

**ATTORNEY-CLIENT COMMUNICATION/ATTORNEY WORK PRODUCT**

TO: John Jay Wills, Esquire

FROM: Daniel J. McGravey and Joseph C. Rudolf

DATE: November 8, 2024

SUBJECT: Report Regarding Investigation Into Brookhaven Borough Police Department

---

On or about April 25, 2024, Clark Hill was engaged to conduct an internal investigation into allegations related to the Brookhaven Borough Police Department (“Brookhaven”) and Chief Michael Vice (“Chief Vice”). The investigation included face-to-face interviews of every Brookhaven Police Officer as well as face-to-face interviews of a civilian employee and former Chief Michael Vice.<sup>1</sup>

While details of those interviews are described below in Exhibits 1 – 15, the identity of the individual officers providing the information has been kept confidential. Rather, the individuals are identified by number. In addition to the interviews, documents provided by certain Brookhaven Police Officers were reviewed as well as Brookhaven Police Department Policies.

Regarding the Brookhaven issued computer used by Chief Vice during his tenure, the following information was reviewed, a USB History (revealing USB devices connected to Chief Vice’s computer as well as the files and folders opened from those USB’s), an Internet History (revealing the websites that Chief Vice visited) and Cloud Service URL History (revealing the cloud-based websites that Chief Vice visited, e.g. Google Drive, One Drive). Finally, because former Chief Vice wiped the contents of his Brookhaven issued cell phone, we engaged a computer and telephone forensic expert to try and restore the information on Chief Vice’s Brookhaven issued cell phone. Those efforts, however, resulted only in the restoration of certain images. Those images were reviewed.

---

<sup>1</sup> Chief Vice was placed on Paid Administrative Leave on April 18, 2024, and remained in that status during the course of the information collection phase of this investigation. On September 9, 2024, Chief Vice submitted his resignation to be effective that same day.

**I. FINDINGS**

**A. Former Chief Vice Relied Heavily on Metrics to Evaluate Police Officers But Stopped Short of an Implied Quota System**

Former Chief Vice's management style of the Department was strong, he was very accessible to the officers, very hard-working and achieved numerous objectives during his tenure as Chief. Importantly, former Chief Vice held the supervisors and officers under his command accountable. He encouraged and emphasized that good police work required the officers to be visible in the community and active. Critical to former Chief Vice's management of the Department was an emphasis on conducting stops and making arrests – particularly DUI stops and arrests. In no uncertain terms, many of the officers stated that former Chief Vice's mantra was to make as many pedestrian and vehicle stops as possible because they often lead to arrests. Further, with no formal evaluation process, former Chief Vice relied on the activity levels of officers to form his opinions of the officers. The officers consistently emphasized that former Chief Vice placed a premium on the number of stops and arrests that an officer made to evaluate their job performance. Former Chief Vice routinely used the phrase, "those who do, ... get" which the officers understood to mean that the more stops and arrests they made, the more benefits they would receive. The officers that former Chief Vice considered more active, consequently (with his support and that of the Mayor and approval of Council) earned 100% of their full pay while officers that were not considered by former Chief Vice to be as active did not have his support to earn 100% of their full pay. Several officers detailed how their mental health was adversely impacted by former Chief Vice's emphasis on high activity-levels.

Importantly, however, there is no evidence whatsoever that former Chief Vice either encouraged officers to make constitutionally impermissible stops and arrests or instituted a quota system requiring that each officer achieve a certain number of stops or arrests. Indeed, while former Chief Vice held the officers accountable by encouraging that they be active and make stops and arrests when appropriate, he did not foster an environment that caused officers to make constitutionally impermissible stops and arrests.

**B. Former Chief Vice Used Condescending and Insulting Language to Describe Certain Police Officers That Did Not Meet His Standard for High Activity Levels**

At times, while in the presence of Brookhaven officers, former Chief Vice used condescending and insulting language to describe other Brookhaven officers, specifically those that were not considered by him to be "active" police officers that conducted frequent stops and made numerous arrests. There were examples of former Chief Vice using insulting language to describe these officers, from being simply "lazy" to suggesting the officers "should be ashamed of themselves [because of their low activity levels]." There is no evidence that former Chief Vice was critical of these less active officers directly in their presence, but critical comments that he made about other officers contributed to a work environment where other officers became

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 3

concerned about former Chief Vice's opinion of them. That contributed to the stress that officers felt in an already challenging profession.

### **C. The Emphasis on Arrests Caused Some Officers to Feel Their Professional Discretion Was Removed**

As a consequence of the emphasis placed on stops and arrests by former Chief Vice, some officers felt compelled to make arrests rather than use their professional judgment and exercise their discretion not to arrest. Indeed, understanding the value placed on arrests by former Chief Vice, some officers described feeling stripped of their ability to exercise discretion when conducting investigatory stops and seizures. In describing DUI stops that were "closer calls" (i.e., the operator showing some signs of impairment), some officers described not feeling that they had the discretion to contact a friend or family member of the operator to arrive on scene to pick up the operator, but instead felt compelled to move forward with the DUI arrest. Similarly, regarding possession of small amounts of marijuana, some officers felt compelled to pursue a charge of marijuana possession rather than just seizing and disposing of the small amount of marijuana. Additionally, these officers described always "looking over their shoulder" if they tried to exercise discretion understanding that former Chief Vice would look closely at their decision-making. For these officers, the lack of discretion impacted their mental health and morale.

There were, however, other officers that did not feel their professional discretion and judgment was impacted by former Chief Vice's management style that emphasized high activity-levels. Indeed, some officers described that it was appropriate for them to be active and aggressive in order to enforce the laws in their jurisdiction. Similarly, other officers, understood that it was appropriate for former Chief Vice to review their decision-making when it came to issues including their decision whether to initiate a stop or make an arrest.

### **D. Uncorroborated Evidence of the Violation of Civil Service Laws By Former Chief Vice as it Relates to Applicant John Doe**

After obtaining a nearly perfect score on the oral portion of the civil service examination for a police officer position with Brookhaven, Applicant John Doe (who at the time was employed as an officer in another jurisdiction) withdrew his name from consideration. Evidence from only a single Brookhaven officer demonstrates that former Chief Vice – who acknowledges having heard "good things" about Doe – spoke with the Brookhaven Officer by telephone a few days before Doe was administered the oral examination. During the telephone call – while the Brookhaven Officer took hand-written notes – former Chief Vice communicated several of the questions and answers that would appear on the oral examination to the Brookhaven Officer with the message that it would be good for the Brookhaven Officer to, "get this information to Doe." Immediately after hanging up the phone with former Chief Vice, the Brookhaven Officer called Doe and communicated verbatim the oral examination's questions and answers that former Chief Vice had just communicated to him during their telephone conversation. This conduct – if true –

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 4

specifically violates the law. However, former Chief Vice denied engaging in any telephone call with the Brookhaven Officer to discuss Doe's candidacy for a position in Brookhaven. Former Chief Vice, however, acknowledged that he was interested in Doe, that other Brookhaven Officers wanted him to join the Department, and that he told those officers . . . "you all generally know the types of questions that are asked on the oral examination" hinting that if they wanted Doe to do well on the exam to position himself best for being the top ranked candidate, they should communicate what they know about the oral exam to Doe. We were unable to speak with Doe to corroborate the existence and content of this alleged telephone call between former Chief Vice and the Brookhaven officer and between the Brookhaven officer and himself.

### **E. At Times, Former Chief Vice Acted In a Manner Illustrating A Retaliatory Motive**

For certain officers that he did not favor, former Chief Vice – at times – acted in a manner illustrating retaliatory tendencies. For example, when an officer that former Chief Vice admittedly did not favor was injured on duty and missed approximately six (6) shifts at the end of December 2023, former Chief Vice used the VIPR system to investigate the personal whereabouts of the Officer because he did not trust that he had actually been injured. VIPR allows Brookhaven officers to tap into cameras (there are two in Brookhaven Borough) to identify the location of a vehicle by the license plate. While there are no written policies and procedures regarding the use of VIPR, former Chief Vice appears to have used the VIPR system – not for official business – but instead to track the whereabouts of one of his own officers that he believed may have been working out at a gym in the Borough while he was injured. Indeed, both former Chief Vice and another officer acting at the direction of former Chief Vice, conducted multiple VIPR inquiries to determine whether the personal vehicle of the injured-on-duty officer passed through a traffic light in Brookhaven near his gym on days that he was out of work and on injured-on-duty status.

Another example of former Chief Vice acting with some level of retaliatory animus came after he made a personal donation to Brookhaven Babe Ruth Baseball on behalf of the Brookhaven Police Department. Former Chief Vice emailed the President of Brookhaven Babe Ruth Baseball with the following message, "can you make sure that Brookhaven Police is not sponsoring the team that [Officer 3] is coaching please. Any other team would be great!" This email message was sent after former Chief Vice's relationship with Officer 3 had admittedly deteriorated to the point that former Chief Vice was angry with Officer 3.

A third example of former Chief Vice exhibiting some level of retaliatory animus involved an officer that was returned to work following a grievance arbitration. There is evidence that following Officer 1's reinstatement resulting from the decision by Arbitrator McNeill, former Chief Vice commented that [Officer 1], "is not long for this department" – suggesting that he would take steps to drive Officer 1 out of the department. Former Chief Vice, however, denies making such a statement and other evidence indicates that former Chief Vice acted professionally when Officer 1 returned to the department following his reinstatement.

John Jay Wills  
November 8, 2024  
Page 5

**F. Arbitrator McNeill’s Decision in the Grievance of Officer 1 Supports A Finding That Former Chief Vice Acted Inappropriately By Discharging an Officer With Low Activity-Levels Based On An Incomplete Investigation**

Several officers acknowledged that former Chief Vice was highly critical of Officer 1’s activity levels. Indeed, former Chief Vice referred to Officer 1 as “headlight tail light 2 stop ---” to describe him as a low-performing officer. On January 15, 2023, DELCOM relayed an emergency call for an unconscious person having a seizure on Coeburn Blvd. At the time the call came in, Officer 1 was on duty with another officer who immediately communicated that he would handle the call. Officer 1 ultimately responded to the scene. However, former Chief Vice concluded that Officer 1 violated policy by failing to immediately respond to the call. Former Chief Vice conducted an investigation that included reviewing security cameras from headquarters, viewing security cameras from a nearby elementary school, interviewing Officer 1 and collecting written statements from Officer 1 and the other officer working the overnight shift. After conducting his investigation, former Chief Vice recommended to Council that Officer 1 be discharged. Based on former Chief Vice’s recommendation, Brookhaven Council discharged Officer 1. Officer 1 grieved his discharge. On September 11, 2023, Arbitrator McNeill concluded that Chief Vice “failed to conduct a full or fair investigation into Officer 1’s conduct”; “failed to fully collect facts that Officer 1 failed to provide life-saving measures when necessary; that Chief Vice’s findings were “unsupported”; and that ultimately, the investigation was “unfair.” In his written opinion, Arbitrator McNeill stated that certain conclusions reached by former Chief Vice were not supported by his investigation. Further, Arbitrator McNeill identified steps that should have been taken by former Chief Vice to conduct a full and fair investigation into Officer 1’s conduct, including, interviewing EMS personnel and speaking with Upper Chichester Police (who Officer 1 stated he was assisting at the time the emergency call was received) to determine whether Officer 1’s delay in responding to the emergency call was justified. It is not a leap to conclude that former Chief Vice used this incident as an opportunity to discharge an officer that he openly criticized for low activity levels and misled Council regarding the strength of the case for Officer 1’s discharge.

**G. The Arrest of Council President Heller on Suspicion of DUI on March 8, 2024, Was Not Directed by Former Chief Vice**

The officers involved in the vehicle stop and subsequent arrest of Council President Heller on suspicion of DUI on March 8, 2024, acted independently and not at the direction or urging of former Chief Vice. Indeed, the arresting Officer observed two (2) moving violations that triggered the vehicle stop at 11:49PM. Further observations during the field tests caused the arresting officer to conclude that Council President Heller was impaired. Consequently, the arresting officer transported Council President Heller for a blood draw. It was not until after the stop and initial observations of Council President Heller by the arresting Officer were made, that former Chief Vice learned Council President Heller was under investigation for suspicion of DUI. The arresting officer communicated to former Chief Vice that he could handle the

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 6

investigation and proceeded accordingly. There is no evidence that former Chief Vice or the arresting officer targeted Council President Heller.

VIPR records demonstrate that Officers 4 and 5 conducted a VIPR query of Council President Heller's tag at 11:14PM and 11:24PM – 35 mins and 25 mins before Officer 4 initiated the stop of Council President Heller's car. Officer 5 recalls that the Chili's restaurant (where Council President's Heller's car was located in the parking lot) closed at 11pm. Both Officers 4 and 5 found it odd that there were still a small number of cars in the parking after closing time. Being proactive, Officers 4 and 5 ran a VIPR query to try and determine why the cars were still in the lot. VIPR could provide information to the officers including, for example, when the cars arrived at Chili's and how long the cars may have been in the lot (suggesting, for example, that if the car had been there for an extended period of time, it was likely an employee; or if the car had been there for a short period of time, it was likely a Lyft or Uber driver). Until Officer 5 assisted in the stop of Council President's Heller's car on March 8, 2024, he had no idea the car belonged to or was being driven by Council President Heller (similarly, Officer 4 had no idea that the car he was stopping belonged to Council President Heller until he made the stop). Therefore, when they were running Council President Heller's tags through VIPR, the officers did not know the tag was associated with his car. Officer 5 was very clear and credible and stated that, "of all the bad acts Chief Vice has done, targeting Council President Heller or encouraging the Officers to pay particular attention to him, was definitely not one of them." Officer 5 was unequivocal that his use of VIPR on March 8, 2024, as it related to Council President Heller's tag was simply proactive police work and had nothing to do whatsoever with any direction from Chief Vice.

### **H. A Divide Developed Between Officers That Supported Former Chief Vice and Those That Did Not Support Former Chief Vice Causing Department Morale To Deteriorate**

Very shortly after his arrest for suspicion of DUI, Council President Heller issued public comments questioning the credibility and integrity of the Brookhaven Police Department. Those comments included language suggesting that police leadership was applying pressure on Brookhaven officers to make DUI arrests and encouraging citizens that have been arrested for DUI to consult lawyers since many of the DUI arrests are being overturned. Further, Council President Heller claimed that he had been targeted by the Brookhaven Police Department when he was arrested for suspicion of DUI on March 8, 2024. Council President Heller's public comments contributed to a clear divide that was quickly developing between the officers supporting former Chief Vice and the officers not supporting former Chief Vice.

Further, certain actions by former Chief Vice appear to have deepened the divide. Officers that supported former Chief Vice were not viewed as critically by former Chief Vice as those officers perceived as not supporting former Chief Vice. For example, Officer 11, who was closely aligned with former Chief Vice, admittedly violated policy when he left Brookhaven Borough to search for a stolen car in the City of Chester that had not entered Brookhaven Borough. Indeed, against policy, while on duty, Officer 11 left Brookhaven Borough and entered

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 7

Chester City in uniform and in a marked Brookhaven police car where he located and approached the stolen vehicle. Upon the arrival of Chester City police officers, Officer 11 was reprimanded by Chester City Police and returned to Brookhaven. Meanwhile, while Officer 11 was in Chester City, Brookhaven Borough was left uncovered for some unknown period of time as the only other officer on duty with Officer 1 was outside of the Borough transporting a prisoner. When former Chief Vice learned of this policy violation by Officer 11, he failed to initiate an investigation or take any disciplinary action whatsoever against Officer 11. Yet, what may be viewed as less serious policy violations by other officers that did not support former Chief Vice resulted in reprimands or internal investigations.

### **I. Former Chief Vice Intentionally Destroyed Evidence Potentially Related to the Investigation**

On April 18, 2024, while in the Brookhaven Borough Police Department, former Chief Vice received a letter from Council President Heller placing him on Administrative Leave and directing that he, “surrender his service weapon, badge, and Borough-issued mobile phone to Officer 3 which shall be placed in safekeeping for the duration of the leave.” Almost immediately, former Chief Vice restored his Brookhaven-issued mobile phone to “factory settings” effectively wiping the phone clean of all information contained in the mobile phone. Former Chief Vice made this decision because he did not trust Officer 3 - his “subordinate” – with what he described as confidential and privileged information contained in the mobile phone. Notably, Chief Vice could not identify the confidential and privileged information that he thought may be compromised by Officer 3 with any specificity. Further, former Chief Vice acknowledged that Officer 3 did not know the passcode to unlock his Brookhaven-issued mobile phone. Indeed, former Chief Vice conceded that no one at Brookhaven knew the passcode to unlock his Brookhaven-issued mobile phone in order to access its content. When queried about why he wiped his Brookhaven-issued mobile phone rather than giving it to Mayor Leslie (given his distrust of Officer 3), former Chief Vice said that he did not have time. Importantly, former Chief Vice was a veteran investigator having conducted criminal and administrative investigations for the Lower Merion Township Police Department for more than ten (10) years before beginning as Police Chief of Brookhaven Borough in July 2021. Former Chief Vice acknowledged using his Brookhaven issued mobile phone for police business, including emails and text messages. Certainly, former Chief Vice understood the importance of preserving information potentially related to an open investigation

### **J. Returning Chief Vice To Command the Department Would Not Have Been In the Best Interest of the Brookhaven Borough Police Department**

The relationships between the officers supporting former Chief Vice and those not supporting former Chief Vice appeared irretrievably broken. Expecting former Chief Vice to have united the department given the events that triggered this investigation and the strong opinions held by the officers would have been unreasonable. Obviously, former Chief Vice’s decision to resign his employment removed that issue from Council’s consideration.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 8

### **II. RECOMMENDATIONS**

Relying on information collected during our investigation regarding the Policies and practices of the Department, we make the following recommendations:

#### **A. Use of VIPR**

During the investigation, we reviewed documents illustrating that VIPR was used to locate the whereabouts of an Officer who was on extended leave due to a work-related injury. Moreover, it was reported to us that former Chief Vice and another officer, acting at the direction of former Chief Vice, used VIPR to identify the whereabouts of the Officer while he was on Heart & Lung leave. More specifically, former Chief Vice used VIPR to determine whether that Officer was going to a local gym in Brookhaven. VIPR generates real-time and historical data about the movement of vehicles across Brookhaven Borough based on license plate recognition.

We recommend that Brookhaven Police Department develop and adopt a written policy defining when and under what circumstances VIPR can be used by Brookhaven Police Officers. Certainly, the policy should dictate that VIPR be used in a lawful manner that respects the civil rights and civil liberties of all individuals, and will appropriately balance the interests of public safety and individual privacy, and will fully comply with the Pennsylvania and United States Constitutions. Further, the policy should mandate that VIPR be used only for official business of the Brookhaven Borough Police Department. The policy should state that no officer shall use VIPR until they have received required training. Consideration should be given to whether an individual should be designated as Coordinator for the VIPR system to, among other things, complete any administrative functions, diagnose equipment problems, address questions, and recommend policy changes. Finally, consideration should be given to how long data should be retained for and who can access the historical data.

#### **B. Alleged Inappropriate Conduct by Chief of Police**

It was reported to us by multiple police officers during our investigation that former Chief Vice may have engaged in inappropriate conduct, but the officers failed to report the alleged inappropriate conduct for fear of retaliation or making the work environment worse. Brookhaven Borough Police Department has a policy regarding Internal Investigations that provides, “[e]mployees who are the victim of harassment, discrimination, threats, or other inappropriate conduct may report directly to the Chief of Police.” Further, the Policy provides that, “[a]ny complaint against the Chief of Police shall be forwarded to the Brookhaven Borough Manager.”

The Policy, however, does not provide for an alternate means of reporting harassment, discrimination, threats, or other inappropriate conduct when the alleged wrongdoer is the Chief of Police, or has a close relationship with the Chief. Indeed, we recommend developing an

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 9

alternate method to report alleged misconduct by the Chief of Police. Further, while complaints against the Chief of Police “shall be forwarded to the Brookhaven Borough Manager,” there is no description of who will conduct the investigation, whether the investigation will be reviewed, how the record of investigation shall be maintained, where it shall be maintained and who can access the record of investigation.

We recommend the development of a clear policy on, among other things, how complaints against any officer, including the Chief of Police, can be received, who is responsible for receiving them, who will be responsible for conducting the investigation, how the officer will be notified, and whether the findings will be reviewed.

### **C. Officers Leaving the Jurisdiction During Shift**

It was reported to us that on at least one occasion, a Brookhaven Borough Police Officer left the jurisdiction of Brookhaven Borough solely for the purpose of intercepting a stolen vehicle without any authorization or approval. That officer, again without any authorization or approval, identified the stolen vehicle in Chester City and proceeded to approach the vehicle which was parked on the side of the road before Chester City Police Officers arrived on the scene.

A review of Brookhaven Borough Police Department Policies did not reveal a policy defining when and under what circumstances a Brookhaven Police Officer may leave the territorial limits of Brookhaven Borough while on duty. We recommend the development of a policy specifically defining the circumstances under which an officer may leave Brookhaven Borough and how such incident is documented. Consideration should be given to Title 42 Section 8953 defining Statewide Municipal Police Jurisdiction. The policy should consider, among other things, whether the officer is in hot pursuit of a person for an offense that was committed in Brookhaven Borough, whether the officer is responding to a call for assistance from a neighboring jurisdiction, and whether the officer obtained prior consent of the chief law enforcement officer of the jurisdiction outside of Brookhaven Borough.

