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Williamstown Select Board
31 North Street
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Subject: Independent investigation
Williamstown Police Department
Sergeant Scott McGowan – **Vote of no confidence**

Assignment of investigation:

On Tuesday, March 9, 2021 I received an e-mail from Attorney Judy Levenson of Brookline seeking to speak with me regarding an investigation of a matter at the Williamstown Police Department (WPD). On the same day, I spoke by phone with Attorney Levenson and we discussed an investigation she is working on in Williamstown concerning a federal court complaint filed in August 2020 by Sergeant Scott McGowan alleging discrimination and retaliation by the town and former police chief.

On or about March 1, 2021 the full-time officers of the department had written and submitted a letter to the acting-police chief and town Select Board in which they unanimously state that they have no confidence in Sergeant Scott McGowan who is a career member of the department. Attorney Levenson requested that I assist by investigating the allegations of the officers letter and possible policy violations of the police department, given my expertise in this area.

On Friday, March 12, 2021 I participated in a Zoom meeting with Attorney Levenson and Williamstown Select Board member Andrew Hogeland. During this meeting I agreed that I would assist with the investigation. I later sent Mr. Hogeland a proposal to provide investigative services to the town of Williamstown. A copy of my proposal letter is attached hereto as **EXHIBIT #1**.

Background and scope of investigation:

The full-time members of the Williamstown Police Department submitted a letter (undated) to Acting Chief Michael Ziemba and the Select Board in which they unanimously took a vote of **no confidence** in Sergeant Scott McGowan. The letter of complaint (hereinto referred to as “the letter”) is six (6) pages in length. The letter alleges that since his promotion to sergeant, McGowan has demonstrated an “abuse of power, a narcissistic attitude toward fellow officers and his bullying are more than any employee should have to endure”.

The letter cites various allegations in which McGowan has violated department policy, acted unprofessionally and treated fellow officers with disrespect. There are also allegations of off duty misconduct by McGowan that date back as late as the 1990’s. The final two sentences of the letter state “In our unanimous opinion, Scott McGowan shouldn’t even be a police officer, let alone a sergeant”. “A unanimous vote was taken resulting in no confidence in Scott McGowan as an officer”. A copy of the complaint letter is attached hereto as **EXHIBIT #2**.

At the beginning of the investigation it was agreed between myself, Attorney Levenson and Select Board member Andrew Hogeland that Attorney Levenson would focus on the allegations outlined in paragraphs 9 and 13 from the letter of complaint and I would investigate the remainder of the allegations listed in the letter. (**Note:** Attorney Levenson’s report is a separate document to this investigation).

My **investigative directive** was to conduct interviews of the employees (sworn and non-sworn) of the Williamstown Police Department as well as former employees of the department to determine if any department rules, regulations, policies or procedures had been violated by Sergeant McGowan. **Note:** There will be instances in the following report where I use *italic* lettering. This is for the purpose of writing a direct quote from the person I am interviewing.

Interviews of Williamstown Police Department employees:

On Monday, April 5, 2021 at 10:00 AM I interviewed Officer [REDACTED] at the Williamstown Police Department. Attorney Judy Levenson participated via Zoom. [REDACTED] is a [REDACTED] of the department and is assigned to the [REDACTED]. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board. Toward the conclusion of the interview [REDACTED] stated that [REDACTED] agreed with the content of the letter and that [REDACTED] has no confidence in Sergeant Scott McGowan. The interview lasted approximately one hour

and twelve minutes. The interview was recorded and later transcribed. A copy of the transcript is attached as **EXHIBIT #3**.

On Monday, April 5, 2021 at 12:00 PM I interviewed Officer [REDACTED] at the Williamstown Police Department. Attorney Judy Levenson participated via Zoom. Officer [REDACTED] is a [REDACTED] of the department and is assigned to a [REDACTED] shift. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board.

Officer [REDACTED] indicated [REDACTED] was the officer involved in the incidents from paragraphs #2 and #4. [REDACTED] also outlined [REDACTED] personal knowledge from the off-duty incidents which involved Scott McGowan from many years earlier (pages 4 and 5 of complaint letter). Toward the conclusion of the interview [REDACTED] stated that [REDACTED] agreed with the content of the letter and that [REDACTED] has no confidence in Sergeant Scott McGowan. The interview lasted approximately forty-five (45) minutes. The interview was recorded and later transcribed. A copy of the transcript is attached as **EXHIBIT #4**.

On Monday, April 5, 2021 at 1:20 PM I interviewed Officer [REDACTED] at the Williamstown Police Department. Attorney Judy Levenson participated via Zoom. Officer [REDACTED] is a [REDACTED] of the department and is assigned to the [REDACTED] works two days of [REDACTED] four-day rotation with Sergeant Scott McGowan. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board.

Officer [REDACTED] was frustrated and at times emotional during [REDACTED] interview. [REDACTED] stated [REDACTED] was involved in many of the incidents outlined in the complaint letter. [REDACTED] acknowledged [REDACTED] *“put up with the locker room BS and immaturity in the station because [REDACTED] just wanted to do [REDACTED] job and [REDACTED] wanted to work”*. [REDACTED] volunteered [REDACTED] had *“[REDACTED] because of McGowan as far back as 2016”*. [REDACTED] continued *“since 2018, he hasn’t talked to me”*. [REDACTED] stated *“I’ve talked to him professionally but not personally since then”*. [REDACTED] continued there were countless days when *“[REDACTED] almost puked”* because of the way McGowan acted and treated [REDACTED]

Some of the comments made by Officer [REDACTED] included *“he (McGowan) would bash my report writing to others instead of talking to me and helping me”* and *“he was my partner and backup for two out of my four days and I can’t depend or trust him”*. [REDACTED] also stated *“he would belittle them or talk down to them and scream at people. His tendency was to scream at people, whether it was all officers or dispatchers, he would just scream and yell at people and be loud. I recall him talking about how he was part of the reason why some of these people left and he was proud of that, that they didn’t work here anymore because they didn’t deserve to work here, and that he had doings in trying to get them out of here”*.

With regards to the allegations that McGowan would go home during his shift and not answer calls ██████ stated *“There were several times that I would actually drive by and there's a couple documentations that I have that I would actually drive by to see if his cruiser was parked at his home because I got to the point, I was very upset that I worked two days with him, and I always had all the calls while he got to sit at home or mark out of his car all day”*. ██████ continued *“when I was working with him, a lot of my shifts, I would end up taking all the calls because he was marked out of his car and dispatchers were afraid to send him on calls. And some dispatchers would call him and tell him about a call, and he would always say, send ██████, send ██████. So he wouldn't even go to them”*.

Officer ██████ outlined the event that occurred on January 1, 2021 (North Adams BOLO). He addressed ██████ and ██████ in a very loud and unprofessional manner when he discussed how the call was handled. ██████ quoted him as saying *“do I make myself clear”!* After he made this statement ██████ only replied *“Mm-hmm”* (affirmative). ██████ continued ██████ was **“upset, scared and nervous”** at the way he conducted himself that morning. ██████ stated the following day there was a similar police call and ██████ was *“confused how to handle the call based on what transpired on the previous day”*.

Officer ██████ continued **“I'm afraid of his retaliation, because I've seen what he does to people when they cross him or they go against him. He retaliates against people and he just spins everything and lies. And it's hard, because I've seen it and he's done it with me. There are a couple documentations in here where he's done that with me. He's lied saying that I said or did things, and I didn't”**. During the interview ██████ stated more than once **“If he comes back, I will seek other employment or retiring, because I don't want to work in a hostile work environment”**. When asked how things have been since he's been on leave ██████ answered *“Good. It's been good. I don't feel like puking. I don't feel nauseous. I can come in and do my work. I actually have a partner when I work right now. When I was working with him, I didn't have a partner, two out of my four days, because he was always marked out of his car for almost the whole shift”*.

Officer ██████ stated ██████ had documented various instances involving McGowan. One of ██████ key points was that McGowan had reprimanded officers who were not prepared to answer calls during their shift (see ██████ e-mail). Since October 2020 ██████ had documented various instances when he was not prepared to answer calls for service during his shift. During the investigation Officer ██████ provided a thirteen (13) page letter which outlined instances of McGowan's actions during the fall of 2020. In addition to the letter ██████ provided notes, documents, e-mails and photographs ██████ had taken. ██████ letter also clarified points from the anonymous complaint letter (Exhibit #2). ██████ stated these notes and photos were taken

contemporaneously to the events occurring. A copy of Officer [REDACTED] letters, notes, documents, e-mails and photos are attached hereto as **EXHIBIT #5**.

The interview with Officer [REDACTED] lasted approximately one hour and forty minutes. The interview was recorded and later transcribed. A copy of the transcript is attached as **EXHIBIT #6**.

On Monday, April 5, 2021 at 3:00 PM I interviewed Officer [REDACTED] at the Williamstown Police Department. Officer [REDACTED] is a [REDACTED] of the department and is assigned to the [REDACTED] shift. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board.

Officer [REDACTED] was directly involved in the incident at Williams College in April 2005 (Page 5 of complaint). Toward the conclusion of the interview [REDACTED] stated that [REDACTED] agreed with the content of the letter and that [REDACTED] has no confidence in Sergeant Scott McGowan. The interview lasted approximately forty (40) minutes. The interview was recorded and later transcribed. A copy of the transcript is attached as **EXHIBIT #7**.

