

Bipartisan Committee of Review

MEETING MINUTES

Wednesday, September 19, 2007

1:00 PM IN Room 1A of the LOB

The meeting was called to order at 1:08 p.m. by Chairman, Sen. Looney M. S11.

The following committee members were present:

Senators: DeFronzo D. S06; Guglielmo A. S35; Looney M. S11; Nickerson W. S36; Roraback A. S30; Stillman A. S20

Approval of the Minutes from Thursday, September 6, 2007, Committee Meeting.

A motion was made by Senator Nickerson and seconded by Senator Guglielmo to approve the September 6 committee meeting minutes. Senator Roraback asked if it was appropriate to ask staff to comment on a request made at the September 6 meeting for a letter seeking a copy of a letter believed to have been sent by Attorney Raabe to Police Chief O'Leary. Senator Looney stated that it was an appropriate time. Staff reported that the CTN tape did not include a reference by Senator DeLuca to a letter from Attorney Raabe to Chief O'Leary, but rather a letter from Attorney Raabe to Attorney Kevin O'Connor.

Following the discussion, the motion to approve the minutes was unanimously approved on a voice vote.

U.S. Attorney's Response to Committee's Letter

Senator Looney indicated that U.S. Attorney O'Connor responded to the committee's request for information. Attorney O'Connor stated that the information the committee is seeking is protected under the federal privacy act and cannot be released without consent from Senator DeLuca and Chief O'Leary.

Senator Guglielmo made a motion, seconded by Senator Stillman, for the committee to send Senator DeLuca and Chief O'Leary a letter requesting their consent. During a discussion of the motion, the committee agreed that the letters should be sent by September 20th with a request for responses by Tuesday, September 25th. The motion was amended to reflect the discussion. The motion, as amended, was unanimously approved on a voice vote.

Staff Presentation of Disciplinary Precedents

Brad Towson summarized federal precedents, Sandra Norman-Eady summarized state precedents, and Chris Reinhart summarized state standards for imposing discipline in

the states that have had disciplinary actions in recent years and that articulate standards in their rules.

Committee members made additional requests of staff regarding precedents. Specifically, staff was asked to:

1. search for additional state precedents
2. expound on the facts giving rise to disciplinary action such as whether the conduct was criminal
3. determine (a) if the criminal conduct was classified as a felony or misdemeanor, (b) if the legislature investigated actions that were not prosecuted, and (c) at what stage of the criminal process the investigation began
4. identify cases where the committee of review recommended a final action that was not adopted
5. show the vote tally for committee recommendations and each chamber's final action

Senator Looney stated that the committee also intended to formally invite Senator DeLuca to address the committee pursuant to the resolution. The committee wants to first gather all the information it can before giving Senator DeLuca a specific date to appear.

The next meeting is scheduled for 2:30 p.m., Thursday, October 4, 2007.

The meeting was adjourned at 3:30 p.m.

Sandra Forte', Clerk