### **D. Training Opportunities**

It was reported by some officers that non-mandatory training opportunities were unfairly offered to only those officers closely aligned with former Chief Vice. Our review of Brookhaven Police Department Policies reveals that while there is a written policy regarding the Administration of Training that gives the Chief of Police authority for managing the department’s training function, it does not identify the factors to be considered when approving or declining requests for training. We recommend modifying the Training Policy to articulate the factors which the Chief of Police must consider when determining whether to approve or deny training requests. In addition, each January, Council should be provided a list of the trainings each officer attended. This approach should limit allegations that such non-mandatory training opportunities are being unfairly or indiscriminately given to officers.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 10

### **E. Preservation of Information on Brookhaven-Issued Cell Phones**

Our investigation revealed that former Chief Vice intentionally destroyed potentially relevant information from his Brookhaven-issued mobile phone during the pendency of an investigation. A review of Brookhaven Police Department Policies reveals that there are no specific rules regarding the use of Brookhaven-issued cell phones and the preservation of evidence on those cell phones. While there is a policy regarding Records Release, Retention and Security, we recommend the development of a policy regarding the use of Brookhaven-issued cell phones, including, among other things, guidelines for acceptable use, security – including how to password protect and encrypt certain data, defining inappropriate material, preservation of data, and disciplinary measures for violating the Policy. Additionally, we recommend the development of a policy regarding the use of personal cell phones while on duty.

### **F. Mental Health of Police Officers**

Several officers reported that their mental health deteriorated while former Chief Vice was in command of the Department. Consideration should be given to improving the mental health of Brookhaven Borough Police Officers. The Brookhaven Borough Police Department Wellness Policy provides officers with access to an Employee Assistance Program (“EAP”). This Policy should be re-issued to members of the Police Department to remind them of screening services for mental health disorders and contact information for counseling services. Officers should be encouraged to seek confidential counseling.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 11

**EXHIBIT 1**

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 12

This memorandum summarizes the interview that was conducted of Officer 1 on May 15, 2024. Officer 1 had Union representation present during this interview.

Officer 1 has been with the Brookhaven Police Department for over 5 years. Prior to Vice becoming Chief, Officer 1 described the Brookhaven Police Department as “a nice place to work,” which he indicated is an opinion that changed once former Chief Vice started.

According to Officer 1, former Chief Vice required the police officers to arrive 10 minutes before the start of their shifts. Prior to this requirement, Officer 1 did not arrive early; however, he arrived fully dressed with his radio on and prepared to start work. Officer 1 spoke to the Union about former Chief Vice’s requirement for the officers to arrive early, and then spoke with former Chief Vice about this conversation.<sup>2</sup> According to Officer 1, former Chief Vice’s response was that “the dominoes were going to start to fall” (which Officer 1 interpreted as meaning that he would get disciplined). About a week later, former Chief Vice formally wrote up Officer 1 for being late to his shift; Officer 1 did not agree with former Chief Vice but signed the write-up. Officer 1 further informed former Chief Vice that he did not agree with the policy, because he arrives at work in full uniform and is ready to work, but according to Officer 1, former Chief Vice stated that he “didn’t care.”

Officer 1 was asked how the work environment changed for him when former Chief Vice came on board. Officer 1 indicated that in the beginning, it was “fine,” but then things started changing after former Chief Vice wrote him up for failing to arrive 10 minutes early. At that point, Officer 1 did not enjoy coming to work anymore because he was always looking over his shoulder. Officer 1 also became aware that former Chief Vice was making snide comments about him to other officers and called him “lazy.” Officer 1 described former Chief Vice as being very statistics-oriented and would make statements that the guys that didn’t produce (meaning arrests) would not be there. Officer 1 never said anything to former Chief Vice about these comments because “once he forms an opinion, there’s no changing it.”

At one point, former Chief Vice recommended the discharge of Officer 1 for certain conduct, and that discharge was the subject of a grievance and subsequent arbitration, which resulted in Officer 1 being reinstated to the Police Department. Officer 1 explained that, prior to this incident, he did not have any discipline on his record, and described the investigation into this conduct (which led to his discharge) as the worst investigation that anyone has ever seen. According to Officer 1, former Chief Vice was simply looking for a reason to get rid of him. When Officer 1 was returned to work pursuant to the arbitrator’s decision, former Chief Vice was “overly nice” to him. Officer 1 believes that former Chief Vice had wanted him gone because he was not making enough arrests and wanted to replace him with someone who former Chief Vice wanted in that position (who presumably would make arrests).

---

<sup>2</sup> The Union disagreed with this policy, and/or stated that the officers would be entitled to overtime under the Collective Bargaining Agreement

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 13

Officer 1 next was asked about former Chief Vice's focus on statistics, and particularly how they pertained to DUI arrests. Officer 1 explained that it was not initially like that, but after about a year former Chief Vice started becoming more focused on statistics. Officer 1 explained that issuing traffic citations was more important to former Chief Vice than performing investigations. When asked whether he felt pressured to make DUI arrests, Officer 1 responded "yes and no," because former Chief Vice did not say anything directly, but he would make snide remarks. Other officers shared with Officer 1 that they felt pressure to make DUI arrests, and did not like the fact that the Police Department was becoming so statistics-oriented.

Officer 1 was asked whether he ever missed any training opportunities or other opportunities due to former Chief Vice's perception that he did not make enough arrests. Officer 1 stated that he was never offered training opportunities (but also was unclear about whether he asked for such opportunities under former Chief Vice's tenure). Officer 1 further indicated that he did not test for the sergeant position because former Chief Vice "made it clear" who he wanted to be sergeant.

Officer 1 was asked whether he heard former Chief Vice speak negatively about other officers. He responded, "all the time" and indicated that former Chief Vice would speak about whoever was not in the room. Officer 1 could not recall any specific examples off the top of his head. However, he stated that the subject of former Chief Vice's comments would be the job performance of officers, how many years they had worked, and the number of arrests and citations they wrote. Officer 1 believed that former Chief Vice would talk about him when he was not in the room.

Officer 1 was asked about his relationship with Officer 11, and he noted that they had a good relationship until Officer 11 became former Chief Vice's "right hand." However, Officer 1 does not have any issues with Officer 11 because they are not on the same squad.

Officer 1 indicated that, since former Chief Vice had been placed on administrative leave, he felt a weight off his shoulders, and he no longer had anxiety.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 14

**EXHIBIT 2**

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 15

This memorandum summarizes the interview of Officer 2, which was conducted on May 15, 2024. Officer 2 had Union representation present for this interview.

### **Law Enforcement Experience**

Officer 2 has been at the Brookhaven Police Department for under 5 years; prior to Brookhaven, he worked at other police departments. He started as a part-time officer at Brookhaven, and became a full-time officer during former Chief Vice's tenure.

### **Experience Working With Chief Vice**

Officer 2 was asked to describe his experience working for former Chief Vice. He characterized the first year as a "good experience" and described former Chief Vice as "proactive." Specifically, former Chief Vice promised things that came to fruition; there were more full-time officers; there were newer cars and equipment. However, things took a turn when the sergeants started (which was approximately early 2023). At that point, Officer 2 stated that more arrests were pushed, the "younger guys" were on board with making more arrests, and this pressure was "coming from the top." According to Officer 2, the message was to "stick it to" the person who was being arrested; it was not to go out and find a good arrest, rather it was to go out and get an arrest.

Officer 2 was asked how he knew this message came from the top. He stated that it was based on things that former Chief Vice said to him - - such as statements that Officer 2 was "ebbing and flowing," and "those who do, get." According to Officer 2, former Chief Vice never specifically said that "those who do, get" referred to arrests, but you could infer that because he would reference other officers (for example, an officer who only gave parking/traffic tickets) and give them nicknames, and those officers would not get training opportunities. Officer 2 stated that former Chief Vice told him that the guys who don't do anything won't be with the Department anymore. Officer 2 believes he was specifically referring to Officer 1, Officer 6, Officer 13 and Officer 12. When asked about the context of these conversations, Officer 2 explained that they occurred when former Chief Vice was in his office, and Officer 2 was outside the door.

Officer 2 also explained that he did his required 2 contacts and 2 business checks, but those would not necessarily lead to arrests. When his probationary period ended, he did not get a raise to 100 percent of his salary (although he requested it).

### **DUI Arrests**

Officer 2 stated that former Chief Vice's biggest push was DUI arrests, and that he put this on paper in the summer of 2023; specifically, Officer 2 believes that former Chief Vice posted on a file cabinet in the Department a statistics sheet that listed each officer and the number of arrests, and had a separate section for DUI arrests. Officer 2 noted that a comment

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 16

was made by former Chief Vice that he was going to highlight the ones that were zeros (the source of this comment is not clear).

Officer 2 stated that the pressure to make DUI arrests came not only from former Chief Vice, but also from others in the Department. For example, Officer 2 had a conversation with Officer 11 during which Officer 2 indicated that a particular officer (Officer 6) was making 15-30 traffic stops per month for the last several months. Officer 11 commented that Officer 6 should be “ashamed of himself to be a cop” because he was making all of those stops but missing plenty of arrests. According to Officer 2, Officer 11 was never like that before, but he had become very close with former Chief Vice.

Officer 2 was asked whether there was any blowback when DUI arrests are made but not prosecuted. He stated that former Chief Vice would blame the lab or the judge, but never the officers because they do “great police work.” Officer 2 disagrees with that approach.

### **Relationship Between Officer 2 And Former Chief Vice**

Officer 2 felt that former Chief Vice attacked him specifically, and he is not sure whether it was due to his productivity or for personal reasons (he believes it was the latter). He explained that his fiancée’s mother (who is now married to former Chief Vice) does not like him. Officer 2 also believes that former Chief Vice did not like him because they didn’t share the same opinions, and Officer 2 voiced his disagreement about that. He recalled that he once told former Chief Vice that officers were getting “shitty arrests” because they were scared they would get in trouble if they didn’t make arrests. According to Officer 2, former Chief Vice’s response was that “leading with a little bit of fear is a good thing.” Officer 2 also stated that former Chief Vice would put it in Officer 2’s face that Borough Council wanted to fire him to make him “fearful” (at the time he was under investigation for an incident).

### **Investigations Into Officer 2**

Officer 2 was asked about the investigations that were conducted into his potential policy violations. He explained that, on one occasion, he was conducting traffic stops and one car contained a small amount of marijuana (less than 1 gram). He disposed of the marijuana after the stop, in a Wawa trash can. When it was time to complete his report, Officer 2 wrote in the “supplemental” (which is not part of the main narrative) that he had disposed of the marijuana on the roadside at the time of the stop. According to Officer 2, former Chief Vice sent him an email about that; he stated that former Chief Vice would send back his supplemental reports for every little error (including grammatical and capitalization errors). Officer 2 reiterated that he believes it was the personal relationship that “fired him up;” he also commented that he doesn’t know how his girlfriend’s mother feels about him, but he doesn’t really care for her.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 17

Officer 2 also noted that he did not believe that former Chief Vice did not discipline or investigate Officer 7 – who was closely aligned with Former Chief Vice - when he disposed of original security footage for retail theft arrests (which violated policy).

### **Use Of Discretion In Making Arrests**

Officer 2 was asked whether he had a different approach to policing than former Chief Vice. Officer 2 explained that former Chief Vice's philosophy was "fuck them" (the citizens) and add as many charges as you can. Officer 2 stated that he is not there to stack charges, but former Chief Vice's approach was that if there is an arrest to be made, you will make it. According to Officer 2, he used his discretion in making arrests and that was one reason why former Chief Vice didn't like him. Officer 2 stated that he liked making good arrests and was proactive when he wanted to be, but he was not there just to "get a number." Officer 2 felt like he would get in trouble for exercising his discretion. For example, the week before former Chief Vice was placed on administrative leave, Officer 2 stated that he and Officer 1 were worried that they would get in trouble because they hadn't made an arrest over their weekend shifts.

### **Request For 100 Percent Salary**

Officer 2 was asked to provide examples of when former Chief Vice questioned his use of discretion. Officer 2 explained that this was evident from the fact that he did not get approved for 100 percent of his salary.<sup>3</sup> Officer 2 stated that Officer 11 and Officer 7 had both been approved for 100 percent salary. During Officer 2's probationary period, he had a few arrests and performed his traffic stops. In February 2023, he typed up a memo requesting a bump from 80 percent salary to 100 percent, and handed it to former Chief Vice, who made some revisions to it and was supposed to present it to Borough Council. Officer 2 then kept asking former Chief Vice about whether he had presented the memo to Council, and he responded "not yet, ebb and flow, ebb and flow" (presumably referring to Officer 2's performance).

Officer 2 believes that former Chief Vice made those statements because he was not getting DUI arrests. He also stated that comments were made by other officers such as "well, no blood in the fridge this week from the other side of the rotation" (presumably referring to blood test results from DUI stops). That message came from the younger guys who, according to Officer 2, were "on his [Vice's] team." He referred to himself and some other officers as "outcasts."

Officer 2 reiterated that Officer 11 and Officer 7 were at 100 percent; Officer 4 requested 100 percent but did not get it; Officer 9 was not at 100 percent (but Officer 2 was unsure whether

---

<sup>3</sup> Typically, officers are at 80 percent of their salary until their probationary period ends. Once an officer completes the probationary period, he is entitled to request 100 percent of his salary. That request is submitted in a memo to the Chief, who forwards it to the Mayor who, in turn, forwards it to Borough Council for approval.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 18

he had asked for it). Officer 2 has heard from the “older guys” that the Chief historically was not involved in presenting the request to Council, and that the officers would do it directly, but when former Chief Vice came in he took control of the process.

Officer 2 was asked why he thought that former Chief Vice treated him differently with respect to the 100 percent request. He responded that he thought at least some of it had to do with the personal relationship, and also because Officer 2 “did his own thing” and did what he wanted to do in terms of stops and business checks. According to Officer 2, that was good, but it was not the same as getting DUI arrests.

Officer 2 believed that former Chief Vice held the letter requesting 100 percent over Officer 2’s head, and that it was never presented to Borough Council.

### **Morale at the Department**

Officer 2 was asked about morale at the Police Department. Officer 2 stated that he had “hated it here,” that he was stressed out; the phone would ring and he would be scared it was an email with another investigation into his conduct by former Chief Vice. He explained that he loved the job, and that the stress came from former Chief Vice. There were nights when he couldn’t sleep, was restless, and was sick to his stomach.

### **Other Investigations Into Officer 2**

Officer 2 was asked to elaborate on the violations from the marijuana investigation that he had discussed earlier in the interview. He stated that there were 15 policy violations, and the biggest issue was the disposal of marijuana. There was also a charge that he lied in the report about where he had disposed of it (he disposed of it in a Wawa trash can and wrote that he disposed of it roadside). According to Officer 2, former Chief Vice wanted him to be terminated but it ended up being a 2-day suspension, which was negotiated by the Union. Officer 2 stated that former Chief Vice was “fully on board” with the 2-day suspension but needed to go to Borough Council for approval. He then presented Officer 2 with a letter setting forth the 2-day suspension, but it included new language related to a “last chance.”<sup>4</sup> Ultimately, the “last chance” language was removed.

A second investigation into Officer 2 (which was conducted by Officer 3) involved his conduct in connection with a well being check; specifically, there was a call related to a local man who Officer 2 was familiar with smelling flowers at Wawa. Officer 2, who was on duty at the time, took 12 minutes to get to the Wawa and at that point, the individual had left so he cleared the scene. His report was one line long. To Officer 2, this was a common occurrence

---

<sup>4</sup> “Last chance” language provides that an officer can be terminated during a certain time period for any policy violation.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 19

and there was no trouble, so he thought it was reasonable to write a short report. Former Chief Vice disagreed, and Officer 2 ended up getting disciplined.

A third investigation into Officer 2 involved another well-being check; a company called the Police Department about their employee, who had not checked in. Officer 2 went to talk to the employee, who informed Officer 2 that he was looking to leave his employer and didn't want to talk to them. Officer 2 forgot to call the employer back. He noted that it was not intentional, and that nothing required him to do so. However, the employer was concerned. In Officer 2's opinion, it was none of the employer's business.

Officer 2 described an incident where Officer 11 (who was on good terms with former Chief Vice) was not disciplined or investigated for certain conduct. Specifically, Officer 2 was working with Officer 11 one evening, and was taking a subject to Delaware County Prison so was not in the Borough. Officer 11 called in to say that he was pursuing a stolen vehicle in the City of Chester (which is outside the Borough). Officer 2 rushed to get back to the Borough because they were the only 2 officers working that night; he went to Chester to assist Officer 11, and Officer 11 informed him that he had just been chewed out by a City of Chester Sergeant (who was asking why Officer 11 was in Chester). The stolen vehicle was never in Brookhaven. Officer 11 called former Chief Vice and, according to Officer 2, former Chief Vice told him not to worry about it. There was no discipline issued, and rather former Chief Vice was going to send a letter to the City of Chester to reprimand the Sergeant for yelling at Officer 11. Officer 2 felt this was completely inconsistent and unfair because, in the meantime, he was being disciplined for dumping weed in a Wawa trash can.

### **Atmosphere Following Former Chief Vice's Placement On Administrative Leave**

Officer 2 was asked if he was relieved now that former Chief Vice was placed on administrative leave. He responded "absolutely," and that he no longer has to worry about how he is going to get in trouble on any given day. He feels better, no longer hates being at work, and feels a large sense of relief.

### **Civil Service Exam**

Officer 2 was asked what he knew about the hiring of a candidate for police officer ("Candidate A"). Officer 2 knows Candidate A and indicated that former Chief Vice spoke with him about Candidate A. Officer 2 described Candidate A as a "good cop." He stated that, a few days before the oral interviews for the position, he had a phone conversation with former Chief Vice during which former Chief Vice provided him with the questions that would be asked during the interview and a breakdown of how to answer those questions (at this point, Officer 2's relationship with former Chief Vice was still good). At former Chief Vice's suggestion, immediately following his conversation with former Chief Vice, Officer 2 then called Candidate A and relayed the critical information about the questions and answers for the oral portion of the

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 20

civil service examination to Candidate A. Officer 2 indicated that he did not think anything of it, because they were all friends and interviewed in the same places. The next thing he heard about it, Candidate A had withdrawn his name from consideration (Officer 2 heard that it was because he didn't want to be part of the "good old boys," and it was during the time period that Officer 1 had been terminated).

### **Issues With Backing Up Other Police Departments**

Officer 2 was asked whether Brookhaven officers were permitted to back up the neighboring police departments. Officer 2 explained that Brookhaven officers sometimes needed assistance from other departments when drug testing was involved in a DUI stop; there were a few occasions when those officers came out for DUI stops and found no signs of impairment, but the Brookhaven officers locked them up anyway. Officer 2 stated that former Chief Vice told the Brookhaven officers they were no longer allowed to ask other agencies to do field testing without permission from him; they also were told that they could not back those jurisdictions up unless it was an assist officer call. According to Officer 2, former Chief Vice did not want cars out of the Borough at the time. However, Officer 2 acknowledged that former Chief Vice did not deny a request he made to assist a neighboring jurisdiction.

Officer 2's impression was that the officers in neighboring jurisdictions felt that Brookhaven officers would not assist unless they specifically asked for cars. He noted that other departments don't like a lot of the Brookhaven officers because of their philosophies and how they do police work; Officer 2 stated that Aston specifically was told not to back up Brookhaven on any DUI investigation.

### **Officer 2 Believes He Was Targeted By Former Chief Vice**

Officer 2 indicated that he believed former Chief Vice was targeting him; he noted that former Chief Vice would have conversations with Officer 2 if he was on duty but out of the Borough "sitting somewhere for a certain period of time." Officer 2 also was labeled as a "rat" by the Department because he had conversations with Council President Terry Heller about former Chief Vice's investigations into Officer 2.

As an example, Officer 2 explained that former Chief Vice asked him for a written statement regarding his overtime submissions. This related to an incident where he went to Court at 10:00 a.m., was out within the hour, then went back for his next hearing at 1:00 p.m. and was out by 2:30. He put in for overtime from 7:00 a.m. to 10:00 a.m., then again from 11:00 a.m. to 1:00 p.m.<sup>5</sup> He submitted a memo to former Chief Vice explaining the issue, but never

---

<sup>5</sup> Under the Collective Bargaining Agreement, if an officer attends Court he automatically gets 3 hours of overtime regardless of whether he is there for 5 minutes or 3 hours. However, if the time goes over 3 hours, the officer is paid per hour (for instance, if an officer stays at Court for 4 hours, he will

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 21

heard back. He believes that former Chief Vice initiated an investigation into him to get back at him (presumably for talking to Council President Terry Heller).

### **Field Training Officers**

Officer 2 stated that when he started, the field training officers were officers who had been at the Department for a long time. They were not particularly aggressive but had a lot of experience. Then once former Chief Vice hired new people, those individuals were no longer field training officers because they were not aggressive enough; rather, the more aggressive officers did the training.

---

get 4 hours of overtime - - 3 hours plus the additional hour). Here, Officer 2 asked for 6 hours of overtime: 3 hours for the first appearance and 3 hours for the second appearance.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 22

**EXHIBIT 3**

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 23

This memorandum summarizes the interview of Officer 3, which was conducted on May 7, 2024. Officer 3 had Union representation present during this interview.

