

MEMORANDUM

TO: Sean Kilkenny, Esq. – Jenkintown Borough Solicitor

FROM: Patrick Harvey, Esq. and Ben Patchen, Esq.

DATE: August 29, 2025

RE: **ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**
Investigation Regarding Police Association Formal Complaint Against and
Vote of No Confidence Regarding Police Chief Thomas Scott

On September 25, 2024, Jenkintown Police Benevolent Association (“JPBA” or the “Association”) President [REDACTED] submitted a letter (the “September 25 Letter”) to Jenkintown Borough calling for the Borough to evaluate the “leadership ability and performance” of Police Chief Thomas Scott (“Chief Scott”). The September 25 Letter asserted that, at its monthly membership meeting, the members of the Association unanimously voted “no confidence” in the leadership ability of Police Chief Thomas Scott.

The September 25 Letter asserted that Chief Scott had “engaged in a course of action designed to intentionally undermine the morale and work environment of the department” and to jeopardize officer safety. Further, the September 25 Letter claimed that Chief Scott “publicly claimed responsibility for initiating conversations to dismantle the Jenkintown Police Department.” Moreover, the September 25 letter stated that the Chief had “consistently gone against the guidelines spelled out in the agreed upon CBA between the Borough and the [Association].”

To support its allegations against Chief Scott, the September 25 Letter stated that Chief Scott had failed to staff part-time officers “causing unnecessary overtime and financial burden on the Borough.” Additionally, Chief Scott “actively decided not to pursue accreditation” despite Jenkintown Borough Police Department (“JPD” or the “Department”) having held accreditation status for the previous 19 years. The September 25 Letter also asserted that Chief Scott created an officer safety dilemma by changing the “minimum officer safety requirement” such that officers must patrol alone. The September 25 Letter alleged that Chief Scott had “demonstrated a complete lack of care and consideration for his officers” which culminated in a “hostile work environment.”

Investigation of all of these claims was assigned to Campbell Durrant, P.C. by the Borough Solicitor.

In summary, the Investigator does not find that Chief Scott committed any misconduct. Rather, the allegations appear to be disagreements with Chief Scott's operational decisions and with the Chief's review of the Department including the possibility of restructuring the Department and/or police services. As such, there is no basis for a finding of misconduct based simply on the Union's disagreement's with how Chief Scott believes the Department should be run and with the Chief's review of police operations/police services and possibly restructuring police services. The investigation finds as follows:

1. Vote of No Confidence

There is no dispute that some members of the Department expressed disagreement with Chief Scott's leadership. At a regular monthly Police Association meeting, the issue of having a no confidence "vote" was discussed. Some officers did not have advance notice that this "vote" was happening. The issues that were the focus of the September 25 Letter were discussed at the meeting, specifically, the fact that Chief Scott was a member of the Borough's bargaining team, the allegations that he violated the CBA, and the rumors of disbandment of the Department. At the end of the discussion, after some members expressed opposition to moving forward, the Association President [REDACTED] asked if there were any objections. No member made a formal objection, and Association President proceeded to draft the September 25 Letter and send it to the Borough. Within days of that letter, multiple members expressed disagreement with this decision. This investigation finds that an actual vote was not taken by the Association. Instead, the Association at an Association meeting asked if there was any opposition to moving forward even though no formal vote was ever taken.

2. Potential Disbandment of the Department

This investigation revealed that Chief Scott, with the approval of the Mayor, had informal talks with Abington Township Police Chief Patrick Molloy about the possibility of disbanding the Department and contracting with Abington Township for the Abington Township Police Department to cover the Borough. These talks eventually leaked to the Association, and the potential disbandment of the Department caused significant concern and unrest amongst the officers in the Department. The Borough, including the Chief and Mayor, received and relied upon legal advice from the Borough's labor counsel regarding potential options relating to the possible disbandment of the Department and/or contracting for police services. Ultimately, no action was taken to either disband the Department or contract police services and a new CBA was agreed to prior to the issuance of this report.

3. Association's Allegations that Chief Scott Violated the CBA

The September 25 Letter alleged that Chief Scott consistently violated the CBA. However, to the extent that this possibly occurred, the parties have a grievance procedure in the CBA that is designed to address any alleged contractual violations. This investigation finds that the Chief consulted appropriately with labor counsel regarding his operational decisions and did not commit any misconduct by taking a different interpretation of the CBA than the Association based on his experience, his view of what was in the best interest of the Borough and the Department, and upon legal advice from Borough labor counsel.

4. Part Time Officers

The September 25 Letter alleged that the Chief has intentionally failed to hire part-time officers to supplement the full timers, resulting in unnecessary overtime costs and financial burden on the Borough. Based on Chief Scott's experience, he believed that it was not an efficient use of the Borough's time and resources to recruit and employ part timers. He stated that because there is such a high demand statewide for police officers, part timers typically get enough training and experience from the Borough that they are able to obtain full time employment elsewhere. The Chief believes that this is not productive for the Borough because the Borough must expend time and resources to train the officers, only for them to leave for full time employment in a short time frame. Based on this, he did not believe it was an efficient use of the Borough's time and resources to continue to employ part timers. The Chief's position is found to be a reasonable operational decision.

5. Accreditation

The September 25 Letter also alleged that the failure of Chief Scott to ensure that the Department continued to be accredited contributed to the Association discussion that resulted in the September 25th letter being sent. It is ultimately the Mayor and the Chief's decision to determine whether the Department should pursue accreditation. In this case, the Chief reviewed the existing policies and standards for accreditation and determined that the Department did not have sufficient written policies to pursue accreditation at this time. The Chief also found that pursuit of accreditation at the last minute would result in significant unwarranted overtime that the Borough could not afford. This decision is found to be a reasonable operational decision and was made with the approval of the Mayor.

6. Change of Minimum Officers on Shift

The September 25 Letter also took issue with Chief Scott's decision, with the approval of the Mayor, to lower the minimum amount of officers on a shift. The contract does not include any minimum manning language about the number of officers required to be on duty. Chief Scott made a shift manning operational decision based on his review of data including call volume and determined that the Borough did not need multiple officers on shift at all times. Chief Scott concluded that it was in the best interest of the Borough to change the minimum manning per shift. The proper venue for any shift manning dispute is either (i) a grievance arbitration if the Association believed that the Borough violated the CBA or (ii) through contract negotiations if the Association believed that this was a priority for their members. The Chief has the operational ability to determine shift manning and did not commit any misconduct by changing shift manning.

7. Hostile Work Environment

The September 25 Letter concludes its Complaint letter against the Chief by claiming that his actions created a “hostile work environment.” Under the law, in order to prove a claim of a hostile work environment, an employee must prove that:

1. they were subjected to a hostile work environment by inappropriate conduct;
2. that conduct was not welcomed by the employee;
3. the conduct was motivated by the fact that the employee is in a protected class;
4. the conduct was so severe or pervasive that a reasonable person in the employee’s position would find the work environment to be hostile or abusive; and,
5. that employee found the work environment to be hostile or abusive as a result of the conduct.

This investigation does not find that the Chief’s actions, including his operational decisions and review of possible changes to Borough police coverage including possible disbandment and contracting police services caused a hostile work environment. The legal standard of a hostile work environment was not met. In fact, what happened here was some Association members were unhappy with the new Chief’s reviewing operations and possible changes to police services. This is part of the Chief’s duties, and he did so in consultation with the Mayor and Borough labor counsel. Hurt feelings due to an appropriate operational review by the Chief do not equal a hostile work environment.

