Ms. Bowden-Lewis continued to engage in that conduct. The issuance of the sixteen Charges resulted from her doing so. Although Ms. Bowden-Lewis has maintained, and continues to maintain, that she engaged in no misconduct, it is abundantly clear that she was fully forewarned of the Commission's strong contrary view.

2. Was the rule or order that Ms. Bowden-Lewis allegedly violated germane to the orderly, efficient, and safe operation of the Division of Public Defender Services. The answer is "Yes."

A review of the fifteen substantiated Charges reveals that the conduct by Ms. Bowden-Lewis underlying those Charges was extremely detrimental to the fair, orderly, and efficient operation of the Division. The first four Charges pertain to Ms. Bowden-Lewis's highly improper conduct toward individual Division employees, namely, Ms. Ryan, Ms. Campbell, Ms. Sullivan, and Mr. Lopez, and the fifth Charge, Pattern of Mistreatment of Division Members, involves similar misconduct by Ms. Bowden-Lewis toward employees throughout the Division. This conduct by Ms. Bowden-Lewis adversely affected the ability of those

employees to conduct Division business and discharge their responsibilities in an efficient and productive manner. Moreover, Ms. Bowden-Lewis's serious and ongoing mistreatment of Division personnel, which was marked by her retaliation against members of the Division who crossed her or whom she perceived as disloyal in any way, created widespread fear and apprehension within the Division, which, in turn, also had a negative impact on the Division's recruitment and retention efforts.

Six of the substantiated Charges involve Ms. Bowden-Lewis's refusal to work cooperatively, honestly, and respectfully with the Commission. These are: Charge 6, Refusal to Acknowledge the Statutory Authority and Responsibilities of the Commission; Charge 8, Dishonesty Toward the Commission; Charge 9, Insubordinate Conduct Toward the Commission; Charge 11, Accessing the Emails of the Chairperson Without His Knowledge and Without Valid Reason to Do So; Charge 13, Failure to Notify Commission of Budget Requests in Violation of Statute; and Charge 16, Violation of Terms and Directives of Letter of Reprimand. The conduct that supports these Charges has resulted in such a serious breakdown of the relationship between Ms. Bowden-Lewis and the Commission that it has impaired the functioning of the Division, which is designed to operate with a Chief Public Defender and Commission who are aligned and working together to move the Division forward. Ms. Bowden-Lewis's misconduct toward the Commission has also resulted in a significant loss of confidence in her trustworthiness, truthfulness, her ability to work cooperatively with others, and her capacity to lead. Moreover, Ms. Bowden-Lewis's lack of candor with the Commission and her refusal to accept direction from the Commission have limited the Commission's ability to discharge its responsibilities in a timely and efficient manner, serving as a constant, protracted, and time-consuming distraction from the work that the Commission should be doing in the best interests of the Division and its clients.

The conduct that pertains to the remaining four substantiated Charges has been similarly harmful to the efficient and effective functioning of the Division and its employees. Charge 10, Accessing Emails of Division Employees Without Their Knowledge and Without Valid Reason to Do So, undermined trust in Ms. Bowden-Lewis and had a deleterious effect on morale, as well. The conduct that is the subject of Charge 12, Interference With the Handling of FOIA Requests, placed the Division at risk of violating the FOIA and subjecting the Division to penalties for such violations. Charge 14, Loss of Confidence in Leadership and Low Morale of the Division, identifies conduct by Ms. Bowden-Lewis's that has led to a severe decline in morale and a crisis of confidence in her leadership that is shared by many Division members. Finally, the conduct at issue in Charge 15, Refusal to Accept Responsibility for Her Actions, reflects Ms. Bowden-Lewis's unwillingness to acknowledge, learn from and correct her mistakes, and her lack of self-awareness and humility in this regard poses an insurmountable impediment to her effective leadership of the Division.

In sum, the conduct by Ms. Bowden-Lewis that is the subject of each of the substantiated Charges has had a substantial deleterious effect on the personnel and functioning of the Division.

3. Was the alleged rule or order violation investigated prior to the Commission taking disciplinary action? The answer is "Yes."

The conduct that forms the basis of each of the substantiated Charges was brought to the Commission's attention prior to the Commission's issuance of any of those Charges. In addition, Ms. Bowden-Lewis was provided notice of the Charges on March 5, 2024, and the Hearing on those Charges did not commence until April 16, 2024. Furthermore, in the Letter of Reprimand issued to her on October 3, 2023, Ms. Bowden-Lewis was directed to comply with certain explicit Expectations concerning her future conduct as Chief Public Defender, but

instead of doing so, Ms. Bowden-Lewis violated the terms and directives of the Letter of Reprimand as set forth more fully in Charge 16.