### **Background**

Officer 3 has been working at the Brookhaven Police Department (“Brookhaven PD”) for over 5 years as a full-time officer. Officer 3 stated repeatedly during his interview that he loves Brookhaven and is involved in the community.

Officer 3 indicated that, due to his experience at the Brookhaven PD, he often was considered the “go to” guy for information. Officer 3 described himself as the “go to” guy for former Chief Vice when he started, because Officer 3 was regularly in the office (as opposed to being on street patrol). Former Chief Vice relied on Officer 3 to bring him up to speed, since Officer 3 had institutional knowledge due to his tenure.

Officer 3 described former Chief Vice as a “pretty motivated” guy and, even taking the more recent events into account, Officer 3 would never say that former Chief Vice didn’t do “good things” for the Brookhaven PD; specifically, he caused the Borough to invest in the PD when it historically had not done so. Officer 3 also indicated that he and former Chief Vice got along “really well” up to the events preceding former Chief Vice’s placement on administrative leave.

### **Focus on Stops and Arrests/Use of Discretion**

According to Officer 3, former Chief Vice placed a significant emphasis on the number of arrests that officers made, and critiqued officers for not making enough arrests. Former Chief Vice required his officers to have 2 public contacts per shift; in other words, the officers needed to interact with the public on 2 occasions. According to Officer 3, the “easiest” way to do that was to make traffic stops.

Officer 3 stated that former Chief Vice frequently talked behind officers’ backs. For example, in the summer of 2023, former Chief Vice told Officer 3 (and other officers) that another officer (Officer 6) was “lazy” and doing a bad job, because he was making 8 or 9 traffic stops per day but was not making any criminal arrests. Officer 3 also stated that former Chief Vice had a sheet of criminal statistics hung up on display in the Police Department and would comment about the sheet as it related to Officer 6; for instance, former Chief Vice would note that one officer had 7 DUI arrests last month, but Officer 6 did not and, therefore, he must not be doing his job.

According to Officer 3, former Chief Vice disagreed with the work ethic of officers who did not make frequent arrests. This approach is contradictory to Officer 3’s approach, which he characterized as being more “empathetic.” Regarding his own perspective, Officer 3 stated that if there are officers who are going out, not violating anyone’s rights, not getting citizen

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 24

complaints, and not causing problems, then they should be able to “do their thing.” Officer 3 further indicated that the officers were perfectly capable of making arrests without former Chief Vice’s help. In Officer 3’s opinion, if a value system is based only on how many arrests an officer makes, that will cause a problem because that could create dubious arrests. According to Officer 3, former Chief Vice fostered an environment where if an officer stopped an individual but did not charge that person with a crime, the officer was “lazy.” Officer 3 stated that former Chief Vice did not like it when officers used their discretion in making arrests.

Officer 3 pushed back and shared his concerns about these issues with former Chief Vice. Officer 3 believes that officers should have discretion on the job, and that that approach is consistent with Brookhaven PD policy. In fact, Officer 3 has told officers that, based on the PD’s policy, they cannot be disciplined for not arresting somebody, absent a clear dereliction of duty.

For Officer 3, the pressure to make arrests and lack of discretion came to a head in July 2023, when Officer 3 recalled having a “passionate” conversation with former Chief Vice because he was upset and concerned that the “line” was becoming blurred for some officers. Officer 3 did not believe that former Chief Vice’s approach aligned with the values of the community - - as an example, he stated that nobody in the community complains about officers not making enough arrests; rather, they complain about “small town” problems like parking or cars running red lights.

### **Reporting Relationships and Squads**

Officer 3 was asked about the reporting relationships in the PD. Officer 3 stated that there were 12-hour shifts, and A, B, C and D squads. A squad would be assigned to day work and B squad would be assigned to night work, and that would flip every few weeks (same situation with C and D squad). One sergeant oversaw A and B squad; a different sergeant oversaw C and D squad. Approximately 3 officers worked per shift.

### **Former Chief Vice’s Comments About Officer 1**

Officer 3 was asked whether former Chief Vice made comments about other officers. Officer 3 specifically recalled that former Chief Vice frequently commented about Officer 1 (who has seniority with the PD). Former Chief Vice would make comments that Officer 1 was a “marginal” employee and also made comments related to the fact that Officer 1 frequently ticketed people in fire lanes.

Former Chief Vice had recommended that Officer 1 be terminated from the PD related to policy violations. Officer 1 was ultimately terminated but grieved that termination and was reinstated. Following that reinstatement, former Chief Vice made comments to the effect of “he’ll win this one but he’s not long for this department.” Officer 3 took major issue with these statements and believes that former Chief Vice just wanted to be rid of Officer 1.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 25

While the investigation into Officer 1 was ongoing, former Chief Vice attended Borough Council's executive session and told Officer 3 that he told Borough Council that Officer 1 needed to be fired. Officer 3 did not believe that Officer 1 should be fired for the conduct at issue, because he has a kid and bills to pay, and thought suspension would have been more appropriate.

### **Inconsistent Policy Enforcement**

Officer 3 relayed that former Chief Vice would enforce policy to a "T" with respect to certain officers that he did not like. According to Officer 3, former Chief Vice knew that he needed to create a paper trail to "get rid of a cop."

Officer 3 gave several examples of former Chief Vice's inconsistent policy enforcement. One example involved a particular officer (Officer 2) who - - according to Officer 3 - - was in former Chief Vice's crosshairs.<sup>6</sup> On one occasion, Officer 2 discovered a small amount of marijuana while making a traffic stop. Brookhaven PD policy provides that if an officer takes possession of an illegal substance, that officer cannot dispose of it without permission from a supervisor. Officer 2 disposed of the marijuana "roadside" after the stop (without first seeking permission). Former Chief Vice conducted a "big" investigation into this incident because, according to Officer 3, he had an axe to grind with Officer 2 (who had apparently told other officers that he did not like the way things were going under former Chief Vice). Former Chief Vice wrote Officer 2 up and told Borough Council that he had to be fired because "liars can't be tolerated." Officer 3 disagreed with former Chief Vice's approach. He noted that the situation was further complicated because the discipline for Officer 2 that was negotiated by the Union was a 2-day suspension; however, Officer 3 believes that former Chief Vice unilaterally changed the discipline to a 2-day suspension with a "last chance."<sup>7</sup> According to Officer 3, this incident made the other officers wonder what else was going on behind their backs.

Another example that Officer 3 gave of former Chief Vice's inconsistent policy enforcement occurred in the winter of 2023, when it came to Officer 3's attention that Officer 7 (who had a good relationship with former Chief Vice) was violating Brookhaven PD policy. Specifically, Officer 3 explained that when a retail theft case comes in, there typically is video footage from the vendor. That video footage is then uploaded onto the Police Department data server, but the original disk should be preserved and cannot be disposed of without permission. Officer 7 apparently had - - for months - - been discarding the original disks after they were copied onto the server, without documenting that he was doing so. Officer 3 explained that this is a problem because the original disks are the "best evidence" of the incidents, and often the

---

<sup>6</sup> During the interview, Officer 3 explained that former Chief Vice is in a relationship (and now married to) the mother of Officer 2's baby's mother/fiancée. He explained that former Chief Vice and Officer 2 used to be close, but apparently their relationship had soured.

<sup>7</sup> Generally, "last chance" language means that if an officer commits any policy violation within a specified period of time, that officer can be discharged.

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 26

District Attorney or defense attorneys want the original video. Further, Officer 7's conduct was discovered only accidentally after a new hire trainee mentioned something to a supervisor. When Officer 3 learned of this, he assumed that Officer 7 would get disciplined; however, former Chief Vice did "jack shit" about it, and instead sent an email to the Department reminding them to preserve the original disks. Officer 3 indicated that this was another example of how some officers were micromanaged while others were not.

Another example of inconsistent policy enforcement occurred with Officer 11 (who has a good relationship with former Chief Vice) in summer 2023. Officer 3 explained that Officer 11 was on duty with one other officer (who, at the time, was transporting a prisoner to Delaware County Prison). Officer 11 received a "hit" about a stolen vehicle through the traffic camera system. That vehicle had driven into the City of Chester. The Brookhaven PD does not have an agreement with the City of Chester police that would allow Brookhaven officers to work in the City of Chester's jurisdiction (this is only permitted when the Chester officers ask for assistance). Officer 11, who was in uniform, drove his marked police car into Chester to search for the vehicle, without telling the City of Chester Police Department that he was doing so. According to Officer 3, Officer 11 located the car and observed someone was getting out of it. He took that individual into custody and called the City of Chester Police for assistance. The City of Chester Police supervisor showed up and "dressed down" Officer 11, which is captured on body worn camera footage. Ultimately, Officer 11 could not provide an answer as to why he was there, and finally admitted that the stolen car was never in Brookhaven. Officer 3 believed this was a bad example to set for other officers, and also bad for the perception of the Brookhaven PD. However, Officer 3 stated that, rather than discipline Officer 11, former Chief Vice instead was concerned with the way that the Chester Police supervisor had spoken to Officer 11, and indicated that he was going to send a letter to the City of Chester Commissioner.

Officer 3 wondered how it was that Officers 1, 2 and 6 - - who he described as dedicated public servants and who do their jobs with no citizen complaints against them - - were being threatened with discipline, while Officer 11 likely violated the law and policy, and nothing was done about it. Rather, former Chief Vice did not investigate the incident and instead told Officer 3 that he had a "conversation" with Officer 11 about it and told him to never do it again. When asked why Officer 11 would have gone into Chester to retrieve the vehicle, Officer 3 believed it was because Officer 11 knew that former Chief Vice would give him an "attaboy" for the arrest. Officer 3 stated that, at that point, he started to lose faith in former Chief Vice because he saw that he wasn't ashamed to take care of the people he liked, and harm the people he did not like.<sup>8</sup>

---

<sup>8</sup> Officer 3 also noted that former Chief Vice put a policy into place that required officers to call out at least 2 hours before their shift, and on one occasion expected that Officer 3 would write a particular officer up when he called in 1 hour and 45 minutes before the shift; Officer 3 believes that this occurred because former Chief Vice hated the guy.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 27

Officer 3 described an example of how former Chief Vice did not like it when officers used their discretion in making arrests. In approximately summer 2023, Officer 4 performed a traffic stop. The driver of the vehicle, who had a small amount of marijuana on him, was someone who Officer 4 had previously dealt with. Officer 3 indicated that the driver was “getting his life back together” and had a pregnant girlfriend. Using his discretion, Officer 4 did not arrest the individual. Officer 11 reviewed Officer 4’s report and told him that the guy should be charged/arrested. Officer 4 was upset about this. Officer 3 defended Officer 4’s use of discretion and asked former Chief Vice why he couldn’t cut Officer 4 a break. According to Office 3, former Chief Vice refused to do so. This situation further irritated Officer 3 because Officer 4 reported to Officer 3, so in his opinion, Officer 11 had stepped over the line in reviewing the report. Officer 3 told Officer 4 that if he did not want to arrest the individual, he didn’t have to. Ultimately, Officer 4 was not disciplined for this incident.

### **DUI Stops and the Terry Heller Incident**

Officer 3 indicated that a dozen or more of the DUI blood tests that came back during former Chief Vice’s tenure were “questionable” - - in other words, they came back showing that no substances were in a subject’s blood, or that any substances that were present were well under the legal limit.<sup>9</sup> Officer 3 wondered what the officers who had made those arrests observed to make them conclude that the subjects were driving under the influence. In Officer 3’s mind, if it is a borderline case, then the subject should not be arrested and should be permitted to call someone for a ride home. But, he believes that if the officers see that they are going to be called “lazy” if they don’t make that arrest, they will make the arrest because it’s easier to put handcuffs on a person than to get in trouble with Chief Vice.

Officer 3 then discussed his understanding of the Terry Heller incident. On that evening, Officer 4 stopped a vehicle for running a red light and, once he realized that it was Mr. Heller and that there were some potential issues involving alcohol and/or other substances, he called Officer 11 (his supervisor) to inform him that it may be a DUI stop. Officer 11 then said he would call Officer 4 back, but instead, Chief Vice called Officer 4. Officer 4 asked Chief Vice whether they should call an outside agency to investigate the DUI and run field sobriety tests, given the concern with the public’s perception amidst the relationship issues that Mr. Heller and former Chief Vice had been having. Former Chief Vice told Officer 4 to do his job, and if he didn’t feel comfortable doing that, then former Chief Vice would come in and do it. Because former Chief Vice lives a distance from Brookhaven, and Officer 4 presumably was aware that time is of the essence in a potential DUI situation, he elected to run the field sobriety tests himself. When Mr. Heller failed those tests (and also made a comment that he may have had a few beers and/or taken Xanax), and then blew a .06 on the breathalyzer, there was probable cause to believe that he may have been intoxicated; therefore, Officer 4 transported him to the hospital for a blood sample. Officer 3 was concerned that former Chief Vice allowed Officer 4 to be put

---

<sup>9</sup> Officer 3, who has been at the PD for over 5 years, explained that he had seen this happen “maybe 5 times” prior to former Chief Vice’s tenure.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 28

in the middle of the situation, and if he (Officer 3) had been in charge he would have called the state police. Ultimately, Mr. Heller's results came back under the legal limit (Officer 3 acknowledged that he has not personally seen those results).

According to Officer 3, the District Attorney's Special Prosecution Division looked at the case (because it involved a politician) and determined that Officer 4 had acted appropriately; The District Attorney's Office also decided that it was not going to charge Mr. Heller with a crime. Officer 3 believes that former Chief Vice should have let it go at that point; however, former Chief Vice apparently elected to "take a shot" at Mr. Heller on Facebook.

Officer 3 also indicated that it was "happenstance" that Officer 4 had stopped Mr. Heller's car because he had run a red light, and that Officer 4 was not targeting Mr. Heller.

### **Comments Made By Former Chief Vice**

Officer 3 recounted that Chief Vice would make the following comments:

- "all gas, no breaks" (meaning that the officers would not give anyone any breaks);
- Officer 11 and certain other officers were "his guys";
- "fuck these people" and lock them up;
- "those that do, get" (meaning arrests)

Officer 3 also described former Chief Vice as the most "narcissistic, unempathetic, vindictive person" he's ever met in his life. According to Officer 3, former Chief Vice would become "hyperfocused" with ruining your life if you were on his bad side.

### **Officer 3's meeting with Borough Council Executive Session**

Officer 3 met with Borough Council in executive session on April 13, 2024, after being invited to do so by Mr. Heller. Officer 3 explained that he met with Council because things were "starting to get awkward" and the public was starting to ask questions about the Brookhaven PD. Prior to the meeting, Officer 3 consulted with his Union because, at some point in the past, former Chief Vice and the mayor had issued orders that prohibited officers from discussing internal police business with anyone. The Union confirmed to Officer 3 that he had a First Amendment right to speak about the conditions of employment, as long as that speech was not prohibited by law (i.e., discussing ongoing investigations). Officer 3 thought that, by putting information out to Borough Council, it would be forced to act to make the officers' working conditions better. Officer 3 indicated that he was also concerned about the potential civil liability the Borough might be incurring (due to the work environment). Officer 3 was aware that former

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 29

Chief Vice would fly off the hook, but he stated he did not care because everything he said was true.

At the time that Officer 3 met with Borough Council in executive session, former Chief Vice hadn't spoken to him for 10 days; this lack of communication continued for the next 6 weeks following the meeting. Officer 3 stated that former Chief Vice started closing his office door and shut down communications, which Officer 3 described as "childish."

Prior to Officer 3's meeting with Borough Council, Officer 3 had called Councilman Burke to explain some of the problems; he did so because Councilman Burke had made it clear that he was available to talk to the members of the Police Department about any concerns. Officer 3 reviewed the various issues that he had with former Chief Vice (which are outlined in this memorandum) and told Councilman Burke that former Chief Vice was a wolf in sheep's clothing, and that he was bad for the Police Department. Officer 3 also shared his opinion that the citizens of Brookhaven would not want former Chief Vice to run the department if they knew the kind of person he was.

### **Other Allegations About Former Chief Vice's Conduct**

Officer 3 relayed the following example of a "vindictive" thing that former Chief Vice had done. Officer 3 coaches a Little League team and asked former Chief Vice (before their relationship deteriorated) if the PD would sponsor the team. Former Chief Vice paid the sponsorship with his personal money, but after Officer 3 spoke to Council, he learned that former Chief Vice had contacted the President of the Little League via his work email and told him that he wanted his money to go to any team except the one that was coached by Officer 3. This was very embarrassing and surprising to Officer 3. At that point, Officer 3 realized that their relationship was finished, because he could not respect someone who would do that.

Officer 3 also indicated that former Chief Vice was "putting stuff" on the Brookhaven PD's Facebook page, but not turning off the comments, which led to a situation where people were saying "horrible things" about Mr. Heller and the situation in general. Officer 3 believes that former Chief Vice should have turned off the comments. Officer 3 indicated that, at one point, former Chief Vice posted that he had been disinvited from Borough Council meetings, and invited residents to come to him directly with any issues. However, Council apparently did not make an official move to disinvite him, and this was just something that was part of the rumor mill. Officer 3 found former Chief Vice's conduct in this regard to be unprofessional.

Officer 3 gave another example of a "petty" thing that former Chief Vice did: two officers who reported to Officer 3 - - including Officer 2 - - were involved in an incident on July 4, 2024, where they received a call for a suicidal subject in possession of a gun in a car. The officers went to the site and dealt with a potentially dangerous situation, brought the suspect into custody, and got him to a crisis center. In Officer 3's opinion, this was a job very well done, and he recommended them both for a formal commendation (which Borough Council awards).

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 30

However, they never received this commendation, and Officer 3 believes it is because former Chief Vice did not want to go in front of Council and praise Officer 2. But, around the same time, Officer 4 was involved in an incident where he did receive a commendation from Borough Council for his conduct - - according to Officer 3, this is because former Chief Vice liked Officer 4.

Officer 3 was asked if the problem with former Chief Vice was the environment he created or if it was more “direct.” Officer 3 explained that much of the problem was the environment, and a “read between the lines” situation - - for example, former Chief Vice’s emphasis on arrests created a problem with morale. Officer 3 stated that most of the officers won’t speak up because they could not in the environment that former Chief Vice created. Rather, they kept their mouths shut and heads down because they didn’t want a target on their backs.

Officer 3 also described an issue with former Chief Vice telling officers to come in 10 minutes early; according to Officer 3, he was adamant that he wanted them to be there 10 minutes before their shifts and ready to work. However, under the Collective Bargaining Agreement the officers would be entitled to overtime in that situation; apparently, former Chief Vice was not happy that the Union took that position.<sup>10</sup> According to Officer 3, guys were disciplined for this, there were notes in their personnel files, and they were getting “nasty” emails about it.

### **Brookhaven PD’s Relationship With Other Police Departments**

Officer 3 expressed a concern about Brookhaven PD’s reputation among other departments under former Chief Vice. He explained that, prior to former Chief Vice’s tenure, the Brookhaven PD had a very supportive relationship with the neighboring police departments (particularly the smaller ones, like Parkside), and would back each other up as needed. However, Officer 3 learned that some other departments now were on orders not to come to Brookhaven because Brookhaven was not “doing the job the right way” (referring to the stops/arrests). For example, Officer 3 stated that the Aston Police Department was told that if they were requested to assist in Brookhaven, especially for a DUI, they should say they are busy; there were two incidents around 2022 when they came to assist on DUIs and the Aston officer(s) did not believe there was probable cause for an arrest, but the Brookhaven officers made the arrest anyway. Officer 3 stated that he wants to rebuild these relationships.

Officer 3 further explained that former Chief Vice wanted them to be self-sufficient to a fault, and he was vehemently individualistic.

---

<sup>10</sup> The specific position taken by the Union was that for every 6 shifts, the officers would get 1 hour of overtime (10 minutes per shift totaling 60 minutes).

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 31

### **Work Environment Under Former Chief Vice**

Officer 3 described a “toxicity” in the Brookhaven PD work environment because former Chief Vice would punish guys, but not overtly. For instance, Officer 3 explained that in January 2024, former Chief Vice decided to shuffle around the schedule, and he made squads where all of the junior officers were assigned to work together, and all of the senior officers were assigned to work together. The days off are assigned by seniority; therefore, the senior officers were put in a situation where they were fighting with each other for time off. Then, when certain officers were promoted to sergeant (a position that did not exist previously), former Chief Vice said that sergeants have seniority for time off purposes over other senior officers.

Officer 3 again raised the subject of Officer 1, and indicated that former Chief Vice did not like Officer 1 and kept looking for ways to “screw him over.” For example, former Chief Vice assigned Officer 1 with one of the few guys who had more seniority and time off, which put Officer 1 in a position where he had to ask people to swap with him when his kids had sports, etc. On some occasions, Officer 3 ended up working Officer 1’s shifts to accommodate these requests, even though Officer 3 was more senior and had the time off available to him.

Officer 3 indicated that senior guys should have been spread throughout the PD, not only because of the time off issue, but also because they had institutional knowledge.

