

## CONFIDENTIAL INVESTIGATIVE REPORT

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To: Chief Paul Oliveira

cc: Ryan Pavao, Esq.  
Acting First Assistant City Solicitor

From: Thomas H. Costello, Esq.  
Valerio Dominello & Hillman, LLC

Date: August 26, 2024

Re: Investigation Regarding Complaints by [REDACTED] against Samuel Ortega

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### **I. Introduction and Overview**

On December 15, 2023, [REDACTED] ("[REDACTED]"), an individual who works [REDACTED] with the City of New Bedford, met with officers from the New Bedford Police Department ("Department") to discuss an allegation as to Samuel Ortega ("Ortega"), a Sergeant in the Department.

[REDACTED] alleged that Ortega misappropriated funds that [REDACTED] intended to be donated to the Department's LEAD Program. [REDACTED] made a \$200 donation and Ortega told her to leave the "to" section blank, which she did. She later determined that his wife's name was added in the "to" section and the check was deposited. She asked Ortega about that, and he advised her that the money circled back into the Department or LEAD Team. This occurred in April of 2022.

[REDACTED] also made allegations relative to Ortega potentially violating the City's Anti-Discriminatory Harassment Policy. Specifically, [REDACTED] made the following allegations:

- Ortega texted her a Tik Tok video of someone playing the bongos on the backside of someone and told her to show it to her husband.
- In the spring of 2022, Ortega told [REDACTED] that she seemed stressed and that she needed to go home and have sex with her husband. [REDACTED] told him to stop and that [REDACTED]. Ortega called her husband's boss.
- Ortega told her that she needed to have sex with a big black man so she would not be so moody.
- Ortega improperly discussed personal and/or private life of other employees.

## **CONFIDENTIAL INVESTIGATIVE REPORT**

- Ortega stated that he groomed [REDACTED], a [REDACTED] at the New Bedford Police Department, into her position and that she was bred to be a “Maria” and did not know how to drive.
- Ortega was working to ostracize [REDACTED] from the community obligations that both she and Ortega do together.
- While responding to a case with [REDACTED] Ortega told people present that [REDACTED] was in a cult. During the same response, Ortega told a retired police officer on scene that if he went away for the weekend and had sex with his wife, his wife would not be so upset about her mother who was experiencing medical issues.
- While [REDACTED] was eating a cinnamon stick, Ortega referenced her performing a sex act on the cinnamon stick.
- Ortega made a comment about [REDACTED] pants while she was at Department Headquarters picking up COVID-19 supplies.
- At a Community Crisis Intervention Team meeting in December 2023, [REDACTED] referenced Ortega breaking into her office a couple of years prior and leaving a cupcake for her; Ortega acknowledged doing this by stating that sometimes he could be sweet.
- Ortega alluded to [REDACTED] needing to be put in her place at home.

On December 18, 2023, the City of New Bedford requested that outside labor counsel conduct an investigation into [REDACTED] allegations concerning potential violations of the City’s Anti-Discriminatory Harassment Policy.

## **II. Appendix**

Investigators reviewed the following documents as part of the investigation. These documents are contained in the Appendix to this Report.

1. New Bedford Department of Police Rules and Regulations Manuel.
2. City of New Bedford Anti-Discriminatory Harassment Policy.
3. New Bedford Police General Order 3-20, Anti-Discriminatory Harassment Policy.
4. [REDACTED] interview transcripts from December 15, 2023, and January 2, 2024
5. [REDACTED] interview transcripts from January 12, February 2, and March 28, 2024.
6. [REDACTED] interview transcript from January 16, 2024
7. [REDACTED] interview transcript from January 17, 2024
8. [REDACTED] interview transcript from January 17, 2024
9. [REDACTED] interview transcript from January 17, 2024
10. Derek Belong interview transcript from January 19, 2024

## **CONFIDENTIAL INVESTIGATIVE REPORT**

11. David Jorge interview transcript from January 19, 2024
12. Matthew Rodrigues interview transcripts from January 19 and June 7, 2024
13. [REDACTED] interview transcript from January 19, 2024
14. [REDACTED] interview transcript from January 25, 2024
15. [REDACTED] interview transcript from January 25, 2024
16. [REDACTED] interview transcript from January 30, 2024
17. Paul DaCosta interview transcript from January 30, 2024
18. Text message communications from [REDACTED] dated April 25, May 6 and 23, 2022.
19. Handwritten notes from Paul DaCosta regarding his meeting with [REDACTED]
20. Email correspondence from Jessica Nicoli to Justin Kagan dated December 10, 2023.
21. Email correspondence between Samuel Ortega, Cynthia Wallquist, and Heather Dextrateur, dated October 25, 2022.
22. Email correspondence from David Jorge to Paul DaCosta dated January 17, 2024.
23. Email correspondence from Paul DaCosta to Adelina Sousa, dated December 18, 2023.
24. Email correspondence from Nathaniel Rodriguez to Paul DaCosta dated December 15, 2023.
25. Email correspondence from Donald Williams to Nathaniel Rodriguez dated December 15, 2023.
26. Notice of Investigative Conclusion dated May 18, 2023, sent to Samuel Ortega.
27. Justin Kagan's report dated December 18, 2023.

### **III. Interview Summaries**

As part of the investigation, investigators interviewed the following witnesses.

#### **Witness**

#### **Date of Interview**

[REDACTED]  
[REDACTED]  
[REDACTED]  
Derek Belong  
David Jorge  
Matthew Rodrigues  
[REDACTED]  
[REDACTED]  
Paul DaCosta

January 2, 2024  
January 12, February 2, and March 28, 2024  
January 16, 2024  
January 17, 2024  
January 17, 2024  
January 17, 2024  
January 19, 2024  
January 19, 2024  
January 19, and June 7, 2024  
January 19, 2024  
January 25, 2024  
January 25, 2024  
January 30, 2024  
January 30, 2024

## CONFIDENTIAL INVESTIGATIVE REPORT

All Department witnesses were advised to maintain confidentiality regarding the topics discussed in the interviews for the duration of the investigation. The interviews are summarized below. Hereinafter, all witnesses shall be referred to by their last names.

This investigator scheduled an interview for Ortega for February 6, 2024. Ortega was unable to attend that interview as a result of medical issues. This investigator scheduled a second interview for February 26, 2024, which Ortega was unable to participate in due to medical issues. On March 22, 2024, this investigator attempted to schedule an interview with Ortega a third time for April 10, 2024. That interview was canceled because of Ortega's inability to participate in the interview due to his medical issues.

██████████

Investigators interviewed ██████████ on January 2, 2024. ██████████ is ██████████, and works as ██████████ for the City of New Bedford. ██████████ works full-time with ██████████ and works per diem with the City of New Bedford. ██████████ has been in her position with ██████████ for ██████████ years.

██████████ first encountered Ortega when she worked at ██████████. ██████████ stated that she believed that she first started working with Ortega in 2017. Ortega was the outreach officer for the New Bedford Police Department. ██████████ was a ██████████ for ██████████. ██████████ stated that there were at-risk elders in the field and sometimes the New Bedford Police Department would tell ██████████ that there was a risk posed by going to a particular location to work with an elder. She stated that she worked on the ██████████ with Ortega. If there were safety concerns, the CCIT would attend calls with ██████████ Ortega was the Police Chair of CCIT.

██████████ stated that the reason why she had not previously spoken up about the allegations concerning Ortega was because Ortega was assigned to assist and help her. ██████████ recalled a case recently where she called the New Bedford Police Department and asked for help responding to a call and Ortega told her that she was fine and could go on her own.