4. Was the investigation into the alleged violation conducted fairly and objectively? The answer is "Yes."

As indicated above, the Letter of Reprimand issued to Ms. Bowden-Lewis by the Commission on October 23, 2023, placed Ms. Bowden-Lewis on notice of certain Expectations that Commission had regarding her future conduct as Chief Public Defender. Following the issuance of the Letter of Reprimand, however, it came to the attention of the Commission that Ms. Bowden-Lewis was engaging in conduct that violated its express terms, as well as other improper conduct, and the Commission so informed Ms. Bowden-Lewis and directed her to refrain from that conduct. Ms. Bowden-Lewis nevertheless continued to engage in improper conduct, which escalated both in degree and frequency, and the Commission continued to direct her to refrain from doing so. It became apparent to the Commission that Ms. Bowden-Lewis did not intend to refrain from that conduct despite repeated admonitions by the Commission, and it also became apparent to the Commission that Ms. Bowden-Lewis's misconduct had and was continuing to have a serious, and increasing, adverse effect on members of the Division and on the proper and efficient functioning of the Division. Only then did the Commission compile the relevant documents and draft and issue the present Charges.

It bears noting that the evidence that supports the substantiated Charges was not the product of an investigation by the Commission in the truest sense of that word. Rather, the evidence came to the attention of the Commission during the regular course of the Commission's business, that is, in its dealings with Ms. Bowden-Lewis and other members of the Division. Thus, the evidence that forms the basis of the substantiated Charges consists, among other things, of emails, witness statements and memoranda, almost all of which are

from members of the Division and are substantially corroborated. Some of that evidence is from Ms. Bowden-Lewis herself and involves email correspondence between the Chairperson and Ms. Bowden-Lewis.

However, two of the Charges, Charge 1, involving Ms. Bowden-Lewis's mistreatment of Ms. Ryan, and Charge 2, involving Ms. Bowden-Lewis's treatment of Ms. Campbell, are based on a report and findings submitted to the Commission by an independent law firm, Shipman & Goodwin, which was engaged by the Commission to investigate claims made by Ms. Ryan and Ms. Campbell against Ms. Bowden-Lewis that the Commission itself was not in a position to investigate. A third Charge, Charge 5, involves conduct by Ms. Bowden-Lewis, namely, her mistreatment of other Division members, that also is the subject of the Shipman & Goodwin report and its findings. The only other investigation that was sought and obtained by the Commission is an investigation by a firm that conducted a forensic examination of the computers and emails that were concededly accessed by Ms. Kowalyszyn at the direction of Ms. Bowden-Lewis on February 6, 2024, and February 9, 2024. The Commission did not otherwise seek or obtain any investigation by a third party, nor did the Commission engage in any systematic search, examination, or inquiry into any aspect of the Charges that would constitute an investigation within the commonly understood definition of the term.

Finally, while Ms. Bowden-Lewis contests some of the factual allegations concerning her conduct as set forth in the various substantiated Charges, she does not dispute many of those factual allegations, contending, instead, that her conduct was proper. As both Ms. Bowden-Lewis and her attorney, Mr. Bucci, assert, Ms. Bowden-Lewis fundamentally disagrees with the Commission's view of its authority under the relevant statutes and believes that the Commission has overstepped its own authority and usurped Ms. Bowden-Lewis's authority as Chief Public Defender. Both Ms. Bowden-Lewis and Mr. Bucci further assert that

her fundamental disagreement with the Commission and her belief regarding the Commission's usurpation of her authority is at the heart of the present Charges.

In all respects, the review and compilation of the evidence that supports the various Charges was conducted by the Commission fairly and objectively.

5. Is there substantial evidence or proof that Ms. Bowden-Lewis engaged in the improper conduct that is alleged in the Charges brought against her? The answer is "Yes."

The evidence that supports each of the fifteen substantiated Charges is contained in fifteen exhibit files that correspond to each of the substantiated Charges, and those fifteen exhibit files, which are a part of the record of the Hearing and publicly available, are incorporated herein by reference. The evidence that supports each substantiated Charge, as well as Ms. Bowden-Lewis's testimony at the Hearing and the opening and closing statements of Ms. Bowden-Lewis and Mr. Bucci, are summarized in part I of this Decision. The Commission has unanimously found that the allegations of each of the substantiated Charges have been proven by substantial evidence and a preponderance of the evidence, which is the applicable standard of proof under the law. However, the Commission has further unanimously found that each of the fifteen Charges is substantiated by clear and convincing evidence, a higher or more demanding standard of proof than the preponderance of the evidence standard. In sum, the evidence or proof that supports each of the substantiated Charges is very substantial.

