



AGENDA

**STUART INDEPENDENT REVIEW BOARD
NOVEMBER 14, 2022
AT 9:00 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.

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.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. APPROVAL OF 04/18/2022 MINUTES

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

2. REVIEW OF CITIZEN COMPLAINT BY MATTHEW GARCIA AGAINST OFFICER BRIGLIA
3. REVIEW OF CITIZEN COMPLAINT BY KEONIA COATS AGAINST OFFICER SPUGNARDI

STAFF UPDATE

ADJOURNMENT

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

Meeting Date: 11/14/2022

Prepared by: Susej Meleqi

Title of Item:

APPROVAL OF 04/18/2022 MINUTES

Summary Explanation/Background Information on Agenda Request:

APPROVAL OF 04/18/2022 MINUTES

Funding Source:

N/A

Recommended Action:

Approve minutes.

ATTACHMENTS:

1. 04182022 SIRB Minutes

**MINUTES
STUART INDEPENDENT REVIEW BOARD
APRIL 18, 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

ROLL CALL

10:03 AM

PRESENT: Anita Cocoves, Pearlie B. Clarke, Diane "Dee" Gusch, Helen McBride, Kristin Stanley.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. APPROVAL OF 02/11/2022 SIRB MINUTES

**MOTION: Approve
MOVED BY: Helen McBride
SECONDED BY: Pearlie Clarke
Motion approved unanimously.**

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

None.

HEARING

2. REVIEW OF CITIZEN COMPLAINT BY DUANE BROWN AGAINST STUART POLICE DEPARTMENT

Chief Tumminelli reviewed the background of the case with the board, providing historical data on discussions with the complainant. He informed the board that Mr. Brown has been involved in shootings with active cases under investigation; there is currently a warrant out for his arrest. He stated he has directed his staff to keep an eye on this suspect.

The consensus of the board was not to view the video.

Board Member McBride shared an experience on Florida Avenue in which she almost hit a person on a bike due to no light on it.

MOTION: Approve the City Manager's decision.

MOVED BY: Kristin Stanley

SECONDED BY: Pearlie Clarke

Motion approved unanimously.

3. REVIEW OF CITIZEN COMPLAINT BY LISA QUEEN AGAINST OFFICER PECCI

Police Chief Tumminelli explained the altercation and provided information that the officer acted within the policies and procedures.

City Manager Dyess noted that he went back and forth in this case and felt that the officer did perform his duty, while it wasn't a written statement, the officer did take a verbal statement. Three videos are available. The board clarified their determination and choose not to view the video.

MOTION: Approve the determination.

MOVED BY: Diane Gusch

SECONDED BY: Kristin Stanley

Motion approved unanimously.

ADJOURNMENT

10:21 PM

Mary Kindel
City Clerk/Recording Secretary

Anita Cocoves
Chairperson

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

Meeting Date: 11/14/2022

Prepared by: Michelle Vicat

Title of Item:

REVIEW OF CITIZEN COMPLAINT BY MATTHEW GARCIA AGAINST OFFICER BRIGLIA

Summary Explanation/Background Information on Agenda Request:

Please see the attached documentation for complete details.

Funding Source:

N/A

Recommended Action:

Motion to approve or disapprove recommendation of the City Manager.

ATTACHMENTS:

1. Briglia



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

INITIAL NOTICE OF INQUIRY (I.N.O.I.)

To: Chief of Police

via:

From:

Inquiry Date:

Time:

An inquiry has been made concerning (Employee):

ID Number:

Alleged Violation Date:

Time:

Alleged Policy Violation(s):

The inquiry originated:

Name of complainant:

Address of complainant:

Phone:

Sex:

Race:

Date of Birth:

Setting forth the following circumstances (Attach Supplements if needed):

Signature of person taking INOI

Rank/Position

ID Number

Division

The employee originating this INOI must place the original in a sealed envelope or hand deliver to the appropriate Captain for further inquiry.



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: MATTHEW GARCIA

Address: 4417 PARNELLE DR.

Phone Number: 727 337 8177

Email: Cynthiaclautaglass LLC@gmail.com

Employee(s) Name(s): D.

Nature of Complaint: D. officer approached me and my employees asked for ID, I told him I did not have ID He said if you dont show me your ID youre going to jail I Asked for what He said

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, Matthew Garcia, 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.

Matthew Garcia
Complainant Signature

In Martin County, Florida; sworn or affirmed and subscribed before me by means of physical presence or online notarization, this 2 day of June, 2022, by Matthew Garcia who is personally known to me OR produced FL ID as identification.

Richard L. Shine
Notary Public or Officer Signature

Richard L. Shine
Print, Type, or Stamp Name of Notary Public or Officer

Nature of Complaint continued:

obstructing my investigation, I asked what investigation, he told me he did not have to tell me and that I had to give him my ID or I am going to jail I asked him if I was under arrest or detained he told me no I walked away to pay for my coffee and got thrown in cuffs Illegally detained, searched then sent to jail were the officers and sherrifies were trying to convince everyone I peed my pants and I have to go In the shower I let them know I have a screw in my wrist to leave the cuffs loose he said he did not care and made them tighter I took an X-Ray and He re cracked my wrist bone. I went TO WAWA they said I was never trespassse.

