



SUNRISE POLICE DEPARTMENT



Anthony Rosa
Chief of Police

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Internal Affairs Complaint Report Narrative

I. INTRODUCTION:

Subject Employee: Officer Elias Alshaier

Complainant: Alexis Toombs

Witnesses: Officer Bernard McCutcheon III, Officer Paul Deleon, Officer Alexandra Cook, Officer Jonathan Brooks, Officer Joshua Honig, K-9 Officer Mitch White, Sergeant Jonathon McEvoy, Lieutenant Louis Berman, Nicole Williams.

On November 27, 2022, Officer Elias Alshaier was investigating a hit and run accident in the area of 4000 N. University Drive. He drove through a nearby apartment complex and observed a vehicle with heavy front-end damage run a stop sign. He observed the vehicle circle the parking lot and ultimately park in a handicap parking spot. Officer Alshaier activated his overhead lights to alert the vehicle's occupant(s) of his presence. An unknown female subject (later identified as Alexis Toombs) was getting out of the front passenger side door as he pulled behind the vehicle.

Officer Alshaier exited his vehicle and instructed Ms. Toombs to get back into the vehicle. The interaction between Ms. Toombs and Officer Alshaier immediately became contentious when Ms. Toombs did not comply with Officer Alshaier's commands, but instead called her mother (Nicole Williams) on her cell phone to respond outside. Several more commands were given to hang up the phone, which she did not, resulting in Officer Alshaier physically removing the cell phone from Ms. Toombs' hand and placing it on the roof of the vehicle.

Within a few seconds of receiving the phone call, Ms. Williams approached Officer Alshaier and Ms. Toombs. Both Ms. Toombs and Ms. Williams began to yell and argue with Officer Alshaier as to the reason for the stop. Officer Alshaier attempted to explain

that he was investigating a hit and run accident, to no available as both subjects continually argued and challenged Officer Alshaier.

Officer Alshaier requested for the assistance of back-up Officers via his radio, while Ms. Toombs requested for a supervisor to respond. After back-up Officers and a supervisor arrive, Officer Alshaier issued three (3) Florida Uniform Traffic Citations for the following:

- ***Citation # AH93IXE – Violation of Traffic Control Device / Run Stop Sign***
- ***Citation # AH93IZE – Parking / Obstruct Disabled Parking Space***
- ***Citation # AH93IYE – No Proof of Automobile Insurance***

The interactions between Officer Alshaier, Ms. Toombs, and Ms. Williams remained contentious throughout the duration of this traffic stop / hit and run investigation, which lasted approximately 16 minutes from start to finish. The scene was cleared once the citations were issued.

On November 28, 2022, Ms. Toombs submitted a formal written complaint on Officer Alshaier to Sergeant Bettencourt.

On December 8, 2022, Chief Anthony Rosa authorized a formal investigation into this matter.

The *Investigative Narrative* section outlines the details of my investigation into this matter and my conclusions with respect to any violations are found in the *Investigative Findings and Disposition* section.



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II. INVESTIGATIVE NARRATIVE:

On November 27, 2022, Officer Alshaier conducted a traffic stop / hit and run investigation on Alexis Toombs in the parking lot of her Mother's (Nicole Williams) apartment complex. Ms. Toombs immediately called Ms. Williams, who responded to the parking lot to confront Officer Alshaier. This stop immediately became contentious between all involved parties, as stated in the Introduction of this report. It ended with Ms. Toombs being issued three (3) citations, which she took objection to.

On November 28, 2022, Sergeant William Bettencourt completed a Preliminary Complaint Report (PCR) and forwarded it up his Chain of Command to Chief Anthony W. Rosa.

On December 8, 2022, Chief Anthony W. Rosa authorized a formal investigation into this incident and the actions of Officer Alshaier.

On December 16, 2022, I spoke with Ms. Toombs over the telephone and she agreed to come in and give this investigator a sworn statement after the holidays.

On December 19, 2022, I obtained all of the written police reports and related documents for this case to review.

On January 19, 2023, I obtained a sworn taped statement from Ms. Toombs regarding this investigation. We reviewed Officer Alshaier's BWC video of this incident prior to taking Ms. Tombs statement. I asked Ms. Toombs to explain to me what happened, and she advised:

"Uh, pretty much, I was arriving home from Miami Gardens. I spent the weekend down there due to the accident I had previously been in a few days prior. Um, when I arrived home, I always do a circle around the complex because after a certain period of time, there's never any guest parking in front of my direct building. So, as I did my circling, I was talking to my fiancé about what I should do as far as dropping my things off or parking really far. He was explaining to me not to do such because at the time I was six months pregnant. I am now eight months pregnant. Um, so as I was circling, I came to a stop sign, not at the entrance, but to - in front of the direct building of where I live. I waited. I saw the officer drive in. As he passed by, I then proceeded to go to the opposite side of the apartment complex. Um, he told me not to do that. So, then I made a U-turn to park in front of my building, although there was no parking,

there was only a handicap spot available. So, I parked there temporarily so that I could unload my vehicle. Upon crossing over my console to exit from my passenger side of the vehicle, due to the damage on my vehicle, I noticed that the officer was there standing outside, and he began to approach me and asked me to get back into my vehicle. I asked for what, what was I doing wrong? Um, and the situation escalated from there”.

I asked Ms. Toombs if Officer Alshaier turned his overhead lights on when he got behind her vehicle, to which she replied: *“Not that I noticed. I was too busy trying to cross over my console to exit from my passenger side.. due to the vehicle on my damage – on my.. damage on my vehicle, sorry”.*

I continued to ask Ms. Toombs to explain the interaction between herself and Officer Alshaier, and she further stated: *“Uh, so as he approached me, once he did get out of his vehicle, um, I proceeded to end the call with my fiancé so that I could get on the phone with my mom just to have a secondary person outside. I felt for me, it was needed due to the fact that I'm pregnant, it was 11 o'clock in the evening, and I did not wanna be outside by myself. Um, so I proceeded to call my mom. And as he approached me, he grabbed my wrist because he told me to get off the phone. And I told him no, that I was calling my mother. And he said, "No, you need to get off the phone." And I repeated, "No. I'm calling my mom." Um, he did eventually grab my phone, but he put it on the top of my car. I grabbed my phone once my mom got back outside, and I gave the phone to her”.*