On Monday, April 5, 2021 at 4:00 PM I interviewed Dispatcher [REDACTED] at the Williamstown Police Department. Dispatcher [REDACTED] has worked for the Williamstown Police Department for [REDACTED] and is assigned to the [REDACTED] shift. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board. Toward the conclusion of the interview [REDACTED] stated that [REDACTED] agreed with the content of the letter and that [REDACTED] has no confidence in Sergeant Scott McGowan. [REDACTED] added that although the letter was only signed by full-time officers [REDACTED] would have signed it if [REDACTED] had been offered the opportunity. The interview lasted approximately seventeen minutes. The interview was recorded and transcribed. A copy of the transcript is attached as **EXHIBIT #8**.

On Monday, April 5, 2021 at 5:00 PM I interviewed Officer [REDACTED] at the Williamstown Police Department. Officer [REDACTED] has been a full-time police officer in Williamstown since [REDACTED]. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board. Officer [REDACTED] indicated [REDACTED] was directly involved in the incident from January 1, 2021 (Page 3 of complaint). Toward the conclusion of the interview [REDACTED] stated that [REDACTED] agreed with the content of the letter and that [REDACTED] has no confidence in Sergeant Scott McGowan. The interview lasted approximately forty (40) minutes. The interview was recorded and later transcribed. A copy of the transcript is attached as **EXHIBIT #9**.

On Monday, April 5, 2021 at 5:45 PM I interviewed Officer [REDACTED] at the Williamstown Police Department. Officer [REDACTED] has been a full-time police officer in Williamstown since [REDACTED]. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board. Toward the conclusion of the

interview [REDACTED] stated that [REDACTED] agreed with the content of the letter and that [REDACTED] has no confidence in Sergeant Scott McGowan. The interview lasted approximately eighteen (18) minutes. The interview was recorded and later transcribed. A copy of the transcript is attached as **EXHIBIT #10**.

On Monday, April 5, 2021 at 6:15 PM I interviewed [REDACTED] at the Williamstown Police Department. [REDACTED] has been employed by the Williamstown Police Department for [REDACTED] and has been a [REDACTED] for [REDACTED]. [REDACTED] is currently the [REDACTED]. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board. [REDACTED] indicated he had involvement in the April 2005 incident when McGowan was alleged to have made changes to the police log for an incident at Williams College. (Page 5 of complaint). Toward the conclusion of the interview [REDACTED] stated that [REDACTED] agreed with the content of the letter and that [REDACTED] has no confidence in Sergeant Scott McGowan. The interview lasted approximately twenty-five (25) minutes. The interview was recorded and later transcribed. A copy of the transcript is attached as **EXHIBIT #11**.

On Tuesday, April 20, 2021 at 3:00 PM I interviewed Dispatcher [REDACTED] at the Williamstown Police Department. Dispatcher [REDACTED] has worked for the Williamstown Police Department since [REDACTED] and is assigned to the [REDACTED] shift. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board.

[REDACTED] stated [REDACTED] first impression of Sergeant McGowan was **not** good. There was an occasion during [REDACTED] training period when he *“came storming into the dispatch room with a policy book, or went out to the car to get a policy book, so he came into the dispatcher room to get a key, and he had went upstairs to the printer and slammed it down, and just kept storming through the police department all day”*. [REDACTED] continued *“I was really weirded out by it. I didn't think that that was Sergeant material, from my past experience with officers, especially being that high up. I didn't think storming around the police department was what you would do as... especially a new person in there”*.

The interview with Dispatcher [REDACTED] lasted approximately ten (10) minutes. The interview was recorded and transcribed. A copy of the transcript is attached hereto as **EXHIBIT #12**.

On Monday, April 20, 2021 at 3:20 PM I interviewed Officer [REDACTED] at the Williamstown Police Department. Officer [REDACTED] has been a full-time police officer in Williamstown since [REDACTED]. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board. Toward the conclusion of the interview I asked [REDACTED] if [REDACTED] agreed with the letter that Scott McGowan had created a hostile work environment and [REDACTED] answered *“I do”*. The interview lasted approximately

twenty (20) minutes. The interview was recorded and later transcribed. A copy of the transcript is attached as **EXHIBIT #13**.

On Monday, April 20, 2021 at 3:55 PM I interviewed Officer [REDACTED] at the Williamstown Police Department. Officer [REDACTED] has been a police officer in Williamstown for [REDACTED]. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board. Officer [REDACTED] is the officer who received an e-mail from Sergeant McGowan on 8/23/08 for leaving the station approximately **15 seconds** before the end of [REDACTED] shift. Toward the conclusion of the interview [REDACTED] stated that [REDACTED] agreed with the content of the letter and that [REDACTED] has no confidence in Sergeant Scott McGowan. The interview lasted approximately twenty (20) minutes. The interview was recorded and later transcribed. A copy of the transcript as well as the 8/23/08 e-mail are attached as **EXHIBIT #14**.

On Monday, April 20, 2021 at 4:45 PM I interviewed former Dispatcher [REDACTED] at the Williamstown Police Department. Attorney Judy Levenson was present for the interview. Dispatcher [REDACTED] worked for the department for [REDACTED]. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board. The interview lasted approximately one hour and forty-five minutes. The interview was recorded and later transcribed. A copy of the transcript is attached as **EXHIBIT #15**.

On Tuesday, April 20, 2021 at 6:45 PM I interviewed Dispatcher [REDACTED] at the Williamstown Police Department. Dispatcher [REDACTED] has worked for the Williamstown Police Department since [REDACTED] and is assigned primarily to the [REDACTED] shift. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board.

During the interview [REDACTED] explained that a shift would run good or bad based on the mood of Sergeant McGowan. [REDACTED] stated *"you never really knew whether he was going to be in a good mood or bad mood"*. [REDACTED] described situations when he quickly lost his temper explaining *"there were other times where he perhaps was a little more blowing things out of proportion, but that was the one that really kind of surprised me just because like I said, it was like a switch had flipped. He was fine and then suddenly he wasn't"*.

I asked if there were ever occasions when McGowan would go an entire shift without having any direct contact with [REDACTED] [REDACTED] answered *"there were quite a few where it was close. It was maybe a hi and a bye and that was the extent of it"*. [REDACTED] also offered a situation when McGowan sent an e-mail to the dispatchers in early 2021 praising them for their work. [REDACTED] stated *"that was very nice, but it just felt like it didn't necessarily go with the attitude we usually got from him"*.

The interview lasted approximately fifteen (15) minutes. The interview was recorded and transcribed. A copy of the transcript is attached as **EXHIBIT #16**.

On Monday, April 20, 2021 at 7:20 PM I interviewed [REDACTED] at the Williamstown Police Department. Attorney Judy Levenson was present for the interview. [REDACTED] has been a police officer in Williamstown for [REDACTED]. During the interview we reviewed the entirety of the letter sent to him and the Select Board.

I asked about the allegations that McGowan had spent **unreasonable** amounts of time at home during his shift. [REDACTED] agreed stating "*that's accurate*". When I asked about McGowan's general demeanor [REDACTED] replied "*he has a very short fuse, and if he feels as though he's being disrespected or challenged, he feels the need to fight, and that's the environment that we're in*". I cited the part of the letter which described McGowan as "vindictive and that he's created a hostile work environment for the members". I asked if [REDACTED] agreed with this position taken by the full-time officers and [REDACTED] stated "*I do*". I asked if it's been a better environment since McGowan has been on leave and [REDACTED] answered "yes".

We discussed the incident that occurred on January 1, 2021 (North Adams BOLO incident). [REDACTED] acknowledged the incident that occurred in the dispatch area when McGowan lost his temper had been reported to [REDACTED]. [REDACTED] described the event stating "*McGowan goes out, checks his MDT, and sees the call, thinks it's brand-new, goes out, thinks that they're blowing the call off, makes a big production, meets North Adams on the line, talks to them about it, comes in here, yells, screams, belittles, typical, with the short fuse*". [REDACTED] stated [REDACTED] addressed this incident with McGowan and told him "*under no circumstances are we going to act like that. You're not going to be sitting home for three years and all-of-a-sudden come out of the box and try to play Super Number Two, just because I'm here. You're not taking advantage of me doing that. You're either going to do it my way, or you're not going to do it.*"

During the interview [REDACTED] acknowledged that Officer [REDACTED] had been given permission by both [REDACTED] and former Chief Johnson to circumvent Sergeant McGowan with any on-duty concerns. [REDACTED] also acknowledged that [REDACTED] had put in writing that [REDACTED] is afraid to be in a room with McGowan.

The interview with [REDACTED] lasted approximately one hour and twenty (20) minutes. The interview was recorded and later transcribed. A copy of the transcript is attached as **EXHIBIT #17**.

On Tuesday, April 21, 2021 at 9:45 AM I interviewed Officer [REDACTED] at the Williamstown Police Department. Officer [REDACTED] has been employed by the Williamstown Police Department since [REDACTED]

and is a [REDACTED]. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board. The interview lasted approximately fifteen (15) minutes. The interview was recorded and later transcribed. A copy of the transcript is attached as **EXHIBIT #18**.