██████████ stated that Ortega's inappropriate conduct towards her started soon after she met him. ██████████ stated that in or around 2021, Ortega would tell her that she resembled a singer from the eighties and nineties. According to ██████████ this particular singer had a song with the lyric, "naughty girls need loving too." ██████████ stated that the picture of the singer was very suggestive. ██████████ stated that whenever Ortega would sing the song, she would tell him to stop or call him stupid or an idiot. ██████████ stated that Ortega had another Sergeant in his office – Mathew Rodrigues. ██████████ described an incident where she went to pick up supplies during the COVID-19 pandemic and Ortega commented on her outfit in front of Rodrigues. ██████████ stated that Ortega's comment was about how tight her pants were, and she stated that this aggravated her. ██████████ also stated that Ortega would comment about Rodrigues' feelings toward her. Specifically, ██████████ stated the following:

So ... but the point I was going to make is, um, Sergeant Ortega would frequently comment that Sergeant Rodrigues felt, thought that I was attractive and I would always



## CONFIDENTIAL INVESTIGATIVE REPORT

shut it down and say, "He's stupid. He goes to the same hair salon that I do. Shut up. He's a pretty boy. No." And Sergeant Ortega would always say, "Oh, it would be so easy for you to have him whipped. He even, um, has to do the groceries. His wife can't even handle getting the groceries. He would love a woman like you."

█████ stated that there was a particular time when Ortega made a comment to █████ that her husband needed to hit her to get her in line, in front of another police officer who told Ortega that he crossed the line.<sup>1</sup>

█████ stated that in late 2023, Ortega texted a video to her and asked her to show it to her husband. █████ stated that she did not know what the video was before she showed it to her husband and the video was of a person "playing bongos on someone's butt." █████ stated that her husband was upset and asked her why Ortega would tell her to show him that.

█████ stated that the above-described incident took place after another inappropriate interaction she had with Ortega. She stated that she was in Ortega's office one day and █████ was also present. █████ stated that Ortega was telling her that she needed to go home and have sex with her husband so she would not be so "uppity". █████ stated that Ortega was "pushing and pushing" that she needed to go home and have sex with her husband. █████ stated that she eventually had enough and laid out the fact that █████. She stated that Ortega then called her husband's supervisors. █████ stated that her husband was addressed at work as a result of this phone call, which resulted in him being irate with █████. █████ stated that she addressed this with Ortega – who responded that he just wanted to make sure she was ok.

█████ stated that she ended up blocking Ortega's cell phone number after Ortega blew her off at the Blue Meadow Field day in October 2023. She stated that this action along with the fact that he did not allow an officer to accompany her on a particular call resulted in her blocking him. As for the Blue Meadow Field Day, █████ stated that Ortega ignored her communications as to the event. █████ was there in her capacity as the █████.

█████ stated that █████ told her that she needed to have a "big black man work it out" of her. █████ took it as an implication that she needed to have sex with a big black man.

█████ discussed responding to an incident involving a crisis. █████ stated that █████ was also present for this interaction. According to █████ Ortega told the family members of the individual who was in crisis that █████ was in a cult. █████ stated that Ortega told a married couple who were family members of the individual in crisis that they

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<sup>1</sup> Investigators believed this individual was █████ ("█████") who is no longer an employee of the City of New Bedford. This investigator spoke to █████ on January 5, 2024, and discussed scheduling an interview. This investigator spoke to █████ on January 8, 2024, and █████ stated that he would not participate in an interview as part of this investigation.

## CONFIDENTIAL INVESTIGATIVE REPORT

needed to go away for the weekend and have sex and would then forget about the individual's behavior. [REDACTED] stated that she believed that the two individuals who Ortega addressed with the comment were too upset to process the comment.

[REDACTED] stated that Ortega referenced grooming [REDACTED] and [REDACTED]. [REDACTED] also alleged that he referenced [REDACTED] as his "Maria". She explained that the word "Maria", in this context, can be a derogatory term for a subservient woman. [REDACTED] stated that Ortega used the word "groomed" in reference to [REDACTED] and stated that she was "bred to be a Maria."

[REDACTED] discussed her belief that she is being ostracized in her profession. She stated that she is on a [REDACTED] which is part of the Department of Mental Health. She stated that Ortega became the Chairperson; the [REDACTED] seat was open and [REDACTED] put her name forward. She stated that Ortega responded that another individual wanted to be [REDACTED]. [REDACTED] stated that another individual expressed that since the individual who Ortega wanted to be [REDACTED] was not present, that she was going to nominate [REDACTED]. [REDACTED] stated that Ortega attended the last meeting with his entire Department. [REDACTED] believed that Ortega was taking over the New Bedford Mental Health meetings. [REDACTED] stated that if Ortega went to another meeting with a similar size contingent from the New Bedford Police Department, she was going to file an MCAD Complaint. [REDACTED] stated that she believes that Ortega is trying to push her off [REDACTED]. [REDACTED] stated that she feels that Ortega is attempting to intimidate her.

[REDACTED] described an incident that occurred at Honey Dew Donuts. [REDACTED] stated that she and Ortega responded to a certain incident and, after responding, they went to a Honey Dew Donuts for coffee. [REDACTED] purchased coffee and cinnamon sticks for herself and Ortega. [REDACTED] stated that she took a bite of the cinnamon stick and Ortega insinuated that she was performing oral sex on the cinnamon stick. [REDACTED] stated that she called him a pig. [REDACTED] was unsure of the exact timing of that comment.

[REDACTED] stated that she got Ortega to admit to breaking into her previous office years prior. [REDACTED] stated that Ortega made this admission in front of Belong, Jorge, and [REDACTED] at a Community Crisis Intervention Team ("CCIT") Meeting. [REDACTED] stated that Ortega did this sometime between 2016 and 2021 and she stated that she was being strategic in trying to get Ortega to make an admission in front of Belong. [REDACTED] described the conversation as follows:

"... his behavior. Um, so he had said something about Blue Meadows. And then said, "Oh, I could use you there. We'll be in touch, [REDACTED]." And I said, "Well, if you're going to the South End, why don't you just go to Tripp Towers. We already know you can break into that office."

[REDACTED] stated that Belong responded by saying "What?"; and Ortega stated "I left her a birthday cupcake. I can be sweet sometimes."

[REDACTED] recalled the conversation when Ortega originally left the cupcake. She stated that Ortega told her that he left a cupcake in her office. [REDACTED] told him that it wasn't her office.

## CONFIDENTIAL INVESTIGATIVE REPORT

Ortega responded that she better go get it before it gets ants. [REDACTED] stated that someone from the building contacted her about the cupcake and she told them to throw it away.

[REDACTED] reiterated her belief that Ortega is trying to get her to leave the [REDACTED].

[REDACTED]

Investigators interviewed [REDACTED] on January 12, 2024. [REDACTED] is a [REDACTED] [REDACTED] oversees the [REDACTED]. [REDACTED] has been in her current position for three years. Prior to her current position, she was a [REDACTED] for two years. Currently, [REDACTED] supervisor is Jorge. Prior to Jorge, Ortega was [REDACTED] supervisor.

[REDACTED] stated that she knew [REDACTED] through her work. She remembered one occasion where she responded to a crisis with Ortega involving an [REDACTED]. [REDACTED] stated that after arriving, [REDACTED] responded to the scene as well. She stated that she remembered this individual's [REDACTED] arriving at the scene as well. [REDACTED] did not have a memory of Ortega asking [REDACTED] if she was in a cult. [REDACTED] stated that the incident occurred "a year or two ago". [REDACTED] stated that she remembered hearing Ortega making a statement that the couple ([REDACTED]) on scene should go away together.

