



SUNRISE POLICE DEPARTMENT

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Internal Affairs Complaint Report Narrative

II. INVESTIGATIVE NARRATIVE:

On 11/4/22, Incident occurred at Westpine Middle School.

On 11/28/22, Administration and Internal Affairs are made aware of the incident.

On 11/28/22, Officer [REDACTED] is removed from the SRO program and reassigned to road patrol.

On 11/29/22, Officer [REDACTED] is given his reassignment memorandum.

On 12/1/22, Officer [REDACTED] is placed on Administrative Leave with Pay. He was emailed a copy of the memorandum as well as told in person.

On 12/14/22, Internal Affairs met with Chris Killoran from the State Attorney's Office (Head of Public Corruption Unit) to discuss Officer [REDACTED] interaction with Elijah, specifically when he put his hands around Elijah's neck. It was decided that the case would be looked at as an inquiry (by SAO) until further.

On 1/3/23, Officer [REDACTED] is placed on the Brady list by the SAO. Our Agency received official notice on 2/6/23 and Officer [REDACTED] is emailed the document.

On 2/13/23, I began the review of all BWC videos to include the statements taken on BWC by Officer [REDACTED] and Detective Haggard.

Below is a summary of Officer [REDACTED] BWC videos, all were taken on 11/4/22 (the day of the incident).

At **11:18 AM (2:05m)**, teacher (victim) [REDACTED] [REDACTED] stated:

As he ([REDACTED]) began classroom activities, Elijah kept taking Sophia's (student) water bottle and throwing it. One of the times the bottle was thrown, it hit Mr. [REDACTED]. He said that he ignored it. Mr. [REDACTED] then separated Sophia and Elijah, since they were both irritated with each other, and he remained between them. Next, Elijah picked up the classroom garbage can and threw it, hitting Mr. [REDACTED] in the back/neck area. Mr. [REDACTED] stated that he had some pain and wanted to press charges.

At **11:26 AM (54s)**, Elijah is seen entering Officer [REDACTED] office, uncuffed. He appeared compliant.

At **11:28 AM (2:50m)**, the video began with Officer [REDACTED] seated behind a desk, across the room a handcuffed Elijah stood from a chair and faced Mr. Johnson, who is seated just a few feet from him. Officer [REDACTED] quickly approached Elijah and shoved him back into the chair with open hands. He then pursued him further, by placing his hands on and near Elijah's, neck, face and shoulder/chest area. At one point both of Officer [REDACTED] hands are around Elijah's neck. This contact is brief (2 seconds), and then Officer [REDACTED] grabbed Elijah's sweater while redirecting his face away from him (Officer [REDACTED])

Mr. Johnson, remained seated at first but ultimately stood, moved his laptop, which was near Elijah. Mr. Johnson then put his hand on Elijah's shoulder while he encouraged him to "chill". Officer [REDACTED] also told Elijah to relax and Elijah responded with, "Shut the fuck up!... You're a bitch and your kids are a bitch and I will spit on your grave!". Elijah then spat on the carpeted floor. He continued to yell profanities and spit throughout the remainder of the video.

At 1:18m into the video, Officers O'Farrill, Medina, McWilliams, and Roland entered the office. At 2:25m, Officer [REDACTED] excused himself from the office and ended the video at 2:50m.

At **11:35 AM (9:27m)**, Officer [REDACTED] activated his camera again, the video showed him seated at his desk. Elijah is being interviewed by Officer O'Farrill. Officer [REDACTED] moved his camera to the edge of his desk, presumably to record the interview, which is closer to Elijah. During the interview, Elijah yelled at Officer [REDACTED] again and spat on the floor numerous times. He was asked multiple times to stop spitting and after refusing, it was decided to move him to the police car. Upon Elijah leaving the office, Officer [REDACTED] turned his camera off.

Officer [REDACTED] does not have any more BWC footage related to this case.

According to the remaining BWC footage, Elijah is escorted to a police vehicle by officers and placed in the back of Officer O’Farrill’s vehicle. Once the paperwork is completed, Elijah is transported to BSO JAC by Officer Medina.

I reviewed the remaining BWC footage of Officers Medina and McWilliams and there is nothing further to note.

On **11/28/22**, Detective Haggard is assigned the criminal portion (the arrest of Elijah) for follow-up.

On **11/30/22**, Detective Haggard interviewed Principal Chris Johnson and Guidance Counselor Monica McLemore at Westpine Middle School.

See the below summary of their interviews:

At **9:32 AM (12:47m)**, Detective Haggard interviewed **Chris Johnson** with Sgt. L. Fernandez. Mr. Johnson explained how he became aware of the battery on teacher, Mr. [REDACTED]. The teacher told Mr. Johnson that he was hit with a bottle of water first and then a garbage can. Mr. Johnson explained the internal/criminal procedure to Mr. [REDACTED] at which time he wished to press charges, prompting Mr. Johnson to notify Officer [REDACTED].

Mr. Johnson said that he then sought out Elijah and found him with the guidance counselor Monica McLemore. He spoke with Elijah and he admitted to hitting the teacher with the garbage can. Mr. Johnson then walked Elijah to Officer [REDACTED] office where he left him. Shortly after he is notified to return to Officer [REDACTED] office because of a commotion. As he entered he saw Elijah on the floor, on his stomach (prone) being handcuffed. Elijah is then placed into a chair. Mr. Johnson said, while seated, Elijah yelled profanities and talked about Officer [REDACTED] daughter.