On Tuesday, April 21, 2021 at 10:05 AM I interviewed Officer [REDACTED] at the Williamstown Police Department. Officer [REDACTED] has been employed by the Williamstown Police Department since [REDACTED] and [REDACTED] works as a full-time dispatcher and part-time officer. During the interview we reviewed the entirety of the letter sent to Acting Chief Ziemba and the Select Board. Toward the conclusion of the interview I asked [REDACTED] if [REDACTED] agreed with the letter from the full-time officers which states they have no confidence in Sergeant Scott McGowan. To this [REDACTED] replied *"Yeah, it's not just the full-timers. It's part-timers, full-time dispatchers, part-time dispatchers"*. The interview lasted approximately twenty (20) minutes. The interview was recorded and later transcribed. A copy of the transcript is attached as **EXHIBIT #19**.

Interviews of [REDACTED]:

On Monday, April 5, 2021 at 11:15 AM I interviewed [REDACTED] at the Williamstown Police Department. [REDACTED] worked for the Williamstown Police Department for [REDACTED]. [REDACTED] was the [REDACTED] for the last ten years of [REDACTED] career and [REDACTED]. During [REDACTED] tenure Scott McGowan worked as a special/part-time officer and was assigned dispatch duties and worked traffic details.

[REDACTED] had with [REDACTED] a packet of documents pertaining to Sergeant Scott McGowan. The first document [REDACTED] presented was a letter on formal department letterhead and was dated April 11, 1997. The letter is addressed to Scott McGowan and indicates he was being "terminated" from the department. The letter states in part "your on-going off duty antics, driving to endanger, operating under the influence, damaging peoples property and providing alcohol to minors are all offenses I expect officers to arrest for". [REDACTED] could not say with certainty how McGowan remained with or returned to the department after the April 11, 1997 letter.

The next document was an informal letter from [REDACTED] to Mr. Stephen Patch who was the Town Manager for Williamstown at the time. This letter addressed various situations McGowan had been involved with while off duty. The incidents documented in the letter included the following;

- June 3, 1999: McGowan was arrested in North Adams for a domestic violence incident involving his girlfriend.

- June 1999: McGowan was stopped for speeding by the New York State Police and was not charged after he told them he was a Williamstown police officer.
- Summer 1998: McGowan was detained by the Massachusetts State Police at a concert at Foxboro stadium where he allegedly used mace on another concert goer. McGowan was released after he informed the state police he was employed by the Adams and Williamstown police departments.
- July 5, 1998: McGowan and his girlfriend had a misunderstanding at Canterbury's in town. An employee of the establishment intervened and McGowan displayed his badge. The police responded and McGowan left the premises.
- April 9, 1997: McGowan was involved in an incident at Williams College when he drove his car up on steps, had an open container in the vehicle and was in the company of an underage female.

During the interview, ██████████ recounted the situation when McGowan's father (then fire chief) asked that he come to the fire station to meet with him (Chief McGowan) and his son to discuss the North Adams arrest which occurred on June 3, 1999. The meeting was cut short by Chief McGowan and shortly thereafter McGowan retained a prominent attorney from the area. ██████████ didn't speak to McGowan again relative to his arrest and sent an officer to his home to retrieve his badge and department issued pistol. ██████████ also revoked McGowan's license to carry a firearm. In addition to the above referenced documents, the following documents were also presented by ██████████ and are attached hereto as **EXHIBIT #20**.

- June 3, 1999: Letter from ██████████ to Scott McGowan in which ██████████ is seeking "permanent termination" from the department.
- June 4, 1999: Inter-departmental memorandum from ██████████ to Town Manager Stephen Patch with the subject line "Termination of Officer Scott McGowan".
- June 5, 1999: Letter from ██████████ to Scott McGowan informing him Kennedy was revoking his license to carry a firearm.

On Wednesday, April 21, 2021 at approximately 2:35 PM I interviewed ██████████ at the Williamstown town hall. Prior to my interview I attended an interview with ██████████ that was conducted by Attorney Levenson. ██████████ began ██████████ career with the Williamstown Police Department as a ██████████ and became a full-time officer in ██████████

█████ █████ attended the police academy in █████ was promoted to sergeant in █████ and became █████. █████ remained the █████ until █████ from the department in █████.

During the interview we discussed the letter sent by full-time members of the Williamstown Police Department to Acting Chief Ziemba and the Select Board indicating they had no confidence in Scott McGowan and he had created a hostile work environment. █████ indicated █████ is aware of the letter but had not had the opportunity to read it in its entirety.

I asked if █████ agreed or was aware that McGowan had created the hostile work environment. To this █████ responded *"I don't know if hostile was ever used, but certainly, people had issues with him. Yes"*. He continued *"the talk amongst others used to be, 'What Scott's coming in today? Which Scott?' There's two Scotts. Happy, jovial Scott was a joy to be around. Laughy, jokey, great sense of humor. The other Scott, not so much. His nickname was Evil"*.

When I asked if the bad side of McGowan was more prevalent as time went along █████ responded *"Yes, and especially when he was removed as president of the association, because then he just severed all communications with just about everybody"*. █████ added the dynamics changed and it was more and more infrequent that McGowan was in the police station. █████ continued *"I wouldn't see him unless I called him in or chatted him or called him on the phone or something, where before he was readily in the station if we needed to discuss anything"*.

We next discussed the part of the letter which alleges that various part-time employees and dispatchers left the agency because they had been bullied by McGowan. █████ acknowledged there was turnaround in those positions and that some of the employees that left the agency did indicate they left in part due to McGowan. I asked if █████ ever addressed this with McGowan and █████ stated *"I don't remember. There was nothing formal. I didn't write him up, or there was nothing in his file. I know that, because I've been through the file as of late, but I don't remember specific conversations"*.

I asked about the allegation that McGowan had stated he would go a year (not including COVID time) without stopping a car. █████ agreed this had occurred. █████ acknowledged █████ had counseled **all three sergeants** for their lack of activity. When I asked if there was a formal job description for the rank of sergeant █████ acknowledged there was not. █████ also acknowledged there is not an employee evaluation system at Williamstown Police Department. I asked what █████ expectations of the sergeants were and █████ responded *"basically, to be an extension of me when I wasn't here, carry my message, run the shift. Any issues, bring them to my attention as a supervisor, and then the patrol, just answer the calls"*.

I asked how often [REDACTED] interacted with the sergeants regarding their roles. [REDACTED] stated the department has an “*activity sheet*” which outlines what each officer, including sergeants did during their shifts. [REDACTED] stated [REDACTED] would occasionally speak to the sergeants about a lack of activity being produced by officers as well as the sergeants themselves. [REDACTED] added each officer with the exception of the chief and lieutenant were required to complete a weekly activity sheet.

As we reviewed the content of the letter from the full-time officers [REDACTED] acknowledged [REDACTED] didn't have first-hand knowledge of some parts of the alleged incidents by McGowan but had heard about the incidents second hand. [REDACTED] continued that when McGowan filed suit in August 2020 both [REDACTED] and the town took the position that they would not discipline McGowan in any way pending the outcome of the suit out of an abundance of caution that he would allege he was being retaliated against for filing his lawsuit.

I asked about the allegation that McGowan sent an e-mail in November 2020 informing officers not to contact him on his cell phone whether on duty or off duty. Although [REDACTED] did not address this matter with McGowan [REDACTED] was aware it occurred. [REDACTED] stated that members of the department use their personal cell phones to communicate. Nobody on the department has a cell phone that is managed and paid for directly from the town of Williamstown. The only member of the department who has a cell phone that is paid for is Officer Shuan William who is a member of the Berkshire County task force and his “job” cell phone is paid for by the district attorney's office. (It is important to note that McGowan reversed course on the matter of using his personal cell phone after [REDACTED] retired).

I informed [REDACTED] that I had conducted various interviews and had learned that McGowan would come into the station, get the keys to his cruiser and leave without communicating with anyone. [REDACTED] would then allegedly go home and remain there for most of the shift. I asked if [REDACTED] was aware of this and [REDACTED] answered “*that was the belief. Absolutely*”. I asked if [REDACTED] ever addressed the matter and [REDACTED] replied “*Nope. I was waiting for a complaint, an official complaint. I figured a neighbor, somebody would... Again, I know where he lives. Obviously, he's in a marked unit. People are going to get tired of that quick. It didn't happen*”.

We next discussed the alleged incidents on page four (4) of the letter. [REDACTED] stated [REDACTED] had no first-hand knowledge of the incidents that occurred at Williams College (1997), nor any first-hand knowledge of McGowan's arrest in 1999. [REDACTED] further stated [REDACTED] had no knowledge that he allegedly was racing in his car and damaged a residents property and changed an OUI arrest to a PC. [REDACTED] only learned of the last incident when [REDACTED] heard about it from [REDACTED] many years later.

I next outlined the situation when McGowan was involved in an incident at Williams College in **April 2005** when a student made a complaint. ██████ acknowledged ██████ was the ██████ at the time. ██████ stated ██████ main concern was that McGowan was drinking to access while off duty. ██████ recounted calling McGowan's father into the police station to act as ██████ "ally". McGowan's father was the retired fire chief and it was ██████ intention that they would work together to get McGowan assistance with controlling his use of alcohol.

