Preliminary Complaint Form
Chief of Police – Anthony W. Rosa

Employee's Name: Delia Negron **Date:** 02/10/2022

P.D. Case/Citation#: 42-2111-049121 **I.A. #:** 22-02-01

Alleged Misconduct (Attach additional sheets if necessary):

See Attached

Complainant (print): Jose Matute **Signature:**

Phone (home/Cell): (786) 277-7150 **Phone (work):**

Address: 2839 NW 87th Ave Sunrise, FL

Supervisor Receiving Complaint: Major LeBel

Investigation Authorized by: Anthony Rosa, Chief of Police 02/22/22

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

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

Division Commander: **Date:**

Deputy Chief: DC S. [illegible] **Date:** 7/1/22

Recommended Discipline (on Notice of Intent):

Final Disposition: Unfounded

Chief of Police: [signature] **Date:** 8/3/22

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**

Timeline of Events

- Original call handled on 11/30/21, Case # 42-2111-049121. Officers responded to a disturbance call, where Jose Matute was ultimately tased and [redacted]
- On 12/22/21, Mr. Matute completed a Complaint Report Form and a Written Affidavit in which he described his feelings that the call was handled incorrectly.
- I spoke with Mr. Matute via telephone on 1/5/22 to discuss the incident. Mr. Matute was very erratic when speaking to me, continued to state that he was shot (not tased) by our officers, and advised he would have rather been arrested than [redacted]. At this point, I had already review the RRR report and accompanying BWC footage. I did my best to explain officers' actions during the call. Mr. Matute's recollection of the event was lacking, and I advised that I would try to retrieve audio/video footage for him to hear/see.
- I again spoke with Mr. Matute via telephone on 1/6/22. I explained to him that I had listened to the 911 audio recordings and again watched the BWC footage. Mr. Matute advised that he would prefer I play portions of the audio recording to him over the phone. After hearing some of the statements he made during the call, he stated that he would like to withdrawal his complaint and commend the officers involved.
- On 1/25/22, Mr. Matute came to the police department to retrieve a copy of the police and access BWC footage. He was upset with the way the report was written and the fact that he would have to pay and wait for video footage. Mr. Mature advised my Administrative Assistant via telephone that he wanted to remove his initial complaint and generate a new one. Mrs. Baimel walked him through the process.
- On 2/10/22, Mr. Matute again responded to the PSB and requested to speak with me. I met him in the lobby, at which time he presented me with a new complaint form and narrative. Mr. Matute would only state, "This is my truth," and advised he did not wish to speak further on the matter.

Major Brooke LeBel

CITIZEN COMMENDATION/ COMPLAINT REPORT FORM

Jose Matute
(Name of Reporter)

2839 NW 87th ave
(Address of Reporter)

786-277-7150
(Resident Phone) (Other Phone)

12/22/21 11/30/2021
(Date of Report) (Date of Occurrence)

Police Case Number 42-2111-049-121
(If Known)

(Witness 1)

(Address)

(Home Phone) (Other Phone)

(Witness 2)

(Address)

(Home Phone) (Other Phone)

(Witness 3)

(Address)

(Home Phone) (Other Phone)

NARRATIVE STATEMENT/ STATEMENT OF FACTS

Complaint about the use of "Excessive" more than necessary force by taser leo See affidavit

*Please use additional paper if needed, and attach.

I declare this to be a true and correct report and the information therein to be a fact. I further understand that I may be criminally charged for filing a false report, under F.S. 817.49 or F.S. 316.067.

Date/Time: 12/22/21 1:09 PM

Signature: Jose Matute

Officer Caluano, mis-identified my need for further medical attention by falsely suggesting my loss of balance and confusion was a result prescription drugs rather effect that came from improper use of a taser. Officer Negron failed to write on her police report her interactions with my mother and therefore is the reason excessive force was used on me. Officer Negron did not allow me to report that I was the victim of battery by Tsisgema Doylet. Officers also allowed a intoxicated driver back on the road without giving Tsisgema a sobriety test.

SUNRISE POLICE DEPARTMENT

Anthony Rosa
Chief of Police
10440 W Oakland Park Blvd
Sunrise, Florida 33351
(954) 764-4357

Internal Affairs Complaint Report Narrative

I. INTRODUCTION:

Subject Employee: Officers D. Negron and N. Grassetti

Complainant: Major Lebel

Witnesses: BWC Footage Used, No Witnesses Interviewed

On 11/30/21, Officers responded to 2839 NW 87th Ave. in reference to a disturbance. Once on scene they encounter a male, Jose Matute, and his female friend Isisgema Doylet. Throughout their encounter Jose is loud, belligerent and non-compliant.