Ms. Toombs described the time it took her Mother to respond to the scene of the stop from the time she called her as: *“Less than 10 seconds”.*

I inquired if Officer Alshaier ever told her that he was investigating a hit and run accident, to which Ms. Toombs replied: *“I believe he did. I don't exactly know at what point, but he – I did remember him mentioning something of a hit and run. And I proceeded to tell him I had nothing to do with that. I was just coming from a completely different area, arriving home”.*

I asked Ms. Toombs about the actions surrounding Officer Alshaier taking her cell phone and her pushing Officer Alshaier, to which she advised: *“So, he was talking to another officer because I asked one of the officers how many citations I was getting, and he was getting that information for me. Um, I never put my hands on Officer (Alshaier). Um, what happened was when he was grabbing my wrist to get my phone from me, um, what I did was tug my hand back because he was actually hurting my wrist due to this Pandora bracelet that I have on my left arm. I never take it off, ever. So, the indentation of the printing from him squeezing my wrist, trying to get my phone was making my arm hurt. So, when I tugged back, he made it seem as if I pushed him”.*

I asked Ms. Toombs how the incident ended, and she stated: *“Um, well, I - I never had a problem doing anything he asked. I just felt like he was invading personal space. As long as he gave a step or two back, I did everything he asked. It ended with me getting three citations, but I sat there the whole time. I was quiet majority of the time after the whole altercation or argument. Um, because I just felt like after a while there was just no point. The situation was what it was. I was getting the tickets, he was upset and I was upset. Um, so after he gave me*

the tickets, I pretty much went from there. I gave my mom my things, I moved my car to a guest spot on the other side of the apartment, and then I proceeded to walk home from my vehicle”.

I also asked Ms. Toombs what her Mother was doing during this incident, and she advised: *“She was asking him questions as far as what I was being stopped for. Why was I being, you know, harassed in a sense. Um, but she stayed behind the opposite side of my open vehicle door the entire time. Um, if I’m standing in the opening of my car door, I would say she was about maybe two (2) or three (3) feet on the other side of the open door”.*

At the end of her statement, Ms. Toombs advised that she did have valid car insurance at the time of the stop, but the digital insurance card was on her phone and she had already given her phone to her mother when Officer Alshaier requested her proof of insurance. In addition, she admitted to parking in a handicap parking space without having a handicap placard, but only intended to do so temporarily, due to being pregnant. Ms. Toombs denied ever failing to stop at a stop sign.

When I asked Ms. Toombs what she would like to see regarding the outcome of this case, she told this investigator: *“Um, just the change in communication. Um, as mentioned before, I feel like if there was a little bit more of communication, maybe the situation would’ve been completely different. Um, maybe things wouldn’t have been as heated as they were, and the situation probably would’ve gotten resolved a lot better than it was”.* (See attached transcript for further details).

On January 19, 2023, I obtained a sworn taped statement from Ms. Williams regarding this investigation. As with Ms. Toombs, we reviewed Officer Alshaier’s BWC prior to taking Ms. Williams statement. Ms. Williams confirmed that Ms. Toombs is her 28-year-old daughter. When I asked her how she got involved in this incident, she advised: *“Um, I had received a phone call from my daughter stating that there was a officer outside, uh, that I needed to come out...”* *“the gist of it basically, she pulled into our apartment – place where we lived. And, uh, she said that he followed her. Because she was trying to find a parking space, so she, you know, was driving around the – the complex.. basically. And she pulled into the parking area, and he pulled up behind her”.*

I asked Ms. Williams if she could remember if the parking spot her daughter pulled into was a handicap spot or a regular spot, to which she advised: *“Um, she did pull into the handicap spot because she said she was going on unload the things out of her car. Because our par- apartment place, parking is an issue. So, sometimes she has to park all the way on the other side of Building 8, which is far away, so the reas- that’s the reason for her pulling into the handicap spot”.*

Ms. Williams further advised she was able to respond to the scene of the stop with Ms. Toombs and Officer Alshaier *“within seconds”* of her daughter calling her. I asked her to describe the interactions between Officer Alshaier and Ms. Toombs and she stated: *“Okay. Basically, he was – to me, I thought he was invading her personal space. He was very, very, very close to her face, and she’s asking him to back up a bit, so she can, uh, you know – I’m listening to the conversation. Obviously, they’re both – it’s heated at this point. I told him to back up a little bit. Because, I felt like he was invading her personal space. Um, I believe he asked her for her license, registration, and things like that. I think she gave the license first. And then he kept asking for the, um, insurance or whatnot. By that time, though, I had her phone”.*

I confirmed with Ms. Williams, that she heard Officer Alshaier ask for Ms. Toombs' license and insurance, and if so, what Ms. Toombs' response was, to which she replied: *"Um, she – no. She said she was – she – she would give it to him if he'd just back up a little bit. Because, you're in my – you're in my personal space. Could you back up a bit. I remember her saying that"*.

Ms. Williams also confirmed that Ms. Toombs had recently been involved in an accident with her vehicle in the City of Miami Gardens and that is why it had front end damage on the driver's side. She also remembered Officer Alshaier requesting her to *"back-up"* after she approached him and Ms. Toombs during this incident.

Ms. Williams stated that she requested a supervisor and I asked her if a supervisor ever showed up, to which she stated: *"The supervisor did show up, and I was a little bit disappointed with him, as well. Because, he showed up and did not say anything to me or anyone else. He just stood there"*.

At the end of her statement, Ms. Williams agreed that the whole situation could have been handled differently with better communication between Officer Alshaier and Ms. Toombs.

During the months of February and March 2023, I reviewed all of the BWC Videos relative to this investigation. While watching Officer Alshaier's BWC Video, you can clearly see Officer Alshaier activate his overhead emergency lights and exit his police vehicle in order to approach Ms. Toombs, who is parked in a handicap parking space. Ms. Toombs is seen exiting from the front passenger side of the vehicle as Officer Alshaier makes his approach. Officer Alshaier instructed her to *"get back inside of the car"*, to which she does not. From the view of the BWC, it is apparent that Officer Alshaier doesn't realize Ms. Toombs is the sole occupant (and driver) of the vehicle. He approached the driver's side of the vehicle first, realized no one else is inside, and inspects the driver's side front end damage with his flashlight. Officer Alshaier has to tell Ms. Toombs a total of four (4) times to get back in the vehicle before she actually complies.

