



**State of Connecticut**  
**DIVISION OF PUBLIC DEFENDER SERVICES**

RICHARD N. PALMER, CHAIRMAN  
PUBLIC DEFENDER SERVICES COMMISSION

55 FARMINGTON AVENUE - 8<sup>TH</sup> FLOOR  
HARTFORD, CONNECTICUT 06105

October 3, 2023

Tashun Bowden-Lewis  
Chief Public Defender  
Office of Chief Public Defender  
55 Farmington Avenue, 8<sup>th</sup> Floor  
Hartford, CT 06105

**Re: Letter of Reprimand**

Dear Chief Public Defender Bowden-Lewis:

The Public Defender Services Commission (hereinafter "Commission"), in accordance with the authority vested in it by Connecticut General Statutes §§ 51-289 and 51-290 and Public Defender Services Commission Administrative Policy and Procedures Manual, Policy 209, hereby issues this letter of reprimand to you for conduct that we deem inappropriate and unacceptable for the Chief Public Defender of this State, as set forth hereinafter.

- (1) Since your appointment as Chief Public Defender you have consistently failed to acknowledge, and therefore failed meaningfully to address, the problem of low morale and dissatisfaction with your leadership within the Division of Public Defender Services (hereinafter "Division") despite substantial evidence of such low morale and dissatisfaction. Relatedly, you also have failed to acknowledge that the low morale and dissatisfaction are due, at least in part, to a reasonable perception among many members of the Division that:
  - a. Your disproportionate focus and emphasis on certain of your goals for the Division, including "rebranding" the Division and establishing an external affairs unit and a reentry unit (neither of which unit has been approved by the Commission) has interfered with and detracted from your attention to the core mission of the Division — that is, to ensure that its indigent clients are represented effectively by fully staffed and fully supported field offices around the state, and, to that end, that caseloads are reduced to the fullest extent possible given available resources — as evidenced, inter alia, by your refusal to fill seventeen vacant and fully-funded positions in fiscal year 2022-

2023, thereby resulting in the return of the funding allocated to those positions for that fiscal year;

- b. You have engaged in a practice of marginalizing members of the Division with whom you disagree or who you do not like or respect, and you have engaged in a practice of retaliating against persons who you perceive as standing up to you or who otherwise express their disagreement with you; and
  - c. You frequently talk about "collaboration," "cooperation," "communication" and "transparency" but too often you do not engage in those critically important practices, either in your dealings with the Commission or in your dealings with members of the Division.
- (2) You failed to comply with a directive by the Chairperson of the Commission (hereinafter "Chairperson") on June 26, 2023, despite agreeing to do so, that you take steps to ensure that a contract you had signed on June 20, 2023, obligating the Division to pay a non-refundable \$15,000 deposit to Holiday Hills in Prospect, Connecticut for an outing to be held there in June, 2024, not be paid until the Commission had an opportunity to consider that contract and deposit in light of the then-recent payments by the Division of more than \$30,000 in connection with a June 3, 2023 outing at Holiday Hills (attended by only one third of the employees of the Division and their families). When informed by a Division employee that a check in the amount of \$15,000 had been issued and forwarded to Holiday Hills by the state Office of the Comptroller due to your failure to take the necessary action to ensure that that deposit was not paid, the Chairperson was required to make a formal emergency request of the Office of the Comptroller that, if possible, payment of the check be stopped, which that Office succeeded in doing. Furthermore, as you well knew, the contract that you signed on June 20, 2023, on behalf of the Division was a form contract drafted by Holiday Hills that was never reviewed by Legal Counsel for the Division, as it should have been, and did not comply with state requirements for contracts to which the Division is a party.
- (3) You improperly permitted and thereafter improperly defended a personnel decision refusing to have an investigation conducted concerning the facts alleged in a formal written complaint filed by a Division employee on April 20, 2023 against another Division employee claiming a violation of Division Policy 105, which prohibits any such employee from "[m]aking derogatory comments (verbal or written), slurs or jokes about individuals on the bas[is] of . . . race, color, . . . [and] national origin." That personnel decision was improper because an investigation was clearly required to determine whether the complaint was factually substantiated and, if so, what corrective or disciplinary action was appropriate. Moreover, under the particular circumstances presented, the refusal to have the complaint investigated gives rise to a legitimate concern as to whether that decision was the product of retaliation against the complainant and/or favoritism toward the subject of the complaint. In addition, as you well knew, the complaint

and the complaint process had become public without objection from the complainant and, as a result, the improper personnel decision and the circumstances surrounding it have resulted in a loss of confidence within the Division with respect to the fairness and propriety of Division personnel decisions generally and the adjudication of personnel complaints more specifically.