[REDACTED] stated that she had knowledge that Ortega asked [REDACTED] if she was "f'ing" another member of the Department and that [REDACTED] was offended. She stated that Rodrigues told her of the incident. [REDACTED] stated that she spoke to [REDACTED] and [REDACTED] told her that Ortega's comment was the reason for a strain between her and Ortega. She stated that [REDACTED] told her that she was upset.

[REDACTED] stated that she had observed Ortega inappropriately comment on [REDACTED] clothing. [REDACTED] works as a [REDACTED] with the Department. [REDACTED] stated that Ortega's comments could be "a little to the extreme".

[REDACTED] stated that she did not remember hearing or learning of any inappropriate comment by Ortega about [REDACTED] having sex with her husband. [REDACTED] stated she had no knowledge about Ortega contacting [REDACTED] husband's supervisor.

[REDACTED] stated that she had not heard Ortega use the word "groom" with respect to any female employees of the police department. She had not heard Ortega use the term "Maria" in any derogatory way.

[REDACTED]

Lieutenant Candido Trinidad and Sergeant Kevin Lawless interviewed [REDACTED] on January 16, 2024. [REDACTED] is the [REDACTED] and he has been in that position since [REDACTED]. [REDACTED] stated that he knew Ortega but did not remember Ortega contacting him about [REDACTED]. [REDACTED] stated that he did not remember a conversation specifically

**CONFIDENTIAL INVESTIGATIVE REPORT**

about [REDACTED]. [REDACTED] stated that he did not recall a time when Ortega called him to express concerns about [REDACTED] personal life, specifically related to his wife and marital issues.

Investigators interviewed [REDACTED] on January 17, 2024. [REDACTED] is a [REDACTED]. [REDACTED] did not know who [REDACTED] is. [REDACTED] stated that she had never witnessed Ortega make any inappropriate comments to someone else – nothing that she would consider a problem. [REDACTED] stated that there was one occasion that Ortega commented on her personal life; she stated that it did not cause her concern. She stated that he made a comment about someone that she was seeing. [REDACTED] stated that Ortega asked her if she was “f’ing” another member of the Department. [REDACTED] stated that she was in another office with Ortega. She stated that the conversation occurred three to four months ago. [REDACTED] described the conversation the following way:

So I don't ... honestly, I don't remember how it came up. He made a comment about, "You must be into older guys if you're fucking," you know, someone and I was, like, "That has nothing to do with that, like, IT REALLY DOESN'T ..."

██████████ stated that she did not acknowledge the comment. She stated that while the comment did not rub her the wrong way, Ortega did not need to know her personal life. ██████████ stated that she brushed the comment off.

Investigators interviewed [REDACTED] on January 17, 2024. [REDACTED] works for a program called [REDACTED]. [REDACTED] did not know who [REDACTED] is. However, she remembered allegations that Ortega made comments about a girl named [REDACTED] shorts being short. [REDACTED] stated that it was her understanding that the allegation was that Ortega was being "creepy". [REDACTED] stated that she heard this allegation in the summer of 2022. [REDACTED] stated that [REDACTED] and [REDACTED] were talking in the office about Ortega making a comment about a girl named [REDACTED]. Specifically, that her shorts were too short. Investigators asked the following question:

Had you ever ... was there ever an occasion where you witnessed him comment on anyone else's body, including yourself, inappropriately?

█████ responded as follows:

Um, so yeah. He, um, he's made a statement about, like, one time when I came into the office, in front of everybody, like, had said, "What'd you get a new bra?" And, um ...

## CONFIDENTIAL INVESTIGATIVE REPORT

█████ stated that this occurred at the end of the summer or fall of 2023 and she stated that Ortega laughed it off. █████ also stated:

Mm hmm. Yeah. And I kind of just laughed it off 'cause I was like, "No, Sam." Like, and everybody kind of like laughed. So I kind of took it as like, you know, he was saying like I looked nice that day. And I'm not like the person to get offended easily. I kind of ... no offense, sorry for the on record thing, but I literally told him like, "Fuck off, Sam." You know, and so he

█████ stated that she was not uncomfortable, but she was "drawn back" based on his comment. █████ stated that by "drawn back" she meant:

Like, is he serious right now, he's gonna like, you know, make a ... like, I didn't expect him to make a comment on my physical appearance in front of other people or by myself with him ever. Like, he's never done that before. So it kind of threw me off and I was like, "Really, Sam? Like, fuck off. No, I didn't get a new bra." And he just kind of, like, laughed and everybody laughed and, and that was it.

█████ stated that █████, █████, and █████ were present for this interaction. █████ further described Ortega as a great boss and stated that he cares about people who do not have a voice.

█████

Investigators interviewed █████ on January 17, 2024. █████ works as a █████. He stated he and █████ report to █████. █████ used to report to Ortega. █████ stated that █████ was a part of the team when he started but he stated that he had not seen her in the past two years. █████ stated that Ortega has never made any inappropriate comments to him. He stated that there were probably some jokes that were not funny. He did not remember anything specific off hand. When asked what the nature of the jokes was, █████ responded that they were "flirty".

█████ remembered one specific instance where Ortega made a comment to █████ about her chest area. █████ stated that the comment occurred within the last six months and after he read about Ortega over the summer. █████ described the conversation as follows:

It was after that, yeah; 'cause I remember thinking to myself, like ... and it, it actually ... in a little bit of his defense, he didn't ... he went, like, he went ... you know how someone goes to say something, like, "I'm not gonna say it." And that's what he said, you know? "I'm not gonna say it." And ... 'cause he said █████ name, and █████ said, "Well, what is it? What is it? Say it," you know, "Say it." And he was like, "No, no, no, no, no. Like, I'm, I'm in enough hot water." That's why I knew it was after that. And, and she was like, "No, that's okay." Like, and he said it. Like, he said ...

█████ stated that Ortega then asked █████ if she got a new bra or something along those lines. █████ stated that █████ responded that she did. █████ stated that he believed Ortega's comment was in violation of the City's Anti-Discriminatory Harassment Policy.

## CONFIDENTIAL INVESTIGATIVE REPORT

█████ stated that Ortega has used the term "Maria" in reference to █████. █████ stated that he did not believe that Ortega used it in a negative way, but rather meant it in reference to █████ stepping out of her parents' "guard". █████ stated that Ortega made this reference when the team was first forming in 2020.

█████ stated that he had not observed Ortega violate the City's Anti-Discriminatory Harassment Policy relative to █████.

### Derek Belong

Investigators interviewed Belong on January 19, 2024. Belong is the Assistant Deputy Chief of Police and has been in that position since October 2023. Prior to that, Belong was a Captain for seven years. Belong stated that he has never worked with Ortega and Ortega had never been assigned to him as a subordinate. In Belong's current position, he oversees Paul DaCosta and Justin Kagan.

Belong recalled Ortega transitioning out of his job and the new Sergeant, David Jorge, being assigned to that position. Belong oversaw the outreach work once Jorge began in his new role. Belong stated that he went to Jorge's first CCIT meeting to support him and ensure that he felt safe and comfortable growing in Jorge's role. Belong stated that his intention was to step back and be there to support and oversee him once Jorge gained an understanding of the work.

Belong attended the December 2023, CCIT meeting. He stated that he met █████ at a Department Halloween event and then met her by name at the CCIT meeting in December 2023. Belong described the CCIT meeting as a meeting of public and private partners who identify at-risk populations and collaborate on ways to connect these populations with services.

Belong remembered █████ and Ortega having a conversation and remembered █████ making a comment about Ortega putting a cupcake on her desk. Belong did not remember █████ saying anything about Ortega breaking into her office. He stated that █████ "said something about him going in her office and put a cupcake on her desk." Belong stated that he remembered Ortega responding by stating, "Yeah. It was for your birthday, but your door was open." Belong stated that was all he heard.