██████ recounted that McGowan became emotional during the meeting and admitted that he was involved in the event at Williams College. I asked about the allegation that McGowan had made a change to the police log after the fact. To this ██████ replied *"I don't remember that, and I know he did it, and I know it was brought to my attention, but I don't remember that part of the conversation with him. I don't know if I was so focused on the alcohol stuff or what, but I don't remember that."* I asked if there was any type of documentation associated with this matter and ██████ answered. *"Maybe. I had something. I had paperwork in this office over here, in the top drawer of the filing cabinet forever and a day. We moved to the new station. I never saw it again"*.

We next discussed the situation from **November 2009** when McGowan was arrested by the Vermont State Police for operating under the influence. The charge was later reduced to negligent operation. As a result of the charge McGowan's license to operate in Vermont was suspended for thirty (30) days. ██████ recalled that McGowan self-reported the incident to ██████ the day after it occurred. ██████ stated that McGowan received a one-day suspension which was approved by the town manager at the time. I asked how the suspended license affected his ability to do his duties. ██████ answered *"It didn't affect his performance here. We had no business going out of state"*. ██████ continued that *if Vermont and Massachusetts had reciprocated with the license suspension McGowan would have been assigned to desk duties but that didn't occur"*.

I next asked about the allegation that McGowan's take home cruiser privilege had been taken away from him. ██████ acknowledged the privilege had been taken away from McGowan but couldn't remember the timeframe or the exact reason it occurred. I asked if there was anything written in McGowan's personnel jacket which might outline the reason and ██████ acknowledged there was not.

We again discussed the timeframe of January 2018 when McGowan left his position as union president. There had been a disagreement between McGowan and the union body and he was accused of mispresenting a message from the union to the town manager. The message had to do with McGowan receiving a stipend for being the department investigator and it had not been agreed upon with the body of the membership. When he left his position as union president he sent the members a disparaging e-mail. The e-mail was later forwarded to ██████ by the town manager

who had been sent a copy. As indicated above, this was the timeframe which began McGowan's lack of communications with department members.

We next discussed Officer [REDACTED] concerns that have been brought to light during the investigation. I asked if it was accurate that [REDACTED] had been given authority to skip over McGowan in [REDACTED] chain-of-command and go directly to (then) [REDACTED] or [REDACTED] with any questions or concerns. [REDACTED] confirmed this occurred. [REDACTED] also acknowledged that [REDACTED] did not want to deal with McGowan. [REDACTED] continued "[REDACTED] *had no confidence in him*".

I next brought up the allegation that McGowan would go into IMC to review reports and then criticize the officers for their work. [REDACTED] acknowledged this occurred and stated a lot of the changes had to do with grammar and that [REDACTED] and Lieutenant Ziembra would also make grammatical corrections to reports in IMC. [REDACTED] also acknowledged that for a number of years McGowan was considered to be second in command of the department. That changed when [REDACTED] had a meeting with the sergeants (McGowan, [REDACTED]) and it was spelled out to McGowan that he was not above the other sergeants in the hierarchy but they were all peers.

I asked if there was a specific event that may have lead to [REDACTED] losing confidence in McGowan being an effective sergeant. He replied that "[REDACTED] *started excelling with certain things. Scott is a handful. [REDACTED] is excelling, so absolutely, towards the end, I was assigning [REDACTED] because [REDACTED] very competent. [REDACTED] can get stuff done*". [REDACTED] continued that McGowan was also assigned as the department investigator and he would be busy conducting investigations and so [REDACTED] would be assigned to tasks that needed to be completed.

The topic of Officer [REDACTED] was brought up again. I asked if [REDACTED] remembered an incident in 2017 when McGowan criticized the way [REDACTED] handled an investigation. [REDACTED] didn't remember the occurrence but stated "*I'm not surprised. I mean, Scott was always very quick to point out his perceived flaws of how [REDACTED] handled things, so what you're saying doesn't surprise me*". I asked if [REDACTED] ever counseled McGowan about being unreasonable in the way he treated the officers. To this question [REDACTED] replied "*There were discussions, conversations between the two of us, but a lot of the stuff, again, that was brought to my attention was... I couldn't act on it. I just didn't even have the basis of knowledge*". I informed [REDACTED] as [REDACTED] it was incumbent upon him to act and [REDACTED] replied "*Believe me. Yeah. I wish I would've done a lot of things different*".

My interview with [REDACTED] was nearly an hour and a half in duration. [REDACTED] stated he would remain available for future questions if needed. The interview was recorded and later transcribed. A copy of the transcript is attached hereto as **EXHIBIT #21**.

On Monday, April 27, 2021 at 4:30 PM I spoke by phone with [REDACTED]. [REDACTED] returned my call after I left a message informing [REDACTED] the nature of the call. [REDACTED] was the [REDACTED] for the Williamstown Police Department from [REDACTED]. When [REDACTED] left Williamstown [REDACTED] became the [REDACTED] where [REDACTED] for six (6) years. [REDACTED] later served as the [REDACTED] for one year.

During our conversation we discussed the timeframe and circumstances of Scott McGowan being hired as a full-time officer and later being promoted to the rank of sergeant. [REDACTED] was aware of the criminal charge involving a domestic assault which occurred in North Adams in June 1999. [REDACTED] stated [REDACTED] was unaware of any other off duty matters involving McGowan prior to [REDACTED] becoming [REDACTED]. I outlined to [REDACTED] both letters written by [REDACTED] (April 11, 1997 and June 3, 1999). [REDACTED] claimed [REDACTED] had never seen these letters nor was [REDACTED] aware they existed. [REDACTED] continued when [REDACTED] became [REDACTED] the record keeping at the police department was terrible and most personnel records only entailed handwritten notes.

[REDACTED] stated [REDACTED] had an occasion to speak with North Adams Public Safety Commissioner John Marracco and also reviewed the incident report. In reviewing the report it was [REDACTED] opinion that McGowan's girlfriend was the aggressor in the matter and it was she who should have been arrested. [REDACTED] stated that Marracco also agreed the female (not McGowan) should have been arrested. (**Note:** Mr. Marracco died in 2019).

[REDACTED] continued there was not a formal investigation (internal affairs) conducted by the Williamstown Police Department regarding the matter nor was [REDACTED] aware of any "*formal movement*" to have McGowan terminated. [REDACTED] added there was not an investigation conducted by the Adams Police Department where McGowan was working as a dispatcher while the criminal case went through the court process. [REDACTED] memory was that the case was "continued without a finding" for six months in July 2000. After the six months passed, McGowan spoke to [REDACTED] at the police station and asked if he could return to work. [REDACTED] told him to come back in a few months and [REDACTED] consider the request. In the spring of 2001 McGowan again came to the police station and asked to return to work. [REDACTED] stated that it was at that point that McGowan returned to work as a reserve officer. [REDACTED] continued that it was [REDACTED] opinion that there were "*mitigating circumstances*" in the case and that Town Administrator Peter Fohlin approved McGowan's return to work.

[REDACTED] stated that McGowan was at the top of the civil service list for the department and attended the full-time police academy beginning in December 2001. He graduated from the academy and was a "*sterling performer*" who was "*dependable and contributed in a positive way*" while [REDACTED] was [REDACTED]. [REDACTED] continued that McGowan was promoted to sergeant in 2004 when he was the only officer to pass the

civil service exam for sergeant. [REDACTED] stated the town approved funding two positions for sergeant but McGowan was the only officer promoted.

In closing, [REDACTED] insisted that the Williamstown Police Department was in fine shape when [REDACTED] left the agency in 2004. All of the policies were up to date in accordance with IACP (International Association of Chiefs of Police) standards and an internal affairs program was operational and that [REDACTED] (then sergeant) had been trained in conducting the investigations. At that conclusion of our conversation [REDACTED] stated [REDACTED] would remain available for future questions if needed.

Interview of Sergeant Scott McGowan:

On Wednesday, May 19, 2021 at 10:00 AM I interviewed Sergeant **Scott McGowan** at the Williamstown town hall. Attorney David Russcol who was representing Sergeant McGowan participated via Zoom. Attorney Judy Levenson also participated in the interview via Zoom.

Sergeant McGowan has been employed by the Williamstown police department since 1994. He began as a dispatcher and over the next few years his assignments changed to “*special police officer*” and then “*reserve intermittent*” in or about 1998. He became a full-time police officer on December 17, 2001 when he entered the full-time police academy. He graduated from the academy on May 10, 2002 and was promoted to the rank of sergeant in May of 2004.

[REDACTED] was the [REDACTED] when he was promoted to sergeant. After [REDACTED] left the department, [REDACTED] became [REDACTED] and McGowan was considered second in command of the department. Sometime later Sergeant's [REDACTED] and [REDACTED] were promoted but McGowan was considered the “*senior sergeant*”. That changed in approximately 2007 or 2008 when [REDACTED] “*evened out the responsibilities*” and McGowan became the day shift supervisor.

I asked Sergeant McGowan what expectations [REDACTED] had of him as sergeant and McGowan replied “*I don't recall, he never provided me with any type of job description*”. I informed him that [REDACTED] stated during [REDACTED] interview [REDACTED] wanted the sergeants to be “an extension of [REDACTED] when [REDACTED] wasn't there, carry [REDACTED] message and run the shift”. When I informed McGowan of this he replied “*I would agree to that*”.

We next discussed the letter of no confidence with him that had been sent by the full-time officers to the Select Board and Acting Chief Ziemba. Sergeant McGowan acknowledged he had received a copy of the letter and had an opportunity to review the allegations made against him. We then reviewed the content of the letter and McGowan was afforded an opportunity to respond to each allegation.