6. Does the Commission apply its rule or penalties evenhandedly and without discrimination? The answer is "Yes."

The Commission approaches its responsibility of deciding whether to impose discipline and, if so, the nature of that discipline, with the utmost seriousness. Because there does not appear to be any other occasion since the Commission was established in 1975 requiring consideration of the imposition of discipline against the Chief Public Defender pursuant to

General Statutes § 51-290 (d), there also does not appear to be a basis for evaluating the Commission's prior actions with respect to that provision, as the sixth consideration seems to contemplate. However, the Commission fully understands the gravity of its disciplinary responsibility under General Statutes § 51-290 (d), and fully appreciates the necessity of discharging that responsibility fairly, impartially, and equitably, without bias, prejudice or discrimination. To that end, no action the Commission has taken and no decision the Commission has made concerning Ms. Bowden-Lewis, with respect to this disciplinary matter or otherwise, has been influenced by any discriminatory reason, motive or purpose.

7. Is the disciplinary action taken reasonably related to (a) the seriousness of Ms. Bowden-Lewis's proven misconduct or improprieties, and (b) the record of Ms. Bowden-Lewis's employment with the Division? The answer is "Yes."

(a) The seriousness of Ms. Bowden-Lewis's proven conduct.

The evidence clearly and convincingly establishes that Ms. Bowden-Lewis has engaged in repeated and serious misconduct in the discharge of her duties and responsibilities as Chief Public Defender despite multiple warnings and admonitions by the Commission regarding those improprieties. Because that conduct is set forth in detail in Part II of this Decision, it need not be discussed at length here. However, each of the sixteen Charges identifies highly improper conduct by Ms. Bowden-Lewis that has had a significant adverse effect on the Division and its functioning.

For example, Ms. Bowden-Lewis's misconduct toward Division personnel, as reflected in her mistreatment of Ms. Ryan and Ms. Campbell, dates back nearly to her appointment as Chief Public Defender in mid-2022, and has persisted throughout her tenure in that position, as demonstrated by the wholly unfounded disciplinary action she took against Ms. Sullivan immediately before being placed on paid administrative leave on February 9, 2024. Moreover, Ms. Bowden-Lewis's treatment of those Division members – in one case,

intentionally making the employee's working conditions so intolerable that she would be forced to resign, and in a second, retaliating against an employee by imposing discipline based on fabricated claims – is nothing short of appalling. No less disturbing and damaging is the Division-wide climate of fear and intimidation Ms. Bowden-Lewis has created by bullying and marginalizing employees she disfavors and often raising baseless claims of racism against those who disagree with her.

In addition, Ms. Bowden-Lewis's refusal to acknowledge the statutory authority and responsibilities of the Commission, and her insubordinate and disrespectful conduct toward the Commission, have severely impaired the Commission's ability to work positively and productively with her. A constructive working relationship, including frank and open communication, between the Chief Public Defender and the Commission is necessary to ensure that the Division operates efficiently and effectively, and the breakdown of the relationship between Ms. Bowden-Lewis and the Commission – caused largely by Ms. Bowden-Lewis's refusal to accept the authority of either the prior or current Commission – has adversely effected Division morale, public confidence in the Division, and the recruitment and retention capabilities of the Division, among other things.

Further, as reflected in the Commission's findings on various Charges, Ms. Bowden-Lewis has often been dishonest with the Commission, and she has been untruthful, as well, in dealings with Division personnel. In fact, as the Commission's findings demonstrate, on several occasions, Ms. Bowden-Lewis knowingly provided false testimony or statements at the Hearing. Ms. Bowden-Lewis's dishonesty and lack of candor have resulted in a significant loss of trust in her and her leadership.

This lack of trust is but one of several reasons for the low Division morale and loss of confidence in her ability to lead. Another is her mistreatment of employees she dislikes or who question her, and her favorable treatment of those she prefers. Ms. Bowden-Lewis's

recent foray into the emails of Division employees without their knowledge and without valid cause has further reduced Division trust and confidence in Ms. Bowden-Lewis, and no doubt further lowered the morale of the Division.

The findings underlying the final two Charges, Ms. Bowden-Lewis's refusal to accept responsibility for her actions as set forth in Charge 15, and her violation of the terms and directives of the Letter of Reprimand, as explained in Charge 16, also provide compelling reason for the Commission's conclusion that Ms. Bowden-Lewis's removal as Chief Public Defender is supported by just cause. Ms. Bowden-Lewis's invariable unwillingness to acknowledge her mistakes, exercise of poor judgment, or improper conduct forecloses the possibility of her learning from those errors and improprieties. Her inability to do so is an insurmountable hurdle to fair-minded and effective leadership.

