



Preliminary Complaint Form
Chief of Police – Anthony W. Rosa

Employee's Name: Deionte Williams Date: 07/01/2022

P.D. Case/Citation#: 42-2206-025134 I.A. #: 22-08-01

Alleged Misconduct (Attach additional sheets if necessary):

Level 1 complaint regarding civil rights violation alleging inappropriate pat down search.

Complainant (print): Simone Fernandez Signature:

Phone (home/Cell): 786-316-7383 Phone (work):

Address: 7820 NW 70th Av

Supervisor Receiving Complaint: Sgt. Tim McGovern

Investigation Authorized by: Anthony Rosa, Chief of Police 07/01/22

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

Findings: [X] Unfounded [] Not Sustained [] Sustained [] Exonerated [] Training

Division Commander: [Signature] Date:

Deputy Chief: [Signature] Date:

Recommended Discipline (on Notice of Intent):

Final Disposition: Unfounded

Chief of Police: [Signature] Date: 12/15/22

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



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: Officer Deionte Williams

Complainant: Simone Fernandez

Witnesses: Officers Leon, N. Williams, J. Thomas, Maristany, Grasseti, Dewese, Elistin

Narrative:

On 6/17/22, Officers responded to 4375 University Dr. in reference to a domestic disturbance. Once on scene officers made contact with a male and female. At the conclusion of the call it was determined that the female, Simone Fernandez, had a warrant for her arrest. Officers D. Williams and Elistin placed Simone under arrest and transported her to BSO Main Jail.

On 6/18/22, while in jail, Simone made an allegation to BSO Detention that she felt violated by her arresting officer. She named Officer D. Williams specifically.

On 6/22/22, BSO Detention contacted this agency and forwarded the complaint for investigation.

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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II. INVESTIGATIVE NARRATIVE:

On **6/17/22**, Officers responded to 4375 N. University Dr. in reference to an alleged domestic dispute, involving Simone Fernandez and Brian Tate. At the conclusion of the call, Simone was placed under arrest for a warrant.

On **6/18/22**, while in jail, Simone lodged a complaint with BSO Detention claiming she felt violated by her arresting officer.

On **6/22/22**, BSO Detention (Patricia Wimberly) contacted this agency and forwarded the complaint for investigation.

On **6/24/22**, this complaint was given to Officer D. Williams immediate supervisor, Sergeant McGovern. He attempted contact with Simone twice but was unable to reach her.

On **6/30/22**, Sergeant McGovern did an AOA (Assist Other Agency) and requested BSO Parkland respond to Simone's home address to make contact with her. She told the responding Deputies that she changed her phone number and denied making a complaint against the officer.

Sergeant McGovern then phoned her, on a number she provided to the Deputy. Simone was not cooperative and did not want to talk about the complaint. She refused to meet in person and did not want to provide a statement.

On **7/13/22**, I sent a Notice of Compliance (Certified Mail). In the letter I requested that Simone contact me so that we could move forward with the complaint. As of this date, I have still not heard from Simone.

On **9/19/22**, I took a sworn taped statement from **Officer Christopher Leon**. He stated that he was on his second day of FTO and was riding with Officer Grassetti. Officer Leon said by the time he arrived on scene, it was calm and Simone was already in the back of the vehicle. He said that he had no interaction with any of the involved parties.

Officer Leon said that he did not pat anyone down and never witnessed Simone being patted down by any officer to include Officer D. Williams.

On 9/20/22, I took a taped sworn statement from **Officer Nicholas Grasseti**. He said that he had no independent recollection of the event and did not have any related BWC footage.

On 9/20/22, I took a sworn taped statement from **Officer Jonathan Elistin**. He said that he was on FTO and was riding with Officer D. Williams. On the day in question, they responded to a domestic disturbance. Upon arrival, Officer Elistin patted down the male party. While there he observed a female officer pat down Simone. He did not observe any inappropriate touching or unprofessional behavior. Officer Elistin did not see Officer D. Williams pat Simone down while on scene.

Once Simone is placed under arrest, Officers Elisitin and D. Williams transported Simone to the PD and then jail. Officer Elistin said that Simone did not get out of the vehicle until they arrived at the jail. Once at the jail, Officer D. Williams instructed Officer Elistin on how to pat down a female. He only verbally instructed him, he did not demonstrate on Simone.

While at the jail Officer Elistin patted down Simone. He felt as if the pat down was appropriate. Officer Elistin said that Officer D. Williams was never alone with Simone and that he believed the allegation to be completely false.