And no-one called or stopped him to Report anything as he seen Three Black guys and women Jumped out of the Car is the real

STUART POLICE DEPARTMENT, FL

FIELD CASE REPORT

CASE#
2022-00009218

EVENT	REPORTED DATE/TIME 5/5/2022 16:30	OCCURRED INCIDENT TYPE All Others	CASE STATUS Closed
	OCCURRED FROM DATE/TIME 05/05/2022 16:30	OCCURRED THRU DATE/TIME 05/05/2022 16:30	LOCATION OF OCCURRENCE WAWA 983 SE FEDERAL HWY STUART, FL

	STATE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
OFFENSES	01 843.02 RESISTING ARREST W/OUT VIOLENCE	1	Completed

SUBJECT	JACKET/SUBJECT TYPE Adult Suspect	NAME (LAST, FIRST, MIDDLE SUFFIX) GARCIA, MATTHEW J					
	DOB 05/14/1987	AGE or AGE RANGE 34	ADDRESS (STREET, CITY, STATE, ZIP) 4410 PARNELL DR Sarasota, FL 34232				
	RACE White	SEX Male	HEIGHT or RANGE 5'9"	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE C [REDACTED]	PRIMARY PHONE	PHONE #2	PHONE #3			

SUBJECT	JACKET/SUBJECT TYPE Adult Victim	NAME (LAST, FIRST, MIDDLE SUFFIX) STATE OF FLORIDA,					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP) 100 SE OCEAN BLVD 404 STUART, FL 34994				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE	PRIMARY PHONE (772)220-7000	PHONE #2	PHONE #3			

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 BRIGLIA, NICHOLAS	DATE 5/5/2022	FIELD TRAINING OFFICER	DATE	REVIEWED BY BUCHANAN, CHARLES	DATE 5/9/2022
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STUART POLICE DEPARTMENT, FL

FIELD CASE REPORT

CASE#

2022-00009218

On 05/05/2022 at approximately 1630hrs I was on foot at WaWa located at 983 SE Federal Hwy. While inside the business I was approached by two subjects who stated that there was a group of individuals out on the picnic tables walking up to people and soliciting to fix their windshields and were making people feel uncomfortable at the gas pumps. One of the individual stated that they were being aggressive towards him specifically and were walking around his vehicle even after he asked them to leave him alone.

I then went and approached the group of individuals and informed them that I was approached about them soliciting. A W/M later identified Matthew Garcia immediately became agitated that I was speaking with them and identified himself as the boss of the group of individuals and that they were not soliciting. I continued to speak with Garcia informing him that I was approached while inside the business by other customers and he began claiming that I had no right to speak with him. I informed him that I did and that there was no soliciting within the limits of the City of Stuart without a permit and that I had recieved complaints that him and the group were doing just that. Garcia continued to argue with me about what they were doing there and that they were not doing anything wrong. I again informed him that there was no soliciting within the City of Stuart limits without a permit and Garcia continued to be agitated that I was even speaking with him.

I then requested that Garcia provide me with his identification as I was now going to trespass him from the business as we have authorization from the business to do so. Garcia refused to provide me with any information besides "Matthew" and that he did not have an ID and would not provide me with anything further. I again requested his identification and Garcia began to walk away from me. I informed him that I was conducting an investigation and that he was obstructing this investigation and that he needed to provide me with ID. Garcia again stated he was not going to

REPORTING OFFICER	DATE	FIELD TRAINING OFFICER	DATE	REVIEWED BY	DATE
BRIGLIA, NICHOLAS	5/5/2022			BUCHANAN, CHARLES	5/09/2022

STUART POLICE DEPARTMENT, FL

FIELD CASE REPORT

**CASE#
2022-00009218**

(continuation)

and at this point I informed Garcia that he was under arrest as he was hindering my investigation of the solicitation as well as the now trespass investigation. Garcia initially began to pull away from me but then stopped and was able to be secured in handcuffs which were checked for tightness and double locked. As I was escorting Garcia to my patrol vehicle he began yelling that I was a racist and that he wasn't going to jail as I had no right to arrest him. Garcia continued to hurl racial slurs at me attempting to get me to be upset with him as the other subjects he was with were filming our interaction. At my patrol vehicle I then conducted a search of Garcia and located his FL ID Card in a purse that he was wearing. After Garcia was checked for any weapons he was then placed in the passenger compartment of my patrol vehicle and transported to the MC Jail for in-processing.

While enroute to the MC Jail the Def. continued with his behaviour calling me racist names and that he was going to find my daughters to "Fuck them because I was a racist and do not like black men or hispanics". I continued to allow the Garcia to speak all the way to the MC Jail where he continued on and was then turned over to the booking deputies at the MC Jail for in-processing without incident.

Garcia did in fact commit the crime of RAWOV as he refused to identify himself and hindered my soliciting investigation as well as the trespass investigation that I was conducting and the Def. was placed under arrest for the charge of RAWOV and issued a trespass warning for the location. The incident was recorded on my department issued body camera.

REPORTING OFFICER BRIGLIA, NICHOLAS	DATE 5/5/2022	FIELD TRAINING OFFICER	DATE	REVIEWED BY BUCHANAN, CHARLES	DATE 05/09/2022
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Call For Service Detail Report - CFS 11

Address	983 SE FEDERAL HWY			
Common Name				
Custom Layer		Census Tract		
Beat		Quadrant		District
Caller Name		Caller Phone		Call Taker tchampion
Create Date	5/5/2022 4:30:08 PM	Clear Date	5/5/2022 5:52:27 PM	Nature Of Call

Agencies

Call Type	Status	Priority	Dispatcher	Created Date
SOL - Solicitors	Just Occurred	Low	tchampion	5/5/2022 4:30:08 PM

Call Narrative

*** 5/5/2022 ***

Time	Description	User	Unit #	Machine
5:52:16 PM	male was also trespassed from the bsn	Champion,Tammy		55172-PD
5:03:38 PM	MALE IS BEING CHARGED W/RESIST W/O	Champion,Tammy		55172-PD
4:39:28 PM	OFC WAS FLAGGED DOWN	Champion,Tammy		55172-PD
4:31:27 PM	1015	Champion,Tammy		55172-PD

EMD Narrative

Time	Description	User
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Call Persons

Name	Date of Birth	Contact Phone	Machine
GARCIA,MATTHEW	5/14/1987		55171-PD

Call Vehicles

Vehicle Type	Make	Model	Role	Year	License State	License Number
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Call Dispositions

Name	Count
01 - Case Report	1

Unit Dispositions

Name	Count	Unit Number	Disposition Date
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Call Log