Officer Alshaier can be seen directing his attention to the passenger side of the vehicle, while Ms. Toombs is attempting to place a telephone call to Ms. Williams. Officer Alshaier tells Ms. Toombs to *"hang up the phone"*, to which she states that she is *"calling her mom to come down here"*.

Officer Alshaier has to tell Ms. Toombs to hang up her phone a total of six (6) times before he finally takes it from her hand and places it on the top of her vehicle. It is at this time that Ms. Williams approached both parties from the front of the vehicle and begins to yell and question Officer Alshaier about the validity of the stop. Once Ms. Williams is on scene, Ms. Toombs stood up from the front passenger seat of the vehicle and attempted to push past Officer Alshaier as she is standing up and states: *"Move"* as she pushed herself into him.

Officer Alshaier asked Ms. Toombs for her driver's license, vehicle registration, and proof of automobile insurance, to which she refused and said to him that she is not going to get her driver's license until he moves back because he is in her *"personal space"*.

When Ms. Williams asks: *“What is going on?”*, Ms. Toombs stated to her: *“He’s (referring to Officer Alshaier) literally bothering me because he saw me circling for freaking parking... because you know there’s never parking over here”*. – This statement shows that Ms. Toombs is clearly not accepting the fact that Officer Alshaier is in the process of conducting a legal traffic stop and a hit and run traffic investigation. In addition, she has front end damage to her vehicle, she is illegally parked in a handicap spot, and she is refusing the follow any commands given to her, and is not positively identified as of yet.

While attempting to get Ms. Toombs driver’s license, Ms. Williams approaches within a few feet of Officer Alshaier and Ms. Toombs, to the point where Officer Alshaier has to now turn his attention away from Ms. Toombs and focus on Ms. Williams. Officer Alshaier stated to Ms. Williams: *“M’am... stay over there”*, as he points to a nearby sidewalk. Ms. Williams refused to move and stands directly on the opposite side of the open front passenger’s side door (within arms reach of Officer Alshaier). Officer Alshaier has to tell Ms. Williams a second time: *“M’am... back up”*, to which she refuses to move and instead shouts back at Officer Alshaier: *“What is the problem.. you’re in her personal space”*.

Officer Alshaier is now in an Officer Safety situation, where he has to split his attention between Ms. Williams (who was not involved in the stop) and Ms. Toombs, who refused to obey any of Officer Alshaier’s lawful commands. At this point in the stop, Officer Alshaier is still by himself, and neither Ms. Toombs or Ms. Williams have been identified yet. Officer Alshaier attempted to explain that he was investigating a hit and run investigation and that he had witnessed Ms. Toombs run a stop sign prior to parking her vehicle in the handicapped parking spot. Instead of simply complying with Officer Alshaier’s orders by Ms. Toombs providing her driver’s license and Ms. Williams backing up a few feet, both Ms. Toombs and Ms. Williams escalate the situation by not complying and continue to thwart Officer Alshaier’s investigation by screaming and questioning the reason for the stop. Officer Alshaier has to ask Ms. Williams a total of six (6) times to *“back-up”* as she continually approached Officer Alshaier, while he was in the performance of his official duties.

The situation became so hostile that Officer Alshaier can be heard using his police radio to confirm that he has back-up Officers on their way to him. Upon the arrival of the first back-up Officer (Officer Honig), Officer Alshaier can be heard immediately telling him: *“Have that lady back-up”*, while pointing at Ms. Williams, since she has previous ignored all of Officer Alshaier’s commands prior to the back-up Officer’s arrival.

Ms. Williams finally backs-up after Officer Honig asks her, for the seventh (7th) time during this encounter: *“Can you stand over here on the sideway for me”*. After Officer Honig had Ms. Williams back-up to the sidewalk, Officer Alshaier could safely focus on Ms. Toombs. Officer Alshaier advised Ms. Toombs: *“You are detained, you are not free to leave”*. Shortly after this, Officer Alshaier responded to his patrol vehicle and can be heard asking dispatch to confirm the color of the suspect vehicle that was involved in the hit and run accident.

After more back-up Officers arrived on scene, a third person (male) can be seen standing next to Ms. Williams. This is yet another safety concern for the involved Officers. The call is concluded when Officer Alshaier issued Ms. Williams the three (3) traffic citations listed in the

Introduction portion of this report. After the traffic citations are issued, Ms. Williams can be heard (on several of the Officer's BWC) state: *"You can go fuck off!"*

On April 19, 2023, I obtained a sworn taped statement from Lieutenant Louis Berman regarding this incident. Lieutenant Berman could recall responding to this call as back-up for Officer Alshaier during a hit-and-run investigation. Lieutenant Berman confirmed that Officer Alshaier stopped Ms. Toombs inside of an apartment complex in close vicinity to where the hit-and-run had just previously occurred. Lieutenant Berman further advised that when he arrived on scene, he observed Ms. Toombs standing next to her vehicle with another family member present and her vehicle was parked in a handicap parking spot. Lieutenant Berman confirmed that Ms. Toombs' vehicle had apparent front end damage that was consistent with the damage the suspect vehicle from the hit-and-run would have sustained.

I asked Lieutenant Berman if he ever heard Officer Alshaier say anything discourteous to either Ms. Toombs or her mother (Ms. Williams), to which he replied: "No". I also asked Lieutenant Berman if he ever heard Ms. Toombs or Ms. Williams say anything discourteous to Officer Alshaier or any other Officers that were present, and he advised: *"Yes, um, I'm not sure exactly who it was, but they said, uh, {Your Officer's an ass} and at the end, he handed her ..uh, citations and she said {You can go fuck off}"*

Lieutenant Berman concluded his statement by advising this investigator: *"I didn't feel Alshaier did anything wrong. Uh, he handed her – gave her the citations that he felt she, you know, needed to get. And then actually, he was – he didn't say much to her. That was it".* (See attached transcripts for further details).

