

## SUNRISE POLICE DEPARTMENT

Anthony Rosa Chief of Police



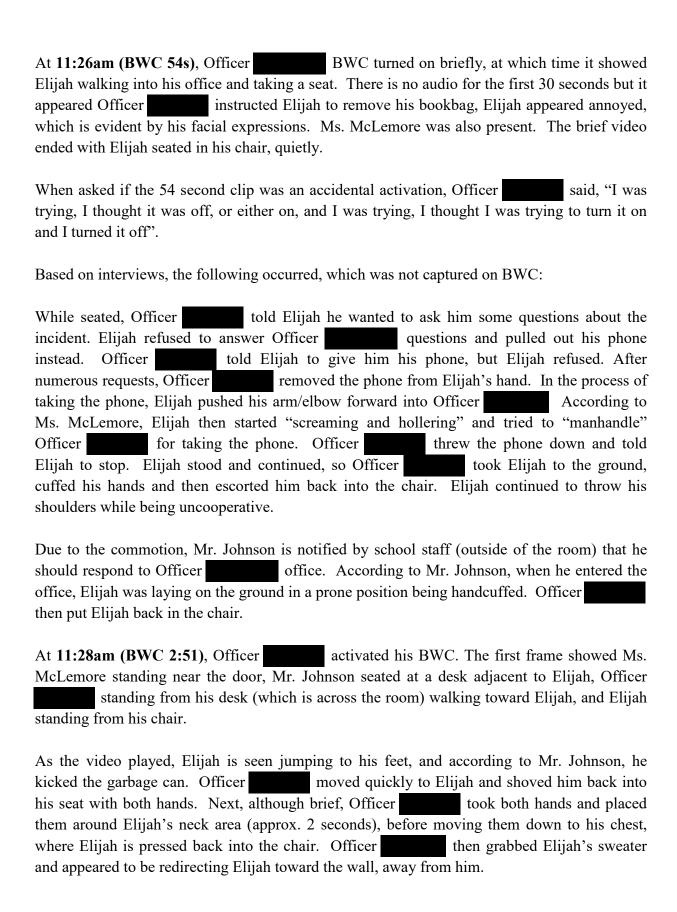


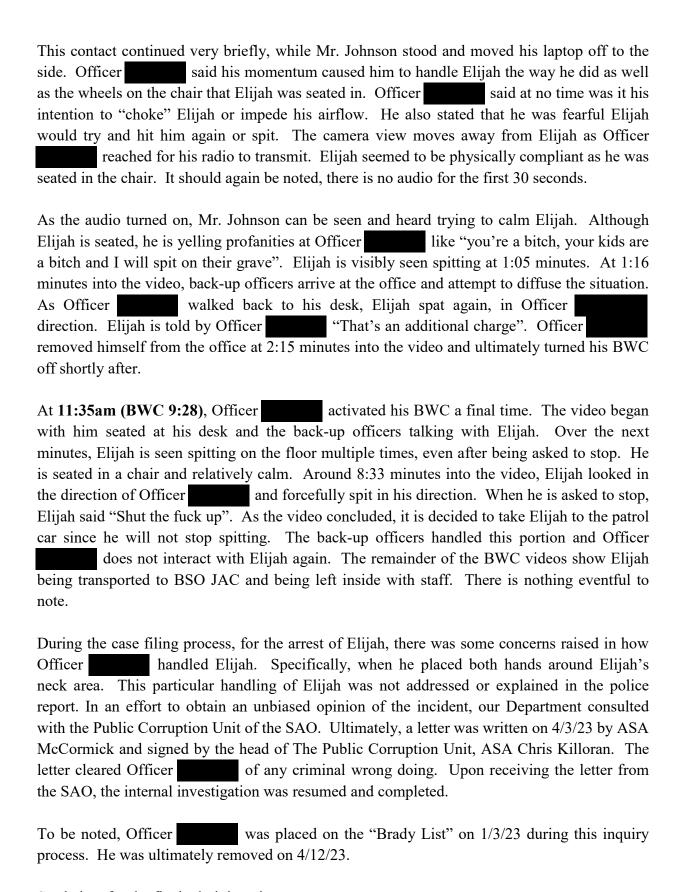
# Internal Affairs Complaint Report Narrative

III. INVESTIGATIVE FINDINGS and DISPOSITION:		
If Chief Rosa's allegations are true, Officer 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 4 <sup>th</sup> , 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. in the back of his head. After the incident, Elijah was placed with Guidance Counselor Monica McLemore. Mr. chose to press charges, and accordingly, Officer was notified.		
At 11:18am (BWC 2:06), Officer responded to the clinic where he interviewed Mr. about the events that occurred. At the conclusion of the interview, Officer turned his camera off.		

her to bring Elijah to his office.

said upon leaving the clinic, he saw Ms. McLemore with Elijah. He asked





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 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 interaction with Elijah were not recorded.

This was problematic since there were questions raised as to how Elijah was physically handled by Officer When asked why his BWC was not on for the duration of the call, Officer 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 is seen pressing the activation/de-activation button numerous times on BWC.
- Officer 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 was not using this feature at the time of the incident.

Furthermore, if Officer did did turn his camera off accidently, 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 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 statement, he provided a clear, reasonable answer for why it occurred.
In summary, Officer stated his momentum carried him into Elijah, causing more contact than he wanted, to include hitting him with his elbow. He even accidently stepped on Elijah's shoes. Officer 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 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 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 actions were appropriate and met the level of resistance given by Elijah. Neither Mr. Johnson nor Ms. Mclemore ever referenced Officer contact with Elijah's neck in their interviews. Based on all the above, I find Officer 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
Sean Visiters, Deputy Ciner	Dute
Anthony W. Rosa, Chief of Police	 Date