*** 5/5/2022 ***

Time	Action	Description	Name	Machine
5:52:27 PM	Call Cleared	Close Call	Tammy Champion	55172-PD
5:52:27 PM	Unit Status Action	Unit 119 10-8 / 10-98	Tammy Champion	55172-PD
5:52:26 PM	Disposition Changed	Added: 01 - Case Report Count 1	Tammy Champion	55172-PD
5:52:16 PM	Narrative Added	male was also trespassed from the bsn	Tammy Champion	55172-PD
5:04:47 PM	Location	Call Location Changed from 983 NW FEDERAL HWY to 983 SE FEDERAL HWY	Tammy Champion	55172-PD
5:04:36 PM	Location	Call Location Changed from 983 NW FEDERAL HWY, STUART to 983 NW FEDERAL HWY	Tammy Champion	55172-PD
5:03:38 PM	Narrative Added	MALE IS BEING CHARGED W/RESIST W/O	Tammy Champion	55172-PD
5:03:34 PM	Incident Type	Incident Type changed from Police Service Call to Solicitors for FL0430100 Incident Number 2022-00009218	CAD System	55171-PD
5:03:34 PM	Call Type	Police Call Type Changed From 68 - Police Service Call To Call Type: SOL - Solicitors, Status: Just Occurred, Priority: Low	Diane Kirkland	55171-PD
5:02:41 PM	Incident Type	Incident Type changed from Information to Police Service Call for FL0430100 Incident Number 2022-00009218	CAD System	55172-PD
5:02:41 PM	Call Type	Police Call Type Changed From 14 - Information To Call Type: 68 - Police Service Call, Status: In Progress, Priority: Low	Tammy Champion	55172-PD
4:47:18 PM	Unit Location	Unit 119 Secondary Location Updated: 97 MCJ	Tammy Champion	55172-PD
4:41:13 PM	Person Updated	Person GARCIA, MATTHEW Updated: Role Changed from Other to Arrestee;	Diane Kirkland	55171-PD
4:41:04 PM	Person Updated	Person GARCIA, MATTHEW Updated: SSN Removed - 139828336;	Diane Kirkland	55171-PD
4:39:28 PM	Narrative Added	OFC WAS FLAGGED DOWN	Tammy Champion	55172-PD
4:38:16 PM	Person Added	Person Added: Last Name - GARCIA; First Name - MATTHEW; Middle Name - J; Role - Other; DOB - 1987-05-14; Sex - Male; Race - White; Driver License - [REDACTED] DL State - FL; [REDACTED] Height - 5'9";	Diane Kirkland	55171-PD
4:36:23 PM	Unit Status Action	Unit 143 10-8 / 10-98	Tammy Champion	55172-PD
4:36:13 PM	Unit Status Action	Unit S2 10-8 / 10-98	Tammy Champion	55172-PD
4:36:13 PM	Unit Status Action	Unit D13 10-8 / 10-98	Tammy Champion	55172-PD
4:36:01 PM	Unit Status Action	Unit D13 10-97	Tammy Champion	55172-PD
4:35:56 PM	Unit Location	Unit 119 Secondary Location: MCJ	Tammy Champion	55172-PD
4:35:56 PM	Unit Status Action	Unit 119 Enroute 2nd	Tammy Champion	55172-PD
4:34:16 PM	Unit Status Action	Unit S2 10-97	Tammy Champion	55172-PD
4:34:11 PM	Unit Location	Unit S2 Secondary Location: Secondary Location Cleared	Tammy Champion	55172-PD
4:34:11 PM	Unit Status Action	Unit S2 10-51	Tammy Champion	55172-PD
4:34:03 PM	Unit Status Action	Unit S2 10-8 / 10-98	Tammy Champion	55172-PD
4:33:56 PM	Unit Location	Unit D13 Secondary Location: Secondary Location Cleared	Tammy Champion	55172-PD
4:33:56 PM	Unit Status Action	Unit D13 10-51	Tammy Champion	55172-PD
4:33:43 PM	Unit Status Action	Unit 143 10-97	Tammy Champion	55172-PD
4:33:20 PM	Unit Location	Unit 143 Secondary Location: Secondary Location Cleared	Tammy Champion	55172-PD
4:33:20 PM	Unit Status Action	Unit 143 10-51	Tammy Champion	55172-PD
4:32:43 PM	Location	Cross streets updated, NW NORTH RIVER SHORES BLVD / NW FORK RD, NW WRIGHT BLVD	Tammy Champion	55172-PD
4:32:43 PM	Alerts Retrieval	Alerts Were Successfully Gathered For Location	CAD System	NWPS-CAD-PRD

4:32:43 PM	Location	At Address 983 NW FEDERAL HWY Call Location Changed from 938 SE FEDERAL HWY, STUART to 983 NW FEDERAL HWY, STUART	Tammy Champion	55172-PD
4:32:09 PM	Unit Status Action	Unit 143 10-8 / 10-98	Tammy Champion	55172-PD
4:32:01 PM	Unit Location	Unit S2 Secondary Location: Secondary Location Cleared	Tammy Champion	55172-PD
4:32:01 PM	Unit Status Action	Unit S2 10-51	Tammy Champion	55172-PD
4:31:38 PM	Unit Location	Unit 143 Secondary Location: Secondary Location Cleared	Tammy Champion	55172-PD
4:31:38 PM	Unit Status Action	Unit 143 10-51	Tammy Champion	55172-PD
4:31:27 PM	Narrative Added	1015	Tammy Champion	55172-PD
4:30:09 PM	Location	Cross streets updated, SE JOHNSON AVE / SE HUDSON CT	Tammy Champion	55172-PD
4:30:08 PM	Alerts Retrieval	Alerts Were Successfully Gathered For Location At Address 938 SE FEDERAL HWY	CAD System	NWPS-CAD-PRD
4:30:08 PM	Unit Location	Unit 119 Secondary Location: Secondary Location Cleared	Tammy Champion	55172-PD
4:30:08 PM	Unit Status Action	Unit 119 10-97	Tammy Champion	55172-PD
4:30:08 PM	Call Ready for Dispatch	Call marked ready for dispatch	Tammy Champion	55172-PD
4:30:08 PM	Incident Created	Added Incident Number, ORI: FL0430100, Number: 2022-00009218	Tammy Champion	
4:30:08 PM	Call Created	New call created. Call Type: 14 - Information, Location: 938 SE FEDERAL HWY	Tammy Champion	55172-PD
4:30:08 PM	Call Assigned	Added Police Dispatch Position SPD 1	Tammy Champion	55172-PD
4:30:08 PM	Agency Context Added	Police Call Type Added. Call Type: 14 - Information, Status: In Progress, Priority: Low	Tammy Champion	55172-PD