INVESTIGATION

As part of this investigation, the Investigator reviewed the September 25 Letter, the Collective Bargaining Agreement that expired on December 31, 2023, and all other policies and documentation provided by the Borough or submitted by the officers and conducted interviews of all members of the Department and Mayor Gabriel Lerman. The interviews took place as follows:

1. Officer [REDACTED] on January 22, 2025.
2. Officer [REDACTED] on January 22, 2025.
3. Officer [REDACTED] on February 3, 2025.
4. Officer [REDACTED] on February 3, 2025.
5. Officer [REDACTED] on February 3, 2025.
6. Sergeant [REDACTED] on February 4, 2025.
7. Officer [REDACTED] on February 5, 2025.
8. Officer [REDACTED] on February, 5, 2025.
9. Officer [REDACTED] on February 12, 2025.
10. Chief Thomas Scott on March 17, 2025.
11. Mayor Gabriel Lerman on March 26, 2025.

All officers and sergeants within the Department are members of the Association. At the time of this investigation, the Borough and the Association were working under an expired collective bargaining agreement. However, the Borough and the Association had been engaged in

ongoing negotiations regarding the potential terms of a new CBA. The investigators were informed that prior to the issuance of this report, a new CBA was approved by Resolution 2025-9 in May 2025 for a contract term of 1/1/24 to 12/31/27.

Morale in the Department Prior to Chief's Scott Appointment as Police Chief

The members of the Association generally described the morale of the Department prior to the appointment of Chief Scott in 2022 as mostly good with normal ebbs and flows based on personnel changes. This changed though during the end of the last police administration. Notably, several members stated that, around 2018, approximately four years before Chief Scott's appointment as Police Chief, alleged policy violations and personnel conflicts within the Police Department began to develop. Officer [REDACTED] explained that the previous police administration had been investigated, and allegations of theft of time led to the retirement of the then [REDACTED] of the Department. The officers described a split in the Department, where two cliques developed. Those conflicts ultimately resulted in multiple members filing lawsuits against the Borough and prior Department management, which furthered the divide in the Department.

Officer [REDACTED], who was one of the officers who filed the aforementioned lawsuit stated that a "disagreement" arose which created "a split in the Department back in [2018]." Officer [REDACTED] attributed this conflict, in part, to a failure of leadership from the previous police administration. Officer [REDACTED] described the morale as "low" towards the end of the prior Police Chief [REDACTED]'s tenure in 2021, noting that "there was a divide between officers." Officer [REDACTED] who has been employed by the Department since 2003, is the second most senior officer with the Department. Prior to becoming a full-time officer, [REDACTED] worked as a part-time officer for the Borough from about 2003 to 2005.

After former Chief [REDACTED] retired from the Police Department, the Borough hired Police Management Consultant Ron Smeal to serve as Interim Police Chief until the Borough selected a new Police Chief. At the same time, Smeal conducted an internal study of the Department and made recommendations for potential areas of improvement within the Department.

Background of the Department and Hiring of Chief Scott

Although morale was generally low at the start of Chief Scott's tenure, some officers expressed excitement about the leadership transition. Several members of the Department viewed Chief Scott's hire as an opportunity for a fresh start—one that might bring greater structure to the Department. In particular, some expressed confidence in Chief Scott based on his background with the Abington Township Police Department.

Chief Scott was hired by Jenkintown Borough as Chief of Police in April of 2022. Most officers stated that they were optimistic about getting a new Chief of Police. Officer [REDACTED] stated that he was “extremely excited” to hear that the Borough had hired Chief Scott because Officer [REDACTED] knew Scott to be a good Abington command officer, and they had a good relationship.

Similarly, Officer [REDACTED] stated that he had known Chief Scott for over 30 years and “highly supported and recommended” Chief Scott’s hiring. Officer [REDACTED] has been in law enforcement for over forty years. Although he has since retired from the Department, Officer [REDACTED] was the most senior officer in the Department at the time of his interview. Officer [REDACTED] stated that he had trained many of the current officers. Officer [REDACTED] related that when Chief Scott took over, Chief Scott met with each officer individually to ask the officers about their career objectives and express his own vision for the Department.

Officer [REDACTED] also stated that he was “very excited” when Chief Scott first came to the Department, as [REDACTED] recognized that there were “a lot of areas and opportunities for the Department to grow and to be better.” Officer [REDACTED] acknowledged some of the positive changes that have been implemented, such as the introduction of new and updated equipment since Chief Scott took over. Officer [REDACTED] added that Chief Scott updated the Department’s computer server and increased trainings.

However, as Chief Scott began implementing changes to departmental structure and policies, some of those changes were met with criticism from some officers. While some adjustments were seen as necessary or even overdue, others sparked pushback among officers who felt the changes were unilaterally made by Chief Scott, without adequate communication or regard for how they would affect day-to-day operations.

[REDACTED] expressed skepticism at Chief Scott’s arrival. In 2006, [REDACTED] resigned from the UPenn Police Department and joined the Department as a patrol officer. In 2014, [REDACTED] was promoted to the rank of [REDACTED]. [REDACTED] stated that, from 2015 until 2022, he performed many of the Department’s administrative duties, including scheduling, payroll, and field training. However, [REDACTED] explained that, when Chief Scott joined the Department in 2022, Scott took over many of the administrative tasks that [REDACTED] previously performed.

Officer [REDACTED] was hired as a part-time police officer with the Department in 2011 before becoming a full-time Police Officer with the Borough in 2014. Officer [REDACTED] also stated that he was optimistic about Chief Scott joining the Department. He confirmed that Chief Scott has made technological improvements to the Department and put more of an emphasis on training. However, [REDACTED] expressed that he believed that problems began to arise “almost immediately,” noting that there has been “a lot of turmoil for a couple years.”

Officer [REDACTED] similarly expressed concern over recent changes under the leadership of Chief Scott. In 2003, after completing the police academy, Officer [REDACTED] was hired by Jenkintown Borough as a part-time police officer. Officer [REDACTED] also worked as a part-time officer elsewhere until he was hired full-time by the Department in 2006. Officer [REDACTED] stated that, throughout Chief Scott's tenure, "a lot of issues between [the Association], the Chief, and Council" have arisen.

Additionally, changes to minimum staffing and other alleged past practices contributed to a growing dissatisfaction with Chief Scott's leadership which ultimately led the Association to discuss at its monthly membership meeting concerns and dissatisfaction with Chief Scott's leadership and that resulted in Officer [REDACTED] sending the September 25th Letter to the Borough. Officer [REDACTED] has been a full-time officer with the Department for over 11 years and currently serves as Association President. Officer [REDACTED] drafted the September 25 Letter to the Borough outlining the Association's grievances which he asserted led to a vote of "no confidence" in Chief Scott's leadership ability. The full concerns of the Association members are discussed below.

Contract Negotiations

Based on the interviews conducted, one of the most pointed concerns centered on Chief Scott's conduct during the recent CBA negotiations. Multiple members took issue with Chief Scott sitting at the bargaining table on behalf of the Borough. They viewed this as Chief Scott negotiating against their interests and did not want their police chief to be involved in the bargaining on behalf of the Borough.

