

# Internal Investigation 22-05

Johnstown Police Department

Lieutenant Kyle Williams

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To: Chief Phillips

From: Lieutenant Williams

Date: 9/27/2022

Ref: Investigation for IA 22-05

## **Introduction**

Initial date of incident: 09/12/2022

Source of complaint: [REDACTED]

Investigator: Lieutenant Kyle Williams

Accused Employee: Kendall Zoss

## **Synopsis**

On 09/12/2022 I was alerted to a possible issue with the relationship between Officer Kendall Zoss and former employee [REDACTED]. The concern was for possible stalking and harassment as well as possible suicidal ideations by Officer Zoss. During an interview with [REDACTED], she confirmed concerning behavior of Officer Zoss driving by her house while working, waiting for her on a roadway where she would be driving home and following her at her work in Eaton. GPS records from Spillman confirmed Officer Zoss was frequently driving by her house in Northmoor Acres.

## **Summary**

This investigation was conducted due to a possible policy violation of 318 Standards of Conduct. Specifically, 318.11.6 Conduct m. *Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.*

By repeatedly driving by the house of a former employee with whom he had a romantic relationship causing her distress and concern, Officer Zoss has violated this policy.

## **Evidence**

**Interview with [REDACTED]**

On 09/12/2022 I was alerted by [REDACTED] that there was an issue with the relationship that Officer Zoss has with a former employee [REDACTED]. [REDACTED] informed me that Officer Zoss and [REDACTED] had a relationship spanning back to when she worked for the Johnstown Police Department. [REDACTED] stated that this relationship ended sometime in the spring and since then she is concerned about Officer Zoss following [REDACTED] and possibly harassing her. [REDACTED] went on to say that she believes that Officer Zoss has been suicidal in the past few months and that she has had to go over to his house and stay with him due to his concerning comments made through text message. [REDACTED] stated that she would be able to provide copies of these concerning text messages.

[REDACTED] further described a time when Officer Zoss had gone to [REDACTED] new residence in Greeley and that [REDACTED] feels she cannot park in front of her residence due to Officer Zoss possibly discovering where she lives. [REDACTED] also stated that [REDACTED] believed that Officer Zoss was driving by her house while he was working and that he would wait in areas of town to assure that she was driving home when she said she was.

[REDACTED] was also able to provide a screen shot of a text message string between Officer Zoss and [REDACTED] in which [REDACTED] asked to not be contacted any more. Officer Zoss then appears to respond to the text message twice appearing to apologize and state that he misses her.

### **Interview with [REDACTED]**

On 9/15/2022 I met with [REDACTED] at the Sub Station to discuss the allegations in this complaint. [REDACTED] was visibly upset at the beginning of the interview and stated that she had never wanted this incident to come to this. [REDACTED] first described that the relationship began as she was going through her divorce when she still worked for the town. She stated that she tried to end the relationship several times but would go back into it as Officer Zoss would state that he was going to kill himself.

She then described an incident which she described as the last straw in Eaton when she was working for the police department. She stated she was driving around the town and talking to Officer Zoss on the phone when she believed that a red car was following her. She stated that she was going to contact the vehicle and Officer Zoss stated that it was him and that he was checking on her as she was working. She stated that she didn't want or need him to be checking on her as she was working. I asked when this had occurred, and she stated that it was in the spring around the beginning of April.

She then went on to describe that Officer Zoss had been driving by her house and sitting outside her neighborhood watching for her personal car. She stated that when she would drive by him, she would confirm that it was him by texting him. She states that because of this she was staying at friends' houses because she didn't feel safe at the Johnstown house. She then

moved to Greeley and believes that he was then driving by her apartment in Greeley. I asked when she first noticed that he was driving by her Johnstown house, and she stated it was when she still worked for the town. She stated that this continued until she moved out. Even after she had moved out, she stated that Officer Zoss would tell her that he had seen her ex-husband's car at the house even though she didn't care if he was at the house. I asked if she believed that this was happening when he was working or on his off time and she stated that it was in his patrol car even though the neighborhood that she lives in is not in the Johnstown Police jurisdiction. When asked how many times she thinks Officer Zoss was waiting for her on WCR 13 she stated about ten times. She stated that while he was waiting for her, he would be texting her and stating that she was not home yet or asking what she was doing.