Unit Log

*** 5/5/2022 ***

Time	Action	Description	Unit	Status	Name	Machine
5:52:27 PM	Unit Status Change	10-8 / 10-98	119	10-8 / 10-98	Tammy Champion	55172-PD
5:52:27 PM	Unit Cleared	Unit Cleared From Call	119	10-8 / 10-98	Tammy Champion	55172-PD
4:47:18 PM	Unit Location	97 MCJ	119	Enroute 2nd	Tammy Champion	55172-PD
4:37:11 PM	NCIC Request	Request #135381 - Attention: 119 119 FirstName1: MATTHEW MiddleName1: J LastName1: GARCIA DateOfBirth1: 19870514; Sex1: M;	119	Enroute 2nd	Diane Kirkland	55171-PD
4:37:11 PM	NCIC Request	Request #135380 - Attention: 119 119 FirstName1: MATTHEW MiddleName1: J LastName1: GARCIA DateOfBirth1: 19870514; Sex1: M;	119	Enroute 2nd	Diane Kirkland	55171-PD
4:37:11 PM	NCIC Request	Request #135379 - Attention: 119 119 FirstName1: MATTHEW	119	Enroute 2nd	Diane Kirkland	55171-PD

MiddleName1: J ;
 LastName1:
 GARCIA ;
 DateOfBirth1: 19870514; Sex1:
 M;

4:36:23 PM	Unit Status Change	10-8 / 10-98	143	10-8 / 10-98	Tammy Champion	55172-PD
4:36:23 PM	Unit Cleared	Unit Cleared From Call	143	10-8 / 10-98	Tammy Champion	55172-PD
4:36:13 PM	Unit Status Change	10-8 / 10-98	S2	10-8 / 10-98	Tammy Champion	55172-PD
4:36:13 PM	Unit Cleared	Unit Cleared From Call	S2	10-8 / 10-98	Tammy Champion	55172-PD
4:36:13 PM	Unit Status Change	10-8 / 10-98	D13	10-8 / 10-98	Tammy Champion	55172-PD
4:36:13 PM	Unit Cleared	Unit Cleared From Call	D13	10-8 / 10-98	Tammy Champion	55172-PD
4:36:01 PM	Unit Status Change	10-97	D13	10-97	Tammy Champion	55172-PD
4:35:56 PM	Unit Location	MCJ	119	Enroute 2nd	Tammy Champion	55172-PD
4:35:56 PM	Unit Status Change	Enroute 2nd	119	Enroute 2nd	Tammy Champion	55172-PD
4:34:16 PM	Unit Status Change	10-97	S2	10-97	Tammy Champion	55172-PD
4:34:16 PM	Unit Location	983 NW FEDERAL HWY, STUART	S2	10-97	Tammy Champion	55172-PD
4:34:11 PM	Unit Location	Secondary Location Cleared	S2	10-51	Tammy Champion	55172-PD
4:34:11 PM	Unit Status Change	10-51 Call Number: 11, Assigned Location: 983 NW FEDERAL HWY, STUART, Call Type: 14 - Information	S2	10-51	Tammy Champion	55172-PD
4:34:03 PM	Unit Status Change	10-8 / 10-98	S2	10-8 / 10-98	Tammy Champion	55172-PD
4:34:03 PM	Unit Cleared	Unit Cleared From Call	S2	10-8 / 10-98	Tammy Champion	55172-PD
4:33:56 PM	Unit Location	Secondary Location Cleared	D13	10-51	Tammy Champion	55172-PD
4:33:56 PM	Unit Status Change	10-51 Call Number: 11, Assigned Location: 983 NW FEDERAL HWY, STUART, Call Type: 14 - Information	D13	10-51	Tammy Champion	55172-PD
4:33:43 PM	Unit Status Change	10-97	143	10-97	Tammy Champion	55172-PD
4:33:20 PM	Unit Location	Secondary Location Cleared	143	10-51	Tammy Champion	55172-PD
4:33:20 PM	Unit Status Change	10-51 Call Number: 11, Assigned Location: 983 NW FEDERAL HWY, STUART, Call Type: 14 - Information	143	10-51	Tammy Champion	55172-PD
4:32:09 PM	Unit Status Change	10-8 / 10-98	143	10-8 / 10-98	Tammy Champion	55172-PD
4:32:09 PM	Unit Cleared	Unit Cleared From Call	143	10-8 / 10-98	Tammy Champion	55172-PD
4:32:01 PM	Unit Location	Secondary Location Cleared	S2	10-51	Tammy Champion	55172-PD
4:32:01 PM	Unit Status Change	10-51 Call Number: 11, Assigned Location: 938 SE FEDERAL HWY, STUART, Call Type: 14 - Information	S2	10-51	Tammy Champion	55172-PD
4:31:38 PM	Unit Location	Secondary Location Cleared	143	10-51	Tammy Champion	55172-PD
4:31:38 PM	Unit Status Change	10-51 Call Number: 11, Assigned Location: 938 SE FEDERAL HWY, STUART, Call Type: 14 - Information	143	10-51	Tammy Champion	55172-PD
4:30:08 PM	Unit Location	Secondary Location Cleared	119	10-97	Tammy Champion	55172-PD
4:30:08 PM	Unit Status Change	10-97	119	10-97	Tammy Champion	55172-PD
4:30:08 PM	Unit Status Change	Dispatched Call Number: 11, Assigned Location: 938 SE FEDERAL HWY, STUART, Call Type: 14 - Information	119	10-97	Tammy Champion	55172-PD

