



ORLANDO POLICE DEPARTMENT  
**INTERNAL AFFAIRS**  
Investigative Report

CASE NUMBER: IR 17-38

Investigator Ricardo Agrait

October 13, 2017

Complainant/Inquiring Party ..... Dwain Rivers  
Employee(s) ..... Officer Robert Schellhorn  
Incident Location ..... via Social Media



## INQUIRY INVESTIGATION REPORT

IR # 17-38

Principal: Officer Robert Schellhorn Employee #: 14713

Alleged Violations: **RM 200-8, Obedience to Laws and Department Procedures (B) Obedience to Policies and Procedures and Other Written Directives as it relates to Orlando Police Department Policy and Procedure 1635.0, Social Media**

Inquiring Party: Dwain Rivers

Investigator: Ricardo Agrait Employee #: 15960

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### Report of Investigative Actions

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On August 19, 2017, the Orlando Police Department (OPD) received an email from Michael Rivera alleging that OPD Officer Robert Schellhorn (14713), "...went on a very vulgar rant" via a social media [Facebook]. (Attachment 4) The complainant, John Seda, contacted the Orlando Police Department via social media - Facebook and alleged that Officer Schellhorn was "...using derogatory language from the perspective of his position as a law enforcement officer." (Attachment 4) On August 22, 2017, complainant, Jibreel Rahson Ali, responded to the Orlando Police Department and completed a notarized sworn written statement in the form of a Citizen's Complaint Form. Ali alleged that the "...comments issued by officer [Robert Schellhorn] violate [sic] section 800.5 of the city ethics policy." (Attachment 4) On August 24, 2017, complainant, Tyghe Joel Cole, responded to the Orlando Police Department and completed a notarized sworn written statement in the form of a Citizen's Complaint Form. Cole alleged that Officers Shawn Dunlap (11756) and Robert Schellhorn "...posted on social media a racially charged rant." (Attachment 4)

On August 21, 2017, an Initial Notice of Inquiry (INOI) was generated by Dwain Rivers, Orlando Police Department Internal Affairs Section Manager, in response to the complaints received on Officer Robert Schellhorn. The purpose of this inquiry is to review the incident and assure compliance with **RM 200-8, Obedience to Laws and Department Procedures (B) Obedience to Policies and Procedures and Other Written Directives** as it relates to **P&P 1635.0, Social Media**. (Attachment 1)

On August 21, 2017, I, Investigator Ricardo Agrait, was assigned this INOI for an internal investigation. On August 25, 2017, Officer Robert Schellhorn was served with a copy of the INOI and read his Pre-Interview Administrative Warnings. (Attachment 2) On August 31, 2017, Officer Robert Schellhorn was relieved of duty as required by policy. (Attachment 2)

The Orlando Police Department received a letter from the Orange County Democratic Black Caucus in reference to the Facebook posts included in this investigation. In addition, complainant, Tyghe Cole, produced letters from the Orange County Democratic Party, Young Democrats of Orange County, and Let Your Violence Be Heard, Inc.

On August 21 and 22, 2017, the Facebook posts from this incident received media coverage from the local news sources. The web links to the news media coverage are listed below: (Attachment 3)

- <http://www.orlandosentinel.com/news/breaking-news/os-opd-investigates-social-media-posts-20170821-story.html>
- <http://www.wftv.com/news/local/orlando-police-department-launches-investigation-into-officer-over-fb-post/596162570>

I obtained and reviewed the following source documents related to this case investigation:

- OPD RM 200-8, Obedience to Laws and Department Procedures (B) Obedience to Policies and Procedures and Other Written Directives (Attachment 1)
- OPD Policy and Procedure 1635.0, Social Media (Attachment 1)
- News Media Coverage (Attachment 3)
- Letters to OPD (Attachment 3)
- Citizen's Complaint Forms (Attachment 4)
- Michael Rivera's email to IA and provided Facebook posts (Attachment 4)
- John Seda's OPD provided Facebook post (Attachment 4)
- OPD Computer Aided Dispatch (CAD) inquiry (Attachment 5)

A Computer Aided Dispatch (CAD) inquiry revealed that on August 19, 2017, between 1805 and 2059 hours, Officer Robert Schellhorn was working at an apartment complex, located at 6101 Raleigh Street, in an extra-duty capacity and signed onto his shift as unit [O824]. (Attachment 5)

On September 5, 2017, a person with the same email address (mrivera214@gmail.com) as complainant, Michael Rivera, advised that he/she declined to be interviewed; but provided screen shots of the Facebook conversation and a synopsis of his/her allegations against Officer Schellhorn via the email *opdinternalaffairs@CityofOrlando.net*.