Finally, in the four months between the issuance of the Letter of Reprimand in early October 2023 and her placement on paid administrative leave in early February 2024, Ms. Bowden-Lewis repeatedly and flagrantly violated the terms and directives of the Letter of Reprimand, including its express Expectations. Her failure to comply with those directives and expectations – despite the potentially serious consequences of failing to do so, as noted in the Letter of Reprimand – is powerful evidence that Ms. Bowden-Lewis's refusal to acknowledge the impropriety of her conduct inevitably leads to more of the same misconduct - no matter how unacceptable the conduct, no matter how strongly worded the directives to refrain from the conduct, and no matter the consequences of ignoring those directives.

(b) the record of Ms. Bowden-Lewis's employment with the Division.

As a member of the Division for over twenty-five years, Ms. Bowden-Lewis's professional career has been dedicated to representing indigent criminal defendants. Prior to her appointment as Chief Public Defender in 2022, Ms. Bowden-Lewis had served as acting Public Defender, and later, Public Defender, for the Waterbury Judicial District since 2016.

During the course of her career, Ms. Bowden-Lewis represented her clients admirably, rendering exemplary service to them and to the Division. Indeed, shortly after her appointment as Chief Public Defender, the then-Chairperson of the Commission was quoted in the Republican-American as follows: "Over nearly 25 years with the [D]ivision, [Ms. Bowden-Lewis] has built an outstanding reputation as a skilled trial lawyer. She has earned the respect of clients, colleagues, judges, and juries, and has successfully led one of the [D]ivision's largest offices." The Commission acknowledges Ms. Bowden-Lewis's strong record of service and achievement as a public defender prior to her appointment as Chief Public Defender, and recognizes as well that Ms. Bowden-Lewis is entitled to substantial credit and consideration for that record in its determination of the appropriate sanction.

Conclusion. Having carefully considered all relevant factors, including Ms. Bowden-Lewis's employment history, with the Division and otherwise, prior to her appointment as Chief Public Defender; her conduct since her appointment as Chief Public Defender, including the conduct that is the subject of the Letter of Reprimand and the fifteen substantiated Charges; and Ms. Bowden-Lewis's testimony at the Hearing and the opening and closing statements of Mr. Bucci and Ms. Bowden-Lewis, the Commission unanimously concludes that there is just cause for Ms. Bowden-Lewis's removal from office as Chief Public Defender, that the appropriate sanction is removal from office, and that no lesser sanction will suffice. The Commission reaches this conclusion because it is convinced that, despite the gravity of the sanction, it is a necessary consequence of the conduct in which Ms. Bowden-Lewis has engaged since her appointment as Chief Public Defender and her demonstrated inability or unwillingness to change or modify that conduct going forward, such that the sanction of removal is required in the best interests of the Division.

At the time of Ms. Bowden-Lewis's historic appointment, all expectations were that she would successfully complete the term of her predecessor and then seek and obtain a full

four-year term of her own. Indeed, when Ms. Bowden-Lewis was named Chief Public Defender, Attorney Michael Jefferson, who is now a member of the Commission but was not then, told The Courant: "We are so proud of TaShun. She's a gem, and she's earned it. . . . The [D]ivision made a great move in putting her in that position. I can think of no one better suited for the position. She has a spectacular devotion to justice. She has a thorough understanding of the law [and] is very compassionate when it comes to her clients. . . . Her commitment to diversity, equity and inclusion is most significant in these days and time. She's just a wonderful choice. [This is] well-deserved."

Some months later, following the resignation of the prior Commission and the appointment of the current Commission, Mr. Jefferson and all the other new Commission members committed to supporting Ms. Bowden-Lewis and to doing everything they could to help her succeed. At that time, Ms. Bowden-Lewis had been Chief Public Defender for less than a year, and so the commitment of support by the Commission necessarily included the promise to afford Ms. Bowden-Lewis the time and opportunity to grow in the job.

Unfortunately, however, and to the dismay of the Commission members, it soon became apparent that Ms. Bowden-Lewis not only differed sharply with the Commission concerning its statutory authority and responsibilities, but she also refused to cooperate with or take direction from the Commission. Only several months after the current Commission was appointed, Ms. Bowden-Lewis accused the Chairperson and the Commission of micromanaging her in excess of the Commission's authority and otherwise impairing her ability to discharge her statutory responsibilities. Subsequently, on October 3, 2023, the Commission issued a Letter of Reprimand to Ms. Bowden-Lewis based on her improper conduct toward the Commission and the Division. The Commission was hopeful that Ms. Bowden-Lewis would appreciate the seriousness of the Commission's action and heed the dictates of the Letter of Reprimand.