[REDACTED] [REDACTED] asserted that Chief Scott had stated during contract negotiations that the previous CBA was "unethical, illegal, and immoral." [REDACTED] further expressed his belief that Chief Scott "wants to take everything away from" the Association and its members. Regarding ongoing CBA negotiations, Officer [REDACTED] claimed that Chief Scott had been negotiating on behalf of the Borough and against the Association. Officer [REDACTED] stated that he had never seen the Borough's Chief of Police "bargaining against his officers" during CBA negotiations and described it as "odd." Moreover, Association President [REDACTED] stated that he had served on every contract committee since joining the Department and had never seen the Chief of Police negotiating against his own officers.¹

Officer [REDACTED] stated that he has been a member of two contract negotiation committees and had never seen the Police Chief "get directly involved as an oppositional voice." He added that it "gave the appearance that [Chief Scott] was working against our interests." Further, Officer

¹ It should be noted that prior to Chief Scott, there was only one Police Chief during Officer [REDACTED] and Officer [REDACTED]'s tenure with the Borough, and therefore their statements are limited to their observations of the prior Police Chief's role in negotiations. The Borough's Police Chief and prior Police Chief were not members of the bargaining unit and report to the Mayor and Council under the Borough Code.

█████ pointed out that several officers have felt that Chief Scott “was actively working against” them because of the posture that he has assumed during contract negotiations.

Undermining Officers and the Police Association

Based on the interviews conducted, some of the members also expressed frustration with what they characterized as the Chief’s pattern of undermining both individual officers and the Association as a whole. This included the Chief’s decision not to pursue accreditation despite the Department having maintained its accreditation status for the previous 19 years. Chief Scott sent out an email explaining why he felt the Department was not suited for accreditation, including his belief that Department policies were significantly outdated.

Some members of the Association, such as Officer █████, agreed with Chief Scott’s decision not to pursue accreditation, highlighting that it is costly to prepare for accreditation. However, other members felt that the decision not to pursue accreditation reflected Chief Scott’s lack of commitment to the betterment of the Department. Officer █████ posited that “it says a lot about the Department if [it is] accredited.” He added that “it looks like a failure on the Department” because it is no longer accredited. █████² stated his belief that Chief Scott “discredits each and every one of us...by saying that we’re not trained.”

Officer █████ stated that, prior to Chief Scott, Council spoke highly of the Police Department; however, that relationship has become strained. Officer █████ expressed his belief that tension had arisen due to allegations from Chief Scott that members of the Department were not performing. Officer █████ expressed his belief that Chief Scott had articulated negative views about members of the Association to Borough Council members leading to tension between Council and the Association that did not exist prior to Chief Scott.

Moreover, some officers felt that the Chief allegedly questioned their competence or dismissed their input in front of colleagues or residents, contributing to a deteriorating morale within the ranks. Moreover, officers expressed concern that the Chief’s communications with Borough officials and the public at times portray the Association as obstructionist or uncooperative, without acknowledging the structural or resource-based challenges officers face. Officer █████ alleged that Chief Scott had “belittled officers to their face” and referenced a “collective micromanagement” from Chief Scott towards all the officers in the Department.

Excessive Verbal Reprimands Without Documentation

² █████’s administrative duties were removed after Chief Scott’s appointment as Police Chief.

Another recurring complaint from some members of the Association during the interviews was the Chief's use of verbal public reprimands, which some officers described as in their opinion excessive, disproportionate, or inconsistent with professional standards of leadership.

██████████ stated that Chief Scott gave him a 2023 evaluation which noted ██████████'s ██████████ as well as stating that ██████████ was ██████████. Regarding ██████████ ██████████ stated that Chief Scott did not request ██████████. Additionally, ██████████ explained that the ██████████. ██████████ The Chief and ██████████ later spoke about this in the context of Chief's Scott's expectation that processing would take place through Abington Township; however, ██████████ stated that ██████████.

Officer ██████████ alleged that he heard Chief Scott "scream" at former-Officer ██████████³ over the phone for not having completed an accident report four days after the incident in question. Officer ██████████ stated that he was close to Officer ██████████ during the phone call and was able to hear through the phone. Officer ██████████ believed that Chief Scott's handling of the situation was "completely ridiculous." Officer ██████████ also stated that he heard through the phone when Chief Scott "called the officer on the phone and just screamed at him about not having the report done. ██████████ stated that, aside from in ██████████ words being "screamed" at by Chief Scott over the phone, ██████████ was not disciplined.

Officer ██████████ could only recall one instance during Chief Scott's tenure where discipline was imposed, and that occurred during a personnel meeting where an officer asked to speak on a topic and Chief Scott granted permission. However, the discussion developed into an argument, and ██████████ recalled either Chief Scott or Mayor Lerman writing that officer up for insubordination. The officer was later given either a counseling or a verbal reprimand.

Alleged Departures from the Collective Bargaining Agreement and Past Practice

The September 25 Letter alleges that the Chief has, on multiple occasions, acted contrary to both the letter and spirit of the Collective Bargaining Agreement (CBA) and past practice. This includes making unilateral decisions about staffing, overtime distribution, or work assignments in ways that that Association claims either violate explicit CBA provisions or depart sharply from established past practices. However, not all officers agreed with this allegation. For example, Officer ██████████ expressed his belief that Chief Scott had not necessarily gone against the CBA but had taken different interpretations of the agreement.

³ Officer ██████████ was furloughed from the Department.

Minimum Staffing Requirement

Chief Scott's first alleged departure from claimed past practice involved his change to the minimum staffing procedures and expectations. Association President [REDACTED] explained that minimum staffing of 2 officers had been in place for his entire tenure with the Department while working under the prior Police Chief. Officer [REDACTED] also confirmed that in the past there were 2-3 officers per shift. Officer [REDACTED] further explained that Chief Scott's current practice is to fill vacancies on Friday and Saturday nights, but should an officer call out on Monday through Thursday, the other scheduled officer must work that shift alone. Officer [REDACTED] noted that he and other officers have worked alone at night which he believes has a negative impact on officer safety. Officer [REDACTED] further explained that an officer patrolling alone must rely on coverage from an "outside agency" should the need for backup arise.

Regarding minimum staffing, Officer [REDACTED] as well as several other officers, opined that patrolling alone not only presents a heightened risk to officers but also limits the patrolling officer's ability to navigate complex situations. Officer [REDACTED] expressed concern over the lack of coverage and expressed his belief that solo patrol was not "realistic." He noted that developments along Old York Road in Jenkintown, such as a Starbucks, a Giant supermarket, and apartment complex, would lead to increased activity in the area. [REDACTED] worried that depending on mutual aid coverage from other municipalities may not always be reliable due to activity in any given area. He explained that, although the Department had not had an incident yet, solo patrol felt like a potential threat to officer safety and impacted the ability of the patrolling officer to fully pursue matters.

Officer [REDACTED] also expressed concern regarding recent changes to the minimum staffing requirement. He agreed with the concerns of other officers that solo patrol presented a safety issue, especially with upcoming commercial and residential developments in the Borough. Additionally, he noted that making an arrest "ties [an officer] up for at least four to five hours" which would make it extremely difficult for a single officer to patrol effectively.

At the time of his interview, Officer [REDACTED] had not had to work alone yet; however, he opined that some of the most unsafe situations often arise from incidents that may initially appear routine and that in his opinion, that it is "less safe not to have an immediate backup than it is to have one." He added that a seemingly routine situation may turn into a safety risk to an officer at a moment's notice.

Further, Officer [REDACTED] also raised a concern of "burnout" which may arise from officers working alone or from officers uprooting their schedules to ensure coverage without creating unnecessary overtime. Several officers felt that they believed that employing part-time officers could help maintain coverage for call outs. Officer [REDACTED] noted that throughout his employment with the Department, there had been "a handful of part-time" officers to assist with staffing

shortages. However, ██████ expressed his belief that Chief Scott had “made an intentional choice” not to hire part-time officers even though the Department had a pool of part-time officers in the past.