On September 7, 2017, I received a phone call from a male that identified himself as John "J.C." Seda. The male advised that he did not wish to be interviewed and would like for his Facebook message to the Orlando Police Department to be utilized instead as he did not have anything else to add. (Attachment 4) The male advised that he used to work for OPD and in his personal opinion the Facebook posts from Officer Schellhorn were not a reflection of the members of the Orlando Police Department. The male added that he understood that people get carried away verbally during social media and it may not reflect who Officer Schellhorn is as a person; but disagreed with the posts and wanted to bring it to the attention of the department.

Administrative investigations lack subpoena power, therefore, Michael Rivera and John Seda could not be compelled to participate in this investigation.

On September 7, 2017, complainant, Tyghe Joel Cole, reported to Internal Affairs for a scheduled interview. The interview was transcribed. Cole stated the following during his Internal Affairs interview: (Attachment 6)

Mr. Cole was not directly involved in the Facebook posts with Officers Shawn Dunlap and Robert Schellhorn. He was made aware of them by his friend, Michael Rivera, on August 19, 2017. After receiving notice of the posts, he completed a Citizen's Complaint Form.

Mr. Cole's main allegations against Officer Shawn Dunlap were as follows:

- "...someone who is so influential as Shawn Dunlap within the Orlando Police Department would allow a platform for another officer to...spew such hateful rhetoric", which he classified as "...suspected white supremacist rhetoric..." (Attachment 6, pg 5)
- The post which read "Hey LeBron James, why don't you replace your "I can't breathe t shirt" with a "Support Your Police" shirt", he advised that those were the last words [I can't breathe] of Eric Gardner, who was "...murdered by NYD...via chokehold", therefore inferring that Officer Dunlap was condoning "...that type of behavior by law enforcement..." (Attachment 6, pg 6)
- "...Shawn Dunlap did not admonish nor did he correct nor did he uh, criticize or chastise Schellhorn's comment at all." (Attachment 6, pg 11)

Mr. Cole's main allegations against Officer Robert Schellhorn were as follows:

- The post to Michael Rivera which read "And while we are on the topic, what exactly are the "black rights" that these useless savages are standing up for???", he believed it to mean that Officer Schellhorn was "...talking about people of color." (Attachment 6, pg 7, and 8) Something that is useless "...you could throw it away" or "...it doesn't have any value" and "...if you're savage you're like an animal." (Attachment 6, pg 7 and 8)
- "I do not believe as a law enforcement officer you can...fulfill your duties and serve and protect if you look at a demographic through the lens of you're useless...they're useless savages...that is a huge public safety risk" (Attachment 6, pg 8 and 9)
- Based on Mr. Cole's correlation that Officer Schellhorn was also calling athletes Colin Kaepernick and Michael Bennett "...useless savages...", he alleged that if these athletes were in Orlando, Officer Schellhorn "...can't protect and serve..." them within our community. (Attachment 6, pg 9)
- In the post to Michael Rivera which read "You sound like a typical, racist libtard when you start deflecting and adding stuff that has no bearing on the topic", the word libtard is "...slang for liberal and retard" and disrespectful to "...people who identify with the Democratic party...and those progressive values and also people with disabilities." (Attachment 6, pg 10)
- In the post to Michael Rivera which read, "She was an asshole killed by another asshole", Mr. Cole alleged that it was in reference to Heather Heyer, who was "...murdered by a white supremacist because she was standing up against the injustice against people of color" was "another shot" by Officer Schellhorn against people that are "...standing up against the oppression of African-Americans." (Attachment 6, pg 10)
- Mr. Cole concluded that "...criticizing people who stand up for these civil rights. That's...white supremacist rhetoric." (Attachment 6, pg 14)

On September 15, 2017, complainant, Jibreel Rahson Ali, reported to Internal Affairs for a scheduled interview. The interview was transcribed. Ali stated the following during his Internal Affairs interview. (Attachment 7)

