

MINUTES
HOUSE ETHICS AND HOUSE POLICY COMMITTEE

DATE: Thursday, February 03, 2022

TIME: 3:00 P.M.

PLACE: Room EW41

MEMBERS: Chairman Dixon, Representatives Horman, Crane, McCrostie, Gannon, Barbieri, Young, Green, Chew

**ABSENT/
EXCUSED:** None

GUESTS: Leslie Hayes, Deputy Attorney General

Chairman Dixon called the meeting to order at 3:04 p.m.

MOTION: **Rep. McCrostie** made a motion to approve the minutes of Thursday, January 27, 2022. **Motion carried by voice vote.**

Chairman Dixon reviewed the three drafts brought by **Kristin Ford**, LSO, Research and Legislation, and explained how the red-lines and highlights are changes from the original rule. He said these were brought to facilitate continued discussion on the rule.

Rep. Chew said she would like to focus on third party involvement, and a review of language to make it clear, a third party has the ability to leave a hearing with protection and have their identity kept private. **Leslie Hayes**, Deputy Attorney General responded saying the language of the proposed changes are appropriate when challenged with trying to protect a victim. She said when the committee goes through the process laid out by the rule, the full house needs to be able to hear the evidence while still protecting the identity of the victim. **Rep. Crane** responded by saying if the committee is trying to manage the "safety" of a person some language could imply the committee provide a body guard or protect a victim at their home. Ms. Hayes mentioned "safety" could entail a spectrum of definitions and the language could be problematic.

Rep. Horman stated keeping the identity of a victim confidential and protecting the safety of a victim are different things. **Ms. Hayes** said protecting the identity of a victim would also protect future **Jane and John Does**. **Rep. McCrostie** asked Ms. Hayes to explain the difference in identity and privacy. Ms. Hayes said identity would specifically refer to a name and face, privacy gives the committee more leverage in disseminating information about the case. Rep. McCrostie expanded the question to the Committee for discussion regarding the term safety and if there is a way to limit the scope of what safety means to in and out of the hearing in the Capitol Building.

Rep. Chew asked for guidance from **Ms. Hayes** on suggested wording for the rule. Ms. Hayes said guidance was provided through out the process of the case in guarding the identity of **Jane Doe** and was handled at the hearing with the comments of the Chairman at the beginning, and through out the hearing to protect her identity. She said she was not sure any written rule or standard of care could have prevented anything different from happening because Ms. Doe had an emotional response when leaving the hearing. **Chairman Dixon** clarified there was discussion and negotiation with Ms. Doe's attorneys during the preliminary portion of the case on how to keep Ms. Doe's identity private during the hearing. Ms. Hayes said the Committee did have a safe exit plan that Ms. Doe chose not to

utilized, she reiterated that any written rule would not have changed the outcome of that situation.

In Committee discussion regarding the possible changes to the rule outlined in the drafts, **Rep. Gannon**, had thought language specific from committee discussion on the ability to consult with a deputy attorney general, gives equal access to the member and to the committee.

Rep. Horman reflected on one draft which had language that did not create a conflict. She felt more comfortable with that type of language regarding attorneys. **Rep. Barbieri** said he felt any involvement of the Attorney General's Office is a mistake and is inviting the Executive Branch into legislative business.

Rep. Young said the discussion should revolve around two topics, is support provided but there is also the question of what role attorneys will play in the process. She thought having attorneys present for legal questions and advisory roles would be appropriate. **Rep. Barbieri** said if attorney's are allowed and the Committee is following a legal process, there should be a provision to include the legal rules of evidence. He said this is not a legal process, attorneys should be removed. Because it is an internal matter there is no purpose for attorneys.

Rep. Gannon mentioned how often times rules of evidence are relaxed and attorneys make adjustments to what they think will work for the situation. The draft refers to Committee members making inquires of the AG's Office and not having the AG Office be the lead during a hearing. He said Committee members should be like the jury or judges in a hearing, providing the evidence and conducting the hearing would be more bias and unfair.

Rep. Green questioned other members regarding the two recent hearings and if there was value in having the attorneys present and participating. **Rep. Horman** said during the first hearing which was during session it was difficult to find the time to review the evidence in detail so having people help organize the materials was helpful. She said when there are cases with possible legal implications or fines it was valuable to have an attorney present. **Chairman Dixon** mentioned he also saw value in having an attorney, in the first hearing there were leanings toward a criminal case and in the second hearing the Committee tried to create a separation.

The Committee discussed the topic of sanctions and the term good cause shown. They also reviewed thoughts on expulsion and not using a recommendation that had the effect of expulsion. Language was reviewed for adding more provisions for expulsion if it is justified.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:57 p.m.

Representative Dixon
Chair

Susan Werlinger
Secretary