On April 19, 2023, I obtained a sworn taped statement from K-9 Officer Mitchell White regarding this incident. Officer White recalled responding to this call as a back-up Officer for Officer Alshaier. By the time Officer White arrived on scene, other back-up Officers were already present. I asked Officer White if he overheard any of the specific conversations between Officer Alshaier and / or Ms. Toombs and Ms. Williams, to which he advised: *"No, I couldn't understand the dialogue".*

I inquired if Officer White ever heard Officer Alshaier being discourteous to Ms. Toombs or Ms. Williams, to which he stated: *"No, sir"*. When asked if he ever heard Ms. Toombs or Ms. Williams being discourteous, he stated: *"At times"* and further advised: *"No, I just remember. Uh, kind of loud verbal, uh, or a heightened sense of, um, talking from mom.. to Officers"*.

Officer White recalled that Ms. Toombs was parked in a handicap parking spot and I asked him if he could remember if she had a handicap parking placard, to which he replied: *"No. From what I recall, she just said that she wasn't handicap, but she lived in the area and she was pregnant which gave her the – the right to park in that spot"*. (See attached transcripts for further details).

On April 26, 2023, I obtained a sworn taped statement from Officer Alexandra Cook regarding this incident. Officer Cook responded to the original hit-and run location, (3800 N. University Drive) where the victim's vehicle was run off of the roadway and collided with a

large water pipe. When asked if she remembered what the description of the suspect vehicle was, Officer Cook responded: *"I do not"*. Officer Cook confirmed that she never responded to the location where Officer Alshaier stopped Ms. Toombs. She also confirmed that she did not have any contact with either Ms. Toombs or Ms. Williams that evening. (See attached transcripts for further details).

On May 2, 2023, I obtained a sworn taped statement from Officer Bernard McCutcheon III regarding this incident. Officer McCutcheon responded to the original hit-and-run location, (3800 N. University Drive) where the victim's vehicle was run off of the roadway and collided with a large water pipe. Officer McCutcheon further advised that he could not remember the description of the suspect vehicle involved in the hit-and-run. Officer McCutcheon confirmed that he never responded to the location where Officer Alshaier stopped Ms. Toombs. He also confirmed that he did not have any contact with either Ms. Toombs or Ms. Williams that evening. (See attached transcripts for further details).

On May 3, 2023, I obtained a sworn taped statement from Officer Paul Deleon regarding this incident. Officer Deleon advised that he responded to the original hit-and-run scene where the victim's vehicle was lodged up against a water pipe, after being struck and run off of the roadway by the suspect vehicle. I asked Officer Deleon if he remembered the description of the suspect vehicle, to which he advised: *"I don't remember how he described it, but dispatch – I believe they said a – like a red sedan with front end damage"*.

Officer Deleon stated that he left that scene to back-up Officer Alshaier with a possible suspect vehicle. I asked Officer Deleon to describe what was going on when he arrived and he stated: *"Um, so driver the of the red vehicle and her mother were outside as well as several other officers" – "Um, basically the mother and the daughter were doing a lot of talking and asking questions and saying we couldn't pull them over when they're at their house and we were attempting to explain to them that it could be done, but they weren't allowing us to speak"*.

I also asked Officer Deleon if he ever had any conversation with either Ms. Toombs or Ms. Williams and he advised that he could remember telling them that they shouldn't be parking in a handicap parking spot and that both Ms. Toombs and Ms. Williams had no response to this statement. According to Officer Deleon: *"They just kept speaking"*.

I asked Officer Deleon if he ever heard Officer Alshaier say anything discourteous to either Ms. Toombs or Ms. Williams, to which he replied: *"No"*. I inquired if he ever heard Ms. Toombs or Ms. Williams say anything discourteous to Officer Alshaier, to which he replied: *"Not horrible, but yes"*.

I asked Officer Deleon if it seemed like Ms. Toombs thought it was legal to park temporarily in the handicap spot, to which he stated: *"She thought it was. She said – she tried to explain that she was only parking there for a minute to unload her things from her vehicle"*. (See attached transcripts for further details).

On May 3, 2023, I obtained a sworn taped statement from Officer Jonathan Brooks regarding this incident. Officer Brooks recalled responding to this call as a back-up Officer for Officer Alshaier. By the time Officer Brooks arrived on scene, other back-up Officers were already present. I asked Officer Brooks to describe what he observed when he first arrived on scene, to which he replied: *“So upon arrival on scene, I saw Officer Alshaier, um kind of talking with the driver of the vehicle”. “Um, another backup Officer, Officer Honig, was there as well. And there were also two other individuals who showed up on behalf of the – the driver... which was allegedly the driver’s mother... and another gentleman, a black male, not sure of the relation be – between them both”. “At that point in time upon my arrival, um, Officer Alshaier and the driver, they were kind of going back and forth as the driver was pretty much discrediting Officer Alshaier and his actions, and – and typically what had transpired. And then Officer Alshaier was responding pretty much explaining to her why he’s, what – what he did... and his reasoning behind doing so. Um, at that point in time, you know, the – the driver, she was still, you know, being a bit combative in her speech. Uh, the mom was speaking to us as well, walking on the scene. We were trying to pretty much gain scene control, getting the mom away from the scene. The other black male that was there, he kind of stood off to the side. He didn’t really, you know, intervene much at all”.*

I asked Officer Brooks if Officer Alshaier or any of the other Officers on scene ever tried to explain to Ms. Toombs about parking in a handicap spot, to which he advised: *“Yes, so multiple Officers brought that point up that she was parked in the handicapped spot without a visible handicap decal. And her rebuttal was that, you know, she was bringing items in, she was pregnant, and she was only parking in the spot for a temporary period of time”.*

Officer Brooks further stated that Officer Alshaier as well as other Officers attempted several times to explain to both Ms. Toombs and Ms. Williams the reason that Ms. Toombs was being detained, however neither one wanted to listen the Officers.

I asked Officer Brooks if he ever heard Officer Alshaier say anything discourteous to either Ms. Toombs or Ms. Williams, to which he replied: *“He was definitely stern in his speech, but I – I don’t think he was being discourteous to either of them”.*

I asked Officer Brooks if he could recall if Ms. Toombs or Ms. Williams were being discourteous to the Officers, and he advised: *“I heard on the phone, she was speaking to somebody, uh, speaking about the Officers. I can’t recall exactly what was said, but I do remember it w- it was, you know, she was speaking bad about the Officers on the scene. The – the mother, she was kind of doing the same as well. The black male that was – that was off to the side, I don’t remember hearing him saying anything at all towards the Officers”.*

I asked Officer Brooks if either Ms. Toombs or Ms. Williams wanted to listen to what the Officers were saying about the reason for the stop, to which he stated: *“Definitely not”.* Officer Brooks believed that if Ms. Toombs and / or Ms. Williams would have just listened to the Officers as to the reason for the stop (hit-and-run investigation), that this incident could have been handled differently. (See attached transcripts for further details).