Ms. Bowden-Lewis did not do so. On the contrary, as set forth in detail in the Charges and supporting exhibits, Ms. Bowden-Lewis has engaged in increasingly frequent and serious misconduct in defiance of the terms and directives of the Letter of Reprimand. Among other things, she has continued to mistreat Division members who she views as unsupportive or otherwise disfavors, and in so doing, perpetuated a Division-wide atmosphere of fear and intimidation; she repeatedly has been dishonest in her dealings with the Commission and members of the Division, and on multiple occasions, she has tried to deceive the Commission by going behind its back to achieve her objectives; she invariably refuses to take responsibility for her actions or admit mistakes and wrongdoing; she has secretly accessed the emails of the Chairperson and members of the Division without a legitimate basis for doing so; she has repeatedly violated the terms and directives of the Letter of Reprimand notwithstanding express notice that those violations would result in further discipline; and she refuses to take any responsibility for the serious lack of confidence in her leadership and low Division morale, and has done little or nothing to address those issues.

Insofar as Ms. Bowden-Lewis has claimed that the Commission has opposed her agenda, that claim is unfounded. The Commission's concern about Ms. Bowden-Lewis's conduct was not related to her vision for change but, rather, due to her inability, or unwillingness, to collaborate with the Commission and her ongoing mistreatment of Division personnel who did not agree with her.

As indicated previously, Ms. Bowden-Lewis's long and laudatory service as a public defender deserves considerable weight in the Commission's determination of the appropriate sanction. For whatever reason, however, the skills and capabilities that Ms. Bowden-Lewis put to such good use as an advocate for her clients have proven not to be transferable to her role as Chief Public Defender. Nevertheless, the problems necessitating today's action by the Commission were entirely avoidable and are of Ms. Bowden-Lewis's own making.

Despite having been afforded numerous chances and opportunities to acknowledge her mistakes and misconduct, to address the serious issues that have resulted therefrom, and to conduct herself differently moving forward, Ms. Bowden-Lewis has instead become more recalcitrant, insubordinate, and adversarial. Regrettably, it has become clear to the Commission that Ms. Bowden-Lewis is unable or unwilling even to acknowledge the impropriety of her conduct toward Division employees and the Commission—conduct in which she has unceasingly engaged since her appointment as Chief Public Defender two years ago—let alone correct it. Consequently, the dysfunction, disorder and distrust that have marked Ms. Bowden-Lewis's tenure as Chief Public Defender surely will persist as long as Ms. Bowden-Lewis leads the Division. Given the serious adverse consequences to the Division, its members and its mission that would result from such continued dysfunction and distrust, the Commission has no alternative but to order the removal of Ms. Bowden-Lewis as Chief Public Defender, effective immediately.

IV

Legal Issues

In his opening and closing statements at the Hearing, Mr. Bucci raised several legal claims on Ms. Bowden-Lewis's behalf. The Commission responds briefly to those claims as follows.

Due process. Mr. Bucci contends that Ms. Bowden-Lewis's constitutional due process rights have been violated because she has not been afforded "a full trial type hearing before a neutral decision maker." In Mr. Bucci's view, due process requires that, following the Hearing before the Commission, Ms. Bowden-Lewis is entitled to a trial-like hearing before a different, neutral hearing officer or body. This trial-like hearing is known as a post-termination hearing.

As a matter of constitutional law, a public employee is entitled to due process protection if she has a property right in continued employment in a particular position. See *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 538, 105 S. Ct. 1487, 84 L. Ed 2d 494 (1985). In the present case, Ms. Bowden-Lewis claims to have a due process right in her continued employment as Chief Public Defender because she was appointed to a term that does not expire until on or about October 1, 2025, and she cannot be terminated from her position unless the Commission finds just cause to do so. For present purposes, we assume that Ms. Bowden-Lewis has a property interest in her continued employment and, therefore, that she is protected by the requirements of due process.

In *Loudermill*, the United States Supreme Court held that prior to termination, an employee "is entitled to oral or written notice of the charges against him, an explanation of the employer's evidence, and an opportunity to present his side of the story." *Id.*, 546. As the court in *Loudermill* explained, "[t]o require more than this prior to termination would intrude to an unwarranted extent on the government's interest in quickly removing an unsatisfactory employee." *Id.* However, the court further explained that this type of relatively informal pretermination hearing was permissible in that case only because, under state law, the employee also had a right to a "full post-termination hearing" before an independent review board. *Id.*, 535-36, 546.

The hearing on this matter was conducted under the authority of General Statutes § 51-290 (d), which provides that the Chief Public Defender shall not be removed from office "except by order of the [C]ommission for just cause after due notice and hearing." Connecticut statutes do not provide for any additional administrative hearing following the termination of the Chief Public Defender under General Statutes § 51-290 (d). In other words, no post-termination hearing is contemplated under our statutes. Nevertheless, Mr. Bucci argues that Ms. Bowden-Lewis is entitled to such a hearing under *Loudermill*.