- (4) On multiple occasions, you have treated persons employed by or associated with the Division, including but not limited to the Chairperson, in a disrespectful and highly antagonistic manner, among them, at a meeting with the Chairperson on August 22, 2023, and during a telephone conference with the Chairperson on September 11, 2023. Although such conduct violates Division Policy 209 and is never acceptable in the discharge of your official duties, it is especially inappropriate when, as in the instances at issue that conduct is entirely without provocation or any other arguable justification.
- (5) You have leveled written allegations of racial discrimination against you by members of the Commission based on facts that do not support those allegations. Most recently, in an email from you to the Chairperson on August 17, 2023, you raised the issue of racial discrimination by the Chairperson based on certain emails between you and the Chairperson. It is evident, however, that your contention is not substantiated by the facts. Although you subsequently have denied that you were alleging racial discrimination by the Chairperson in your August 17, 2023, email, it is readily apparent from that email's plain language that you were, in fact, making such an allegation against the Chairperson.
- (6) This is not the first time you have raised an unfounded allegation of racial discrimination against the Commission. In particular, in a letter dated March 6, 2023, from your attorney to the members of the prior Commission, you alleged that, despite having appointed you approximately nine months earlier, those prior Commission members had subsequently discriminated against you on the basis of race. A review of the relevant facts and the reasons given in that letter to substantiate your allegation reveals that the contention is not supported by those facts.
- (7) These claims involving members of the Commission reflect your propensity to resort to unfounded allegations of racial discrimination when you disagree with actions or decisions of the Commission. Moreover, these and other disputes you have had with the Commission are predicated, in large measure, on your unwillingness to accept the broad mandate of the Commission, which, by statute, is "responsible for the carrying out of the purposes" of the Division of Public Defender Services (hereinafter "Division"). In that regard, each of your claims of discrimination against members of the Commission was predicated on the contention that, during your 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 you, which, you further maintained, was "unwarranted," "unjustified" and "unprecedented" and has

"undermine[d]" and "hamstr[u]ng" your 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.

- (8) Furthermore, you knew or should have known that those allegations of discrimination were subject to public disclosure and that they inevitably would result in a loss of public confidence in the Commission and in the Chief Public Defender and, as well, in the ability of the Commission and the Chief Public Defender to work together, cooperatively, in the best interests of the Division and its clients.
- (9) With respect to your allegation of discrimination concerning the Chairperson on August 17, 2023, at a subsequent in-person meeting with the Chairperson on August 22, 2023, you repeatedly represented to the Chairperson, falsely, that you were not accusing him of discrimination in your email of August 17, 2023, providing an explanation in support of your denial that was manifestly lacking in credibility. This untruthful denial reflects poorly on your honesty and candor and gives rise to a loss of confidence in and respect for you as Chief Public Defender.
- (10) In addition to adversely affecting morale and job satisfaction within the Division, all of the foregoing matters together have adversely affected the ability of the Division to recruit and retain personnel necessary for the operation of the Division.

In order to rectify the foregoing, you are to comply with the following Expectations concerning the discharge of your obligations and responsibilities as Chief Public Defender.

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.
5. At all times, work cooperatively and collaboratively with the Commission in an open and truthful manner.

6. Submit all proposed consequential discretionary expenditures to the Chairman for review and approval.
7. Comply with all contract procedures currently in place and process them through the Legal Counsel Unit.
8. Make all reasonable efforts to fill vacancies in the Division in the interest of supporting the field offices and reducing the caseloads of those offices.
9. Immediately take all steps necessary to ensure that public defenders achieve pay parity with prosecutors without delay and keep the Commission informed of all such steps taken to that end by you and your Office.

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.

**PUBLIC DEFENDER SERVICES COMMISSION**