I first asked about the e-mail that was sent to Officer [REDACTED] on August 23, 2008 informing [REDACTED] that [REDACTED] had left the station **15 seconds** prior to the end of his shift. I allowed him to read a copy of the e-mail and he stated he did not have a specific memory of it. When I asked the purpose of the e-mail he explained the start and end times for the assigned shifts (day, evening, midnight). He continued that the department has eight hour shifts and he expects officers to work the entire eight hours. I asked if pointing out a fifteen second (15) difference in shift time is petty and he replied *"No. Because if that officer was in his vehicle 15 seconds before he left, that means that officer would have removed his gear prior to his shift ending"*.

I next asked about the allegation that he demanded a written letter from an officer who didn't park his cruiser equally between two lines. Although he didn't specifically remember the content of a letter he did recall the history of the event. He stated the officer was engaging in a regular pattern of parking his fully marked cruiser in a spot at the town hall. The police department was in the same building as the town hall at the time and the parking of a cruiser outside the lines of a parking spot was *"not a good look for the town of Williamstown and the police department"*.

Sergeant McGowan continued that when the department moved to the new building, Officer [REDACTED] continued to park [REDACTED] personal vehicle between the lines of two spots in front of the building. There was an investigation conducted by (then) [REDACTED] about [REDACTED] parking when McGowan accused [REDACTED] of being untruthful regarding the event which lead to where [REDACTED] parked.

I asked about the next paragraph which alleges he has an utter disdain for fellow officers and has indicated he is the only competent officer on the department. He denied he disdains all officers on the department. He didn't deny having a sarcastic note about incompetence but stated it was not directed specifically at any one person and it was on the bulletin board in his assigned office (not displayed in a common area where the public could see it).

With regard to the nickname "third herd" for the midnight shift he acknowledged he used this nickname but it was the members of the shift (not him) who assigned the moniker to themselves. When asked about screaming and swearing at a union member regarding the use of personal e-mail he did not deny the conversation occurred. He denied screaming during the conversation, didn't recall swearing and stated he was acting in his capacity as union president not a sergeant on the department when this occurred.

When asked about him making comments that the new police station should be named after him he didn't deny the comments had been made but stated it was others who made the comments. He stated he was involved in the early conversations of building a new station. He gave the credit of having the project completed to former

Town Administrator Hoch. He stated when the building was complete it was [REDACTED] [REDACTED] and others who stated it should be named for him because of his involvement with the process. He stated it was "*fun banter*" and was "*never declared in any type of serious manner*".

I next asked him about the allegation that numerous dispatchers and part-time officers left the department because he had bullied them. He denied bullying anyone and stated a good amount of prior employees left for opportunities with other agencies. I next asked about the allegation that he bragged about going an entire year without doing a motor vehicle stop. He denied this. When I asked how much time he spends at home during his shift he replied "*I'm not sure*". When I asked if was a reasonable amount of time he answered "*I believe so*". We then went back and forth about his work performance and statistics compared to others and he finally answered the question of how often he was at home by saying "*I spent no more time at my home than any other officer would spend at theirs if they have the opportunity to go home*".

I next asked if he made a statement, as alleged, that he would burn the place to the ground and take everybody with it. He denied making this statement. I next asked if he made a statement regarding taking out [REDACTED] and running the department differently. He also denied making this statement. I asked about the allegations about not wearing his uniform properly and wearing a red wig while on duty. When asked about collar pins he cited "*rule 0.9*" and indicated officers have to wear their hat outside the car and a badge over your left breast pocket. He continued that other than that "*there's no other department standard*". He denied making a statement about clowns working for the department. When asked about a red wig he didn't deny owning a red wig and again cited "*rule nine*" which allowed members who are naturally bald to wear a hair piece. With regard to the "wig" he denied ever wearing it in public and asserted he's worn it "*in private as a joke to friends*". I asked specifically if he intentionally stayed within the fine line of the policy to challenge the authority of [REDACTED] and he denied doing so.

I next asked about the e-mail he sent on November 4, 2020 regarding the fact that he would no longer be using his personal cell phone for police business. He stated that he had long contended from his union position that cell phones should be paid for by the town and it should be a part of contract negotiations. I asked if it would be prudent for a shift supervisor to use a cell phone to communicate with fellow officers. He responded there are various ways to communicate and cited MDT's, two-way radio or he could come into the station. He acknowledged that he reconsidered his position on January 5, 2021 after speaking with Acting Chief Ziemba.

I next asked about the events that occurred on January 1, 2021 when Officers [REDACTED] filed a complaint against him with Acting Chief Ziemba. This was concerning the BOLO from the North Adams Police Department. He stated that the event occurred and the other officers didn't respond to the area to look for the car. He stated he returned to the station to speak to the officers about not responded to the call. I informed him that [REDACTED] had already looked for the vehicle at the end of the midnight shift [REDACTED] was working. When I mentioned this he replied "*Just for clarification, Officer [REDACTED] said he was working the third shift and this BOLO had come out prior to when I was advised? When I told him yes he replied "Is there any documentation to back that up to the city of North Adams?"*

I told him that a main point of the letter of complaint and vote of no confidence is that was he is not attentive to what is going on during the shift and doesn't communicate with fellow officers. To this he replied "*well, I disagree. And the crux of this letter is retaliatory, which contains untruths and libelous material*". In continuing to discuss this matter he denied he was unprofessional in his interactions that morning with [REDACTED].

During the next part of the interview we reviewed the section of the complaint letter which outlined allegations of misconduct from many years earlier. I first asked about the allegation at Williams College in **1997** when he drove on the lawn while in possession of alcohol with a underage female. His response in answering this question was "*it's already been litigated. There was no internal affairs investigation committed, and it didn't impact my job in any way, shape, or form with the Adams Police Department*". (**Note:** He was a dispatcher with the Adams Police Department at the time of this incident).

I next asked about his arrest for domestic assault in 1999 in North Adams. He answered "*other than the involved female provided two separate statements, and that matter's already been litigated. On June 3, 1999, I spoke with the Adams police chief, there was no internal affairs investigation. In fact, they supported me and my job was not impacted in any way. I continued on with my duties with the Adams Police Department*". When I asked the outcome of the case he stated he received a continued without a finding for six months.

I next asked about the allegation in which he was allegedly racing on North Hoosac Road and caused property damage to the property of [REDACTED]. He acknowledged he was present but was in another vehicle, was not racing and stated the other vehicle caused the property damage.

I next outlined the letter written by [REDACTED] on April 11, 1997 when then [REDACTED] recommended McGowan be terminated. When asked about this letter McGowan stated he does not remember receiving the letter from [REDACTED].

When I asked further he replied *"I'm not saying that they weren't, I just have no recollection. I found that to be surprising. Because [REDACTED] not the appointing authority. Town manager is"*.

We next discussed the letter written by [REDACTED] in 1999 which recommended the permanent termination of McGowan. We covered each part of the letter and he did **not** deny he was detained by the Massachusetts State Police at (now) Gillette Stadium in Foxboro. He denied being intoxicated and stated he and three others were the *"victims of assault and battery by an individual"*. He was transported to the Foxboro barracks and the incident *"went from an arrest to a PC (protective custody) to not a PC"*. He acknowledged the state police became aware he worked for both the Williamstown and Adams Police Departments but denied he was the one who told them. He also denied showing any form of police identification that day. He stated that following the event he informed both [REDACTED] and the chief he worked for at the Adams Police Department. He claimed the Adams chief supported him on the matter.

I next asked about an allegation mentioned in [REDACTED] letter (Exhibit #20) in which there was an exchange of words between he and a bouncer at Canterbury's. When I asked if he had a memory of this incident he replied *"vaguely"*. I asked if he remembers being pulled over by the New York State Police for speeding in 1999 and he answered *"No, I do not"*. He next denied he had falsely placed an operator under arrest for operating under the influence and changed it to a PC.

When I asked if he had received [REDACTED] letter which recommended permanent termination he replied *"it looks familiar, yes"*. He did dispute the part of the letter which indicated that his father who was the fire chief became involved and stopped a conversation [REDACTED] was having with him (McGowan). He also acknowledged that Angela Gray was the personnel director for the town in 1999 and was included in the letter for permanent termination.

We next discussed the allegation from April 12, 2005 when McGowan was the subject of an allegation filed by a student at Williams College. McGowan did **not** deny being involved in the situation but stated *"It was the college student who was the aggressor. It was the college student who caused the issue"*. I next outlined the allegation that he had entered the police call in IMC and made changes to the sequence of the license plate reported by the student. He denied making a change to the plate sequence in IMC. I showed him the report and he acknowledged that his ID number is 037. When I asked about the modification and approval process to the call he denied making any modification to the call. He acknowledged that the call sheet showed that he approved the call and that approving reports was his responsibility in 2005. When I asked about the allegation that his girlfriend changed the license plate at the RMV in the

days following the incident he did not deny this occurred but insisted he had nothing to do with her changing the plate.

We next discussed his arrest for operating under the influence of alcohol in Vermont in 2009. He acknowledged the charge was later reduced to negligent operation and his license was suspended in Vermont for “30 days”. He stated he self-reported the incident to [REDACTED] and he received a one day suspension as a result of the incident and remained on full duty status during the thirty days.