### **Field Training Issues**

Officer 3 also took offense to the fact that former Chief Vice appeared to be squeezing him out of training the new hires. Specifically, both Officer 3 and Officer 6 had extensive training experience; however, when two new hires started somewhat recently, neither Officer 3 nor Officer 4 were assigned any hours with those hires. Former Chief Vice claimed it was just the way the schedule worked out. Officer 3 believes that this was a “sneaky” way of squeezing him out, because someone told him that former Chief Vice said he wanted those new hires as far away from Officer 3 and Officer 6 as possible because he didn’t want the Officers to have a chance to “ruin” the new hires.<sup>11</sup>

### **Events Leading To Former Chief Vice’s Placement On Administrative Leave**

Several days after Officer 3 met with Borough Council in executive session, former Chief Vice called Officer 3 into his office and instructed him to send him an email explaining everything about an overtime issue in which Officer 2 was involved. Officer 3 asked whether this was for purposes of an investigation, and former Chief Vice responded “not yet.”

---

<sup>11</sup> Officer 3 and Officer 6 also had a “handshake” agreement, whereby they agreed to tell one another if former Chief Vice talked behind their backs.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 32

By way of background, under the Collective Bargaining Agreement, officers get 3 hours of court time (overtime) when they attend Court, regardless of the amount of time actually spent there. For example, if an officer has to be present at Court for a hearing at 10:00 a.m. and gets out at 10:15 a.m., that officer is paid for 3 hours of time. However, anything beyond 3 hours is calculated per hour - - for instance, if that officer did not get out of Court until 2:00 p.m., he would be paid for 4 hours of time (10:00 a.m. to 2:00 p.m.).

Officer 3 described the overtime incident as follows: Officer 2 was scheduled to appear in Court for a 10:00 a.m. hearing, and then later that day for a second hearing at 1:00 p.m. Officer 2 went to the 10:00 a.m. hearing, which was over by 11 a.m., then left to go to the gym and run some errands. He returned for the 1:00 p.m. hearing. Officer 2 (who had received prior approval to attend Court) put in for 6 hours of overtime - - 3 hours for the 10:00 a.m. hearing, and 3 hours for the 1:00 p.m. hearing. Officer 3, who supervised Officer 2, changed the hours from 9:00 a.m. to 11:00 a.m., and 1:00 p.m. to 3:00 p.m., and then approved the overtime request (that recommendation then goes to the Chief who has the final say). Officer 3 believed that former Chief Vice wanted the information about the overtime incident because he was going to try and “spin a tale” that Officer 3 and Officer 2 were trying to steal time from the Borough. Ultimately, nothing came of this, because Officer 3 informed Council members that he suspected he was on the verge of discipline, and former Chief Vice was placed on administrative leave.

However, on another occasion involving a similar scenario, a different officer put in for 2 overtime requests for the same day. In that case, former Chief Vice knocked the time down from 6 hours to 4 hours but did not initiate discipline. Officer 3 believed that situation was more egregious than Officer 2’s situation, because that officer had only left court for a short period of time and returned, whereas Officer 2 had left for several hours.

Officer 3 further stated that, once former Chief Vice was placed on leave, Officer 3 looked through some stacks of paper on his desk, and it was “clear” to him that he had other discipline lined up for Officer 3 and was looking to “drop the hammer.”

### **The Date That Former Chief Vice Was Placed On Administrative Leave And Subsequent Events**

On the day that former Chief Vice was placed on administrative leave, Officer 3 was made aware that former Chief Vice would be turning over his vehicle keys, his gun, his badge and his phone. However, according to Officer 3, once former Chief Vice was informed he was being placed on leave, he grabbed “a bunch of shit” from his office and left without turning in any of these items. A few hours later, Officer 11 called and said he would be dropping off former Chief Vice’s car, badge, gun, radio and cell phone. When Officer 3 picked up the cell phone, he saw that it was on factory reset.

Officer 3 also found it concerning that, in the weeks prior to the administrative leave, former Chief Vice had changed Officer 3’s administrator status on several Police Department

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 33

accounts/domains. Officer 3 explained that previously, he had “super administrator” status and had control over the Brookhaven PD’s domain (brookhavenpolice.com), as well as some other accounts. Former Chief Vice apparently changed this so that Officer 3 did not, at the time of his interview in early May 2024, have that status (and only former Chief Vice did).

### **Civil Service Issue**

Officer 3 described another issue involving the hiring of an employee; he found out about this issue after the fact. Officer 3 (along with former Chief Vice and Officer 11) sat on the interview panel for the hiring of a police officer. Prior to the interviews, they met and formulated a rubric/list of the qualities they were looking for. One of the candidates - - “Candidate A” - - came in and was the “most impressive” interview that Officer 3 had ever seen; Officer 3 stated that he “checked every single box.” Candidate A had also done well on the written exam. At the time, Officer 3 did not question this. Months later, Officer 3 heard Officer 2 mention that Candidate A “had the answers.” When Officer 3 questioned Officer 2 about that statement, Officer 2 stated that he had a call with former Chief Vice, who said that it would be cool if he gave some tips to Candidate A (with whom Officer 2 had an existing relationship) about the interview. At that point, a “light bulb” went off for Officer 3. Officer 3 told Officer 2 that he should come forward with this information, but Officer 2 did not want to because former Chief Vice was already writing him up at that point and he was being threatened with termination, so he didn’t want to make the situation worse.

### **Supplemental Interview Of Officer 3**

Officer 3 again was interviewed on July 11, 2024, at his request, because he became aware of additional information that he thought was pertinent to the investigation. Union representation was present during this interview.

Officer 3 first discussed an incident in late 2023/early 2024 when Officer 2 was out of work with an injury. According to Officer 3, Officer 2 was out for a short period of time (approximately 5 shifts) and was receiving physical therapy. Officer 3 heard that when Officer 2 was out, former Chief Vice was convinced that he was faking his injury, told other officers that Officer 2 was trying to go out on permanent disability, and that former Chief Vice was going to get him or fire him.

Officer 3 also heard that former Chief Vice and Officer 11 were using VIPR (a network of automated license plate camera readers) to track Officer 2 using his personal vehicle and the tag on that vehicle. Officer 3 heard that former Chief Vice believed that Officer 2 was going to the gym to work out and therefore committing insurance fraud, and that he was “hellbent” on catching him.

The VIPR system offers an audit trail, which Officer 3 was able to access, and he pulled all of the occasions when someone queried Officer 2’s plate number. The records indicated that

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 34

both Officer 11 and former Chief Vice had queried that plate number. The query will tell an officer where the vehicle is located and what intersections the vehicle went through.

Officer 3 was very disturbed by this, particularly because former Chief Vice had no idea what Officer 2 physically could and could not do with his injury; he also heard that former Chief Vice had driven to Officer 2's gym and sat in the parking lot. Officer 3 believed that this was very vindictive behavior.<sup>12</sup>

Officer 3 also described an incident where Officer 11 had been involved in an incident where he had a short vehicle pursuit with a juvenile in custody in the back of the patrol car, which violates Brookhaven PD policy. Officer 3 noted that there was nothing referenced in Officer 11's supplemental report about a juvenile being present for this incident (when he believes there should have been). According to Officer 3, former Chief Vice was aware of this incident but did not do anything about it.

---

<sup>12</sup> Mr. Heller called Officer 3 at some point prior to the supplemental interview and expressed a concern that he was being tracked too. Officer 3 ran a query of Mr. Heller's plate and noted that the plate had been queried immediately after the stop of Mr. Heller, which Officer 3 assumes was because they were looking for the exact time of the traffic stop.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 35

**EXHIBIT 4**

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 36

This memorandum summarizes the interview of Officer 4, which was conducted on June 11, 2024. Officer 4 had Union representation present during this interview.

Officer 4 has been at the Brookhaven Police Department for under 5 years. When asked to describe former Chief Vice's management style, he stated that former Chief Vice liked "proactivity" - - meaning arrests. According to Officer 4, former Chief Vice did not say one specific thing that caused him to perceive this, but it was the overall picture that was painted. For example, guys that would do traffic stops and just tag lights being out or traffic violations would be characterized as doing "easy stops," whereas the guys who would get an arrest out of traffic stops were "producing" and "doing well."

Officer 4 used Officer 2 as an example; he noted that once Officer 2 reached the one-year mark where he could have received 100 percent pay, Officer 4 overheard former Chief Vice talking to Officer 2 about how his performances ebb and flow, and his traffic stops remained the same. Officer 4 understood this conversation to mean that former Chief Vice would not lobby for Officer 2 to get 100 percent pay because his arrests weren't up.

Officer 4 recalled that when he started at Brookhaven (during the interview process), he was told that if he was proactive, he would get 100 percent after his first year. Officer 4 explained that he "naturally excelled" at making stops/arrests because the call volume in Brookhaven was so much lower than what it was at his prior law enforcement agency; former Chief Vice told him that he was doing really well and, according to Officer 4, only cared about the number of arrests that he made. Although this was not directly sent to him, it was "conveyed" that if he got a high number of arrests then he would be "producing" and would get the 100 percent pay.

Officer 4 stated that he was never negatively targeted or impacted by former Chief Vice; however, there also was never a month where he had less than 10 arrests (he led the Department in arrests). Officer 4 did ask for the 100 percent salary, but he did not get it. He approached former Chief Vice about the status of his request on several occasions, but it seemed like he was getting the "run around." However, after the arrest of Council President Heller for suspicion of DUI, he heard that his request had been denied (although he was never actually told that). The last thing that Officer 4 heard about his request for 100 percent salary was that former Chief Vice had cosigned it, as well as the Mayor, but it went to Council President Heller and never made it to Borough Council vote.

Officer 4 was asked whether he felt pressure to make arrests and he responded "yes, absolutely." For example, he stopped a car, and the driver had an ounce of weed on him, but he had one month before his probation for a prior incident ended and had a kid on the way. Officer 4 used his discretion and let him go so that he could "get his life together." He then got an email from Officer 11 (who was not his supervisor; rather, Officer 3 was) saying that he did a great job on stopping the car but based on the subject's criminal history, Officer 4 needed to charge him. Officer 4 discussed this with his supervisor, Officer 3, who in turn discussed it with former Chief

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 37

Vice and Officer 11. Ultimately, Officer 4 did not have to charge the subject. Officer 3 informed Officer 4 that he was an experienced officer, and he knows how to properly exercise his discretion. However, this incident made Officer 4 feel that the next time he was in a similar situation (requiring the exercise of his discretion), he might as well issue a citation and save himself the headache.

Officer 4 described another situation where he stopped a car because the windows were tinted, and there was no indication that the driver was impaired, but he smelled weed in the car. The driver gave consent to search the car and Officer 4 found nothing. The driver's license was suspended but the passenger's license was not, so Officer 4 told them to swap and charged the driver for driving with a suspended license. Former Chief Vice was Officer 4's direct backup at the time, and as the car was about to drive away, he told Officer 4 that he should have charged the driver because the driver acknowledged that he smoked. After that traffic stop, he was told that former Chief Vice was complaining that he had let a DUI go.

Officer 4 stated that he was told by former Chief Vice and Officer 11 that it did not matter if a driver did or did not show signs of impairment, if they admit to drug smoking, then you arrest them. Officer 4 disagrees with this approach.

In December 2023, Officer 2, Officer 4, Officer 11, Officer 7 and Officer 8 were performing DUI enforcement. Former Chief Vice's direct instructions were that he did not care if a driver was showing visible signs of impairment; if they admitted to smoking drugs, then they would be arrested. That night, Officer 4 stopped a car and the driver acknowledged that she had just finished smoking at home. Her eyes were red and she smelled like weed, but she aced her field sobriety tests. Officer 4 told her to call someone to drive her car home. He went back to the station and learned that they had already called a tow truck for the car because they assumed Officer 4 was taking her in for DUI (without waiting for him to communicate the results of the field sobriety tests).

Officer 4 made the arrest of Council President Heller on suspicion of DUI. In short, Officer 4 explained that he was on routine patrol, watching traffic on a weekend night, and saw a black sedan make an improper turn onto Edgemont. Instead of going into the curb lane, the vehicle went into the far lane, so he got behind it; then the car made an illegal left on red and went into a shopping plaza, which is where Officer 4 stopped the vehicle. Officer 4 observed that it was Council President Heller. According to Officer 4, the first thing that Mr. Heller said was to the effect of "you're trying to catch me, Vice put you up to this."

Officer 4 went back to his car and called Officer 11, explained that Mr. Heller smelled like alcohol and had a traffic infraction, and asked what he should do. Officer 11 said he would call Officer 4 back; instead, former Chief Vice called him back. Officer 4 ran through the situation with former Chief Vice and asked whether they should call the Pennsylvania State Police to eliminate any allegation of bias. Former Chief Vice said no, they could handle it, and told Officer 4 that if he was not comfortable doing so, then former Chief Vice could come down

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 38

and do the field sobriety tests (although he was about 45 minutes to 1 hour away). Officer 4 said that it would have been too long to wait so he would perform the field sobriety tests.

According to Officer 4, Mr. Heller failed the field sobriety tests miserably. Officer 4 administered a breathalyzer test and came to the decision that he had to arrest Mr. Heller; he called former Chief Vice and advised of the situation and then took Mr. Heller into custody.

Officer 4 was asked to describe the stop in more detail. Officer 4 emphasized that he had no idea it was Mr. Heller's car when he made the stop; indeed, it was the only car on the road because the stop occurred sometime between 11:00 p.m. and 2:00 a.m. Rather, he pulled the car over because he saw a traffic violation, observed it make a left on red, and thought that the driver was trying to evade him. He only realized it was Mr. Heller when he put the spotlight on the car. Again, when he approached the car to ask for license and registration, Mr. Heller commented (multiple times throughout the interaction) that Vice had put him up to it and asked if Officer 4 was "trying to get" him. Officer 4 explained to Mr. Heller that he didn't know what kind of car he drove and that he had run a red light; Mr. Heller agreed that he ran the red light and committed a traffic violation. Officer 4 then asked him to step out of the car; Mr. Heller admitted to having a couple of drinks at Chili's. Officer 4 could smell the odor coming out of the car and noted that a lot of people who are severely intoxicated will appear normal getting out of the car but will then fail the field sobriety tests.

Officer 4 did not pull Mr. Heller out of the car until he called Officer 11 (and then later spoke with former Chief Vice) to ask if the Pennsylvania State Police should be handling the situation. Officer 4's instinct was to ask about the Pennsylvania State Police because, according to Officer 4, they are not allowed to call neighboring departments.

Officer 4 was asked whether he felt any pressure to handle Mr. Heller's stop a certain way as a result of the conversation with former Chief Vice, and he responded, "absolutely not." He stated that former Chief Vice never told him that he needed to make an arrest. After his call with former Chief Vice, Officer 4 ran through the field sobriety tests with Mr. Heller, who failed them miserably - - Officer 4 indicated that he failed them so badly that, after the results of Mr. Heller's blood test came back with nothing in his system, Officer 4 assumed he intentionally failed them. Officer 4 also noted that Mr. Heller had a bottle of Xanax in his pocket and said that he had taken 1 or 2 earlier in the night. After Mr. Heller was transported to the hospital for a blood test, he drove Mr. Heller straight home.

Officer 4 was asked about the results of the blood test. He indicated that Mr. Heller's results were hidden from the officers - - access to the online portal with the blood test results was restricted; the only person who could view them was former Chief Vice (Officer 4 could not recall whether the access became restricted before or after Mr. Heller's stop). Officer 4 recalled getting an email stating that Mr. Heller's results were back and asked former Chief Vice about the results. Eventually, former Chief Vice told Officer 4 that he forwarded the results to the District Attorney's office, that he did so to "protect" the officers, and that he was not going to

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 39

share the results with them. To Officer 4, that meant that the results were under the limit. Officer 4 also explained that access to the drug testing database was restored once former Chief Vice was placed on administrative leave.

Officer 4 was asked about the towing company that was used by the Brookhaven Police Department. Officer 4 noted that there may have been a personal relationship between Keith Lampert and former Chief Vice and his wife. He also stated that Officer 2 knew Keith and recommended his company. According to Officer 4, officers were supposed to call a tow truck company when they made a DUI arrest. He did not agree with that approach, because Police Department policy prohibits towing cars that are legally parked. When he told former Chief Vice and Officer 7 this, they said that they would rewrite the policy to allow them to tow legally parked cars because they felt that if a person was intoxicated, they could walk back to the car again.

Officer 4 was asked whether he had instances where the bloodwork for a DUI arrest came back below the legal limit. He said this happened on about 10 occasions and agreed that it was “absolutely” the result of pressure to make arrests. Officer 4 also was asked if quotas were used, and he responded that they were not, but there was a paper reflecting statistics that was hung up on a filing cabinet with DUIs in one section and “other” arrests in a different section. That told Officer 4 that the officers were expected to prioritize DUI arrests.

Officer 4 recalled that someone (either former Chief Vice or Officer 11) said that Officer 6 should be ashamed to be a cop for not getting arrests (in the context of the statistics sheet being posted). The statistics sheet remained posted for about a month. Officer 4 also recalled that the Police Department lauded Officer 9 for being officer of the month (including a billboard and an article in the Daily Times) but when Officer 4 and other officers received officer of the month, there was no article or billboard.

Regarding Officer 9 (who was hired at the same time as Officer 4), Officer 4 explained that he tested and interviewed better than veteran cops although he did not have that level of experience. He noted that Officer 9’s father had a preexisting relationship with former Chief Vice. Apparently, former Chief Vice was pushing for Officer 9 to be hired; Officer 9 told Officer 4 that he was not given any specific answers for purposes of the oral interview, but that someone (not identified) let him know the type of answers they would expect to questions. Officer 4 also noted that Officer 2 told him that another candidate - - Candidate A - - who interviewed in the same group as Officer 4 was provided the answers to the oral or written interview because former Chief Vice and Officer 11 wanted him, along with Officer 9, to get hired.

Officer 4 was asked whether former Chief Vice talked negatively about other officers. He stated that he had not heard that, but former Chief Vice has made public comments about officers when it came to their work ethic. He also recalled that Officer 8 stepped up his DUI arrests after former Chief Vice made a comment about his lack of arrests. Officer 4 noted that former Chief Vice mentioned that they would get rid of people who were not performing.

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 40

Officer 4 was asked whether he noticed any difference in the way that discipline was being imposed among officers. He characterized it as “one sided discipline” and stated that the Department had a strict divide through the middle. Although Officer 4 was never negatively impacted by this, he noted that one side of the squad (which included Officer 2) was “under the microscope,” whereas the other side (which Officer 4 was on) was not.

Officer 4 offered several examples of this disparity. On one occasion, Officer 7, Officer 8 and Officer 10 were dispatched for a subject who was having a mental health issue or was on drugs and Officer 7 repeatedly tased him; there was nothing done and no investigation. Officer 4 described another incident where kids were lighting up fireworks, one of them ran away, and Officer 7 tased him; again, there was no investigation into Officer 7’s conduct. There was also an incident where Officer 11 chased a stolen vehicle (which never was in Brookhaven) into Chester City while his partner was outside of Brookhaven; again, this conduct was not investigated, but according to Officer 4, if Officer 2 had done the same thing he would have been fired. Officer 4 also described an incident where Officer 7 was destroying DVDs containing video of crimes (*i.e.*, shoplifting) after the video was uploaded to the Police Department’s computer system, which violates policy; again, this conduct was not investigated.

By contrast, Officer 4 recalled that Officer 2 was frequently disciplined - - for example, Officer 2 was called to Wawa because a local guy was sniffing flowers, and because he did not get there within a certain time period, former Chief Vice tried to “come after him.” Officer 4 also recalled that they made a mountain out of a molehill related to an incident where Officer 2 threw away a small amount of marijuana in a Wawa trash can but wrote in his report that he disposed of it roadside.

Officer 4 indicated that the main thing that negatively impacted him was not getting the 100 percent raise. He reiterated that even though he was not specifically told to make more arrests, the feeling was that he did. He noted that, since former Chief Vice had been placed on administrative leave, the officers have not made any DUI arrests. Further, since former Chief Vice left, Officer 4 feels that he can again exercise his discretion freely and without getting questioned.

Finally, Officer 4 was asked about whether he attended Council meetings to support former Chief Vice. He did not attend one of the meetings because fallout from the stop of Council President Heller was still ongoing, and the Union told him not to attend the meeting. He feared retaliation for not attending Council meetings.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 41

**EXHIBIT 5**

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 42

This memorandum summarizes the interview that was conducted of Officer 5 on June 11, 2024. Officer 5 had Union representation present during this interview.

Officer 5 has been with the Brookhaven Police Department for less than 5 years. He came to Brookhaven because he knows Officer 12, who told him that Brookhaven was hiring. Officer 5 took the civil service exam prior to being hired; he confirmed that nobody from the Brookhaven Police Department contacted him beforehand regarding the oral examination.

Officer 5 was asked to describe former Chief Vice's management style. He stated that it was "very different" than his prior law enforcement experience. Officer 5 has worked at departments that are very laid back; he described Brookhaven as "go, go, go, don't stop" and that there was never a second to relax or breathe. When asked whether that was a good or bad thing, Officer 5 responded that it was a little bit of both; it was a nice change of pace but also overwhelming and it was unreasonable to expect that type of behavior from somebody who is there 12 hours a day and has a life outside of police work.

Officer 5 was asked about whether any unreasonable expectations were placed on him. Officer 5 indicated that he had experiences where he felt like his job was on the line if he didn't arrest people, and that all "they" cared about was a number on a paper – referring to statistics. The term "they" specifically refers to former Chief Vice and Officer 11, who supervised Officer 5. Officer 5 also stated that he was directly told he was not allowed to work with certain people, which former Chief Vice referred to as "the other side" (the other squad). Officer 5's squad included Officer 11, Officer 7, Officer 8, Officer 9 and Officer 10. The "other side" consisted of Officer 3, Officer 2, Officer 6, Officer 13 and Officer 1.