Belong stated that he believed that █████ was mad at Ortega. He stated that █████ did not say anything that triggered alarms with him as an administrator. Belong stated that he did not think anything of it. Belong did not remember responding to █████ statements regarding the cupcake. Belong summarized the conversation as follows:

She didn't like make any comments that would have been con- '... 'cause if, if I had heard anything that seemed concerning like, "Well, you, you know, you broke into my office," or, "I'm offended," or, you know, "That's not appropriate." That would have triggered a red flag in my mind and been like, "Whoa' I'm higher ranking officer sitting here, what the hell's this about?"



## CONFIDENTIAL INVESTIGATIVE REPORT

Belong stated that he had no memory of [REDACTED] referencing Ortega breaking into her office. Belong stated that the tone of the conversation seemed like the two were annoyed with each other and it seemed to him that [REDACTED] did not like Ortega. Belong described her tone as not very nice and Ortega laughed her off. Belong stated that based on the conversation, he did not feel as though anything needed to be reported at that time.

Belong added:

No. I, I think, um, in the context of the cupcake thing, I, you know, if it had been brought forward I think where she sounded concerned or was making allegation to me directly that he broke in, action would have been taken. But it sound like almost like ... we don't know the context of what the ... what ... they were in a meeting together or if they were in a room. So it was very hard to understand what ... she sounded angry at him for something. AND I ... but, like, it wasn't ... like, they were talking directly to each other and almost in a joking manner, but there was some hidden anger behind it.

### David Jorge

Investigators interviewed Jorge on January 19, 2024. Jorge is a Sergeant with the New Bedford Police Department. He has been in that rank since October 15, 2023. Jorge was promoted from his patrolman position. Currently, Jorge is the Community Outreach Coordinator, and his office is at headquarters. Jorge took Ortega's position when he was promoted in October. He stated that Ortega trained him when he began the position. Jorge stated that [REDACTED], [REDACTED], [REDACTED], and [REDACTED] also work at the Community Outreach Unit.

Jorge met [REDACTED] for the first time at the December CCIT Meeting. Jorge stated that there were between fifteen and twenty people at the meeting. [REDACTED] and [REDACTED] were also present. Jorge stated that both [REDACTED] and Ortega were active during the meeting. He stated that, towards the end of the meeting, the group brought out a cake for Ortega because it was his last meeting. Jorge described [REDACTED] and Ortega's interaction.

I know that they, um, they bought a cake for Sergeant Ortega. It was gonna be his last meeting, uh, so there was a cake there. And I don't ... and she made that statement about, "Oh, well you know how to break into my office." And then everybody laughed and he said, uh, uh, "That's what I get for being a nice guy, I brought you a cupcake."

Jorge stated that Ortega laughed it off, but he described [REDACTED] as stern throughout the meeting. He also described [REDACTED] as abrasive and he stated that there was tension at the meeting coming from [REDACTED] generally – not just directed at Ortega. Jorge stated that he asked [REDACTED] after the meeting about [REDACTED] stating that Ortega broke into her office. He stated that [REDACTED] told him that she was with Ortega and that Ortega brought her a cupcake. Jorge stated that he did not feel as though he needed to report the interaction – he referenced Belong being present for the conversation and that he inquired after the meeting with [REDACTED]. He also stated that since this was the first meeting that he attended, he did not understand the meeting's dynamic or tone.

## CONFIDENTIAL INVESTIGATIVE REPORT

Jorge stated that, two days prior to his interview, [REDACTED], who works at Headquarters, stated that it was nice to have two bosses that do not make her feel uncomfortable. Jorge reported this to DaCosta. Jorge assumed she was referring to Ortega who was one of her bosses. He stated that Rodrigues was also one of her bosses.

### Matthew Rodrigues

On January 19, 2024, investigators interviewed Rodrigues. Rodrigues is currently a Sergeant with the New Bedford Police Department. Rodrigues has been a Sergeant since November 2019. Currently, Rodrigues is assigned to the Juvenile and Domestic Violence unit, and he supervises Detectives in that unit. Prior to his current assignment, Rodrigues was in the Training Division and, during this time, Ortega was also in the Training Division. Ortega was in charge of the dispatchers and also dealt with the outreach team and outside agencies. Rodrigues stated that he vaguely knew [REDACTED] but knew that Ortega had interactions with her in the office. He stated for the first year he and Ortega shared an office and then the Department built a new training room at Headquarters.

Rodrigues stated that he did not remember any specific comments by Ortega that he considered inappropriate. He did not recall Ortega inappropriately commenting on someone's body. Rodrigues stated that he did not recall Ortega inappropriately discussing someone's personal life. Rodrigues stated that he did not recall Ortega inappropriately commenting on [REDACTED] pants. Rodrigues denied ever hearing Ortega comment that Rodrigues thought [REDACTED] was attractive; that he had a crush on [REDACTED] that Ortega remarked that his wife makes him get groceries so he would be easy to whip; or that he would love a woman like [REDACTED].

Regarding the allegation that Ortega asked [REDACTED] if she was "fucking" another member of the Department, Rodrigues stated that he never heard the word "fucking". He did remember a conversation that Ortega had with [REDACTED] where Ortega was talking with her about having a relationship with another officer. He stated that [REDACTED] just laughed it off and did not appear to be uncomfortable. Rodrigues stated that no one ever came to him and reported that Ortega made them feel uncomfortable. Rodrigues stated that he never observed Ortega engage in conduct that made him uncomfortable.

Investigators interviewed Rodrigues again on June 7, 2024, and followed up relative to Ortega asking [REDACTED] about a personal relationship that she was having and Rodrigues' duty to report same. Rodrigues remembered the conversation that investigators were referring to; he was unsure of when the conversation occurred. Investigators relayed what [REDACTED] alleged that Ortega stated:

Okay. And, uh, to be clear, the allegation is that ... or it's not ... uh, uh, wha-, wha-, what came up is that Sergeant Ortega asked [REDACTED] ... or stated to [REDACTED] that she must be into older guys, "if you are fucking so and so." Okay?

Rodrigues stated that he never heard the word "fucking". Rodrigues described the conversation as follows:



## CONFIDENTIAL INVESTIGATIVE REPORT

I mean, I don't even know if we're talking about the same conversation. I mean, [REDACTED] was in our office all the time and they wou-, had numerous conversations about a variety of topics. So if we're talking about the same conversation, um, I don't remember ... I mean, I vaguely remember something about hi-, her dating somebody new and I don't know ...

Rodrigues stated that he was not involved in the conversation and the conversation was between Ortega and [REDACTED]. He stated that nothing about the conversation rubbed him the wrong way and the tenor of the conversation was friendly. Rodrigues stated the following:

No. Um, you know, like I said in the first interview, no one has ever came to me ... especially [REDACTED] who I have a friendly relationship with ... that ever came to me and said, "I feel uncomfortable. He said this to me." It's never happened. And I feel like [REDACTED] and I have a close enough relationship that if she ... if something made her feel uncomfortable, she would have came to me and then I would've reported that.

Rodrigues stated that he is aware of the Anti-Discriminatory Harassment Policy and stated the following:

Costello: And you're familiar with the, with the department's anti-discriminatory harassment policy? It's, it's gen-, it's ... the City has a policy but it's also a general order, general order, um, sorry, 320?

Rodrigues: Um, I'm familiar with it, yes.

Costello: Okay. Was there anything about the conversation whether it be that conversation or other conversations between [REDACTED] and Sammy Ortega that you thought may have violated this policy, the anti-discriminatory harassment policy?

Rodrigues: No.

Costello: Anything that you thought made [REDACTED] work environment hostile or uncomfortable or intimidating?