In *Bartlett v. Krause*, 209 Conn. 352, 551 A.2d 710 (1988), our Supreme Court addressed a procedural scenario that is identical in all material respects to the present one. *Bartlett* involved the termination of a town fire marshal who, as authorized by statute, was fired by the town board of fire commissioners after a pretermination hearing. *Id.*, 352, 354. In that case, as here, there was no statutory provision for any kind of additional, post-termination hearing. *Id.*, 374. The fire marshal brought an action in Superior Court claiming that the procedures that were followed in the pretermination hearing were inadequate to protect her due process rights in the absence of a full post-termination hearing, which, as noted, was unavailable to her under the applicable statutory scheme. The Superior Court agreed with the fire marshal regarding the inadequacy of the procedures employed at the hearing and granted her a new hearing before the board of fire commissioners. At the hearing, the court held, the fire marshal would be entitled to greater protection as required by due process, including, for example, the right to confront and cross-examine adverse witnesses relied on by the board of fire commissioners in terminating her, if they chose to do so. *Id.*, 358-60.

The board of fire commissioners appealed to the Supreme Court, which affirmed the judgment of the Superior Court. *Id.*, 352, 380-81. In doing so, the Supreme Court explained that the fire marshal was "entitled to the following procedural safeguards prior to her dismissal, some but not all of which she received. First, notification in writing of the specific grounds for the proposed dismissal. Second, the meaningful opportunity to be heard in her own defense, personally or by counsel, at a public hearing, before the [board of fire commissioners] have the power of dismissal. This meaningful opportunity includes not only the production at the public hearing, by the [board of fire commissioners], of the person or persons whose complaints form the basis of the ground or grounds in the notification of the grounds for potential dismissal, but also the opportunity to examine at that time any or all of

these complainants should the [fire marshal] decide to do so. Third, a statement, oral or in writing, of the reason or reasons upon which the [board of fire commissioners] premise termination if that is the sanction imposed." *Id.*, 380-81.

The pretermination "procedural safeguards" identified in *Bartlett* are precisely the procedural safeguards to which Ms. Bowden-Lewis was entitled in this matter, and Ms. Bowden-Lewis was fully protected by each of those safeguards at the Hearing. First, Ms. Bowden-Lewis received "written notification of the specific grounds for that proposed dismissal," that is, notice of the Charges and the evidence supporting those Charges. Second, Ms. Bowden-Lewis testified publicly, and she and Mr. Bucci each gave opening and closing statements at the Hearing, thereby satisfying her right to a "meaningful opportunity to be heard in own defense, personally or by counsel, at a public hearing." Third, the Commission informed Mr. Bucci that it would produce all the witnesses "whose complaints form the basis of the ground or grounds" for the Charges, and Mr. Bucci identified those witnesses he wished to have produced and the Commission produced them at the Hearing. Although those witnesses were present and ready to testify if called to do so by Mr. Bucci, Mr. Bucci notified the Commission that he had decided not to call any of them. Finally, this Decision explains the reasons for the action taken by the Commission, as directed by the last *Bartlett* requirement. Because Ms. Bowden-Lewis has received all the due process protections that our Supreme Court requires for the pretermination proceeding that was conducted here, Mr. Bucci's claim of a due process violation is without merit.

Mr. Bucci also has claimed that due process guarantees Ms. Bowden-Lewis the right to a "neutral impartial adjudicator," and that the Commission is not neutral and impartial. Mr. Bucci argued as follows at the Hearing on April 16, 2024, in support of this claim: "The Commission had concluded [Ms.] Bowden-Lewis had committed [ten] specific offenses for which she was given a written [Letter of R]eprimand, many of which are repeated in the new

Statement of Charges. The Commission has already decided [Ms.] Bowden-Lewis was guilty of these violations for which she was disciplined. You cannot sit impartially, now impartially, and decide once again whether she committed those violations."

Mr. Bucci's claim seems to be that because the Commission found improper certain conduct by Ms. Bowden-Lewis that occurred prior to the date of the issuance of the Letter of Reprimand on October 3, 2023, the Commission cannot fairly and neutrally determine whether similar conduct by Ms. Bowden-Lewis that occurred after October 3, 2023, that is, the conduct that is the subject of the fifteen substantiated Charges—also is improper. We see no reason to believe that the Commission is biased against Ms. Bowden-Lewis simply because the Commission, having determined that Ms. Bowden-Lewis's conduct prior to the date of the Letter of Reprimand was improper, also concludes that like conduct by Ms. Bowden-Lewis occurring after that date, as alleged in the fifteen substantiated Charges, was improper, as well. Mr. Bucci provides no support for his claim of partiality, and we know of none.

