



SUNRISE POLICE DEPARTMENT

Anthony Rosa
Chief of Police

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



Internal Affairs Complaint Report Narrative

III. INVESTIGATIVE FINDINGS and DISPOSITION:

If Chief Rosa's allegations are true, Officer [REDACTED] would have violated the following policies:

Body Worn Cameras - Activation/Deactivation

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.

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

IV: CONCLUSION

On November 4th, 2022, student Elijah Neil-Gayle, engaged in an altercation with a female classmate. During that argument, Elijah threw a garbage can hitting a teacher, Mr. [REDACTED] in the back of his head. After the incident, Elijah was placed with Guidance Counselor Monica McLemore. Mr. [REDACTED] chose to press charges, and accordingly, Officer [REDACTED] was notified.

At 11:18am (BWC 2:06), Officer [REDACTED] responded to the clinic where he interviewed Mr. [REDACTED] about the events that occurred. At the conclusion of the interview, Officer [REDACTED] turned his camera off.

Officer [REDACTED] said upon leaving the clinic, he saw Ms. McLemore with Elijah. He asked her to bring Elijah to his office.

At **11:26am (BWC 54s)**, Officer [REDACTED] BWC turned on briefly, at which time it showed Elijah walking into his office and taking a seat. There is no audio for the first 30 seconds but it appeared Officer [REDACTED] instructed Elijah to remove his bookbag, Elijah appeared annoyed, which is evident by his facial expressions. Ms. McLemore was also present. The brief video ended with Elijah seated in his chair, quietly.

When asked if the 54 second clip was an accidental activation, Officer [REDACTED] said, “I was trying, I thought it was off, or either on, and I was trying, I thought I was trying to turn it on and I turned it off”.

Based on interviews, the following occurred, which was not captured on BWC:

While seated, Officer [REDACTED] told Elijah he wanted to ask him some questions about the incident. Elijah refused to answer Officer [REDACTED] questions and pulled out his phone instead. Officer [REDACTED] told Elijah to give him his phone, but Elijah refused. After numerous requests, Officer [REDACTED] removed the phone from Elijah’s hand. In the process of taking the phone, Elijah pushed his arm/elbow forward into Officer [REDACTED]. According to Ms. McLemore, Elijah then started “screaming and hollering” and tried to “manhandle” Officer [REDACTED] for taking the phone. Officer [REDACTED] threw the phone down and told Elijah to stop. Elijah stood and continued, so Officer [REDACTED] took Elijah to the ground, cuffed his hands and then escorted him back into the chair. Elijah continued to throw his shoulders while being uncooperative.

Due to the commotion, Mr. Johnson is notified by school staff (outside of the room) that he should respond to Officer [REDACTED] office. According to Mr. Johnson, when he entered the office, Elijah was laying on the ground in a prone position being handcuffed. Officer [REDACTED] then put Elijah back in the chair.

At **11:28am (BWC 2:51)**, Officer [REDACTED] activated his BWC. The first frame showed Ms. McLemore standing near the door, Mr. Johnson seated at a desk adjacent to Elijah, Officer [REDACTED] standing from his desk (which is across the room) walking toward Elijah, and Elijah standing from his chair.

As the video played, Elijah is seen jumping to his feet, and according to Mr. Johnson, he kicked the garbage can. Officer [REDACTED] moved quickly to Elijah and shoved him back into his seat with both hands. Next, although brief, Officer [REDACTED] took both hands and placed them around Elijah’s neck area (approx. 2 seconds), before moving them down to his chest, where Elijah is pressed back into the chair. Officer [REDACTED] then grabbed Elijah’s sweater and appeared to be redirecting Elijah toward the wall, away from him.

This contact continued very briefly, while Mr. Johnson stood and moved his laptop off to the side. Officer ██████ said his momentum caused him to handle Elijah the way he did as well as the wheels on the chair that Elijah was seated in. Officer ██████ said at no time was it his intention to “choke” Elijah or impede his airflow. He also stated that he was fearful Elijah would try and hit him again or spit. The camera view moves away from Elijah as Officer ██████ reached for his radio to transmit. Elijah seemed to be physically compliant as he was seated in the chair. It should again be noted, there is no audio for the first 30 seconds.

As the audio turned on, Mr. Johnson can be seen and heard trying to calm Elijah. Although Elijah is seated, he is yelling profanities at Officer ██████ like “you’re a bitch, your kids are a bitch and I will spit on their grave”. Elijah is visibly seen spitting at 1:05 minutes. At 1:16 minutes into the video, back-up officers arrive at the office and attempt to diffuse the situation. As Officer ██████ walked back to his desk, Elijah spat again, in Officer ██████ direction. Elijah is told by Officer ██████ “That’s an additional charge”. Officer ██████ removed himself from the office at 2:15 minutes into the video and ultimately turned his BWC off shortly after.