Accrual of Kelly Time

Another point of concern amongst officers related to Chief Scott’s limitations on the accrual of Kelly time (e.g. paid time off). Under the previous administration, officers were permitted to “carry over” unused Kelly time. However, Chief Scott advised officers that such accrual was not a permissible use of Kelly time. Chief Scott informed personnel that they would no longer be permitted to accrue unused Kelly time and encouraged them to use the time they already had. Regarding the accrual of Kelly time, Officer ██████ acknowledged that the practice is “not specifically mentioned in the [CBA] one way or the other.” Both Officer ██████ and ██████ acknowledged that the Association’s CBA does not address carrying over unused Kelly time.

Officer Compensation for Trainings

In addition to imposing limitations on the accrual of Kelly time, officers alleged that Chief Scott adjusted officer compensation for trainings. According to the officers interviewed, previously officers were paid for a full 12-hour shift for attending trainings even if that training did not last a full 12 hours. For example, officers who attended an eight-hour training would have been compensated for 12 hours under the previous administration. ██████ stated that compensation for training was outlined in the Association’s CBA. According to some officers, Chief Scott changed compensation for trainings such that officers are paid “straight time” which more accurately represents the time spent at training, including travel. The officers emphasized their belief that such changes required negotiation.

Officer ██████ noted that the CBA⁴ stated that officers were to be compensated 12 hours for an 8-hour training. According to Officer ██████ Chief Scott asserted that the Association had “fleeced” the Borough through that provision. Officer ██████ expressed his belief that such an assertion was inappropriate, as each term in the previous CBA was negotiated and bargained for.

Processing Directive: From Montgomery County Correctional Facility to Abington

Another complaint from the officers’ interviews arose from Chief Scott’s recent directive regarding processing arrestees. Officer ██████ explained that under ██████, the arrest and processing of an individual involved transporting the arrestee directly to Montgomery

⁴ Article VII of the expired CBA contains a training provision that the officers referenced during the interviews.

County Correctional Facility. However, Chief Scott directed officers to transport arrestees to Abington to be processed. Officer [REDACTED] explained that the new process of taking arrestees to Abington resulted in significantly more work for JPD officers, because Officer [REDACTED] believes it requires significantly more coordination and follow-up between Jenkintown and Abington.

Officer [REDACTED] explained that in his opinion, the Department's previous relationship with Montgomery County Correctional Facility streamlined the processing and lodging of arrestees. [REDACTED] explained that another downside to coordinating with Abington is the actual or perceived burden that it puts on Abington's police force when one of their officers must interrupt his or her shift to assist the JPD officer with processing a JPD arrest.

Rumors of Departmental Restructuring and Lack of Communication

Perhaps the biggest area of concern raised during the interviews relates to speculation about the future of the Department—specifically, rumors and statements regarding dissolving the Department and contracting with another neighboring municipality such as Abington Township or having the State Police cover the Borough. The Association claims that in the absence of clear and consistent messaging from the Chief or the Borough, these rumors have taken on a life of their own, contributing to uncertainty and anxiety within the force.

Officer [REDACTED] expressed his belief that morale is currently at its lowest because of the ongoing rumors about possible disbandment of the Department. Officer [REDACTED] stated that he had begun to lose trust in Chief Scott and the current administration because of these “backdoor deals.” Officer [REDACTED] stated that the Borough had considered disbanding the Department. Several officers confirmed that there had been “rumors from Abington” that Jenkintown Borough was “exploring other options,” notably “looking to use Abington police to patrol Jenkintown” making the JPD officers “obsolete.”

[REDACTED] and Officer [REDACTED] stated that, at several public meetings, Chief Scott had stated that it was his idea to partner with or subcontract with Abington. Officer [REDACTED] stated that he had received calls and texts from Abington police officers inquiring about the rumors that the JPD was going to be “shut down” or “dissolved.” In addition to the general rumors, Officer [REDACTED] stated that he also heard a rumor that Abington Township Manager Richard Manfredi had admitted that he met with Borough management “to discuss a merger.”

Officers [REDACTED] and [REDACTED] both claimed that Council President Jay Conners made statements both at public meetings and to news sources that the Borough's intention was to contract out its police services and that it was “just looking for a partner.” [REDACTED] also alleged that council President Jay Conners stated in a public meeting that, although he was not sure when or by whom, that “somebody else is going to take over” the Borough's police services.

At the time of his interview, Officer [REDACTED] was seeking other law enforcement positions. [REDACTED] stated that he notified Chief Scott of his intention to seek out new employment before submitting his applications. Officer [REDACTED] pointed out “an overwhelming sense of disappointment in the level of transparency that has led” him to this point. [REDACTED] stated that the “overwhelming factor” leading him to seek new employment was “the talks about dissolution of the [Department].” Officer [REDACTED] further explained that, after the most recent furloughs, he is the least senior officer in the Department which means he would be next in line to be furloughed. He noted that furloughs occurred in 2020 and 2021 (before Chief Scott became Chief of the Department), and in 2024, but he could not recall any furloughs prior to those dates.

Officer [REDACTED] expressed his belief that furloughs would continue due to discussions of overstaffing and rumors of dissolution of the Department. Moreover, Officer [REDACTED] stated that Chief Scott has encouraged and “actively talks to officers about finding new employment.” Officer [REDACTED] explained that his preference would be to work for the Department for his entire career, but “because of all the things going on,” he had also considered finding new employment. Further, [REDACTED] expressed his belief that Chief Scott’s “end goal would be for everybody to leave so he can contract [police services] out.”

Officer [REDACTED] claimed that neither the Borough nor the Police Department have informed the Association of the future plans for the JPD. Instead, he has looked to external sources, such as via intra-Department rumors, from council meetings, or “by hearing it from members of the public.” [REDACTED] added that he had spoken privately with Borough Manager George Locke but never received “a straight answer.” Officer [REDACTED] stated that members of the Association got information through news articles.

Officer [REDACTED] stated that he was concerned about the future of his employment with the Department; however, he also noted that Chief Scott “laid out his vision” for the Department at a March 29th Department meeting which raised doubts in Officer [REDACTED]’s mind as to Chief Scott’s intentions to disband the JPD.

[REDACTED] described the threat of dissolution as a “constant stressor” which has “affected day to day work in a big way.” Officer [REDACTED] also expressed his belief that, should dissolution or subcontracting fail, Chief Scott and Borough management may seek to push officers out by creating a hostile work environment. He described recent changes as efforts “to just get guys to be miserable.” Additionally, Officer [REDACTED] alleged that, during contract negotiations, the Borough had threatened dissolution as a way to pressure the Association to agree to certain terms.

September 2024 Association Meeting

Based on the interviews, there is no dispute that the concerns with Chief Scott were discussed at the Association meeting, but it does not appear that an actual vote was taken on the

contents of the letter that was subsequently drafted. ██████ stated that there was a lengthy discussion and that no one was on the Chief's side. ██████, who was removed from his administrative duties by the Chief, stated that everyone was on board and stated that they voted with a show of hands. ██████, who also was quite vocal during his interview with his disputes with the Chief, stated that everyone was unanimous with having no confidence in the Chief. However, ██████ said he asked many questions and that he said it was not the right time. ██████ explained that although no one objected to moving forward with a vote of no confidence, "that wasn't [the] true sentiment." Notably, Officer ██████ stated that the JPBA convened and discussed their concerns regarding Chief Scott; however, there was no formal "vote" taken. Rather JPBA President ██████ asked whether any member had any objection "with moving forward." ██████ believed it only required a majority vote and that it did not matter if he objected. Thus, ██████ refrained from objecting in order to avoid creating "even more internal turmoil."