I next asked about the allegation that he had his take home cruiser taken away from him during 2007. He acknowledged he lost the privilege on July 30, 2007 after he transported a homeless person to Stephentown, New York and had to get gas while in New York because he was low on gas in his cruiser. He denied he had civilian (friends/family) passengers in the cruiser during off duty hours at any time.

We next discussed the timeframe of January 2018. The complaint letter indicates that this is when the union dispute occurred and when McGowan stopped communicating with his fellow officers. He denied the allegation and asserted “*I’ve maintained a professional relationship with everybody*”. I outlined information from my interviews and informed him that I’ve learned he does not interact with co-workers or exchange information at shift changes. To this he replied “*I never failed in those duties*”. He continued “*so if I was to walk in, and again, gross misrepresentation, there were countless times that I would walk in and there was nobody other than the dispatcher. I would say, "Good morning." Yes, I would immediately go to my office. If the dispatcher didn't say to me, "Sarge, we have A, B, and C. Good morning." I'd go upstairs, I'd log into my computer, I'd read the log to determine if there was anything that I needed to reach out to them for. I would check my email and I would go and get my cruiser keys. I would go out on the road and work*”.

I referred to the letter of complaint as well as the information I had learned in my interviews and asked him about the department employees assertion that he had created a hostile work environment. He disputed this allegation and stated he got along fine with his co-workers until he filed his federal lawsuit on August 12, 2020. I asked about the allegation there’s a “Good Scott” and “Bad Scott” and he replied those who stated this are “*unequivocally lying*”. He continued that there are other members of the department that are sometimes in bad moods at work. He then stated that if there was an issue of him being in a bad mood at work it was never addressed with him nor is there anything in his personnel file about it.

The topic of the January 1, 2021 incident when a letter was written by [REDACTED] was discussed again. He stated he had spoken to Chief Ziembra about the matter and was not disciplined or reprimanded. He continued he was unaware a letter had been written and he was unaware he was the subject of an

internal affairs investigation regarding that matter. I informed him the incident was part of the complaint letter and he countered that the matter was already resolved.

I informed him of the information in paragraph 17 of the complaint which indicates officers had been given the authority to go directly to the [REDACTED] and [REDACTED] so they didn't have to deal with him (McGowan) while they were on shift. When I asked if he was aware of this he replied "no".

I next asked him about his use of sick time. I outlined payroll records I had reviewed and that he had taken a total of 495 hours since 2018. He had taken eight (8) days in 2018, twenty-five (25) days in 2019 and twenty-eight (28) days in 2020. I informed him of the allegations being made that he had stated "I don't care, I'll call of sick all the time, I don't care if we're short-staffed as a result. McGowan denied making these statements.

I then asked if he could explain his use of sick time. He took particular exception to me using the word "excessive". He lost his temper, raised his voice and informed me his partner had been diagnosed with breast cancer on March 17, 2019. He continued *"that's why, if I seem a little bit emotional right now, I take offense from this complaint and for you telling me that that's excessive. She was diagnosed with breast cancer and ended up having to go to Dana Farber. I was with her every step of the way. And that's offensive to me"*. He stated he had used "six or seven" sick days in 2020 based on [REDACTED] harassment of him with the parking situation. He continued *"most of my 2020 can be directly linked to stress based on the hostile work environment that the town, the department, and the department members have created against me"*. It is important to note that this was the only time during my interview questions that McGowan lost his temper and raised his voice.

My questions concluded at approximately 11:23 AM. It was mutually agreed we would take a break and Attorney Levenson would then ask a series of questions. My interview with Sergeant McGowan was recorded and later transcribed. A copy of the transcript is attached hereto as **EXHIBIT #22**.

At the conclusion of the interview it was agreed that Sergeant McGowan would provide his own exhibits for the investigation prior to June 2, 2021. During the interview he stated he has information (exhibits) which rebuts the allegations being made against him. It was agreed by all parties that the exhibits would be forwarded to investigators through Attorney Russcol.

Sergeant McGowan exhibits presented after May 19, 2021 interview:

On June 2, 2021 Attorney Russcol provided various exhibits via e-mail (Dropbox) to investigators on behalf of Sergeant McGowan. The exhibits included a seventeen (17) page letter written by Sergeant Scott McGowan as a follow up to his interview on

May 19, 2021. There were also exhibits lettered A-R which are summarized below. **(Note:** the number of pages for each exhibit includes a cover page at the beginning of the exhibit, ie. "Exhibit A" is the only marking on the cover sheet). The exhibits presented by Sergeant McGowan are on the flash drive attached to this case jacket.

Exhibit A: (11 pages)

- Hoch e-mail dated 1/12/21
- Ziemba e-mail re: COVID restrictions
- 2019 department statistics (activity)
- McGowan activity statistics
- Chief Johnson e-mail from 12/31/18 re: Activity
- McGowan e-mail rebuttal dated 1/4/19

Exhibit B: (9 pages)

- McGowan e-mails to various officers re: matters from 2014-2018

Exhibit C: (2 pages)

- McGowan e-mail to dispatchers dated 1/21/21.

Exhibit D: (5 pages)

- Text messages between McGowan and [REDACTED]
(Dates indicate Monday, August 6 and Tuesday, September 6)

(Note: Texts are presumably from the year 2020 – COVID is mentioned in the text messages but the above dates and days of the week don't coincide with 2020).

Exhibit E: (30 pages)

- Text messages between McGowan and [REDACTED] (2020)

Exhibit F: (2 pages)

- Text message between McGowan and [REDACTED] re: police clothing purchase. (Dated 2/17 and 2/18, presumably 2021).

- Exhibit G:** (4 pages)
- E-mail dated March 22, 2020 from McGowan to [REDACTED] re: union business and contract language.
- Exhibit H:** (3 pages)
- E-mail dated January 1, 2021 from McGowan to [REDACTED] [REDACTED] (cc: Ziemba) re: North Adams BOLO incident.
- Exhibit I:** (3 pages)
- Letter from [REDACTED] to Sergeant McGowan dated July 30, 2007 re: incident of transport to Stephentown, N.Y. and other work performance matters.
- Exhibit J:** (2 pages)
- E-mail dated May 8, 2016 from McGowan to [REDACTED] re: correction of incident report.
- Exhibit K:** (3 pages)
- E-mail dated September 20, 2017 from McGowan to [REDACTED] [REDACTED] re: breaking and entering investigation.
- Exhibit L:** (2 pages)
- E-mail exchange dated December 10, 2017 between [REDACTED] [REDACTED] and McGowan re: larceny investigation.
- Exhibit M:** (3 pages)
- E-mail exchange dated February 5, 2020 between [REDACTED] and McGowan re: scam investigation.
- Exhibit N:** (7 pages)
- E-mail exchanges from 2020 between [REDACTED] and McGowan re: ongoing investigations.
- Exhibit O:** (2 pages)
- E-mail dated January 13, 2021 from McGowan to [REDACTED] [REDACTED] (cc: Ziemba) re: day shift assignments.
- Exhibit P:** (2 pages)
- Picture of handwritten note.

Exhibit Q: (2 pages)

- Letter signed by union members to McGowan re: 2018 incident.

Exhibit R: (10 pages)

- E-mails from McGowan to [REDACTED] and [REDACTED] re: case activity (2019-2020).

Review of Sergeant McGowan exhibits:

After receiving Sergeant McGowan's exhibits I reviewed each of them. As asserted by Sergeant McGowan some of the exhibits demonstrate that he communicated in a positive way with members of the department prior to August 2020. It is **not** disputed that there were good periods of time when McGowan interacted well with his co-workers. There were however, statements made by witnesses which described the "Good Scott" and the "Bad Scott" and whether he was in a "good mood" or "bad mood".

As it relates to Sergeant McGowan's e-mail to the dispatchers on January 21, 2021 (McGowan Exhibit C), Dispatcher [REDACTED] acknowledged [REDACTED] received this e-mail. [REDACTED] stated "That was very nice, but it just felt like it didn't necessarily go with the attitude we usually got from him". As it relates to the text messages between McGowan and [REDACTED] (McGowan Exhibit D) the content of one text message read "I know we can all get under each other's skin but what's right is right". Another part of the text read "we can argue at times, be mad at each other times, but, we have to support each other". It is my opinion that these text messages add credence to witness statements that there were good times and bad times between McGowan and his co-workers.

As it relates to the text exchanges between Sergeant McGowan and Officer [REDACTED] (Exhibit O), many of these text messages are treacherous (*guilty of or involving betrayal or deception*) in nature as the subject matter is negative and mutinous (*revolt against authority*) comments about [REDACTED]. It is understood that co-workers at times commiserate about working conditions and poor leadership. In this case it is McGowan himself who is demonstrating a high level of poor leadership by participating in this type of conversation with a subordinate officer.

Opinions and analysis:

The key observations I have made during the course of this investigation include instances of **failure** at many levels of the Williamstown police department. The failures include;

- **Failure of management;** ([REDACTED])
- **Failure of policy;**
 - The existing rules and regulations I reviewed for this investigation were established on July 1, 2002.
 - The existing policies and procedures I reviewed for this investigation were established on September 1, 2003.
 - The Williamstown police department does **not** have an existing employee evaluation system.
 - The Williamstown police department does **not** have published duties and responsibilities for ranks within the department (ie. Lieutenant, Sergeant, Patrol Officer, Dispatcher).
- **Failure of on-duty officers to fulfill their duties and responsibilities.** There were occasions when officers responded to calls for service involving Scott McGowan when he was off duty during the 1990's. The officers did **not** hold McGowan accountable for his off-duty actions.