The only witness Officer that this investigator was not able to obtain a sworn statement from was Officer Joshua Honig due to him being on medical leave during this investigation.

On May 16, 2023, I obtained a sworn taped statement from Officer Elias Alshaier regarding this incident. Prior to going on tape, Officer Alshaier was issued both his Non-Criminal rights and his Gerrity Rights, which he read and signed.

Officer Alshaier advised that he was assisting other Officers with a hit-and-run investigation by circulating in the area of the hit-and-run, looking for the suspect vehicle. He further advised that he was checking the near-by apartment complexes and parking lots. He stated that he first encountered Ms. Toombs when he entered the Springcrest Condominiums (4200 N. University Drive). He observed a red vehicle with heavy front-end damage to the front driver's side panel (Ms. Toombs vehicle) driving north through the complex. Officer Alshaier further explained:

“Upon seeing my marked unit, the vehicle quickly made a U-turn, running a stop sign in the process, at the front of the community and proceeded southbound further into the community. I followed the vehicle as it pulled into a disabled parking spot facing southbound in the community, um, based on the observed violation, coupled with the fact that the vehicle might have been involved in the hit-and-run investigation, which had occurred a short time prior to this traffic stop, and also within close proximity, I activated my emergency lights, flashing blue lights on my vehicle to effect a traffic stop”. “I exited the driver's side, at that point I observed a female, um, emerging from the front passenger door of the red Lincoln, um, I ordered her to stay in the vehicle, um, believing that she was a passenger of the vehicle, at first. I approached the driver's side of the vehicle, shining my flashlight into the windows, and observed nobody else inside the car. At that time, I made the conclusion that she was the driver trying to leave the vehicle, and, and create distance from, um, myself and my stop”. Um, I went back over to the passenger side, um, and contacted her, um, I requested her driver's license numerous times”.

Officer Alshaier advised that Ms. Toombs did not give him her driver's license initially. He explained that the reason for the traffic stop was three-fold: He was conducting a hit-and-run investigation on a vehicle which may have been the suspect vehicle, he observed Ms. Toombs commit a traffic infraction (fail to stop at a stop sign) and she parked in a handicapped parking spot, with no visible handicap placard displayed. Officer Alshaier advised that when he first observed Ms. Toombs exit the passenger side of the vehicle, he had to asked her “*numerous times*” to get back inside the vehicle before she complied.

Officer Alshaier further advised that Ms. Toombs was on her phone when he made contact with her and he instructed her to hang up her cell phone. Instead of hanging up her phone, Ms. Toombs advised that she was calling her mother to come outside. Officer Alshaier stated that Ms. Toombs' mother (Nicole Williams) was outside on the scene of the vehicle stop “*within seconds*” of Ms. Toombs placing the call. When I asked Officer Alshaier how close Ms. Williams approached him, he replied: “*The mother approached me and she was within four (4) to five (5) feet from where I was standing*”. Officer Alshaier advised that he ordered Ms. Williams to “*back up*” and “*stop approaching me*” to which he refused to do so. I asked Officer Alshaier how many times did he ask Ms. Williams to back-up and he replied: “*At least five (5) times*”.

I asked Officer Alshaier why he felt the need to take Ms. Toombs' phone away from her and he stated: “*I took the phone away from her in attempt to stop her from calling anybody else, any*

other bystanders to my scene, um, while I was alone and without backup". Officer Alshaier further advised that he placed Ms. Toombs' phone on top of her vehicle directly in front of her.

I asked Officer Alshaier if he could recall the conversation between himself, Ms. Toombs, and Ms. Williams, once they both were on scene, and he advised: *"Um, the mom was questioning, um, why I stopped her daughter. Um, the, uh, driver, Ms. Toombs, um, was questioning, um, why I stopped her, and she was also refusing to provide identifying information, um... that I was asking for"*.

I asked Officer Alshaier why he called for back-up Officers during this incident, to which he replied: *"Again, I was dealing with two, uh, individuals on an unknown traffic stop. I was by myself as a solo Officer. I had not had anybody identified yet. I was in a secluded, dark part of a parking lot. It's not easily accessible from the main road, where Officers would have to find me. Um, so I just felt it was an extreme concern, uh, until I had additional Officers there to, uh, assist with, uh, controlling the scene"*.

Officer Alshaier stated that Ms. Toombs actually battered him on two occasions (1) When he was attempting to have her hang up her phone, Ms. Toombs grabbed his wrist and, (2) when she stood up from her vehicle, Ms. Toombs attempted to push past him, while stating: *"Move"*. Officer Alshaier also confirmed that Ms. Toombs and Ms. Williams requested a supervisor, and Lieutenant Berman responded to the scene.

I asked Officer Alshaier if Ms. Toombs ever provided him with proof of automobile insurance, to which he advised: *"Not when I requested it"*. He further explained that instead of providing him with proof of insurance from her phone, she handed her phone to Ms. Williams, who began making phone calls with it.

Both Ms. Toombs and Ms. Williams accused Officer Alshaier of being in Ms. Toombs' "personal space". I asked Officer Alshaier if he was in Ms. Toombs' personal space, and if so, why, and he explained: *"Yes, I was for two (2) reasons. One, she was not identified yet. Um, she had earlier tried to leave the traffic stop scene. I was trying to contain her, uh, and prevent any avenues of escape. But also, she had easy access to the interior of the vehicle, and I was trying to ensure that she wasn't reaching for any weapons that could harm me"*.

I asked Officer Alshaier if he believed that he was discourteous to either Ms. Toombs or Ms. Williams, to which he stated: *"No, I was not. I was very stern and direct, um, as I am on all traffic stops... uh, to establish a command presence and ensure my safety. Um, the first level of, uh, of force is – is – is – is Officer presence, establishing presence, letting people know – or the individuals that I'm detaining, that I'm in charge, um, by way of using stern language and – and being authoritative. Still being professional, not being discourteous, uh, is my first way of controlling a scene, uh, and the individual... involved. If I can control them using my own words and not having to escalate to a higher level of force, then I've accomplished my goal"*.