Officer 5 was asked whether there were any issues with his training. He stated that he crashed a police car which extended the training period. Originally, he was with Officer 6 and Officer 13; the squads were changed mid-January of 2024 and now Officer 11 and Officer 4 are his partners. During training, he listened to officers talk, watched their behavior, and understood about DUI arrests.

Regarding DUI arrests, Officer 5 observed that since former Chief Vice had been placed on administrative leave, nobody gets DUI arrests anymore, which he described as ironic. He was aware before getting hired that Brookhaven "loved to make DUIs" - - once he got there, he realized it was former Chief Vice who was pushing this. When asked why he thought former Chief Vice pushed the DUI arrests, Officer 5 stated that former Chief Vice doesn't drink. He also recalled former Chief Vice making comments like "who's getting locked up tonight" and telling the officers to keep an eye out for DUIs. Officer 5 also stated that former Chief Vice loved watching the DUI statistics, and if one person didn't get a DUI arrest over a weekend they were "shunned."

Officer 5 was asked about the DUI statistics. He stated that there was a board in their office with the number of arrests on it but was not sure whether it included only DUI arrests or

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 43

all arrests. Officer 5 was asked to describe the level of discretion in making DUI arrests, and he responded “none.” Even in situations where someone had a small amount of marijuana, Officer 5 felt like he had to issue a fine; the Borough enacted an ordinance providing that a small amount of marijuana was subject to a fine set by the officer, and the officers were encouraged in certain instances to set the maximum fine for someone. Officer 5 also recalled a recent issue with Officer 11 where he told him that if you tow a vehicle, you have to cite it.

Officer 5 was asked about his process for DUI arrests. Officer 5’s experience was different than everybody else, because at the time he was not certified to perform field sobriety tests (so would need to ask another officer to do it). Officer 5 recalled one DUI where Officer 13 performed the field sobriety tests, which resulted in an arrest but not a conviction. He had the same experience with Officer 4.

Officer 5 further explained that on traffic stops, the officers were looking for DUIs or impairment. In his opinion, if someone is intoxicated you will know. However, if someone smoked weed yesterday, he did not want to go “digging” for a DUI. Officer 5 noted that some officers would do that because they know the weed is still in that person’s system, and therefore they can secure a conviction.

Officer 5’s philosophy is that if a person is not inherently impaired when he makes contact with them, he is not going to pursue a DUI arrest. For example, he recalled one occasion where he stopped a car that reeked of alcohol and the driver was acting “weird;” however, she did not smell like alcohol. He had her do a breathalyzer, she blew zeros, he didn’t see any signs of impairment when she was out of the vehicle so she was “good to go” (in that particular instance, it was the passenger who was inebriated).

Officer 5 was asked whether his use of discretion was ever questioned. He stated that there were times when he arrested somebody and Officer 11 would tell him to add more charges, which Officer 5 disagreed with. However, he did not want to argue because he was still on probation and Officer 11 was his supervisor.

Officer 5 stated that he “liked” looking for drugs (in large quantities) and guns; he does not like looking for DUIs. Rather, he is more interested in finding people who are transporting drugs and guns. Officer 5 also noted that officers have not been doing much since former Chief Vice was placed on leave, and the numbers are “way down.” When asked whether that was a positive or negative thing, Officer 5 said both; he does not think they should be doing nothing, but at the same time it is ok if you are still doing work. In Officer 5’s opinion, it should be up to each officer how he wants to handle his day.

Under the current acting Chief, Officer 5 stated that this is how he wants his career to go and how he wishes it was when he started. He stated that the acting Chief encourages the officers to get their work done and does not want them sitting around doing nothing, but at the same time he is not forcing them to “do stuff.”

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 44

Officer 5 was asked whether former Chief Vice or Officer 11 had specific conversations with him about not making enough arrests. Officer 5 responded yes, there was a time when they had a “quarterly review” with him (which apparently nobody in the Department has heard of). During that meeting, they “bantered” towards him about things he was doing wrong; Officer 5 stated that he is all for constructive criticism, but the meeting involved them badgering him about not doing enough work, not making enough arrests, and the more traffic stops you get, the more arrests you make. Officer 5 took this meeting to mean that they were going to fire him if he did not increase his arrest numbers. Officer 5 also stated that during the “quarterly review” meeting, if he tried to voice his opinion, but was shut down.

Officer 5 was asked whether he had observed a difference between officers in how former Chief Vice administered discipline. He noted that the “other side” was disciplined a lot more than Officer 11’s side; for example, he was on Officer 11’s side and crashed a police car during training, but he only got a letter in his file and was not disciplined. Officer 5 thinks there may have been occasions where he did something wrong, but they did not tell him simply because he worked on that side. Officer 5 did not have firsthand knowledge about any specific instances of discipline that was unevenly distributed between the two squads.

Officer 5 was asked whether, when former Chief Vice was placed on administrative leave, he was influenced to attend Borough Council meetings in support of him. Officer 5 did not recall anything specific; he noted that they would send texts out that encouraged the officers to go to Council meetings to support the Chief. Officer 5 noted that during shift change, there was a lot of discussion about who was attending the meetings (after former Chief Vice was placed on leave). Officer 5 explained that he tried to stay neutral and did not want a target on his back; he stated that in the view of certain officers, if you weren’t on a side, you were against it, which created animosity because he didn’t want any part in it.

Officer 5 next was asked about the stop of Council President Heller for suspicion of DUI. He was on duty that night and responded to the call from Officer 4 (but was there in case anything went wrong and was not an active participant). He did call former Chief Vice after Mr. Heller was transported for a blood draw to ask what to do about Mr. Heller’s car, since the typical procedure would be to tow it. Former Chief Vice told him to park it in a parking spot instead of having it towed, and he did that, then held onto the keys until Officer 4 returned.

Officer 5 recalled Mr. Heller making various comments during the stop like “come on guys, you know who I am, I never did you guys wrong, Vice put you up to this.” Mr. Heller was persistent that former Chief Vice told them to pull him over; however, Officer 5 stated that was not the case.

Officer 5 wishes that Officer 4 had been permitted to call in the Pennsylvania State Police to conduct the field sobriety tests; legally, he believes they did the right thing but there had been “battles” between former Chief Vice and Mr. Heller - - if an outside agency conducted the tests

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 45

and arrested him, that arrest would have been on the outside agency and absolved Brookhaven Police of any allegations of misconduct.

Officer 5 was asked about whether Brookhaven could support the other local police departments. He indicated that he had heard stories about Brookhaven officers going to back up another department and Officer 11 telling them not to do that, or to stay back. Officer 5 also noted that former Chief Vice sometimes said conflicting things - - sometimes, he would say backing up was fine if there was an officer in town, but then other times he would tell them not to back up the other departments. Officer 5 explained that there was one incident where former Chief Vice assisted Parkside on a call and he did not like the way the Parkside officers handled it, and some Brookhaven officers were tied up helping longer than they should have been; therefore, former Chief Vice said not to assist unless asked.

Officer 5 was asked whether there had been situations where he did not receive support from other jurisdictions. He responded that if they needed help, he believes those other jurisdictions would have been there. However, for traffic stops, nobody came and backed them up; Officer 5 acknowledged that he was not aware of any problems resulting from that situation, but in his opinion, it was not good. He also noted that now that former Chief Vice had been placed on leave, he and his partner go to back up other jurisdictions; he believes that the more officers you have on a call, the safer it is for everybody. Additionally, other officers now back Brookhaven up again.

Officer 5 was asked whether there were situations where he did not think he got backup from members of the other squad. Officer 5 explained that there was "animosity" between the groups (Vice supporters versus non-supporters); there were two instances where he did not receive assistance on a call, but neither were a big deal. The first instance involved a group of disorderly juveniles where Officers 7 and 8 were just coming on their shifts and did not assist him; Officer 5 acknowledged that he did not call for backup but he did expect somebody would come to assist him. The second instance involved Officer 5 being dispatched to a fire (which turned out to be a fire alarm, and not an actual fire); Officer 7 showed up after Officer 5 had already arrived and sat in his car.

Officer 5 explained that he initially had a good relationship with former Chief Vice, but after their quarterly meeting his opinion changed. He later found out from other officers that former Chief Vice did not like him the entire time.

Officer 5 was asked whether he ever heard former Chief Vice talk badly about other officers. Officer 5 stated that he had and described former Chief Vice as very manipulative. Sometimes he would use names, sometimes he would not. Officer 5 indicated that former Chief Vice did not like Officer 1, Officer 2 or Officer 3.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 46

**EXHIBIT 6**

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 47

This memorandum summarizes the interview of Officer 6, which was conducted on June 12, 2024. Officer 6 had Union representation present during this interview.

Officer 6 has been with the Brookhaven Police Department for over 5 years. He was asked to give his impression of former Chief Vice, and he explained that for the first 10-11 months, it was “fine.” Officer 6 described the first few months as “awesome,” there were no issues, he was treated with respect and dignity, and he was happy because there finally was going to be a Chief that stayed for a while (Brookhaven has gone through 6 police chiefs in 6 years).

However, things took a turn after the sergeants were put into place. According to Officer 6, suddenly it became a “regime,” and the officers no longer had discretion. The approach was that the officers had to follow certain rules, and if a crime was committed, they had to make an arrest no matter the circumstances.

Officer 6 disagreed with several things that occurred during that time period - - for instance, someone was arrested in their driveway for a DUI (after they were already home). He explained that there was a focus on DUI arrests and those officers who were not on board with this approach were ostracized by former Chief Vice.

Officer 6 raised a number of concerns during his interview. The first one related to his experience as a field training officer (“FTO”). After former Chief Vice arrived, they hired a new officer that Officer 6 trained. That trainee forgot to put a phone number into the report messaging system on 4 occasions; former Chief Vice wanted Officer 6 to sign off that the trainee had failed the field training. Officer 6 disagreed and indicated that he was a good officer who just had no experience; therefore, he refused to sign off on his failure of training and after that point, Officer 6 was removed from field training. Officer 6 noted that this was not an “official” removal; rather, he wasn’t assigned to train anyone moving forward. He is now still in charge of the program and refuses to file the training paperwork. Regarding that trainee, Officer 6 recalled that there was an issue between the trainee and Officer 11, which he believes led former Chief Vice to “get rid of him.”

Officer 6 indicated that, after he was removed as an FTO, Officer 3 likewise was removed as a FTO. The FTOs became Officer 11 and Officer 7 (who had good relationships with former Chief Vice). Officer 6 characterized them as the “DUI people” who emphasized making arrests.

Officer 6 recalled that former Chief Vice would make the statement “those who do, get” - - to Officer 6, this meant that making arrests led to training, equipment, and uniforms. Officer 6 did not make a significant number of DUI arrests and noted that although he had more seniority than many of the officers, he did not have an updated uniform. He also recalled that when the Department got a fingerprint machine, he was not assigned to be a supervisor of the machine despite his experience running the same machine in Chester Township for Brookhaven. Officer 6 attributes these events to his lack of DUI arrests.

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 48

Officer 6 also believed that he did not receive training opportunities due to his lack of DUI arrests. He explained that traditionally, the more senior officers get to say yes or no to whatever training opportunities come up. However, he was not offered the same opportunities as Officer 11 and Officer 4. Officer 6 never said anything to former Chief Vice about this issue because he feared retaliation.

Officer 6 noted that the “tipping point” was his lack of DUI arrests. He heard from other officers that former Chief Vice wasn’t happy with him; however, former Chief Vice never made these comments directly to Officer 6.

Officer 6 indicated that at one point, a statistics sheet was posed listing the officers and number of DUI arrests. It came back to Officer 6 that they were posted in order to get him to “do something.” Coincidentally, a week later, he got a DUI arrest and former Chief Vice believed the sheet motivated him. That DUI arrest happened to be of the ex-girlfriend of one of the officers, who informed Officer 6 during the arrest that her ex-boyfriend and former Chief Vice hated him and said that he should not be a police officer in the Borough. Officer 6 believes that this was captured on his body worn camera footage, which can be reviewed by former Chief Vice. He noted that, following that arrest, he was “gold” and thinks it is because there is a recording of the arrestee making those statements.

Officer 6 recalled that former Chief Vice required the officers to go to sobriety DUI school to become certified; otherwise, they were not permitted to make DUI arrests. Officer 6 took issue with this because he has years of experience.

Officer 6 also stated that former Chief Vice attempted to remove seniority as a criterion for purposes of priority in requesting time off; and rather believed it should go by rank. Officer 6 told former Chief Vice that he was not happy about that; something then happened “behind the scenes” and the initiative was squashed.

Officer 6 stated that on July 4, 2022, he was working overnight; former Chief Vice talked to all of the officers on that shift and told them not to cut anyone breaks if they were launching off fireworks. Officer 6 was dispatched for a call involving fireworks and arrived there at the same time as former Chief Vice; it turned out to be Officer 7’s father who was setting them off. Former Chief Vice dismissed Officer 6 and said he would handle the situation; Officer 6 noted that there was no report, no citation and no seizure of the fireworks.

Officer 6 was asked about the towing company that the Brookhaven police used. He noted that during former Chief Vice’s tenure, it switched from Luongo’s to Lampert’s. Officer 6 thought that Lampert’s was hired because former Chief Vice said that he was getting complaints about Luongo’s, so they agreed to change towing companies. Officer 6 noted that he told former Chief Vice that Lampert’s did not have a salver’s license, which is required to tow vehicles in Pennsylvania, but former Chief Vice told him not to worry about it and that he was handling it. He also noted that normally, he would receive a form from the towing company that would allow

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 49

him to notify the owner that he/she had 10 days to pick up the vehicle and if not, it was deemed abandoned and could be destroyed; he never received one of these forms from Lampert's.

Officer 6 discussed the effect that the work environment under former Chief Vice had on him. He stated that he used to be highly regarded and his opinion mattered; however, his mental health deteriorated under former Chief Vice. Officer 6 was asked whether former Chief Vice ever spoke to him insultingly; he indicated that former Chief Vice had not, but "actions speak louder than words."

Officer 6 was asked whether discipline was meted out in an inconsistent manner. He responded "absolutely" - - if you were on the "A team" (Officer 7, Officer 8 and Officer 11) there would not be discipline. For example, Officer 6 noted that Officer 8 is a poor report writer, but that was looked over because he made a significant number of arrests. However, Officer 2 (who was on the "B team") would receive multiple emails a week about his poorly written reports. Officer 9 (who was on the "A team" at one point) struck a curb in his police vehicle twice in one week, but nothing happened. However, Officer 1 was discharged for not responding to a call quickly enough.

Regarding Officer 1's termination, Officer 6 stated that he told former Chief Vice that Officer 1 will get his job back, which "highly offended" former Chief Vice. However, he acknowledged that he had not heard former Chief Vice make any negative comments about Officer 1.

Officer 6 next was asked about DUI arrests. He noted that because officers wanted to be on the "A team," they would make arrests that they probably shouldn't be making. For example, Officer 8 once had an individual perform a field sobriety test by standing on one leg, on a hill, for 35 seconds (which Officer 6 thought she successfully completed), but he arrested her for a DUI anyway. Her blood draw came back under the legal limit. He also noted that the DUI arrests are not always black and white; someone who has been drinking for 30 years is different than a 22-year-old. He also recalled some occasions where former Chief Vice had an officer retest blood that came back negative for additional drugs that may have been present.

Officer 6 confirmed that former Chief Vice had never attempted to initiate discipline against him; he would rather "beat you up behind your back."

Officer 6 was asked about how things had changed since former Chief Vice had been placed on leave; he stated that it was good, but he still feels the effects of it. He acknowledged that there was a lot of contention between Team A and Team B, and between individual officers. Officer 6 believes the Department is better off without former Chief Vice being in command.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 50

**EXHIBIT 7**

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 51

This memorandum summarizes the interview of Officer 7, which was conducted on June 25, 2024. Officer 7 declined Union representation for this interview.

Officer 7 has been with the Brookhaven Police Department for less than 5 years. He currently is a full-time officer and became full-time during former Chief Vice's tenure.

When asked to describe former Chief Vice's management style, Officer 7 stated that former Chief Vice was helpful, taught the officers "a lot of stuff," was encouraging, and let them do their own thing.

Officer 7 was asked about his approach to DUI stops and arrests. Officer 7 takes DUI stops very seriously because he has had family members and friends that have been affected by drunk driving. He noted that, in the beginning of his career, he used more discretion; however, someone who he stopped and let go ended up dying in a car crash the following week, which contributed to him taking the issue very seriously.

Officer 7 noted there are many officers who are not big on DUIs and end up finding the drivers a way home. He denied that he was instructed by former Chief Vice or Officer 11 not to use discretion in making DUI arrests; rather, he handled them how he wanted to handle them. When asked whether there was discussion about officers using their discretion with DUI arrests, Officer 7 responded that he never worked with anyone who had that viewpoint. His current supervisor and squad all have the same approach to DUI arrests (Officer 7 currently works with Officer 8 and Officer 10).

Officer 7 also described ARIDE certification (Advanced Roadside Impairment Driving Enforcement) and explained that most of the Brookhaven officers now have that certification. ARIDE gives officers the skills/tools to detect drug usage during traffic stops. Officer 7 was asked whether there were situations where an "expert" on drug usage needed to be called during a traffic stop, and he stated that he has not had to do this since becoming ARIDE certified.

Officer 7 was asked whether anyone maintained statistics on the number of DUI arrests; he responded that everything is tracked on the reporting system. He recalled that, on one occasion, former Chief Vice hung up a picture of the arrest stat sheet, which upset some officers. Officer 7 perceived it as a joke and stated that officers like to discuss it in the context of how many lives they had saved by making a DUI arrest.

Officer 7 was asked about the stop of Council President Heller for suspicion of DUI. He was not working that night, but he did discuss the stop with Officer 4 (who made the stop) after it occurred. They discussed the field sobriety test and what Officer 4 observed; Officer 7 believed that there was more than enough probable cause to take Mr. Heller for a blood draw.

Officer 7 was asked to elaborate on situations when the blood alcohol level was within legal limits on a breathalyzer, but the field sobriety tests showed impairment. Officer 7

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 52

explained that breathalyzers are not accurate, and that in his opinion whether bloodwork is necessary is based on a totality of the circumstances and the field sobriety tests. If a subject is in such a situation and the bloodwork comes back clean, then the officer does not charge. It can get “tricky” when the subject refuses the blood test, because the only information is the field sobriety test; however, Officer 7 noted that refusal to consent to bloodwork can be used in court as evidence of impairment. The officers make the charging decision. Officer 7 stated that he “absolutely” has discretion over when to make arrests.

Officer 7 was asked whether he currently receives 100 percent of his salary. He responded that he does, and that this occurred after his first full year of being full-time. The process involves writing a letter and sending it to Borough Council. He did not know firsthand what role former Chief Vice plays in the decision, but he imagines that it is an open discussion.

Officer 7 was asked whether he noticed any difference under former Chief Vice in how investigations or discipline for policy violations are meted out. Officer 7 stated that he has not noticed a difference, but sometimes there could be officers who were repeat offenders. Officer 7 recalled one occasion when he messed up something (involving leaving something in his police vehicle at the end of his shift); he had an interview with former Chief Vice and was asked to submit a statement, but he was not disciplined. Officer 7 also believes that former Chief Vice was the one who made disciplinary decisions.

Officer 7 was asked whether he has ever been investigated for any other policy violations, and he stated that there was another incident where the brakes went bad on his car (which was not technically a policy violation, but he received a “talking to”). Officer 7 did not recall ever participating in discussion with other officers about discipline being administered differently with respect to certain officers.

Officer 7 was asked whether he spoke with former Chief Vice about the stop of Council President Heller for suspicion of DUI. He stated that everyone was talking about it; he recalled that former Chief Vice explained the clues that Officer 4 had observed, and asked Officer 7 whether he thought Officer 4 made the right decision. Officer 7 stated that he did. He noted that a lot of officers wanted to bounce their thoughts about the situation off each other.

Officer 7 stated that he did not recall any change in policies/procedures regarding DUIs after Mr. Heller was stopped and did not notice any change in how former Chief Vice managed DUI arrests. However, he explained that Mr. Heller posted some public comments encouraging individuals to challenge DUI arrests that occurred in Brookhaven. After that, the officers all felt like they had targets on their backs from the public. Officer 7 stated that it made him feel unsafe to do his job, especially since Borough Council oversees hiring and firing the officers. According to Officer 7, Council Heller’s comments that were critical of the Brookhaven officers regarding DUI stops placed the Brookhaven officers in a very difficult position.

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 53

Officer 7 also expressed his distrust of Officer 3. He stated that it was obvious that he and Officer 2 were opposed to former Chief Vice, and there was a lot of “self-sabotaging” going on and untrue information being brought to Borough Council. He believes that Officer 3 was personally sabotaging the situation so that he could get into a position of power and noted that Officer 2 and Officer 3 were friends; Officer 3 is also close with Mr. Heller. Officer 7 further stated that he has pictures in his office that have been defaced since former Chief Vice left, but it has not been investigated even though there is a camera in the office. The entire department is now split between people who liked former Chief Vice and people who hated him.

Officer 7 was asked about the current morale in the Police Department. He described it as “awful” and that it went downhill following the arrest of Mr. Heller. He stated that Mr. Heller’s public comments hurt morale, and this was further compounded by Council’s decision to place former Chief Vice on administrative leave. Prior to these events, Officer 7 stated that it was one of the best jobs he has ever had and thought that they were a close-knit group. There currently is a divide between the groups – those who were closely aligned with former Chief Vice and those that were not.

