

From: "Morelli,Scott"
Subject: RE: EXTERNAL: Tawny Alvarez' report
Date: February 10, 2022 at 2:53:31 PM EST
To: 'HALSEY FRANK'

See attached, along with our statement below:

At the October 12, 2021 City Council meeting, resident Brooke Bolduc made allegations that a City Councilor (Katelyn Bruzgo) had abused her power when her spouse went to the South Portland Police Department to complain about postings on social media that resulted in a protection from harassment notice being issued by the department to the resident's roommate, Sarah Williams, and to another individual, Mylo Nonni. The complainant also insinuated that the Councilor's involvement in the cease harassment notices was racially motivated.

Maine's protection from harassment law is designed to protect individuals and/or their children and businesses from harassment by an individual through, initially, issuance of a cease harassment notice by the local police department or county sheriff's office. These notices serve as a warning to not engage in harassing conduct, as defined in the law, and are valid for one year.

Given the seriousness of these allegations, Councilors asked that the matter be looked into further. An outside attorney who specializes in employment law and who has conducted workplace investigations was engaged to conduct an independent investigation of the matter. Recently, the investigator's report was provided to the City Council. The take-aways from this report are as follows:

- Councilor Bruzgo did not abuse any power or authority she had/has as a City Councilor when her wife went to the police about the social media activity she believed to be harassing and requested that the South Portland Police Department issue protection from harassment notices to the two individuals involved in the social media posts. (Individuals (and their spouses) who serve on the City Council do not lose their rights as private citizens to avail themselves of help from the police when they believe necessary.)
- The investigator found no clear evidence that racial bias was a factor when Councilor Bruzgo's spouse requested – and the South Portland Police Department issued – the protection from harassment notice to Sarah Williams.
- The issuance of the protection from harassment notice to Sarah Williams likely did not meet the standard in the law to justify doing so, as her social media behavior involved the sharing of another person's social media posts (protected activity under a federal statute known as the Communications Decency Act) and a handful of original social posts that did not rise to the level of harassment.

Last fall's citizen complaint also triggered an internal review of the matter by Interim Police Chief James DiGianvittorio. Chief DiGianvittorio has determined that the protection from harassment notice should be revoked and an apology issued to Sarah Williams. This was done on January 11th. It is important to note that a protection from harassment notice is not a civil or criminal charge, citation, or fine. It is a warning to cease certain behavior or else further proceedings may ensue. (To be clear, Sarah Williams was never charged with or cited for a crime or civil violation.) That said, the South Portland Police Department takes seriously its authority to issue such notices and the importance of issuing them only when legally justified. While Maine police officers receive training on issuance of such notices when they train at the Maine Criminal Justice Academy, Chief DiGianvittorio instituted some refreshers on the same and reminders to South Portland police officers about the complexities of incidents involving social media posts.

Scott Morelli, CMM, ICMA-CM
City Manager | City of South Portland

-----Original Message-----

From: HALSEY FRANK

Sent: Thursday, February 10, 2022 2:39 PM

To: Morelli, Scott

Subject: EXTERNAL: Tawny Alvarez' report

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Scott

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Halsey Frank

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