Officer ██████ asserted that Chief Scott has started to bring the Department "into the Twentieth Century." Chief Scott has provided training, upgraded the computer system and body cameras, and brought in new equipment. Officer ██████ also stated that Chief Scott provided them with equipment and training. However, Chief Scott's positive contributions to the Department were overshadowed by the looming threat to job security in the opinion of some of the Association's members.

Officer ██████ stated that the uncertainty is both "very discouraging" as to the future of his career and also "greatly affecting [his] personal life [and] mental health." However, Officer ██████ has nonetheless maintained a good relationship with Chief Scott and expressed his belief that "he's a very smart capable person." ██████ added that if the Borough and the Association could "somehow come to an agreement to make this Police Department work," that he would want Chief Scott "to be in charge and lead [the Department]."

Officer ██████ disagreed with the sentiment that Chief Scott has failed to take action to bring about positive change. The day after the JPBA meeting, Officer ██████ sent an email to all the officers in the Department stating he did not feel comfortable with a vote of no confidence and did not support it at that time. Moreover, at the time of his interview, ██████ stated that he had continued confidence in the ability of Chief Scott to perform as Chief.

Officer ██████ stated that he did not see President ██████'s September 25 letter until after it was transmitted. He added that to call Chief Scott incompetent was "an absurdity." Officer ██████ disagreed with the statement that Chief Scott had shown a complete lack of care for his officers or that he had failed to take action to bring about positive change. He noted that Chief Scott had covered patrol during daywork, and ██████ expressed his belief that Chief Scott is "a good chief" whom he has confidence in. Further, Officer ██████ could not recall any instance where Chief Scott made "disparaging remarks about officers" or called their ethics or integrity into

question. Officer [REDACTED] stated that, at the time of the vote, he “wasn’t for or against” the vote of no confidence regarding Chief Scott, and, at the time of his interview Officer [REDACTED] stated that he “absolutely” had confidence in Chief Scott.

Police Chief Thomas Scott Interview

Chief Scott has been employed in law enforcement since 1997. He started his career in Abington Township and worked as a patrol officer before being promoted to Patrol Sergeant and later Patrol Lieutenant. The Borough hired Chief Scott as its Police Chief in April of 2022. During his time at Abington, Chief Scott had a working relationship with some of the officers and supervisors at the Borough.

Prior to Chief Scott’s tenure at the Borough, the Borough had retained Ronald Smeal, a police management consultant, to conduct a study about the Department. According to Chief Scott, the study found that the Borough did not need as many officers as it currently had and recommended that eight officers would be appropriate. In 2020 the Borough furloughed one officer and in 2021 the Borough furloughed a second officer. There had been up to 16 officers in the past, but the department was reduced to 12 after the furloughs in 2021. In addition to conducting a study, Smeal worked as Acting Chief of the Department for the first three months of 2022.

When Chief Scott started with the Borough, he stated that his employment contract required him to implement performance evaluations for the Department, which had not been done since 2012. The Borough had also been using paper sheets to record working hours, which was not in line with industry standards. Both Abington and Cheltenham police departments use an automated system.

Shortly after Chief Scott started with the Department, he encountered potential severe policy violations by [REDACTED]. There were issues with [REDACTED] approving comp time for employees without proper paperwork, approving overtime for himself with no justification, a hostile work environment created by [REDACTED] and a lack of training for the Department. The Borough hired James McGowan to conduct an investigation of these issues. Prior to McGowan’s interview of [REDACTED], [REDACTED] retired from the Department.

Chief Scott also discussed the enormous amount of leave time, specifically Kelly time and comp time that officers had accrued prior to his arrival. He does not believe that the accrual was authorized by the CBA and was concerned because it was a large unfunded liability for the Borough. He believed that officers were manipulating the schedule to receive excessive amounts of Kelly time. Chief Scott also found some Department practices that forced the Borough to pay for unnecessary overtime. For example, he discussed a yearly arts festival where, in the past, the Borough had all 14 officers working at the festival, resulting in large overtime costs for the

Borough. Chief Scott determined that no more than two officers needed to be brought in for overtime for this festival. Chief Scott has operated the festival with two officers on overtime since he started.

Chief Scott also discussed a fracture in the Department due to a federal lawsuit filed by two officers against the Borough, the previous [REDACTED] and former [REDACTED] alleging discrimination and retaliation.

In July 2022, Chief Scott met with all of the officers to discuss the implementation of the performance evaluations. At the time, there were two sergeants in the Department ([REDACTED] and [REDACTED]). Chief Scott requested both sergeants provide feedback for their subordinates for the performance evaluations. While [REDACTED] provided appropriate feedback, [REDACTED] stated that all of his subordinates were exemplary and gave them perfect reviews. Chief Scott discussed the evaluation process with [REDACTED] and pointed out some things that should have been included, such as the number of car stops by certain officers. Chief Scott also faced pushback from [REDACTED] after Chief Scott met with [REDACTED] for his performance evaluation. Chief Scott hoped to repair the relationship and set out the goals for the Department. However, Chief Scott stated that [REDACTED] has been antagonistic since Chief Scott arrived, and he cannot trust him to do his job.

Chief Scott has encouraged officers to attend more trainings, however, there has been pushback from a few members of the department because they believe they should be compensated for a 12-hour day for training despite training only lasting eight hours. Chief Scott stated that the contract was manipulated in the past to create additional leave time provisions and benefits for training that are not appropriate and are an abuse of taxpayer dollars. There were three officers that were out of work for extended periods of time because of health issues. Chief Scott also demoted [REDACTED] after a video surfaced that showed [REDACTED]

Chief Scott made the decision to have the Department return to the police radio band that the neighboring municipalities (Abington and Cheltenham) were using so that those departments could assist if needed. Before that, the Department was on a different band and the neighboring department would not hear Jenkintown calls and would not know if they were needed to assist the JPD.

According to Chief Scott, Borough Council had directed Chief Scott to purchase and implement body cameras for the officers. Chief Scott also updated the technology throughout the Department, including in car cameras, new tasers, changing the NIBRS system, and installing scheduling software.

After the struggles Chief Scott had in taking over, the large budget for the police department which accounted for about half of the total Borough budget, and the struggles he had in attempting to improve the police department, in mid-2023, Chief Scott suggested to Borough leadership that they should consider looking at contracting police services. Chief Scott believed that the Department was already oversized and had issues with police skills and performance that resulted in the police department being an inefficient use of Borough resources. Chief Scott stated that he became aware of the Borough merging the fire stations because of lack of volunteers and excessive costs, as well as an underpaid public works department losing employees. He also knew Jenkintown to be a highly taxed Borough.

Chief Scott spent a significant amount of time examining the future options for the Borough police services and at the time he concluded that contracting out was the best path forward. He discussed having the state police cover the Borough but believed that would result in slower response times. Chief Scott believed that it would save the Borough about one million dollars to contract out the police services. Chief Scott based this on his estimate of the cost of contracting, which he believed would be about \$1.5 million.