I asked Officer Alshaier if he believed either Ms. Toombs or Ms. Williams were discourteous to him, to which he replied: *“Uh, at some point she said something to the effect that – You’re a fucking asshole”*.

Finally, I asked Officer Alshaier if there was anything he thought could have improved the situation, to which he stated: *“I think if the complainant and her mother would have allowed me to communicate to them the reasons that I was stopping them, justifying my actions – which I’m always open to do, and I attempted to do numerous times during this event – um, and just allowing me to speak and explain myself, I think it would’ve gone better”*.

Officer Alshaier concluded his statement by advising that he could neither prove or disprove if Ms. Toombs was the suspect in the hit and run investigation that he was conducting, so he passed on her information (including her vehicle information) to Officer Cook, who was the primary Officer handling the call, in case it was later determined that Ms. Toombs was indeed involved. (See attached transcripts for further details).



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 Ms. Toombs' allegations are true, Officer Alshaier would have violated the following Sunrise Police Policies and Procedures:

15.6.4.1. – *Officers will, as necessary and professionally appropriate, use techniques and strategies designed to prevent the perception of Biased Policing. These techniques include, but are not limited to:*

15.6.4.1.1. – *Be courteous, polite and professional.*

15.6.4.1.2. – *Provide your name and agency information along with explaining your purpose as related to specific law enforcement activities as soon as practical, unless doing so compromises the safety of officers or others.*

Based on a preponderance of evidence standard, I conclude that Officer Alshaier did not violate any of the listed policies. The following is a list of factors that led me to this decision:

Officer Alshaier conducted a lawful traffic stop and was also conducting a lawful hit-and-run investigation when he made initial contact with Ms. Toombs on the evening hours of November 27, 2022. Ms. Toombs immediately called her mother (Nicole Williams) to come out of her apartment and respond to the traffic stop location. Ms. Williams was not involved in the initial traffic stop. Ms. Toombs is an adult and not a juvenile in need of a parental guidance. Officer Alshaier was alone and outnumbered at this point, so he ordered Ms. Toombs to hang up her phone, so that she could not call upon others to respond to the scene. Ms. Toombs refused to hang up her phone, so Officer Alshaier physically removed the phone from Ms. Toombs' hand, using the minimal force necessary to accomplish this, and place the phone on top of Ms. Toombs' vehicle in close proximity to her. Officer Alshaier had to split his attention between Ms. Toombs and Ms. Williams until back-up Officers arrived, causing an Officer Safety situation. Ms. Toombs failed to provide proof of automobile insurance at the time Officer Alshaier requested it. Ms. Toombs was issued three (3) citations:

- *Citation # AH931XE – Violation of Traffic Control Device / Run Stop Sign*
- *Citation # AH931ZE – Parking / Obstruct Disabled Parking Space*
- *Citation # AH931YE – No Proof of Automobile Insurance.*

Ms. Toombs was not detained longer than the period of time to investigate the traffic infraction and/or the hit-and-run investigation. In fact, the entire length of time from start to finish of the traffic stop lasted approximately 16 minutes.

IV: CONCLUSION:


The interactions between Ms. Toombs and Officer Alshaier immediately became contentious when Ms. Toombs did not comply with Officer Alshaier's lawful commands, but instead called her mother to respond to the scene of the stop, causing an Officer Safety issue. The communication breakdown led to both Ms. Toombs and Officer Alshaier becoming defensive in their mindsets. It is clear through both the BWC video and their individual statements that Ms. Toombs and Officer Alshaier felt justified in their actions and viewed this incident from completely different perspectives.

Ms. Toombs felt that if she had not done anything wrong or had not been involved in the previous hit-and-run, that Officer Alshaier did not have the legal right to detain her and she did not have to comply with any of his commands. She also was under the false impression that because she was pregnant, she could temporarily park in a designated handicapped parking space in order to unload her vehicle. Ms. Toombs also felt justified that she could summon her mother to the scene and she could refuse to provide Officer Alshaier with any of her vehicle documents until he retreated out of her "personal space".

In fact, Officer Alshaier was conducting a hit-and-run investigation and had reasonable suspicion to temporarily detain Ms. Toombs until he could conduct his investigation. His reasonable suspicion arose from (1) the damage to the front of Ms. Toombs' vehicle, (2) Ms. Toombs exiting from the passenger side of the vehicle, (3) Ms. Toombs parking in a handicap spot, and (4) Ms. Toombs being in the vicinity of where the hit-and-run had just previously occurred.

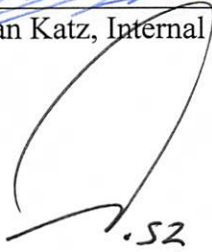
Officer Alshaier also had the right to temporarily deprive Ms. Toombs of her cell phone after she called an uninvolved third party (her mother / Ms. Williams) to the scene of the stop, while Officer Alshaier was still alone without back-up Officers. The phone was kept within close proximity to Ms. Toombs during the entire encounter. Officer Alshaier purposely and tactically invaded Ms. Toombs personal space to avoid her from walking away from the scene, or to retrieve any possible weapons that may have been inside of her vehicle so that he may conduct his investigation safely. Due to Ms. Toombs failure to obey any of Officer Alshaier's commands, he used a stern, direct dialogue with her to establish a command presence. This investigator did not find that Officer Alshaier was discourteous in his with Ms. Toombs.

