Weare settles with former police sergeant

Staff Report


Kelley was a former sergeant with the Weare Police Department who took part in a drug bust gone wrong that resulted in the death of Alex Cora DeJesus of Manchester in August 2013.

A review of a copy of the settlement shows the settlement broken down into four categories: lost pay, alleged compensatory damages, attorney fees and non-monetary consideration. Lost pay benefits equaled $14,554.40.

Alleged compensatory damages were paid with a check written to Joseph F. Kelley in the amount of $155,815.09.

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Included in the settlement is language stating the town of Weare will cover Kelley’s attorney fees and legal costs, totaling $89,640.51, to the law firm of Douglas, Leonard and Garvey.

Non-monetary considerations listed in the settlement include: — Town officials agreeing to remove from Kelley’s personnel file any disciplinary action imposed by the town as a result of the drug bust; — Weare will issue Kelley a retirement badge and a Weare Police Dept. ID indicating his status as “retired;” — Both Kelley and the town agree to file a Form D with the Police Standards and Training Council, indicating Kelley has retired from service as of May 19, 2015, the effective date of the settlement agreement; — Weare will rescind its termination of Kelley’s employment, with Kelley agreeing to issue a resignation letter effective May 19, 2015; — Weare town officials agree the settlement will not hinder Kelley’s rights under RSA 281-A:1, covering worker’s compensation; — Kelley cannot sue the town for any future or unforeseen damages and waives any rights for reinstatement and will not seek re-employment with the town.

As part of the settlement, Kelley and American Federation of State County and Municipal Employees Council 93, Local 3657 agreed to withdraw its grievance and demand for arbitration.

Kelley started with the Weare Police Department in 2006 and was fired by former police chief John Velleca on Nov. 21, 2013 after an internal investigation on the officer-involved shooting plus other misconducts.

Kelley was among five Weare police officers in the fatal shooting of DeJesus, 35, of Manchester on Aug. 14, 2013. DeJesus, a suspected drug dealer, met with undercover officers and informants at the Dunkin’ Donuts in Lanctot’s Plaza on Route 114. According to Weare police, during an undercover heroin buy DeJesus tried to leave the plaza and drive away. The officers fired on DeJesus and briefly gave chase before DeJesus’ car collided with two police vehicles and came to rest on the side of Route 114.
DeJesus died from a gunshot wound. Kelley was fired shortly after Velleca took over as Weare police chief on Nov. 1, 2013, with Velleca saying at the time, “I believe Kelley was in command of the situation that night.”

Kelley has been on a medical leave since shortly before his termination for post-traumatic stress disorder and anxiety and has been receiving workers compensation.