



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN Non-Public MEETING MINUTES January 22, 2014

PRESENT:

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

Chief Andersen was there to speak about a discussion the Selectmen had recently had with Mrs. McGee who had come to the board at their last meeting to discuss an incident that occurred last August.

Chief Andersen said the McGee family has been a struggle for his department for many years. He, himself, had even been assaulted at the household. Ms. McGee's husband had threatened to shoot him, and called 911 threatening to kill him; numerous complaints and confrontations from the family have kept the department on edge.

Chief Andersen said that on the night in question, Officer Kelly stopped the car for a plate light that was out. This is an infraction they most often use to discover other, more serious crimes. He has never issued a citation for a plate light out but it is something they use to be able to check vehicles and drivers, if needed. The license and registration are given by the driver and the officer runs them through their system for validity. Ms. McGee's registration and license came up as revoked.

Chief Andersen said that if there are children in the vehicle, as there were with Ms. McGee, the officer will ask the driver to get out of the car so they do not need to witness the questioning. They will ask if there is someone that can come pick up the child/car to remove them from the scene. Officer Kelly said he explained to her about the fine. She said she had paid it late and had not paid a reinstatement fee. She was angry and said he was making a big deal out of a plate light being out. Officer Kelly told her it was not about the light, but was now about past infractions. She asked if she could be escorted home in her vehicle and he said no. They could not let her drive away because it would be a liability to the department if she got into an accident with an un-registered vehicle. Officer Kelly said she tried to run for the car and that was when he grabbed her and told her she was under arrest. She started to resist and elbowed him in the chest.

Chief Andersen explained that they are trained at the academy that if they are in this type of situation, they should bring the person to the ground to avoid further injury. She was brought to the ground where she continued to flail around and fight. The daughter got out of the car to tell her mother to stop resisting. Officer Kelly was able to get her into hand restraints and place her into the cruiser. By then, the daughter had called her brother to have him pick up the car with his car hauler. They occasionally let this happen but it is the police's liability to make sure the car is moved out of danger and is not driven away.

Chief Andersen said the daughter stated that the mother said she was going to drive away when they took her license. He added that he has managed Officer Kelly for 16 years and has never had an issue with him at all. Officer Kelly wasn't proud of being involved in this situation. That same day he arrested a felon

who was in possession of a weapon. He was able to place a 23-year man old under arrest, hand-cuff him and put him into the car. It was very uneventful, as opposed to Ms. McGee's situation.

Selectman Kidder said their first goal is to help people. This is another side to the story. She wondered if it would be possible for him (with her not being drunk or on drugs) to let her drive the car home. She realized the liability but wondered if it would have been better to follow her home, take the license plates and not let the situation escalate the way it had. She was concerned that a woman was put face-down on the ground in front of her daughter on Main Street. She wasn't sure it was a responsible response to the situation. Selectman Kidder said she understood the past issues with the family but didn't think this was really necessary. Chief Andersen said driving with suspended plates is a misdemeanor charge and it is not like a ticket. In all his years on the force, they have never allowed someone to drive with suspended plates. Someone could get in the car and try to flee and get into an accident. The Police Department would then be liable for that. In 20 years he hasn't seen anyone act the way she did at the scene. The female dealt with that night was not the same that was before the Selectmen the other night. After the incident she was coming into the dispatch center and was not acting rationally; she would not listen to him and was leaving notes all over dispatch. He brought one of the notes to show the Selectmen.

Chief Andersen said he was good at being able to talk to people and if he was there he would have offered her a ride home after going to the Police Department. They are very sensitive to the kids seeing these things. Officer Kelly was dealing with a very irrational woman that night. Even with men, he hasn't seen someone act like this. There are times that when people are allowed to go back to their car, they can come back with a weapon and they are very cautious about this possibility.

Selectman Kidder said she could understand the woman's thinking of the ramifications from this incident and perhaps that is why she resisted. Chief Andersen said if she hadn't resisted, Officer Kelly probably would have been more apt to allow her son to come and bring her vehicle home. When she resisted, it changed the game.

Chair Helm asked about the process of Officer Kelly putting the money back into Ms. McGee's pocket. Why did he feel he needed to do that? Chief Andersen said if they find a wad of something in a pocket they pull it out to make sure it isn't drugs. Instead of keeping it on his person, he will take the money out and state the amount and put it back. That way they don't forget they have it. He wasn't sure why Officer Kelly put the money back into her pocket. Selectman Bianchi said Ms. McGee claimed Officer Kelly's hand was "in her pocket longer than it had to be." Chief Andersen was unaware of this claim. He said this was something that could be covered in training; to perhaps put the money back in a coat pocket or purse.

Chair Helm thought this should go in Officer Kelly's file. She said Ms. McGee mentioned she was going to be seeking financial restitution and would like Officer Kelly dismissed. Chief Andersen said the County Attorney sent them a letter saying the officer did nothing wrong. Her injury attorney seemed to be leaning towards not continuing, and she pled guilty in court to resisting arrest. It was felt that she would not have anything to back up her claims. Her car was towed, and she ended up with \$100 fine. He thought this was just on her part.

Selectman Bianchi said the officer had a job to do and when he got the information that the license and registration had been revoked, he had to do what he had to do. She never said she elbowed him but he could see how the situation could have escalated. Chief Andersen said Officer Kelly felt horrible about this; this was not a normal situation.

Selectman Kidder said she wanted to be reassured that the New London Police Department would not want to have this kind of thing happen again. Chief Andersen said they absolutely would not. They train them to search a female at the academy and they are all still uncomfortable doing it. He is all about helping and finds it better to reason with people than to be a heavy badge.

Chair Helm said they told Ms. McGee they would get back to her after speaking with him. They would send a letter saying they heard both sides and hoped there would be no further recourse. Chief Andersen said he would do department training on the replacement of money on one's person and sensitivity training with regards to this kind of a scenario.

Ms. Hallquist said with regards to the issue of the money, Ms. McGee said the officer asked her if she didn't want it, when she complained about him putting the money back in her pocket. He told her she "should keep it because she would need bail money." She hoped he didn't say that but any type of words that would make the situation worse would not be beneficial. She asked Chief Andersen to remind his officers that that kind of talk isn't needed.

Ms. Hallquist and Chief Andersen agreed to work together to craft a letter to Ms. McGee. The Town's position is that Officer Kelly did what he did by the book.

Other nonpublic related discussion

Redacted – not released to public inspection – not related to above topic.

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

Helm: yes, Bianchi: yes, Kidder: yes

**IT WAS MOVED (Tina Helm) AND SECONDED (Peter Bianchi) to seal the minutes.
THE MOTION WAS APPROVED UNANIMOUSLY.**

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London