

Ethics Training and Advisory Board

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Ethics Advisory Opinion #012021

Request Regarding Ethical Actions of Former Langley Mayor Tim Callison

Introduction

On May 21, 2021 Langley citizen, Rose Hughes, requested an advisory opinion from the Langley Ethics Training and Advisory Board regarding former Mayor Tim Callison's purchase and installation of an Amazon Ring Doorbell at the main entrance to Langley City Hall. Purchased initially on March 16, 2020, the Ring Doorbell was installed at the outset of the Covid 19 pandemic and the government shutdown to, reportedly, monitor the flow of supplies and functions at City Hall.

Hughes' request outlines specific concerns related to an alleged lack of transparency, the surveillance nature of the device, and proper management and storage of data. The request singles out the apparent fact that the mayor originally purchased the device with his personal Amazon account. As of May 8, 2021, city hall discontinued use of the device. However, the police department is currently considering reinstalling the Ring Doorbell at the back entrance of the building.

Regarding this advisory, former Mayor Callison; complainant Rose Hughes; Clerk/Finance Director Monica Felici; Mayor Chaplin, and Police Chief Don Lauer were consulted in the matter.

Focus of Opinion

The focus of this advisory opinion considers the following City Values and Principles of Conduct:

Values

1. Transparency – In pursuit of transparency we adhere to clear, accurate, honest, and open communication principles. All opinions, views and responses are treated with a level of sensitivity that assures both openness and a responsible level of confidentiality

Principles of Conduct

1. 1.25.050 (B)
The advisory request suggests that the implementation of the Ring Doorbell poses a possible violation of section 1.25.050 (B). Ms. Hughes argues that the surveillance data collected by the

Ring Doorbell (video and audio files) was not or could not be handled with care or sensitivity. The advisory request references multiple people having access to the Ring Doorbell data and possibly even those not working with the city but linked to the mayor's personal Amazon account. Ms. Hughes emphasizes the privacy concerns in the absence of a discernable security risk.

2. 1.25.050 (D)

The advisory request suggests the purchase of the Ring Doorbell was a misuse of public funds and accordingly a violation of the city's code of ethics. Ms. Hughes questions the necessity of the doorbell citing that a payphone had been installed for those seeking entrance into city hall. She also challenges the added cost during a time when the Mayor requested staff to avoid all unnecessary expenses. Ms. Hughes notes that at least three staff members voiced opposition to the installation of the Ring Doorbell.

Opinion

1. 1.25.050 (B)

If the information reviewed regarding the application and use of the Ring Doorbell is truthful and accurate, it is the opinion of the Langley Ethics Training and Advisory Board that no ethical misconduct occurred. For an ethical violation to have occurred under 1.25.050 (B) Mayor Callison would have needed to use the information acquired through the Ring Doorbell for personal or financial benefit. From the information available to the board, there is no evidence that anything of that nature occurred. Former Mayor Callison stated in his response that the Ring Doorbell was not associated with his personal account but transferred to his city email and an iPad left at city hall. Rose Hughes contradicts the Mayor's account that his personal devices were not linked to the Ring Doorbell. However, the ethics board has no means to resolve these conflicting accounts.

A second purported violation of 1.25.050 (B) would need to include the sharing or mismanagement of confidential information or a refusal to disclose public records. The data recorded from the Ring Doorbell becomes public record and accordingly, is not confidential. There is no identifiable evidence that confidential information was shared or that the city refused public record request. From the information at hand, there were no requests submitted for Ring Doorbell records and no records were ever shared. According to former Mayor Callison, records obtained from the Ring Doorbell are stored for 60 days on the device and then transferred to the City Server and retained for another 60 days. The decision to retain these records for 60 days exceeds the recommendation made by the state, which is to retain records for 30 days. In summation, at this time and to the best of our understanding, there was no ethical violation related to collecting and handling data obtained from the Ring Doorbell.

2. 1.25.050 (D)

The city's code of ethics requires city representatives to "recognize their responsibility to conserve and or judiciously deploy public resources..." and prohibits the use of city funds for personal gain. For an ethical violation to occur in this instance, former Mayor Callison had to recklessly spend city funds and or experience personal gain from the transaction. At this point, there is no evidence to support personal gain. The Langley City Council's approval of reimbursement challenges accusations of reckless or irresponsible spending. A "Claim for Expenses" form from April 10, 2020, indicates the Mayor filed for reimbursement for the cost of the Ring Doorbell, listed at \$183.70. City council then approved the expense during the council meeting on April 20, 2020. The Ethics Board did receive hearsay information regarding verbal

challenges to installing a Ring Doorbell, but again this is challenged by the council's approval of funds and the instituted Emergency Order. On March 16, 2020, an emergency order granted the mayor executive powers to use funds without council approval.

The ethics board does recognize a deficit in transparency. The board reviewed various city council meeting minutes and audio recordings and found no description of the device or planned application. However, given these details, the Langley Ethics Board finds a lack of qualifying actions to constitute ethical misconduct.

Advice

The Amazon Ring Doorbell was installed to assist the functionality of city hall during the pandemic and serve as a security tool. However, in response, legitimate privacy concerns were raised by a Langley citizen. Ultimately though, the tension between privacy and advances in technology is a matter of public policy more than a question of ethics. City hall should be thoughtful of perceptions and potential privacy issues introduced by tools like Ring Doorbell. To mitigate potential perceptions of misuse, further use of devices like the Ring Doorbell should be more visible to the public. For example, the city can include a posting outside, near the installation, stating the use of the device and the recording of video and audio (if features are activated).

Regarding public records concerns, it is our recommendation that the city establish a clear policy for any future device's parameters, the scope of usage, a description of clear intent of use, and plans for storing data. We think doing so would further address citizen concerns, encourage transparency, and protect the city against possible violations of public record laws.

Respectfully Submitted,
Ethics Training and Advisory Board
Date