Probe into conduct not the first time for Seabrook police

By JASON SCHREIBER
Union Leader Correspondent

SEABROOK — A criminal probe into the conduct of officers caught on police security video slamming a 19-year-old man into a concrete wall is not the first time the actions of Seabrook officers have been scrutinized.

The 2009 incident now at the center of an investigation by the state Attorney General's Office came three years after a lawsuit was filed by the father of a different teenager who sought monetary damages after alleging police used excessive force to apprehend his son.

In 2006, Howard Brown Jr. sued the town, former police chief David Currier, and then-Sgt. John Wasson and officer Chester Felch.

Brown claimed his son was stomped, choked and subdued with pepper spray and that his state and federal rights were violated.

Police denied the allegations; the case was later dismissed.

The latest allegations came to light last week when Michael Bergeron Jr., now 23, posted a video on YouTube showing the booking process after he was arrested on drunken driving and drug charges in 2009.

The video, recorded by police security cameras, shows Bergeron being slammed into a wall when he didn't appear to be confrontational. Another officer is then seen pepper spraying him and smiling while Bergeron is on the floor.

Officers Mark Richardson, Adam Laurent and Keith Dietenhofer have been placed on paid administrative leave.
In their police reports, the officers claimed that Bergeron was combative and uncooperative during and after his arrest.

Attorney Scott Gleason has now taken over Bergeron’s case, but he has not yet taken legal action for the police encounter that he said could only be described as "police brutality."

None of the officers seen on the video were involved in the incident that led to Brown’s lawsuit in 2006.

**Dismissed in 2010**

Brown's case was first heard by a federal court judge who dismissed most of the claims.

The case was then sent to Rockingham County Superior Court, where Judge Kenneth McHugh dismissed it. Brown appealed to the state Supreme Court, which accepted the case but then dismissed it in 2010 after he failed to pay for court transcripts.

According to that suit, Brown contacted police on Nov. 18, 2003, when his then-14-year-old son, Colby, disobeyed him by walking to the town’s recreation center after he had been told to stay at home because he had been suspended from school.

Brown called police and asked them to bring Colby home.

Police caught up with Colby while he was walking home.

In his affidavit filed with the suit, Colby alleged that officer Felch got out of his cruiser and began yelling and swearing at the teen to get on the ground, telling him he was under arrest for running away.

Colby claimed he was scared, so he began walking faster because he was only 300 yards from home.

At one point, he claimed Felch grabbed him by the shoulders from behind, pushed down on him and "repeatedly kicked the back of my knees and ankles trying to force me to the ground," he wrote.

He then ran off and was later apprehended by two state police troopers.

'Reasonable' force

In his affidavit, Felch said he attempted to take Colby into protective custody because he was a minor who had left home without permission and was out on the streets without adult supervision.

He wrote that Colby refused to get into the cruiser and continued walking.

At one point, Felch said he "took hold of Colby's sleeve and attempted to escort him to the patrol car. Colby stiffened and resisted my efforts to steer him toward the patrol car. At that point in time I took hold of his shirt with both hands and tried to bring him over to my car. Colby resisted my attempts to bring him to the car. He and I engaged in a struggle for several minutes while I tried (unsuccessfully) to get him into my car," Felch wrote.

Felch insisted that he never struck Colby or attempted to place him on the ground by using a "take down" procedure.

He wrote that they "basically wrestled, in a standing position" and that the amount of force he used "was reasonable and appropriate in the circumstances, that it falls within the guidelines for the use of force by police officers, and was necessary to take him into custody."

Colby Brown also alleged that "at one point Officer Wasson was kneeling in front (of) me while I
was on the ground being beaten by other officers and I heard Officer Wasson tell me to give up as he pressed his thumb into my Adam's apple. I tried to say that I gave up but I couldn't speak while Wasson was choking me. Wasson would choke me even harder as I tried to speak until I blacked out.”

In his affidavit, Wasson said that by the time he arrived, other officers had apprehended Brown.

"I never even placed my hands on Colby Brown during his apprehension and arrest on Railroad Avenue. I certainly never choked him or struck him and never sprayed him with OC spray,“ Wasson wrote.

**Former chief’s statement**

Currier, who retired as Seabrook chief in 2007 and was sued for allegedly failing to adequately supervise his officers, defended the work of his officers during his time there.

"As a matter of policy, the Seabrook Police Department did not tolerate excessive force, wrongful arrests, or any other misconduct by our officers. Any such complaints were investigated thoroughly,” he wrote in an affidavit included in the Brown case.

He also stated that the department has an “established chain-of-command and system of oversight through which officers’ behavior while in the community is monitored. During my tenure as chief I improved that system by creating a new position — patrol lieutenant — to add another layer of supervision and oversight,” he wrote.

jschreiber@newstote.com