Mr. Ali was not directly involved in the Facebook posts with Officers Shawn Dunlap and Robert Schellhorn. He was made aware of them by complainant, Tyghe Cole. After receiving notice of the posts, he became "...concerned...about those statements..." and completed a Citizen's Complaint Form to ensure that the "...community is safe from persons who would use their platforms to um, use alarming rhetoric." (Attachment 7, pg 2)

The most alarming post by Officer Schellhorn was "And while we are on the topic, what exactly are the "black rights" that these useless savages are standing up for???" (Attachment 4, pg 1)

On September 15, 2017, Officer Shawn Dunlap reported to Internal Affairs for a scheduled interview. The interview was transcribed. Officer Dunlap stated the following during his Internal Affairs interview. (Attachment 8)

Officer Dunlap has been employed by the Orlando Police Department as a Law Enforcement Officer since 1999. Even though Officer Shawn Dunlap is not the administrator or the main user of his wife, Carmen Dunlap's Facebook [social media] account with the name of *Shawn-Carmen Dunlap*, he utilizes it "...not very often." (Attachment 8, pg 2) The reason he utilizes this Facebook account is "...because I have the Fraternal Order of Police, Lodge 25 account tied to that because you have to use a personal account to have the organization page." (Attachment 8, pg 2) Even though Officer Shawn Dunlap did not represent himself as a law enforcement officer during the Facebook posts included in this investigation, the Facebook account [Shawn-Carmen Dunlap] may have contained photographs of him wearing a Fraternal Order of Police (FOP) shirt as explained by Officer Dunlap.

Officer Shawn Dunlap explained that the complainant, Michael Rivera, is his wife's [Carmen Dunlap] nephew and complainant, J.C. Seda, is her niece's ex-husband.

The Facebook message posted on Shawn-Carmen Dunlap's Facebook account that commenced with "Where are the athletes?" was not authored by Officer Shawn Dunlap, but a "...copy and paste from Darron Esan" [Facebook post]. (Attachment 8, pg 3)



The purpose for the re-post which "...happened right around the time that we had six police officers shot in a matter of 24 hours in this country" was because "there's no level of respect for the men and women at this police department or any police department with people that have a voice." (Attachment 8, pg 5) "Whether it's on ESPN or...the 24 hour cable news networks...you really don't see too many of them, with the exception of Sheriff Dave Clark from Milwaukee, that really talk about this violence against police officers." (Attachment 8, pg 5)

Officer Dunlap stated, he does not receive Facebook notifications of posts and he did not "...read every single reply" from the posts included in this investigation. He only authored reply posts to Michael Rivera; two of them that started with, "Way to drop the race card" and "It's funny how some people automatically turn to race..." (Attachment 8, pg 14) Officer Dunlap provided the following clarifications:

- "This post that I originally reposted has nothing about race in it. I find that troubling that...that people can make accusations and we're here in Internal Affairs because this person has prior

*knowledge that I'm a police officer. There's nothing in there to me saying that I'm a police officer.* " (Attachment 8, pg 10 and 11)

- *"... it was Michael Rivera who said "black rights". In the interview of Cole, he eluded to the fact that it was Schellhorn that brought up and...and coined the term black rights. Incorrect, it was Michael Rivera."* (Attachment 8, pg 6)
- *"...I said "way to drop the race card" because there was nothing in the original post that talked anything about race."* (Attachment 8, pg 6)
- *"...I said it's funny how some people, and I was referring to him [Michael Rivera]... because it's the first thought that comes to their mind. It wasn't what came to my mind when I wrote this. It had nothing to do with race."* (Attachment 8, pg 6)
- *"Four hundred and fifty one murders in the City of Chicago, just this year, to that date...eighty point five percent of those murders, the victims were black males. So my question to Michael Rivera was "why don't you see these same professional athletes talking about eighty point five percent of 451 murder victims are black. I don't see any community activists talking about that. They only talk about anti-police stuff and...when it involves the police. That was my point with that...apparently Cole was highly offended by that. And I don't know why. It's a statistic. It's truth. There is no...it's not subjective. These are factual numbers."* (Attachment 8, pg 7) Officer Dunlap provided a copy of the post. (Attachment 8, pg 34)
- *"...you [Investigator Agrait] asked him [Tyghe Cole] a question... right in the very beginning if he had had any prior contact with myself or Schellhorn prior to this incident. And his response to you was, he had not. Yet for the record, I am providing you a photograph [Attachment 8, pg 10] of Cole sitting with my wife at a football game in Miami." The man has been to my house before. I don't know why he would come in and misrepresent himself; the fact that he doesn't know me personally. He's been to my house; he's had dinner at my house probably on more than one occasion. He's been friends with my wife's nephew since they were in high school. And the ironic thing is, I've provided you with two screen shots from Cole's Facebook account where Rivera was upset at the rhetoric that Cole was using about Schellhorn and myself. And Cole immediately deleted it."* (Attachment 8, pg 10)
- *"it's funny that...Cole just has the ability to instantly call Schellhorn, and me to a point, white supremacist and racist, yet in his own social media page he calls for a black only news group. Everything that he writes on his social media is race based."* (Attachment 8, pg 10)