██████ then went on to explain that Officer Zoss was spreading rumors about her personal life to her coworkers and other county employees that work around her. She states that after these incidents she told him not to contact her anymore and then she received a couple more messages from him.

██████ confirmed that the text messages that were sent after her asking him not to talk to her were the last time that they communicated. I asked if she had ever asked him to not show up prior to that and she stated that she had prior to seeing him in Eaton. She again stated that she had tried to break it off multiple times since then. ██████ stated that the relationship was done in March time frame while she was finishing FTO. She stated that they continued to talk on the phone through the summer. I asked if she had ever thought about calling the Weld County Sheriff or Greeley Police due to these actions. She stated she almost called the Sheriff when she believed he may have been in Eaton. She also stated that the time Officer Zoss had come to her Greeley residence looking for her car she thought about calling Greeley Police. ██████ went on to describe a time when Officer Zoss had asked her to put a life 365 app on her phone so he could have her location. She stated that he had asked her to do this because he didn't trust her, and he needed to know that she was coming home each night.

I then asked ██████ when the last time she believed that Officer Zoss was suicidal was and she stated that it would have been in the August time frame. I asked if she thought about calling the police due to these concerns and she stated that she had considered it about a year ago when she was receiving messages of him taking his guns apart. The final thing that ██████ described was that Officer Zoss didn't start following her until she started to try and end the relationship.

## **GPS Evaluation**

Officer Zoss' Spillman GPS data was analyzed as far back as could be requested from Weld County Communications. Weld County Communications was able to provide GPS history back

to April of 2022. It was apparent from the GPS data that Officer Zoss was driving through the Northmoor neighborhood with some regularity throughout the available time. In April he drove through the neighborhood six times. In May he drove through the neighborhood four times. In June he drove through the neighborhood twice. In July he drove through the neighborhood twice and once more in August. This confirms much of what [REDACTED] had stated about her belief that he was in her neighborhood about once every work week during the spring when their relationship was ending.

It was also found that once in April it appears that Officer Zoss was sitting at WCR 13 and Mallard Ridge for over an hour. There was another instance of being parked at WCR 13 and 44 during that month as well. During these times no traffic stops, or other calls were handled.

### **Spillman Message Evaluation**

The available Spillman messages were also evaluated. During the time in which messages were available no message can be found between Officer Zoss and [REDACTED]. The record of messages was available going back through August.

### **Cell Phone Evaluation**

I conducted a search of Officer Zoss' work phone for any communication between him and [REDACTED] and nothing was found. I also check pictures and recent internet search history to see if there was anything concerning, and nothing was found.

### **Interview with Zoss**

The interview with Officer Zoss was conducted on 9/23/22. It began just before 10 am and was recorded at the north Sub Station. I began by explaining the Garrity warning and having Officer Zoss sign a Garrity statement. I then explained the nature of the investigation and that the complaint originated anonymously.

I then asked Officer Zoss to explain the relationship between him and [REDACTED]. He stated that now there is no relationship between them. He stated that he has removed her from his phone and tries to stay away from anywhere that she might be.

Officer Zoss first stated that he developed a friendship with [REDACTED] after a ride along. He stated that they became good friends and would text each other every day. He stated he eventually learned that [REDACTED] was getting a divorce or was separated from her husband. He stated that he asked her out a couple of times, but she had turned him down. He then went on to say that he was dating someone else which made [REDACTED] mad, so he broke up with the girl that he was dating and asked [REDACTED] out again. He stated that this was in the spring of 2021.

Officer Zoss then explained that he was working to repair his relationship with his wife. While he was doing this, he described his relationship with [REDACTED] as being very toxic. This was the fall of 2021 when [REDACTED] was beginning to go to academy. He described his relationship with [REDACTED] as being a situation where [REDACTED] didn't want him to date anyone, but she also did not want to date him. He states that he when he was getting back together with his wife Caitlyn, he began a physical relationship with [REDACTED].

Officer Zoss then described an instance in which [REDACTED] had made a suicidal statement in reference to her struggles with academy. He stated that since she had gotten upset that she did not feel like he cared about her when she had made this statement, he would then check on her anytime he was worried about her. He mentioned checking up on her in reference to going by her house. He stated that [REDACTED] was also upset about the fact that his wife had moved back in with him. He stated that [REDACTED] did not like that she could no longer use his house as her safe place.

