



AGENDA

**STUART INDEPENDENT REVIEW BOARD
FEBRUARY 28, 2024
AT 11:00 AM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

BOARD MEMBERS

**Chair - Anita Cocoves
Vice Chair - Pearlie B. Clarke
Board Member - Diane "Dee" Gusch
Board Member - Helen McBride
Board Member - Kristin Stanley**

ADMINISTRATIVE

Recording Secretary - Mary Kindel

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

1. ADVISORY BOARD MEMBER OATHS
2. ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

APPROVAL OF AGENDA

APPROVAL OF MINUTES

3. APPROVAL OF 12/14/2022 SIRB MINUTES

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

4. REVIEW OF CITIZEN COMPLAINT BY SUZIE HETHERINGTON AGAINST OFFICER HEITFELD
5. REVIEW OF CITIZEN COMPLAINT BY LAVERN MULLINGS AGAINST OFFICER LEE

STAFF UPDATE

ADJOURNMENT

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Stuart Independent Review Board**

Meeting Date: 2/28/2024

Prepared by: Susej Meleqi

Title of Item:

ADVISORY BOARD MEMBER OATHS

Summary Explanation/Background Information on Agenda Request:

SIRB Board Members serving the City of Stuart will take an Oath before the City Clerk/City Attorney for public record.

Funding Source:

N/A

Recommended Action:

Board members take the Oath.

ATTACHMENTS:

1. Board Member Oath_ SIRB



CITY OF STUART

Oath of Office

I, _____, am qualified under the Constitution, Laws of Florida, and the Code of Ordinances for the City of Stuart, Florida to serve as a member of the STUART INDEPENDENT REVIEW BOARD and that I will well and faithfully perform the duties of an advisory board member on which I am about to enter, so help me God.

Name

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of physical presence _____ or online notarization ____, this 28th day of February 2024, _____, who is personally known to me or who has produced Florida driver license as identification.

Deputy City Clerk

(Notary Seal)

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Stuart Independent Review Board**

Meeting Date: 2/28/2024

Prepared by: Susej Meleqi

Title of Item:

ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

Summary Explanation/Background Information on Agenda Request:

Per Code of Ordinances, Chapter 2, Division 2 Sec. 2-99(b) at the first meeting of the year, the SIRB must elect a Chair and Vice Chair to serve for a term of one year.
The current Chair is Anita Cocoves and current Vice-Chair is Pearlie Clark.

Funding Source:

N/A

Recommended Action:

Board elects a Chair and Vice Chair.

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Stuart Independent Review Board**

Meeting Date: 2/28/2024

Prepared by: Mary Kindel

Title of Item:

APPROVAL OF 12/14/2022 SIRB MINUTES

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

1. 12142022 SIRB Minutes

**MINUTES
STUART INDEPENDENT REVIEW BOARD
DECEMBER 14, 2022
AT 10:00 AM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

BOARD MEMBERS

**Chair - Anita Cocoves
Vice Chair - Pearlie B. Clarke
Board Member - Diane "Dee" Gusch
Board Member - Helen McBride
Board Member - Kristin Stanley**

ADMINISTRATIVE

Recording Secretary - Mary Kindel

CALL TO ORDER

10:00 AM

ROLL CALL

PRESENT: Kristin Stanley, Helen McBride, Pearlie Clarke
ABSENT: Diane Gusch, Anita Cocoves

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

**10:03 AM MOTION: Approve.
MOVED BY: Helen McBride
SECONDED BY: Kristin Stanley
Motion approved unanimously.**

APPROVAL OF MINUTES

1. APPROVAL OF 04/18/2022 MINUTES

**10:03 AM MOTION: Approve.
MOVED BY: Helen McBride
SECONDED BY: Kristin Stanley
Motion approved unanimously.**

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

None.

ACTION ITEMS

- 2. REVIEW OF CITIZEN COMPLAINT BY MATTHEW GARCIA AGAINST OFFICER BRIGLIA

Police Chief Joseph Tumminelli provided the board members with a description of the incident.

Board members had a brief discussion about the complaint.

10:14 AM MOTION: Approve; Agree with recommendation.
MOVED BY: Kristin Stanley
SECONDED BY: Helen McBride
Motion approved unanimously.

- 3. REVIEW OF CITIZEN COMPLAINT BY KEONIA COATS AGAINST OFFICER SPUGNARDI

Chief Tumminelli provided the board members with a description of the incident.

10:19 AM MOTION: Approve; Agree with recommendation.
MOVED BY: Kristin Stanley
SECONDED BY: Helen McBride
Motion approved unanimously.

STAFF UPDATE

Attorney Michael Mortell spoke on the Advisory Board appreciation boat ride and stated what we are looking to do in the new year with the boards.

Chief Tumminelli questioned if the SIRB could be held on a quarterly basis.

Attorney Mortell responded and gave information on what the SIRB is meant for and the procedures.

Discussion amongst Board Members, Attorney, and Chief.

ADJOURNMENT

10:42 AM

Mary Kindel
City Clerk/Recording Secretary

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Stuart Independent Review Board**

Meeting Date: 2/28/2024

Prepared by: Michelle Vicat

Title of Item:

REVIEW OF CITIZEN COMPLAINT BY SUZIE HETHERINGTON AGAINST OFFICER HEITFELD

Summary Explanation/Background Information on Agenda Request:

This matter arose over a dispute that occurred on private property commonly referred to as the "common area" of a condominium association. In summary, the resident submitted a written complaint claiming that Officer Heitfeld told her that she was trespassing because she was taking photos of another resident's property. When she disputed the trespassing assessment, Officer Heitfeld hung up on her. She further stated that the officer threatened her with jail time if she were to trespass again within one year.

The City of Stuart established the board to create a mechanism for the public to see the outcome of the investigations that are initiated in response to written public complaints. The purpose is to ensure transparency and accountability. This oversight mechanism aims to guarantee that the outcomes of investigations into alleged misconduct are accessible to all stakeholders, fostering trust and confidence in the city's law enforcement agency as well as any other department where a written complaint has been received. The SIRB is not responsible for deciding the level of discipline. It should not substitute its recommendation for that of the supervisor. Rather, it should decide if it finds the decision appropriate under the circumstances. In addition, the Board must limit its recommendation to the information available at the time of the discipline.

After completing his investigation, Officer Heitfeld's supervisor found that Officer Heitfeld inappropriately hung up on the telephone on Ms. Hetherington complainant. He also determined that the location was a common area and not subject to a trespass warning. Accordingly, the supervisor recommended a shift-level letter of counseling and appraisal notes be placed in his personnel file to document the complaint. As part of the counseling, the supervisor reprimanded Officer Heitfeld for acting unprofessionally by hanging up on a citizen, regardless of the tone of the conversation. Officer Heitfeld was also counseled related to conducting a complete and thorough investigation before jumping to any legal conclusions. It was determined that a complete investigation would have revealed that the citizen was a member of the board of the condominium association acting in her official capacity and was on common area property. Therefore, there was no basis for a trespass warning.

The City Manager agreed with the discipline and noted that Officer Heitfeld was attempting to de-escalate a dispute between homeowners to avoid the potential of a physical confrontation. However, there is no time that it would be appropriate to hang up on a citizen. Further, the supervisor was correct that it is important to perform a thorough investigation before making any comments or reaching any conclusions.

Officer Heitfeld recognized the error. The investigative process caused Officer Heitfeld to reflect on the situation and learn from the counseling.

Funding Source:

N/A

Recommended Action:

Motion to approve the recommendation of the City Manager.

ATTACHMENTS:

1. Heitfeld SIRB



STUART POLICE DEPARTMENT

Joseph Tumminelli, Chief of Police
830 SE Martin L. King Blvd. Stuart, FL 34994
Telephone 772-287-1122 Fax 772-220-5986

We are S.P.D!

Selfless ♦ Proud ♦ Dedicate

CITIZEN COMPLAINT FOR INTERNAL INVESTIGATION

The Stuart Police Department will investigate any citizen complaint brought against its personnel. To establish a legitimate complaint and to initiate an internal investigation, this form must be signed and sworn to.

Complainant Name: Suzie B Hetherington
Address: 3111 SE Aster Lane - Unit 1703 Stuart FL 34994
Phone Number: 772-214-6665
Email: suziebh@outlook.com
Employee(s) Name(s): Christopher Heitfeld
Nature of Complaint: Police officer threatened me of trespassing and jailtime if I were to set foot on unit 1903, which is common property. Not only was he unprofessional, but he also hung up on me when I asked him the case #

See attached my detailed complaint as well as POA & COA violation against Becky Shasteen, 3101 SE Aster Ln Unit 1903, Stuart FL 34994.

I agree to fully cooperate with the Stuart Police Department by giving sworn testimony, if requested, as to the full and complete details of the event leading to this action. I will produce all witnesses to this event known to me. If I fail to follow through with an interview, or do not cooperate with the investigator by giving sworn testimony, I understand that this complaint will be deemed to have been withdrawn by me. In that event, I will expect that no action will be taken against the employee(s).

Should an investigator need to schedule an interview with me, I am most easily contacted at:

- Phone number shown above
- Other phone number: _____
- Email shown above
- Other email: _____
- Other: _____

I, Suzie B Hetherington, do hereby swear or affirm that the factual allegation(s) made by me above in this complaint are, to the best of my knowledge and belief, true and based upon fact.

Suzie B Hetherington
Complainant Signature

In Martin County, Florida; sworn or affirmed and subscribed before me by means of physical presence or online notarization, this 25 day of August, 2023, by Suzie Hetherington who is personally known to me OR produced FL Drivers License as identification.

H365-782-65-6770

Dawn Tign... #162
Notary Public or Officer Signature

Stuart PD
Print, Type, or Stamp Name of Notary Public or Officer

COMPLAINT AGAINST POLICE OFFICER, CHRISTOPHER HEITFELD

BY: SUZIE B HETHERINGTON

Suzie B. Hetherington

RE: THREAT OF TRESPASSING AND JAIL TIME

PHONE CALL RECEIVED FROM POLICE OFFICER, CHRISTOPHER HEITFELD 8-14-23

CHRISTOPHER HEITFELD, POLICE OFFICER CALLED ME ON 8-14-23, TELLING ME I WAS TRESPASSING ON THE FOLLOWING ADDRESS: 3101 SE ASTER LANE UNIT 1903, STUART FL 34994, AND I TOLD HIM THIS IS COMMON PROPERTY AND I AM THE PRESIDENT OF THIS BLDG (19). I ASSUMED THE OWNER OF 1903, BECKY J. SHASTEEN, SENT HIM PHOTOS FROM HER FRONT DOOR CAMERA BEAUSE I WAS THERE AT LUNCH TAKING 2 PHOTOS ON 8-14-23. THE REASON I WENT TO UNIT 1903 AND TOOK 2 PHOTOS IS BECAUSE SHE IS IN VIOLATION OF THE POA AND COA AND I WAS GOING TO SEND THE PHOTOS TO THE POA PROPERTY MANAGER THAT SAME DAY. THE POLICE OFFICER INSISTED IT WAS NOT COMMON PROPERTY AND THAT I WAS TRESPASSING AND IF I WERE TO TRESPASS AGAIN WITHIN ONE YEAR, I WOULD GO TO JAIL. HE THEN ASKED ME PERSONAL INFORMATION EG., BIRTH DATE, ADDRESS ETC., AND I TOLD HIM I WAS NOT GOING TO GIVE HIM ANY OF MY PERSONAL INFORMATION AND HE TOLD ME I HAD TO BY LAW. I REFUSED AND ASKED HIM FOR THE REFERENCE AND/OR CASE#, SO I COULD GET THE REPORT AND HE TOLD ME HE WAS NOT GOING TO GIVE ME THE CASE# AND HUNG UP ON ME. THAT POLICE OFFICER THREATENED ME WITH JAIL TIME AND I DON'T TAKE THOSE THREATS LIGHTLY.

AFTER THAT PHONE CALL, I CALLED THE STUART POLICE TO SPEAK WITH A SUPERVISOR. I SPOKE WITH BRYAN BOSSIO, SERGENT AND HE TOLD ME HE SPOKE WITH THE OFFICER, CHRISTOPHER HEITFELD, AND THERE WOULD BE NO TRESPASS WARNING ISSUE SINCE IT IS COMMON PROPERTY BEING A CONDOMINIUM. HE ALSO TOLD ME HE WOULD LISTEN TO THE CONVERSATION IF IT WAS TAPED.

