SUNRISE POLICE DEPARTMENT

Anthony Rosa
Chief of Police

10440 West Oakland Park Blvd.
Sunrise, Florida 33351
(954) 764-4357

TABLE OF CONTENTS

IA CASE NO. 21-05-01

Preliminary Complaint Form
Chief of Police – Anthony W. Rosa

Employee's Name: Colin Douglass **Date:** 01/11/2022

P.D. Case/Citation#: 42-2010-038003/MI-27-0142 **I.A. #:** 22-01-01

Alleged Misconduct (Attach additional sheets if necessary):

Body Worn Camera Violation
14.6.2.2.2
14.6.2.2.4

Complainant (print): Chief Anthony Rosa **Signature:**

Phone (home/Cell): N/A **Phone** (work): 954-746-3399

Address: 10440 W. Oakland Pk Blvd Sunrise, FL

Supervisor Receiving Complaint: Sgt. J. Stewart

Investigation Authorized by: Chief Anthony Rosa

Investigation Conducted by : Sergeant J. Stewart **I.A. Investigation:** Yes

Findings: ☐ Unfounded ☐ Not Sustained ☑ Sustained ☐ Exonerated ☐ Training

Division Commander: **Date:** 2/11/22

Deputy Chief: **Date:** 2/11/22

Recommended Discipline (on Notice of Intent): Written Reprimand

Final Disposition: Sustained

Chief of Police: **Date:** 2/11/22

In signing this report, I acknowledge only that it has been discussed with me and that I have received a copy. I understand that I may respond verbally or in writing, and that such response will be made part of this report and taken into consideration.

Employee's Signature **Date**

Preliminary Complaint Form
Chief of Police – Anthony W. Rosa

Employee's Name: [redacted] **Date:** 01/11/2022

P.D. Case/Citation#: 42-2010-038003/MI-27-0142 **I.A. #:** 22-01-01

Alleged Misconduct (Attach additional sheets if necessary):