The letter from the full-time officers of the Williamstown Police Department outlines many years of alleged misconduct (both on-duty and off-duty) by Scott McGowan. The oldest allegations go back to the 1990's. The incidents from 1997 (Williams College) and 1999 (Arrest in North Adams) were **not** disputed by McGowan and he acknowledged they occurred. Although these instances did occur it is my opinion that retroactively imposing discipline for actions that occurred over twenty (20) years ago is **not** the best course of action and would not stand up to an appeal by McGowan.

With regard to the matters from 2005 (Williams college incident and allegations of changing the police log) and 2009 (arrest in Vermont), McGowan acknowledged that they both occurred. In the 2005 case he described the college student as the "aggressor" and **denied** that he made changes to the police log for the purpose of hiding that he was involved. In the 2009 case he self-reported the incident to [REDACTED] and received a one-day suspension as a result.

It is my opinion that the **2009** incident involving McGowan being arrested in Vermont should have been handled differently. [REDACTED] issued a one-day suspension for the incident and McGowan remained on full duty without restriction. In his interview [REDACTED] reasoned that McGowan's license suspension in Vermont did not have an effect on his duties in Williamstown. **I disagree with [REDACTED] on this matter.** It is my opinion that at a minimum McGowan should have been assigned to desk duties until his right to operate in Vermont was re-instated. The fact that McGowan could not legally operate a vehicle in a bordering town (Pownal, Vermont) certainly had an effect on his ability to provide policing services. Policing is

unpredictable and there could have been an emergency which required immediate police response to Vermont and McGowan could not have **legally** responded.

During his interview Sergeant McGowan denied any wrongdoing and asserted that all the allegations made against him in “the letter” are acts of retaliation against him. I find it **implausible** that so many different people including current and former employees, both sworn and non-sworn who are all in agreement that McGowan has created a hostile work environment could be involved in a concerted effort to retaliate against him.

I conducted a total of twenty (20) witness interviews. The current members of the police department (sworn and non-sworn) are all in agreement that it is Sergeant Scott McGowan and McGowan alone who has created a hostile work environment at the Williamstown Police Department. There was **not** a single current employee who advocated for McGowan for the instances in which he conducts himself unprofessionally and for the way he treats his co-workers. [REDACTED] did state that McGowan was a “*sterling performer*” who was “*dependable and contributed in a positive way*” while [REDACTED] was [REDACTED].

The common topic amongst the full-time officers who wrote “the letter” and the other current employees was that the timeframe of January 2018 was when the irreversible breakdown in communications between Sergeant McGowan and his co-workers began. This is when there was a dispute between McGowan and his fellow union members. On or about January 18, 2018 there was a letter written by the union membership which clearly disagreed with McGowan’s actions as their (then) union president. On January 19, 2019 McGowan sent an e-mail to the town manager (Jason Hoch), Chief Johnson and the union membership. Within this e-mail he resigned as union president and stated (wrote) “*I am unable to lead a weak-willed group of individuals*”. A copy of the union membership letter and Sergeant McGowan’s e-mail are attached hereto as **EXHIBIT #23**.

[REDACTED] was a very credible witness during the investigation. During [REDACTED] interview [REDACTED] described McGowan’s general demeanor as “*he has a very short fuse, and if he feels as though he’s being disrespected or challenged, he feels the need to fight, and that’s the environment that we’re in*”. I asked about the events that occurred on January 1, 2021 (North Adams BOLO). When McGowan’s actions were brought to [REDACTED] attention immediately following the event [REDACTED] had a conversation with McGowan. During the conversation [REDACTED] told McGowan “*under no circumstances are we going to act like that. You’re not going to be sitting home for three years and all-of-a-sudden come out of the box and try to play Super Number*”

Two, just because I'm here. You're not taking advantage of me doing that. You're either going to do it my way, or you're not going to do it." When I asked if [REDACTED] agrees with the full-time officers assertion that McGowan has created a hostile work environment [REDACTED] answered "I do".

I found [REDACTED] to be the **most credible witness** of the investigation. [REDACTED] described various occasions when [REDACTED] has been treated unprofessionally by Sergeant Scott McGowan. Officer [REDACTED] is assigned to the day shift with Sergeant McGowan and they work together for two of their four shifts (4 days on, 2 days off work cycle). Officer [REDACTED] provided documentation which memorialize instances of unprofessional conduct by McGowan. It is important to note that [REDACTED] notes were taken contemporaneously with the timeframe at which these instances occurred.

Officer [REDACTED] described how [REDACTED] work shifts have been since McGowan has been on leave. [REDACTED] stated *"it's been good. **I don't feel like puking. I don't feel nauseous.** I can come in and do my work. I actually have a partner when I work right now. When I was working with him, I didn't have a partner, two out of my four days, because he was always marked out of his car for almost the whole shift".* [REDACTED] also stated on more than one occasion during [REDACTED] interview *"**If he comes back, I will seek other employment or retiring, because I don't want to work in a hostile work environment**".*

One of the allegations in the complaint letter is that Sergeant McGowan has abused his power since being promoted to sergeant. In some instances I question if McGowan's actions were unreasonable, too controlling and in some cases petty. It is my opinion that the e-mail sent to Officer [REDACTED] by McGowan on August 23, 2008 (Exhibit #14) was unreasonable. The e-mail to [REDACTED] states "I confirmed you left the station **approximately 15 seconds** before your shift was scheduled to end". I also found the issue of Officer [REDACTED] not parking within parking lines to be petty and a poor use of public safety time considering (then) [REDACTED] conducted an investigation regarding the matter.

Findings:

In accordance with Williamstown Police Department Administrative Order 4.01 (Professional Standards and Internal Investigations), below are definitions of the findings of Sustained, Not Sustained, Unfounded, Exonerated and Filed;

SUSTAINED: Sufficient evidence supports the complainant's allegations and the offending officer is subject to disciplinary action. This finding reflects a need for some further action.

NOT SUSTAINED: Investigation failed to prove or disprove the allegations. The weakest finding, as it reflects the inability to prove or disprove.

UNFOUNDED: Investigation reveals the action complained of did not occur and the allegations were baseless.

EXONERATED: The complaint was unjustified or unwarranted as the actions of the accused department employee were in compliance with law or in accordance with department policy and procedure.

FILED: The matter is placed on file without any disposition.

The investigation has confirmed that many of the allegations of off-duty misconduct made against Sergeant Scott McGowan **did occur**. The list below are instances that should have been properly investigated at the time they occurred. It is my opinion that had there been an investigation at the time a “**SUSTAINED**” finding for misconduct should have been imposed.

Although these instances **did occur** it is my opinion that they are **not actionable** at this time due to the amount of time that has passed and should be “**FILED**” in accordance with department policy;

- 1997 incident at Williams College (Driving on lawn in the company of a minor female who possessed alcohol).
- Circa 1998 – McGowan was taken into custody during an event at Foxboro stadium by the Massachusetts State Police. McGowan was released without charges once it was determined he was a police officer.
- 1998 incident at Canterbury’s in Williamstown when McGowan had an incident with his girlfriend which prompted a police response.
- 1999 arrest for domestic assault and battery in North Adams. McGowan admitted to sufficient facts and the charge was “continued without a finding” for six months.
- 2009 arrest for drunk driving in Vermont. The charge was later reduced to operating to endanger and McGowan received a thirty-day (30) license suspension in Vermont. McGowan self-reported the incident to former Chief Johnson and received a one-day suspension from WPD.

Regarding the **current** allegations that Sergeant Scott McGowan has demonstrated conduct unbecoming an officer, I find this complaint to be **SUSTAINED**. The rule for **conduct unbecoming of an officer** is outlined below from the Williamstown Police Department rules;

RULE 4.02 - CONDUCT UNBECOMING AN OFFICER:

Officers shall not commit any specific act or acts of immoral, improper, unlawful, disorderly or **intemperate conduct, whether on or off duty, which reflect(s) discredit or reflect(s) unfavorably upon the officer, upon other officers or upon the police department**. Officers shall conduct themselves at all times, both on and off duty, in such a manner as to **reflect most favorably on the department** and its members.

Conduct unbecoming an officer shall include that which tends to indicate that the officer is unable or unfit to continue as a member of the department, or tends to impair the operation, **morale**, integrity, reputation or **effectiveness** of the department or its members.

Analysis – Most officers in addition to both current and former employees of the police department have described many occasions when Sergeant McGowan demonstrated **intemperate conduct** in his interactions with co-workers.

There have been descriptions of the “*Good Scott*” and the “*Bad Scott*”. [REDACTED] stated his nickname is “*Evil*”. Many employees, particularly the dispatchers have indicated that the “*climate*” of the shift depended on whether McGowan was in a “*good mood*” or “*bad mood*”.

Many officers and dispatchers have reported the **morale** of the department is at an all-time low. Everyone agrees that a hostile work environment has been created by McGowan and no other source.