HE GAVE ME THE CASE# 2023-00022709

RECORDS PHONE NUMBER 772-287-1122 / STUART POLICE

I REQUESTED THE FOLOWING REPORTS FROM THE RECORDS DEPT:

- 1- POLICE REPORT (RECEIVED)
- 2- TAPED CONVERSATION (RECEIVED)
- 3- ANY COMPLAINTS ON OFFICER CHRISTOPHER HEITFELD IN THE LAST 12 YEARS HE HAS BEEN AT THE STUAR POLICE ... BRYAN BOSSIO TOLD ME CHRISTOPHER HEITFELD HAD BEEN WITH THE STUART POLICE FOR 12 YEARS ... (RECEIVED)
- 4- FULL TAPED CONVERSATION (RECEIVED)

TAPED CONVERSATION VIDEOS (PARTIAL THEN FULL VIDEO)

I WATCHED THE PARTIAL VIDEO AND BECKY J. SHASTEEN WAS IN THE ROOM AND WHAT I SAID ABOVE WAS CORRECT. THE POLICE OFFICER, CHRISTOPHER HEITFELD, WAS UNPROFESSIONAL AND IT SEEMS TO

ME HE TOOK HIS AUTHORITY A BIT TOO FAR. TELLING ME I HAVE TO GIVE NOTICE AND BE INVITED TO TAKE A PHOTO OF HER UNAUTHORIZED PATIO, TELLING ME I AM GOING TO BE TRESPASSED FROM HER PROPERTY, TELLING ME I CAN NOT STEP FOOT ON THAT PROPERTY, TELLING ME I HAD TO GIVE HIM MY BIRTH DATE AND ADDRESS BY LAW, AND THREATENING ME WITH JAIL TIME IF I WERE TO GO BACK TO UNIT 1903 WITHIN A YEAR AND HUNG UP ON ME WHEN I ASKED FOR THE CASE# - HE IS OUT OF LINE!

THE PHOTOS WERE TAKEN BECAUSE BECKY IS IN VIOLATION OF THE POA AND COA. SEE ATTACHED NOTICES TO HER FROM THE POA AND COA.

JUST RECEIVED THE FULL VIDEO BODY CAM 8-22-23 AND BECKY J. SHASTEEN MADE A FALSE REPORT ABOUT ME POKING HER AND SHE SAID SHE ASKED ME TO STOP TOUCHING HER – ARE YOU KIDDING ME? NOT ONLY I HAVE NEVER TOUCHED HER NOR WOULD I EVEN ATTEMPT TO DO SO, SHE IS TWICE MY SIZE, SHE WOULD HAVE ME ON THE GROUND IN 2-MIN; I ACTUALLY THOUGHT THAT WAS FUNNY BUT MALICIOUS ON HER PART. AT THE END OF THE VIDEO, POLICE OFFICER CHRISTOPHER HEITFELD STATES HE IS ON HIS WAY TO TRESPASS ME. HE HAS NOT EVEN SEEN THE SET UP OF THE CONDOMINIUM AND SHE STARTED THE CONVERSATION TELLING HIM IT WAS COMMON PROPERTY. I DID CALL THE POLICE AFTER HIS CALL AND SPOKE WITH HIS SUPERVISOR, BRYAN BOSSIO, I GUESS HE WENT TO SPEAK WITH HIM, WHICH PREVENTED HIM FROM COMING TO MY HOME AND TRESPASS ME. THAT WOULD HAVE BEEN INTERESTING SINCE I WAS NOT IN THE WRONG, BUT HE WAS.

ATTACHMENTS

POA COURTESY NOTICE TO BECKY J. SHASTEEN, UNIT 1903
COA VIOLATION NOTICE TO BECKY J. SHASTEEN, UNIT 1903

MY COMPLAINT AGAINST POLICE OFFICER CHRISTOPHER HEITFELD

IN MY OPINION, POLICE OFFICER, CHRISTOPHER HEITFELD, FELT COMFORTABLE TO THREATEN ME BECAUSE HE IS A POLICE OFFICER AND THAT TYPE OF CONDUCT FROM A POLICE OFFICER SHOULD NOT BE TOLERATED. HE THREATENED ME WITH TRESPASSING THEN JAIL TIME IF I WERE TO GO BACK TO UNIT 1903 WITHIN A YEAR WHEN HE WAS IN THE WRONG SINCE I WAS NOT TRESPASSING BEING COMMON PROPERTY IN A CONDOMINIUM. FURTHERMORE, I AM THE CONDOMINIUM PRESIDENT OF THAT BLDG #19 AND MANAGE THAT BLDG ALONG WITH THREE MORE BLDGS FOR FREE. I DO NOT NEED HER PERMISSION OR TO GIVE NOTICE TO TAKE A PHOTO OF HER UNAUTHORIZED PATIO.

MY WISH IS FOR SOMETHING LIKE THIS TO NOT HAPPEN TO ANOTHER PERSON AGAIN DEALING WITH THIS OFFICER, CHRISTOPHER HEITFELD.

THE POLICE DEPT. NEEDS TO RE-EVALUATE HIS POSITION, PERHAPS HE SHOULD NOT BE DEALING WITH THE PUBLIC. I DON'T WISH FOR HIM TO LOSE HIS JOB, BUT HE IS DEFINITELY NOT IN THE RIGHT POSITION AT THE STUART POLICE. IF YOU KEEP HIM IN THAT POSITION, YOU RISK LAWSUITS. IN GENERAL, PEOPLE DO NOT LIKE TO BE THREATENED BY A POLICE OFFICER, ESPECIALLY WHEN HE IS IN THE WRONG.

I HOPE YOU WILL TAKE INTO CONSIDERATION RE-EVALUATING THIS POLICE OFFICER AND ASSIGN HIM TO A POSITION WHERE HE DOES NOT HAVE TO DEAL WITH THE PUBLIC.

INDIAN PINES CONDOMINIUM ASSOCIATION 10-17-18-19

PO Box 3176
Stuart FL 34995

VIOLATION NOTICE

Via Email & U.S. Regular & Certified Mail

August 16, 2023

Becky J. Shasteen
3101 SE Aster Lane Unit 1903
Stuart FL 34994

RE: Unit 1903 – Unauthorized Installation of Artificial Grass & Furniture on Common Property

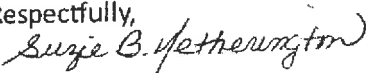
On 6/29/23, I sent you an email stating that you are required to request approval from the POA for the artificial grass and furniture that you installed on the common property in front of your unit. You failed to comply with this.

On 8/14/23, I took photos of your patio with furniture on the artificial grass, and you called the Police of Stuart on me for trespassing, when this is common area, thus not applicable to trespassing.

Not only your front patio is a violation of the POA, but also the COA. Furthermore, I advised you of my concern about having sand, artificial grass, and the weight of all the furniture and bicycles that would hide any water leaks, if a water pipe was to break or crack underneath it all. That could lead to major water damage or perhaps structural damage. Additionally, your unauthorized modification and use of this common property could impact the drainage around the building.

The COA is hereby giving you until 9/15/23 to rectify this situation, that means removing the artificial grass and furniture from the common property and replacing the grounds back to the original state in which they were prior to this unauthorized use. If you fail to comply by that date, you leave the COA no choice but to move forward with the imposition of a fine of \$100.00 a day up to an aggregate of \$1,000.00. Additionally, the COA will contact the COA's Attorney to seek legal action against you and you may be held responsible for paying the COA's attorney's fees.

We appreciate your quick attention to this matter.

Respectfully,

Suzie B Hetherington
President/COA 10-17-18-19

INDIAN PINES PROPERTY ASSOCIATION, INC.

10 SE Central Parkway, Suite 400

Stuart, FL 34994

Phone:(772) 600-8900 Fax:(772) 266-9801

COURTESY NOTICE

August 15, 2023

BECKY J. SHASTEEN

3101 SE ASTER LANE Unit 1903

Stuart, FL 34994

Reference: 3101 SE ASTER LANE Unit: 1903, Stuart, FL 34994

Dear BECKY J. SHASTEEN,

Community Associations, like the one in which you live, have the responsibility of maintaining harmony within the community and protecting the property values. A recent matter has found that a certain condition does not meet the standards set forth in the Declaration of Covenants, Conditions and Restrictions and/or Rules and Regulations for your Association. Specifically, the following have been found to be out of compliance: **Common Areas**



No apartment owner is allowed to modify the appearance of any portion of the exterior to the apartment building and to the front common area of their home.

We're sure that this was just an oversight, and because of that, the Board hereby respectfully requests that you immediately correct the condition(s) upon receipt of this notice. If you do not feel that you are in non-compliance of the above-cited provisions and this letter has been sent in error, please contact Coastal Property Management Community Support team by logging into your owner portal at portal.cpmfl.com. Click on the My Items page and comment on the Non-compliance item.

Please remember that this letter is being sent as a courtesy notice. We appreciate your cooperation in correcting this matter as quickly as possible. Thank you for your cooperation, and for doing your part to keep the community a beautiful place to live.

Sincerely,

INDIAN PINES PROPERTY ASSOCIATION, INC.

Page 2 Unit 1903 – Unauthorized Installation of Artificial Grass & Furniture on Common Property

References:

COA Declaration of Condominium 5.B.(2) / Common Element by Apartment Owner
POA R&R #3

Basically states “No apartment owner shall change the appearance of the exterior of the apartment building and to the front common area of their unit.”

Photos of Common Area of Front of Unit 1903
(Taken 8-14-23)



STUART POLICE DEPARTMENT, FL
INCIDENT FIELD SUPPLEMENT

INCIDENT# **2023-00022709**

| | | | | | |
|--------------|---|---|--|---|--|
| EVENT | INCIDENT TYPE Neighbor Trouble | | | LOCATION# INDIAN PINES 3101 SE ASTER LN, 1903 STUART, 34994 | |
| | INCIDENT DATE/TIME 08/14/2023 13:45 | DISPATCH DATE/TIME 08/14/2023 14:35 | ARRIVED DATE/TIME 08/14/2023 14:49 | | |

| | | | | | | |
|----------------|---|----------------------|--|--------|-------|-----|
| SUBJECT | SUBJECT JACKET/ROLE Adult Complainant | | NAME (LAST, FIRST, MIDDLE SUFFIX) SHASTEEN, BECKY JEAN | | | |
| | DOB 01/28/1970 | AGE 53 | ADDRESS (STREET, CITY, STATE, ZIP) 3101 SE ASTER LN, STUART, FL, 34997 | | | |
| | RACE White | SEX Female | HEIGHT 5'6" | WEIGHT | HAIR | EYE |
| | DL NUMBER/STATE S235070705280 / FL | | PRIMARY PHONE | | EMAIL | |

| | | | | | | |
|----------------|--|----------------------|--|--------|-------|-----|
| SUBJECT | SUBJECT JACKET/ROLE Adult Trespassed | | NAME (LAST, FIRST, MIDDLE SUFFIX) HETHERINGTON, SUZIE BILODEAU | | | |
| | DOB 05/17/1965 | AGE 58 | ADDRESS (STREET, CITY, STATE, ZIP) 3111 SE ASTER LN, STUART, FL, 34997 | | | |
| | RACE White | SEX Female | HEIGHT 5'5" | WEIGHT | HAIR | EYE |
| | DL NUMBER/STATE H365782656770 / FL | | PRIMARY PHONE (772)214-6665 | | EMAIL | |

| | | | | | |
|----------------|------------------------------------|-----------------|-----------|--------------|-------|
| VEHICLE | VEHICLE ROLE | | | | |
| | VEH YR | TYPE/MAKE/MODEL | | | STYLE |
| | PLATE / STATE | VIN | TOP COLOR | BOTTOM COLOR | |
| | ADDITIONAL DESCRIPTIVE INFORMATION | | | | |

INCIDENT - SUPPLEMENTAL NARRATIVE

On Monday, August 14, 2023, I was dispatched to the main lobby of the police department about a neighbor's problem.

I made contact with the complainant, who was identified as Becky Jean Shasteen. Shasteen reported being harassed by a female named Suzie Bilodeau Hetherington. Shasteen reported Hetherington is the building's elected board member president. Shasteen stated Hetherington is harassing her after she reported a neighbor with multiple pets in the past. Shasteen had questions about issuing a trespassing warning for Hetherington.