He then went on to explain that he was sleeping with [REDACTED] prior to his wife and kids moving back in with him, then again when she was in academy and again once she graduated after the first of the year. While [REDACTED] was in FTO she started having a relationship with her trainer in which he would ask her to come to his house. Officer Zoss stated that [REDACTED] had told him that there was nothing going on with her and the trainer, but he did not believe her. He also described a time when a dispatcher friend of his had seen [REDACTED] and the trainer and stated to Officer Zoss that they were being flirty with each other. He stated that this was in the spring of 2022.

Officer Zoss then explained that [REDACTED] informed him that she had a miscarriage in March. He wasn't sure whether he actually believed that this happened, but it was what she had told him. He also explained that [REDACTED] had chosen to quit drinking in April. He stated that her drinking was always an issue with them. He stated that in April [REDACTED] went out with a friend and Officer Zoss stated that he a super bad feeling about the night. He said that while out [REDACTED] told him that her previous FTO Dwayne was out with them. He describes calling and texting her throughout the night. She then had told him that he needed to respect that she was out with friends. He explained that he continued to call and text her throughout the night and she ignored him. He went on to say that this night caused issues between them because he could no longer trust her, and she had been trying to get him to hate her.

Officer Zoss then explained a time when he had dropped his wife off for a surgery and then had time to kill. He stated that he went to Eaton to see [REDACTED] and show her that he didn't hate her. He stated that he was on the phone with [REDACTED] and then met with her as she was working. He stated that she had been happy to see him however when he touched her on the leg, she became defensive and left him in a weird manner.

He then described a time in late April when [REDACTED] was going to a baseball game with friends. He stated that she had wanted to rebuild the trust in their friendship, so he told her that he needed her to do something to rebuild the trust. He described that she had promised him that she would not take any shots and she would stay at her house for the night. He then spoke to her the next day, and she explained that she had drank shots and stayed at a friend's house. Throughout this explanation Officer Zoss described the need for rebuilding trust so that they could fix their friendship. He stated that she continued to hurt him by lying to him and not doing what she said she was going to do. He stated that due to this incident he told [REDACTED] that they needed to be done. This was around the first of May.

Officer Zoss then stated that around Mother's Day he emailed [REDACTED]. He described the email as a letter from her miscarried child to tell her that she would have been a good mother. He stated that this prompted her to ask him for help in getting the divorce papers for her. He stated that the relationship continued to be toxic and that she would end every conversation with statements like, "congratulation you killed me" "I'm going to be dead," or "you sucked the life out of me."

Officer Zoss explained a couple more issues that had happened during the summer. He stated that he didn't know if [REDACTED] was with Dwayne but when he would ask her about this she would get upset and say that he was jealous. He stated that because he didn't know what was going on he began to get depressed, he stated that he felt like he was going crazy. He said that he believed that he could see what was going on, but [REDACTED] would always have an excuse for what was happening.

He then went on to explain that he started seeing a therapist. He stated that he was feeling crazy and that he didn't know what was going on in his head. Officer Zoss explained that his best friend and the person he loved was doing things he didn't understand. His therapist explained that [REDACTED] may have borderline personality disorder and when he looked into this it began to make more sense.

The next incident he described was around Father's Day. He stated that they were again arguing about Dwayne and their relationship. He stated that at this time he had blocked her due to the issues that they were having. He then unblocked her around the end of June and texted her to tell her that he had unblocked her. He then learned that [REDACTED] had gone out with Dwayne. They argued about this relationship and [REDACTED] eventually told him not to contact her unless it was an emergency.

Officer Zoss then described a time when he met a member of her academy class at the jail and that officer did not know who he was. Officer Zoss assumed that [REDACTED] had lied about telling her fellow academy cadets that her and Zoss were friends. The jail deputy he met with also told Zoss that [REDACTED] had texted him drunk the day before. Zoss had thought that [REDACTED] was not drinking so he texted her to tell her that she needed to stop because she was getting a bad reputation. He again stated that [REDACTED] had been lying to him and he could not trust her, so he asked her not to contact him. This was near the end of July and Officer Zoss stated that he was still battling depression at this time.