This investigation will be classified as: **EXONERATED**



Lt. P. Brian Katz, Internal Affairs

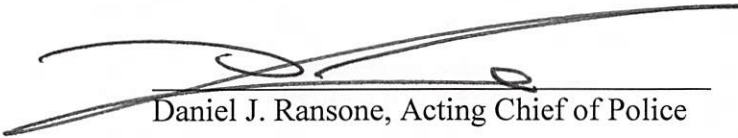
5/23/23
Date



.52

Richard Alexander, Deputy Chief

5/25/23
Date



Daniel J. Ransone, Acting Chief of Police

5/25/23
Date

Incident Details

Incident Number: L4222112700051690

Incident Status: Closed

Incident Date: 11/27/2022 23:04:01

Last Updated: 11/28/2022 00:25:42

INCIDENT INFORMATION

Incident Type Code: 3 Incident Type Description: 03-HIT & RUN
Priority: 3 Incident Status: Closed
Created By Name: MATHIEU, CRYSTAL Created by Agency/UserId: COMM/BS18677
Modifying Circ: JO Dispositions: A
Report Numbers:
Associated Incidents: FSN22112700014379, L4222112700051689
Parent Incident: L4222112700051690

LOCATION INFORMATION

Location Name: HOT SHOTS Building:
Address: SPRINGTREE / N UNIVERSITY DR Apartment:
City: SN Cross Street: SPRINGTREE / 4000 N UNIVERSITY DR
Area: 42 Sector:
Zone: 4207 Reporting District: 42F6
Latitude: 26.17426903 Longitude: -80.25676535

CALLER INFORMATION

Caller Name: [REDACTED] Caller Phone Number: [REDACTED]
Caller Location: [REDACTED] Caller City:
Contact Caller: Yes Call Source: 1-911 CALL

INCIDENT TIMES

EVENT:	DATE TIME:	AGENCY/USER:	DEVICE:	EVENT:	ELAPSED TIME:
ANI/ALI Received:	11/27/2022 23:01:49			Call Received to Phone Pickup:	00:00:01
Phone Pickup:	11/27/2022 23:01:50	COMM/BS18677	N08	Phone Pickup to Created:	00:02:11
Incident Created:	11/27/2022 23:04:01	COMM/BS18677	N08	Phone Pickup to 1st Dispatch:	00:03:26
1st Unit Dispatched:	11/27/2022 23:05:16	COMM/BS17147	C28	Created to 1st Dispatched:	00:01:15
1st Unit Enroute:	11/27/2022 23:05:21	COMM/BS17147	C28	1st Dispatch to 1st Enroute:	00:00:05
1st Unit Arrived:	11/27/2022 23:08:48	42/SN3777	SNPD0193	1st Enroute to 1st Arrived:	00:03:27
Route Closed:	11/28/2022 00:25:41	COMM/BS18766	C28	Created to Closed:	01:21:40

ASSIGNED UNITS

Pri UNIT:	DISPATCH:	ENROUTE:	ARRIVE:	ENROUTE HOSPITAL:	ARRIVE HOSPITAL:	CLEAR:	DISPATCH TO CLEAR:	DISPO:
29/BOLOLH	11/27/2022 23:15:13					11/27/2022 23:18:04	00:02:51	
42/42A0201	11/27/2022 23:29:17		11/27/2022 23:29:45			11/28/2022 00:25:41	00:56:24	

42/42A0301	11/27/2022 23:05:47	11/27/2022 23:06:28	11/27/2022 23:08:48	11/27/2022 23:17:51	00:12:04	
* 42/42A0701	11/27/2022 23:05:16	11/27/2022 23:05:21	11/27/2022 23:10:31	11/28/2022 00:25:41	01:20:25	A
42/42A0801	11/27/2022 23:05:24	11/27/2022 23:06:30	11/27/2022 23:21:38	11/28/2022 00:25:41	01:20:17	

ASSIGNED PERSONNEL

UNIT:	OFFICERID:	OFFICER NAME:
42/42A0201	SN3794	Deleon, Paul
42/42A0301	SN3777	Alshaier, Elias
42/42A0701	SN3774	Cook, Alexandra
42/42A0801	SN3780	McCutcheon, Bernard

INCIDENT COMMENTS

DATE TIME:	USERID:	DEVICE:	COMMENTS:
11/27/2022 23:04:01	BS18677	N08	COMP ADV THAT SHE WITNESSED A VEH ACCIDENT AND 1X VEH LEFT THE SCENE... T/D 2 MIN
11/27/2022 23:04:16	BS17147	C28	SAME AS 42/51689
11/27/2022 23:04:24	BS18677	N08	COMP ADV THAT THE DRIVER 1097 IS FINE BUT THE VEH IS SMOKING... DESK WILL CREATE F/R CALL
11/27/2022 23:05:14	BS19710	N20	CALLER ADV VEH IS DISABLED
11/27/2022 23:05:28	BS19710	N20	MALE ADV VEH HIT HIS VEH AND THAT CAUSED HIM TO HIT THE WATER PIPE
11/27/2022 23:06:04	BS18677	N08	COMP ADV THAT THE VEH THAT LEFT THE SCENE WAS A SMALLER BLK 4DR SEDAN DOT NB LANES.. UNK DRIVER DESCRIPT
11/27/2022 23:06:06	BS19710	N20	< IN SHOPPING PLAZA CALLED AMERICANA OAK PLAZA >
11/27/2022 23:06:08	BS17147	C28	SAME AS 42/51690
11/27/2022 23:06:38	BS18677	N08	COMP ADV THAT THE VEH THAT IS 1097 IS A DRK COLORED NISSAN SUV... DRIVER IS OUT OF THE VEH
11/27/2022 23:06:44	BS18677	N08	IFO VELVET CAFE
11/27/2022 23:09:36	BS17147	C28	NOW ADV VEH THAT FLED POSS WHI
11/27/2022 23:11:21	BS19057	C26	1 VEH MIN TO MOD..OCCUP OUT OF THE VEH.. INVEST ..E59
11/27/2022 23:12:42	BS17147	C28	UPDATED BOLO WHI SMALL SEDAN HEAVY FRONT END DAMAGE--LEFT NB
11/27/2022 23:12:58	BS19057	C26	PER E59 CX ANY RESCUE AND BC39
11/27/2022 23:17:55	BS13877	C34	BOLO 6A LHPD
11/27/2022 23:33:05	SN3774	SNPD0122	SUNRISE RUN # 14379
11/28/2022 00:11:17	BS18766	C28	1004 (42/42A0201)

PRE-SCHEDULED INFORMATION

ADDRESS CHANGES

PRIORITY CHANGES

INCIDENT TYPE CHANGES

AH93IYE

FLORIDA UNIFORM TRAFFIC CITATION AH93IYE

Form fields for citation AH93IYE including county (Broward-10), agency (Sunrise Police), date (11/27/2022), time (11:26), and offender (ALEXIS RENAY TOOMBS).

Offense section for citation AH93IYE, including checkboxes for 'UNLAWFUL SPEED' and 'SPEED MEASUREMENT DEVICE'.