Shasteen showed me security footage from today, and I determined Hetherington stayed on

ADDITIONAL SUBJECTS, VEHICLES AND NARRATIVE MAY BE PRINTED ON FOLLOWING PAGES

| | | | |
|--|---------------------------|-------------------------------------|-------------------|
| REPORTING OFFICER 145 Heitfeld | DATE 08/14/2023 | REVIEWED BY Bossio, Brian | 08/18/2023 |
|--|---------------------------|-------------------------------------|-------------------|

STUART POLICE DEPARTMENT, FL

INCIDENT FIELD SUPPLEMENT

INCIDENT# 2023-00022709

| | | | | | | |
|--------------|--------------------|--------------------|-------------------|-----------------------------------|----------|--|
| EVENT | INCIDENT TYPE | | | | LOCATION | |
| | INCIDENT DATE/TIME | DISPATCH DATE/TIME | ARRIVED DATE/TIME | 3101 SE ASTER LN STUART, 34994 | | |
| | 8/14/2023 13:45 | 8/14/2023 16:02 | 8/14/2023 16:02 | | | |

| | | | | | | | |
|----------------|---------------------|---------------|------------------------------------|--------|-------|-----|--|
| SUBJECT | SUBJECT JACKET/ROLE | | NAME (LAST, FIRST, MIDDLE SUFFIX) | | | | |
| | Adult | Other | Gore, Jonathan | | | | |
| | DOB | | ADDRESS (STREET, CITY, STATE, ZIP) | | | | |
| | | | 10 SE CENTRAL PKWY, STUART, 34994 | | | | |
| | RACE | SEX | HEIGHT | WEIGHT | HAIR | EYE | |
| | DL NUMBER/STATE | PRIMARY PHONE | | | EMAIL | | |
| | | (561)762-7363 | | | | | |

| | | | | | | | |
|----------------|---------------------|---------------|------------------------------------|--------|-------|-----|--|
| SUBJECT | SUBJECT JACKET/ROLE | | NAME (LAST, FIRST, MIDDLE SUFFIX) | | | | |
| | DOB | | ADDRESS (STREET, CITY, STATE, ZIP) | | | | |
| | | | | | | | |
| | RACE | SEX | HEIGHT | WEIGHT | HAIR | EYE | |
| | DL NUMBER/STATE | PRIMARY PHONE | | | EMAIL | | |
| | | | | | | | |

| | | | | | | |
|----------------|------------------------------------|-----------------|-----------|--|--------------|-------|
| VEHICLE | VEHICLE ROLE | | | | | |
| | VEH YR | TYPE/MAKE/MODEL | | | | STYLE |
| | PLATE / STATE | VIN | TOP COLOR | | BOTTOM COLOR | |
| | ADDITIONAL DESCRIPTIVE INFORMATION | | | | | |
| | | | | | | |

INCIDENT - SUPPLEMENTAL NARRATIVE

On August 15, I made contact with Becky Shaheen in reference to the call.

I went to Shaheen's residence at 3101 SE Aster Lane Building 19. Shaheen showed me the property in question. I observed there was fake grass in the front of Shaheen's residence. There was lawn furniture on the grass and it appeared like a patio-type area that Shaheen installed.

I advise Shaheen that it appeared to me that the area in question was a common area and that we could not legally trespass anyone who belonged to the HOA from accessing the area. I further told Shaheen that the reason the president of the HOA was taking photos was a legitimate reason, to document HOA violations.

ADDITIONAL SUBJECTS, VEHICLES AND NARRATIVE MAY BE PRINTED ON FOLLOWING PAGES

| | | | |
|-------------------|-----------|----------------|------------|
| REPORTING OFFICER | DATE | REVIEWED BY | |
| 142 Bossio | 8/14/2023 | Shine, Richard | 08/16/2023 |

SPD Incident Report 2023-00022709

(Narrative Continued)

I went to Coastal Property Management and spoke to Property Manager Jonathan Gore. Gore was familiar with the issue, and he confirmed to me that the property is a common area.

I called Becky Shaheen and advised her of the information that I obtained from Gore.

My time was recorded on my department issued body worn camera.

SPD Incident Report 2023-00022709

(Narrative Continued)

common property and did not enter private property. Hetherington was not issued a trespass warning.

Stuart Police Department External Inquiry Report

Incident Details

Incident Location

Date Received: 08/28/2023

Entered By: Sergeant Brian Bossio - 142

Date/Time of Occurrence: 08/14/2023 13:45

Date/Time Entered: 08/28/2023 07:02

Record ID Number: 785

Case Report: 2023-00022709

Event No: 2023-00032

Stuart Police Blue Team Assigned Investigator: Sergeant Brian Bossio - 142

IAPro Assigned Investigator: Un-assigned

Location of Occurrence: Residence

830 Southeast Martin Luther King Jr Boulevard
Stuart, FL, 34994
-80.23987, 27.19279



Incident Summary

On Monday, August 28, 2023 at 0600 hours, when I reported for duty, I found a citizen complaint for internal investigation form Suzie Hetherington. Ms. Hetherington's complaint stems from a call for service that Officer Heitfeld responded to at the Stuart Police Department. During this call, complainant Becky Shasteen wanted to report that Hetherington was walking on her property located 3101 SE Aster Lane, Unit 1903, and taking photos of property located directly in front of her unit. Shasteen felt that her privacy was being violated and she wanted Hetherington trespassed from this area of the property. Shasteen had installed a patio-like area using artificial grass and furniture. Hetherington, who is the HOA president, accessed the front of the property and took photos of the patio, for the purpose of documenting the violation of HOA rules.

After obtaining the information from Shasteen, Officer Heitfeld made contact with Hetherington via telephone. During the conversation with Hetherington, Officer Heitfeld advised her to not go back on the property or she will be arrested for trespass after warning. During this phone call, Hetherington felt that Officer Heitfeld was rude and was mistaken that the area that she had accessed was common property, and he could not legally trespass her. During the phone conversation, Hetherington alleges that Officer Heitfeld was unprofessional and hung up on her after she asked for a case number.

After the phone call, I was contacted by Hetherington. During the call, she advised that Officer Heitfeld was mistaken, and the property is common property, and that she was upset because she felt the Heitfeld was rude to her. I advised Hetherington that I will look into the situation and get back with her.

I spoke to Officer Heitfeld and he told me that he was going to bring Hetherington a trespass warning. Officer Heitfeld also told me that Hetherington was difficult on the phone and that he had hung up on her. I discussed with Officer Heitfeld the validity of the trespass warning as I believed the property in question to be common property. I told Officer Heitfeld to not issue the warning as I was going to look into the issue further.

I went to Shasteen's property and looked at the area in question. I still believed the area to be common property. I went to the Property Manager's office and confirmed the area to be common property. I advised Shasteen and Hetherington of my findings and Stuart Police will not conduct any further investigation regarding this issue.

Agree with findings of a Shift Letter of Counseling for Officer Heitfeld.

Tumminelli 093

11/1/23

Reporting/Involved Citizen

Becky Shasteen

| | | | |
|---------------|--|---------------|----------------|
| Date of Birth | 01/28/1970 | Gender | Female |
| Race | White | Ethnicity | Non-Hispanic |
| Role | Witness | | |
| Address | 3101 Southeast Aster Lane Stuart, FL, 34994 | Phone Numbers | [None Entered] |

Email

Suzie Hetherington

| | | | |
|---------------|--|---------------|----------------|
| Date of Birth | 05/17/1965 | Gender | Female |
| Race | White | Ethnicity | Non-Hispanic |
| Role | Complainant | | |
| Address | 3111 Southeast Aster Lane Stuart, FL, 34994 | Phone Numbers | (772) 214-6665 |

Email

Involved Employees

Sergeant Brian Bossio - 142

Assignment at time of incident Sergeant Patrol/Day Shift

Video Footage Issued - Activated - Effective

Policy Outcome Not yet entered

Role Supervisor

Height —

Weight —

Officer Christopher Heitfeld - 145

Assignment at time of incident Officer Patrol/Day Shift

Video Footage Issued - Activated - Effective

Policy Outcome Not yet entered

Role Primary Officer

Height —

Weight —

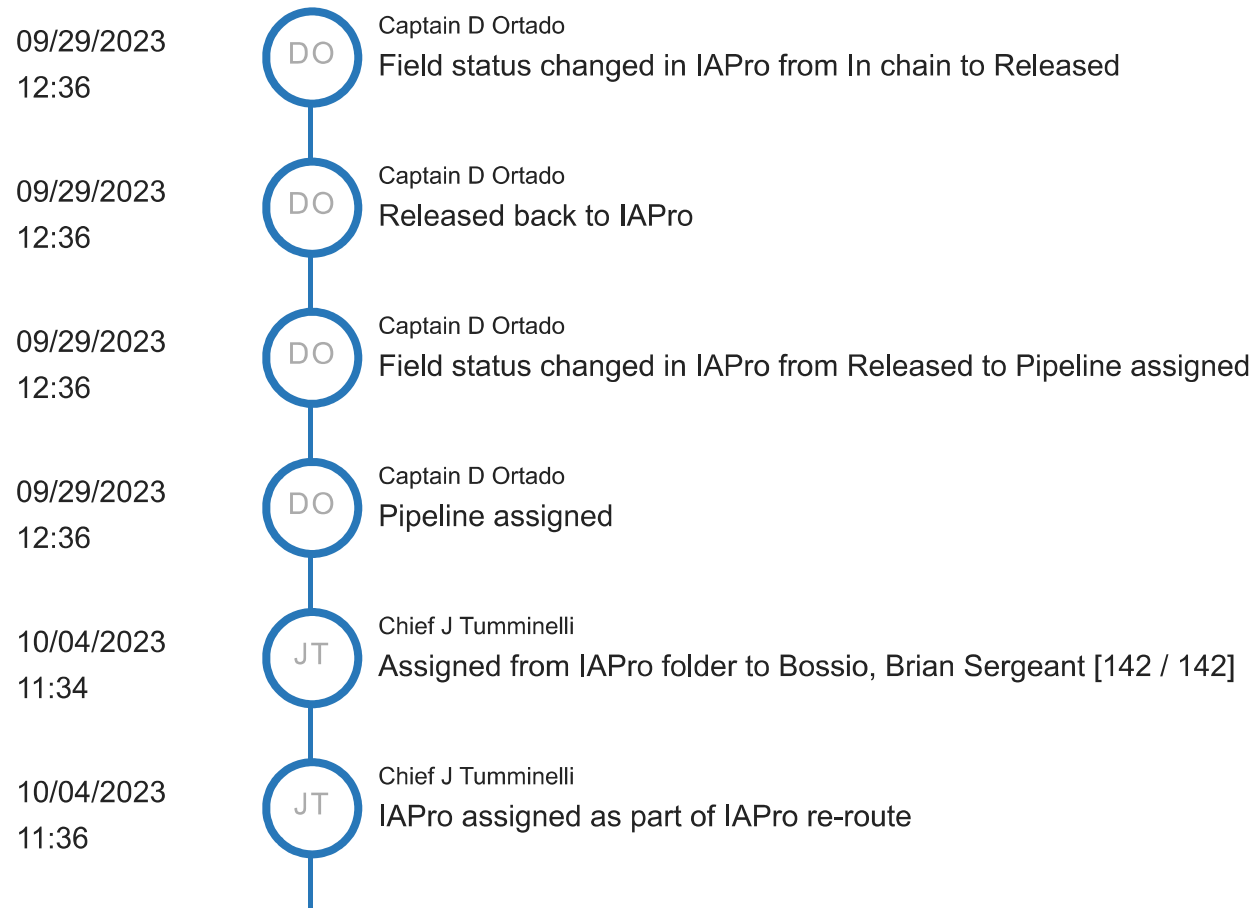
Linked Allegations Discourtesy (Sustained - 11/01/2023)

Attachments


| Date Attached | Attachment Description | Attachment Type |
|---------------|---|-----------------|
| 08/28/2023 | Hetherington Citizen Complaint | pdf |
| 08/28/2023 | Heitfeld IR-1 | pdf |
| 08/28/2023 | Heitfeld IR Page 2 | pdf |
| 08/28/2023 | Officer Heitfeld/ Hetherington phone call 8/14/23 14:50 hours | — |
| 08/28/2023 | Bossio IR-page2 | pdf |
| 08/28/2023 | Bossio IR-1 | pdf |


| Date Attached | Attachment Description | Attachment Type |
|---------------|---|-----------------|
| 08/28/2023 | Bossio/Hetherington phone call 8/23/23 08:36 hours | — |
| 10/18/2023 | Heitfeld SR FINAL 2023 | pdf |
| 08/28/2023 | Bossio at Shaheen Property 8/15 13:04 hours | — |
| 08/28/2023 | Heitfeld/ Shasteen Initial contact- 8/14/23 14:36 hours | — |


Assignment History





- 10/04/2023 11:36


 Chief J Tumminelli
Field status changed in IAPro from Pipeline assigned to Released
- 10/04/2023 11:37


 Chief J Tumminelli
Field status changed in IAPro from Released to Pipeline assigned
- 10/04/2023 11:37


 Chief J Tumminelli
Pipeline assigned
- 10/30/2023 08:34


 Captain D Ortado
Field status changed in IAPro from Completed - in holding bin to Released
- 10/30/2023 08:34

 Captain D Ortado
Field status changed in IAPro from Released to Pipeline assigned
- 10/30/2023 08:34

 Captain D Ortado
Pipeline assigned
- 11/01/2023 09:03

 Chief J Tumminelli
Field status changed in IAPro from Pipeline assigned to Released
- 11/17/2023 12:19

 Captain D Ortado
Field status changed in IAPro from Released to Pipeline assigned
- 11/17/2023 12:19

 Captain D Ortado
Pipeline assigned

11/29/2023
08:37



Captain D Ortado
Field status changed in IAPro from Completed - in holding bin to Released

Chain of Command History

08/28/2023
08:39



Sergeant Brian Bossio » Lieutenant Michael Gerwan
LT Gerwan

Please see attached citizen complaint against Officer Hetifeld. I am sending this to you due to LT. Shine being on vacation.