On October 10, 2017, Officer Robert Schellhorn reported to Internal Affairs for a scheduled interview. He was provided a copy and time to review all witness statements and all other existing evidence relating to the incident under investigation. The interview was conducted at Orlando Police Headquarters in the Internal Affairs Office. The interview was transcribed. Officer Schellhorn stated the following during his Internal Affairs interview: (Attachment 9)

Officer Schellhorn has been employed by the Orlando Police Department as a law enforcement officer since 2004 and is currently assigned to the Special Operations Division's West Motors Unit. In August 2017, Officer Schellhorn had a social media - Facebook account under the account name of "RD Schell", which was not "open to the public." After review of the case file, Officer Schellhorn affirmed that all of the Facebook posts, which were included in this investigation, under the account name of RD Schell, were authored by him.

In August 2017, Officer Schellhorn, who was not working in the capacity of a law enforcement officer for the City of Orlando, engaged Michael Rivera and J.C. Seda, who were not his Facebook "friends", in a Facebook conversation, by commenting on posts from the Facebook account of "Shawn-Carmen Dunlap". The Facebook conversation with Michael Rivera commenced with the following post: (Attachment 6)



RD Schell

Michael Rivera I've read some of your posts and the subsequent responses and I've come to the conclusion that you are a fucking piece of shit. You have family members who serve and have served honorably in this profession yet you immediately jump to racial crap. How about having just an iota of class and either say nothing or say sorry for your loss. But, since I put you on the same fucktard savage plane as I do the overpaid thugs in sports, I'll let you know that the two officers killed in Kissimmee were both non-white.

But there is no race with police officers right??? They are cops before they are black, hispanic etc. And while we are on the topic, what exactly are the "black rights" that these useless savages are standing up for??? Do black folks somehow have different or greater rights than everyone else? Also, why would there need to be specific posts about what happened in VA last weekend. You sound like a typical, racist libtard when you start deflecting and adding stuff that has no bearing on the topic. Such a huge deal was made about the lack of a post. She was an asshole killed by another asshole. And what does some neo nazi dick have to do with the police? Nothing. Go fuck yourself.

Even though he did not represent himself as a law enforcement officer or a member of the Orlando Police Department during the Facebook conversations with Michael Rivera and JC Seda, and was "...acting as a private citizen", Officer Schellhorn acknowledged that he has previously posted photographs on his Facebook account where he "...would have been in [OPD police] uniform." Those photographs would have only been able to be viewed on his Facebook page by his Facebook "...friends and family..." (Attachment 9, pg 7)

With regards to complainant Tyghe Cole's allegation that Officer Schellhorn posted via Facebook, a racially charged rant, which Cole classified as suspected white supremacist rhetoric, Officer Schellhorn responded by stating in part *"that is a baseless, ridiculous comment...he's using all inflammatory language to try and make whatever uh, point that he's trying to make...it could be nothing further from the truth...you cannot paint me with the broad brush of an ideology based on a Facebook comment that was made as a result of being very angry"* and the *"...the white supremacist, absolutely not."* (Attachment 9, pg 8 and 9)

Based on Officer Schellhorn's Facebook posts, which are underlined below, his responses were the following:

- "And while we're on the topic, what exactly are the "black rights" that these useless savages are standing up for???" (Attachment 4, pg 1)