Rodrigues: No.

Costello: Okay. Did she ever mention anything to you that she, tha-, that, that she, uh, felt ho-, you know, that her work environment wa-, was, was, was that hostile, intimidating or that she was being harassed?

## CONFIDENTIAL INVESTIGATIVE REPORT

Rodrigues:

Never.

Rodrigues stated further:

No. It seemed like they are having a conversation. I never heard the fucking part. So, you know, obviously if I would have heard that, that would've been ... you know, I mean, like, if that ... I heard that word, that word would have stuck out to me 'cause that-, that's a little ... you know, that's, that's too much. And I never heard that word. I never heard her complaining. It was nothing, nothing to that effect.

Rodrigues did not remember if anyone else was present during the conversation. He stated that to him, there was nothing for him to report because there was no violation of the discriminatory harassment policy.

[REDACTED]

Investigators interviewed [REDACTED] on January 19, 2024. [REDACTED] office is at Headquarters. [REDACTED] is part of the [REDACTED]. Rodrigues just became [REDACTED] boss. [REDACTED] did not work directly with Ortega but knew who he was. [REDACTED] did not know who [REDACTED] is. [REDACTED] stated that she has never observed Ortega make any inappropriate comments to herself or someone else. She stated that there has never been an occasion where Ortega commented on someone's body or what they were wearing. She stated that there has never been an occasion where Ortega inappropriately discussed someone's private or personal life. [REDACTED] reviewed the Anti-Discriminatory Harassment Policy and stated that she has never seen Ortega engage in conduct that would be in violation of that Policy. [REDACTED] stated that Ortega has not done anything to make her feel uncomfortable. [REDACTED] denied that there was an occasion where Ortega commented on what she was wearing in a way that made her feel uncomfortable.

[REDACTED]

Investigators interviewed [REDACTED] on January 25, 2024. [REDACTED] works as a [REDACTED] in the New Bedford Police Department's South End station. [REDACTED] has been in that position for [REDACTED].

[REDACTED] knows Ortega because she worked under him as part of the [REDACTED]. [REDACTED] also knows [REDACTED]. She stated that she worked a case with [REDACTED] at the end of August or early September 2023. [REDACTED] stated that she knew [REDACTED] before that case because [REDACTED] interviewed for a position at [REDACTED].

[REDACTED] stated that she never witnessed Ortega make any inappropriate comments to anyone, including herself. She stated that there was never an occasion where Ortega commented on anyone's body or inappropriately commented on someone's clothing, including herself.

## CONFIDENTIAL INVESTIGATIVE REPORT

██████████ stated that she never witnessed an occasion where Ortega inappropriately commented on someone's private and/or personal life.

██████████ discussed the most recent CCIT Meeting and stated that Ortega, ██████████, Jorge, Belong, ██████████, and ██████████, were all present. ██████████ stated that ██████████ was upset because she was supposed to lead the meeting, but Ortega was doing so. ██████████ stated that there was tension in the room between ██████████ and Ortega. ██████████ stated that she was privy to the fact that ██████████ believed that she was being treated differently by Ortega. ██████████ remembered ██████████ making a comment during the meeting relative to Ortega breaking into her office. ██████████ stated that ██████████ made this comment "maybe midway through or towards the end" of the meeting and that everyone at the meeting was present.

██████████ stated that she had conversations with ██████████ regarding Ortega starting in August or September of 2023. ██████████ initially worked with Ortega for seven months as an employee for ██████████. She then left her job at ██████████ to work at the ██████████ and then returned to ██████████ to work in a different capacity with the New Bedford Police Department. ██████████ stated that she left ██████████ initially because she did not want to engage with Ortega and ██████████. She stated that there were programing issues, and she addressed those issues with Ortega. ██████████ stated that she felt that it was not handled appropriately. ██████████ stated that her supervisor and Executive Director got involved in the issues and tried to handle the issues as well.

██████████ was initially a ██████████ under Ortega's MH1 Unit. ██████████ had a professional issue while working in the MH1 Unit. ██████████ stated that ██████████ became angry with ██████████ because ██████████ was discussing certain issues with Ortega. ██████████ described one incident where she was speaking with Ortega in his office with the door closed, and ██████████ came in and demanded to know what they were talking about. ██████████ believed that ██████████ was angry relative to ██████████, telling Ortega that ██████████ insight on certain issues was inappropriate and did not align with proper mental health clinician practice. ██████████ described a meeting that she had with Ortega and DaCosta before she left. She stated that both offered to change the program and potentially remove ██████████. ██████████ described the situation as toxic, so she left to go to the ██████████. ██████████ stated that after being there for four days, she came back to ██████████ for a different full-time position working with New Bedford patrol officers.

██████████ stated that she did not have any issue with any inappropriate conduct from Ortega. She stated that she did have conversations with ██████████ regarding her allegations against Ortega. Specifically, ██████████ stated that ██████████ told her the following:

"So she had shared that he had broke into her office. Um, she had shared that they, one time ' I'm not quite surc where they were, away from the area, or I, I don't know. But she was eating a pretzel, and he made a, a lewd comment. It made her uncomfortable. Um, her and I kind of discussed how, even as a ... like, the conversation kind of was about being a, a, a grown woman and being in that situation, how uncomfortable it is. Um, she had talked about something, I believe, about pants that she wore. I mean, he may have made a statement about that. Um, she told me about him contacting her husband's

**CONFIDENTIAL INVESTIGATIVE REPORT**

employer to say that he felt as though her husband was not stable and shouldn't be working there. She also spoke about, I, I think, like, feeling like Sam wasn't giving her ... so she ... from whatever her position is, which I'm not quite sure, she sometimes needs, like, an officer to, not chaperone, but assist her in the event that the person has some type of caution note. Um, I think she felt at one point that he wasn't doing that for her. And she felt as though that might have been, like, direct retribution for issues that they may have been having on meet-, at meetings and stuff ..."

[REDACTED] stated that [REDACTED] also told her about the donation that she made to the LEAD Program. [REDACTED] stated that she told [REDACTED] that, in her opinion, the best course of action was for [REDACTED] to go to her immediate supervisor. [REDACTED] stated that, at some point, [REDACTED] insinuated that someone should leak the issue with her LEAD donation. [REDACTED] stated that this upset her, and she again encouraged [REDACTED] to report the matter to her supervisor. [REDACTED] stated that she felt as if she was in a compromised position and discussed the situation hypothetically with others who suggested filing a formal complaint. [REDACTED] stated that she suggested to [REDACTED] that she should file a formal complaint, and [REDACTED] asked [REDACTED] to connect her with someone to speak with about the issue. [REDACTED] spoke to an officer in a coffee shop about the issue and that officer told [REDACTED] that she could handle it.

██████████ stated that ██████████ did tell her that the only person she would feel comfortable sharing the issue with was Belong, and ██████████ asked if ██████████ could set up a meeting with Belong for her. ██████████ stated that she spoke to Belong and asked if ██████████ could have a conversation with him. Belong responded that he would see her at the CCIT Meeting. ██████████ described Belong's response as nonchalant.

█████ recounted the conversation at the December CCIT Meeting. She stated that Ortega took a dig at █████ – █████ stated that it was not harassing or sexual. She stated that, at some point, Ortega referenced being uncomfortable, and █████ made the comment about him breaking into her office. █████ stated that Ortega then laughed.

Investigators interviewed [REDACTED] on January 25, 2024. [REDACTED] works for [REDACTED]. She stated that her official title is [REDACTED]. [REDACTED]. Ortega's and Rodrigues' offices also used to be in that same area. Currently, the two Sergeants in Training are Jorge and Trevor Sylvia ("Sylvia"). [REDACTED] stated that her direct supervisor is Sylvia and that everyone reports to DaCosta. Prior to Sylvia, Ortega was [REDACTED] direct supervisor.