Body Worn Camera Violation
14.6.2.2.2
14.6.2.2.4

Complainant (print): Chief Anthony Rosa **Signature:**

Phone (home/Cell): N/A **Phone** (work): 954-746-3399

Address: 10440 W. Oakland Pk Blvd Sunrise, FL

Supervisor Receiving Complaint: Sgt. J. Stewart

Investigation Authorized by: Chief Anthony Rosa

Investigation Conducted by : Sergeant J. Stewart **I.A. Investigation:** Yes

Findings: ☐ Unfounded ☐ Not Sustained ☐ Sustained ☐ Exonerated ☐ Training

Division Commander: **Date:** 2/11/22

Deputy Chief: **Date:** 2/11/22

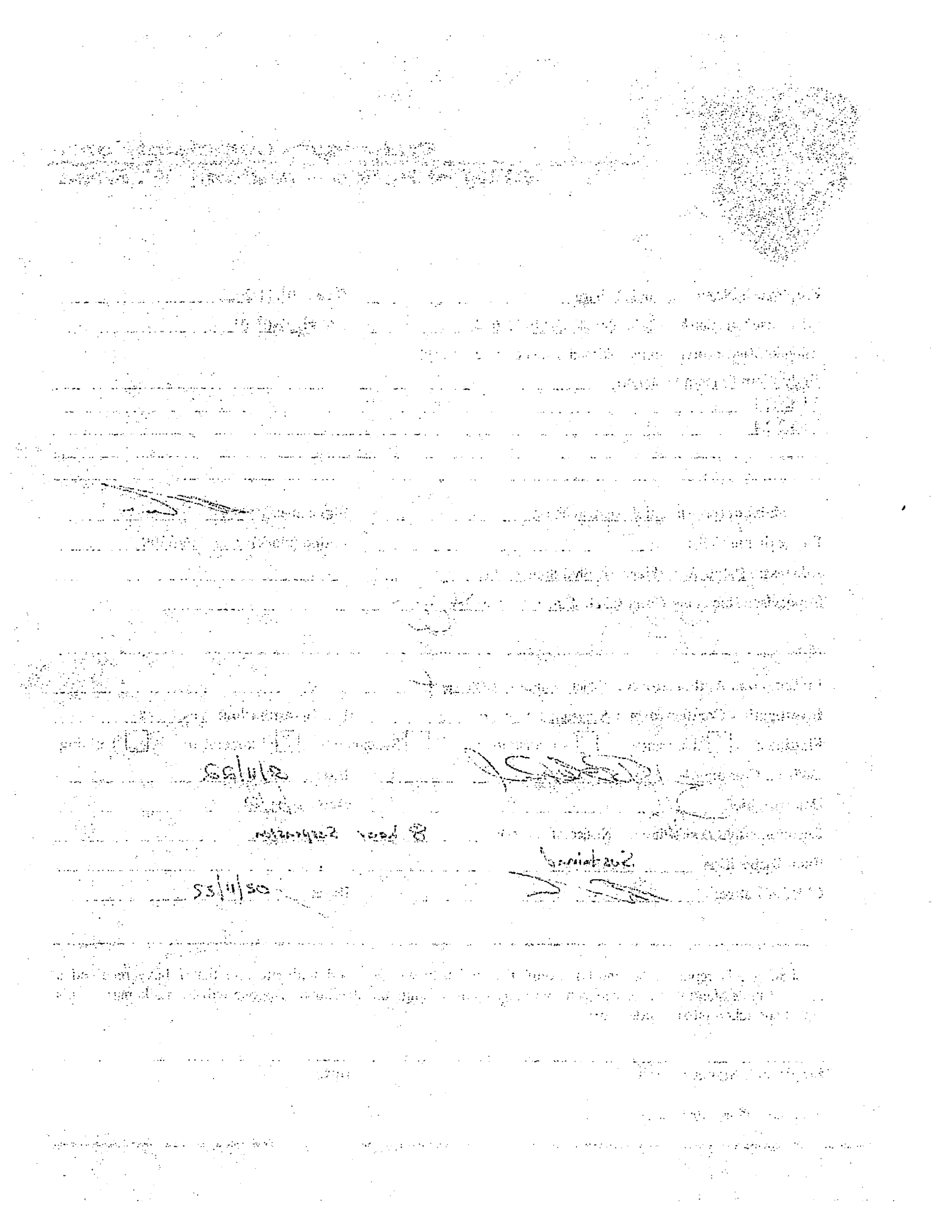
Recommended Discipline (on Notice of Intent): 8 hour Suspension

Final Disposition: Sustained

Chief of Police: **Date:** 02/11/22

In signing this report, I acknowledge only that it has been discussed with me and that I have received a copy. I understand that I may respond verbally or in writing, and that such response will be made part of this report and taken into consideration.

Employee's Signature **Date**



On 1/10/22, I was informed by Lieutenant Katz that I would be handling the internal investigation of an officer involved shooting (IA# 21-08-01). During the course of that investigation, it was realized that two officers did not activate their body worn cameras (BWC) during the call.

This was brought to Chief Rosa's attention and he requested a second investigation into this matter. On 1/11/22, Chief Rosa officially authorized an investigation into [redacted] and Officer Colin Douglass' BWC usage on the night 10/17/20.

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Internal Affairs Complaint Report Narrative

I. INTRODUCTION:

Subject Employee: [redacted] and Officer Colin Douglass

Complainant: Chief Anthony Rosa

Witnesses: Sergeant Goldstein

On October 17th, 2020, Broward County Communications received a call for service in reference to the check on the well-being of Graham Heywood. His ex-wife, Melanie Heywood told dispatch that she was concerned for Mr. Heywood. She stated Mr. Heywood told her he was depressed and that he going to shoot himself and anyone who came to his house. He also sent pictures of his guns to Mrs. Heywood.

Officers responded to the residence and made contact with Mr. Heywood. During the encounter, Mr. Heywood was shot and killed by [redacted]. The details of that case can be viewed in IA case# 21-08-01.

During the internal review of the incident, it was noted that [redacted] and Officer Colin Douglass did not have their body worn cameras activated during the above call for service. This has prompted a second investigation, looking into this matter.

The Investigative Narrative section outlines the details of my investigation into this matter and my conclusion with respect to any policy violations will be found in the Investigative Findings and Disposition section.

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Internal Affairs Complaint Report Narrative

II. INVESTIGATIVE NARRATIVE:

On **1/10/22**, I was informed by Lieutenant Katz that I would be handing the internal investigation, for an officer involved shooting, involving [redacted] (IA case# 21-08-01). During the review of the file it was noted that [redacted]nd Officer Colin Douglass did not have their body worn cameras activated during the above event. This prompted a separate investigation to be initiated.