Officer [REDACTED] reported that the event that occurred on January 1, 2021 (North Adams BOLO) created a great deal of confusion on how future calls should be handled. [REDACTED] further reported this incident hampered [REDACTED] **effectiveness** because on [REDACTED] next shift a similar incident occurred and [REDACTED] didn't know how to respond.

Regarding the **current** allegations that Sergeant Scott McGowan has on many occasions been discourteous with co-workers, I find this complaint to be **SUSTAINED**. The rule for **courtesy** is outlined below from the Williamstown Police Department rules;

RULE 7.3 – COURTESY:

Officers shall not be **discourteous** or inconsiderate to the public, **to their superior officers, or to their fellow officers and employees of the police department** as well as other law enforcement and governmental agencies. They shall be tactful in the performance of their duties and are expected to **exercise the utmost patience** and discretion even under the most trying circumstances.

Analysis – Most officers and dispatchers in addition to both current and former employees of the police department have described many occasions when Sergeant McGowan was **discourteous** in his interactions with co-workers.

It is important to note that I personally observed a quick temper demonstrated by Sergeant McGowan. For the majority of his interview on May 19, 2021 he was polite, courteous and articulate. When I asked him about his use of sick time and used the word “excessive” he unexpectedly displayed anger. He stated “*I wouldn't classify it as excessive, in my opinion*”. He continued in a raised and authoritative voice “*I take offense from this complaint and for you telling me that that's excessive. And that's offensive to me*”.

Based on his professional demeanor up until that point I was surprised by this outburst. Though I was **not** personally offended nor did it make me uncomfortable I can certainly see that subordinate officers and dispatchers would find this behavior to be discourteous and menacing.

Regarding the **current** allegations that Sergeant Scott McGowan on many occasions been undevoted to his duties, I find this complaint to be **SUSTAINED**. The rule for **devotion to duty** is outlined below from the Williamstown Police Department rules;

RULE 10.2 - DEVOTION TO DUTY:

Officers, while on duty, **shall devote their full time and attention to the service of the department and to the citizens of the community**. They shall remain alert at all times while on duty. Recreational reading, watching television or movies, playing games, using computers for personal or recreational purposes, and/or any other similar type activities which would tend to detract from the proper performance of duty will not be permitted while on duty.

Analysis: The investigation has determined that although the Williamstown Police Department does not have a formal role call at the beginning of shifts there is an exchange of information between outgoing and incoming shifts. Various

employees (sworn and non-sworn) stated that since 2018 McGowan would come into the police station, get his cruiser keys and leave without communicating about matters with other employees. The fact that McGowan is a sergeant and was often the officer in charge of the shift compounds this violation of policy.

Officers and dispatchers assigned to the dayshift stated there were many occasions when McGowan was in the building at the beginning and end of the shift with minimal communications during the shift. He would be frequently marked “out of the car” and had to be asked to “check the con” (return to your cruiser and check the console for a message/call) on a regular basis.

It was known by all officers on the day shift, including [REDACTED] that McGowan spent an **unreasonable** amount of time at his home during his shift. When asked about this during his interview McGowan stated “*I spent no more time at my home than any other officer would spend at theirs if they have the opportunity to go home*”. As indicated above, McGowan is a sergeant and was often the officer in charge of a shift. Supervisory officers should be held to a higher standard because of their leadership position and supervisory responsibilities.

During his interview when I asked McGowan about the January 1, 2021 incident (North Adams BOLO) he stated “*Just for clarification, Officer [REDACTED] said [REDACTED] was working the third shift and this BOLO had come out prior to when I was advised?* When I told him “yes” he replied “*Is there any documentation to back that up to the city of North Adams?*” It is my opinion that this clearly shows that McGowan was **not** attentive to his duties on that date because he didn’t realize that [REDACTED] had looked for the vehicle at the end of [REDACTED] midnight shift. Had there been an exchange of information at the beginning of the day shift [REDACTED] would have been aware that the matter originally occurred at the end of the midnight shift.

Regarding the allegation that Sergeant Scott McGowan made changes to the police log associated with call 05-3305, in violation of **Rule 13.2 (Falsifying Records)** this matter though very suspicious is **NOT SUSTAINED**. There is **not** enough evidence to prove or disprove misconduct. It is my opinion that too many years (16) have passed for this allegation to be proven to meet the “preponderance of evidence” standard (more likely than not to have occurred).

The call sheet (05-3305) indicates the call originally occurred on April 12, 2005 at 11:58 PM. The original narrative appears to have been written on April 13, 2005 at 12:57 AM. There was then a modification to the narrative made on April 14, 2005 at 9:53 AM by identification #049. The report portion of the incident (05-1566-OF) appears to have been written by Officer [REDACTED] on April 14, 2005 at 3:18 AM. (**Note:** the

report portion of the call does not list the plate number given by the complainant). Sergeant McGowan (ID# 037) appears to have modified the report portion of the call on April 14, 2005 at 7:37 AM and then approved the report portion of the call on April 17, 2005 at 8:40 AM. The identification number (#049) that made the modification to the narrative on April 14, 2005 belonged to former Dispatcher Amalio Jusino who no longer works for the department. During the investigation he was contacted and had no memory of the event due to the number of years that have passed.

It's been alleged that McGowan changed the license plate sequence within the narrative of this call to hide the fact that he was the involved person. His girlfriend at the time was [REDACTED] and Williamstown Police Department in-house records verify [REDACTED] drove a [REDACTED] [REDACTED] which was gray in color. This matched the vehicle description given by the Williams College student. [REDACTED] plate number at the time was [REDACTED] and the plate associated with the call was [REDACTED]. McGowan acknowledged during his interview that [REDACTED] plate number was changed at the registry shortly after the event but denied any involvement or role in the plates being changed. He also acknowledged that it was his department identification number that "approved" the report. He continued that part of his responsibilities in 2005 were to approve reports in IMC. A copy of the WPD documents associated with call #05-3305 are attached as **EXHIBIT #24**.

It cannot be overlooked that this incident was **not** properly investigated or documented in 2005. [REDACTED] was made aware that McGowan had been the person involved in the incident at Williams College. [REDACTED] scheduled a meeting with McGowan and his father in an effort to address off-duty issues related to alcohol. During [REDACTED] interview [REDACTED] also acknowledged [REDACTED] was aware of the allegation that McGowan had made changes to the log. [REDACTED] stated "*I know he did it*" but [REDACTED] could not recall what steps had been taken, if a report was written or if [REDACTED] even had a discussion with McGowan about the allegation at the time.

Finally, none of the officers who were interviewed could say with certainty that they observed McGowan make the change to the log entry nor could anyone say with affirmation that McGowan admitted (or bragged) about making the log change.

Unresolved matters:

The letters presented by [REDACTED] (Exhibit #20) has raised the question of how Scott McGowan was originally hired as a full-time police officer in Williamstown considering his history of misconduct and a serious criminal charge during the 1990's. The answer to this question is **unresolved**.

██████████ wrote two different letters recommending McGowan be terminated. The first was written on official letterhead to McGowan on April 11, 1997 and cited “a pattern of behavior that is also unacceptable”. The second was written on June 3, 1999 and sought “permanent termination due to your conduct unbecoming to and unacceptable as a police officer”.

Scott McGowan was hired as a full-time officer when ██████████. During ██████████ interview ██████████ asserted that ██████████ was never made aware of above referenced letters. ██████████ was aware that Scott McGowan had received a “continued without a finding” for a domestic violence charges in a court case that originated in North Adams. ██████████ stated that it was ██████████ opinion that “*mitigating circumstances*” existed and that ██████████ and former North Adams Police Chief John Marracco agreed that the female party was the aggressor in the situation. ██████████ further stated that a period of time had passed between McGowan’s arrest and him being hired (full-time). During that timeframe McGowan did not have any instances of bad conduct and continued in his position of employment as a dispatcher for the Adams Police Department. It is unclear why or how ██████████ was not made aware of the letters written by ██████████.

Another matter that was **unresolved** is Sergeant McGowan’s abuse of sick time. During the investigation I was provided sick leave records for Sergeant McGowan from January 1, 2018 through March 31, 2021. The records revealed that he used a total of 495 hours during that timeframe. The printout for his sick time is attached hereto as **EXHIBIT #25** and breaks down as follows;

2018:	64 hours (8 sick days)
2019:	200 hours (25 sick days)
2020:	219 hours (27+ sick days)
2021:	12 hours (1.5 sick days)

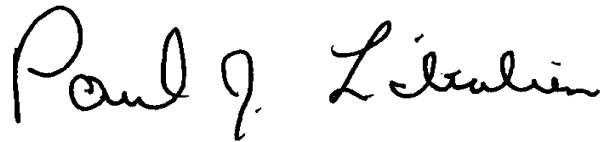
As noted above, Sergeant McGowan was incensed when I asked him about his “excessive” use of sick time. Though the numbers due corroborate statements made in the complaint letter that McGowan uses excessive sick time it is unclear if he does so to intentionally short staff the department as alleged.

Below are other pertinent documents that are attached to this case jacket and marked as **EXHIBIT #26**;

- North Adams police report (case #99-7906) and court docket 9928CR000556.

- Sergeant McGowan e-mails from November 4, 2020 and January 5, 2021 (matter involving personal phone use).
- Letter from [REDACTED] to (then) [REDACTED] re: January 1, 2021 matter (North Adams BOLO).

Respectfully Submitted,



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