Based on his years of experience including command experience and as the appointed head of the Department responsible for police budgeting, Chief Scott was flagging numerous issues that he wanted the Borough to focus on in negotiations. Chief Scott stated that during the negotiations he acted as an advisor to the Borough. He intended to help reach a fair deal with the Borough, cutting down on inefficiencies and a fair deal for the officers. Specifically, there were issues with the training hours, leave time, holiday pay and sick payouts that Chief Scott believed were costing the Borough an excessive amount of money. Chief Scott believed that he could help the Borough negotiate a fair contract for the Borough that cut down on the inefficient use of money and police time and also provided benefits to the officers who had a relatively limited pension, no pension COLAs, no retirement health care and other issues that did not provide a long-term benefit to the officers.

Chief Scott believed that someone from the Borough leaked the preliminary discussion of contracting out police services to the Association. That created a firestorm and Chief Scott then had to do a presentation at a community meeting mapping out the issues that occurred over the twenty years of mismanagement of the Department. Chief Scott discussed his possible plan to contract out Borough police services with the Borough's labor counsel.

In addition to the Smeal study that made approximately 90 recommendations to improve the Department, The Pennsylvania Department of Community and Economic Development ("DCED") also conducted a study of the Department and found that the Borough was paying significantly more money per resident for police services than any other comparable community. DCED also said the Department needed 8 officers, not the 12 that it currently employed.

At the end of 2024, Officer [REDACTED] was retiring, and Council was considering whether to furlough two additional officers to get down to 8, as recommended by the various consultants (i.e. Smeal and DCED). However, Chief Scott recommended that they furlough one and then wait until the following year to furlough another officer. The officer who would have been furloughed approached Chief Scott and ended up accepting another job in another Department.

Chief Scott acknowledged that he did not have any discussions with the Association about the possible subcontracting. He had informal talks with Abington, but Abington did not commit to moving forward. If Borough Council took formal action based on a reasonable commitment from another municipality for contracted coverage, Chief Scott would have had formal conversations with the Association and later would have held a press conference. Based on communications with the Borough's labor counsel, Chief Scott was under the impression that he had to impact bargain the subcontracting issue with the Association and that the Borough would offer severance packages to the officers.

Chief Scott stated that he reviewed call volume and types of calls that the Borough had and determined that the Borough did not need to have two officers working at all times. For example, there would be nights where there were zero calls for police service.

Chief Scott was under the belief that at times under Chief [REDACTED] the Department had employed part timers, however when Chief Scott took over there was only one part time officer who was also employed as an officer elsewhere. Chief Scott determined that it was not worth the time and resources to hire part timers, train them and then have them leave the Borough shortly after gaining enough experience to be hired elsewhere. The Chief stated that part time programs are difficult to maintain because of the low supply of police officers throughout the state, as most people who start as part time officers end up employed full time elsewhere.

With regard to Chief Scott's decision making on accreditation, Officers [REDACTED] and [REDACTED] were in charge of accreditation for the Department. In the past they would wait until the last minute and collect thirty hours of overtime for processing the files to be accredited. In 2022, Chief Scott met with [REDACTED] and [REDACTED] to discuss the accreditation for the following year. He expressed his concerns with the Department's policies and showed them Abington's policies to use as a model. Chief Scott stated that he wanted them to revamp the Borough's policies. Chief Scott later reviewed the policies and was surprised to see that they did not do any work to improve the policies. Based on the state of the policies, he did not believe that it made sense to pay extensive overtime to those officers to do the accreditation when they already had sufficient time to complete the process but chose not to. Chief Scott noted that Ron Smeal had found that the policies were not sufficient for accreditation and needed to be updated.

Mayor Lerman

Mayor Gabriel Lerman ("Mayor Lerman") has over 23 years of professional experience in pharmaceutical research and development and has served in varying leadership roles, including his current position of Senior Director Project Leadership at Parexel, a clinical research organization providing the full range of Phase I to IV clinical development services.

Prior to becoming Mayor, Mayor Lerman served as the Chair of Jenkintown Borough's Planning Commission for about four (4) years as well as a Committee member for the local Democratic Party. Mayor Lerman was elected as Jenkintown Borough Mayor in 2021. His Mayoral term began in January of 2022. Mayor Lerman stated that he had no prior relationship with any members of the Jenkintown Police Department before he became Mayor. As Mayor Lerman transitioned into office, former Chief of Police, [REDACTED] transitioned into retirement and Police Management Consultant Ron Smeal and Consulting Actuary Mark Bensall served as Interim Co-Chiefs while helping the Borough establish a hiring process for identifying a new Police Chief. Ron Smeal's consulting firm also conducted a study and drafted a report outlining areas of improvement for the Jenkintown Police Department.

From discussions with the former Mayor, Mayor Lerman learned of ongoing inter-Department issues, including concerns about the alleged lack of oversight from [REDACTED]. Mayor Lerman thought that "it was in the best interest of the Borough if [REDACTED]...resigned and [the Borough] looked for a new Chief of Police." Mayor Lerman stated that the decision to hire Ron Smeal was made before Lerman's Mayoral term began. Mayor Lerman also sat on the hiring committee that eventually made the decision to hire Chief Thomas Scott based on the advice of Ron Smeal and his consulting firm.

Mayor Lerman explained that, in seeking to fill the position of Police Chief, the Borough's hiring committee was looking for "someone who would step into the leadership role that seemed to have been missing." Additionally, the committee sought out someone who could rein in the "lack of oversight with financial controls...[and] scheduling issues." Further, Mayor Lerman explained that Chief Scott's written employment contract included "expectations around scheduling" and "detailed some of the needs [of the Department] as a result of the deficiencies from the previous administration."

Mayor Lerman noted that, just before his election, the Borough had received two independent reports which highlighted that the Jenkintown Police Department was overstaffed and that "the percentage of the Borough's budget that was allocated to police department operations and staff...was not sustainable in the long run." Both reports recommended a department consisting of about eight officers. Mayor Lerman noted that the Borough had furloughed one officer the year before he took office, so "there were already moves being made to curtail" Department spending.

After being hired, Chief Scott emphasized the Department's lack of sustainability. Mayor Lerman explained that Chief Scott and Borough management discussed the issue "at length" and "explored all options." Lerman stated that Borough management and Chief Scott discussed "the demeanor, professionalism, [and] ability of the department to conduct normal police activities" and noted that the previous JPD administration had left a workplace culture significantly lacking in accountability. The Smeal report, as confirmed by Chief Scott, showed that there had been a "lack of oversight particularly for financial control" and potential abuses of Borough finances which needed to be addressed.

Throughout the discussions regarding how to resolve the Department's financial and operational issues, Borough management and Chief Scott considered several potential options, including subcontracting police services, regionalization of police services and disbandment of the police department altogether. Mayor Lerman recalled that Chief Scott introduced the option of subcontracting police services through a different municipality.

Like Chief Scott, Mayor Lerman expressed his belief that a decision to subcontract with Abington or another municipality for police services would require some type of bargaining between the Borough and the JPBA. However, the Borough never had substantive conversations about a potential agreement with Abington, so the Borough never held a formal discussion with the Association.

Mayor Lerman stated that, at the time of his interview, collective bargaining agreement negotiations between the Borough and the Association were ongoing. The Mayor sat in on the CBA negotiation sessions, and he stated that it was his first time participating in the negotiation of a law enforcement CBA. Lerman stated that some of the negotiation sessions had been "contentious" and expressed his belief that the contentiousness arose from the rumors regarding the potential dissolution of the JPD. Mayor Lerman also expressed his concern that, during negotiations, the Association expressed resistance towards "things that would help them do a better job," such as performance reviews, accountability, and some trainings. Additionally, Association bargaining members were "reticent to give up" some of the past practices of the previous administration, including certain "abuses of [Borough] finances."