On 9/20/22, I took a sworn taped statement from **Officer Jeffrey Thomas**. He said that he responded to the call as a back-up officer and that everything was "under control" upon his arrival. He observed a female handcuffed. Officer Thomas said that he saw the female patted down by Officer N. Williams. He did not see her do anything unprofessional. Officer Thomas said Officer D. Williams did not pat Simone down in his presence.

On 9/22/22, I took a sworn taped statement from **Officer Natesha Williams**. She said that she responded to the scene as a back-up officer. Officer N. Williams stated she patted Simone down while on scene and remained professional the entire time. She never saw Officer D. Williams pat her down. Officer N. Williams said that Simone never made allegations while on scene.

On 9/22/22, I took a sworn taped statement from **Officer Chris Maristany**. He said that he was on scene as a back-up officer. Officer Maristany stated that he observed Officer N. Williams pat down Simone but that he did not see anything inappropriate. He never saw Officer D. Williams pat down Simone while on scene.

On 9/22/22, I took a sworn taped statement from **Officer Mathew Deweese**. He said that he responded to the scene as a back-up officer. While there, he observed Officer N. Williams pat Simone down, but that he did not observe anything inappropriate. He did not see Officer D. Williams pat Simone down.

Once Simone was placed under arrest, officers transported her to the PD so they could complete paperwork. Officer Dewese said he followed the officers back to the PD where he stood by with Simone and Officers Elistin and D. Williams until they were done with paperwork.

On 10/10/22, I issued Officer D. Williams his 5-day notice. We decided to meet on 11/7/22.

On 11/7/22 I took a sworn taped statement from **Officer Deionte Williams**. He said that he responded to the incident location in reference to a domestic disturbance. At the conclusion of their investigation it was determined that Simone had a warrant for her arrest.

Officer D. Williams said he placed handcuffs on her but other officers on scene patted her down and searched her belongings. He believed either Officer N. Williams or Larin patted her down but he could not recall. He confirmed that it was not him.

When asked about the pat down further, Officer D. Williams did witness a portion of the pat down and that it was conducted near his car in a parking lot and that she was not taken somewhere private. I then asked if he or Officer Elistin (trainee) were ever alone with Simone and he replied, no.

Next, we spoke about their arrival at the jail. Officer D. Williams recalled providing instruction to Officer Elistin on how to conduct a "bladed" pat down on a female. Officer Elistin did escort Simone from the car, inside the jail where he conducted a "bladed" pat down. During that time, Officer D. Williams did say he helped Simone with her sweater but he never touched her after that. According to Officer D. Williams, Officer Elistin conducted the pat down "to the best of his ability" and that he was never inappropriate with Simone. Officer D. Williams stated he never had any inappropriate physical contact with Simone.

I asked Officer D. Williams why Simone was so verbally combative with him and he was not sure, but said, "At one point she didn't like me and then another point she thought I was the best officer". Officer D. Williams stated he had never met Simone prior to the incident date.



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Internal Affairs Complaint Report Narrative

III. INVESTIGATIVE FINDINGS and DISPOSITION:

If Sergeant McGovern's allegations are true, Officer D. Williams would have violated the following policies:

- *19.6.3.21. Officers will not allow a prisoner in their custody, or in the custody of another, to be physically or emotionally abused.*

IV: CONCLUSION

On 6/17/22, officers responded to 4375 N. University Dr., in reference to a domestic disturbance. According to the CAD notes, Simone Fernandez (caller), stated Brian Tate had a gun and threatened her.

Officer Maristany is first on scene and immediately made contact with Simone. Just 32 seconds later, Officer N. Williams arrived on scene and remained in the company of Simone until she was placed in the back of a police car.

According to Officer N. Williams BWC:

Simone is immediately asked questions about what occurred and if she had any weapons. At 3:00 minutes, she agreed to be patted down for weapons and allowed Officer N. Williams to look through her belongings. During this time, Simone provided her ID. Simone's ID is given to Officer D. Williams, since he is the primary officer, at which time he discovered Simone had a warrant (for assault) for her arrest.

At 8:00 minutes into the call, Officer D. Williams placed Simone under arrest by putting handcuffs on her as she stood with Officer N. Williams. This event happened in broad daylight, in the middle of a parking lot, with numerous on-lookers. While being cuffed, Simone told Officer D. Williams "You aint got to be rough with me". From the BWC, Officer D. Williams handled her gently and spoke to her in a calm voice. Simone is left in the company of Officer N. Williams.