█████ started in her position in █████ █████ acknowledged making a statement to Jorge that she told her husband that it was nice to have two supervisors who do not make her feel uncomfortable. █████ stated that she also told Jorge that that comment did not concern Rodrigues. █████ stated that she was referring to Ortega.

██████████ stated that she wrote a letter in support of Ortega in the spring of 2023 and stated that she never had any inappropriate interactions with him. She stated that she and Ortega

## CONFIDENTIAL INVESTIGATIVE REPORT

were very friendly and that he helped her out personally on occasion. [REDACTED] stated that what she meant by her conversation with Jorge was that sometimes Ortega would make a joke that was inappropriate. She stated that it did not bother her. However, [REDACTED] stated the following:

"I know that he was prone to say things that were sometimes, you know, pushing it a little bit. Um, but they didn't bother me particularly. The ... that one comment, which I would have not reported on my own, but I happened to say it, um, BUT WHAT I was referencing about uncomfortable things. Um, there was one particular comment that he made last fall, um, THAT ..."

[REDACTED] went on to describe a particular comment that Ortega made to her in the fall of 2023:

Yes. Um, I was taking a TRIP to [REDACTED] and he ... and it was related to my husband in some way I think is why it bothered me 'cause jokes don't usually bother me. I mean, I work in a police station. I, I let things roll off me. Um, but he just had particularly said that I should have an affair when I'm over there, you know, making a joke of it. Um, and it came up several days in a row. So it started to make me uncomfortable that he was gonna bring it up and say those things, which, you know, I kind of brushed off and I said, "Oh, my God, I don't have time for that," you know, kind of looked down at my paperwork, don't engage in the conversation and it stopped, it went away. But it was just ... it was uncomfortable for a few days when those jokes ... and I ... he might not have even known. Probably didn't even know it was upsetting me honestly. I never told him it upset me. Um ...

[REDACTED] discussed how these comments made her feel:

Costello: Did it upset you?

[REDACTED]: It didn't upset me to the point where I went home and, like, thought about it. In the moment though, I don't like to ... you know, I was ... after the first time when it came up again, I was a little ... not upset but, um, just worried about what was gonna come out of his, come out of his mouth, you know.

Costello: Why would you ... what, what would you be worried that would come out of his mouth?

[REDACTED]: Well, not worried, but it's an awk-, you know, it's an awkward thing to have somebody say to you, especially [REDACTED], I mean, you know, it's, it's something that some people would do in that kind of situation so that's why it was upsetting to me.

## CONFIDENTIAL INVESTIGATIVE REPORT

██████ could not remember any other inappropriate conversations or jokes. However, she stated that he probably would make an off-color joke. ██████ stated that she did not feel upset enough to report this conduct.

██████ did not witness Ortega make any inappropriate comments to other people, including comments about someone's body. ██████ stated that, other than the comment that she described above, she did not witness Ortega make any inappropriate comments about someone's personal life. ██████ stated that she never heard Ortega use the word "groom" in reference to anyone in the Department. She stated that she has never heard Ortega use the word "Maria" in a derogatory fashion.

██████ reviewed the City's Anti-Discriminatory Harassment Policy and stated that she had not witnessed any conduct from Ortega directed at someone else that would be in violation of the Policy. ██████ also stated that Ortega's comment described above was the only thing that made her feel uncomfortable.

██████

Investigators interviewed ██████ on January 30, 2024. ██████ is ██████. ██████ has been in that position since ██████. ██████ is on the ██████, and she ██████. ██████ reports to ██████. Currently, ██████ reports to Jorge. Prior to this, she reported to Ortega. ██████ knew ██████ stated that she did not remember an occasion where Ortega refused to provide ██████ with an officer for a home visit.

██████ remembered the December CCIT meeting. She stated that ██████ seemed a little distraught because she felt that the CCIT should have a plan in place relative to a girl who was in Boston. Ortega responded that the individual was not in their area. ██████ had no memory of ██████ making a comment relative to Ortega breaking into her office.

██████ stated that she did remember a comment that Ortega made relative to ██████. She described it in the following way:

"Um, we were in the office and he, he alluded to making a comment, and then, uh, like, stopped himself. And then ██████ was, like, "Well, just say it. What is it?" And then he made u-, he made a comment about, um, her chest looking bigger, or I don't know exactly what it was. And I think that was it. I don't remember anything else after that."

██████ stated that she did not remember his exact words, but she stated that Ortega made a comment about her chest looking bigger. ██████ stated that the comment made her feel uncomfortable. ██████ also stated that she witnessed Ortega make a comment to ██████ that it looked like she was gaining weight and something about her stomach. ██████ was unsure if Ortega poked ██████ in the stomach as well. ██████ stated that she believed that ██████ did not feel good about it, and she told ██████ that whenever Ortega made a comment like that ██████ needs to call him on it. ██████ stated that ██████ told her that she addressed Ortega relative to this comment and told him that he made her feel uncomfortable.



## CONFIDENTIAL INVESTIGATIVE REPORT

██████ heard Ortega use the word “groom” in reference to ██████. This was in the context of moving up in the position because she comes from a different perspective. ██████ also said Ortega would leer at ██████ and this was unwelcome.

██████ remembered the home visit to an address on ██████. She stated that she remembered that Ortega came back after the interaction and told ██████ that he told the couple that they should go away for the weekend; she remembered this being in the summer of 2022.

### Paul DaCosta

Investigators interviewed DaCosta on January 30, 2024. DaCosta is a Captain, and oversees administration services. DaCosta has been in that position since January 2020 and has been a Captain since the fall of 2018. DaCosta stated that he supervised Ortega, although, according to DaCosta, Ortega responded most directly to the Chief. According to DaCosta, Ortega oversaw the Outreach Program. DaCosta stated that he had limited involvement in the Program. He stated that he was involved in a couple of meetings and understood that there was friction relative to a complaint from Child Family Services and NorthStar as to how the Program was being run. DaCosta stated that the Chief was more heavily involved in that situation.

DaCosta’s office was at Headquarters. DaCosta stated that he spoke to ██████ relative to a professional disagreement she and NorthStar had with the Department.

DaCosta acknowledged that Ortega was the prior Sergeant in charge of Outreach and Rodrigues was the prior Sergeant in charge of Training.

DaCosta stated that ██████ is ██████. DaCosta stated that he was made aware of potential misconduct by Ortega in October 2022. DaCosta referenced a complaint from ██████ that was previously investigated. DaCosta had knowledge that another complainant came forward during that investigation – ██████. DaCosta stated that he forwarded the complaint to Judith Keating.

DaCosta stated that he received a complaint from a female who lived in the Blue Meadows Housing Development involving a neighbor dispute in December of 2023. DaCosta provided an email chain between him and Deputy Sousa. DaCosta stated that Deputy Sousa directed him to speak with Ortega relative to the complaint. DaCosta stated that he believed that a resident of the development made a complaint at a New Bedford Police Station relative to Ortega’s involvement in the neighbor dispute. Specifically, she felt that Ortega was overly friendly with the other party. This individual also accused Ortega of stalking her. There were no other allegations that Ortega was engaging in discriminatory harassment or other inappropriate behavior as to this individual. DaCosta met with the Chief, Deputy Sousa, and Belong. The group believed that the allegations were not supported, and it was decided that it would be filed as an allegation. DaCosta reported this to Ortega.

