Local News

Probe under way on release of sealed reports on Douglas

By Dan Mangan
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The New Canaan Police Department is conducting an internal investigation into the transmission of confidential documents regarding Eric Douglas to Beverly Hills, Calif., police.

Douglas

Douglas' attorneys complained to the Connecticut Attorney General and the Los Angeles District Attorney about the transmission of documents related to a New Canaan criminal case in which Douglas was acquitted.

Los Angeles prosecutors used investigation reports and an arrest warrant by New Canaan police to argue to a judge there that the Palm Springs, Calif., resident should receive a stiff sentence March 12 in an unrelated criminal case.

Those documents last year were ordered sealed by a Connecticut Superior Court judge.

At Douglas' trial earlier this month in Norwalk, his attorneys were prepared to argue for a dismissal of charges based on an "egregious violation of a court order" by New Canaan police.

That argument became moot Feb. 11 when Douglas, 39, was acquitted. The actor-comedian had been charged with harassing and imperiling the morals of a 12-year-old Westport girl while they were patients in the Silver Hill psychiatric hospital in New Canaan in August 1996.

The youngest of actor Kirk Douglas' four sons faces a civil lawsuit filed by the girl's father.

Douglas' attorneys, Francis DiScala Jr. and John Thygerson of Norwalk, still want something done about the documents' release.

"The New Canaan Police Department's transmission of these documents to the Beverly Hills police was nothing less than a conspiratorial effort to ensure that our client got the greatest possible punishment in a matter pending in California," Thygerson said. "The bottom line is . . . nobody should have access to these documents."

Thygerson blamed New Canaan police, not Connecticut or California prosecutors.

New Canaan Lt. Edward Nadriczny, who is conducting the investigation, would only say that "the investigation is still ongoing."

In a Jan. 26 memo to Nadriczny, New Canaan Police Chief Christopher Lynch said if DiScala's allegation that a court order was violated is proved, it would be a "breach of confidence" violation.

Richard Colangelo, who prosecuted the New Canaan case, said he had no role in the transmission and that DiScala was the first person to tell him about it.

But Colangelo also said the seal applied only to the Norwalk court clerk's office, not to New Canaan police, and that police did not know the documents were sealed.

Ellen Aragon of the Los Angeles District Attorney's Office said, "We are totally innocent of any wrongdoing."

"We had no idea there was any court order sealing the file" from New Canaan, and "we probably would have not put it in (as evidence) if we had been aware," Aragon said.

Connecticut Attorney General Richard Blumenthal received a letter from Douglas' attorneys complaining about New Canaan police, and wrote back Feb. 6, saying he was referring the issue to Chief State's Attorney John Bailey.

Bailey was not available for comment. New Canaan police investigated the alleged incidents at Silver Hill after being contacted by the girl's parents. Police waited until January 1997 to obtain a warrant for Douglas' arrest for misdemeanor disorderly conduct.

On March 3, state prosecutors added a felony charge of risk of injury to a minor and successfully asked Judge Richard Tobin to seal the case file, including the incident reports and arrest warrant.

Meanwhile, Douglas was facing a Los Angeles trial for battery of a man who was driving him to a hotel Jan. 22, 1997. He was convicted. He was awaiting sentencing and the New Canaan trial simultaneously.

According to Los Angeles court records, New Canaan police faxed Beverly Hills police the Douglas investigation reports and arrest warrant.

The fax cover sheet says: "If you have any questions please call Sgt. James George." George was an investigator in the Douglas case.

Douglas' attorney Thygerson said the fax makes clear that New Canaan police knew the file was sealed because "they made a half-baked effort at blacking out some of the names" on the reports.

In a brief asking a judge for the maximum sentence in the battery case, Los Angeles Deputy District Attorney Linda Baek cited the New Canaan documents as well as documents related to Douglas from other jurisdictions.

Baek wrote that Douglas "sexually assaulted this 12-year-old patient" at Silver Hill, and that his "sexual assaults became more aggressive" over a four-day period.

Nowhere in their documents do New Canaan police describe a "sexual assault," although they do describe Douglas rubbing the girl's buttocks during a hug. The most serious charges against Douglas in the incident were risk of injury to a minor counts, which are not sexual assault crimes.

"Characterizing it as sexual assault, that's just crazy, that's the worst part," Thygerson said.

Aragon, of the Los Angeles prosecutors' office, said the judge in that case now is aware that the documents were sealed. But noting Douglas' long criminal history, she said, "we've got plenty of other issue with Mr. Douglas" that can be brought up at sentencing.