At 10:44 minutes, Simone said to Officer N. Williams, "I don't want no male touching me, I have a problem with that".

At 13:10 minutes, Officer N. Williams began the search of Simone's person, prior to her being placed in the back of the police vehicle.

At 14:45 minutes, Simone is placed in the back of the police vehicle by Officer N. Williams. It is around this time that Simone stated she was not a criminal but she is being treated like one and that the officers are "being very disrespectful". In addition, Simone stated, "I cannot wait until they find out who my family is" and "I don't want no man touching me".

Simone is treated reasonably the entire encounter. All the officers on scene speak to Simone in a respectful manner.

According to Officer Elistin's BWC:

At 9:36 minutes, Simone is transported to the PSB by Officers D. Williams and Elistin.

At 19:40 minutes, Officers arrived at the PSB. They park near the sally port to complete their paperwork. Officer Elistin removed his BWC from his vest and placed it on the cage of the police car, facing Simone. Simone was in full view of the BWC the entire time at the PSB. While at the PSB, Simone tried numerous times to engage officers in conversation, mostly in a confrontational manner. At one point she accused Officer D. Williams of being rough with her and that she did not like the way he handled her.

At 59:16 minutes, Officer D. Williams opened the backdoor of the police vehicle and placed Simone's glasses on her face, per her request. He does not touch her in any other way. Simone remained in the rear of the vehicle the entire time and does not get out again until they reach the jail.

At 1:25:00 minutes, Officers D. Williams and Elistin transported Simone to jail.

At 1:53:30 minutes, Officers arrived at jail with Simone.

At 1:57:00 minutes, Officer D. Williams explained to Officer Elistin how to pat down a female. He said, "Blade her the whole way, you don't have to go to hard".

At 1:58:07 minutes, Officer Elistin removed Simone from the back of the vehicle and escorted her inside the fenced area so they could check in.

At 1:58:53 minutes, Officer Elistin conducted a "bladed pat down" on Simone in the fenced area in full view. He does not touch her buttocks or breasts. During this pat down, Officer D. Williams assisted by fixing her jacket. He had minimal physical contact with her.

The BWC footage ended at 2:10:24 minutes, with Simone standing away from officers (female holding area), where she waited to be brought into the facility.

Simone is ultimately left with staff at the jail and both Officers return to the City of Sunrise.

On 6/18/22 while still in jail, Simone filed a report claiming Officer D. Williams made her “feel uncomfortable and violated” when he “searched” her.

In Summary:

I find the following concerning the allegation of:

19.6.3.21. Officers will not allow a prisoner in their custody, or the custody of another, to be physically or emotionally abused.

Other than Simone’s statement, there was no additional evidence/information discovered to support her claim. In fact, there was an overwhelming amount of facts to support Officer D. Williams position. Probably the most compelling, is the BWC footage.

- At no time is Simone out of BWC view.
- There is continuous BWC footage from the Officers first contact with Simone up until officers transferred her custody to the main jail.
- The two times she was patted down (by Officers N. Williams and Elistin), the BWC captured it.
- She was never touched or handled inappropriately.

In addition:

- Officer D. Williams never searched Simone’s person as she claimed.
- Officer D. Williams nor any officer was ever alone with Simone off camera.

During the time Simone spent with Officers, she stated numerous times that she had issues with men and did not want them touching her. However, while at the jail, she said to Officer D. Williams, “Don’t pat me too hard I might like it” (D. Williams BWC 58:22).

During the Officers time with Simone, she expressed numerous times her displeasure with being arrested. She also tried to bait Officer D. Williams into argumentative conversation on multiple

occasions. I found this odd considering Officer D. Williams was always polite and courteous in all his dealings with her.

Upon our Agency receiving this complaint, Sergeant McGovern made numerous attempts to contact Simone. After sending BSO Parkland to her home, he was finally able to speak with her. Simone was dismissive of the complaint and did not want any further contact. Once the complaint reached Internal Affairs, I sent a certified letter to Simone stating why I needed to speak with her. The letter included my contact information. The acknowledgement receipt was never signed and returned and Simone never made contact with me.

Based on the totality of the circumstances, this investigator finds the listed policy violations:

UNFOUNDED

J Stewart
Sgt. Jessica Stewart, Internal Affairs

11/21/22
Date

[Signature] (#3547)
Lt. P. Brian Katz, Internal Affairs

11/22/22
Date

S.V.
Sean Visners, Deputy Chief

12/15/22
Date

[Signature]
Anthony W. Rosa, Chief of Police

12/15/22
Date