Officer 7 was asked about Brookhaven’s relationship with other police departments. He stated that the relationships depend on who you work with. For example, he has a good relationship with Aston, but not so much with some of the other neighboring jurisdictions. Officer 7 was asked about issues involving backing up other departments; he explained that the problem is that there are only 2 officers on duty at any given time, and they cannot leave Brookhaven unprotected. Therefore, they were told not to back up other departments unless asked. Officer 7 noted that if Brookhaven asked for backup, officers from the neighboring jurisdictions “absolutely” would come.

Officer 7 next was asked about the towing companies that have been used by the Brookhaven Police Department. Officer 7 stated that he had no issues with Lampert’s Towing, and that they responded quickly. However, he finds Luongo’s behavior sickening with the amount that they charge people for getting their cars and has heard stories that Luongo’s will not let people remove their belongings from cars that are towed. Officer 7 does not know who determines what towing company is used.

Officer 7 was asked about field training officers (“FTOs”). He currently is a FTO and has been doing that for several years. His responsibility as an FTO is to train the newer guys, evaluate, counsel and teach. FTOs receive 3 percent extra pay for the hours spent training. Officer 7 explained that FTOs follow a manual and conduct training based on their own experiences. He further stated that training can be a few months long and is adjusted upwards or downwards as necessary. Regarding former Chief Vice’s role in training, Officer 7 indicated that every 3 days they would complete a FTO evaluation form (which scored a trainee from 1-5 on certain areas and gave an opportunity to comment), which would go to Officer 6 (the main FTO) and then he would pass that evaluation form onto the Chief.

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 54

Officer 7 was asked about the use of tasers (which he carries). He explained that the officers receive taser qualification (which Officer 6 oversees), and then every 2 years they need to retake the test and operate one. Officer 7 indicated that he has used his taser twice but has threatened to use it on more occasions. The first time that Officer 7 used his taser occurred when an intoxicated person (on PCP) was in the roadway; when he and his partners tried to get him out of the road, he started fighting them, so Officer 7 deployed his taser. Initially, the subject went to the ground but then got back up on two occasions and fought them again and was tased both times. The second incident involved a guy who took off running.

Officer 7 further explained that when an officer discharges a taser, he must complete a use of force report as well as a separate report. The taser cartridge is collected and probes are inspected. The use of force reports are reviewed by a supervisor and then by the Chief.

Officer 7 was asked about policies regarding preservation of evidence. He stated that there are written procedures on this subject; one example is that if a small amount of marijuana is confiscated, they put it into evidence and then destroy it at an approved facility.

Finally, Officer 7 indicated that the interviews will show that there are 2 camps. There are some officers that have personal beefs and a lot of this division stems from those personal feelings. For his part, he has not had issues with using his discretion. He noted that a lot of people who are involved have ulterior motives, and things were done for personal gains/reasons. He did not think that former Chief Vice engaged in any wrongdoing and stated that he was the best Chief he has worked for in his law enforcement career.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 55

**EXHIBIT 8**

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 56

This memorandum summarizes the interview that was conducted of Officer 8 on July 3, 2024. Officer 8 had Union representation present during this interview.

Officer 8 has been with Brookhaven for over 5 years. He first worked as a part-time officer and became full-time during former Chief Vice's tenure.

Officer 8 was asked about his approach to DUI arrests. He stated that he takes them very seriously because of the impact drunk driving has had on people he knows. He indicated that former Chief Vice did not have a particular approach regarding DUI arrests that he communicated to Officer 8. Regarding training, Officer 8 is ARIDE certified.<sup>13</sup> Officer 8 was asked when an officer makes the decision to charge a person with DUI. Officer 8 explained that if the subject passes their field sobriety test and blows below the legal limit on the breathalyzer, he has them call for a ride. When he arrests someone for suspected DUI, he reads a form about submitting to a blood test. He explained that if a subject denies the blood test, then he/she is charged with DUI. If the subject submits to the blood test, then he waits for the results of that test to come back before deciding whether to charge.

Officer 8 was asked about the level of discretion he had at Brookhaven related to making arrests. Officer 8 believes that he has always had discretion and has let people "off the hook" when other officers believed they should have been arrested. Officer 8 was asked whether former Chief Vice ever communicated to him that he should have made an arrest instead of using his discretion; Officer 8 responded "absolutely not." According to Officer 8, former Chief Vice always told them to do the right thing, no matter what (as opposed to emphasizing the importance of making arrests).

Officer 8 was asked whether former Chief Vice spoke negatively about other officers and he said he had not heard that. He also had not heard former Chief Vice's saying "those who do, get." Officer 8 stated that he is not the type of person who gets into "cliques" and does not gossip or "hang around" work unless he is actually working.

Officer 8 was asked about the work environment under former Chief Vice. He responded that, in his experience, it was good. He is not aware of any "cliques" under former Chief Vice. On one occasion, former Chief Vice talked to him about being late for his shift; however, Officer 8 took responsibility and ownership of it, and now is always early. Former Chief Vice also would approach Officer 8 if his reports were not thorough; he cited this as another example of how former Chief Vice held him accountable.

Officer 8 was asked about the imposition of discipline within the Department. He has not been investigated by a supervisor or former Chief Vice, to his knowledge. He is not aware of any officers that may have committed policy violations that have not been investigated.

---

<sup>13</sup> This certification provides police officers with the education and training they need related to DUI stops for controlled substances (as opposed to alcohol).

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 57

Regarding salary levels, Officer 8 is currently at 100 percent and this was approved after his probationary period ended. Officer 8 was asked about the process for getting to 100 percent, and he indicated that officers would write a letter to Borough Council and submit it to former Chief Vice asking for the raise. That is what he did, and he did not have any discussions with former Chief Vice about it. He became aware that his request had been approved when he asked former Chief Vice about the status of his request.

Officer 8 was asked about the procedure for officers when they use their tasers. Officer 8 explained that they complete a use of force form when they use their tasers; however, if they simply pull out the taser and do not actually use it, they do not have to fill out a use of force form. He has used a taser on two occasions and has filled out the use of force form both times. Officer 6 is the taser instructor, and he reviews the use of force form which is added to the officer's report. The Chief also approves the report and use of force form.

Regarding one occasion where a taser was used by Officer 7, who was Officer 8's partner, Officer 8 recalled that a guy was stumbling off the curb into the lane of travel. Officer 8 ordered him over to his car; the guy refused; and Officer 8 pulled him out of traffic to take him into custody. The guy began to fight back and Officer 7 tased him because he was physically overpowering them. A report was filled out afterwards, but he does not know whether there was any investigation into Officer 7's use of the taser.

Officer 8 was asked whether there were discrepancies in the way that investigations were commenced or discipline was issued. Officer 8 did not recall any instances where officers were targeted for investigations for minor issues. He stated that he himself has been pulled into former Chief Vice's office for minor issues with reports. He used to think it was "dumb," but in looking at the big picture, he can understand why it was important.

Officer 8 was asked whether former Chief Vice talked about the importance of the arrest numbers. Officer 8 stated that he did not, and former Chief Vice did not speak critically of officers who don't make enough arrests. He noted that police departments often have guys who are more aggressive and guys who are laid back; some guys do more thorough investigations and others pass them off to a detective. Officer 8 also was asked whether former Chief Vice had a requirement that officers perform a certain number of contacts with the public; Officer 8 did not recall anything about the number of contacts, but noted that they performed 2 business checks. He stated that former Chief Vice encouraged the officers to be visible because their presence alone can deter crime, and he agrees with that approach.

Officer 8 was not directly involved with the DUI stop of Council President Terry Heller. He did not discuss the stop with former Chief Vice; however, he does recall that other officers were discussing it the following day. He spoke to Officer 4 (who made the stop), and Officer 4 told him that he had stopped Mr. Heller and that he had "bombed" the field sobriety test.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 58

Officer 8 was asked about the current morale at the Police Department. He said that he thought the Department was good under former Chief Vice, and there was a lot of praise for the Department in the community. He now characterizes the morale as “horrible;” guys don’t talk to each other and he thinks that is ridiculous. He also indicated that there was a lot of “petty stuff” going around the station.

Officer 8 stated that former Chief Vice helped him professionally to be accountable and do the right thing; he always had every officer’s back to assist even on days when he was off from work. According to Officer 8, former Chief Vice invested a lot of time in the Police Department.

Officer 8 was asked about whether he attended Borough Council meetings. He did attend, but not at the request of former Chief Vice; rather, he attended to represent the Police Department. At that time (post the DUI stop of Council President Heller), he had people reaching out to him about the Police Department’s reputation; he indicated that the Department was getting bashed and people were saying they were crooked cops. Officer 8 did ask other officers if they were going to the meeting but did not encourage them one way or the other.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 59

**EXHIBIT 9**

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 60

This memorandum summarizes the interview that was conducted of Officer 9 on June 12, 2024. Officer 9 had Union representation present during the interview.

Officer 9 has been a police officer at the Brookhaven Police Department for less than 5 years. He initially was asked about his training to become an officer; he explained that Officer 11 mainly did the field training, but it rotated between different people, including Officer 7, Officer 6 and Officer 3. Officer 9 initially worked in the same squad as Officer 11, but then in January 2024 was switched to work with Officer 3, Officer 6 and Officer 13.

Officer 9 was asked about the civil service exam; he confirmed that he did not know anyone in the Brookhaven Police Department prior to taking the exam. He explained that the exam consisted of a written portion, an oral portion, and then there were physical requirements. Officer 9 did not have any discussions about what to expect beforehand with anyone at the Brookhaven Police Department. He explained that he initially reached out to former Chief Vice via email before applying, saying that he would be interested in taking the test if an opening came up; former Chief Vice got back to him when the Department was hiring and provided him with the link to apply. That was the only conversation they had regarding the process.

Officer 9 was asked to describe former Chief Vice's management style. He stated that former Chief Vice was "very involved" in the Police Department. This was "great" when Officer 9 started; former Chief Vice helped him and was an "open door." But, over time Officer 9 noticed that it was different in Brookhaven than in other police departments. For example, the Brookhaven officers did not have discretion. Officer 9 stated that it was "arrest, arrest, arrest," with no discretion; he could tell this message was coming from former Chief Vice. Officer 9 was looking to do something different; he explained that there were no breaks that were cut, you could not feel for someone or use discretion, which was the exact opposite of why he got into police work. When asked whether Officer 9 voiced this concern, he stated that he did not because he was a new officer and in his probationary period and did not want to do anything to lose the position.

Officer 9 was asked whether the officers discussed this issue and he responded "absolutely." He described a "strong void" between the two rotations (the rotation that was closely aligned with former Chief Vice and the rotation that was not), and the side that was not closely aligned with former Chief Vice wanted to have more discretion. He was happy when he was transferred to the other squad in January 2024.

Officer 9 was asked whether the guys on the first squad he was on ever made negative comments about other officers, and he said "absolutely," and that they commented the other officers were lazy, not doing anything, and should be ashamed. However, Officer 9 could not recall any specific examples. According to Officer 9, Officer 11 stated that "statistics are police work" and if they were not producing statistics, they were not doing their jobs. The number of arrests that were made per month was "heavily" looked upon. Officer 9 clarified that there was

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 61

never a quota or repercussions for not having a certain number of arrests, but the officers were making arrests because that is what they were told to do.

Regarding the 100 percent salary issue, Officer 9 explained that because Officer 11 and Officer 7 had a certain number of arrests and received the 100 percent, that was the goal in order to get 100 percent salary (Officer 11 apparently told this directly to Officer 9). Former Chief Vice did not say anything directly to Officer 9; rather, he told him to just keep doing what he was doing. The number of arrests was not an official thing as it related to salary, but it was more of an example.

Officer 9 explained that, to get 100 percent salary, former Chief Vice had to support an officer, although Borough Council has the final say. Officer 9 is not at 100 percent and has never talked to former Chief Vice about it; he intended to “let it ride” for a little bit before pursuing it.

Officer 9 further explained that the focus on arrests was not specific to DUI arrests; rather, there was a focus on everything. If an officer used his discretion, then he had better have a good reason. Officer 9 was asked whether he ever exercised his discretion, and it became an issue. He stated that there was a month where his traffic stops were less than they normally were, and he received an email saying that he needed to initiate more stops. When he brought it up to Officer 11 and noted that his arrests had not dropped, Officer 11 responded that if you made more traffic stops, you would have more arrests. There was awareness of how many arrests everyone had because there was a statistics book.

Officer 9 was asked whether he knew about constitutionally dubious stops (*i.e.*, stops or arrests without probable cause). Officer 9 said no, and that there always had to be probable cause or reasonable suspicion. He reiterated that there was never a quota, but they were always aware of how much officers were doing. Officer 9 acknowledged that he never got into trouble regarding his stops, and he just thought that was the way it was at other departments (until he realized it was different).

Officer 9 noted that the squad not closely aligned with former Chief Vice was under the microscope too, and he was in awe about how certain officers would comment about other officers who had been working for 20 years. Officer 9 noted that he has gotten along “great” with both sides and never understood why those comments were made. There was a void between the two sides that already existed prior to when Officer 9 started at Brookhaven.

Officer 9 was asked about the atmosphere in the beginning of 2024; he explained that it was more laid back because, before being placed on leave, former Chief Vice was distracted by everything that was going on. Officer 9 commented that Officer 6 (who has been at the Department for years) was knowledgeable and very helpful, and Officer 3 (who currently supervises Officer 9) does not overstep and lets the officers do their thing, whereas on the “other side” he always felt that he was being watched.

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 62

Officer 9 was asked about whether discipline was administered inconsistently. Officer 9 has not been disciplined, but he noted that former Chief Vice was looking more closely at certain officers – those that were not closely aligned with him. For example, on multiple occasions former Chief Vice talked about Officer 2; recently, a call came in and Officer 2 did not get there on time, and former Chief Vice was angry about it. He reviewed Officer 2's body worn camera and noted that he was in a different town and was annoyed that he was not in the Borough.

Officer 9 stated that “they” pointed out specific policy violations for certain officers but not others, and these were always petty, small violations but they built a bank of them.

Officer 9 recalled an incident where he brought it to the attention of several officers that Officer 7 (who got along with former Chief Vice) had been training him to destroy the original disks containing video related to certain crimes (*i.e.*, shoplifting/retail theft) after the video had been uploaded to the Police Department's computer system. This violated Police Department policy, but nothing ever came of it.

Officer 9 recalled that there were multiple occasions where the officers were told not to leave the Borough, and don't help other police departments unless they specifically asked for assistance. According to Officer 9, that rubbed other departments the wrong way and alienated Brookhaven, which seemed to be former Chief Vice's goal.

For example, if an officer left Brookhaven for more than 15 minutes, he needed to call former Chief Vice directly and explain why; other departments were getting mad at Brookhaven for that. However, Officer 11 could go wherever he wanted without consequences, and Officer 9 said that he was always out looking for stolen cars and driving around.

Officer 9 indicated that because former Chief Vice had been distracted in the weeks leading up to his leave, officers had been assisting other departments and the bridge has been mended. Officer 9 interpreted former Chief Vice's message as – we don't want to be held liable for mistakes that other departments make, so don't assist unless necessary; however, over time that did not make sense to Officer 9.

Officer 9 first noticed how obsessive former Chief Vice could be with certain people when Officer 2 was out injured for a week, and he noticed Officer 11 and former Chief Vice checking the license plate reader system for Officer 2's plate number because they thought he was going to the gym. Officer 9 recalled an incident where he happened to be down at the border of Brookhaven and Aston and saw former Chief Vice's vehicle driving that way, then an hour later saw it again; apparently, former Chief Vice had been at all the gyms looking in the parking lot for Officer 2's car. Officer 9 stated that former Chief Vice was obsessed with finding “that big one” (a policy violation involving Officer 2).

Regarding the discretion issue, Officer 9 relayed that he had a female subject stopped for suspicion of DUI that blew a .072 on the breathalyzer and not a .08. Even though the subject

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 63

was within the legal limit, he was told to charge her with DUI even though the judge likely would throw it out (which she did). Officer 9 indicated that former Chief Vice and Officer 11 encouraged this. On another occasion, there was a subject that had meth in his system who blew a .04 on the breathalyzer, but failed all his field sobriety tests; Officer 9 would have let him go but former Chief Vice said he needed to make the arrest. On another occasion, Officer 9 and Officer 11 found a guy in a parking lot with his keys in his lap, but he was charged with DUI. Officer 9 explained that the judge threw those charges out. Officer 9 noted that they would include any charge that they could include when completing the charging documents.

Officer 9 stated that these incidents created a hostile environment.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 64

**EXHIBIT 10**

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 65

This memorandum summarizes the interview that was conducted of Officer 10 on July 3, 2024. Officer 10 had Union representation present during the interview.

Officer 10 has been with the Brookhaven Police Department for less than 5 years. He is a full-time officer.

When asked about former Chief Vice's management style, Officer 10 stated that he has worked under chiefs at other departments, and regarding former Chief Vice he had no problems, everything was "fine," and former Chief Vice was "very accommodating."

Officer 10 was asked about whether former Chief Vice emphasized making arrests. Officer 10 responded that there were occasions when former Chief Vice would comment that a certain officer would not have as many arrests as someone else; however, Officer 10 never had a direct problem with former Chief Vice regarding arrests. When asked about whether former Chief Vice commented negatively about officers who did not make arrests, Officer 10 recalled an instance where an officer (Officer 6) performed a lot of traffic stops, but according to former Chief Vice "never looked past the stop" and never got arrests from his stops.

Officer 10 stated that former Chief Vice was always around and willing to help out. For instance, on one occasion an officer got sick on his shift, and former Chief Vice came in and worked the rest of the shift for him. Officer 10 recalled a DUI enforcement night where he had made a few arrests, and former Chief Vice came and helped him out with those arrests.

Officer 10 was asked about officer morale under former Chief Vice. He stated that everything seemed fine; he could see that some guys were unhappy, but he personally was fine.

Officer 10 recalled specifically that Officer 2 was unhappy but he never directly said that it was because of former Chief Vice. He was aware that Officer 2 and former Chief Vice would butt heads, but assumed this was because they had "family issues" between them (given the fact that they had a personal relationship). Officer 10 was asked whether former Chief Vice butted heads with anyone else; he responded that Officer 1 and a former officer may have had issues with him, but he was not aware of the specifics.

When Officer 10 started at Brookhaven, he worked with Officer 2 and Officer 3; he now works with Officer 7 and Officer 8. He indicated that he got along very well with Officers 2, 3, 7 and 10.

Officer 10 was asked whether he noticed anything about the investigations that were conducted into other officers (for disciplinary purposes) that concerned him. He responded that he had heard that there was an issue with Officer 2 being disciplined in connection with Court time, but another officer did not get disciplined for similar conduct. However, he has no firsthand knowledge about either of those situations.

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 66

Officer 10 was asked about whether he attended any Borough Council meetings to support former Chief Vice. He stated that he did attend one and that Officer 11, Officer 7 and Officer 8 implied that he should attend the meeting. At that time, Officer 10 was the new guy and was “going with the flow.” Former Chief Vice did not ask him directly to attend the meeting, but Officer 10 perceived that he should be there. Officer 10 did not recall having any discussion with former Chief Vice or his fellow officers after the meeting; former Chief Vice was typically talking to the residents. Officer 10 was asked whether, in the days following the meeting, there was any discussion about the meeting or issues between former Chief Vice and Council President Terry Heller. Officer 10 did not recall anything specific.

Officer 10 was asked about former Chief Vice’s policy regarding when Brookhaven officers could offer assistance/backup to other police departments. Although he did not recall receiving a specific directive during his tenure at Brookhaven, Officer 10 stated that the policy was that the Brookhaven officers should not leave town, unless there was a serious incident, but someone always has to be in Brookhaven. He perceived this instruction as: stay in town and don’t go far. Whether Brookhaven officers responded to a call depended on the totality of the circumstances. If there were two officers on duty, one could go but the other needed to stay in Brookhaven.

Officer 10 was asked whether other police departments offered Brookhaven support. He responded that he had assistance twice - - one time it was from Upland, and the other time it was from Parkside. He stated that they don’t see the other departments much and described this situation as “a little odd” (not being able to back others up and not having backup when needed). While this did not cause him to have any concern for his safety, it was definitely “different” for him based on his prior law enforcement experience.

Officer 10 was asked about the work atmosphere since former Chief Vice’s departure. He indicated that everything has been fine, although there is a little tension between some of the guys. For instance, there have been allegations that people defaced others’ property (but he interprets this as Officer 2 and Officer 7 going back and forth). He also noted that the squads seem divided. However, he tries to stay out of these issues and doesn’t ask questions.

Officer 10 recalled that in January 2024 the squads were divided, and it seemed like the division was pro-Vice officers versus the others who didn’t see eye to eye with former Chief Vice.

Officer 10 has not noticed anything positive or negative about former Chief Vice’s interactions with either Officer 1 or Officer 2.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 67

**EXHIBIT 11**

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 68

This memorandum summarizes the interview of Officer 11, which was conducted on July 12, 2024. Officer 11 declined Union representation.

Officer 11 has been with the Brookhaven Police Department for over 5 years. He became a full-time officer under former Chief Vice's tenure.