On **1/11/22** Chief Rosa signed two PCR forms authorizing an investigation. The first was for [redacted] and the second for Officer Douglass.

On **1/11/22** Officer Douglass was issued his 5-day notice. We decided on 1/25/22 for his interview.

On **1/15/22**[redacted] was issued his 5-day notice. We decided on 1/25/22 for his interview.

On **1/18/22** I spoke with Sergeant Goldstein about him being a witness in my investigation. We decided to conduct the interview on 1/19/22.

On **1/19/22**, **Sergeant Eric Goldstein** provided a taped, sworn statement. I asked Sergeant Goldstein what his involvement was in the incident and he stated that he was there in a SWAT capacity as well as the BWC Supervisor. Lieutenant Katz asked him to review the BWC footage for the officers on scene, to include[redacted] During the review, Sergeant Goldstein found that[redacted] had no video from the incident.
Lieutenant Katz then requested Sergeant Goldstein to review[redacted]'s audit log to see if there was a malfunction or it was just not in use. He also requested him to check his camera usage for at least one month prior and to look for any malfunction issues.
To the best of his memory, Sergeant Goldstein said there were no malfunctions noted and the last time[redacted]turned his camera on was 9/3/20 and it showed a battery of 56%. He also said there did not seem to be much usage of the camera. I then asked if it was possible that the audit log could be inaccurate, and he stated no. We currently do not have access to the audit log due to an on-going financial disagreement with Utilities. Once it becomes available, it will be added to this file.

On **1/25/22** [redacted] provided a sworn, taped statement. We did not discuss any details pertaining to the shooting itself, only about his BWC usage. I asked [redacted] if he turned his camera on at all that night and he said no. In fact, it was not on his person at all during the call. At the beginning of his shift, he noticed that the battery was dead so he put it on the charger in his car. That is where it was when deadly force was applied.
Upon arriving at the call [redacted] said they recognized the seriousness of the call so the officers met prior and everyone was given an assignment. [redacted] said they attempted to contact Mr. Heywood by phone but they were unsuccessful. He decided to make a "contact team" to go knock on the door, that consisted of him and Major Sweat.
[redacted] was then asked if he thought he should have ensured that his camera was on and working during the call and he said "absolutely". When asked about his camera use prior to the incident on 10/17/20 he said it was inconsistent. [redacted] said he usually had it on his person but was not regular in recording events. He felt that it was new system and the officers had their cameras on he "did not push himself" to turn his camera on.
[redacted] stated he had never met or had any dealings with Mr. Heywood at any point prior to 10/17/20. He also said his lack of camera use on the night in question had to nothing to do with the type of call or Mr. Heywood.

On **1/25/22 Officer Colin Douglass** provided a taped, sworn statement. He was told we would not discuss any details about the shooting. Office Douglass did not recall turning his camera on at all during the call but believed he had the camera on his person because it is part of his uniform, but could not say with 100% certainty. Officer Douglass confirmed that the officers briefed prior to contact with Mr. Heywood. That is when he was given the "long eye" assignment. When asked if he thought it was an important position, he stated, "In hindsight, yes. At the time I didn't think it was a big deal". Officer Douglass agreed that the importance of his position grew as the call unfolded, but he never considered turning the camera on. He also confirmed that he could hear their verbal exchanges and gunfire.
Officer Douglass stated that he never had any dealings with Mr. Heywood prior and that there was no malice intent when he chose to not use his BWC. When asked about his prior camera usage and what that document would look like, Officer Douglass stated "inconsistent". He stated it was not unusual for him to not use his BWC on all calls.

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Internal Affairs Complaint Report Narrative

III. INVESTIGATIVE FINDINGS and DISPOSITION:

If Chief Rosa's allegations are true, [redacted] and Officer Douglass would have violated the following:

Activation/Deactivation of Body Worn Cameras:

- ***Policy & Procedure:*** *14.6.2.2.2. At the initiation of a call, when the member arrives on scene for service or other activity that is investigative or enforcement in nature, or an encounter between the member of the Department and a member of the public that is investigative or enforcement in nature.*

- ***Policy & Procedure:*** *14.6.2.2.4. Any other instance where the member believes that Data would assist in the investigation or prosecution of a crime or would assist in documenting the incident for later investigation or review.*

IV: CONCLUSION

On October 17th, 2020, Officers responded to a check on the well-being of Graham Heywood. Once officers arrived on scene, they met at a nearby clubhouse to discuss their approach. Officer Douglass was given the assignment to watch the front door and windows (long eye). [redacted] and Major Sweat would be the "contact team", if needed.