At one point during the call, Officer Grassetti who was responding code 3 as a back -up, encountered Jose walking away from the scene. Officer Grassetti saw this, gave verbal commands for Jose to stop at which time he did not. Officer Grassetti then TASED him. Jose was ultimately [redacted] and transported to the [redacted].

Upon returning home, Jose contacted the Sunrise Police Department several times over a few months and spoke to numerous supervisors concerning the call. On 2/10/22, Jose officially filed a formal complaint with Major Lebel. Jose alleged that he was wrongfully TASED and [redacted]

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.

On 3/22/22 Jose showed up for our meeting and spoke to Sergeant Arroyo, at which time they rescheduled for 3/29/22 at 1p.

On 3/28/22 I called twice and left a message for Jose but did not hear back from him.

On 3/29/22 I called Jose in the morning but not answer and he did not show up for the meeting.

On 4/4/22 Jose showed up in the lobby unannounced. I gladly went down to meet him. Upon contact, he immediately became fearful of me and said that he could not deal with me. He said I came up behind him and that something about my eyes and energy were off. He left the building. Sergeant Arroyo caught up with him outside in an attempt to persuade him to stay, but he refused.

On this same day a few hours later, Jose called me and wanted to discuss what happened. We did and at the conclusion we agreed to meet the following day, 4/5/22.

On 4/5/22, Jose arrived at the PD as discussed. Myself, Sergeant Arroyo, and Jose talked for two hours about the incident and watched body camera footage. At the conclusion, Jose chose to withdraw his complaint. He said after watching the BWC footage, he viewed the incident in a different light and understood the officers' actions. Jose signed a complaint withdraw form and provided a brief taped statement, stating that he would like to withdraw the complaint on his own accord and that he was not coerced.

gave loud clear commands for Jose to get on the ground, but Jose did not comply. He continued to walk past Officer Grassetti while saying loudly "Shoot me!" numerous times.
Officer Grassetti then discharged his TASER, however, it is clear from the BWC it was not effective, since Jose continued walking. Officer Grassetti then discharged his second cartridge at which time Jose appeared to lock up and fall to the ground. Officer Nelson responded over and was able to secure Jose with handcuffs.

From there, Jose is taken to [redacted]. Jose is compliant throughout the remainder of the call and there are no other incidents.

Over the next few months, Jose responded to the PSB and spoke with various supervisors concerning his case and the Officers' actions. He finally decided to move forward with his complaint on 2/10/22.

Upon being assigned this case, I met with Jose on 4/5/22. During our meeting, we reviewed the BWC footage. After seeing the events for himself, Jose chose to withdraw his complaint. He felt that the Officers were justified in their actions. Jose signed a complaint withdrawal form.

Also to be noted, the TASER portion was documented in a RRR (per policy) and approved by Chief Rosa, via chain of command, on 2/17/22. It was also presented to the Civilian Review Board on 4/4/22, and the board unanimously agreed that the Officers' actions were policy compliant.

In Summary:

I find the following concerning the below policy violation of:

- *35.6.1.1.3.1. Officers should use the amount of force necessary and reasonable for the situation.*

When Officers responded and initiated contact with Jose, he was immediately verbally combative and non-compliant. He refused to obey commands on numerous occasions and approached Officer Nelson aggressively. Officer Nelson even had his TASER unholstered. As Officer Grassetti was responding to the scene, he was listening to updates on his Police radio, of a non-compliant, possibly drunk individual that was refusing to obey commands. From listening to the radio transmissions, it was clear that the subject was a safety risk for Officers.

When Officer Grassetti came into contact with Jose, he continued to be non-compliant and refused to obey Officer Grassetti's commands, therefore he chose to TASE Jose. Officer Grassetti was forced to deploy both TASER cartridges since the first one was not effective. Jose was in "Active Resistance" at the time he was TASED. Officer Grassetti was in compliance with the State of Florida's "Force Guidelines" as well as Sunrise Police Department Policy & Procedure. Based on the totality of the circumstances, this investigator finds the listed policy violation:

EXONERATED