Officer 11 was asked to describe former Chief Vice's management style. He stated that former Chief Vice brought a lot of structure to the Department; prior to his arrival, officers would come in late or just sit around and do nothing. Officer 11 indicated that, in general, under former Chief Vice the police did a lot more of everything, including contacts with the public, community policing, having a Facebook page, and generally being more engaged with the community than they previously had been.

Officer 11 described former Chief Vice's policy on arrests as - - if there was an arrest to be made, you should make it; in other words, if somebody commits a crime they should be arrested. Officer 11 recalled that former Chief Vice asked for clarification frequently on reports where arrests were not made - - he did this with "pretty much everybody." When asked how former Chief Vice communicated this philosophy, Officer 11 stated that he would say it outright, or if someone didn't make an arrest he would ask why.

Regarding statistics, Officer 11 noted that he, along with Officer 3, had to submit statistics every month with data on summary arrests, misdemeanor arrests, traffic citations, hours worked, shifts worked, etc. Officer 11 was asked what former Chief Vice did with that information; he stated that if an officer issued 200 warnings in one month, but only 5 warnings the next month, he might ask Officer 11 what was going on. He assumes that former Chief Vice used the numbers during his monthly meetings with Borough Council.

Officer 11 was asked about training opportunities. He stated that if an officer wanted to go to training, he would go to one of the Sergeants with a request; if the Sergeant thought it was a good class, then he would ask former Chief Vice for permission.

Officer 11 was asked to describe the morale of officers under former Chief Vice's tenure. He stated that, apparently, there is a "big divide" in the Department, but he had been "ignorant" to it. With former Chief Vice on leave, Officer 11 feels like he is going to get "jammed." According to Officer 11, he is now becoming aware of issues that he did not know about previously; for instance, officers complained about an "implied quota" with respect to stops/arrests. Officer 11 does not see it that way; nobody has ever said that an officer needs to stop a car and issue a citation or arrest someone. Rather, the officers were encouraged to make contacts with the public.

Officer 11 was asked about the stop of Council President Heller for suspicion of DUI. He was not present for that stop, but Officer 4 (who made the stop) called him and he, in turn, called former Chief Vice. He noted that he was not asking former Chief Vice what to do; rather, he was

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 69

keeping him informed of the situation. Calling a supervisor about a DUI stop was not an uncommon practice.

Officer 11 noted that, following the stop, Mr. Heller posted Facebook comments that he was being targeted by the police; however, according to Officer 11, former Chief Vice never said to pull Mr. Heller over. He described former Chief Vice as one of the most loyal and honest cops in the profession. After the stop, and after former Chief Vice was placed on leave, the atmosphere around the Department was awkward and nobody was communicating. Officer 11 noted that every day there was a news article about the Police Department, and they could not even go out and do their jobs because of internal stuff.

Regarding morale, Officer 11 stated that everybody is like “Switzerland” - - neither proactive nor reactive. He believes that the squad that he works with (which in other interviews has been characterized as “pro-Vice”) now feels how the other squad (which in other interviews has been characterized as “anti-Vice”) felt when former Chief Vice was there. When asked whether there were specific examples of officers on Officer 11’s squad being mistreated/targeted after former Chief Vice’s departure, he responded that somebody had defaced a picture that was hanging by placing an X over former Chief Vice’s face.

Officer 11 was asked about the impact of the public statements that Mr. Heller had made regarding the Police Department. Officer 11 recalled that Mr. Heller had stated that every DUI the Police Department had done had been embellished, and that people should go to a lawyer. Within a week after Mr. Heller made that statement, a driver crashed into a shed, but it took the officers time to realize that the driver had a very high BAC because they were so distracted and second guessing themselves.

Officer 11 was also asked about the VIPR system; he described it as a license plate reader system that officers can access and set up alerts with parameters. Officer 11 was asked whether, when Officer 2 went out on leave due to an injury in late 2023/early 2024, he was asked by former Chief Vice to use the VIPR system to track where Officer 2 was going in his personal vehicle. Officer 11 initially did not recall whether former Chief Vice had asked him to access the VIPR system for this purpose, but when presented with the printed audit indicating that Officer 11 had performed this search, he “recalled” and assumed that he must have accessed the system at former Chief Vice’s direction. Officer 11 did not know what came of the results of his search and did not know anything about Officer 2’s injury (or the related allegation that he was going to the gym). To the extent that there was an investigation, Officer 11 indicated that it would have been initiated by former Chief Vice, and that this could have occurred without Officer 11’s knowledge.

Officer 11 was asked his opinion of Officer 1, who was discharged then later reinstated after an arbitration. Officer 11 stated that Officer 1 is not a proactive cop, but he has seniority, he does his reports, and he is fine. When asked whether former Chief Vice was critical of Officer 1, Officer 11 stated that he was sure he made some critical comments, like calling Officer 1 “lazy.”

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 70

He noted that Officer 1 made sure that he did his 2 contacts when he was on his shift. When Officer 1 was reinstated, Officer 11 recalled that former Chief Vice was very open that he disagreed with the arbitration decision, but both former Chief Vice and Officer 1 were civil and professional to each other.

Officer 11 was asked whether other officers complained about not being able to use their discretion; he responded that Officer 2 may have made these complaints.

Officer 11 was asked about the civil service examination and, more specifically, about a particular candidate - - Candidate A - - who allegedly was given the answers to the oral exam by Officer 2 at former Chief Vice's direction. Officer 11 (who was on the interview panel) did not have firsthand knowledge about this but heard about it after the fact. He recalled that Candidate A performed well during the oral interview and hit a lot of points that they were looking for. This did not strike him as odd at the time, except for one question involving a domestic issue where Candidate A referred to a "lethality assessment," which Brookhaven officers use, but which was not used by the law enforcement agency where Candidate A worked at that time.

Officer 11 was asked to describe the relationship between Brookhaven and the neighboring jurisdictions under former Chief Vice's tenure. He stated that there was a rumor that nobody will back Brookhaven up; he does not believe that rumor is true, and for his squad, other jurisdictions still back them up. Officer 11 noted that he did not experience any backup issues and, in fact, has close relationships with some of the officers in neighboring jurisdictions. He believes that the situation was misconstrued; when the Sergeants were put into place, the officers were told to ask permission before they left town. Officer 11 thinks this was prompted by a concern that Brookhaven officers might get injured when backing up another jurisdiction; however, he understands that as long as the officer feels that the other department needs assistance, then they should assist (and the request for assistance did not have to be for a Brookhaven officer specifically, but could be for any available units).

Officer 11 confirmed that former Chief Vice's position was that other jurisdictions should specifically ask for backup before a Brookhaven officer responded. He noted that sometimes younger guys will want to leave town and go to "BS" calls; the idea behind former Chief Vice requiring them to ask for permission was so Brookhaven officers wouldn't do the work of other departments (all of which have different policies and procedures). Officer 11 indicated that he personally would never say no to such a request. He also reiterated that the situation may have been misconstrued because nobody at the Brookhaven Police Department was used to structure, and they have no basis for comparison.

Officer 11 has not noticed any issue with other jurisdictions backing up Brookhaven police, either before or after former Chief Vice was placed on administrative leave.

Officer 11 was asked about an incident where he got a hit on a stolen vehicle and went to try and intercept it (which led him into the City of Chester). Officer 11 explained that after

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 71

receiving the call and following the vehicle, he got to the point where he thought he should head back towards Brookhaven and was about to turn around when he saw the vehicle sitting on a side street. As he was calling it in, he noticed that someone was in the car, and it started to drive away. Officer 11 continued to follow the car in Chester; it stopped again and he waited for the Chester police to come but then the driver exited the vehicle so he had to put his lights on. When the Chester police came, they handled the arrest; however, the sergeant from Chester was “pissed” and screamed in his face for 30 minutes. Officer 11 acknowledged that he understood why. Officer 11 also acknowledge that the stolen vehicle never entered Brookhaven Borough. Officer 11 indicated that he was working with Officer 2 that evening and did not realize that Officer 2 was outside of Brookhaven at the time transporting a prisoner -therefore, leaving Brookhaven without a police presence for some period of time. Officer 2 told former Chief Vice about the incident, but former Chief Vice declined to initiate an investigation into Officer 2’s conduct.

Officer 11 was asked about the towing company used by Brookhaven police (which initially was Luongo’s, then was Lampert’s, and now is Luongo’s again). He indicated that he had issues with Luongo’s, and that Luongo’s would charge different prices for people to pick up their towed cars and wouldn’t let one individual get her personal possessions out of her car. Officer 11 noted that the service was better with Lampert’s. He believes that Lampert’s was hired because Officer 2 recommended them. Officer 11 was not involved with the interviews of or hiring of the towing company and did not know why Lampert’s was replaced with Luongo’s.

Officer 11 was also asked about an incident where he allegedly pursued a vehicle with a suspect in the patrol car and did not put that information in his report. Officer 11 recalled that he was called out to an apartment complex for reports of multiple suspects breaking into vehicles. The suspects ran, but two of them were taken into custody and one of them was placed in Officer 11’s patrol car. Officer 11 was on his way back to the police station when he saw a car driving away from the complex with no lights on (which was presumably being operated by one of the suspects). He turned on his lights and sirens and the car took off; he followed it for not even 1000 feet and then let Upland know the suspect was headed in their direction. He disputed the characterization that he was “in pursuit” with a prisoner in the car (which would have been a policy violation) and noted that there is a difference between putting on lights/sirens and being “in pursuit.”

Finally, Officer 11 was asked what he thought could be done to fix the divide that the Police Department currently is experiencing. He expressed regret and stated that it was a shame because the officers become like family. Officer 11 indicated that he has never been concerned for his safety or that members of the other squad would not back him up; they all may have personal differences, but they do not rise to that level. He also noted that the public may be affected because, under former Chief Vice, the police were proactive, but now they are more reactive.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 72

**EXHIBIT 12**

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 73

This memorandum summarizes the interview that was conducted of Officer 12 on July 31, 2024. Officer 12 had Union representation present during this interview.

Officer 12 has been an officer at Brookhaven for over 5 years; he is currently in a full-time position.

Officer 12 was asked about his experience working under former Chief Vice. He explained that, initially, not a lot changed when former Chief Vice started; however, he then noticed that former Chief Vice was interested in the Police Department becoming more active, and all the officers started ramping up traffic and pedestrian stops. Former Chief Vice led by example and would go out and make these stops as well. Officer 12 explained that specific statements were not made, but there was a “vibe” and there may have been some meetings where former Chief Vice’s expectations were discussed. Former Chief Vice wanted the officers to have contact with people in the community and expected that they would make contact on every shift. By contrast, Officer 12 has worked in other departments where the atmosphere was more relaxed.

Officer 12 was asked whether he sensed a change in culture under former Chief Vice’s tenure. He explained that over time, it felt like there was a gap between guys who “did stuff” and guys who didn’t. There was a feeling that they needed to get some stops or contacts. Officer 12 was asked whether he ever felt pressure to make stops or arrests, and he stated he had received a written “caution” at the end of 2023 (which he had never heard of, but assumes it was a form of discipline). The “caution” related to 6 days where he did not make stops, and therefore was not meeting expectations. Former Chief Vice did not discuss the “caution” with Officer 12. After he received the “caution” he thought that he should start making more stops. Officer 12 did not feel pressured to make stops that were legally questionable.

Officer 12 was asked whether there was a benefit to officers who were more active with stops and arrests. He responded that he didn’t take note of what other people did, but he never had an issue or felt restricted. Former Chief Vice did ask on one occasion what Officer 12 had done on a particular day.

Officer 12 was asked about statistics that were posted listing the number of arrests that officers made. Officer 12 indicated that he has seen this done before former Chief Vice’s tenure, but not recently; he personally has never been a fan of it. He noted that some guys were upset by the statistics being posted.

Officer 12 was asked whether there was anything else about the culture under former Chief Vice that caused him concern. He stated that he has never worked anywhere where someone was fired (referring to Officer 1). He also noted that it was a “weird dynamic” due to the divide between former Chief Vice’s supporters and non-supporters. He explained that some guys felt “way down”, and that there was a general sense of stress with people coming and going, getting fired or resigning. Officers were nervous about uncertainty with the job.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 74

Officer 12 was asked whether he noticed anything about investigations into policy violations; he responded that he was not privy to specifics about that. He also was asked whether former Chief Vice asked him to run VIPR for what he may consider an improper purpose, and he responded that former Chief Vice did not.

On the day former Chief Vice was placed on administrative leave, Officer 12 “watched him walk out the door” and was “blown away.” He saw former Chief Vice on one occasion after he left at a trial for a case, and talked to him on the phone one time, but not about anything specific related to the issues that led to his administrative suspension.

Officer 12 was asked about Officer 1’s reinstatement (which was the result of a grievance and subsequent arbitration); he stated that he did not recall when or how he learned of the decision to reinstate Officer 1, but Officer 1 and former Chief Vice seemed to be “doing ok” when Officer 1 returned. He recalled talking to former Chief Vice about Officer 1 having a clean slate.

Officer 12 could not recall former Chief Vice speaking negatively about any specific officers, but noted that “everyone talks about everybody.” Former Chief Vice might have made comments about statistics, or people not doing as much as others, but he could not recall anything specific.

Since former Chief Vice’s departure, Officer 12 noted that morale had done a “flip flop,” and it is a more relaxed vibe.

Officer 12 attended one Borough Council meeting, but not because former Chief Vice asked him to do so.

Officer 12 also indicated that he occasionally heard other officers complaining about being investigated for minor violations, but stated that was not his concern.”

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 75

**EXHIBIT 13**

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 76

This memorandum summarizes the interview that was conducted of Officer 13 on August 21, 2024. Officer 13 had Union representation present during this interview.

Officer 13 has been a Brookhaven police officer for over 5 years. Officer 13 was asked to describe former Chief Vice's management style. He responded that at first former Chief Vice seemed genuine and nice, and he was happy to have him there as Chief. However, after a few months, former Chief Vice started showing favoritism in giving out overtime. Officer 13 believes that former Chief Vice felt insecure and intimidated by the older police officers.

Officer 13 described former Chief Vice as having three "main men," who Officer 13 believes were being favored in terms of training opportunities. For example, Officer 13 asked to go to a conference in Atlantic City on new trends in law enforcement; however, former Chief Vice sent Officer 11 and Officer 7 instead (both of whom he had good relationships with). Another training opportunity that Officer 13 feels he missed was to get more DUI training; he specifically asked former Chief Vice if he could go to a free clinic (and former Chief Vice said he would look into it), and the next day he learned that Officer 11 was selected to attend that training.

Officer 13 further noted that, due to his experience in law enforcement, he challenged former Chief Vice on certain things, including the DUI arrests. For example, Officer 13 described an incident where he found a high school kid smoking pot in a car, in a parking lot. Because the juvenile was cooperative and was not driving, he referred him to counseling instead of citing or arresting him. When former Chief Vice learned about this, he sent Officer 13 a "nasty" email for not criminally charging the juvenile. Officer 13 indicated that the officers had "no discretion" on DUI arrests. Officer 13 stated that if he stopped a person who appeared normal, but smelled like marijuana, he would not even comment on that because the body worn camera would have picked up that comment (which could have been reviewed, and therefore there would have been pressure to arrest that person).

Officer 13 was asked whether he heard former Chief Vice speak negatively about other officers. He responded that there was a divide in the Police Department, and the younger guys treated the older guys poorly. He also stated that former Chief Vice's favoritism towards his "main men" was "really tilted." He noted that Officer 11, specifically, had significant influence on former Chief Vice, and called Officer 11 "the devil on his [Vice's] shoulder." Further, when Officer 2 started to stand up to former Chief Vice, former Chief Vice started to complain about him and stated that he needed to be supervised.

Regarding overtime, Officer 13 explained that former Chief Vice would put out a mass email but did not go through any list, and there was no equalization. Prior to former Chief Vice's tenure, there was a list of officers and if someone passed up an opportunity for overtime, that opportunity would go to the next officer on the list. However, once former Chief Vice started, overtime was given out at his sole discretion.

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 77

Former Chief Vice frequently used the phrase “those who do, get.” Officer 13 interpreted this as meaning stops and DUI arrests, because former Chief Vice was focused on statistics and numbers. Officer 13 further indicated that former Chief Vice spoke negatively about officers who did not meet the statistics and would nitpick at people. For example, Officer 13 would get emails for “dumb shit.” This caused Officer 13 to want to quit, because he became burned out and felt that he was not good enough, outdated and antiquated (despite all the good he had done for the Department over his tenure).

Officer 13 was asked about former Chief Vice’s investigations into other officers. He noted that former Chief Vice had his favorites, and that certain individuals who former Chief Vice liked could get away with coming in late because former Chief Vice “wanted to see what he wanted to see.” Regarding former Chief Vice’s requirement that officers come in 10 minutes before the start of their shifts, Officer 13 “quietly” disagreed with it and started coming in 5 minutes beforehand. Former Chief Vice started writing him up for that.

Officer 13 was asked whether he was ever the subject of an investigation. Officer 13 said that he called out sick a few times and was written up because he did not call out within 2 hours before his shift (which was former Chief Vice’s requirement but not an official policy). He stated that he was afraid to challenge this write-up.

Officer 13 had no knowledge about Vice using the VIPR system for personal, as opposed to official, business.

Officer 13 was asked whether morale declined under former Chief Vice. He reiterated that the Department was almost immediately divided because the younger guys treated the older guys badly. The older guys knew their days were numbered, and that former Chief Vice was going to “wipe us out.” In Officer 13’s opinion, there was an urgency to be perfect that was exhausting, and nobody wanted to give former Chief Vice anything that he could get them on. He described it as mentally exhausting. Regarding the time period since former Chief Vice was placed on leave, Officer 13 said that there was still an uneasiness, but that it was starting to go away and that his brain was rewiring.

Officer 13 recalled an incident from early April 2024 (after Council President Heller was stopped for suspicion of DUI) where former Chief Vice and Council President Heller were encouraged to mediate. According to Officer 13, former Chief Vice said, in front of some officers, that he would not go into a room with Mr. Heller because he would beat him to a bloody pulp. This comment made Officer 13 anxious; however, he acknowledged that former Chief Vice was only venting.

Officer 13 was asked whether people told him to go to Borough Council meetings to support former Chief Vice. He said that he does not recall specifically being asked; however, there was a general expectation that the officers would attend.

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 78

Officer 13 further noted that when former Chief Vice's "main men" messed up, former Chief Vice would excuse it. For example, Officer 13 observed Officer 7 (one of former Chief Vice's "main men") charging his electric car up on the side of Borough Hall during the same time period when Council had been complaining about the electric bill; however, he felt that he could not say anything because he saw "how it would play out."

Regarding the supervisor's test for the position of sergeant that was administered in late 2022/early 2023, Officer 13 took the test knowing that former Chief Vice would not make him sergeant. He noted that there was a test proctor for the civil service exam and the tests/answer sheets were numbered (for anonymity purposes), but former Chief Vice was the person who handed out the numbered tests, so he knew which officer had each test. Former Chief Vice also had access to the completed tests because he took the envelope that had the completed tests in it into his office, was in there for a few minutes, and came out and scanned them to the server (and then immediately pulled them off the server) to send them out to get scored. Officer 13 scored a 65/66 on the test but found it implausible that a much younger officer scored higher than him. He was concerned that former Chief Vice may have made modifications/changes to the answer sheets and thought that it was "fishy" that he had access to the answer sheets. Officer 13 further noted that, prior to the test being administered, certain officers (Officer 11 and Officer 7) were "walking around" saying that former Chief Vice told them they would be sergeant.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 79

**EXHIBIT 14**

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 80

This memorandum summarizes the interview of civilian employee 1 of Brookhaven Borough on August 1, 2024. Civilian employee 1 attended the interview with John Jay Wills, Esquire, Solicitor for Brookhaven Borough. Civilian employee 1 began by stating that former Chief Vice had a very strong work ethic, interacted regularly with the public, and achieved several accomplishments during his tenure, including, obtaining accreditation for the department and securing full-time officers. Civilian employee 1 stated that former Chief Vice displayed a paper on the wall in headquarters depicting arrest statistics for certain Brookhaven officers. Civilian employee 1 was unsure how, if at all, the posting of these statistics impacted the officers. Civilian employee 1 stated that former Chief Vice spoke negatively about Officer 1, was critical of Officer 1's activity level, and perceived that former Chief Vice was looking for a reason to discipline or fire Officer 1. After Officer 1 was reinstated through the grievance process for policy violations investigated by former Chief Vice, but before Officer 1 physically returned to patrol, former Chief Vice stated to Civilian employee 1 that he was not happy that Officer 1 was returning to the Department. Nevertheless, Civilian employee 1 observed former Chief Vice treat Officer 1 professionally when he returned to the Department. Additionally, Civilian employee 1 stated that former Chief Vice directly accused Officers 2 and 3 of telling lies about him. Civilian employee 1 sensed that former Chief Vice was frustrated with Officers 2 and 3, but did not ask him to elaborate on the lies that former Chief Vice believed the officers were spreading about him.

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 81

**EXHIBIT 15**

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 82

This memorandum summarizes the interview that was conducted of former Brookhaven Police Chief Michael Vice on August 13, 2024. Former Chief Vice was represented by counsel during this interview; at the beginning of the interview, former Chief Vice invoked his *Garrity* rights.