Other violations section for citation AH93IYE, including checkboxes for 'AGGRESSIVE DRIVING' and 'VIOLATION OF STATE STATUTE'.

Court information section for citation AH93IYE, including date and court name.

Arrest and signature section for citation AH93IYE, including date of arrest and officer signature.

Officer information section for citation AH93IYE, including rank, name, badge, and ID.

AH93IZE

FLORIDA UNIFORM TRAFFIC CITATION AH93IZE

Form fields for citation AH93IZE including county (Broward-10), agency (Sunrise Police), date (11/27/2022), time (11:26), and offender (ALEXIS RENAY TOOMBS).

Offense section for citation AH93IZE, including checkboxes for 'UNLAWFUL SPEED' and 'SPEED MEASUREMENT DEVICE'.

Other violations section for citation AH93IZE, including checkboxes for 'AGGRESSIVE DRIVING' and 'VIOLATION OF STATE STATUTE'.

Court information section for citation AH93IZE, including date and court name.

Arrest and signature section for citation AH93IZE, including date of arrest and officer signature.

Officer information section for citation AH93IZE, including rank, name, badge, and ID.

ALSHAIER
(3777)

422211051691

AH93IXE

FLORIDA UNIFORM TRAFFIC CITATION AH93IXE

COUNTY OF **BROWARD-10** (1) FWP. (2) P.D. (3) S.O. (4) OTHER

CITY OF APPLICABLE **SUNRISE** AGENCY NAME **SUNRISE POLICE**
AGENCY # **76**

IN THE COURT DESIGNATED BELOW THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS BEEN AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT ON

SUMMONS (VIOLATOR'S COPY)

DAY OF WEEK **SUNDAY** MONTH **11** DAY **27** YEAR **2022** TIME **11:26** A.M. P.M.

NAME (FIRST) **ALEXIS** (MIDDLE) **RENAV** (LAST) **TOOMBS**

STREET _____ IF DIFFERENT FROM ONE ON DRIVER LICENSE "A" RETURN

CITY **SUNRISE** STATE **FL** ZIP CODE **33351**

TELEPHONE NUMBER _____ DATE OF BIRTH _____

DRIVER LICENSE NUMBER _____ STATE **FL** CLASS **E** COIL LICENSE YES NO TR LICENSE EXP. **2028** COMMERCIAL VEHICLE YES NO

TR VEHICLE **2014** MAKE **LINC** STYLE **4D** COLOR **RED** REGISTERED HAZ. MATERIAL YES NO

VEHICLE LICENSE NO. _____ TRAILER TAG NO. _____ STATE **FL** YEAR TAG EXPIRES **2024** YES NO

UPON A PUBLIC STREET OR HIGHWAY, OR OTHER LOCATION, SAFELY **4200 N UNIVERSITY DR**

NON-RESIDENT YES NO
COMPARISON CITATION NULLIFYING YES NO

FT. _____ MILES IN S E W OF ROAD _____

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE. CHECK ONLY ONE OFFENSE EACH CITATION

UNLAWFUL SPEED _____ MPH SPEED APPLICABLE _____ MPH
(INTERSTATE SCHOOL ZONE CONSTRUCTION / WORKERS PRESENT)

SPEED MEASUREMENT DEVICE:

- CARELESS DRIVING
- VIOLATION OF TRAFFIC CONTROL DEVICE
- FAILURE TO STOP AT A TRAFFIC SIGNAL
- IMPROPER LANE CHANGE OR COURSE
- NO PROOF OF INSURANCE
- VIOLATION OF RIGHT-OF-WAY
- CHILD RESTRAINT
- SAFETY BELT VIOLATION
- IMPROPER OR UNSAFE EQUIPMENT
- EXPIRED TAG SIX (6) MONTHS OR LESS
- EXPIRED TAG MORE THAN SIX (6) MONTHS
- EXPIRED DRIVER LICENSE SIX (6) MONTHS OR LESS
- EXPIRED DRIVER LICENSE MORE THAN SIX (6) MONTHS
- NO VALID DRIVER LICENSE
- DRIVING WHILE LICENSE SUSPENDED OR REVOKED
- DRIVER UNDER THE INFLUENCE
- Passenger Under 18 Yrs

OTHER VIOLATIONS OR COMMENTS PERTAINING TO OFFENSE:
RAN STOP SIGN | To Wit: Driver Ran Stop Sign In Pl Of Springcrest Condos Entrance

AGGRESSIVE DRIVING IN VIOLATION OF STATE STATUTE SECTION **316.123-2A** SUB-SECTION _____

CRASH YES NO PROPERTY DAMAGE YES NO BILITRY TO ANOTHER YES NO SERIOUS BILITRY TO ANOTHER YES NO FATAL YES NO

CRIMINAL VIOLATION. COURT APPEARANCE REQUIRED. AS INDICATED BELOW.
 INFRACTION. COURT APPEARANCE REQUIRED. AS INDICATED BELOW.
 INFRACTION WHICH DOES NOT REQUIRE APPEARANCE IN COURT.

CIVIL PENALTY IS \$ _____

COURT INFORMATION: DATE _____ THE _____ COURT _____ LOCATION _____

SEE MAILER / MUST COMPLY WITHIN 30 DAYS

ADDITIONAL COMMENTS:

ARREST DELIVERED TO _____ DATE **11/27/2022**

I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS CITATION. WILLFUL REFUSAL TO ACCEPT AND SIGN THIS CITATION MAY RESULT IN ARREST. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILTY OR WAIVER OF RIGHTS. IF YOU NEED REASONABLE FACILITY ACCOMMODATIONS TO COMPLY WITH THIS CITATION, CONTACT THE CLERK OF COURT.

X SIGNATURE OF VIOLATOR (SIGNATURE IS REQUIRED IF INFRACTION REQUIRES APPEARANCE IN COURT)

ALSHAIER, E. 3777

RANK - NAME OF OFFICER _____ BADGE NO. _____ ID. NO. _____ TROOP UNIT _____

I CERTIFY THIS CITATION WAS DELIVERED TO THE PERSON CITED ABOVE AND CERTIFY THE CHARGE ABOVE

ADDITIONAL OFFICER: _____

RANK - NAME OF OFFICER _____ BADGE NO. _____ ID. NO. _____ TROOP UNIT _____

HSMV 76301 (Rev. 01/15)