08/31/2023
14:14



Thank you
Lieutenant Michael Gerwan
Forwarded to the correct Lieutenant.
MG110

08/31/2023
14:14



Lieutenant Michael Gerwan » Lieutenant Richard Shine (Captain Derek Ortado)
Please see the complaint against Ofc. Heitfeld.

09/19/2023
08:40



Lieutenant Richard Shine
[Forwarded by Lieutenant Richard Shine]

09/19/2023
08:40



Lieutenant Richard Shine » Captain Derek Ortado
signed citizen complaint in my que from August.

09/29/2023
XX:XX



Captain Derek Ortado
Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Captain Derek Ortado

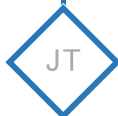
09/29/2023
12:36



[Snapshot Title Unavailable] Derek Ortado » [Snapshot Title Unavailable] Joseph Tumminelli

Recommend assign to Sgt. Bossio to review.

10/04/2023
11:36



[Snapshot Title Unavailable] Joseph Tumminelli

Incident assignment and routing were closed out by IAPro user Chief Joseph Tumminelli and the incident was re-assigned and re-routed to Sergeant Brian Bossio [142/142]

10/04/2023
11:36



[Snapshot Title Unavailable] Joseph Tumminelli » [Snapshot Title Unavailable] Brian Bossio

Supervisor Review Assigned to Bossio.

10/04/2023
11:37



[Snapshot Title Unavailable] Joseph Tumminelli » [Snapshot Title Unavailable] Brian Bossio ([Snapshot Title Unavailable] Flamur Zenelovic [Snapshot Title Unavailable] Michael Gerwan [Snapshot Title Unavailable] Derek Ortado)

SR for Bossio, memo will be sufficient

10/18/2023
10:08



[Snapshot Title Unavailable] Brian Bossio

Completion notes: Please see Supervisor Review final report.

Thank you

10/30/2023
08:34



[Snapshot Title Unavailable] Derek Ortado » [Snapshot Title Unavailable] Joseph Tumminelli

Recommend Approval of findings. Forwarded for review.

11/01/2023
09:03



[Snapshot Title Unavailable] Joseph Tumminelli

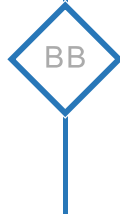
Routing was NOT completed in BlueTeam. The incident was moved into IAPro by IAPro user Chief Joseph Tumminelli

11/17/2023
12:19



[Snapshot Title Unavailable] Derek Ortado » [Snapshot Title Unavailable] Brian Bossio
Final discipline for you to issue.

11/21/2023
09:27



Please click "Mark Complete" once you are done with this memo.

[Snapshot Title Unavailable] Brian Bossio
Completion notes: LOC completed and will be served today.

Thank you

BlueTeam chain routings

Aug 28, 2023 08:39: Sent from Sergeant Brian Bossio [142/142] to Gerwan, Michael J Lieutenant [110/110]

Instructions:

LT Gerwan

Please see attached citizen complaint against Officer Hetifeld. I am sending this to you due to LT. Shine being on vacation.

Thank you

Reviewed by Lieutenant Michael J Gerwan [110/110] on Aug 31, 2023 at 14:14

Decision:

Reviewer comment:

Forwarded to the correct Lieutenant.
MG110

Aug 31, 2023 14:14: Sent from Lieutenant Michael J Gerwan [110/110] to Shine, Richard Lieutenant [111/111]

Instructions:

Please see the complaint against Ofc. Heitfeld.

Reviewed by Lieutenant Richard Shine [111/111] on Sep 19, 2023 at 08:40

Decision:

Reviewer comment:

[Forwarded by Lieutenant Richard Shine]

CC(s) of this routing were sent to the following:

Captain Derek Ortado [118/118]

Sep 19, 2023 08:40: Sent from Lieutenant Richard Shine [111/111] to Ortado, Derek Captain [118/118]

Instructions:

signed citizen complaint in my que from August.

Reviewed by Captain Derek Ortado [118/118] on Sep 29, 2023 at

Decision: N/A

Reviewer comment:

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Captain Derek Ortado

Sep 29, 2023 12:36: Sent from Captain Derek Ortado [118/118] to Tumminelli, Joseph Chief [093/093]

Instructions:

Recommend assign to Sgt. Bossio to review.

Reviewed by Chief Joseph Tumminelli [093/093] on Oct 04, 2023 at 11:36

Decision:

Reviewer comment:

Incident assignment and routing were closed out by IAPro user Chief Joseph Tumminelli and the incident was re-assigned and re-routed to Sergeant Brian Bossio [142/142]

Oct 04, 2023 11:36: Sent from Chief Joseph Tumminelli [093/093] to Bossio, Brian Sergeant [142/142]

Instructions:

Supervisor Review Assigned to Bossio.

Reviewed by Sergeant Brian Bossio [142/142] on Oct 04, 2023 at

Decision:

Oct 04, 2023 11:37: Sent from Chief Joseph Tumminelli [093/093] to Bossio, Brian Sergeant [142/142]

Instructions:

SR for Bossio, memo will be sufficient

Reviewed by Sergeant Brian Bossio [142/142] on Oct 18, 2023 at 10:08

Decision:

Reviewer comment:

Completion notes: Please see Supervisor Review final report.

Thank you

CC(s) of this routing were sent to the following:

Captain Derek Ortado [118/118]

Captain Flamur Zenelovic [083/083]

Lieutenant Michael J Gerwan [110/110]

Oct 30, 2023 08:34: Sent from Captain Derek Ortado [118/118] to Tumminelli, Joseph Chief [093/093]

Instructions:

Recommend Approval of findings. Forwarded for review.

Reviewed by Chief Joseph Tumminelli [093/093] on Nov 01, 2023 at 09:03

Decision: N/A

Reviewer comment:

Routing was NOT completed in BlueTeam. The incident was moved into IAPro by IAPro user Chief Joseph Tumminelli

Nov 17, 2023 12:19: Sent from Captain Derek Ortado [118/118] to Bossio, Brian Sergeant [142/142]

Instructions:

Final discipline for you to issue.

Please click "Mark Complete" once you are done with this memo.

Reviewed by Sergeant Brian Bossio [142/142] on Nov 21, 2023 at 09:27

Decision:

Reviewer comment:

Completion notes: LOC completed and will be served today.

Thank you

STUART POLICE DEPARTMENT, FL
INCIDENT FIELD SUPPLEMENT

INCIDENT# **2023-00022709**

| | | | | | |
|--------------|---|---|--|---|--|
| EVENT | INCIDENT TYPE Neighbor Trouble | | | LOCATION# INDIAN PINES 3101 SE ASTER LN, 1903 STUART, 34994 | |
| | INCIDENT DATE/TIME 08/14/2023 13:45 | DISPATCH DATE/TIME 08/14/2023 14:35 | ARRIVED DATE/TIME 08/14/2023 14:49 | | |

| | | | | | | |
|----------------|---|----------------------|--|--------|-------|-----|
| SUBJECT | SUBJECT JACKET/ROLE Adult Complainant | | NAME (LAST, FIRST, MIDDLE SUFFIX) SHASTEEN, BECKY JEAN | | | |
| | DOB 01/28/1970 | AGE 53 | ADDRESS (STREET, CITY, STATE, ZIP) 3101 SE ASTER LN, STUART, FL, 34997 | | | |
| | RACE White | SEX Female | HEIGHT 5'6" | WEIGHT | HAIR | EYE |
| | DL NUMBER/STATE S235070705280 / FL | | PRIMARY PHONE | | EMAIL | |

| | | | | | | |
|----------------|--|----------------------|--|--------|-------|-----|
| SUBJECT | SUBJECT JACKET/ROLE Adult Trespassed | | NAME (LAST, FIRST, MIDDLE SUFFIX) HETHERINGTON, SUZIE BILODEAU | | | |
| | DOB 05/17/1965 | AGE 58 | ADDRESS (STREET, CITY, STATE, ZIP) 3111 SE ASTER LN, STUART, FL, 34997 | | | |
| | RACE White | SEX Female | HEIGHT 5'5" | WEIGHT | HAIR | EYE |
| | DL NUMBER/STATE H365782656770 / FL | | PRIMARY PHONE (772)214-6665 | | EMAIL | |

| | | | | | | |
|----------------|------------------------------------|-----------------|-----|-----------|--------------|-------|
| VEHICLE | VEHICLE ROLE | | | | | |
| | VEH YR | TYPE/MAKE/MODEL | | | | STYLE |
| | PLATE / STATE | | VIN | TOP COLOR | BOTTOM COLOR | |
| | ADDITIONAL DESCRIPTIVE INFORMATION | | | | | |

INCIDENT - SUPPLEMENTAL NARRATIVE

On Monday, August 14, 2023, I was dispatched to the main lobby of the police department about a neighbor's problem.

I made contact with the complainant, who was identified as Becky Jean Shasteen. Shasteen reported being harassed by a female named Suzie Bilodeau Hetherington. Shasteen reported Hetherington is the building's elected board member president. Shasteen stated Hetherington is harassing her after she reported a neighbor with multiple pets in the past. Shasteen had questions about issuing a trespassing warning for Hetherington.

Shasteen showed me security footage from today, and I determined Hetherington stayed on

ADDITIONAL SUBJECTS, VEHICLES AND NARRATIVE MAY BE PRINTED ON FOLLOWING PAGES

| | | | |
|--|---------------------------|-------------------------------------|-------------------|
| REPORTING OFFICER 145 Heitfeld | DATE 08/14/2023 | REVIEWED BY Bossio, Brian | 08/18/2023 |
|--|---------------------------|-------------------------------------|-------------------|

STUART POLICE DEPARTMENT, FL

INCIDENT FIELD SUPPLEMENT

INCIDENT# **2023-00022709**

| | | | | | | |
|--------------|------------------------|------------------------|------------------------|-----------------------------------|----------|--|
| EVENT | INCIDENT TYPE | | | | LOCATION | |
| | INCIDENT DATE/TIME | DISPATCH DATE/TIME | ARRIVED DATE/TIME | 3101 SE ASTER LN STUART, 34994 | | |
| | 8/14/2023 13:45 | 8/14/2023 16:02 | 8/14/2023 16:02 | | | |

| | | | | | | | |
|----------------|---------------------|----------------------|--|--------|-------|-----|--|
| SUBJECT | SUBJECT JACKET/ROLE | | NAME (LAST, FIRST, MIDDLE SUFFIX) | | | | |
| | Adult | Other | Gore, Jonathan | | | | |
| | DOB | AGE | ADDRESS (STREET, CITY, STATE, ZIP) | | | | |
| | | | 10 SE CENTRAL PKWY, STUART, 34994 | | | | |
| | RACE | SEX | HEIGHT | WEIGHT | HAIR | EYE | |
| | DL NUMBER/STATE | PRIMARY PHONE | | | EMAIL | | |
| | | (561)762-7363 | | | | | |

| | | | | | | | |
|----------------|---------------------|---------------|------------------------------------|--------|-------|-----|--|
| SUBJECT | SUBJECT JACKET/ROLE | | NAME (LAST, FIRST, MIDDLE SUFFIX) | | | | |
| | DOB | AGE | ADDRESS (STREET, CITY, STATE, ZIP) | | | | |
| | RACE | SEX | HEIGHT | WEIGHT | HAIR | EYE | |
| | DL NUMBER/STATE | PRIMARY PHONE | | | EMAIL | | |

| | | | | | | |
|----------------|------------------------------------|-----------------|-----------|--------------|--|-------|
| VEHICLE | VEHICLE ROLE | | | | | |
| | VEH YR | TYPE/MAKE/MODEL | | | | STYLE |
| | PLATE / STATE | VIN | TOP COLOR | BOTTOM COLOR | | |
| | ADDITIONAL DESCRIPTIVE INFORMATION | | | | | |

INCIDENT - SUPPLEMENTAL NARRATIVE

On August 15, I made contact with Becky Shaheen in reference to the call.