## CONFIDENTIAL INVESTIGATIVE REPORT

DaCosta never observed Ortega or heard of allegations that Ortega inappropriately commented on someone's body or clothing. DaCosta did hear of an allegation that someone complained that Ortega inappropriately commented on someone's personal life as part of the first investigation. DaCosta also referenced the allegation that [REDACTED] brought to his attention.

DaCosta stated that he received Jorge's email and understood that [REDACTED] stated that she told her husband something to the effect that it was nice to have two supervisors who did not make her feel uncomfortable. DaCosta stated that he spoke to [REDACTED]. He stated that [REDACTED] told him that she was not referring to Rodrigues. [REDACTED] stated that Ortega made a comment, and she said she did not think much of it and laughed it off. According to DaCosta, [REDACTED] stated:

She was, like ... sh-, she says she didn't remember the, the, uh, comments but the more recent one she had said that she was going to, uh, [REDACTED] for a week or two and that ... I don't know how the conversa-, she said, "I don't remember how the conversation came up but he said something about, 'Well, while you're out there, uh, maybe you can have an affair'." And she said she was kind of taken aback by that. She said, "I just joked and said, 'Uh, IT'S, LIKE, I wouldn't even know how to start'." She said, 'LIKE, I'd probably get caught'." And he followed up by saying, "Well, not if you do it right." And so they laughed it off and she just ... she said, "I just ignored him," we just laughed and that was it.

DaCosta further summarized his conversation with her:

... and [REDACTED] And she always said she mi-, um, uh, YOU CAN READ IT RIGHT THERE. SHE SAI-, it's like I said, she's, like, "I, I love Sammy." She's, like, um, "He made that comment." She was, like ... it was kind of "Ahh." She was, like, "Well, it's, it's ... you're kind of, like, in a male dominated place. INAUDIBLE guy," she's, like, "so I just kind of think like, all right. Maybe he doesn't really realize it's not the most appropriate thing to say. But ..." she's, like, "I don't think anything of it." She's, like, "And I wouldn't say anything about it." But I said, "Well, there is an investigation. If they call you in, if you have an issue with it, you should bring that up."

DaCosta never observed any inappropriate comments or jokes from Ortega in the office. He stated that he never heard anything with sexually harassing undertones. DaCosta stated that he did not report his conversation with [REDACTED] because [REDACTED] told him that she did not feel that it was a violation of the harassment policy. DaCosta stated that [REDACTED] said the following:

Yeah. She said, "It's not a big deal." She said, "I didn't take it as any, uh, sexual harassment, I didn't take it as anything like that." Um, and that's, like, all she said. I said, "Are you sure?" I said, "Well, if they ask you," I said, "you know, bring it up. But, um, but if you don't want me to do anything with it now ..." And she says, "No." She's, like, "I just ..." She said, "I just mentioned that to him and that's it." INAUDIBLE an example. But she said, "That was just a joke."



## CONFIDENTIAL INVESTIGATIVE REPORT

DaCosta reported that Rodrigues told him that he heard Ortega make the following statement to [REDACTED]: "So you like fucking older men". DaCosta reiterated that Rodrigues told him that he heard Ortega use the word "fucking".

[REDACTED]

Investigators interviewed [REDACTED] a second time on February 2, 2024. [REDACTED] stated that she remembered the occasion where Ortega made a comment about [REDACTED] bra. [REDACTED] stated that she, [REDACTED], [REDACTED], and Ortega were all together. She stated that, at first, Ortega did not want to say something and stated that he was not going to say anything. [REDACTED] stated that [REDACTED] then told Ortega to "just say it" two times. She stated that Ortega again stated that he was not going to say it and [REDACTED] "kept on pushing the issue." [REDACTED] stated that Ortega then stated that [REDACTED] looked different based on the type of bra she was wearing. [REDACTED] stated that she thought that everyone was pretty shocked that Ortega said what he said. [REDACTED] stated that she laughed it off and the comment did not make her feel uncomfortable. [REDACTED] confirmed that Ortega made the comment in the fall of 2023.

[REDACTED] stated that she understood that, prior to Ortega's hesitation, he was going to make a comment as to [REDACTED] appearance.

[REDACTED] also admitted that Ortega made a comment to her about her stomach in a police cruiser. She described the interaction as so:

Yeah, I mean, I, I've been very close with Sergeant Ortega, um, talking about just, um, my, my past, uh, my past experiences. Um, I've, I, [REDACTED]. Um, so when I [REDACTED], uh, I was telling him about it. And, um, and he was telling me, like, you know, um, t-, you know, "You shouldn't be worrying about that." And he would just laugh it off, um, saying, like, "Yeah, you know, you've gained weight." Um, I know he poked my belly, um, but it was all in a joking manner. That's how I ...

[REDACTED] stated that she did not take offense to the comment/interaction. She stated that she did have a conversation with [REDACTED] after the comment and that she told [REDACTED] that she was not offended by the comment.

[REDACTED] stated that she also remembered the December CCIT Meeting and remembered [REDACTED] making a comment to Ortega that he broke into her office and put a cupcake there. [REDACTED] stated that [REDACTED] was referencing Ortega going into her office a couple of years prior and leaving her a birthday cupcake. [REDACTED] could not remember if she was with Ortega when he did this.

Investigators interviewed [REDACTED] a third time on March 28, 2024. Investigators asked [REDACTED] about the incident that she spoke of during her interview on February 2, involving Ortega when he made a comment about her belly and poked her belly. [REDACTED] remembered the incident. [REDACTED] stated that she believed it was a year or a year and a half prior to the interview. [REDACTED] did not remember if they were responding to a particular call when the incident

## CONFIDENTIAL INVESTIGATIVE REPORT

happened. She stated that it was just Ortega, [REDACTED], and herself in the car and she stated that she did not believe that they would have called off which would have created a CAD sheet. [REDACTED] did not report the comment to anyone. [REDACTED] stated that she did not feel uncomfortable because of his comment or the fact that he touched her belly.

### **IV. FINDINGS**

The City of New Bedford maintains an Anti-Discriminatory Harassment Policy and the New Bedford Police Department adopted this Policy in General Order 3-20 ("Policy"). The Policy prohibits "unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as sex, race, color, national origin, ancestry, religion, age, disability, pregnancy, sexual orientation, gender identity, genetic information, active military status and or any other protected category." Under the Policy, "conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment" qualifies as sexual harassment.

The New Bedford Police Rules and Regulations contains Section 502, Personal Conduct. It states in part:

Members and employees of the department when in contact with the public are viewed as representatives of the department and the department is often judged by the public according to the image presented by its members and employees. For this reason it is important that all personnel be cognizant of their actions and conduct themselves as befits their rank and position and in accordance with the department rules, regulations, policies and procedures.

Section 502.2, requires all personnel of the Department to be "civil, orderly, diligent, discreet, courteous, and patient as a reasonable person is expected to be in any situation."

Rule 515.6(d) and (o), considers conduct unbecoming and the commission of any act contrary to the good order and discipline of the department a rule violation.

Lastly, Rule 501.10 requires that, "upon observing or otherwise becoming aware of a violation by another member of the department of the department's rules, regulations, policies and procedures, a member shall report such violation to his Commanding Officer."

#### **A. Findings Related to [REDACTED] Allegations:**

Based on the investigation, this investigator is unable to sustain the following allegations from [REDACTED]

- Ortega texted [REDACTED] a Tik Tok video of someone playing the bongos on the backside of someone and told her to show it to her husband.