Officer Zoss then went on to explain that [REDACTED] reached out to [REDACTED] to talk about the issues that she was having. Zoss explained what had happened between them to [REDACTED] so that she could reach out to [REDACTED]. After [REDACTED] had reached out to [REDACTED], Zoss reached out to [REDACTED] to tell her that he still cared. [REDACTED] advised Zoss not to talk to [REDACTED], but he stated that why shouldn't he be allowed to talk to [REDACTED]. He stated that he reached out to her on the work MDT because he was not sure that he had her phone number and that he wanted to talk to her to get some closure about what had happened. He asked her to go to coffee with him and she had agreed.

He then went back to explain that [REDACTED] had told him the name of the apartments that she had moved to in Greeley. He stated that he didn't know what to believe with [REDACTED], so he drove to her new apartments to see if she actually moved there or if she had been lying to him. He stated that he went to the apartments to try and find her car before he went to coffee with her. He said he needed to do this to check on her truthfulness. He stated that there was another time that he was going to Greeley, and he checked her apartment to see if she was home. He then texted her to see if she would tell him that he was home and he could confirm whether she was being truthful. He then explained another time when he drove through her apartment prior to therapy. Her car was not there but when he drove through there after therapy her car was there.

Officer Zoss then explained that while they were having coffee [REDACTED] told him that she thought he had been stalking her. She explained that when he had showed up in Eaton, she believed that he was stalking her. She had then told him that she knew he wasn't actually stalking her it was just how she felt. He went on to say that he tried to explain to her that she needed someone to hold her accountable. To help her do that he suggested to her that she share her phone's location with him so he can know that she is being truthful about where she was at any time. She would not share her location because she still believed that he was stalking her.

The next event that he explained was going to her apartment to go for a walk. He stated that they met at her apartment and went for a walk. He stated that after the walk they wanted to go get coffee. He didn't want to drive his car because it didn't have air conditioning. [REDACTED] needed to get something from her apartment, but she didn't want to go get it because she didn't want Zoss or anyone to know where her apartment was. They did end up taking her car

to coffee. After they got coffee, he described that they were driving back, and she got mad at him for talking bad about her. During this time [REDACTED] had told him about a bridal shower that she was going to that weekend.

Officer Zoss then explained that the next day he texted her to try and set a date when they could talk. He had asked her if she believed that they could ever date again if it didn't work out with him and his wife. She had stated that she didn't want to date again. He then waited until Sunday which was the day they were supposed to talk. He stated that she did not contact him in the morning on Sunday, so he drove to her apartment to see if she was home. He stated that she then contacted him and stated that she had gotten home. While they were talking, he stated that he believed that she was lying to him. After this exchange he believed that she hadn't changed so he wasn't going to pursue her anymore.

He then went on to explain that a couple weeks later he was camping with his family, and someone reached out to him to tell him that [REDACTED] was sleeping with a Weld County deputy. He stated that he then texted [REDACTED] to ask about the relationship with the deputy. [REDACTED] stated that what he had heard was not true and then she called him to ask who he had heard the information from. He wouldn't tell her who had told him, so she hung up on him. She then texted him to tell him not to contact her again. He then texted her to tell her that he had gotten the text. He didn't believe that the text had gone through due to being up camping. He then blocked her number.

The final incident that he explained was a night that he went out to a party at Detective Slocum's house with his wife. He stated that he drank too much, and his wife also drank too much to drive so they texted the babysitter to see if she could stay overnight. The babysitter didn't want to stay and sent [REDACTED] husband to pick them up. He stated that once he got home, he texted [REDACTED] to tell her that he missed her. He then text her again to apologize for texting her the night before. He then deleted her contact information from his phone. Due to the incident from the night before [REDACTED] and her daughter had been mad at Zoss. He assumed this was due to them talking to [REDACTED], so he asked if they had been talking to or hanging out with [REDACTED] and they stated that they hadn't been. This had upset [REDACTED] and she eventually told Zoss that this had been partly why she was upset.

Officer Zoss then completed telling me about the relationship and what had happened leading up to today. I then began asking him about specific portions of the investigation.

