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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 24-H 7890, RELATING TO ACTIONS BY AND AGAINST TOWNS March 28, 2024

The ACLU of Rhode Island strongly supports this legislation, which would require cities and towns to disclose basic information on their website about litigation in which they are involved. This modest mandate would have a major impact in promoting transparency and accountability in municipal government.

Too often, residents, and sometimes the ACLU on behalf of those residents, are forced to sue their cities and town for clear violations of their civil rights. In many instances, a successful lawsuit means that, in addition to any monetary damages that must be paid out to compensate victims for violations of their rights, the municipality must pay the plaintiff's attorney fees. Whether it is damages or attorneys' fees or the costs expended by the municipality in defending itself, it is almost always the taxpayer who foots the bill for the municipality's wrongdoing. The public has a right to know how much of their tax money is being spent in the name of violating their rights. While the information required by this bill is a matter of public record if sought, it is not readily available in one location. It is therefore difficult to grasp how much taxpayer money is being spent by municipal officials in (often unsuccessfully) defending claims against them.

Requiring the collection and display of this information can also be helpful to the municipalities themselves. We recently had dealings with one town where we wanted to find out the legal costs the school committee had incurred in defending what we believed was a frivolous lawsuit. We were surprised to learn that the municipality was unable to offer us that information because the solicitors they used provided them no breakdown whatsoever of the amount of time, and therefore money, spent working on any specific legal matter. Instead, the law firm billed the district every month only "by general topical areas; e.g., 'Labor,' 'Education,' 'Grievances,' and 'Negotiations.'" As a result, neither the school committee nor the public could even guess as to how much tax money was being spent on any particular case, much less the reasonableness of that amount.

Having the municipality's website collect all this information in one place will promote transparency and accountability, and in doing so, also promote better financial stewardship. The public should know, when it comes to municipal litigation, whether their taxes are being spent in a prudent manner.

Thank you for considering our views.