*"Michael Rivera in his comment had made mention of, they were standing up for black rights... I was questioning what exactly, what black rights are you talking about...as far as "savages"...that is...if you know me...a word I use to describe that anybody that's against the grain, that doesn't follow the rules...it's anybody who's anti-police, anti-government, anti-law and order...White, Black, Hispanic, I don't care...that's a buzzword I use...I didn't call any race savages...I refer to people not specific groups of people."* (Attachment 9, pg 9 and 10)

- "Do black folks somehow have different or greater rights than [sic] everyone else?" (Attachment 4, pg 1)

*"If you read and listen to the Black Lives Matter mantra, and if you watch what the news shows...there seems to be only one way, this seems to be only one group of rights you know, for...for black folks. And if uh, you deviate from um, their belief system or their...their thought process then you're a racist."* (Attachment 9, pg 10)

- "She was an asshole killed by another asshole" (Attachment 4, pg 1)  

*"A group, a bunch of jerks, these white power dumbasses got a permit to protest at the park.... the driver of that car that struck Heather... He's an asshole... She, unfortunately, one is a counter protester maybe throwing rocks at his car, doing whatever, she gets run over. You know I...I called everybody assholes." He was not calling the people who protest for civil rights as assholes. (Attachment 9, pg 10 and 11)*
- "2017 is the year that everything was racist and everyone was offended by everything. We live in a society of pussies..." (Attachment 6, pg 30)  

*"If you look at the college campuses that now have safe spaces, they have cry zones, they have coloring book areas, they have dog petting areas for people who cannot... possibly deal with life. We're living in a society of pussies...All of a sudden Christopher Columbus was... a racist marauder. All of a sudden all these Confederate statues have to come down...and all history that we don't like, that makes us feel uncomfortable and makes us need safe spaces that's...that's what I referring to...it has nothing to do with anybody's race...I don't look through life of the prism of race" (Attachment 9, pg 11 and 12)*
- "These BLM savages threaten and burn down towns." (Attachment 4, pg 10)  

*"...Black Lives Matter...is not comprised solely of black folks... white folks in there as well...you have this point of view that you're protesting that's fine. But...towns are getting burned down. Look at what happened in... Missouri subsequent to Michael Brown's...the riots following his...shooting...If you want to protest peacefully, I don't care. We had a Black Lives Matter rally in the City of Orlando. Us guys as motors we were their escort...they said some hateful stuff...I got five or six tearful hugs from people because they don't really hate the police. I don't they understand what they hate. I have zero problem with a peaceful protest." (Attachment 9, pg 12)*

With regards to complainant Tyghe Cole's allegation that the word "libtard" utilized in his comment "You sound like a typical, racist libtard when you start deflecting and adding stuff that has no bearing on the topic" (Attachment 4, pg 1) to Michael Rivera was "...slang for liberal and retard" and disrespectful to "...people who identify with the Democratic party...and those progressive values and also people with disabilities." (Attachment 6, pg 10), Officer Schellhorn responded by stating "I do have a very strong disagreement with the left and liberalism...I'm a conservative guy...it's just a word... I do not have any problem with anybody with disabilities." (Attachment 9, pg 12 and 13)

In retrospect, Officer Schellhorn stated "I can see what some of the words that I used...if you don't know me, they can uh, be construed wrong. And that was never my intent. There was never any racial anything behind anything I said...my choice of words when dealing with him [Rivera]...not knowing me it was an absolutely poor decision...that was a very angry post based on uh, six officers had gotten shot that weekend...two of which I knew, one of whom I knew very well, Officer Baxter from KPD... that was a very emotional response and ...if I had the opportunity to do it again, I would not respond to it as harshly as I did... but if I had the opportunity to do it again I would have did it with a little bit more class...I was extremely angry during that post. You know we had six officers shot... if I had it to again I would do it again, I would change the rhetoric that I personally used... these items from the black caucus and these other letters ...that's some hateful stuff in there...just based on the outrage of them I can...I have to reiterate, if you don't know me, you see that they...you see that post. I can honestly see where somebody would be offended... if I could apologize to them, I would. You know and I'd love to sit down with some of these folks and have

*lunch and so they can see that that was an angry stupid post...was the result of six officers getting shot and just this constant anti-police barrage that we have to deal with day in and day out...I am not what Mr. Cole is painting me to be.*" (Attachment 9, pgs 13, 16 and 17)

After review of his case file, the citizen complaints, the news media coverage, and the letter sent to Orlando Police Department, Officer Schellhorn affirmed that his Facebook posts included in this investigation had a *"...negative reflection on me and the Department."* (Attachment 9, pg 13)