We also note that there is no basis for any claim that the Charges are unfairly predicated on conduct by Ms. Bowden-Lewis that occurred prior to the date of the Letter of Reprimand and therefore also was the subject of the Letter of Reprimand. Except for the Charges that pertain to Ms. Ryan and Ms. Campbell, namely, Charges 1, 2 and 5, none of the conduct that is the subject of the Charges occurred prior to the date of the Letter of Reprimand, and Ms. Bowden-Lewis's conduct concerning Ms. Ryan and Ms. Campbell was not the subject of the Letter of Reprimand. Consequently, none of the conduct that is the subject of the fifteen substantiated Charges was also the subject of the Letter of Reprimand, thereby ensuring that conduct that provided the factual predicate for the Letter of Reprimand does not also provide the factual predicate for any of the substantiated fifteen Charges.

Finally, although Mr. Bucci does not appear to contend more generally that the Commission cannot be impartial in this matter because the Commission proffered the Charges against Ms. Bowden-Lewis, there also is no support for any such assertion. In *Bartlett*, the court did not address the fire marshal's claim that the fire commissioners could not be fair and impartial, concluding that the claim had been waived because, as in this matter, the fire marshal had not sought to disqualify the fire commissioners. The court nevertheless explained as follows: "[W]hile an impartial decisionmaker is an essential element of due process, . . . one does not cease to be an impartial decisionmaker simply because he has made a conditional decision to terminate an employee pending further developments in an administrative process that had not then closed. . . . In addition, and importantly, administrative decisionmakers like judicial ones are entitled to a presumption of honesty and integrity." (Citations omitted; internal quotation marks omitted.) This observation by the court in *Bartlett* is no less applicable here.

For all these reasons, Ms. Bowden-Lewis's contention that she has been denied due process is without merit.

The Commission's Authority. At the hearing, Mr. Bucci defended Ms. Bowden-Lewis's oft-repeated contention that the Commission has far exceeded its authority by micromanaging her and subjecting her to "hyper scrutiny," thereby usurping her authority and depriving her of the ability to discharge her statutory responsibilities. Ms. Bowden-Lewis, as well, made those same assertions at the Hearing, claiming that her tenure as Chief Public Defender has been "plagued" by the Commission's constant intrusions into matters for which she has primary authority and responsibility. Contrary to these allegations, the Commission has discharged its oversight function well within the statutory authority vested in the Commission by the legislature.

In *State v. Wang*, 312 Conn. 222, 92 A.3d 220 (2014), our Supreme Court examined the functions and authority of the Commission in determining the responsibility of the Commission with respect to the payment of certain expert expenses on behalf of a self-represented criminal defendant. In reaching the conclusion that the Commission was obligated to make such payments, the court observed that, as General Statutes § 51-289 (g) expressly provides, "the [C]ommission shall be responsible for carrying out the purposes" of this state's public defender system. *State v. Wang*, supra, 250. The court also explained that the "primary purpose of [General Statutes § 51-296], [governing the designation of public defenders for indigent defendants] was the creation of a [P]ublic {D]efender [S]ervices [C]ommission to administer the public defender system in lieu of the judges of the Superior Court, who previously had been responsible for that function." (Internal quotation marks omitted; emphasis omitted.) *Id.* Finally, the court observed that, "by designating the [C]ommission as the agency responsible for carrying out the purposes of the chapter governing public defender services, the legislature has charged the [C]ommission with protecting the rights of indigent criminal defendants," and, therefore, "the [C]ommission is required to provide the services necessary to protect the rights of indigent defendants." *Id.*, 251.

Consistent with these responsibilities, the Commission, among other things, appoints all Division personnel, including the Chief Public Defender and the Deputy Chief Public Defender, see General Statutes §§ 51-290, 51-293; adopts rules relating to the operations of the Division, see General Statutes § 51-289; adopts rules, personnel policies and a compensation plan relating to Division employees, see General Statutes §§ 51-289, 51-291; approves all budget requests, see General Statutes § 51-291; and imposes discipline on the Chief Public Defender and the Deputy Chief Public Defender, General Statutes § 51-291.

Thus, as both Ms. Bowden-Lewis and Mr. Bucci acknowledge, the Commission has oversight authority with respect to the Division. Under General Statutes § 51-291, however, the day-to-day operations of the Division are the responsibility of the Chief Public Defender. Accordingly, the Commission ordinarily has no interest in becoming involved in daily Division operations, and the Chairperson has repeatedly so advised Ms. Bowden-Lewis.