All Officers on scene activated their BWC except Officer Douglass and [redacted]. At the time, K-9 handlers (Lieutenant Sweat at the time) were not required, by policy, to wear a BWC. During his statement, Officer Douglass did not think his position was close enough or integral enough to warrant the use of his BWC. [redacted] said his camera battery was dead and it was charging in his vehicle.

Prior to shots being fired, there was at least two transmissions referencing Officer Douglass had the long eye. In one transmission, he saw the bathroom light turn on, and in another he saw Mr.

Heywood at the window. Officer Douglass acknowledged being assigned the long eye position and said in hindsight he should have powered the camera on. It was during this time, and after numerous failed phone call attempts, [redacted] and Lieutenant Sweat approached the front door of Mr. Heywood's condominium.

While watching the windows and door (with binoculars), Officer Douglass observed Mr. Heywood appear at the window, holding a long gun. At one point he watched Mr. Heywood lower the gun, leveling it with [redacted]'s position. Officer Douglass was even able to hear words being exchanged.

Next [redacted] was forced to fire, which resulted in the death of Mr. Heywood. Officer Douglass was the only witness to see Mr. Heywood in possession of a firearm.

The day of the shooting Sergeant Eric Goldstein was asked, by Lieutenant Katz, to secure [redacted]'s BWC footage from the incident. When he did this, Sergeant Goldstein realized there was no video from the shooting and in fact, [redacted] had not powered on his BWC since 9/3/20 (to the best of his memory). The actual document reflecting this data is not available as of this date, due to an ongoing dispute with Utility.

In Summary:

I find the following concerning the allegations of:

- ***Policy & Procedure:*** *14.6.2.2.2. At the initiation of a call, when the member arrives on scene for service or other activity that is investigative or enforcement in nature, or an encounter between the member of the Department and a member of the public that is investigative or enforcement in nature.*

- ***Policy & Procedure:*** *14.6.2.2.4. Any other instance where the member believes that Data would assist in the investigation or prosecution of a crime or would assist in documenting the incident for later investigation or review.*

Specific to Officer Douglass, I find that he was given an integral part in this investigation from the beginning. He failed to recognized his role in the call could be vital to the investigation. Officer Douglass' justification that he was not close enough to the residence, had no bearing on what his actual responsibility was. His assignment made him one of three people that could view Mr. Heywood and ultimately, he became the only eye witness (besides [redacted]) to Mr. Heywood holding a weapon. It is not clear whether Officer Douglass' BWC would have actually captured Mr. Heywood's actions, however, anything recorded would have provided support to the investigation.

Additionally, once officers assumed their positions and the call began to unfold, Officer Douglass had the opportunity to active or retrieve his camera, once he realized the value of his position. During his statement Officer Douglass acknowledged he was not always in compliance with the

BWC policy, concerning usage prior to 10/17/20. Officer Douglass was in violation of policy by not activating his BWC upon arrival at the call. Based on the totality of the circumstances, this investigator finds the listed policy violations:

SUSTAINED

Upon arriving at this call, [redacted] and Major Sweat thought it was important enough to form a plan before attempting any contact with Mr. Heywood. They knew he was armed and suicidal. Although [redacted]'s camera battery was dead, and this is an obvious downfall to battery operated equipment, he still bared two responsibilities:

1. To better manage his equipment
2. To not make himself the main player in the call, especially when deadly force was a possibility

An additional factor, was [redacted]'s overall BWC usage/policy compliance prior to this incident. Through his own admission which was corroborated by Sergeant Goldstein's statement, [redacted] did not regularly use his BWC and the last time it had been powered on was at least one month prior. As a supervisor, [redacted] had a greater responsibility to follow policy and to ensure his subordinates did the same. [redacted] was in violation of the BWC policy when he did not have his BWC on his person during this call. Based on the totality of the circumstances, this investigator finds the listed policy violations:

SUSTAINED

Sgt. Jessica Stewart, Internal Affairs — Date: 2/8/22

Lt. P. Brian Katz, Internal Affairs — Date: 2/8/22

Sean Visners, Deputy Chief — Date: 2/9/22

Anthony W. Rosa, Chief of Police — Date: 02/11/22