His Facebook account is currently not active as he *"...did not want the complainant in this case to have access to my Facebook account to send me anything..."* and *"...needed a break from Facebook."* (Attachment 9, pg 4)

Officer Schellhorn's final remarks were as follows:

- In response to a statement made by complainant, Cole, that Officer Schellhorn would not be able to protect athletes such as Colin Kaepernick in the City [Orlando], his response was that *"...when the 49er's were here and Colin Kaepernick was here, regardless of my disgust with him for what he does and how he... disrespects our country, and our military and our flag by a taking a knee with the anthem, he doesn't anymore...I still served as one of the officers that escorted that team bus...our escorts are probably the most dangerous thing we do. And it doesn't matter what his specific ideology is, I have a job as a police officer and that is what I do."* (Attachment 9, pg 15)
- In response to the statement made by Cole that Officer Schellhorn had a disdain for the LGBTQ community, Officer Schellhorn stated, *"I work it and...run the off duty at P House and Pulse. At Pulse cried with everybody that I knew for ten years that I've been working there. Alright, so to make that comment is absolutely absurd as is most of his statements. That is not a reflection of me or who I am."* (Attachment 9, pg 15)
- In response to the statement made by Cole that Officer Schellhorn was a white supremacist, Officer Schellhorn replied *"...that hurts my feelings unbelievably...if I was a white supremacist I would not have performed CPR on Debra Clayton...some of my best friends at this agency are black, Darrell Wring...Robey... Chief Canty,...I have a great deal of respect for them... if you look at this Legacy's, the TJ Cole's Facebook page you know, he's calling me a racist. You know, he's got black only this and black...specific and that's fine I mean if he wants to have his stuff. But don't label me some way when you're doing the exact same thing... it's unconscionable...I vehemently disagree with his assertion of my character."* (Attachment 9, pg 16)

Officer Schellhorn was asked by his Fraternal Order of Police representative, Randy Thames, the following questions:

- *"Officer Schellhorn are you perfect?"*, to which he replied *"I am not sir."* (Attachment 9, pg 18)
- *"Do you police in a prejudicial manner?"*, to which he replied *"Never in my life, no. And I've been an officer for 24 years. No way."* (Attachment 9, pg 18)
- *"The conversation over Facebook that you were having in relation to this incident, did you believe that to be a relatively private conversation?"*, to which he replied *"Yes sir."* (Attachment 9, pg 18)
- *"Did you believe that to be of matters of great public interest?"*, to which he replied *"No sir."* (Attachment 9, pg 18)

## Conclusion/Findings

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**RM 200-8, Obedience to Laws and Department Procedures (B) Obedience to Policies and Procedures and Other Written Directives as it relates to Orlando Police Department Policy and Procedure 1635.0, Social Media (Attachment 1)**

Orlando Police Department **RM 200-8, Obedience to Laws and Department Procedures (B) Obedience to Policies and Procedures and Other Written Directives** states: (Attachment 1)

*Employees shall observe and obey Department policies and procedures and all other written directives.*

Orlando Police Department **Policy and Procedure 1635.0, Social Media** states in part: (Attachment 1)

1. *Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this Department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Department.*
2. *Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.*
5. *When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:*
  - a. *Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, religion, or any protected class of individuals.*
  - b. *Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.*

On August 19, 2017, the Orlando Police Department (OPD) received an email from Michael Rivera alleging that OPD Officer Robert Schellhorn (14713), "...went on a very vulgar rant" via a social media [Facebook]. (Attachment 4) The complainant, John Seda, contacted the Orlando Police Department via social media - Facebook and alleged that Officer Schellhorn was "...using derogatory language from the perspective of his position as a law enforcement officer." (Attachment 4) On August 22, 2017, complainant, Jibreel Rahson Ali, responded to the Orlando Police Department and completed a notarized sworn written statement in the form of a Citizen's Complaint Form. Ali alleged that the "...comments issued by officer [Robert Schellhorn] violate [sic] section 800.5 of the city ethics policy." (Attachment 4) On August 24, 2017, complainant, Tyghe Joel Cole, responded to the Orlando Police Department and completed a notarized sworn written statement in the form of a Citizen's Complaint Form. Cole alleged that Officers Shawn Dunlap (11756) and Robert Schellhorn "...posted on social media a racially charged rant." (Attachment 4)

The Orlando Police Department received a letter from the Orange County (OC) Democratic Black Caucus in reference to the Facebook posts included in this investigation; and complainant, Tyghe Cole, produced letters from the OC Democratic Party, Young Democrats of OC, and Let Your Violence Be Heard, Inc.

