85-1

STATE OF CONNECTICUT
STATE ETHICS COMMISSION

PRESS RELEASE

On May 1, 1985, the Ethics Commission Investigator filed a complaint (Docket No. 85-1) against State Police Lieutenant Douglas Hanahan. The Complaint alleged that Lt. Hanahan had violated a provision of the Code of Ethics for Public Officials, subsection 1-84(c), which, in pertinent part, prohibits a State employee from using his public position, or confidential information gained in State service, for personal financial benefit. Specifically, the Complaint alleged that, in connection with co-authoring a proposed book on crime avoidance techniques, Lt. Hanahan had improperly: (1) used his public position to promote and publicize the book; (2) used confidential information received through State service in furtherance of the book; and (3) disclosed to co-author Robin Moore confidential information received through State service, to be used in furtherance of the book.

On September 9, 1985, the Ethics Commission conducted a probable cause hearing on the Complaint. At the close of the Hearing the Commission determined that there was probable cause to believe that Lt. Hanahan had improperly used his public position to promote the book, as alleged, but that there was not probable cause to believe that Lt. Hanahan had used or disclosed confidential information, as alleged.

As provided for in the Uniform Administrative Procedure Act, and consistent with Ethics Commission policy, the Commission directed its attorneys to attempt to negotiate a settlement of the case. As a result, a stipulation and order was agreed upon and signed by Lt. Hanahan on December 18, 1985 and by Commission Chairperson Julie Peck on January 6, 1986. This Agreement concludes the Ethics Commission's investigation into the matter. A copy of the Stipulation and Order is attached.

FOR FURTHER INFORMATION CALL:

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or
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STATE OF CONNECTICUT
STATE ETHICS COMMISSION

DOCKET NUMBER 85-1	)	STATE ETHICS COMMISSION
IN THE MATTER OF A	)	97 ELM STREET (REAR)
COMPLAINT AGAINST	)	HARTFORD, CONN. 06106
LT. DOUGLAS HANAHAN	)	DECEMBER 5, 1985

STIPULATION AND ORDER

1. The Respondent, Lt. Douglas Hanahan admits the violation of Chapter 10, Part 1, General Statutes, for which the State Ethics Commission found probable cause at a hearing of September 9, 1985, as per the attached MORE SPECIFIC STATEMENT, but denies intentional or wilful violation. Further, the Respondent states that he believes the violation to have been technical in nature, and acknowledges that the proposed book in question contains no confidential information regarding State Police case histories of sexual assaults, but rather includes only fictionalized composites based on the Respondent's twenty years of State Police experience.

2. The Commission finds the violation not to have been intentional or wilful, but that the Respondent was negligent in observing the requirements of subsection 1-84(c) of the Code of Ethics for Public Officials, Chapter 10, Part 1, General Statutes.

3. The Respondent waives any rights he may have under section 1-82, General Statutes, to a further hearing in this case, and agrees with the State Ethics Commission to an informal disposition of this matter as permitted by subsection 4-177(d), General Statutes.

WHEREFORE, the State Ethics Commission enters, and Lt. Douglas Hanahan agrees to, this order: In lieu of any other action it is authorized to take with respect to this matter, the Commission orders the Respondent to henceforth comply with the requirements of subsection 1-84(c), General Statutes that "No...State employee shall use his public...position or any confidential information received through his holding such public...position to obtain financial gain for himself". Under

the terms of this order and subsection 1-84(c), General Statutes the Respondent may, in promoting his proposed book, identify himself as a State Police Lieutenant.

Douglas H. Hamilton
Respondent

12-18-85
Dated

By Order of the Commission

Julie Peck
Commissioner, State Ethics Commission

1-6-86
Dated

DOCKET NUMBER 85-1	)	STATE ETHICS COMMISSION
IN THE MATTER OF A	)	97 ELM STREET (REAR)
COMPLAINT AGAINST	)	HARTFORD, CONN. 06106
LT. DOUGLAS HANAHAN	)	SEPTEMBER 3, 1985

The following "MORE SPECIFIC STATEMENT" is offered: (1) in answer to the Respondent's requests in this matter; (2) in order to comply with the notice requirements of subsection 4-177(b), General Statutes and subsection 1-92-29(b), Regulations of Connecticut State Agencies; and (3) as a result of the preliminary investigation to date into this matter authorized by the Ethics Commission on May 6, 1985.

