

# Ex-Officers Claim Harassment by Chief

■ As one woman prepares to sue, the Nottingham police chief calls the allegations lies.

by DEREK ROSE  
Sunday News Correspondent

NOTTINGHAM — In the beginning, Police Chief Phil English was the perfect boss for Jeannie Debus and Dianna Warnock Smith.

But all that changed, they say, when they rejected his advances. He belittled, berated and unfairly disciplined them, making their lives a "living hell," Smith wrote. Her attorney is preparing to sue the town.



In December 1993, the two women went to Town Administrator Linda Pandolfi with their complaints, which English says are "blatant lies."

The town took months to act, during which time, Smith alleges, English continued to victimize her. The women say it took prodding from Attorney General Jeffrey Howard for the town to act.

On Sept. 21, 1994, selectmen found English guilty of sexual harassment. But rather than fire him — as called for under department policy — they suspended him for 30 days.

Both women took leaves of absence in the nine-month gap between Smith bringing charges and the board's decision. They quit when English was only suspended.

Debus has since settled her claim against the town for \$50,000. She is working to obtain a master's degree in social work from the University of New Hampshire.

English appealed his suspension in Rockingham District Court, and the town settled with him in April, paying an undisclosed amount of his legal fees.

English denies any wrongdoing, and blamed the findings on two selectmen who "had it in for me," although he declined to name them.

"There were allegations, but there was never any proof of anything," he said.

English said the town settling

## The Complaints and Findings

NOTTINGHAM — On Sept. 21, 1994, Selectmen found police Chief Phillip J. English guilty on four of six counts of sexual harassment.

Among their findings was that English:

- Interfered with the private lives of then-officers Dianna Smith and Jeannie Debus "for the specific purpose of soliciting an inappropriate and unwanted relationship";
- Failed to discipline Smith, Debus and former officer Michelle Simnard for job inadequacies "for the purpose of enticing each into or continuing an inappropriate and/or unwanted relationship";
- Prohibited Smith from attending a training program because she filed sexual harassment charges against him; and
- Made inappropriate remarks about women and minorities, and allowed his officers to make similar remarks.

The selectmen deemed unfounded allegations he required women employees to meet with him outside of Nottingham to entice them into a relationship. They also declared unfounded allegations that he made it clear to women employees he would ignore their failings if they had a relationship with them.

Selectmen who heard the charges consisted of Charles Brown, Richard Beaumier and former Selectman Betty Smith. Then-chairman Joseph McGann, a Durham police captain, excused himself because

he had had other conflicts with English.

Selectmen suspended English for 30 days without pay beginning Sept. 22, 1994.

The board did not follow a police department policy in place at the time, which says anyone found guilty of sexual harassment "will immediately be terminated from employment...."

They also required him to come up with a plan to eradicate sexual harassment in the department, complete with goals and timetables.

The town originally rejected English's plan, the town's attorney later wrote, because it "does not recognize the existence of, or even the possibility of the existence of any sexual harassment problems in the Nottingham Police Department."

English's suspension dragged on for another two weeks because of the selectmen's refusal to accept the original plan.

Selectmen also placed him on probation for a year and required him to undergo counseling and retraining at his own expense "regarding sexual harassment and the role of women in the workplace."

The town said his continued employment is conditional upon his undertaking this counseling, but it is unclear if he ever did.

He denied doing so Friday. "I didn't go into any psychotherapy process about anything," English said.

But Joseph McKittrick, the town's attorney, said "That's interesting. We just saved money (by settling). It changed nothing else."

Samuel Matheson, a private investigator hired by the town, testified before selectmen Sept. 16, 1994, that he thought the women "totally told the truth as they perceived it," while English was "difficult to believe."

Shown Matheson's testimony, English said he "never saw that, I wasn't aware of any of this."

Debus' 18-page written statement and Smith's 26-page statement contain many allegations against the chief, who began

four full-time officers and five part-timers. He previously worked in Henniker and Lincoln.

Debus said after she was hired as a part-time officer in November 1989, English gave her glowing reviews but constantly flirted with her. He confessed in July 1990 he had "feelings I shouldn't have" toward her, she wrote.