## CONFIDENTIAL INVESTIGATIVE REPORT

- In the spring of 2022, Ortega told [REDACTED] that she seemed stressed and that she needed to go home and have sex with her husband. [REDACTED] told him to stop and that [REDACTED]. She stated that Ortega called her husband's boss.
- Ortega told [REDACTED] that she needed to have sex with a big black man so she would not be so moody.
- Ortega was working to ostracize her from the community obligations or things that both her and Ortega do together.
- While responding to a case with [REDACTED], Ortega told people present that [REDACTED] was in a cult. During the same response, Ortega told a retired police officer on scene that if he went away for the weekend and had sex with his wife, his wife would not be so upset about her mother, who was experiencing medical issues.
- While [REDACTED] was eating a cinnamon stick, Ortega referenced her performing a sex act on the cinnamon stick.
- Ortega made a comment about [REDACTED] pants while she was at Department Headquarters picking up COVID-19 supplies.
- Ortega alluded to [REDACTED] needing to be put in her place at home.

As set forth in Section B below, based on the investigation this investigator sustains the allegation that Ortega improperly discussed personal and/or private life of other employees.

Based on the investigation, this investigator finds that during the December CCIT Meeting there was a conversation relative to Ortega going into [REDACTED] office to leave her a cupcake. However, based on the investigation, this investigator finds that there is insufficient evidence to support (i.e. not sustain) that Ortega's comments or conduct violated Department or City Policies or Rules and Regulations.

Based on the investigation, this investigator finds that Ortega referred to [REDACTED] as a "Maria" and used the word "groom" in reference to [REDACTED]. Based on the investigation, this investigator does not find sufficient evidence to support a finding that Ortega violated the City's Anti-Discriminatory Harassment Policy in doing so. Regarding the word "Maria", [REDACTED] stated that Ortega did not use it in a negative way, but rather meant it in reference to [REDACTED] stepping out of her parents' "guard".

Regarding the word "groom", [REDACTED] reported hearing Ortega use the word "groom" in relation to [REDACTED], but she reported this was made in a context that does not suggest that the comment violates Department or City Policies or Rules and Regulations.

### B. Findings Related to Other Allegations:

## CONFIDENTIAL INVESTIGATIVE REPORT

1. Violations of General Order 3-20, the Department's Personal Conduct Policy, and Neglect of Duty.<sup>2</sup>

Based on the investigation, this investigator finds sufficient evidence to sustain that Ortega engaged in the following instances of conduct:

- Ortega's comment to [REDACTED]:

Based on the investigation, this investigator finds that Ortega commented on [REDACTED] body and/or clothing in the fall of 2023, and [REDACTED], [REDACTED], [REDACTED], and [REDACTED], all witnessed Ortega's comment. [REDACTED] stated that she was not uncomfortable, however, she believed everyone to be shocked. [REDACTED] remembered the comment being about [REDACTED] chest and she stated that she was uncomfortable. [REDACTED] stated that the comment did not make her feel uncomfortable, but she was "drawn back" by the remark.

- Ortega's comment to [REDACTED]:

Based on the investigation, this investigator finds that Ortega made comments to [REDACTED] in the fall of 2023, that [REDACTED] should have an affair while on vacation. The investigator credits [REDACTED] statements relative to her allegation. [REDACTED] stated that he made these comments several days in a row and that they upset her.

- Ortega's comment to [REDACTED]:

Based on the investigation, this investigator finds that Ortega asked [REDACTED] about a personal relationship that she was having and specifically referenced that she was "fucking" another member of the Department, in the fall of 2023. Rodriguez corroborated the fact that there was a discussion between Ortega and [REDACTED] about whether she was having a personal relationship with another member of the Department. [REDACTED] stated that she also had knowledge of conversation.

- Ortega's comment to [REDACTED] and Ortega's touching of [REDACTED]:

Based on the investigation, this investigator finds that Ortega commented on [REDACTED] stomach and her weight and touched her stomach approximately one to one and half years prior to her interview on March 28, 2024. [REDACTED] was in the cruiser when this occurred and corroborated [REDACTED] account.

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<sup>2</sup> As referenced in Section II, Appendix, this investigator takes notice that of the fact that following an investigation, Ortega received a Notice of Investigation Conclusion dated May 18, 2023. The Notice advised Ortega that the Department found that he violated the City of New Bedford's Anti-Discriminatory Harassment Policy based in part on Ortega inappropriately inquiring into a colleague's personal life.

## CONFIDENTIAL INVESTIGATIVE REPORT

This investigator finds that each instance of conduct constituted conduct that unreasonably interfered with individuals' work performance and created an intimidating, hostile or offensive work environment violating General Order 3-20 and qualifying as sexual harassment. In addition, Ortega's statement to [REDACTED] as well as his comments to [REDACTED] constitute instances where Ortega improperly discussed employees' personal and/or private life.

Ortega's conduct – in violating General Order 3-20 as well as improperly discussing employees' personal lives – constituted violations of Department Rules 502, 502.2, 502.3, and 515.6, (d) and (o). Specifically, on these occasions, Ortega failed to conduct himself in a manner befitting his position with the Department or rank as Sergeant. Further, Ortega's conduct was discourteous and disrespectful in violation of Rule 502.2. Lastly, Ortega's conduct constituted acts that are unbecoming of an officer and contrary to the good order of the Department, in violation of 515.6, (d) and (o).

### C. Findings related to allegations concerning [REDACTED]:

Based on the investigation, this investigator finds that there is insufficient evidence to support (i.e., not sustain) that Ortega inappropriately commented on [REDACTED] clothing. [REDACTED] reported that Ortega's comments could be a little to the extreme, however, there was no other evidence that Ortega inappropriately commented on [REDACTED] clothing. [REDACTED] was interviewed and denied witnessing any inappropriate comments from Ortega to anyone.

### D. Findings Related to Reporting Violations of another Member:

As explained in Section IV, Rule 501.10, requires that "[u]pon observing or otherwise becoming aware of a violation by another member of the department of the department's rules, regulations, policies and procedures, a member shall report such violation to his Commanding Officer." Based on the investigation, this Investigator finds that DaCosta failed to comply with the requirements of Rule 501.10 when he did not report [REDACTED] allegations regarding Ortega to his commanding officer.

DaCosta received a report from Jorge on or about January 17, 2024, that [REDACTED] made a statement that it was nice to come into work with two supervisors who don't make her feel uncomfortable and that this comment was directed at Ortega. During his interview with this investigator, DaCosta stated that during a follow up conversation with [REDACTED], he inquired whether [REDACTED] felt that Ortega had violated any of her rights, and specifically identified harassment policies. DaCosta learned from [REDACTED] that Ortega made a statement to the effect that [REDACTED] should have an affair while away on vacation and that [REDACTED] felt taken aback by this comment and identified the comment as "not the most appropriate." Even though [REDACTED] expressed that she did not want the matter brought forward, under Rule 501.10, DaCosta still should have reported [REDACTED] allegations to his commanding officer as he became aware of a possible violation of Department rules. It is also worth noting that at the time [REDACTED] made her report, DaCosta was aware of an ongoing investigation into Ortega. Reporting [REDACTED] allegations to DeCosta's commanding officer would have ensured that [REDACTED] concerns would have been addressed during this investigation.

## **CONFIDENTIAL INVESTIGATIVE REPORT**

Based on the investigation, this investigator finds that there is insufficient evidence to support a finding that Rodrigues should have reported Ortega's comments to [REDACTED] as violating the General Order 3-20. [REDACTED] could not recall if Rodrigues was present for the conversation; and Rodrigues stated that the conversation was between Ortega and [REDACTED] and that he was not a party to the conversation. Rodrigues stated that he did not believe that [REDACTED] was uncomfortable and [REDACTED] did not report the conversation to him. Rodrigues stated that he did not hear the word "fuck" in the conversation. Based on the investigation, this investigator finds that there is insufficient evidence to sustain a finding that Rodrigues observed Ortega violate General Order 3-20, thereby triggering an obligation that he report that violation or address it with his superior.