At **11:35am (BWC 9:28)**, Officer ██████ activated his BWC a final time. The video began with him seated at his desk and the back-up officers talking with Elijah. Over the next minutes, Elijah is seen spitting on the floor multiple times, even after being asked to stop. He is seated in a chair and relatively calm. Around 8:33 minutes into the video, Elijah looked in the direction of Officer ██████ and forcefully spit in his direction. When he is asked to stop, Elijah said “Shut the fuck up”. As the video concluded, it is decided to take Elijah to the patrol car since he will not stop spitting. The back-up officers handled this portion and Officer ██████ does not interact with Elijah again. The remainder of the BWC videos show Elijah being transported to BSO JAC and being left inside with staff. There is nothing eventful to note.

During the case filing process, for the arrest of Elijah, there was some concerns raised in how Officer ██████ handled Elijah. Specifically, when he placed both hands around Elijah’s neck area. This particular handling of Elijah was not addressed or explained in the police report. In an effort to obtain an unbiased opinion of the incident, our Department consulted with the Public Corruption Unit of the SAO. Ultimately, a letter was written on 4/3/23 by ASA McCormick and signed by the head of The Public Corruption Unit, ASA Chris Killoran. The letter cleared Officer ██████ of any criminal wrong doing. Upon receiving the letter from the SAO, the internal investigation was resumed and completed.

To be noted, Officer ██████ was placed on the “Brady List” on 1/3/23 during this inquiry process. He was ultimately removed on 4/12/23.

See below for the final administrative outcome.

In Summary:

I find the following concerning the allegations of:

Body Worn Cameras - Activation/Deactivation

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.

When considering this policy violation, I recognized Officer [REDACTED] was conscious enough to use his BWC during some portions of this call. He activated it when taking the victim's statement as well as some of the interaction with Elijah. However, the critical parts of Officer [REDACTED] interaction with Elijah were not recorded.

This was problematic since there were questions raised as to how Elijah was physically handled by Officer [REDACTED]. When asked why his BWC was not on for the duration of the call, Officer [REDACTED] stated he turned his camera off when he thought he was turning it on. I applied this statement when I viewed his footage and noted the below:

- He is able to activate and de-activate with no issues at the beginning and end of the victim's statement.
- Officer [REDACTED] is seen pressing the activation/de-activation button numerous times on BWC.
- Officer [REDACTED] knew that Elijah was coming to his office so he was not caught off guard by his arrival.
- All BWC "buzz" every 2 minutes and 30 seconds to alert the officer their camera is recording. The only exception to this is "stealth mode" but Officer [REDACTED] was not using this feature at the time of the incident.

Furthermore, if Officer [REDACTED] did turn his camera off accidentally, he bears the responsibility to ensure that his camera is on and recording, as required by Department Policy. He had many opportunities to do so throughout the call. Based on a totality of the circumstances, this investigator finds the listed policy violations:

SUSTAINED

Concerning the second policy violation, I find the following:

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

During the criminal case filing process, there were concerns raised regarding the manner in which Officer [REDACTED] handled Elijah, specifically the contact made around Elijah's neck. Additionally, upon first look, was there was no documentation or reasoning for his actions in the police report. Yet, during Officer [REDACTED] statement, he provided a clear, reasonable answer for why it occurred.

In summary, Officer [REDACTED] stated his momentum carried him into Elijah, causing more contact than he wanted, to include hitting him with his elbow. He even accidentally stepped on Elijah's shoes. Officer [REDACTED] was also fearful of being hit or spat on, again. It would be a justifiable action to try to control an arrestee's head to reduce the likelihood of being spit upon. In Officer [REDACTED] words, "I was just trying to control him to make sure that he didn't spit at me and that was the bottom line". He stated he never intended to impede Elijah's airflow by placing his hands around Elijah's neck. Officer [REDACTED] stated that Elijah never claimed he had been choked to him or anyone else at the school.

During interviews with Mr. Johnson and Ms. Mclemore, they both agreed that Elijah's behavior was inappropriate and that Officer [REDACTED] actions were appropriate and met the level of resistance given by Elijah. Neither Mr. Johnson nor Ms. Mclemore ever referenced Officer [REDACTED] contact with Elijah's neck in their interviews. Based on all the above, I find Officer [REDACTED] explanation reasonable and his actions justifiable.

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

EXONERATED

Sgt. Jessica Stewart, Internal Affairs

Date

Lt. P. Brian Katz, Internal Affairs

Date

Sean Visners, Deputy Chief

Date

Anthony W. Rosa, Chief of Police

Date