Weare police sergeant’s firing rescinded by selectmen

Readers have always had plenty to say about stories in the New Hampshire Union Leader. Below is a selection of unionleader.com’s best reader comments on the week’s news:

The story: Selectmen have reversed last year’s decision to fire Weare police Sgt. Joseph Kelley, one of two ranking officers involved in the highly criticized sting that resulted in the fatal shooting of a street-level drug dealer.

In a letter dated Friday, town-hired attorney Mark Broth said the decision was made to avoid the time and expense of an upcoming arbitration hearing over Kelley’s November 2013 termination.

However, Kelley won’t be pinning on a badge anytime soon.

To get his job back, a doctor will have to determine that Kelley, who has been deemed totally disabled, can return to work. And he will have to undergo an internal investigation into his actions in the Aug. 14, 2013, shooting death of Alex Jose Cora DeJesus, according to the lawyer representing him, Concord lawyer Benjamin King.

“Sgt. Kelley has not been reinstated,” King said.

Kelley was one of two police sergeants overseeing the DeJesus drug sting, in which Officer Nicholas Nadeau shot and killed DeJesus.

After a lengthy investigation, the New Hampshire Attorney General called the investigation ill-conceived, but said it could not prove that the Manchester man’s death was a crime.

Within three months, Kelley went on medical leave, claiming anxiety and post-traumatic stress from the August shooting.

Selectmen fired Kelley on Nov. 21, 2013, saying he falsified his timecard, asked a subordinate to support his medical claims, and wrote a bad check, according to records on file in U.S. District Court, where Kelley challenged his termination.

As part of the selectmen’s reversal, Kelley’s employee file will make no mention of the termination. It will say he has been on worker’s compensation since he left the job. He will receive no wages, but he remains on worker’s compensation benefits. He will accrue leave time, as required by his union contract.

Under state worker’s compensation law, Kelley can only return to work if he regains capacity within 18 months of his injury, Broth pointed out.

Kelley wants to return to the Weare Police Department as a senior sergeant, his lawyer said. But Kelley continues to suffer disabling symptoms from post-traumatic stress and anxiety, King said.

If cleared medically to return, Kelley will face an internal affairs investigation. It has been five months since the town has said it was going to initiate an investigation, King said.

The comments:

One more reason why gun control in the U.S. means disarming police. There is never a reason that police should be carrying firearms during a normal patrol. This case is one more example of police poor judgment. Yes, let’s talk gun control, disarm cops now!

Sasha Little If the police department wants to keep this kind of cop on the beat, they had better be ready for the reaction of Americans. Police power is getting out of hand. Police should clean up their departments. A few bad apples
are ruining the reputation of the majority. Weare needs this guy like a hole in the head.

Mike Redding

(He’s) 100 percent disabled, but can only be reinstated if he is cured. Well that gets him off worker’s compensation which doesn’t pay as well as a medical retirement when he gets re-disabled after reinstatement. This appears to be about how to retire medically with the most money.

Brian Blackden

Once again, the police win and the people lose. So now, anytime you even talk to a police officer, you run the risk of getting shot if they feel you’re a “threat” and it will be justified in a court of law. These “coffee with a cop” sessions in Milford, scheduled in the middle of the day on a workday for one hour at McDonald’s is not going to get the citizens closer to the police. In fact, the officers don’t even want to be there. Most people are at work. Just goes to show...the police view us as the enemy, not a human being breaking a law.

Michael Labrecque

100 percent disabled from stress? He wasn’t police material from day one and should not even been hired in the beginning.

Paul Lundwall

When you hear older law enforcement retiree’s bemoan ... “I wish they had this PTSD thing around when I retired, I could be getting $XXX more a month and I could have left earlier for the same monthly check ...” It’s too funny when you read repeated stories of screw ups regarding basic Mirandizing, but when it comes to the pension game ... they’re the foremost experts in the world on how to win at that game.

Craig Donnal

Talk about playing the system for all it’s worth. Yet nothing and nobody will step in to stop his efforts of playing the system for money.

W. Charles Little

Looks like a great chance for Kelley to get reinstated and then immediately file for a 75 percent tax free disability pension from the state. There is no way the town could ever let a man like this return to duty. One does not go from being 100 percent disabled to 100 percent better by virtue of a Board of Selectmen vote, there is something nefarious going on behind Kelley’s closed doors. What makes sense is that he needs to be a police officer again to allege that his PTSD was duty related and entitles him to a pension reserved for policemen shot in the line of duty or otherwise suffered a catastrophic injury. It looks like he was fired before he had the chance to pull this off. I do not know how many officers are 100 percent disabled because they were shot while on duty. I would imagine there are not many. We do not provide much for these few heroes, allowing Kelley access to their type of pension just does not seem right.

Paul Groven