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# LEGAL DEFENSE TRUST TRAINING BULLETIN

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## “RATEMYCOP.COM”

### A First Amendment Forum or a Playground For Rumormongers and Cowards?

by  
Michael P. Stone, Esq.

Imagine sitting down in the roll-call room with your fellow officers or deputies before start of watch. Your lieutenant begins roll-call by going through the rotator and reads aloud “anonymous” commentaries about your fellow officers or deputies on the job. Some of the remarks are kind of funny and probably meant to be harmless; others are inappropriate; some are defamatory; and some are downright malicious and mean-spirited. The one common denominator in all of them is that the “authors” are *anonymous*; they can’t be identified, nor can they be held responsible

Now, we all know that no police

or sheriff’s department (we hope) would permit either roll-call time or official information systems (be they the rotators or the department’s computer systems) to be used in this manner, for a number of good reasons, not the least of which are that such items have *no beneficial value* and are *plainly injurious* to good order, morale, discipline and *esprit’d corps* within the department.

Is there any doubt that the publication of “anonymous” defamatory, insulting, and hurtful remarks about a co-worker (even a superior) is “conduct unbecoming an officer” (CUBO), or its variants,

“conduct which impairs the public service,” and “conduct which reflects unfavorably upon the officer or department?” “OF COURSE, IT’S MISCONDUCT, BUT THEY’LL NEVER PROVE IT WAS ME THAT DID IT.”

Wouldn’t we agree that if its wrong to do it from the get-go, it doesn’t make it right because the trash is posted anonymously on an on-line website, with access available to anyone (i.e., the public)? *Enter RATEMYCOP.com.* This outfit’s website, “About Us” contains the following statement:

RATEMYCOP.com is a privately-held company based in Los Angeles. The website allows registered users to leave written feedback about their interactions with police officers, and rank the officer's service based on three criteria: Professionalism, Fairness and Satisfaction.

Privately, citizens share stories about their interactions with law enforcement officers every day. The concept of a website where people can share such information was born out of one such conversation.

In September of 2007, RATEMYCOP.com founders decided to create an online forum for citizens to voice both their praise and criticism of police officers. Public records request letters

were sent to law enforcement agencies across the nation, asking for the names and identifying numbers of the officers who do not require anonymity in their line of work. The letter asked only for the information that would be written on a ticket to identify the issuing officer.

In response, piles of mail flooded in and the lists of officers provided by various agencies were added to a steadily growing database. By the time the website went live on February 28, 2008, over 1000 letters had been sent by RATEMYCOP.com and the company had accumulated over 120,000 names of officers nationwide.

Word of the site spread like wildfire and even before the first feedback was posted, the site founders conducted interviews with several prime time news programs, talk radio shows and newspapers. There was buzz. By week's end, over 50,000 people had visited the site from 40 countries around the globe. RATEMYCOP.com was off and running.

Prior to the launch of RATEMYCOP.com, people had no way to provide feedback about officers who are being paid by tax dollars. It is the hope of the site's founders that citizens and departments alike will use this powerful tool as a way of monitoring police performance. Officers who do their job well will receive the public attention they deserve. So will the dishonorable few who try to hide misconduct behind the power of their badge.

Now you can participate. The next time you have an encounter with a police officer, please feel free to responsibly rate your cop according to the three standards of performance offered on the site. You may also browse the rankings and feedback provided by

citizens for officers in departments all over the nation.

You have the right to remain informed.

Well, great: “Professionalism, Fairness and Satisfaction.” A public forum where *citizens* (and presumably, “non-citizens”) can express their comments, criticisms, complaints, and *once in a while*, Atta boys and commendations about cops with whom they have come into contact? Being a true believer in our First Amendment freedoms, I have no problem with citizens, non-citizens, residents, and non-residents alike using a public forum to post *responsible* comments, remarks, and complaints about the way a particular officer has performed his or her duty or about the agency as a whole. But the First Amendment does not make defamation a “privileged publication,” whether it is slander or libel.

Aggrieved persons, or those who at least think they are aggrieved by police conduct, are entitled to freely express their grievances in a number of forums: letters to the editor, sound

bites over electronic media, personnel complaints, appearances before oversight commissions, civil litigation, and yes, on RATEMYCOP.com. However, the one difference between these several forums is the anonymity that some of them provide to the speaker. That does not make unfounded personal insults and vituperative attacks any less painful for the victims. Nevertheless, it does embolden those who engage in these behaviors, because it means they can be as spiteful and hateful as they want, and never have to look their victims in the eyes and admit, “It was me.”

We cannot do much about third parties who attack our members in public forums, except when their remarks stray into “unprotected speech” and they are identified or identifiable. It is as much a part of the job today as are comment cards and consent decrees.

But where are we headed as a profession if we utilize blogs like RATEMYCOP.com to viciously or spitefully attack another member of the department with commentary that has no redeeming value whatsoever? Its

only “value” is measured by the anxiety, pain, hurt, and insult it inflicts on the victim.

I have proudly been a member of and associated with this profession for over 40 years. I never thought I would see the day when our own members would go after one another in this cowardly way. It is far beneath the dignity of the profession, which I hope we all want to preserve. You owe it to the profession, you owe it to your brothers and sisters within it, and *you owe it to yourself*.

We have been successful in having some of the more clearly defamatory postings removed. These were fairly obviously posted by co-workers, and in that situation, blogs like RATEMYCOP.com are not privileged under the First Amendment to re-publish the defamatory material. Most of the objectionable postings I see do not rise to the level of actionable defamation, but again, they are no less harmful. Let us think about what we are doing here. What goes around may well come around.

Many of you know about our litigation on behalf of a gaggle of

Hollenbeck (East Los Angeles) gang officers against Lupe Andrade. This self-styled “activist” has filed over 120 personnel complaints against our Hollenbeck gang officers; all but one, years ago, are frivolous. She is classified in LAPD as a “chronic complainant.” Nevertheless, Andrade knows how to work the system. She knows she can drive good gang officers right out of Hollenbeck because they cannot afford to get any more personnel complaints. Last year, during the middle of our jury trial against Andrade, she was forced to consent to injunctive-type orders that prohibited her from going to Hollenbeck, and from filing any complaints against Hollenbeck officers without the Court’s prior approval, based upon a showing of merit in a “personal knowledge of the facts” declaration executed by her.

In addition, you may know that once again, with the support of the Los Angeles Police Protective League, we are pulling Andrade back into Court on an Order to Show Cause why she should not be held in contempt next month, because she has already violated the orders three times within a

few months. Two of the complaints were “filed” by her 9-year old son, listing Andrade as the “victim.”

*All of you are vulnerable to false and malicious publications by others, whether co-employees or others like Lupe Andrade. The difference is, we know Lupe Andrade, and we know where to find her.*

Stay Safe!  
Michael P. Stone

*Michael P. Stone* is the firm’s founding partner and principal shareholder. He has practiced almost exclusively in police law and litigation for 29 years, following 13 years as a police officer, supervisor, and police attorney. He has been representing LAPD officers throughout his career and has been the General Counsel for both the Los Angeles Police Protective League and the Los Angeles Police Command Officers Association.