



# AMERICAN CIVIL LIBERTIES UNION OF VERMONT, INC.

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FOR IMMEDIATE RELEASE

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## BELLOWS FALLS COMPENSATES VICTIMS OF FALSE ARREST

Two people who were stopped and searched without cause in November, 1994 by Bellows Falls police officers have received \$4750 each as part of a settlement between the town and the ACLU of Vermont, which represented Katherine Koller and Stephen B. Smith, Jr. in the case.

"The checks went out yesterday," according to ACLU cooperating attorney Bradley Myerson, who donated his legal services in the case after Koller and Smith appealed to the ACLU for help. "Ordinary citizens should be able to travel any state road, night or day, without being pulled over by police because they have out of state license plates or somehow 'look suspicious'".

Koller and Smith were stopped on November 10, 1994 at about 10 p.m., coerced into consenting to a search of their persons and the car, and made to stand outside in the cold for an hour in the parking lot of Buffam's Supermarket while the searches were made. The officers later claimed they had stopped the car because Smith was signaling a right hand turn when he intended to turn left, and that they smelled marijuana.

"Officers Fontaine and Schreiver apparently had nothing better to do that evening, and seeing a car with Virginia license plates driving through downtown Bellows Falls, they gambled that a motor vehicle stop might yield some drugs." Myerson said. "Idle curiosity or groundless suspicion are not grounds to stop and harass people who are peacefully going about their business." The car belonged to Smith's mother, who was visiting from Virginia.

There was no right hand turn to be made at that location unless Koller and Smith wanted "to drive through barrier and into the Connecticut River," said Myerson. And there was no marijuana in the car. A Police Department internal investigation later resulted in a finding that the consent to search was given under duress. Officer Kulp, supervisor of the other two officers, was reprimanded, and all three were required to attend in-service training concerning warrantless searches and consent to search situations.

"We're glad that Katherine and Stephen are getting some compensation for what happened to them," said ACLU executive director Leslie Williams. "We're only sorry it took so long."

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