On August 21 and 22, 2017, the Facebook posts from this incident received news media coverage. The web links to the news media coverage are listed below: (Attachment 3)

- <http://www.orlandosentinel.com/news/breaking-news/os-opd-investigates-social-media-posts-20170821-story.html>
- <http://www.wftv.com/news/local/orlando-police-department-launches-investigation-into-officer-over-fb-post/596162570>

On August 21, 2017, an Initial Notice of Inquiry (INOI) was generated by Dwain Rivers, Orlando Police Department Internal Affairs Section Manager, in response to the complaints on Officer Robert Schellhorn to review the incident

and assure compliance with **RM 200-8, Obedience to Laws and Department Procedures (B) Obedience to Policies and Procedures and Other Written Directives** as it relates to **P&P 1635.0, Social Media**. (Attachment 1)

Michael Rivera and John Seda, who were the only complainants directly involved in the Facebook conversation with Officer Robert Schellhorn, declined to be interviewed. This is an administrative investigation and therefore lacks the power to subpoena and compel Michael Rivera and John Seda to participate in this investigation. The complainants Tyghe Cole and Jibreel Ali did not view the posts in the original Facebook platform as they were not Facebook "friends" with Officers Shawn Dunlap and Robert Schellhorn.

The post that appeared on a mutually shared Facebook account, "Shawn-Carmen Dunlap," was not authored by Officer Shawn Dunlap but was reposted on his shared account. It was determined that this Facebook account was not associated with the Orlando Police Department. The language was examined to determine if it was objectively offensive. It was a call to denounce violence directed towards police officers and it highlighted recent examples of random violence against police officers that occurred in a two hour span. It did not contain vulgar or racist content. It did not call for violence or degrade anyone's opinion, race, political affiliation or social stance. Therefore, Officer Shawn Dunlap was interviewed as a witness in this investigation.

The Facebook message posted on Shawn-Carmen Dunlap's Facebook account that commenced with, "Where are the athletes?", was not authored by Officer Shawn Dunlap, but a "...copy and paste from Darron Esan" [Facebook post]. (Attachment 8, pg 3) The purpose for the re-post which "...happened right around the time that we had six police officers shot in a matter of 24 hours in this country" by Officer Shawn Dunlap was because "there's no level of respect for the men and women at this police department or any police department with people that have a voice." (Attachment 8 pg 5) "Whether it's on ESPN or...the 24 hour cable news networks...you really don't see too many of them with the exception of Sheriff Dave Clark from Milwaukee that really talk about this violence against police officers." (Attachment 8 pg 5) Even though he [Shawn Dunlap] does not receive Facebook notifications from posts and he did not "...read every single reply" from the posts included in this investigation, he only authored reply posts to Michael Rivera.

Officer Robert Schellhorn stated in his IA interview the following in part:

- On August 19, 2017, Officer Schellhorn, who was not working in the capacity of a law enforcement officer for the City of Orlando, engaged Michael Rivera and J.C. Seda, who were not his Facebook "friends", in a Facebook conversation, by commenting on posts from the Facebook account of Shawn-Carmen Dunlap.
- With regards to complainant's, Tyghe Cole, allegation that Officer Schellhorn posted, via Facebook, a racially charged rant, which Cole classified as suspected white supremacist rhetoric, Officer Schellhorn responded by stating in part "that is a baseless, ridiculous comment...he's using all inflammatory language to try and make whatever uh, point that he's trying to make...it could be nothing further from the truth...you cannot paint me with the broad brush of an ideology based on a Facebook comment that was made as a result of being very angry " and the "...the white supremacist, absolutely not ." (Attachment 9, pg 8 and 9)
- In retrospect, Officer Schellhorn stated "I can see what some of the words that I used...if you don't know me, they can uh, be construed wrong. And that was never my intent. There was never any racial anything behind anything I said...my choice of words when dealing with him [Rivera]...not knowing me it was an absolutely poor decision...that was a very angry post based on uh, six officers had gotten shot that weekend...two of which I knew, one of whom I knew very well, Officer Baxter from KPD... that was a very emotional response and ...if I had the opportunity to do it again I would not respond to it as harshly as I did... but if I had the opportunity to do it again I would have did it with a little bit more class...I was extremely angry during that post. You know we had six officers shot... if I had it to again I would do it again, I would change the rhetoric that I personally used... these items from the black caucus and these other letters ...that's some hateful stuff in there...just based on the outrage of them I can...I have to reiterate, if you don't know me, you see that they...you see that post. I can honestly see where somebody would be offended... if