Incidents

Incident Number

2022-00009218

Jurisdiction

FL0430100: Stuart Police Department

Type

Solicitors

Units

Unit	Radio Number	Personnel	Jurisdiction
119 (Primary)	119	119 BRIGLIA	FL0430100: Stuart Police Department
143	143	143 LEEDHAM, 143 LEEDHAM	FL0430100: Stuart Police Department
D13	D13	145 HEITFELD	FL0430100: Stuart Police Department
S2	S2	081 BUCHANAN, 081 BUCHANAN	FL0430100: Stuart Police Department



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

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STUART POLICE DEPARTMENT INVESTIGATIVE REPORT

Report Number # 2022-CC-1

To: Chief of Police From: Sgt. Buchanan Complainant: Matthew Garcia
Inquiry Date: 05/05/2022 Employee: Nick Briglia Date/Time of Violation: 05/05/2022 @ 1630

Rules and Regulation Violation(s):

Policy #2 I(F) Rules for all Members

This inquiry has been investigated by: Sgt. Buchanan

FINDINGS Violation #1: UNFOUNDED Violation #2 Choose One Violation #3 Choose One

Attach investigative report(s)

AFFIRMATION OF INVESTIGATIVE INTEGRITY:

I, the undersigned, do hereby swear under penalty of perjury that to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived or allowed another to deprive the subject(s) of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes.

Sgt. C. Buchanan
Investigator

I have reviewed the investigation on the involved employee and recommend the following action:

Agree <input checked="" type="checkbox"/>	Disagree <input type="checkbox"/>	Violation <u>n/a</u>	Discipline <u>n/a</u>	Amount <u>n/a</u>
Agree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Violation _____	Discipline _____	Amount _____
Agree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Violation _____	Discipline _____	Amount _____

Sergeant/Shift Supervisor: [Signature] ID Number 111 Date: 6-27-2022

Agree <input checked="" type="checkbox"/>	Disagree <input type="checkbox"/>	Violation <u>n/a</u>	Discipline <u>n/a</u>	Amount <u>n/a</u>
Agree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Violation _____	Discipline _____	Amount _____
Agree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Violation _____	Discipline _____	Amount _____

Division Commander: [Signature] ID Number 082 Date: 7/20/22

Agree <input checked="" type="checkbox"/>	Disagree <input type="checkbox"/>	Violation <u>NONE</u>	Discipline <u>NONE</u>	Amount <u>NONE</u>
Agree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Violation _____	Discipline _____	Amount _____
Agree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Violation _____	Discipline _____	Amount _____

Chief of Police: [Signature] ID Number 093 Date: 7/22/22

I have read the above allegations, findings and recommendations and accept this action.

I wish to have a hearing with the Chief of Police To appeal disciplinary action To appeal finding

Employee Signature: [Signature] ID Number 119 Date: 07/22/2022

Pre-determination hearing held on: _____

FINAL RESOLUTION

Violation: NONE Discipline: NONE Amount: _____

Violation: _____ Discipline: _____ Amount: _____

Violation: _____ Discipline: _____ Amount: _____

[If applicable indicate suspension hours. If an assessment or reimbursement indicate percents and monies for payment]

If applicable, the date Notice of Disciplinary Action was served: N/A

Calendar date(s) of suspension: N/A

Chief of Police [Signature] Date 8/3/22

You may appeal the action, in writing, within five (5) working days after service, to the City Manager, as per City Personnel Manual.

STUART POLICE DEPARTMENT, FL

ARREST INFORMATION SHEET

CASE#
2022-00009218

DETAILS	ARREST DATE/TIME	16:31	ARREST TYPE	Taken into Custody	ARRESTING OFFICER	119 BRIGLIA
	LOCATION OF ARREST 983 NW FEDERAL HWY STUART, FL					

ARRESTEE

ARRESTEE	NAME (JACKET TYPE/LAST, FIRST, MIDDLE SUFFIX) Adult GARCIA, MATTHEW J					
	DOB	AGE	ADDRESS (STREET, CITY, STATE, ZIP)			
	5/14/1987	34	4410 PARNELL DR sarasota, FL 34232			
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE
White	Male	5'9"				
DL NUMBER/STATE	PRIMARY PHONE		PHONE #2		PHONE #3	

CHARGES

	STATUTE / DESCRIPTION	COUNTS	ATTEMPT/COMMIT
CHARGES	01 843.02 RESISTING ARREST W/OUT VIOLENCE	1	Completed

PROBABLE CAUSE

Bond-\$750.00
 Charge-RAWOV F.S.S. 843.02
 Court Date-06/02/2022
 Victim-State of Florida

REPORTING OFFICER 119 BRIGLIA	DATE 5/5/2022	REVIEWED BY BUCHANAN, CHARLES	05/05/2022
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STUART POLICE DEPARTMENT, FL

ARREST INFORMATION SHEET

CASE#
2022-00009218

PROBABLE CAUSE (continuation)

To the Courts: On 05/05/2022 at approximately 1630hrs I(Ofc. Briglia) was on foot at WaWa located at 983 SE Federal Hwy. While inside the business I was approached by two subjects who stated that there was a group of individuals out on the picnic tables walking up to people and soliciting to fix their windshields and were making people feel uncomfortable at the gas pumps.

I then went and approached the group of individuals and informed them that I was approached about them soliciting. A W/M later identified as the Def. immediately became agitated that I was speaking with them and identified himself as the boss. I continued to speak with the Def. and he began claiming that I had no right to speak with him. I informed him that I did and that there was no soliciting within the limits of the City of Stuart without a permit and that I had recieved complaints that him and the group were doing just that. The Def. continued to argue with me about what they were doing there. I requested that the Def. provide me with his identification as I was now going to trespass him from the business as we have authorization from the business to do so. The Def. refused to provide me with any information besides "Matthew" and that he did not have an ID. I again requested his identification and the Def. began to walk away from me. At this point I informed the Def. that he was under arrest as he was hindering my investigation of the solicitation as well as the now trespass investigation. The Def. initially began to pull away from me but then stopped and was able to be secured in handcuffs which were checked for tightness and double locked. As I was escorting the Def. to my patrol vehicle he began yelling that I was a racist and that he wasn't going to jail. I then conducted a search of the Def. and located his FL ID Card in a purse that he was wearing. The Def. was then placed in the passenger compartment of my patrol vehicle and transported to the MC Jail for in-processing.

