



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN Non-Public MEETING MINUTES January 13, 2014

PRESENT:

Tina Helm, Chair
Peter Bianchi, Selectmen
Janet Kidder, Selectmen
Kim Hallquist, Town Administrator

Mikiko McGee was there to speak with the Selectmen about an incident that happened in August. She wanted to give some details about the events and how they happened.

Ms. McGee said this was very emotional to her and she was still upset about what transpired. Late last spring she had been stopped for two speeding tickets close together in time. She paid one of them and received a letter saying she was late in paying the other. If it was not paid by a certain date, her license would be suspended. She then paid the second ticket. She was stopped in August for a tail light that was out. Officer Kelly asked her if she was aware that her license had been suspended. She said she was not. He said the ticket wasn't paid and her license was suspended. She said she paid it late but that it had been paid. He had no record of it being processed and said her license was suspended and asked if she had someone she could call to bring her and her daughter home. Ms. McGee said she remembered in the past, that she had sometimes been able to smile at an officer and not receive a ticket. If she appeared upset, she was more apt to get a ticket. She asked if she could just drive her car home as she didn't live that far away.

Ms. McGee explained that later that Monday when she called the DMV, she found that she had paid the wrong amount. She paid the correct amount and got a new license issued. A letter from the DMV dated August 12 said the check was received but they couldn't process it because the amount was wrong. As of August 25, she didn't know that her license was suspended and this letter was proof of this. It took them a long time to process the ticket. It was agreed that the State wouldn't apply this infraction to her driving record because it was their fault and not hers. They understood that they processed it late. This fact shows that there was no intent of the motor vehicle violation and the offense of knowingly driving without a license and revoked registration was dismissed when she went to court.

Ms. McGee said what transpired was truly unexpected because of her character; she is known to be a calm, thoughtful, considerate person and doesn't have disagreements with people. She is a Special Education Director and is often in a position where she needs to mediate between conflicting sides. She deals with hostile parents and kids and is the court liaison between some kids and the courts. She is trusted with ethical and budgetary decisions. If the Select Board knew her, they wouldn't imagine what transpired that night. She has raised three kids, the youngest is 12, and confessed to being a typical soccer-mom.

She couldn't imagine any other women of her age and professionalism being roughly slammed down on the pavement on Main Street for no reason at all. The Chief would not hear her story or talk to her and said Officer Kelly did everything correctly. She doesn't know police procedure but feels she is a rationally, logical person. Every position that has procedures and responsibilities also involves some level

of judgment that goes along with it. She follows Special Education law and knows about following procedures and formats to the letter of the law. Judgment is involved in every decision she makes. She feels that the officer used poor judgment. She has lived in New London for 16 years and didn't think they wanted someone on their police force who would treat someone like she was treated.

Ms. McGee said she was going 30 mph on Main Street at 10:30pm. Her son races a car at Canaan Speedway and they were coming back from there. Officer Kelly stopped her because her license plate light was out. He asked her if she had been drinking. She said she hadn't. He asked her daughter how she was and was cordial to the both of them. They waited for a long time when he was in the car with her license. When he exited the cruiser he came up to the bumper of her car and said "Mrs. McGee I need you to get out of the car." She thought he was going to give her a sobriety test. She got to the bumper and they had a conversation about her license and that it was suspended. It was a brief conversation and she smiled and asked if she could just drive her car home. She wasn't unprofessional or out of control. The last thing he said to her was "Do you have someone you can call." She said "No I don't; can't I just drive it home?" He said "No, in fact you are going to have your car towed." She turned away from him towards her car, took one step, and he grabbed her arm from behind her. She said "Ouch, you are hurting me." He grabbed her and slammed her down on Main Street and put his knee into her back. He said he would have to arrest her for resisting arrest. She didn't know what was going on. He never said she would be under arrest. She was now screaming at the top of her lungs, face down on Main Street. She had a scrape on her knee and was in shock. Her daughter was screaming and was now out of the car. She stopped screaming when she realized her daughter was there. He started telling her to get up and was nudging her and asked if she was going to pretend to sleep. She told him she couldn't get up because of the fact she was on the ground with her arms behind her back. She said she couldn't get up because she was hurt. He asked if she needed an ambulance. He said it would cost her \$1,500 but they'd call for an ambulance if she needed it. Officer Kelly told her they'd take her from the hospital right back to the police department. She said she didn't need an ambulance because it wasn't an emergency and her insurance wouldn't cover it if it wasn't an emergency. Ms. McGee's daughter helped lift her up and the officer assisted as well, she believes. He leaned her over her car, frisked her, and took the money out of her pocket. He called her daughter over to watch him count the money that was in her pocket. This may have been procedural but she wondered if it was good judgment to ask a 12-year old to count the money in her pocket. She had \$42. He then stuffed the money back into her pocket and she felt as though his hands were in her pocket a little too long and she asked him what he was doing. She told him to get his hands out of her pocket. That was the most forward thing she said to him. She didn't think she should be treated like this for a traffic violation and a ticket. He said if she wanted, she could stay at the police department but she'd need the money to bail herself out of jail.