Regarding ongoing negotiations, Mayor Lerman explained that the Borough is focused on making the Department "the best Department that it can be" while maintaining alignment with "the Borough's needs and...budget" and keeping Borough's options open regarding a potential change in management structure. Mayor Lerman insisted that the Borough administration "categorically have not made any threat" regarding the disbandment of the Police Department during negotiations as a leveraging tactic.

Many of the departmental changes that the Association attributed to Chief Scott, including those which have resulted in the filing of grievances, were also supported by Borough administration, including Mayor Gabriel Lerman. Mayor Lerman explained that he was “involved in and supported” the decision to lower minimum shift staffing from two (2) to one (1) and that it was also recommended in the Smeal report and discussed with the public safety committee. Regarding the lack of part-time officers, Mayor Lerman explained that it is difficult for the Borough to find part-time officers because “a lot of police departments are looking to hire, and there’s not a lot of incentive for an officer to take a part-time job.” Additionally, Mayor Lerman stated that he found it “counterintuitive” to hire part-time officers while the Department is overstaffed.

Mayor Lerman also stated that he was “aware...and part of” the decision not to pursue accreditation. Mayor Lerman stated that, although the previous administration had maintained accreditation, the past practice was to “cram” all of the work that needed to be done for accreditation into the period right before it needed to be completed which resulted in a “significant amount of overtime.” Thus, Mayor Lerman stated that the Borough chose not to pay out overtime solely to obtain accreditation as had been done by the past administration.

In response to the allegations that Chief Scott demonstrated a lack of care for his officers and had created a hostile work environment, Mayor Lerman stated that he had observed the “exact opposite” while sitting in on department meetings and performance reviews with officers. Mayor Lerman described Chief Scott as “humble” and stated that his interactions with officers had been “positive” and “collaborative.” Moreover, Mayor Lerman noted that Chief Scott readily offers his time and encourages the whole Department to share ideas and suggestions so that the Department may work collaboratively. Chief Scott acknowledged that the Department had undergone a significant change from the previous administration and emphasized that the success of the Department required everyone to work together. Further, Mayor Lerman stated that he had not witnessed Chief Scott acting with personal animus towards anyone, including officers or department staff. In fact, Lerman described Chief Scott as “very generous and easy on officers.”

Mayor Lerman had sat in on some department meetings which became contentions, but he stated that [REDACTED], rather than Chief Scott, initiated those tensions. Mayor Lerman expressed his belief that much of the officers’ discontent towards Chief Scott actually stemmed from a resistance to change. Mayor Lerman noted that, although some officers accept that they have room for improvement, some officers felt that there “was no need for anything to be different” from how it was handled under the previous administration, leading to animosity towards Chief Scott. Mayor Lerman also noted that “there definitely are officers within the Department who support Chief Scott and believe he is doing things that need to be done.”

FINDINGS

This investigation was initiated due to the allegations raised against Chief Scott contained in the September 25 Letter to the Borough. In summary, this investigation does not find that Chief Scott engaged in any misconduct regarding changes in police operations, attendance at contract bargaining sessions or by reviewing possible changes in Borough police coverage that would warrant any discipline. Rather, the majority of the allegations against Chief Scott are simply disagreements with Chief Scott's operational decisions, some of which should be resolved via the bargained for grievance procedure.⁵

Before addressing the specific allegations and findings, it is important to understand the background of the Department and events that led to this investigation. Prior to Chief Scott taking over in April 2022, the Department was in a transition mode, and there was a divide among the officers. By all accounts, the prior police chief allowed [REDACTED] to run the day-to-day operations of the Department. [REDACTED] manner of supervision created a divide that ultimately resulted in a number of lawsuits that were filed against [REDACTED] [REDACTED] and the Borough. While the lawsuit is currently inactive, the divide remained.

After the prior Chief retired, the Borough retained Ron Smeal, a police management consultant, to perform a study of the Department and to serve as Acting Chief until Chief Scott was hired in April of 2022. This is all relevant to morale as the investigation revealed that morale problems in the Department did not start with Chief Scott but rather existed when he started. When Chief Scott started at the Borough, he attempted to modernize the Department based on his experience with Abington Township, which he considered the premier agency in the area. However, he was met with resistance from some officers who were accustomed to the prior management style. This friction of a new police chief with a different leadership style hired from another police department is not unique to the Borough.

In addition to the transition involving the Chief, the Borough went from approximately 14 full time officers to nine over the last few years, which included the decision to furlough a police officer three separate times since 2020. In addition to Chief Scott's transition coming during a tumultuous time in the Department, the investigation was conducted in the midst of a contentious bargaining session over the parties' expired collective bargaining agreement.

The Investigators reviewed the allegations with this background in mind, and ultimately did not find that Chief Scott committed any misconduct that would warrant any disciplinary action regarding any of his operational decisions. Findings on the allegations contained in the September 25 Letter to the Borough are detailed below.

⁵ Chief Scott properly reviewed the operational changes and resulting grievances with labor counsel. There is no evidence that Chief Scott discriminated against or retaliated against officers by taking different interpretations of the CBA. Rather, Chief Scott identified issues that he believed would help the Borough's long-term sustainability. To the extent the Association disagrees with his interpretations, they should follow the grievance procedure.

1. Vote of No Confidence

The Investigator spoke with every member of the Department about the process of the no confidence vote. There were members of the Association who were not happy with Chief Scott's leadership. At a regular monthly meeting, the issue of having a no confidence "vote" was discussed. Some officers were not aware this was happening in advance. The issues that were the focus of the September 25, Letter were discussed, specifically, the fact that Chief Scott was a member of the Borough's bargaining team, the allegations that he violated the CBA, and the rumors of disbandment of the Department. The major driving factor behind the no confidence vote and letter was the rumors that the Borough would dissolve the Department and/or contract with Abington. Many officers believed that if that issue did not occur, then they would not have gotten to the point of issuing the September 25 Letter to the Borough. At the end of the Association's discussion, after some members expressed opposition to moving forward with the no confidence vote, the [REDACTED] asked if there were any objections to the "vote." No member made a formal objection, and the Association proceeded to draft the letter and sent it to the Borough. Within days of that letter, multiple members expressed disagreement with this decision. It is important to point out that the Association never actually took a formal no-confidence vote. Instead, [REDACTED] just asked members if there was any objection to moving forward with the Association's letter to the Borough while never holding a vote or reviewing the proposed letter at that meeting.

2. Potential Disbandment of the Department

This investigation revealed that Chief Scott had informal talks with Abington Township Police Chief Patrick Molloy about the possibility of disbanding the Department and contracting with Abington Township for their police department to cover the Borough. These talks eventually leaked to the Association, and the potential disbandment of the Department caused significant concern and unrest amongst the officers in the Department, who still are worried about their job security. These informal talks resulted in a distrust in Chief Scott, as the officers viewed his actions in direct opposition to the best interests of the officers and the Jenkintown Police Department. Chief Scott stated that based on his review of the Department and the excessive police budget, he was concerned that the Department was not sustainable over the long term, as the police budget was over half of the total Borough budget. He also was not happy with the training, experience and quality of the Department. With those factors in mind, he met with Borough officials including the Mayor about potential options that he believed were in the best interest of the Borough. The Borough received legal advice from the Borough's labor counsel regarding the potential options to disband the Department and relied on that advice when coming up with potential strategies should Borough Council determine to disband the Department and/or contract police services. The Chief is not found to engage in any misconduct by reviewing possible changes to Borough police services.