REPORTING OFFICER
119 BRIGLIA

DATE
5/5/2022

REVIEWED BY
BUCHANAN, CHARLES

05/05/2022

STUART POLICE DEPARTMENT, FL

ARREST INFORMATION SHEET

CASE#
2022-00009218

PROBABLE CAUSE (continuation)

While enroute to the MC Jail the Def. continued with his behaviour calling me racist names and that he was going to find my daughters to "Fuck them because I was a racist and do not like black men or hispanics". I continued to allow the Def. to speak all the way to the MC Jail where he continued on. The Def. was then turned over to the booking deputies at the MC Jail for in-processing without incident.

The Def. did in fact commit the crime of RAWOV as he refused to identify himself and hindered my soliciting investigation as well as the trespass investigation that I was conducting and the Def. was placed under arrest for the charge of RAWOV and issued a trespass warning for the location. The incident was recorded on my department issued body camera.

REPORTING OFFICER

119 BRIGLIA

DATE

5/5/2022

REVIEWED BY

BUCHANAN, CHARLES

05/05/2022


STUART POLICE DEPARTMENT
TRESPASS WARNING AUTHORIZATION

TO WHOM IT MAY CONCERN:

STUART POLICE OFFICERS ARE AUTHORIZED REPRESENTATIVES FOR THE SOLE PURPOSE OF ENFORCING STATE STATUTE 810.09, TRESPASS, AND TO WARN AND DIRECT PERSONS TO LEAVE Wawa PROPERTY, AND/OR BUSINESS, LOCATED AT 983 SE Federal Hwy, Stuart, Fl. STUART, FLORIDA. 34994

THIS LIMITED AUTHORITY IS GRANTED TO THE POLICE DEPARTMENT BY Darryl McGrath, WHO IS THE General Manager (GMT) OF SAID BUSINESS, AND/OR PROPERTY, AND WHO HEREIN REQUESTS THE OFFICERS TO ENFORCE SAID STATUTE ON SAID PROPERTY INCLUDING THE PARKING LOTS. THIS LIMITED AUTHORITY DOES NOT OBLIGATE THE STUART POLICE DEPARTMENT TO PATROL THE DESCRIBED PREMISES FOR OR AT ANY SPECIFIC HOURS OR DAYS.

IT IS ALSO ACKNOWLEDGED THAT I WILL AID IN THE PROSECUTION OF THOSE PERSONS ARRESTED.


SIGNATURE
983 SE Federal Hwy Stuart, Fl. 34994
ADDRESS
(772) 646-0826
PHONE NUMBER

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 14th DAY OF July, 2019


NOTARY PUBLIC AT LARGE, STATE OF FLORIDA

MY COMMISSION EXPIRES: _____

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

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To: Chief Tumminelli via Chain

From: LT. R. Shine

Date: July 13th, 2022

Subject: Briglia CC

Synopsis:

I met with the complainant in the lobby of the police department and received the complaint form that was filled out about the incident. During the time the form was being completed. Mr. Garcia referred to having a video the incident on his phone. I asked him to provide me the video he was referring too. Mr. Garcia never produced any such video from his cell phone. I assigned the complaint to Officer Briglia immediate supervisor for follow-up.

Sgt Buchanan did a through job following-up on the complaint. On today's date I received a phone call through dispatch form an individual that refused to give them much information, but he was requesting a follow-up on a complaint against an Officer and asking for Internal Affairs. I had dispatch put the call through to my cell phone, as I was in my patrol; vehicle driving around the city.

I answered the phone and found myself speaking with Mr. Garcia again. Mr. Garcia was asking why he had not heard back from anyone about his complaint that was filed. I tried to inform Mr. Garcia that Sgt Buchanan had tried to call him several times to follow-up with him about the case. Mr. Garcia called me a liar and stated that he wanted to speak with my supervisor I told him my supervisors name and also my name and badge number again. Mr. Garcia ask what number he should call, and I told him the same number he just called to reach myself. Mr. Garcia proceeded to inform me that I was acting like a house Nigger and ended the conversation.

Conclusion:

During my initial investigation, I was able to view the body cam footage and I did not see any wrongdoings from Ofc. Briglia in his course of interaction with Mr. Garcia with regards to his initial investigation and the arrest. Mr. Garcia did not complain of any past injury to his wrist only that the handcuffs were too tight. The video showed the placement of the handcuffs, and they appear to be on properly. Ofc. Briglia was investigating a complaint in reference to an ordinance violation that someone from Mr. Garcias' group might or might not have committed. Ofc. Briglia was trying to determine if the complaints were valid. It was Mr. Garcia who escalated the situation by questioning Ofc. Briglia on his investigations. When Ofc. Briglia tried to explain what he was doing, it appeared Mr. Garcia was not listening and was too busy arguing, which led to his arrest for obstruction.

Findings:

I have reviewed the summary and I agree with the finding, that no further action needs to be taken. I found the complainant to be aggressive and non-cooperative during the complaint process. He was not forth coming with any witnesses or video that he claimed to have of the incident. He also became racially aggressive with me during the complaint process.

Lieutenant Shine

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

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To: Chief Tumminelli via Chain

From: Sgt. Charles Buchanan

Date: June 23, 2022

Subject: Briglia CC

Synopsis:

On 5/5//2022 Ofc. Briglia arrived at Wawa located at 953 SE Federal Highway in reference to acquire a drink. While there he was informed by customers that a group of individuals that were currently sitting at the tables outside had been soliciting them in the parking lot. One of these customers advised Ofc. Briglia that these individuals were walking around his vehicle looking at it and became aggressive towards him when he told them he was not interested in what they were trying to sell him. These complaints came from citizens and not from the business itself. The individuals that approached Ofc. Briglia were not identified and did not give him any personal information.