### **Background And Career In Law Enforcement**

Former Chief Vice was asked to describe his background in law enforcement. He went to the Montgomery County Police Academy and started as a Dispatcher in Plymouth Township, then was hired as a Police Officer in Lower Merion Township in August 1996. He first was a Patrol Officer, then became a Field Training Officer. He was selected to be in the K9 Unit and remained in that position for about 10 years. He then transitioned to Platoon Investigator/Detective in Uniform (where he processed crime scenes and criminal complaints) and worked in the Detective Unit. He was promoted to Patrol Sergeant (where he was back on the street) and then was selected to be Detective Sergeant, which is the position that he remained in until he retired from Lower Merion in August 2021. As Detective Sergeant, former Chief Vice oversaw all the detectives and PIs. In total, former Chief Vice had approximately 11 years of experience conducting and supervising investigations.

Former Chief Vice was hired at the Brookhaven Police Department (“Brookhaven PD”) in July 2021. He explained that he was interested in Brookhaven because there were no advancement opportunities at Lower Merion, his pension was vested at that point, and he saw that Brookhaven PD was hiring for the position of Chief.

### **The Beginning Of Former Chief Vice’s Tenure At The Brookhaven Police Department**

Former Chief Vice was asked to describe any issues that he identified when he first came to the Brookhaven PD. He characterized the situation as “mayhem” because there was no uniformity or structure to the Police Department’s policies. One of former Chief Vice’s accomplishments was to get the Brookhaven PD accredited, which was a difficult and long process given the small size of the Borough and Department. Former Chief Vice also noted that there were 7 full-time officers and a “slew” of part-time officers. He found this situation to be unusual because he had never worked at a place that had part-time officers. He described it as a “weird” dynamic, because part-time officers were looked at as “lower” than full-time officers, which he did not understand. One of his accomplishments was to successfully transition the part-time officers to full-time officers. Of the full-time officers who were employed at the time of his interview, former Chief Vice had hired some of them, but several had transitioned from part-time to full-time.

Former Chief Vice explained that he tried to institute structure in the Department, through policies and requiring officers to come to work on time. He described the previous environment as “a lot of hanging around until a call came in” and the officers did not perform much actual police work. Former Chief Vice does not fault the officers for this, because that was simply the

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 83

situation. Vice used the word “lackadaisical” to describe the atmosphere. He also noted that there seemed to be a lot of internal conflict, and when he started there were “power plays” that people made, and they tried to align themselves in accordance with that dynamic.

### **Former Chief Vice’s Management Style**

Former Chief Vice told the Brookhaven officers that he was there to help and would stand beside them - - he explained that he did not have that feeling at the Lower Merion Police Department and, therefore, wanted to make that clear to the Brookhaven officers. As an example, former Chief Vice explained that when he started, the officers complained that they had to wear ties to work. Former Chief Vice told them that if it was more comfortable to do the job without ties, then he would not make them wear ties; the officers were happy about that change.

Former Chief Vice explained that he wanted to show the officers that they were working as a team, and that he was in a position where he could effectuate positive change. There had been 6 police chiefs at Brookhaven PD in 6 years (and former Chief Vice was there for 3 of those years), so at the time he started, he believed that the officers needed, and were craving, leadership and guidance. For that reason, former Chief Vice believed the Brookhaven PD needed to obtain accreditation, an approach that all the officers eventually bought into and accreditation was accomplished.

Former Chief Vice was asked whether the officers were receptive to his management approach. He believed that they were, particularly because he would still participate in the patrol work. He was still willing to be on the street and he believes that they appreciated that, and he appreciated them. Former Chief Vice described his management style as being “guiding” and “helpful,” and that his job was “to help them excel.”

### **Civil Service Exam**

Former Chief Vice was asked about the hiring process for officers and the civil service exam. He explained that the exam is written, then interviews occur, then the scores are combined to obtain rankings. Former Chief Vice participated in several interview panels; the panels consist of several individuals who come up with questions for the oral exam. There are no “right/wrong” answers for the oral exam; rather, the questions are an attempt to glean what a candidate’s mindset is and how they are progressing through a scenario. Former Chief Vice explained that generally, each person on the panel brings something different based on their own experience. Former Chief Vice was asked whether there is a scoring checklist that is used for the oral exam answers. He stated that there was not a list per se, that it is not exact, and that there would be a discussion about the answers. To his recollection, the questions are not scored by points. After a candidate is interviewed, the panelists discuss their thoughts about how that candidate performed.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 84

### **Evaluating The Performance Of Officers**

Former Chief Vice was asked whether he formally evaluated his officers. He stated that he did not, nor did he use concrete metrics to evaluate them (such as the number of stops or arrests). Rather, he wanted them to be out there and do the job. When asked about whether he required a certain number of contacts with the public during an officer's shift, he stated that these contacts are simply going out and engaging with the public - - for instance, if an officer is on foot patrol he could stop in and perform a business check; likewise, an officer could get out of his car to get gas and talk with a citizen.

### **Issues Involving Pay Increases After Probationary Period**

Former Chief Vice was asked about the probationary period for newly hired officers. He explained that when an officer is hired for a full-time position, he is on probation for the first year, which is governed by the Collective Bargaining Agreement. After one year, officers go to 80 percent salary. And, historically, if an officer chooses to do so, he can request a bump from 80 percent to 100 percent after 1 year. Former Chief Vice explained that the procedure is to write a memo to him (the Chief), which he passes onto the Mayor who, in turn, sends it to Borough Council for approval. When asked whether the officers needed to justify why they should get 100 percent, he stated that it was a simple process and that they aren't required to do so, but they typically do provide reasons in the letter. After a letter requesting 100 percent went to Former Chief Vice, he would take it to the Mayor and there would be a discussion (since the Mayor is his boss), although he could not recall whether this interaction occurred verbally or over email.

Former Chief Vice indicated that, during his tenure, Officer 11 and Officer 7 went through that process. He also was asked about Officer 4 and responded that he was not at 100 percent although he had sent a memo requesting it. He recalls that he forwarded that memo to the Mayor and said that he would recommend the increase because Officer 4 is a good officer, has a great head on his shoulders and does a good job. He does not know whether the Mayor talked to Borough Council or whether Council discussed it.

Former Chief Vice also was asked about Officer 8, who he indicated was currently at 100 percent and the process was the same, although he recalled Borough Council being "a little on edge" about approving the 100 percent.

When asked about Officer 2, former Chief Vice stated that he was not at 100 percent and that Officer 2 did request the increase via a memo. He recalled this specifically because he had a discussion with Officer 2 and told him that he could not recommend him for 100 percent, and also shared that opinion with the Mayor. When asked about his reasons for that opinion, former Chief Vice stated that there were discipline issues. Former Chief Vice also was asked about whether an officer has any recourse in that situation (where he is not recommended for 100

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 85

percent); he indicated that he believes there is something in the Collective Bargaining Agreement - - if there is an issue with the Chief, the next step is to go to the Mayor. Other than Officer 2, former Chief Vice is not aware of any other officers who wanted 100 percent salary but didn't get it.<sup>14</sup>

### **Stops And DUI Arrests**

Former Chief Vice was asked about whether he tracked stops and arrests (specifically, DUI arrests) per officer. He responded that there was not a quota, and that doing their job was what was important. He noted that there are officers that will come in and do nothing but drive a car for 12 hours. He believes that when you leave at the end of the day, you should be able to say that "I earned my pay, I feel good."

Former Chief Vice indicated that there was one period where certain officers got hung up on statistics and were giving false information; however, he told them to talk real numbers, and all he asked is that they go out and do their jobs and what they get paid to do.

Former Chief Vice was shown a sheet that represented 2022 "A Team" statistics regarding stops/arrests. He stated that it "absolutely" was not his, and that he did not prepare or hang up this document in the Police Department. In reviewing the sheet, he stated that he believes (based on the year) that "A Team" refers to Officer 11 and Officer 7. Former Chief Vice made it clear that he did not have firsthand knowledge about the sheet and did not recall having a discussion with either Officer 11 or Officer 7 about it.

Former Chief Vice was asked whether he was ever critical about officers who were not as active in terms of stops and/or arrests. He stated that he did not know how to answer that, because as Chief, his job was to help everyone and keep them motivated; he has acknowledged when officers make good arrests.

Former Chief Vice recalled having conversations with Officer 2 because he believed Officer 2 had it in him to be a good cop, but he chose not to be. He told Officer 2 to go out and do the job, stop focusing on the negative, and turn it around. He acknowledged that he may have had similar conversations with other officers - - not specifically about numbers - - but rather telling them he believed they were capable of more. Former Chief Vice said that he had these conversations with Officer 11, Officer 7 and Officer 4 too, all of whom are very active. His job is to cultivate his team. Former Chief Vice further emphasized that he has never told the officers that they need to go out and make a particular number of car stops per night - - that never happened.

---

<sup>14</sup> Former Chief Vice explained that his current wife is the mother of Officer 2's children's mother (i.e., their maternal grandmother).

## Attorney-Client Communication/Attorney Work Product

John Jay Wills  
November 8, 2024  
Page 86

Former Chief Vice was asked about his use of the phrase “those who do, get.” He explained that it means that training opportunities would come up, and there were officers who wanted to go to training only to get off the street, whereas other officers wanted to go to learn. He noted that it was rare that officers would not attend training.

Regarding DUI stops, former Chief Vice described his approach towards the officers as: if there is indication of impairment, do your investigation and take it where it leads you. He believes there is a policy that guides officers through the process; however, he was not familiar with it offhand.

Former Chief Vice was informed that officers have shared that they do not believe they have discretion regarding when to make arrests. Former Chief Vice disputed this statement and noted that, by way of example, they had conversations all the time about handling situations where a small amount of marijuana was found during a stop. As a result of feedback from the officers, he went to the Borough Ordinance Committee, which enacted a small amount of marijuana ordinance - - as opposed to charging people criminally - - so that the officers had complete discretion in that respect.

For DUI arrests, former Chief Vice reiterated that if there are signs of impairment, the officers should do their job. From his perspective, if there are signs of impairment and an officer lets that person go and then they kill somebody, obviously that is a problem. Regarding the procedure, if an officer makes a stop and he suspects that the driver is impaired, the officer administers field sobriety tests. Former Chief Vice noted that the officers do not rely on breathalyzers and rather confirm that a substance is present through blood tests. The subject can decline a blood test, but officers can still make an arrest on suspicion of DUI. If the subject submits to a blood test, then they do not move forward with charging documents until the test results come back. Former Chief Vice noted that when he initially came to the Brookhaven Police Department, officers were charging before receiving the test results, and he told them to wait until after those results came back so that they know what to charge the subject with (or whether to drop the charges). If a subject refuses to submit to a blood test, then the decision about charges is made during the stop by the officer; former Chief Vice indicated that if there is probable cause to arrest a person for suspicion of DUI, then that person is arrested.

However, if a subject does not fail the field sobriety tests, then the process is finished. Former Chief Vice stated that if the officers say that they do anything contrary to that, then they need to evaluate their training. There must be probable cause to make an arrest; therefore, when a DUI arrest occurs, the individual must have failed the field sobriety tests.

Former Chief Vice was asked about whether there were instances where a subject's blood test came back with nothing in his/her system. He stated that it happened infrequently, and that somewhere along the lines, there was an allegation that DUIs were getting thrown out for this reason. The Borough Solicitor went to the judge who presides over DUI charges to review the statistics; those statistics revealed that out of 167 DUI arrests, 162 were held for Court, the other

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 87

2 were pending further testing, and the last 1 involved a mental health issue. Therefore, over 97 percent of the DUIs were held for Court (which meant that the blood tests came back indicating that a substance was present).

### **Allegations Involving Officer 6**

Former Chief Vice was asked whether he had ever referred to Officer 6 (who has worked at the Brookhaven Police Department since before former Chief Vice's tenure) as a "lazy" officer. Former Chief Vice did not believe he ever used that term; he indicated that Officer 6 goes out and "does his thing." Officer 6 likely has the most traffic stops out of anyone in the Department, so former Chief Vice believed that someone may have taken a comment out of context. Former Chief Vice specifically was asked whether he stated that Officer 6 should be "ashamed of himself" for his lack of DUI arrests; he denied ever using those words. He also denied using that phrase regarding Officer 13 but noted that other officers had made those comments.

### **Allegations Involving Administrative Secretary**

Former Chief Vice was asked whether he made any critical comments about the administrative secretary for the Police Department (who has been there for over 40 years). He stated that he did not initiate any conversations and noted that she is a "lovely woman," but they handle her with kid gloves because she gets easily frustrated with technology-related issues. He stated that the officers get frustrated too and yell at her, and that there have been conversations among the officers about her not being able to keep up with technology. Former Chief Vice also did not recall making insulting comments about the administrative secretary, stated that he loved her, and referred to her as his "work mom." There apparently also may have been a disciplinary issue involving a car that was being held for the state police, but former Chief Vice noted that he cannot discipline her.

### **Allegations Involving Officer 1**

Former Chief Vice was asked whether he made comments regarding Officer 1 such as: "headlight, taillight, 2 stop." He acknowledged that he did make those comments, and he meant that Officer 1 does the bare bones minimum, and only stops cars for headlights being out (in other words, he does 2 stops and he is done).

Officer 1 was discharged for policy violations at former Chief Vice's recommendation and reinstated after an arbitration. Former Chief Vice learned of the decision to reinstate because the Borough's attorney sent it to him. He disagreed with the arbitrator's critique of his investigation in connection with Officer 1's termination - - specifically, the arbitrator concluded that former Chief Vice performed a shoddy investigation, but former Chief Vice did not feel that the investigation was either shoddy or incomplete.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 88

According to former Chief Vice, when Officer 1 returned following the arbitrator's reinstatement, their relationship was better than it had been before, and noted that they talked "a lot more." There were no negative conversations with Officer 1 since he returned to work. Former Chief Vice specifically was asked whether, after the arbitration decision but before Officer 1 returned, he made comments that Officer 1 "was not long for this department;" he denied making any such statements.

### **Brookhaven Police Department's Relationship With Other Jurisdictions**

Former Chief Vice was asked about the Brookhaven Police Department's relationship with the neighboring jurisdictions. He explained that all of the Departments are on the same radio system (sector 1 is Upland, Chester Township, Aston, Parkside, Bethel, Upper Chichester, Lower Chichester, Marcus Hook; Chester City is on a different sector). He was asked about representations that Brookhaven officers made stating they could not assist other jurisdictions unless specifically asked to do so. Former Chief Vice was confused by this statement. He acknowledged that there may have been occasions when Brookhaven officers would not follow into other jurisdictions without permission from those jurisdictions. He stated that the only thing he could think of related to this issue is that he told the officers that they can never strip the Police Department totally of any police coverage. However, the street sergeants make the decisions about whether Brookhaven officers can assist other jurisdictions. He never made a statement that Brookhaven officers could not assist other jurisdictions unless specifically asked and had "no idea what that is about."

Former Chief Vice indicated that, in a situation where a neighboring jurisdiction asks for backup, someone is going. Inevitably what happens is that, because there are several townships on the same sector, all those jurisdictions send officers. He clarified that when a call comes out for backup, they are not specifically asking for Brookhaven officers to respond; rather, they are making a general call to that sector for an "available unit." And, under his command, it was "absolutely fine" for Brookhaven officers to backup other jurisdictions; there did not need to be a specific request for Brookhaven officers to do so.

He also described the calls for assistance as a fluid situation. Former Chief Vice was asked whether he observed any hesitation with other jurisdictions lending Brookhaven officers support, and he responded "never."

### **Placement On Administrative Leave**

Former Chief Vice was asked about the events of the day he was placed on administrative leave (April 18, 2024). He recalls that he was provided with a letter from the Borough Council Secretary; he initially was surprised, upset and angry - - however, he indicated that he knows how Terry Heller is so he was not totally surprised. Former Chief Vice gathered his belongings, surrendered his badge, service weapon and Brookhaven-issued cell phone, and left. He was specifically asked about the Brookhaven-issued cell phone; former Chief Vice stated that he reset

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 89

it and handed it in as instructed. He explained that he reset the cell phone because he needed to hand it to a subordinate, and there was privileged information on there that could not be shared with other people (the letter had specifically directed him to hand over the cell phone to Officer 3). Former Chief Vice was pushed on this issue and reiterated that he was not handing over a phone with privileged/confidential information that a subordinate is not permitted to view, which could potentially violate the law. He stated that he could go to jail for allowing certain information to be accessed by subordinates or individuals who were not permitted to have access to it.

To put his concerns and mistrust of Officer 3 in context, former Chief Vice explained the events leading up to his placement on administrative leave. He stated that Officer 2 fraudulently submitted overtime; former Chief Vice asked him about it; he then went to Officer 2's supervisor (Officer 3) and asked him about this, because Officer 3 had made a change to Officer 2's overtime hours; Officer 3 then went outside and called Mr. Heller (telling him that former Chief Vice was suspending him when, according to former Chief Vice, he does not have the authority to do that), and the letter placing former Chief Vice on administrative leave was on his desk within 45 minutes. For that reason, he did not feel that Officer 3 would simply be holding the cell phone for "safekeeping." He also noted that after he handed in the cell phone, he received notifications that someone was trying to change the passcode on it. He assumes that, based on the letter, it was either Officer 3 or Mr. Heller who was directing someone to access his phone. He confirmed that he only had work-related emails and texts on his Brookhaven-issued phone (not personal information). Former Chief Vice acknowledged that his Brookhaven-issued cell phone was password protected and that he had not provided the password to unlock the phone to anyone associated with Brookhaven.

Former Chief Vice further indicated that he did not trust Officer 3, and that he did not consider any other options for safekeeping the confidential information (aside from wiping his phone) because there was no time to do so, due to the fact that he was told to leave.<sup>15</sup> He stated that he gave Officer 3 the cell phone before he left the Department and that he did not take it home with him. Former Chief Vice did take his police-issued vehicle home because he had personal belongings in it; he asked Officer 11 to take the vehicle back to the Department.

Former Chief Vice also believed that "something was in the works;" the prior month, Officer 2 commented to another officer and his fiancée that Mr. Heller told him that former Chief Vice would be fired by June.

### **Overtime Issue Involving Officer 2 And Officer 3**

Former Chief Vice then elaborated on the overtime issue involving Officers 2 and 3. He stated that Officer 2's overtime requests would be approved by both Officer 3 (as the supervising

---

<sup>15</sup> Former Chief Vice also indicated that he did not reset his Brookhaven-issued cell phone for any reason other than his concern about Officer 3 (or other individuals) having access to confidential information.

## **Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 90

officer) and himself. The issue here was that Officer 2 had two court notices for the same day, at different times of day. Under the Collective Bargaining Agreement, if an officer attends Court he automatically gets 3 hours of overtime regardless of whether he is there for 5 minutes or 3 hours. However, if the time goes over 3 hours, the officer is paid per hour (for instance, if an officer stays at Court for 4 hours, he will get 4 hours of overtime - - 3 hours plus the additional hour).

In Officer 2's situation, he had a hearing at 10:00 a.m. He signed in at 9:55 a.m. and got out shortly thereafter; he put in for 3 hours of overtime. Former Chief Vice said there was no issue there. However, Officer 2 submitted time records for attending Court from 7:00 a.m. to 10:00 a.m. (when he actually showed up at 9:55 a.m.). Officer 2 then had a second hearing at 1:00 p.m. and asked for an additional 3 hours of overtime for this hearing. According to former Chief Vice, Officer 2's timesheet should have reflected that he attended Court from 10:00 a.m. until the time he was let out (*i.e.*, if he was there until 1:30 p.m., from 10:00 a.m. until 1:30 p.m.), and not two separate blocks of 3-hour overtime. Instead, Officer 2 put in for 7:00 a.m. to 10:00 a.m., and then another entry for 1:00 p.m. until he left - - however, those were not the actual hours he worked (and Court hearings do not start until 9:00 a.m.).

Based on this, former Chief Vice initiated an investigation. He noted that Officer 2 had been a discipline problem, and at the time was just coming off a 2-day suspension. Former Chief Vice asked Officer 2 first to document the incident, then he talked to Officer 3 and learned that he was the one who had changed the times on the entries, so he asked Officer 3 to explain this discrepancy (particularly since Court did not open until 9:00 a.m., but the first entry started at 7:00 a.m.). Former Chief Vice also stated that he called the Mayor, and she said that she would not approve the request.

Former Chief Vice believes that the letter placing him on administrative leave was a direct result of this incident. He also learned, after he was placed on leave, that Officer 3 had gone to Borough Council beforehand and talked about things that "maybe were not true" involving former Chief Vice. Former Chief Vice did not become aware that Officer 3 had talked to Council until after he was placed on leave. He does not know if any discipline resulted from the overtime issue.

### **Relationship Between Former Chief Vice And Officer 3**

Former Chief Vice noted that the professional relationship between himself and Officer 3 had deteriorated. If he needed to speak with Officer 3, he did, but otherwise they did not interact.

Former Chief Vice was shown an email that he sent involving his paid sponsorship of a Little League team not being allotted to the team that Officer 3 coached. He explained that he had put out his own money to sponsor a Little League team; it was not in the Police Department's budget, but he thought it was important. He sent the email because he did not want

**Attorney-Client Communication/Attorney Work Product**

John Jay Wills  
November 8, 2024  
Page 91

his money to go to something that was supporting Officer 3, who has done nothing but backstab him to get to the position that Officer 3 currently is in.

Former Chief Vice further alluded to the fact that there is “a reason” why the Borough has had 6 police chiefs in 6 years but did not elaborate on this point.