

SENATE

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Senator Andrea L. Stillman

BIPARTISAN COMMITTEE OF REVIEW

October 31, 2007

Colleen Murphy, Executive Director and Legal Counsel
Freedom of Information Commission
18-20 Trinity Street
Hartford, Connecticut 06106

Dear Attorney Murphy:

We are writing as the co-chairmen of the Senate Bipartisan Committee of Review created pursuant to Senate Resolution 200 to review the conduct of state Senator Louis C. DeLuca. We are requesting your guidance on a time sensitive matter that has arisen regarding the interpretation and application of the Freedom of Information Act.

As part of our charge to review all publicly available information pertaining to the events leading up to Senator DeLuca's guilty plea on the misdemeanor charge of conspiracy to commit threatening, we requested that Waterbury Police Chief Neil O'Leary provide the committee with any information in police department files bearing on the relationship between Casey Reilly Colella and her husband, Mark Colella. The chief's response included a letter from Attorney Janis Small of the Office of Corporation Counsel for the City of Waterbury. The letter indicated that documents pertaining to an investigation conducted by the department after the receipt of an anonymous complaint fell within the scope of the committee's request, but would not be disclosed. According to the letter, the allegations in the complaint were unsubstantiated, and therefore, the police report was exempt from disclosure pursuant to sections 1-210(b)(3)(G) and 1-216 of the Connecticut General Statutes. In closing the letter stated that "[t]hese records are not publicly available and **cannot** be disclosed in accordance with state law." (emphasis added) (See enclosed letter dated September 5, 2007.)

Subsequently, on October 18, 2007, an article appeared in the Waterbury Republican American newspaper which stated that Chief O'Leary had released documents related to the subject investigation. The article purported to quote extensively from a sworn statement contained in the investigation file. (Please see enclosed article.) Following the publication of this article and at the direction of the co-chairs, a committee staff member, Attorney Sandra Norman-Eady, contacted the Waterbury Police Department to ask if the sworn statement quoted in the paper was now publicly available in light of its release to the press and if so, that the department please provide the committee with a copy of said statement.

On October 30, 2007, we received a submission from Attorney Gary S. Roosa, legal advisor to the Waterbury Police Department. The submission consisted of a redacted copy of the investigation file and a cover letter. The letter indicated that the documents were initially withheld because they included unfounded allegations, but were now being provided with the understanding that they would not be subject to further disclosure by the committee. No such understanding was ever conveyed or agreed to by this committee or its staff. Indeed, Paragraph 5 of the committee's Rules of Procedure provide that "if information is offered to the Committee on a confidential basis, the Committee shall determine whether and how to receive and maintain such information." We have been clear from the beginning that all public documents gathered by this committee will be made available to the public. Because of this, no senator or staff has reviewed the redacted documents provided. A copy of the cover letter and the documents submitted by Attorney Roosa are enclosed for your in camera review.

Given these facts, we have a number of questions which we would like answered in order to determine how to appropriately handle the documents in question:

1. Given that the police have provided these documents to the committee, can the police lawfully impose conditions on their disclosure?
2. If so, what conditions may the police lawfully impose on the committee?
3. Would the committee be acting in violation of the law if it chose to disclose this information to the public?

We would greatly appreciate it if you could answer these questions before 1:00 p.m. on Thursday, November 1, 2007, the time and date of our next meeting. Send the answers to:

Sandra Norman-Eady
Office of Legislative Research
Room 5300
Legislative Office Building
Hartford, CT 06106

If your answers are available in electronic form, please email them to Sandra.Norman-Eady@cga.ct.gov.

Sincerely,

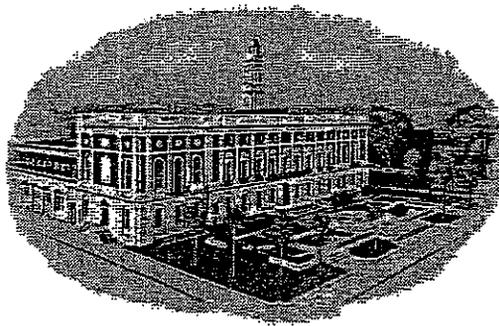

Martin M. Looney
Co-chair


Senator Andrew W. Roraback
Co-chair

cc: Senator DeFronzo
Senator Guglielmo
Senator Nickerson

Senator Stillman
Attorney Craig Raabe
Attorney Gary Roosa

CRAIG A. SULLIVAN
CORPORATION COUNSEL



PAULA N. ANTHONY
ACTING ASSISTANT CORPORATION COUNSEL

OFFICE OF THE CORPORATION COUNSEL
THE CITY OF WATERBURY
CONNECTICUT

Attorney Sandra Norman-Eady
Office of Legislative Research
Room 5300
Legislative Office Building
Hartford, CT 06106-1591

September 5, 2007

Re: Document Request dated August 29, 2007

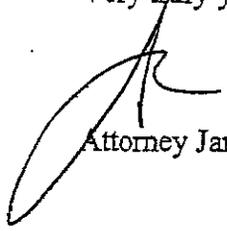
Dear Attorney Norman-Eady:

By separate letter, Chief O'Leary is responding to your request for all publicly available information regarding the events leading up to Senator DeLuca's guilty plea on the misdemeanor charge of conspiracy to commit threatening in the second degree. This request was made pursuant to Senate Resolution No. 200.

In addition to the Chief's response, please be advised that, subsequent to the date Senator DeLuca plead guilty, upon anonymous complaint, an investigation was commenced and completed. The allegations which were investigated were found to be unsubstantiated. The Police Report regarding this investigation is, therefore, exempt from disclosure pursuant to Connecticut General Statutes Section 1-210(b)(3)(G), uncorroborated allegations subject to destruction pursuant to Section 1-216 of the General Statutes.