*I could apologize to them I would. You know and I'd love to sit down with some of these folks and have lunch and so they can see that that was an angry stupid post...was the result of six officers getting shot and just this constant anti-police barrage that we have to deal with day in and day out...I am not what Mr. Cole is painting me to be." (Attachment 9, pgs 13, 16 and 17)*

- After review of his case file, the citizen complaints, the news media coverage, and the letter sent to Orlando Police Department, Officer Schellhorn affirmed that his Facebook posts included in this investigation had a "...negative reflection on me and the Department." (Attachment 9, pg 13)

Even though Officer Schellhorn expressed himself as a private citizen in the Facebook posts included in this investigation, and not in the capacity of a law enforcement officer, it was concluded, that his posts were objectively offensive and contained numerous vulgar and inappropriate comments as evidenced by the citizen complaints, news media coverage and letters written to the OPD; and that his posts negatively affected the public perception of himself and the Department.

Based on all of the physical evidence and sworn testimonies presented during this investigation, I concluded that the actions taken by Officer Robert Schellhorn were **NOT** within the Orlando Police Department's policy. It is recommended that **Officer Robert Schellhorn** be **SUSTAINED** for the violation of **RM 200-8, Obedience to Laws and Department Procedures (B) Obedience to Policies and Procedures and Other Written Directives** as it relates to **Orlando Police Department Policy and Procedure 1635.0, Social Media**.

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**WITNESS**

Name: Officer Shawn Dunlap Race: W Sex: M  
Employer: Orlando Police Department  
Address: 1250 West South Street  
City: Orlando State: FL Zip: 32805  
Work Phone: 407-246-2470

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Provided sworn audio-recorded interview

**WITNESS**

Name: Michael Rivera Race: W Sex: M  
E-mail: Mprivera214@gmail.com

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Provided an email

**WITNESS**

Name: Tyghé Joel Cole Race: B Sex: M  
E-mail: legacycole@gmail.com

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Provided sworn audio-recorded interview

**WITNESS**

Name: Jibreel Rahson Ali Race: B Sex: M  
E-mail: info@alifordistrict15.com

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Provided sworn audio-recorded interview

**WITNESS**


Name: John C. Seda Race: W Sex: M  
Phone: 407-758-6300

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Provided Facebook posts

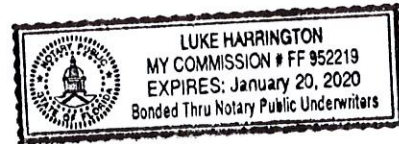
Pursuant to Florida Statute 92.525, under penalties of perjury, I declare that I have read the foregoing document that the facts stated in it are true to the best of my knowledge and belief. I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes.

Respectfully Submitted:

  
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15960  
Investigator Ricardo Agrait  
Internal Affairs Section

10/13/2017  
\_\_\_\_\_  
Date

Sworn to and subscribed before me, this  
13<sup>th</sup> day of October, 2017



  
\_\_\_\_\_  
#12068  
Notary Public, State of Florida

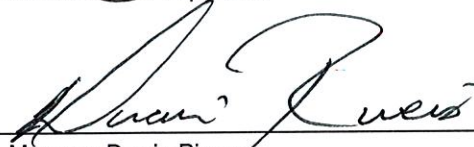
(Notarial Seal)

My commission expires: 1/20/20

HAVE READ THE FOREGOING AND CONCUR:

  
\_\_\_\_\_  
Sergeant Jacqueline Howard  
Internal Affairs Supervisor

10/20/17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Manager Dwain Rivers  
Internal Affairs Section

10/23/17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
7604  
Captain Cheri A. Saez  
Professional Standards Division

10/24/2017  
\_\_\_\_\_  
Date