3. Association's Allegations that Chief Scott Violated the CBA

The Association alleged that Chief Scott consistently violated the CBA. However, to the extent that this possibly occurred, the parties have a grievance procedure in the CBA that is designed to address these alleged contractual violations. Plus, the Chief consulted with labor counsel regarding his operational decisions and the resulting grievances. During the timeframe of this investigation there were a few cases that did go to arbitration, and one decision was in favor of the Association. However, there was no bad faith by the Chief to disregard the CBA or to target or retaliate against members of the Association. Rather, the Chief took different interpretations of the CBA and whether binding past practices existed or not. The parties should resolve any such good faith disputes at a grievance arbitration. Chief Scott did not commit misconduct by taking a different interpretation based on his experience and his view of what was in the best interest of the Borough and the Department and based upon legal advice from Borough labor counsel. Many of these allegations involved interpretation of the appropriate amount of pay under certain circumstances based upon contractual language, and Chief Scott was concerned that in the past the Association had exploited the CBA to create unnecessary overtime costs. His decisions to interpret and enforce the contract to limit the amount of unnecessary overtime and other actions were well-intentioned and made after consulting with Borough labor counsel.

4. Part Time Officers

The Association alleges that the Chief has intentionally failed to hire part time officers to supplement the full timers, resulting in unnecessary overtime costs and financial burden on the Borough. While this allegation is partially accurate, it lacks context. In the past, the Borough had over ten part time officers who would supplement the full timers on the schedule. However, the number of part timer officers had dwindled down and was only at one officer at the time when Chief Scott took over the Department. Chief Scott stated that because there is such a high demand statewide for officers and only a fraction of new applications as there was in the past, it is difficult to maintain part timers. Further, based on Chief Scott's experience, he believed that it was not an efficient use of the Borough's time and resources to recruit and employ part timers. He stated that, because there is such a high demand, once part timers obtain enough training and experience from the Borough and then are able to obtain full time employment elsewhere. The Chief believes that this is not productive for the Borough because the Borough has to expend time and resources to train the officers, only for them to leave for full time employment in a short time frame. Based on this, he did not believe it was an efficient use of the Borough's time and resources to continue to employ part timers. The Chief's position is found to be a reasonable operational decision.

5. Accreditation

The Association also alleged that the failure of Chief Scott to ensure that the Department continued to be accredited contributed to the vote of no confidence in the Chief. It is ultimately the Mayor and/or Police Chief's decision to determine whether the Department should pursue

accreditation. In this case, the Chief reviewed the existing policies and standards for accreditation and with the approval of the Mayor, determined that the Department did not have sufficient written policies to pursue accreditation. Further, he met with the officers in charge of accreditation and informed them of the shortcomings and the need to update the policies. Chief Scott also provided Abington's policies as a model. However, Chief Scott stated that no action was taken by the accreditation officers. Chief Scott became aware that in the past, the officers in charge of accreditation had waited until the last second and then worked significant overtime to complete the accreditation submission. Based on the lack of updates to the policies and the lack of action by the accreditation officers, Chief Scott did not believe that the accreditation was justified since it was not worth paying significant overtime to complete the accreditation submission when there were deficient policies. This decision is found to be a reasonable operational and budgetary decision.

6. Change of Minimum Officers on Shift

The Association also took issue with Chief Scott's decision to lower the minimum amount of officers on a shift. The contract does not include any minimum manning language about the number of officers on duty. To the extent that the Association believes it violates the law or the CBA to lower the amount of officers on duty, a grievance arbitrator should resolve that claim. However, Chief Scott made an operational decision based on his review of data and call volume and determined that the Borough did not need multiple officers on shift at all times. Chief Scott made the determination that during non-peak times, he would not replace officers on the schedule who used leave time. Chief Scott reviewed the data and made the decision that he believed was in the best interest of the Department and its limited resources. Chief Scott did so in consultation with and with approval from the Mayor. Although the officers feel safer working with a partner, this is an operational decision that the Chief made. Further, the parties were in the process of bargaining over the expired CBA and the Association was free to negotiate for a minimum shift complement if they chose to do so and request that this be included in the contract. The proper venue for this disagreement is either grievance arbitration if the Association believed it violated the CBA or through contract negotiations if the Association believed that this was a priority for their members.

7. Hostile Work Environment

The Association concludes its Complaint letter against the Chief by claiming that his actions created a "hostile work environment." Under the law, in order to prove a claim of a hostile work environment under the applicable statutes, an employee must prove:

1. that they were subjected to a hostile work environment by inappropriate conduct;
2. that conduct was not welcomed by the employee;
3. the conduct was motivated by the fact that the employee is in a protected class;

4. the conduct was so severe or pervasive that a reasonable person in the employee's position would find the work environment to be hostile or abusive; and
5. that the employee found the work environment to be hostile or abusive as a result of the conduct.

This investigation does not find that the Chief's actions, including his operational decision and review of possible changes to Borough police coverage including possible disbandment and contracting police services caused a hostile work environment. The legal standard of a hostile work environment was not met. What in fact happened was many Association members were unhappy with the new Chief's reviewing operations and possible changes to police services. This is part of the Chief's duties, and he did so in consultation with the Borough labor counsel. Hurt feelings due to an appropriate operational review by the Chief do not equal a hostile work environment.

In summary, all of the allegations in the letter to the Borough are simply disagreements with Chief Scott's operational decisions. Chief Scott took over the Department in a transitional stage with a divide among the Department, continuing layoffs to reduce the police complement and a police study recommending extensive changes to the Department. He made difficult operational decisions that he believed were in the best interest of the future of the Department and the Borough. The Association took issue with some of those decisions. There is no basis to make a finding of misconduct based on Chief Scott's operational decisions.

The Chief's decision to explore subcontracting with Abington was based on a good faith belief that the Borough was not able to financially maintain police services at its current level long term. The Borough and the Chief relied on legal advice from labor counsel when coming up with strategies to consider possibly disbanding the department and/or subcontracting police services. The Association and many officers were unhappy with this but there was nothing wrong or inappropriate with the Chief exploring alternate police services.

Many members of the Association also took issue with the Chief sitting in on bargaining sessions. However, there is nothing improper about a police chief serving in an advisory role to a municipality based on his subject matter expertise. Borough leadership also requested that the Chief participate in the negotiations.

Based upon all of the above it is not recommended that the Chief receive any discipline, but it is recommended that the Borough continue to follow the below recommendations to avoid or minimize such internal department dissension in the future:

1. The Chief, in pursuing operational changes affecting police pay or benefits that may generate a grievance or unfair labor practice charge, should inform the manager of the intended changes and with the manager's approval the Chief should discuss with labor

counsel regarding the operational changes and, when appropriate or as recommended by labor counsel, obtain a written legal opinion as to the legality of such an intended change.

2. The Mayor and Borough Council should meet with the manager and the Chief to review all appropriate strategies and paths forward regarding the sustainability of police services. Part of this process should include input from Borough labor counsel regarding the legality and practicality of all proposed strategies.
3. The Chief should discuss with the Mayor, especially since a new collective bargaining agreement has been negotiated with the Association, strategies to repair relations with the Association and its member officers. Hopefully, now that the Association's negative feelings about possible elimination or contracting police services have abated, the Chief can repair any break in his relations with the Association and its officers.