I went to Shaheen's residence at 3101 SE Aster Lane Building 19. Shaheen showed me the property in question. I observed there was fake grass in the front of Shaheen's residence. There was lawn furniture on the grass and it appeared like a patio-type area that Shaheen installed.

I advise Shaheen that it appeared to me that the area in question was a common area and that we could not legally trespass anyone who belonged to the HOA from accessing the area. I further told Shaheen that the reason the president of the HOA was taking photos was a legitimate reason, to document HOA violations.

ADDITIONAL SUBJECTS, VEHICLES AND NARRATIVE MAY BE PRINTED ON FOLLOWING PAGES

| | | | |
|-------------------|------------------|-----------------------|-------------------|
| REPORTING OFFICER | DATE | REVIEWED BY | |
| 142 Bossio | 8/14/2023 | Shine, Richard | 08/16/2023 |

SPD Incident Report 2023-00022709

(Narrative Continued)

I went to Coastal Property Management and spoke to Property Manager Jonathan Gore. Gore was familiar with the issue, and he confirmed to me that the property is a common area.

I called Becky Shaheen and advised her of the information that I obtained from Gore.

My time was recorded on my department issued body worn camera.

SPD Incident Report 2023-00022709

(Narrative Continued)

common property and did not enter private property. Hetherington was not issued a trespass warning.

STUART POLICE DEPARTMENT



Joseph Tumminelli, Chief of Police
830 SE Martin L. King Blvd. Stuart, FL 34994
Telephone 772-287-1122 Fax 772-220-5986

We are S.P.D! Selfless ♦ Proud ♦ Dedicated



To: Chief Tumminelli via Chain of Command
From: Sergeant Brian Bossio
Date: October 15, 2023
Re: Citizen Complaint- Officer Christopher Heitfeld- Supervisor Review
SPD Case# 2023-00022709

On Monday, August 28, 2023, I received a signed citizen complaint from Suzie Hetherington. This complaint was assigned to me to conduct a Supervisor Review by Chief Tumminelli.

INVESTIGATION:

Ms. Hetherington's complaint stems from a call for service that Officer Heitfeld responded to at the Stuart Police Department. During this call, complainant Becky Shasteen wanted to report that Hetherington was walking on her 3101 SE Aster Lane, Unit 1903, and taking photos of the property directly in front of her unit. Shasteen felt that her privacy was being violated and requested that Hetherington be issued a trespass warning preventing her from accessing this property area. Shasteen had installed a patio-like area using artificial grass and furniture in front of her residence. Hetherington, the HOA president, accessed the front of the property and took photos of the patio to document the violation of HOA rules.

After obtaining the information from Shasteen, Officer Heitfeld contacted Hetherington via telephone and spoke to her on speaker phone and Shasteen could hear the conversation. During the call, Officer Heitfeld advised Hetherington not to return to the property, or she would be arrested for trespass after warning. During this phone call, Hetherington felt that Officer Heitfeld was rude and was mistaken that the area she had accessed was common property and that he could not legally trespass her. Ms. Hetherington alleges that Officer Heitfeld was unprofessional and hung up on her after she asked for a case number.

After the phone call, I was contacted by Hetherington, who wished to speak to the on-duty supervisor. During the call, Hetherington advised that Officer Heitfeld was mistaken and that the property in question was common property. As the HOA President, Hetherington reported that she had every right to be on the property for HOA business. Furthermore, Hetherington felt that Officer Heitfeld was rude to her and that the arrest threat was unlawful and uncalled for. Hetherington told me Officer Heitfeld hung up on her when she asked for the case number associated with this call. I advised Hetherington that I would investigate the situation and get back to her.

I spoke to Officer Heitfeld, who told me he would bring Hetherington a trespass warning. Officer Heitfeld also told me that Hetherington was difficult on the phone and that he had hung up on her. I discussed with Officer Heitfeld the validity of the trespass warning as I believed the property in question to be common property. I told Officer Heitfeld not to issue the warning as I would investigate the issue further.

I went to Shasteen's property and looked at the area in question. The area is directly in front of her unit. Even though the property was directly in front of Ms. Shasteen's unit, it appeared to me to be common property. I went to the Property Manager's office and confirmed the area to be common property. I advised Shasteen and Hetherington of my findings, and Stuart Police will not investigate this issue further.

While investigating this complaint, I reviewed the body-worn camera footage of the conversation with Shasteen and the subsequent phone call with Hetherington. At the beginning of the conversation with Shasteen, she said to Officer Heitfeld, "I get its common area; I don't know what my rights are to get her to stay away." Officer Heitfeld then called Ms. Hetherington on the phone. During the call, Ms. Hetherington disagreed with the legality of her being trespassed from common property. Officer Heitfeld hung up on Ms. Hetherington before receiving the case number from Officer Heitfeld.

CONCLUSION:

Based on the body-worn camera footage of Officer Heitfeld's interaction with Shasteen and Hetherington, it appeared that Officer Heitfeld should taken the time to conduct a thorough investigation into the issue at hand before determining to issue a trespass warning. If he had given the appropriate attention to the issue, he would have come to the correct conclusion

given the appropriate attention to the issue, he would have come to the correct conclusion that Ms. Hetherington was on common property and, furthermore, conducting official business as the Homeowner's Association President, not merely harassing Ms. Shasteen.

RECOMMENDATION:

Despite Officer Heitfeld's impatience and not thoroughly investigating the situation, his demeanor or actions did not rise to the level of the need for formal discipline. I recommend a shift-level letter of counseling and appraisal notes to document this complaint. Officer Heitfeld should be reminded to remain thorough, professional, and impartial when taking reports. In addition, he needs to be patient and not allow frustration to dictate how he interacts with citizens at all times.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Sgt. Brian C. Bossio", with the number "142" written below it.

Sergeant Brian C. Bossio

External Inquiry Event No: 2023-00032 Received: Aug 28, 2023 06:00

Case Report: 2023-00022709

Involved citizen:

Suzie Hetherington

Role: Complainant

[Linked address\(s\):](#)

Home address: 3111 Southeast Aster Lane 1703 Stuart FL 34994

[Linked phone\(s\):](#)

: (772) 214-6665

Becky Shasteen

Role: Witness

[Linked address\(s\):](#)

Home address: 3101 Southeast Aster Lane Stuart FL 34994

Employees involved:

Sergeant Brian Bossio [142/142]

Employee current info:

Assignment: Patrol

Shift: Day Shift

U Define 3:

Snapshot - employee information at time of incident:

Police ID#: 142

Role: Supervisor

Body worn camera: Issued - Activated - Effective

Assignment: Patrol

Shift: Day Shift

U Define 3:
Rank/title: Sergeant
Age: 51 Years of employment: 12 Years with unit: 0
Off duty: No Off duty employed: No

Officer Christopher Heitfeld [145/145]

Employee current info:

Assignment: Patrol
Shift: Day Shift
U Define 3:

Snapshot - employee information at time of incident:

Police ID#: 145
Role: Primary Officer
Body worn camera: Issued - Activated - Effective
Assignment: Patrol
Shift: Day Shift
U Define 3:
Rank/title: Officer
Age: 38 Years of employment: 12 Years with unit: 0
Off duty: No Off duty employed: No

Allegations:

Discourtesy - Letter of Counseling
Nov 01, 2023 - Sustained

Summary:

On Monday, August 28, 2023 at 0600 hours, when I reported for duty, I found a citizen complaint for internal investigation form Suzie Hetherington. Ms. Hetherington's complaint stems from a call for service that Officer Heitfeld responded to at the Stuart Police Department. During this call, complainant Becky Shasteen wanted to report that Hetherington was walking on her property located 3101 SE Aster Lane, Unit 1903, and taking photos of property located directly in front of her unit. Shasteen felt that her privacy was being violated and she wanted Hetherington trespass from this area of the property. Shasteen had installed a patio-like area using artificial grass and furniture. Hetherington, who is the HOA president, accessed the front of the property and took photos of the patio, for the purpose of documenting the violation of HOA rules.

After obtaining the information from Shasteen, Officer Heitfeld made contact with Hetherington via telephone. During the conversation with Hetherington, Officer Heitfeld advised her to not go back on the property or she will be arrested for trespass after warning. During this phone call, Hetherington felt that Officer Heitfeld was rude and was mistaken that the area that she had accessed was common property, and he could not legally trespass her. During the phone conversation, Hetherington alleges that Officer Heitfeld was unprofessional and hung up on her after she asked for a case number.

After the phone call, I was contacted by Hetherington. During the call, she advised that Officer Heitfeld was mistaken, and the property is common property, and that she was upset because she felt the Heitfeld was rude to her. I advised Hetherington that I will look into the situation and get back with her.

I spoke to Officer Heitfeld and he told me that he was going to bring Hetherington a trespass warning. Officer Heitfeld also told me that Hetherington was difficult on the phone and that he had hung up on her. I discussed with Officer Heitfeld the validity of the trespass warning as I believed the property in question to be common property. I told Officer Heitfeld to not issue the warning as I was going to look into the issue further.

I went to Shasteen's property and looked at the area in question. I still believed the area to be common property. I went to the Property Manager's office and confirmed the area to be common property. I advised Shasteen and Hetherington of my findings and Stuart Police will not conduct any further investigation regarding this issue.

Agree with findings of a Shift Letter of Counseling for Officer Heitfeld.
Tumminelli 093
11/1/23

When/where:

Date/time occurred: Aug 14, 2023 13:45

Incident location: 830 Southeast Martin Luther King Jr Boulevard Stuart FL 34994

Home address: 3111 Southeast Aster Lane 1703 Stuart FL 34994

Home address: 3101 Southeast Aster Lane Stuart FL 34994

County: Residence

Linked files:

Hetherington Citizen Complaint (pdf)

Heitfeld IR-1 (pdf)

Heitfeld IR Page 2 (pdf)

Bossio IR-1 (pdf)

Bossio IR-page2 (pdf)

Bossio/Hetherington phone call 8/23/23 08:36 hours ()

Officer Heitfeld/ Hetherington phone call 8/14/23 14:50 hours ()

Heitfeld/ Shasteen Initial contact- 8/14/23 14:36 hours ()

Bossio at Shaheen Property 8/15 13:04 hours ()

Heitfeld SR FINAL 2023 (pdf)

Status/assignment information:

Status: Completed Priority: Medium

Opened: 10/04/2023 Assigned: 10/04/2023 Due: 08/28/2023 Completed: 11/01/2023

Disposition: Sustained

Unit assigned: Supervisor Review

Handled at field/unit level: Yes

Outside/file investigator: Bossio, Brian Sergeant [142 / 142]

Investigator assign: Un-assigned

Supervisor assign: Un-assigned

Source of information: Citizen

Organizational component(s):

Assignment: Patrol

Shift: Day Shift

BlueTeam chain routings

Aug 28, 2023 08:39: Sent from Sergeant Brian Bossio [142/142] to Gerwan, Michael J Lieutenant [110/110]

Instructions:

LT Gerwan

Please see attached citizen complaint against Officer Hetifeld. I am sending this to you due to LT. Shine being on vacation.

Thank you

Reviewed by Lieutenant Michael J Gerwan [110/110] on Aug 31, 2023 at 14:14

Decision:

Reviewer comment:

Forwarded to the correct Lieutenant.

MG110

Aug 31, 2023 14:14: Sent from Lieutenant Michael J Gerwan [110/110] to Shine, Richard Lieutenant [111/111]

Instructions:

Please see the complaint against Ofc. Heitfeld.

Reviewed by Lieutenant Richard Shine [111/111] on Sep 19, 2023 at 08:40

Decision:

Reviewer comment:

[Forwarded by Lieutenant Richard Shine]

CC(s) of this routing were sent to the following:

Captain Derek Ortado [118/118]

Sep 19, 2023 08:40: Sent from Lieutenant Richard Shine [111/111] to Ortado, Derek Captain [118/118]

Instructions:

signed citizen complaint in my que from August.

Reviewed by Captain Derek Ortado [118/118] on Sep 29, 2023 at

Decision: N/A

Reviewer comment:

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Captain Derek Ortado

Sep 29, 2023 12:36: Sent from Captain Derek Ortado [118/118] to Tumminelli, Joseph Chief [093/093]

Instructions:

Recommend assign to Sgt. Bossio to review.

Reviewed by Chief Joseph Tumminelli [093/093] on Oct 04, 2023 at 11:36

Decision:

Reviewer comment:

Incident assignment and routing were closed out by IAPro user Chief Joseph Tumminelli and the incident was re-assigned and re-routed to Sergeant Brian Bossio [142/142]

Oct 04, 2023 11:36: Sent from Chief Joseph Tumminelli [093/093] to Bossio, Brian Sergeant [142/142]

Instructions:

Supervisor Review Assigned to Bossio.