As the Chairperson has also told Ms. Bowden-Lewis, however, given the Commission's oversight authority and its broad statutory mandate to ensure that the "purposes of the [public defender system] are carried out," the Commission has taken corrective action upon learning of conduct or decision-making by Ms. Bowden-Lewis that is manifestly improper or unreasonable. Because such conduct is antithetical to the mission, purposes and best interests of the Division, it cannot be left unaddressed and, therefore, the Commission, in the exercise of its oversight authority, is duty-bound to intervene. Indeed, it cannot reasonably be argued that, in such circumstances, the Commission has no choice but to sit idly by and do nothing while its appointee engages in improper conduct that is highly detrimental to the Division.

In his closing statement, Mr. Bucci argued that the Commission has no such overarching authority and, in its dealings with Ms. Bowden-Lewis, must instead negotiate with her to try to achieve a result that is acceptable both to the Commission and to Ms. Bowden-Lewis. Although there is nothing in the statutory scheme that requires it, that is the approach the Commission has preferred to take, and tried to take, but it has invariably proven to be unworkable because of Ms. Bowden-Lewis's unwillingness to reach an amicable resolution of any matter she believes, albeit incorrectly, falls within her exclusive authority.

Consistent with his understanding of the statutory scheme, Mr. Bucci argued that the Commission's appointment of Ms. Ryan as Human Resources Director instead of Ms. Lohr is a good example of how the Commission overstepped its authority, explaining that because

Ms. Bowden-Lewis wanted Ms. Lohr to get the position, the Commission was powerless to appoint Ms. Ryan without somehow negotiating a settlement of the matter with Bowden-Lewis. Mr. Bucci is simply wrong. While Ms. Lohr was, indeed, Ms. Bowden-Lewis's first choice, the second person interviewed by the Commission for the position, Ms. Ryan, was highly qualified for the position and, as Ms. Bowden-Lewis expressly acknowledged at the Hearing, her second choice. Contrary to Mr. Bucci's contention, the governing statutes fully authorized the Commission to select Ms. Ryan, and the Commission did not need to enter negotiations with Ms. Bowden-Lewis to break a stalemate.

In sum, given the breadth of its statutory responsibility, the Commission necessarily has had the authority to remedy serious problems arising out of Ms. Bowden-Lewis's use of poor judgment or improper conduct. Any other interpretation of the relevant statutes would lead to a truly bizarre result: Ms. Bowden-Lewis could engage in repeated and willful misconduct, to the detriment of the Division and its clients, in the discharge of her responsibilities concerning the day-to-day operations of the Division, and yet the Commission – and presumably anyone else – would be powerless to remedy that misconduct. Contrary to Mr. Bucci's claim, that cannot be, and is not, the way the statutory scheme works.

False Claims of Discrimination. In his closing statement, Mr. Bucci maintained that Commission should not consider Charge 7, Repeated Unfounded Accusations of Discrimination, Bias, and Retaliation Against the Division, or the facts underlying that Charge, because such claims are protected by law. For the reasons set forth in unsubstantiated Charge 7 and repeated here, the Commission will not substantiate or otherwise consider this Charge.

In determining whether this Charge is substantiated, the Commission has considered the fact that none of its actions with respect to Ms. Bowden-Lewis was in any way caused by or related to her race or gender and the Commission categorically rejects her contrary

allegations. Indeed, the evidence of record demonstrates that Ms. Bowden-Lewis lodged discrimination claims without a reasonable, good faith basis as a way to silence dissent and suppress disagreement.

However, the Commission must also consider the gravely serious nature of Ms. Bowden-Lewis's claim that she was subjected to discriminatory and retaliatory treatment. Because of the gravity of the claim - and because the interest in protecting the right to oppose discrimination outweighs the interest in avoiding meritless claims of discrimination - the law rightly affords broad protection to such claims, whether well founded or not. For those reasons, the Commission will not substantiate or consider the Charge that Ms. Bowden-Lewis improperly lodged complaints of discrimination without a good faith basis. To be clear, in reaching this decision, the Commission does not conclude that Ms. Bowden-Lewis's complaints were made in good faith. The Commission decides only that it will take no action against Ms. Bowden-Lewis based on this Charge.

V

ORDER

In accordance with General Statutes § 51-290 (d), and for the reasons set forth herein, Attorney TaShun Bowden-Lewis is hereby ordered removed as Chief Public Defender, effective immediately.

PUBLIC DEFENDER SERVICES COMMISSION

By: 

Hon. Richard N. Palmer, Chairperson

Michael Jefferson, Esq.

Honorable Russell Morin

Honorable Sheila M. Prats

Hon. Elliot N. Solomon

Herman Woodard, Esq.