Next Elijah stood and looked to “charge in the direction of the police officer” and kicked a garbage can. Officer [REDACTED] then came out of his seat and put Elijah back in his chair. Elijah then told Officer [REDACTED] to get the fuck off his sneakers. Mr. Johnson saw Elijah go into the wall but assumed it was because of Officer [REDACTED] momentum. Next Mr. Johnston recalled Elijah spitting, cursing and being “out of hand”.

Officer [REDACTED] then left the room, leaving Elijah with the other officers. He remembered Elijah continuing to spit and curse. Mr. Johnson said that Officer [REDACTED] “used the appropriate measures in the moment” referring to how he handled Elijah getting out of the chair. Mr. Johnson thought Officer [REDACTED] “was just trying to put him back down”.

At **9:47 AM (18:11)**, Detective Haggard interviewed Guidance Counselor **Monica McLemore**. She said that Elijah was trying to leave campus on the day in question and campus security called her to get him. Once Ms. McLemore brought him to her office, they discussed the details of the incident that occurred with Mr. [REDACTED]. While there, Officer [REDACTED] called her and requested her to bring Elijah to his office.

Once they arrived at Officer [REDACTED] office, Elijah became extremely angry when questioned by Officer [REDACTED]. Elijah then pulled out his phone and began texting while ignoring Officer [REDACTED] questions. He was asked to get off his phone and he refused. Officer [REDACTED] then approached Elijah and requested the phone, but he refused. Officer [REDACTED] then took the phone from him and Elijah used his forearm to push Officer [REDACTED] back. Elijah began yelling "I hate cops" and in her opinion, she thought Elijah was trying to hit Officer [REDACTED]. Next Officer [REDACTED] threw the phone to the ground, got Elijah up, put him on the ground and put him back in the seat. Ms. McLemore said that Officer [REDACTED] actions were appropriate. Officer [REDACTED] told him numerous times to calm down and to not hit him. Mr. Johnson entered the room at this point. She said that Elijah kicked numerous things and continued to move around in his chair.

Around the time Officer [REDACTED] approached Elijah again, there was a knock at the door and other officers entered the room. Ms. McLemore stated Officer [REDACTED] handled the situation well and could not have done anything different. She did not recall Elijah spitting but did recall him trying to hit Officer [REDACTED]. Ms. McLemore said that Elijah does not take responsibility for his actions and that he lives with his grandmother since his mother struggles with mental illness.

On **March 6, 2023**, I send ASA McCormick an email memorializing the criminal inquiry, thus halting the 180-day clock for the internal investigation.

On **April 4, 2023**, I received an email from ASA McCormick with a letter attached. The letter detailed a review of the case as well as a conclusion that cleared Officer [REDACTED] of any criminal wrong doing. The internal investigation was stopped for 29 days.

On **April 4, 2023**, Officer [REDACTED] was served his 5-day notice. Arrangements were made with Officer [REDACTED] and FOP Attorney Gene Gibbons to provide a statement on 4/10/23.

On **April 10, 2023**, Officer [REDACTED] gave a sworn taped statement in the presence of Attorney Gene Gibbons. Officer [REDACTED] began by talking about the day of the incident and how he heard the call go out on the school radio. As he was walked towards the area he saw Elijah by the art room with the guidance counselor. I asked Officer [REDACTED] to start from the beginning.

Officer [REDACTED] said he heard the call go out over the school radio so he responded to the clinic to speak with the teacher who had been hit. He then took the teacher's statement. Upon leaving, he saw Elijah with the guidance counselor and asked her to bring him to his office.

Once in the office, Officer [REDACTED] asked Elijah to take his backpack off. Elijah did not want to listen and pulled his phone out and started talking on it. Officer [REDACTED] said he ask Elijah to get off the phone because he needed to speak to him but Elijah ignored him. Officer [REDACTED] then took the phone from him, this caused Elijah to stand up and "He starts, like, throwing elbows at me". Officer [REDACTED] said he then placed the phone on the floor and grabbed Elijah and put him on the ground and handcuffed him. He then placed Elijah back in the chair. Elijah was calm for a bit before he stood again and kicked a garbage can. Officer [REDACTED] had concerns he may run out of the door. Officer [REDACTED] approached Elijah and "when I went to grab him, my momentum went towards him and I guess I made contact with - with my elbow. It was accidental". Officer [REDACTED] said the chair had wheels on it which also contributed to it going back. He said he never intended to hit him, only restrain him.

I then referenced the 2 second portion when Officer [REDACTED] placed both hands around Elijah's neck. He acknowledged it and said that his intention was not to choke or impede Elijah's airway, he was just trying to get him to sit back down in the chair. Officer [REDACTED] also said that Elijah had spit numerous times but he could not remember exactly when. He was concerned Elijah would spit on him during this time and he was just trying to keep distance between them. Officer [REDACTED] said, "I was just trying to control him to make sure he didn't spit at me. That was the bottom line."

Officer [REDACTED] said Elijah continued to spit at him even after the back-up officers arrived. That is why he told them to take Elijah to the car. Officer [REDACTED] said that neither Elijah or school staff ever mentioned that Elijah had been choked. When asked about the activation of his BWC, Officer [REDACTED] stated he kept pressing it trying to turn it on or making sure that it was on. He claimed that he thought he turned it back on and didn't intentionally keep it off.

On **April 12, 2023**, ASA Killoran sent an official letter removing Officer [REDACTED] from the Brady List.