Reviewed by Sergeant Brian Bossio [142/142] on Oct 04, 2023 at

Decision:

Oct 04, 2023 11:37: Sent from Chief Joseph Tumminelli [093/093] to Bossio, Brian Sergeant [142/142]

Instructions:

SR for Bossio, memo will be sufficient

Reviewed by Sergeant Brian Bossio [142/142] on Oct 18, 2023 at 10:08

Decision:

Reviewer comment:

Completion notes: Please see Supervisor Review final report.

Thank you

CC(s) of this routing were sent to the following:

Captain Derek Ortado [118/118]

Captain Flamur Zenelovic [083/083]

Lieutenant Michael J Gerwan [110/110]

Oct 30, 2023 08:34: Sent from Captain Derek Ortado [118/118] to Tumminelli, Joseph Chief [093/093]

Instructions:

Recommend Approval of findings. Forwarded for review.

Reviewed by Chief Joseph Tumminelli [093/093] on Nov 01, 2023 at 09:03

Decision: N/A

Reviewer comment:

Routing was NOT completed in BlueTeam. The incident was moved into IAPro by IAPro user Chief Joseph Tumminelli

Nov 17, 2023 12:19: Sent from Captain Derek Ortado [118/118] to Bossio, Brian Sergeant [142/142]

Instructions:

Final discipline for you to issue.

Please click "Mark Complete" once you are done with this memo.

Reviewed by Sergeant Brian Bossio [142/142] on Nov 21, 2023 at 09:27

Decision:

Reviewer comment:

Completion notes: LOC completed and will be served today.

Thank you

Entered via BlueTeam by: Sergeant Brian Bossio [142/142] on Aug 28, 2023 at 07:02

**CITY OF STUART
OFFICE OF THE CITY MANAGER**



DISCUSSION POINTS

TO: SIRB BOARD

DATE: 2/12/2024 2:07 PM

SUBJECT: WRITTEN COMPLAINT FROM S. HETHERINGTON REGARDING OFFICER HEITFELD

Attached to the agenda summary is a timeline and summary describing the event that is presented to the SIRB for review. The purpose of the Stuart Independent Review Board is to maintain transparency related to the procedures followed after receiving a citizen complaint related to a City of Stuart employee.

BACKGROUND

This matter arose when Ms. Hetherington contacted the City to file a formal complaint against officer Heitfeld because of the way he spoke to her on the telephone. Briefly, Ms. Hetherington had approached a neighbor's porch within in her Condominium association and was photographing the porch to demonstrate that because the neighbor (Becky Shasteen) had installed a patio area using artificial grass and furniture directly in front of her condominium. After receiving the complaint from Ms. Shasteen, Officer Heitfeld made contact with Ms. Hetherington via telephone. During the call he advised her not to return to Ms. Shasteen's property or she would be arrested for trespass after warning. According to the complaint, Ms. Hetherington felt that Officer Heitfeld was very rude and ultimately hung up on her.

In hindsight it appears that Officer Heitfeld was possibly mistaken regarding the ownership of the property as it was likely common area and the trespass warning was not appropriate. It is also never appropriate for a City Employee to become frustrated on the telephone and hang up on someone. This was clearly a dispute that fell within the parameters of a condominium association rules and regulations.

MEMORANDUM

SUBJECT: HETHERINGTON REGARDING OFFICER HEITFELD

After receiving the complaint, the Supervisor made the determination that the complaint was valid and the employee needed to receive a letter of counseling addressing the issues that were handled in an inappropriate manner. The officer had been with the City for 12 years at the time. The Police Chief reviewed the proceedings and agreed that the appropriate resolution was a Letter of Counseling.

CONCLUSION

In the present circumstance, the Letter of Counseling was sufficient because Officer Heitfeld acknowledged that it was inappropriate to hang up on a resident regardless of the circumstances. Although Officer Heitfeld was attempting to prevent further confrontation between neighbors, he incorrectly advised that common area was private property and subject to the trespass warning and ultimately hung up due to the combative nature of the call. The Officer has learned from the experience and the remaining issues fall outside the purview of the police department because they are related to the internal condominium association documents. I agree with the discipline and have emphasized the fact that there is never a circumstance that a City Employee should hang up on a resident.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Stuart Independent Review Board

Meeting Date: 2/28/2024

Prepared by: Michelle Vicat

Title of Item:

REVIEW OF CITIZEN COMPLAINT BY LAVERN MULLINGS AGAINST OFFICER LEE

Summary Explanation/Background Information on Agenda Request:

The City of Stuart established the Stuart Independent Review Board (SIRB) to create a mechanism for the public to see the outcome of investigations that are initiated in response to written complaints. The purpose of the independent board review is to ensure transparency and accountability. This oversight mechanism aims to guarantee that the outcomes of investigations into alleged misconduct are accessible to all stakeholders, fostering trust and confidence in the city's law enforcement agency as well as any other department where a written complaint has been received. The SIRB is not responsible for deciding the level of discipline. It should not substitute its recommendation for that of the supervisor. Rather, it should decide if it finds the decision acceptable under the circumstances. The Board must limit its recommendation to the information available at the time of the discipline. If it bases the decision on new information provided subsequently to the supervisor's recommendation, it would be impossible to know what the supervisor would have decided based upon the new information.

In the present matter, the City of Stuart received a written complaint regarding Officer Lee. According to the complaint, the citizen claimed that Officer Lee was biased, rude and "off putting". The complaint further alleged that the officer had abused his power and "was not knowledgeable of his duties and protocol." Officer Lee's supervisor reviewed the complaint and initiated an investigation which included reviewing the body worn camera recording of the event. Upon completion of the investigation, it was determined that Officer Lee acted appropriately, and no disciplinary action was taken.

The City Manager has reviewed the file and agreed with the supervisor and Chief. The evidence clearly demonstrated that one resident interfered with the property of another resident without her consent. Even if the Christmas decorations were not authorized, Ms. Mullings did not have the authority to take down or tamper with the lights. She could have addressed the matter within her condominium association. Officer Lee acted appropriately under the circumstances.

Funding Source:

N/A

Recommended Action:

Motion to ratify the SIRB report.

ATTACHMENTS:

1. Lee SIRB



STUART POLICE DEPARTMENT

Joseph Tumminelli, Chief of Police
830 SE Martin L. King Blvd. Stuart, FL 34994
Telephone 772-287-1122 Fax 772-220-5986

We are S.P.D!

Selfless ♦ Proud ♦ Dedicate

CITIZEN COMPLAINT FOR INTERNAL INVESTIGATION

The Stuart Police Department will investigate any citizen complaint brought against its personnel. To establish a legitimate complaint and to initiate an internal investigation, this form must be signed and sworn to.

Complainant Name: LAVERN MULLINGS

Address: 1831 SW PALM CITY Rd. C402, Stuart FL 34994

Phone Number: 772-284-3161

Email: MullingsLavern@yahoo.com

Employee(s) Name(s): _____

Nature of Complaint: OFFICER LEE BIASED, RUDE + VERY OFF-PUTTING BEHAVIOR TOWARDS ME. HE WAS HOSTILE TOWARDS ME EVEN WHILE I TRIED TO EXPLAIN THE RULES + REGULATIONS OF THE COMMUNITY. ABUSING HIS POWER AND NOT KNOWLEDGEABLE OF HIS DUTIES AND PROTOCOL.

I agree to fully cooperate with the Stuart Police Department by giving sworn testimony, if requested, as to the full and complete details of the event leading to this action. I will produce all witnesses to this event known to me. If I fail to follow through with an interview, or do not cooperate with the investigator by giving sworn testimony, I understand that this complaint will be deemed to have been withdrawn by me. In that event, I will expect that no action will be taken against the employee(s).

Should an investigator need to schedule an interview with me, I am most easily contacted at:

Phone number shown above Other phone number: _____

Email shown above Other email: _____

Other: _____

I, LAVERN MULLINGS, do hereby swear or affirm that the factual allegation(s) made by me above in this complaint are, to the best of my knowledge and belief, true and based upon fact.

[Signature]
Complainant Signature

In Martin County, Florida; sworn or affirmed and subscribed before me by means of physical presence or online notarization, this 11th day of Jan, 2024, by Lavern Mullings who is personally known to me OR produced FLDL as identification.

[Signature]
Notary Public or Officer Signature

Sgt Brian Bossio SOD
Print, Type, or Stamp Name of Notary Public or Officer

Violation of Florida State Statute 837.05

Violation of Florida State Statute 838.022

I am filing this complaint to bring this serious matter to your attention regarding your Officer Corey Lee. Officer Lee approach was very biased. He was not interested in what I had to say about the incident. It seems to me that he had his mind made up the moment my daughter opened the door, and he realized it was a black household.

Officer Corey Lee (badge # 153), a duly sworn official in the State of Florida. While acting in his official capacity, Officer Lee did willfully document a false report about the commission of an alleged crime (806.13). Officer Lee did willfully engage in an unlawful and wrongful act which resulted in the violation of my constitutional rights. This case (2023-00033294/43-2023-MM-003480-A) was later reviewed and dismissed by Judge William L. Roby on 12/28/2023 as he found no evidence of a crime.

While trainee Officer Lott had more common sense to inspect the decorations that the neighbor lied about being damaged (also listed in his report). Officer Lee was bent on giving me a citation for cutting done a few zip ties that were holding decorations on the handrails of the stairway (common area) which is a safety hazard and a violation of Park Square

Condominium policies. Officer Lee abused his power while having an audience threaten to arrest me more than twice. And even though he did not read me my rights or handcuff me, he kept on telling me I had NO right to contact my lawyer. Officer Lee used his position of power, with his gun and badge to scare and deprive me of my basis Miranda Rights "You have the right to an attorney". Officer Lee not only embarrassed me, but he tarnished my record forever with the false charge he brought against me for a neighbor dispute that clearly the HOA and management should have handled.

Either Officer Lee is incapable of understanding the differences between criminal mischief in the State of Florida vs. a simple neighbor dispute, or because of Officer Lee's deep-rooted bitterness, fueled by his implicit and explicit bias and discrimination thus I was charged.

I believe had Officer Lee responded to the homes of either Lieutenant Gerwan or Judge Roby, to handle a neighbor dispute, they would have been treated with respect and dignity, with much professionalism as he demonstrated to my Caucasian neighbors. It is difficult enough being the only person of color in this community, I did not need him coming and adding fuel to the fire.

Even though this citation was thrown out (CRIMINAL MISCHIEF) and I am very grateful that Judge Roby did not entertain the false charges Officer Lee brought against me. And though I appreciate Lieutenant Gerwan reaching out to do damage control... The damage was already done by your Officer Lee misconduct. I had to appear in court, pay lawyer fees and miss time from work for Officer Lee lack of knowledge of the law. This incident has caused me a great deal of distress and anxiety, and I firmly believe it is in the public interest that this issue is dealt with appropriately to ensure such an event does not recur.

I hope the Stuart Police Department Board Members who are responsible for reviewing this case can solve this problem in an applicable manner. Therefore, I kindly request you to take immediate action against Officer Corey Lee #153. Please reassign him to a different sector where he shall not have any occasion to encounter me easily. I am requesting a copy of Officer Corey Lee body worn camera and a full report of all his years of service. Officer Lee took an oath to protect and serve all race not just Caucasians. I am requesting that Office Lee be re-trained and demoted. Officer Lee should not be allowed to train another officer, especially when he himself is not knowledgeable of the law.