Ms. McGee said she felt like she had been battered by the officer. Her daughter had already called her son and he was on his way with his car trailer. She asked if her son could come and pick up her car with his trailer. Officer Kelly said absolutely not. He said they couldn't leave the car there unattended while he was on his way. She told him they were on Main Street in New London, NH and didn't feel the car was in the way. Her son was not allowed to return with his car trailer even though he lived right on King Hill Road. Officer Kelly told her a tow truck had already been called and that they charge \$250 for a tow.

The following day Ms. McGee tried to find out where her car was. She had no paperwork to tell her what to do to get the car back. It was the day before school was to start and she is a teacher. Officer Kelly said she would have to pay the fine and bring him back proof before she would get her license and plates back. Ms. McGee said she works at a school in Lyme and couldn't take the first day off from work. Her cell phone charger was in the car, and she has no land-line. She had no idea where her car was. She called dispatch and asked someone to call her back to tell her where the car was. She wanted her son to be able to get the car with his trailer and bring it back to his house.

The dispatcher she talked to asked for her address. Ms. McGee said she should know where she lives because of past dealings with the department (she currently has a restraining order against her husband so they know her and know where she lives; they do extra drive-by's because of this). It was clear to Ms. McGee that the person in dispatch was refusing to give a message to the chief because she wouldn't give her the address.

Ms. McGee said she started having chest pains, was having trouble breathing, and her arm was hurting. Her daughter brought her to the ER who diagnosed her as having a panic attack. Her hip and arm hurt and she has been to physical therapy and to an orthopedist. It still hurts but is better. She burns wood and is a single mom and has to keep the fire going. She is supposed to wear a brace. Physical therapy didn't help. She believed the officer caused her injury and the arrest was unwarranted. Ms. McGee said Ms. Hallquist suggested waiting until after the criminal charges hearing was over before speaking to the chief. She could lose her job for a misdemeanor (resisting arrest), or knowingly driving with a suspended license or revoked registration. She had to get a lawyer, take time off of work, and deal with a lot of stress.

When she went to court the police said they were willing to place her moving violation on file and the other violation would be dismissed. After a year, it goes away. They also said they would reduce the "resisting arrest" to a violation level, so it is like a speeding ticket and also goes away in a year. To this offer, she agreed. She did this to avoid taking more time off of work and more lawyer costs. The judge said to the attorney that he was confused; resisting arrest was a serious offense. Why were they willing to reduce it to a violation level? Ms. McGee said she wasn't allowed to speak because she took the plea bargain. The prosecution said it was because Ms. McGee didn't cause any permanent damage to the officer.

Ms. McGee felt the whole process and incident, the treatment afterwards, the unjust arrest, and the mistreatment were unwarranted. She just couldn't believe the officer would treat anyone like this and the chief backed him up on it.

Ms. McGee asked the Selectmen what would happen next. Chair Helm said they would take this issue under advisement and talk further. It wasn't clear in her mind at this point as to how much the Selectmen could really do here. On behalf of the Town she apologized for the difficult and terrible situation for and for her daughter. She was sorry it happened and they will discuss it further. In fairness they will get back to her with their thoughts or decisions. Ms. McGee said any recourse for the police department is through the Selectmen.

Ms. McGee said she has a restraining order on her husband and they are in the middle of a divorce. When there is a restraining order, they have it listed in a book so everyone knows of the situation. They have done extra drive-bys of the house because of this. The New London Police Department had represented to her that they were going to keep her and her daughter safe. She doesn't feel that they are someone they would call up and invite to their house. Most of the officers have been very good to them. Ms. McGee said her husband violated the restraining order right before Christmas and she didn't call the police. She wanted to call them up to say when Officer Kelly is on, please don't do extra drive-bys. She didn't think any of this was right.

Ms. McGee thanked the Selectmen for spending the time with her and appreciated them hearing what she had to say.

Chair Helm said the restraining order is separate from the issue with Officer Kelly. If she feels unsafe and that her restraining order is being violated, she should not hold back in calling the police. They are proud

of their police department. Ms. McGee said she'd rather call on another police department because of the reception she got from the chief.

Selectman Kidder said they wouldn't let this slide and they would be in touch with her.

Ms. McGhee left the meeting at 8:34pm.

Selectman Kidder said she was surprised at what happened, and felt that it was way out of line. Officer Kelly is their part-timer officer who works on weekends. Chief Andersen said it was felt that maybe she was going to flee and that is why she was arrested. Selectman Kidder said unless she attacked the officer, there was no reason for him (or any officer) to act this way. They need to get Chief Andersen in there to talk about it; he sets the tone for the whole department.

Selectman Kidder said Officer Kelly could have given her the benefit of the doubt, got her home, and let someone else pick up her car. They should be helpful and not do these kinds of things.

Selectman Bianchi said every story has two sides and although she is calm recounting her side of it, it may have been different when it happened.

Selectman Kidder didn't think that she would have mouthed off to the officer with her daughter in the car. For him to react that way was just terrible. She would be just as angry as this woman is if it happened to her.

Chair Helm wondered if Chief Andersen should come in to talk to them. The Board agreed.

Other Non-Public Business

Redacted Information – not related to above topic.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Janet Kidder) to leave non-public session. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Tina Helm) to seal the non-public minutes of January 13, 2014. THE MOTION WAS APPROVED UNANIMOUSLY.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London