These records are not publicly available and cannot be disclosed in accordance with state law. If you need to discuss this further, please do not hesitate to contact me.

Very truly yours,



Attorney Janis M. Small

O'Leary returns DeLuca's serve

City's chief challenges senator's honesty

BY BEN CONERY
REPUBLICAN-AMERICAN

WATERBURY — The disagreement between Sen. Louis C. DeLuca and Police Superintendent Neil O'Leary continues to percolate.

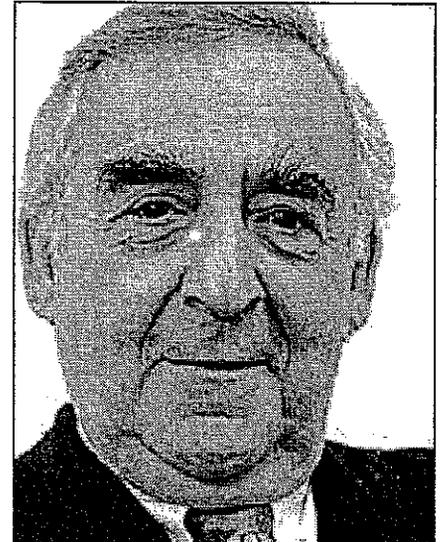
On Wednesday, two days after DeLuca blamed O'Leary for the senator's decision to turn to the mob for help with a granddaughter who was being abused, it was O'Leary who went on the offensive.

O'Leary said he was one of three hosts for a political fundraiser for DeLuca more than a year after DeLuca enlisted a Danbury trash hauler with reputed mob ties to send someone to rough up the granddaughter's husband.

DeLuca said he made that decision to seek help from some



O'Leary



DeLuca

See **DELUCA**, Page 2B

DELUCA: O'Leary disagreement continues

Continued from 1B

tough guys in 2005 because O'Leary said Waterbury police could do nothing unless DeLuca's granddaughter filed a formal complaint.

O'Leary denies DeLuca's account. He said DeLuca never mentioned anything about his granddaughter being the victim of domestic violence.

If DeLuca is telling the truth, O'Leary said he finds it hard to believe DeLuca's political camp would have asked O'Leary to lend his name to a fundraiser more than a year later.

"If he had such utter disdain for me, why did he do that?" O'Leary said. "I think that in itself says an awful lot about Sen. Louis C. DeLuca."

O'Leary said the fundraiser

netted more than \$10,000 and DeLuca sent him a thank-you note. "He had no problem taking that money from the guy that wouldn't help him," O'Leary said.

DeLuca's lawyer said his client was never angry with O'Leary until this summer — after DeLuca pleaded guilty to a misdemeanor threatening charge for asking Galante to send someone after his granddaughter's husband.

"Sen DeLuca's relationship with Chief O'Leary didn't become strained until Chief O'Leary denied that Sen. DeLuca had told him of the physical abuse and denied that he sought the chief's assistance."

Also Wednesday, O'Leary released documents related to a Waterbury police investiga-

tion into whether DeLuca's granddaughter had been physically abused. The investigation began a week after DeLuca pleaded guilty because, O'Leary said, police received a detailed anonymous letter stating DeLuca's granddaughter had been physically abused.

The investigation didn't turn up anything.

In a sworn statement to police, DeLuca's granddaughter, Casey Reilly, said her husband never abused her.

"There has never been a time when (he) hit me, pushed me or even threatened to hit me," Reilly's statement read. "If (he) ever hit me, or let alone push me, I would call the police because I would never put up with that kind of treatment toward me or my kids." She and her husband

have two children.

DeLuca has acknowledged his granddaughter has denied the abuse, which he said is common among battered women. He said that Reilly has at other times admitted the abuse to him and other family members and friends.

O'Leary said he released the information Wednesday in response to DeLuca's testimony two days earlier before a legislative panel considering whether DeLuca should be disciplined.

He said DeLuca's testimony was untrue and believed the Waterbury Police Department was maligned.

He would have liked to testify in front of the legislative panel but under the committee's rules, it is unlikely that he will be invited.



DEPARTMENT OF POLICE SERVICE

255 East Main Street
Waterbury, Connecticut 06702



Neil M. O'Leary
Chief of Police



James F. Nardozzi, PhD.
Deputy Chief of Police
James Egan
Deputy Chief of Police

October 30, 2007

Atty. Sandra Norman-Eady
~~Senate-Bipartisan Committee Of Review~~
Legislative Office Building
Hartford, Connecticut 06106-1591

Re: SENATE RESOLUTION 200 - RESOLUTION APPOINTING A COMMITTEE OF REVIEW TO MAKE A RECOMMENDATION TO THE SENATE CONCERNING SENATOR LOUIS C. DELUCA

Dear Atty. Norman-Eady,

Pursuant to your request, enclosed please find the oath and affidavit of Chief Neil M. O'Leary swearing to the truthfulness of the representations made by him in his correspondence dated September 4, 2007.

Also enclosed please find a redacted copy of the investigation by this Department of an anonymous letter alleging physical abuse of Casey Colella. This report was originally withheld due to our concerns of public disclosure of an unfounded allegation. However, I have been assured by you that the report, as well as this cover letter will not be subject to secondary disclosure. If I am incorrect in this understanding, then these documents should not be disclosed by you.

Very truly yours,

Gary S. Roosa, Legal Advisor

To Protect and To Serve