STUART POLICE DEPARTMENT, FL

FIELD CASE REPORT

**CASE#
2023-00033294**

| | | | |
|--------------|---|---|--|
| EVENT | <small>REPORTED DATE/TIME</small> 12/02/2023 11:27 | <small>OCCURRED INCIDENT TYPE</small> Vandalism | <small>CASE STATUS</small> Closed |
| | <small>OCCURRED FROM DATE/TIME</small> 12/02/2023 11:20 | <small>OCCURRED THRU DATE/TIME</small> 12/02/2023 11:20 | <small>LOCATION OF OCCURRENCE</small> 1831 SW PALM CITY RD STUART, FL, 34994 |

| OFFENSES | <small>STATUTE/DESCRIPTION</small> | <small>COUNTS</small> | <small>ATTEMPT/COMMIT</small> |
|-----------------|---|-----------------------|-------------------------------|
| 01 | 806.13(1b1) CRIMINAL MISCHIEF \$200 OR LESS- 1ST OFFENSE | 1 | Completed |
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|----------------|---|--|--|--------------------------------|-------------------------------------|------------------------------------|--|
| SUBJECT | <small>JACKET/SUBJECT TYPE</small> Adult Suspect | <small>NAME (LAST, FIRST, MIDDLE SUFFIX)</small> MULLINGS, LAVERN COLLETTE | | | | | |
| | <small>DOB</small> 02/03/1983 | <small>AGE or AGE RANGE</small> 40 | <small>ADDRESS (STREET, CITY, STATE, ZIP)</small> 1831 SW PALM CITY RD C402, STUART, FL, 34994 | | | | |
| | <small>RACE</small> Black | <small>SEX</small> Female | <small>HEIGHT or RANGE</small> 5'4" | <small>WEIGHT or RANGE</small> | <small>HAIR</small> Black | <small>EYE</small> Black | |
| | <small>DL NUMBER/STATE</small> M452523835430 / FL | <small>PRIMARY PHONE</small> | <small>PHONE #2</small> | <small>PHONE #3</small> | | | |

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|----------------|---|---|---|--------------------------------|---------------------|--------------------|--|
| SUBJECT | <small>JACKET/SUBJECT TYPE</small> Adult Victim | <small>NAME (LAST, FIRST, MIDDLE SUFFIX)</small> Davis, Shannon m | | | | | |
| | <small>DOB</small> 07/04/1981 | <small>AGE or AGE RANGE</small> 42 | <small>ADDRESS (STREET, CITY, STATE, ZIP)</small> 1831 SW PALM CITY RD, C502, STUART, FL, 34994 | | | | |
| | <small>RACE</small> White | <small>SEX</small> Female | <small>HEIGHT or RANGE</small> | <small>WEIGHT or RANGE</small> | <small>HAIR</small> | <small>EYE</small> | |
| | <small>DL NUMBER/STATE</small> | <small>PRIMARY PHONE</small> (772)240-6047 | <small>PHONE #2</small> | <small>PHONE #3</small> | | | |

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|----------------|--|--|---|--------------------------------|---------------------|--------------------|--|
| SUBJECT | <small>JACKET/SUBJECT TYPE</small> Adult Witness | <small>NAME (LAST, FIRST, MIDDLE SUFFIX)</small> Dottore, Angela | | | | | |
| | <small>DOB</small> 06/23/1962 | <small>AGE or AGE RANGE</small> 61 | <small>ADDRESS (STREET, CITY, STATE, ZIP)</small> 1831 SW PALM CITY RD, D501, STUART, FL, 34994 | | | | |
| | <small>RACE</small> White | <small>SEX</small> Female | <small>HEIGHT or RANGE</small> | <small>WEIGHT or RANGE</small> | <small>HAIR</small> | <small>EYE</small> | |
| | <small>DL NUMBER/STATE</small> | <small>PRIMARY PHONE</small> (732)299-5500 | <small>PHONE #2</small> | <small>PHONE #3</small> | | | |

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|---|--|---------------------------------------|---------------------|--|--|
| <small>REPORTING OFFICER</small> Lott, Eric | <small>DATE</small> 12/02/2023 | <small>FIELD TRAINING OFFICER</small> | <small>DATE</small> | <small>REVIEWED BY</small> Rice, Michael | <small>DATE</small> 12/03/2023 |
|---|--|---------------------------------------|---------------------|--|--|

STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT
CASE#
2023-00033294

GENERAL PROPERTY

| | | | | |
|----------------|--|---|------------------|----------------------|
| GENERAL | PROPERTY CODE Destroy/Dam/Vandal | | NCIC/FCIC NUMBER | VALUE \$20 |
| | QUANTITY/UNIT OF MEASURE 1 / Item | PROPERTY TYPE/CLASS Household Goods | SERIAL | COLOR |
| | ITEM DESCRIPTION Christmas Decorations | | | |

| | | | | |
|----------------|--------------------------|---------------------|------------------|-------|
| GENERAL | PROPERTY CODE | | NCIC/FCIC NUMBER | VALUE |
| | QUANTITY/UNIT OF MEASURE | PROPERTY TYPE/CLASS | SERIAL | COLOR |
| | ITEM DESCRIPTION | | | |

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|----------------|--------------------------|---------------------|------------------|-------|
| GENERAL | PROPERTY CODE | | NCIC/FCIC NUMBER | VALUE |
| | QUANTITY/UNIT OF MEASURE | PROPERTY TYPE/CLASS | SERIAL | COLOR |
| | ITEM DESCRIPTION | | | |

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|----------------|--------------------------|---------------------|------------------|-------|
| GENERAL | PROPERTY CODE | | NCIC/FCIC NUMBER | VALUE |
| | QUANTITY/UNIT OF MEASURE | PROPERTY TYPE/CLASS | SERIAL | COLOR |
| | ITEM DESCRIPTION | | | |

| | | | | |
|----------------|--------------------------|---------------------|------------------|-------|
| GENERAL | PROPERTY CODE | | NCIC/FCIC NUMBER | VALUE |
| | QUANTITY/UNIT OF MEASURE | PROPERTY TYPE/CLASS | SERIAL | COLOR |
| | ITEM DESCRIPTION | | | |

| | | | | |
|----------------|--------------------------|---------------------|------------------|-------|
| GENERAL | PROPERTY CODE | | NCIC/FCIC NUMBER | VALUE |
| | QUANTITY/UNIT OF MEASURE | PROPERTY TYPE/CLASS | SERIAL | COLOR |
| | ITEM DESCRIPTION | | | |

| | | | | | |
|--|---------------------------|------------------------|------|-------------------------------------|---------------------------|
| REPORTING OFFICER Lott, Eric | DATE 12/02/2023 | FIELD TRAINING OFFICER | DATE | REVIEWED BY Rice, Michael | DATE 12/03/2023 |
|--|---------------------------|------------------------|------|-------------------------------------|---------------------------|

STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT
CASE#
2023-00033294

On December 02, 2023, at approximately 1127 hours, Ofc. Lee (Field Training Officer) and I were dispatched to 1831 SW Palm City Rd C502 in reference to a report of a neighbor cutting down Christmas decorations.

Upon arrival Ofc. Lee and I made contact with the complainant/victim identified as Shannon Davis. David stated she put up Christmas decorations on the railing in front of her residence. Davis stated that the area in front of her residence is a common area which she shares with her neighbor in C-402. Davis stated when she arrived home today the decorations were removed from the stair railing and placed on the landing upstairs. Davis stated she was notified by the neighbor across the street that her neighbor in C-402 was the one who took the decorations down. Davis stated she had approval from her home owners association (HOA) to place the decorations on the railing. Davis explained the decorations damaged were valued at approximately \$20.

While inspecting the damaged Christmas decorations, I noticed the only thing that appeared to be damaged was the plastic zip ties that hold the decorations in place

I made contact with witness Angela Dottore, who lives across the parking lot in D501. Dottore stated around 1120 hours today she witnessed Davis' nextdoor neighbor removing the decorations from the stair railing. Dottore stated she is on the neighborhood board and did not want to confront Lavern due to the board policy.

Ofc Lee and I attempted to make contact with Lavern at apartment C-402. Officer Lee knocked on the door and a younger female answered the door and appeared to be on the phone. The voice on the phone asked the female why she opened the door for strangers and the younger

| REPORTING OFFICER | DATE | FIELD TRAINING OFFICER | DATE | REVIEWED BY | DATE |
|-------------------|------------|------------------------|------|---------------|------------|
| Lott, Eric | 12/02/2023 | | | Rice, Michael | 12/03/2023 |

STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT
CASE#
2023-00033294

(continuation)

female replied it was the police. The female on the line who based on the conversation was the younger female's mother told Officer Lee that she was on her way back to the apartment and instructed the younger female to close the door.

A short time later, Officer Lee and I made contact with suspect identified as Lavern Mullings in the front parking lot. Mullings explained she sent an email to the HOA board demanding the decorations be removed and be removed by Monday. Mullings stated today around 1100 hours she noticed that the decorations had not been removed and she took it upon herself to cut them down.

Based on the evidence presented and testimony obtained by Mullings, Officer Lee and I drafted a notice to appear for Criminal Mischief. Officer Lee then explained the Notice to appear process to Mullings and requested that she sign the notice acknowledging her court date of 12/28/2023. Mullings refused to sign it, stating that her lawyer told her that if she signs anything then its an acknowledgement of guilt.

Officer Lee explained to Mullings that this was not the case and that signing the NTA only acknowledges her court date and the penalty for failing to appear. Mullings then stated she was going to call her lawyer to which Officer Lee replied that if she failed to sign the notice to appear that we were going to have to make a physical arrest and transport her to jail. At this time Mullings signed the notice to appear and was released on scene. Just prior to leaving Mullings made a statement of "I guess white is always right."

Due to Mullings willfully and maliciously damaging Davis's property, Mullings was issued a notice to appear

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|-------------------|------------|------------------------|------|---------------|------------|
| REPORTING OFFICER | DATE | FIELD TRAINING OFFICER | DATE | REVIEWED BY | DATE |
| Lott, Eric | 12/02/2023 | | | Rice, Michael | 12/03/2023 |

STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT
CASE#
2023-00033294

(continuation)

for criminal mischief of \$200 or less. Mullings was given a copy of the notice to appear. Contact was recorded on our agency issued body worn cameras.

This case is closed by arrest.

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|---|--|---------------------------------------|---------------------|--|--|
| <small>REPORTING OFFICER</small> Lott, Eric | <small>DATE</small> 12/02/2023 | <small>FIELD TRAINING OFFICER</small> | <small>DATE</small> | <small>REVIEWED BY</small> Rice, Michael | <small>DATE</small> 12/03/2023 |
|---|--|---------------------------------------|---------------------|--|--|

STUART POLICE DEPARTMENT, FL
FIELD CASE SUPPLEMENT REPORT
CASE#
2023-00033294

| | | | |
|--------------|---|-------------------------|--|
| EVENT | REPORTED DATE/TIME 12/04/2023 20:26 | OCCURRED INCIDENT TYPE | CASE STATUS |
| | OCCURRED FROM DATE/TIME | OCCURRED THRU DATE/TIME | LOCATION OF OCCURRENCE 1831 SW PALM CITY RD STUART, FL |

| OFFENSES | STATUTE/DESCRIPTION | COURTS | ATTEMPT/COMMIT | |
|-----------------|---------------------|--------|----------------|--|
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|----------------|---------------------|-----------------------------------|------------------------------------|-----------------|------|-----|--|
| SUBJECT | JACKET/SUBJECT TYPE | NAME (LAST, FIRST, MIDDLE SUFFIX) | | | | | |
| | DOB | AGE or AGE RANGE | ADDRESS (STREET, CITY, STATE, ZIP) | | | | |
| | RACE | SEX | HEIGHT or RANGE | WEIGHT or RANGE | HAIR | EYE | |
| | DL NUMBER/STATE | PRIMARY PHONE | PHONE #2 | PHONE #3 | | | |

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|----------------|---------------------|-----------------------------------|------------------------------------|-----------------|------|-----|--|
| SUBJECT | JACKET/SUBJECT TYPE | NAME (LAST, FIRST, MIDDLE SUFFIX) | | | | | |
| | DOB | AGE or AGE RANGE | ADDRESS (STREET, CITY, STATE, ZIP) | | | | |
| | RACE | SEX | HEIGHT or RANGE | WEIGHT or RANGE | HAIR | EYE | |
| | DL NUMBER/STATE | PRIMARY PHONE | PHONE #2 | PHONE #3 | | | |

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|----------------|---------------------|-----------------------------------|------------------------------------|-----------------|------|-----|--|
| SUBJECT | JACKET/SUBJECT TYPE | NAME (LAST, FIRST, MIDDLE SUFFIX) | | | | | |
| | DOB | AGE or AGE RANGE | ADDRESS (STREET, CITY, STATE, ZIP) | | | | |
| | RACE | SEX | HEIGHT or RANGE | WEIGHT or RANGE | HAIR | EYE | |
| | DL NUMBER/STATE | PRIMARY PHONE | PHONE #2 | PHONE #3 | | | |

| | | | |
|-------------------|------|-------------|------|
| REPORTING OFFICER | DATE | REVIEWED BY | DATE |
|-------------------|------|-------------|------|

Bryant, Stephen

12/04/2023

OF
1 2

12/04/2023 Serra, Richard

12/06/2023

STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT SUPPLEMENT
CASE#
2023-00033294

This is a supplement to Officer Lott's original report.

On December 4th, 2023, at approximately 1809 hours, I was dispatched 1831 SW Palm City Rd, unit C 502 in reference to an ongoing neighbor issue.

Upon arrival, complainant Shannon Davis advised me that a bucket of bleach had now been poured onto her Christmas ornaments by Lavern Mullings. See my case report for additional information (2023-00033463).