I asked him if [REDACTED] had ever asked him not to come to her apartment. He stated that she had only ever told him that she didn't want him to know where her apartment was. I asked if someone not wanting them to know where they lived would lead him to believe that they didn't want him at their house, and he stated that it would. He thought that this was when they met for coffee.

I then asked if he had ever driven to her Johnstown house while he was working. He stated that since the neighborhood was close to town, he would drive through the neighborhood due to

road construction on WCR 13. He stated that he was driving through just so there was more police presence. He stated that he believed that he was only doing this once a week. He stated he did think that he went through more than once a night a couple times. When asked why he was going through more than once a night it was to see if [REDACTED] was home. When asked why he was doing that he stated that [REDACTED] was out late, and he couldn't get ahold of her, so he drove through the neighborhood twice to see if she was home. He stated that he only did that once. He then went on to explain that an Eaton officer had gotten fired and there was a concern that [REDACTED] was being followed home. He stated that [REDACTED] had asked him to watch out for his car. He stated that he would have been going through her neighborhood to assure that she wasn't being followed.

I then asked if he had ever waited on WCR 13 to see if [REDACTED] was going home when she said she was going home. He stated that he hadn't. He explained that there was a spot where he would do paperwork near Mallard Ridge. He stated [REDACTED] would come meet him sometimes where he was parked. He also stated that sometimes he would be running traffic in that area and [REDACTED] would stop and talk to him.

I then asked if he had ever tried to figure out where she was when he was working, and he stated that he hadn't.

I then asked about the incident where he was reported to have followed her in Eaton. He stated that he was on the phone with her and was waiting for her outside of the police department. He said he did follow her as he was on the phone with her. He said he followed her for five minutes. He then met with her to show her that he cared and that he didn't hate her.

Officer Zoss then explained that [REDACTED] had told him that she thought he was stalking her when they went out for coffee. He confirmed that after she had told him this, he did go to her apartment without being asked to confirm that she was alright.

I then asked him about telling [REDACTED] that he was suicidal. He stated that he had never told her that he was going to kill himself, just that he was going to go to the mountains and not come back. He stated that he would understand how she would think that he was suicidal.

I then asked if he had ever spread a rumor to damage [REDACTED]'s career and he stated that he hadn't. He also stated that he had not asked other officers to keep an eye on [REDACTED] and report back to him. He stated that the Larimer County deputy had initiated the conversation with him, and he had only told him that [REDACTED] had a problem with alcohol. He also stated that his dispatcher friend who told him about [REDACTED] being with the Weld deputy had told him just because she knew about their past.

I asked Officer Zoss why it mattered if [REDACTED] was being truthful with him if they didn't have a relationship and he stated that he didn't know. He stated that he hates being lied to and it makes him feel crazy when people lie to him. He stated that he initially went to the therapist

because he felt crazy when he saw what [REDACTED] was doing but she would tell him something different.

I then went on to ask Officer Zoss to try and see the situation that he was in from an objective lense and tell me what the situation looked like to him. He stated that he was not able to be objective about the situation and that it didn't look to him like stalking or harassing and that [REDACTED] had told him that she knew he wasn't stalking her. I asked him if texting her after she asked not to be contacted seemed like harassment to him and he stated that he didn't think the messages that he sent her after she asked not to be contacted would be considered harassing.

I also asked Officer Zoss if there was anything else that he believed that I should know about him and [REDACTED]. He stated that there wasn't. I asked him to try and see the situation from another perspective and how his interpretation of the events may not be the same as [REDACTED].

### **Conclusion**

After the completion of the interviews and gathering the digital evidence in this case it is apparent that Officer Zoss had driven by [REDACTED] house several times while he was on duty. [REDACTED] stated in her statement that she felt like Officer Zoss was following her and that she had to stay at friends' houses so that she didn't feel that Officer Zoss knew where she was. These instances along with the admission from Officer Zoss that he had driven by her new apartment several times to check if she was home when it was made clear to him that [REDACTED] did not want him to know where she lived presents a pattern of concerning behavior. This conduct would reflect unfavorably on the department and its members violating the conduct policy.

### **Exhibits**

1. Video Interview – [REDACTED]
2. Video Interview – Zoss
3. Text Message Copies
4. Zoss Addition to Statement
5. Written Statement from [REDACTED]
6. GPS Data from Spillman
7. Spillman Messages
8. Lumen Searches