Ofc. Briglia contacted the individuals and apparently the first one he talked to claimed to be the boss of the group, Matthew Garcia. Based on the body cam video Ofc. Briglia. Mr. Garcia became instantly defensive towards Ofc. Briglia when he was questioned regarding the solicitation that was reported to him. Ofc. Briglia continued to advise Mr. Garcia that he and his group of employees needed a permit to solicit within the city limits. After a couple of minutes past Ofc. Briglia asked Mr. Garcia if he had any identification on him so he could add it to the report he was going to do based on the citizen complaint he received. Mr. Garcia advised Ofc. Briglia that he did not have his identification on him. When Ofc. Briglia asked Mr. Garcia his name all he would provide was his first name of Matt. Up to this point Ofc. Briglia remained calm and was not disrespectful towards Mr. Garcia or the other people that might have been involved. When Mr. Garcia refused to give Ofc. Briglia his information in full is when Ofc. Briglia advised Mr. Garcia that his investigation had evolved into a trespass investigation, as we do have trespass authorization from Wawa. Mr. Garcia was told he needed to provide his information now or he would go to jail for obstruction of his trespass investigation. Mr. Garcia still refused to provide his full name and wanted to continue to argue with Ofc. Briglia. Mr. Garcia began to walk away from Ofc. Briglia. At that point Ofc. Briglia placed Mr. Garcia under arrest. Mr. Garcia did not put up a struggle and did not complain of any bad wrists or any past injuries that would cause discomfort while being arrested. Mr. Garcia during his ride to jail and at the jail continued to throw insults and profanity towards Ofc. Briglia up to threatening his family members with sexual content. Mr. Garcia did ask for a supervisor when he got to the jail. Ofc. Briglia assumed since Sgt. Buchanan was on scene of the arrest that it sufficed as already having a supervisor on scene. Mr. Garcia did not ask for a supervisor on scene. He asked for one while enroute to the jail and when they arrived. Ofc. Briglia did not call for an on-duty supervisor to respond.

On 6/21/2022 I attempted to contact Mr. Garcia but I received no answer at the number he left, and his voicemail was not set up to take messages.

Conclusion:

During my investigation, based on the body cam footage I did not see any wrongdoings from Ofc. Briglia in his course of interaction with Mr. Garcia with regards to his initial investigation and the arrest. Mr. Garcia did not complain of any past injury to his wrist only that the handcuffs were too tight. The video showed the placement of the handcuffs, and they appear to be on properly. Ofc. Briglia was investigating a complaint in reference to an ordinance violation that someone from Mr. Garcias' group might or might not have committed. Ofc. Briglia was trying to determine if the complaints were valid. It was Mr. Garcia who escalated the situation by questioning Ofc. Briglia on his investigations. When Ofc. Briglia tried to explain what he was doing but it appeared Mr. Garcia was not listening and was too busy arguing, which led to his arrest for obstruction.

Findings:

I found the complaint by Mr. Garcia as Unfounded and recommend no further investigation or formal disciplinary actions towards Ofc. Briglia in reference to the citizen complaint. I do, however, recommend verbal counseling in reference to finding alternative means of communication to avoid situations like this one in the future. Also, having the on-duty supervisor respond when requested by anyone at any time.

I have reviewed the summary and I agree with the finding, that no further action needs to be taken. I found the complainant to be aggressive and non-cooperative during the complaint process. He was not forth coming with any witnesses or video that he claimed to have of the incident.

Lieutenant Shine



STUART POLICE DEPARTMENT

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TO: File
FROM: Chief Joseph Tumminelli
DATE: August 16, 2022
SUBJECT: SR 2022-1 CC

In reference to the citizen's complaint completed by Matthew Garcia, I have reviewed the investigation and the videos associated with this case.

While I find no policy violations, I do find that Officer Briglia did inform Garcia that he was conducting a trespass investigation, after he received numerous complaints about solicitation on the property of Wawa for which the City of Stuart Police Department does has trespass authorization. It is common practice for officers to initiate trespass investigations, especially when City of Stuart businesses have authorized Stuart Police officers to do so. The Police Department comes across many individuals who decide it's necessary to give the police a hard time.

I could say for a fact that Officer Briglia probably would have just given all these individuals trespass warnings, and they would have gone on their way without any incident or arrest. Although Officer Briglia had a name given to him by this individual, it is common to ask for an ID card or driver's license. When the person who identified himself as Mathew Garcia walked away from Officer Briglia after Officer Briglia told him he was investigating a trespassing complaint, Garcia's actions, though minute, did obstruct the investigation. As Sergeant Buchanan stated in his memo, I do believe that Officer Briglia could have waited a little longer to arrest for obstruction, which is my opinion also, however, he still had legal authority to do so at the point he did. (ARREST VIDEO 0:49, 5:20 and 21:30). Sergeant Buchanan was on scene, but Garcia asked for a supervisor when he was being driven to the jail.

In addition to this complaint, Lieutenant Shine received a phone call from Garcia and explained the process of the citizen complaint to him. Lieutenant Shine explained that the complaint was being investigated, and the investigation would be going before an independent review board. During this phone call, Garcia felt it was necessary to make racial comments to Lieutenant Shine, as noted in Lieutenant Shine's memo.

It should be noted that I kicked this investigation back for further review to see if we could identify the individuals at Wawa who complained about the initial alleged solicitation, but to no avail.

Therefore, I agree with Sergeant Buchanan's findings in regard to his counselling session with Officer Briglia on having a little patience before committing to an arrest. I also agree with the findings of the Lieutenants in this case.

