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Commissioners-

On September 2nd, 2020 a statement was read at the Board of Commissioners meeting which declared, in part: "The People of Grand Traverse County expect and deserve a culture of transparency, accountability, and good stewardship of taxpayer dollars. As county elected leaders, we must face the larger problems [the Todd Ritter] case has uncovered, seek real solutions and push for Best Practices. By bringing these questions forward, we hope to learn what changes in policy the Sheriff has or will implement to ensure that this abuse of power never happens again."

From my perspective as a lifelong resident of the county, a taxpayer, a county employee, and an assistant prosecutor, this is a sound statement of policy and I agree with your goals of engendering transparency, accountability, and stewardship. There are critical considerations that I must urge you to keep in mind as you go about this task, however. These are: first, that every person accused of a crime is presumed to be innocent. This is a constitutional right that we all enjoy and it is a bedrock of our justice system.

Comments from public figures which presume guilt such as seeking answers "to ensure that this abuse of power never happens again" can hamper a person's ability to get a fair trial. Regardless of your feelings on the matter, our justice system depends on that ability.

The second consideration, while related to the first, also carries its own importance; when discussing this matter please take care that the facts you are putting forth are correct. For instance, there is not and has not been an allegation that Mr. Ritter had a sexual relationship or sexual contact with an "inmate." There was information provided of preferential treatment of certain inmates, but no indication of sexual contact with persons incarcerated in the jail. The allegations related to sexual encounters have been related to individuals who were on probation or had previously been on probation in Grand Traverse or other counties. A person ceases to be an "inmate" once they have been released from custody.

Being precise about facts and being clear that, while abhorrent and concerning, these matters remain allegations is important not only for the presumption of innocence to be meaningful, but it is also important for the reputation of the county and in case any future lawsuit were to arise from this matter. As far as the reputation of the county and its officials, people should be provided accurate facts so that



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they can base their assessments and judgments in correct information. As far as lawsuits, I should be clear that there has not been a lawsuit filed and I have no information of anything in progress.

Please do not let this letter deter you from performing your duties in budget oversight. Please do, however, use it as my request that you perform your duties with respect to the presumption of innocence and, when discussing factual allegations, to take care to be accurate about those facts. If you have questions about the factual allegations or this memorandum, please feel free to contact me.



Christopher D. Tholen
Deputy Civil Counsel