MORE SPECIFIC STATEMENT

It is hereby alleged:

1. that State Police Lt. Douglas Hanahan, the Respondent in this matter, is, and at all times relevant to this Complaint has been, a "State employee", as defined by subsection 1-79(k), General Statutes, and is thereby subject to the requirements of the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes; (probable cause 7-0)

2. that the Respondent is co-author, with one Robin Moore, of a book (henceforth referred to as "the Book") tentatively entitled "A Nation of Victims, How Not to be One"; (probable cause 7-0)

3. that in co-authoring "the Book" a purpose of the Respondent was to obtain financial gain for himself; (probable cause 7-0)

4. that the Respondent used his public position to obtain financial gain for himself in violation of subsection 1-84(c), General Statutes, in that he used said position to promote and otherwise publicize "the Book".

Specifically, shortly before January 21, 1985, the Respondent conducted an interview with Mr. Jon Hall,

Investigative Editor of the Journal Courier Newspaper. During this interview the Respondent claimed that "the Book" contained detailed and explicit information regarding rape cases, and that he had obtained case histories by culling Connecticut State Police files. Said access to State Police sexual assault case files is not available to the public. The Respondent further claimed that said information included "...exactly what happened during the rape, even what the women were thinking, the words spoken by the rapist and the responses of the victim..." Said information from State Police files regarding the victims of sexual assault is confidential. ("Confidential" is here and hereinafter used as that term has been defined by the Ethics Commission in interpreting the Code of Ethics for Public Officials: i.e., information not generally available to the public). In making these claims the Respondent used his public position to promote and otherwise publicize "the Book" as a "different" and "unique" work based, in part, on his access to, use, and disclosure of confidential information obtained through his public position; (probable cause 5-2; Commissioners Smyth and Lange voting no)

5. that the Respondent used confidential information received through his holding public position to obtain financial gain for himself in violation of subsection 1-84(c), General Statutes, in that he used said confidential information in furtherance of "the Book".

Specifically, in researching and writing "the Book", as part of a continuing enterprise during the period commencing May 1, 1982 and continuing until approximately January 21, 1985, the Respondent used detailed and explicit information he had obtained from Connecticut State Police investigations of sexual assault cases. Said information included, but was not necessarily limited to, the names of the victims of sexual assaults; what happened during the sexual assaults, including the thoughts and statements of said victims and the statements of the assailants; and certain other identifying information regarding said victims. Said information is confidential and was received by the respondent through his public position. Specifically, said information was received either from investigations of sexual assault cases participated in by the Respondent while a member of the State Police or from investigations of sexual assault cases conducted by other members of the State Police, to which the Respondent received access through his public position; (no probable cause 6-0; Commissioner Cohen abstaining).

6. that the Respondent wilfully and knowingly disclosed, for financial gain, to another person, confidential information acquired by him in the course of and by reason of his official duties or employment in violation of subsection 1-84(c), General Statutes, in that he wilfully and knowingly disclosed said confidential information to co-author Moore to be used in furtherance of "the Book".

Specifically, during the period commencing May 1, 1982 and continuing until approximately January 21, 1985, the Respondent wilfully and knowingly disclosed to co-author Moore, for use in researching and writing "the Book", detailed and explicit information he had obtained from Connecticut State Police investigations of sexual assaults. Said information was disclosed primarily by means of written notes provided to co-author Moore by the Respondent. Said information included, but was not necessarily limited to, what happened during the sexual assaults, including the thoughts and statements of the victims and the statements of the assailants. Said information is confidential and was acquired by the Respondent in the course of and by reason of his official duties or employment. Specifically, said information was acquired either from investigations of sexual assault cases participated in by the Respondent while a member of the Connecticut State Police or from investigations of sexual assault cases conducted by other members of the State Police, to which the Respondent acquired access in the course of and by reason of his official duties or employment (no probable cause 6-1; Commissioner Cohen voting yes).

By Alan Plofsky

Alan S. Plofsky, Esq.
State Ethics Commission
97 Elm Street (Rear)
Hartford, Conn. 06106

CERTIFICATION

I certify that a copy of the foregoing "MORE SPECIFIC STATEMENT" was delivered to the law offices of Attorney James R. Smith of Joseph, Pilicy, and Smith, 415 Middlebury Road, Middlebury, Connecticut, on September 3, 1985.

Alan S. Plofsky, Esq.