My Agency issued Body-Worn-Camera was activated for the above incident.

| | | | | | |
|------------------------|-------------------|------------------------|-------------------|-----------------------|-------------------|
| REPORTING OFFICER | DATE | FIELD TRAINING OFFICER | DATE | REVIEWED BY | DATE |
| Bryant, Stephen | 12/04/2023 | | 12/04/2023 | Serra, Richard | 12/06/2023 |

Judge: STEELE, DARREN
 Court Type: Misdemeanor
 Case Type: MISDEMEANOR
 Case Number: 23003480MMAXMX
 Uniform Case Number: 432023MM003480MMAXMX
 Status: CLOSED
 Clerk File Date: 12/4/2023
 Status Date: 12/27/2023
 Waive Speedy Trial:
 Total Fees Due: 0.00
 Custody Location: MARTIN COUNTY JAIL
 Agency: STUART POLICE DEPARTMENT
 Agency Report Number: 23-33294

PARTIES

| TYPE | PARTY NAME | ATTORNEY |
|-----------|---------------------------|------------------------------------|
| ATTORNEY | LASTINGER, CAITLIN | |
| ATTORNEY | PRO SE | |
| DEFENDANT | MULLINGS, LAVERN COLLETTE | PRO SE (Main Attorney) |
| PLAINTIFF | STATE OF FLORIDA | LASTINGER, CAITLIN (Main Attorney) |

CHARGES

| COUNT | DESCRIPTION | LEVEL | DEGREE | PLEA | DISPOSITION | DISPOSITION DATE |
|-------|----------------------------------|-------|--------|------|----------------------------------|------------------|
| 1 | 200 DOLS AND UNDER (806.13(1b1)) | M | S | | DROPPED/ABANDONED/NO INFORMATION | |

EVENTS

| DATE | EVENT | JUDGE | LOCATION | RESULT |
|------------------|-------------|----------------|---------------------|----------|
| 1/4/2024 1:00 PM | ARRAIGNMENT | STEELE, DARREN | SECOND FLOOR ROOM 3 | DISPOSED |

OUTSTANDING AMOUNT

| COUNT | CODE | DESCRIPTION | ASSESSMENT | PAID | WAIVED | BALANCE | PAYMENT PLAN / JUDGMENT | DUE DATE |
|-----------------|------|-------------|------------|------|--------|---------|-------------------------|----------|
| No Fees on Case | | | | | | | | |

RECEIPTS

| DATE | RECEIPT # | APPLIED AMOUNT |
|---------------------|-----------|----------------|
| No Receipts on Case | | |

CASE DOCKETS

| DIN | USER | DATE | ENTRY |
|-----|------|------------|--|
| 5 | | 12/27/2023 | CASE CLOSED |
| 4 | 1 | 12/27/2023 | NO INFORMATION FILED |
| 3 | | 12/5/2023 | ARRAIGNMENT SET FOR 01/04/2024 AT 1:00 PM IN A2-3, JDG: STEELE, DARREN |
| 2 | 4 | 12/4/2023 | ARREST AFFIDAVIT |
| 1 | | 12/4/2023 | CASE FILED 12/04/2023 CASE NUMBER 23003480MMAXMX |



STUART POLICE DEPARTMENT

Joseph Tumminelli, Chief of Police
830 SE Martin L. King Blvd. Stuart, FL 34994
Telephone 772-287-1122 Fax 772-220-5986

We are S.P.D!

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To: Chief via Chain of Command
From: Lieutenant Michael Gerwan
Date: January 29, 2024
Subject: Lavern Mullings Citizen Complaint

Chief Tumminelli,

I have reviewed Ms. Lavern Mullings signed complaint. I have also reviewed all body worn camera video regarding this incident. I was in contact with the State Attorney's Office in reference to this case. After reviewing all the facts, I deem Mullings complaint frivolous upon its face.

On December 26, 2023, I was asked by Captain Zenelovic to follow up on the Notice to Appear that was issued to Mullings. I was told that the State Attorney's Office had already decided that they were not going to file information on this case. The State Attorney's Office advised that although the criminal mischief charge met the statutory definition and over all there was probable cause to make the arrest, they were not going to file the case because they believed the criminal charge was "petty".

I was asked to investigate the case because Mullings made several remarks according to the Notice to Appear that "I guess white is always right". I was specifically asked to review the BWC footage to determine whether this arrest was racially biased or not.

After reviewing the BWC, I determined that Officer Lee and Officer Lott did not commit racial profiling. I also noticed that Mullings was irate and made racial overtones approximately 6 times as to why law enforcement contact was made with her. I told the State

Attorney's Office that I did not see events of racial discrimination, however, felt that the incident could have been handled better civilly with the Homeowners Association.

On December 27, 2023, I was contacted by the State Attorney's Office, and they confirmed the case was dropped and that they would contact Mullings. However, I was also asked to contact Mullings and the complainant, Shannon Davis, because the incident over the Christmas decorations had continued to escalate. Officer Bryant took another call regarding damage to the Christmas decorations on December 4, 2023. The State Attorney's Office was concerned that the continuing conflict would evolve into future criminal conduct.

On or about December 29, 2023, Officer Minor and I arrived at Park Square Condos with the purpose of contacting Mullings and Davis to advise them to try and get along with each other. I knocked on both doors and no one answered. My business card was left at both front doors advising them to contact me. I also knocked on the door of the witness, Angela Dottore, who was a board member of the HOA. I advised Dottore that the complaint of the Christmas decorations was more civil than criminal and that the HOA should have handled the dispute. When asked, Dottore confirmed that the HOA had a property management company, Avant Garde Management. Officer Minor and I contacted Avant Garde Management who stated that they were aware of the Christmas decoration dispute. They stated the dispute was over religion and agreed that it should have been handled by the HOA.

On or about the first week of January 2024, Mullings called my office phone and stated that she was going to file a formal complaint on Officer Lee. Mullings stated that she was falsely arrested, the case was dropped by the State, and she now had a tarnished criminal record. I advised Mullings that she was never placed in handcuffs, fingerprinted, or had a booking photo. I also advised Mullings that there was no formal criminal record and that the State dropped the case before she had to appear in court. Mullings advised that she had already been in contact with her lawyer, and she was going to take it further. I contacted Captain Zenelovic and made him aware of the conversation I had with Mullings.

I contacted the State Attorney's Office on January 26, 2024, because according to Mullings signed complaint, she stated that she appeared in court on December 28, 2023, in front of Judge Roby with her attorney and as a result had to pay attorney fees and miss work. The State Attorney's Office confirmed that the case was dropped on December 27th, 2023. They advised her case was not on docket December 28th, 2023, and the assigned judge was Judge Steele. It was confirmed that Judge Roby only hears felony cases.

Finally, I would like to address the racial biased allegation made by Mullings. It seems that Mullings' allegation was based on emotions rather than facts. Here are the 2023 racial based statistics for department wide arrest and uniform traffic citations:

- 614 arrests- 67.8% were White, 31.3% were Black and 1% was Other.
- 4955 traffic citations- 56.3% were White, 18.1% were Black, 21.6% were Hispanic 0.6% Asian, 0.1% were Native American and 3.3% Other.

This concludes my investigation.

Sincerely,

A handwritten signature in blue ink that reads "Lt. Michael Gerwan #110". The signature is written in a cursive, flowing style.

Lt. Michael Gerwan #110

IN THE COUNTY COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR MARTIN COUNTY, FLORIDA

STATE OF FLORIDA

Case No. 43-2023-MM-003480-A

-vs-

Lavern Collette Mullings

Defendant

NO INFORMATION

COMES NOW the State of Florida, by and through its undersigned State Attorney, and files this NO INFORMATION in the above-styled cause wherein the Defendant is charged with:

CRIMINAL MISCHIEF-\$200 OR LESS

Dated December 27, 2023.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to on December 27, 2023.

RESPECTFULLY SUBMITTED
THOMAS R. BAKKEDAHL
State Attorney

By: /s/ Caitlin Lastinger
Caitlin Lastinger
Assistant State Attorney
FL Bar#: 1035601
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MEMORANDUM

To: File
From: Chief Joseph Tumminelli
Date: January 31, 2024
Subject: SR 2024-0003

The detailed report of the investigation into Ms. Lavern Mullings' complaint against Officer Lee was well done. The examination of the incident, including the review of body-worn camera footage, discussions with the State Attorney's Office, and traveling to the scene, shows that the investigation was thorough.

Based on the facts presented, there was probable cause for the arrest, as Officer Lee adhered to the threshold required by law. I understand, however, that the State Attorney's Office chose not to move forward with the case, deeming the criminal mischief charge as "petty". This decision emphasizes the importance of prosecutorial discretion.

I would like to point out the inclusion of racial statistics for the Stuart Police Department's arrests and traffic citations in 2023. These statistics provide valuable context, showcasing a diverse distribution across demographics. It is crucial to address Ms. Mullings' allegations of racial bias by highlighting the fair and unbiased approach in our police department's law enforcement practices.

Given Ms. Mullings' statements and the confirmed details from the State Attorney's Office, it appears that Ms. Mullings may be contemplating a civil lawsuit, possibly with a focus on racial bias.

The officers involved followed Department policy, and I agree with the **unfounded** findings by Lieutenant Gerwan.

**CITY OF STUART
OFFICE OF THE CITY MANAGER**



DISCUSSION POINTS

TO: SIRB BOARD

DATE: 2/14/2024 10:15 AM

SUBJECT: WRITTEN COMPLAINT FROM MS. MULLINGS REGARDING OFFICER LEE

Attached to the agenda summary is a timeline and summary describing the event that is presented to the SIRB for review. The purpose of the Stuart Independent Review Board is to maintain transparency related to the procedures followed after receiving a citizen complaint related to a City of Stuart employee.

BACKGROUND

This matter arose when the Stuart police department was asked to respond when a resident claimed that Christmas decorations she installed had been cut down and damaged in the process. Ms. Shannon Davis called the police to report that the Christmas decorations she had installed on the railing in front of her residence had been cut down and damaged in the process. According to Ms. Davis, she obtained authorization from the Home-Owners Association to install the temporary decorations during the holiday season. The damage to the decorations was minimal.

Upon arriving at the scene, it was determined that the front of her residence is a common area that is shared with a neighbor. A witness stated that the neighbor, Ms. Laverne Mullings cut down the decorations. When Officer Lee made contact with Ms. Mullings, she stated that she had previously sent an email to the HOA Board instructing them to have the decorations removed by Monday. When she observed that they were not removed, she took it upon herself to cut them down. Because they were not her property and she did not have authorization to cut them down, Officer Lee explained that she was being given a notice to appear for Criminal Mischief (vandalism) and requested that she

MEMORANDUM

SUBJECT: MULLINGS COMPLAINT - OFFICER LEE

sign the notice acknowledging the court date. She refused to sign the document. Officer Lee stated that if she would not sign, he would have to physically arrest her. At that point she signed the document and while exiting the scene made the comment "I guess white is always right". The matter was ultimately forwarded to the State Attorney's office and ultimately dropped by the State Attorney. The entire matter was recorded on Body Camera. Sadly, the matter escalated and the police were again dispatched to the address because Ms. Davis reported that a bucket of bleach had been poured onto the Christmas decorations by Ms. Mullings.

When there are minor infractions such as described above, the State Attorney will often make the decision to drop the matter rather than prosecuting because the primary goal was to de-escalated the problem. In the present matter the prosecutor dropped the charges. After the charges were dropped by the State Attorney, Ms. Mullings filed a written complaint against Officer Lee. According to Ms. Mullings, "Officer Lee biased, rude & very off-putting behavior towards me. He was hostile towards me even while I tried to explain the rules and regulations of the community. Abusing his power and not knowledgeable of his duties and protocol." claiming that he was biased toward Ms. Davis and had his mind made up when he determined it was a black household. She claimed that Officer Lee willfully documented a false.

The supervising officer and the Chief of Police that reviewed the body worn cameras and statements provided have determined that there was probable cause for the charge of criminal mischief.

CONCLUSION

As the City Manager I agree with the Chief of Police. Officer Lee was correct and acted appropriately. It appears that Ms. Mullings believes that damage to the lights was required for her to be charged with criminal mischief but that is not true. If teenagers knocked over the Christmas tree in downtown Stuart they too would be charged with criminal mischief and it would not matter if the tree had been damaged. It is truly unfortunate that Ms. Mullings accused Officer Lee of discrimination as there was absolutely no evidence that race had anything to do with this event. The reason for the call was because the owner of the decorations was upset when she came home to find that someone had cut all of her decorations down. Ms. Mullings believes she had the right to do so because she was a resident of the condominium association. There was no evidence that anyone took action or failed to take action because race or any other protected class.