She tried to ignore it and told him she loved her husband, but English persisted, Debus wrote. He had her accompany him on shopping trips for his wife in Maine and asked her if she was thinking about having an affair.

say. He also became more overtly sexual with Debus, she claims.

For a year, English and Smith were very close. "The friendship and trust I received and reciprocated to was unlike any I had ever known," Smith wrote. "He was there no matter the cause, no matter the time."

The trouble allegedly started when they were having lunch in July 1992 in Newburyport, Mass., and English told Smith she would be considered a "slut or a whore" should she continue her relationship with her boyfriend.

English also said Smith made up the events she alleges.

And on Aug. 19, 1993, Smith alleged English called her away from her patrol duty and spent more than two hours confessing his love for her, despite her protestations.

Another former officer, Michelle Simnard, testified at the hearing that a similar pattern of harassment happened to her, and she quit in August 1993 because of it.

Two former part-time officers, Michael Marston and Michael Lewis, also said in interviews verbal harassment, sexual references and slurs against women and minorities were common at the department.

The chief described Lewis and Marston as disgruntled former employees. Lewis was fired Sept. 10, 1992, for insubordination after a dispute over whether he was to work a shift.

Officer Joel Nicholson and part-time officer Mark Wefers, both who came on after Smith and Debus left, said they have never seen any unprofessional conduct by English.

Betty Olsson, English's executive assistant, said, "I've been here eight years, and I have never seen anyone belittled."

Keith Trefethen, the town's new administrator, and Selectmen say they are confident in the abilities of their police department. "Absolutely," said Selectman Richard Joy.

But Richard Beaumier, a former selectman, said he's not sure if all the problems there have been solved.

## Lawyer Criticizes Town's Handling of Complaints

By DEREK ROSE  
Sunday News Correspondent

NOTTINGHAM — An attorney for a woman allegedly sexually harassed by police Chief Phillip J. English says the town failed to adequately respond to the allegations.

Nancy Richards-Stower, an attorney for former police officer Dianna Warnock Smith, said the town didn't adequately protect Smith from retaliation after she filed charges, opening itself up to more legal damages.

Selectmen, after finding English guilty Sept. 21, 1994, of four of six counts of sexual harassment, also failed to follow internal police department policy and fire English.

"Municipal officers who become aware that their female officers are being victimized by the chief of police have a duty to take appropriate action to stop the harassment," and to prevent retaliation, Richards-Stower said.

Smith's written statement to the board complains then-Town Administrator Linda Pandolfi failed to interview her about her allegations for weeks after she made them, during which time she allegedly suffered repercussions from the chief.

Pandolfi denies failing to respond to the harassment complaint. "What was reported to me was cryptic at best, to start with," she said.

Pandolfi said Smith's original complaint sounded like a unfair discipline complaint, and Smith did not put her complaints in writing for several weeks, during which time she was in constant contact with Smith.

Eventually Smith took a leave of absence without pay

while waiting for the ruling. The town refused to let her take a leave with pay.

Selectmen found English guilty of sexual harassment — but rather than fire him, as called for under the police department's internal policy, they suspended him for 80 days.

"I was not aware of that policy at the time," said Richard Beaumier, a selectman who heard the case. "I didn't have that in the deck of cards I had at the time."

Richards-Stower said she finds it "shocking that a police chief is given permission to ignore and avoid a sexual harassment policy created to protect people he ended up victimizing."

English denies harassing anyone.

Kris Moody, president of the Seacoast chapter of the National Organization of Women, shares Richards-Stowers' concern. "To have gotten to the level of understanding where sexual harassment policies are actually written, and then to ignore these same policies, makes the whole effort meaningless," she said.

A Nottingham resident, Moody corresponded with selectmen from January to June about why they didn't follow the policy, but says she has not received any straight answers.

She said she doesn't necessarily want English fired, but wants to know why policy wasn't followed.

"Police officers, when it comes to the law, they should really uphold the law. They should be examples to the rest of the community," she said. "How can we have respect for our police departments if they don't have the same respect for the law?"

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