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



MEMORANDUM

TO: STUART INDEPENDENT REVIEW BOARD
FROM: DAVID DYESS, CITY MANAGER
SUBJECT: COMPLAINT OF MATTHEW GARCIA ABOUT OFFICER GARCIA
DATE: 10/21/2022

Dear Members of the Board:

Attached to this memorandum is the complaint initiated by Matthew Garcia along with the investigative information as a result of the complaint.

Mr. Garcia filed a complaint stating that Officer Briglia made false statements and wrongfully arrested him. Mr. Garcia also believes that a previous injury to his wrist was reinjured during the arrest due to the handcuffs.

Unfortunately, by the time the audio comes on the body camera we miss the statements being made by Mr. Garcia. The defining moment of this situation was when Mr. Garcia decided to walk away. In his written complaint he states that he was walking away to pay for his coffee, but on the video, he talks about being in line inside the store. It would also be retail theft if he had left the store without paying for the coffee. Mr. Garcia also states in his complaint that Ofc. Briglia saw three black guys and a woman then jumped out of his car, rather than getting a complaint inside the store. However, on the video he states Ofc. Briglia was inside the store with him before this ever happened. Mr. Garcia does not complain about the handcuffs until he is at the jail, which is where they would be getting removed anyway.

I'm not sure why Mr. Garcia became so defense when Ofc. Briglia began asking them about soliciting store patrons. The entire thing could have been avoided if he would have cooperated and said they would leave. Some de-escalation techniques to calm the conversation could have been attempted.

I have reviewed the file and agree with Chief Tumminelli's findings.

Respectfully submitted,

DAVID DYESS

cc: Matthew Garcia 4410 Parnell Dr. Sarasota Fl 34232
Ofc. Briglia

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

Meeting Date: 11/14/2022

Prepared by: Michelle Vicat

Title of Item:

REVIEW OF CITIZEN COMPLAINT BY KEONIA COATS AGAINST OFFICER SPUGNARDI

Summary Explanation/Background Information on Agenda Request:

Please see the attached documentation for complete details.

Funding Source:

N/A

Recommended Action:

Motion to approve or disapprove recommendation of the City Manager

ATTACHMENTS:

1. Spugnardi

Stuart Police Department External Inquiry Report

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
09/18/2022	09/17/2022	18:05
Record ID Number	Case Report	Event No
227	2022-00018850	2022-00024
Date/Time Entered	Entered By	
09/18/2022 22:38	Officer Tyler Bovee - 152	
Stuart Police Blue Team Assigned Investigator	IAPro Assigned Investigator	
Sergeant Brian Bossio - 142	Un-assigned	

Incident Summary

I received a call from dispatch who told me that a female, Keonia Coats was in the police department lobby and wished to file a report against another female and an officer. I met with Coats in the lobby of the police department and she explained to me that she was arrested for battery against another female, Shakira Davis-Gordon earlier in the day from a disturbance call in front of 810 SE Spruce Ave. Coats told me her side of the events that occurred at the original call for service and explained that she did not understand why she was arrested. Coats was provided a witness statement form so she could explain the events that occurred in writing. Coats told me that she wanted to file a formal complaint against Officer Spugnardi because she claimed that Officer Spugnardi lied in his arrest affidavit by making untruthful statements of events that did not occur. I attempted to explain to Coats that even though she was originally released from the scene, Officer Spugnardi and I were shown video footage from the altercation which showed Coats throw rocks and dirt at Davis-Gordon. This video footage gave Officer Spugnardi probable cause to arrest Coats for battery. Coats still wished to file a formal complaint against Officer Spugnardi and was provided a citizen complaint form (see attached).

Within the citizen complaint form, Coats did not explain nor mention that Officer Spugnardi lied in his arrest affidavit. Coats claimed that even though she wished to pursue charges against Davis-Gordon, Officer Spugnardi told her that "the situation is being dropped and that I could leave the scene." This portion of the complaint is not correct and Officer Spugnardi explained to Coats that he was not going to make an arrest on the incident and that it was his discretion of whether to make an arrest or not.

Within the complaint form, Coats explains that she returned home and was arrested by Officer Spugnardi.

Coats then wrote that, "In the cop car the officer stated that the only reason I'm being arrested is because S. Davis filed a report on him and showed footage of me throwing dirt." I reviewed Officer Spugnardi's body camera video from this portion of the complaint and found that Officer Spugnardi did not state this and explained to Coats how the video was introduced to the incident. At no point did he tell Coats that she was arrested because S. Davis filed a complaint against him. The statement that the video footage showed Coats throwing dirt at S. Davis is accurate information and Coats admitted that she did this. Officer Spugnardi provided S. Davis with an Axon Capture link for the cell phone video. This video has not been uploaded yet, however, I will go to S. Davis' residence to ensure that it is uploaded properly.

Coats wrote that the statement Officer Spugnardi put in his arrest affidavit that the dirt found on Davis' elbow and back did not add up to her statement nor the video footage. I reviewed the video footage and the content of Officer Spugnardi's arrest affidavit reflected the video footage from the scene.

Coats also wrote that Officer Spugnardi failed to take photos of Coats' injuries that she sustained during the incident. Officer Spugnardi questioned her about the injuries while in his patrol car at the Martin County Jail, outside of the sally port. Officer Spugnardi asks Coats if she had any marks from the altercation and she told him, "no". Upon entering the sally port, Officer Spugnardi examines Coats' right shoulder, however, no marks are visible. Officer Spugnardi deactivates his camera after this in accordance with Captain Ortado's directive of not recording via body camera within the Martin County Jail property. While speaking with Coats at the police department, Coats explained to me that she had a "welt" on her right calf and scratches on her inner thigh. I had Coats show me where the welt was and did not see any injury, discoloration, or any form of abrasion to this area. Coats showed me her the inside of her left knee and I observed a fresh approximate half inch long portion of broken/agitated skin. I documented this with my body camera.

Coats' final complaint within the form was that she was persuaded to not press charges after Officer Spugnardi told her the situation was over. At no point did Officer Spugnardi persuade her to not press charges for the incident and during the initial incident, he explained that he was not going to make an arrest.

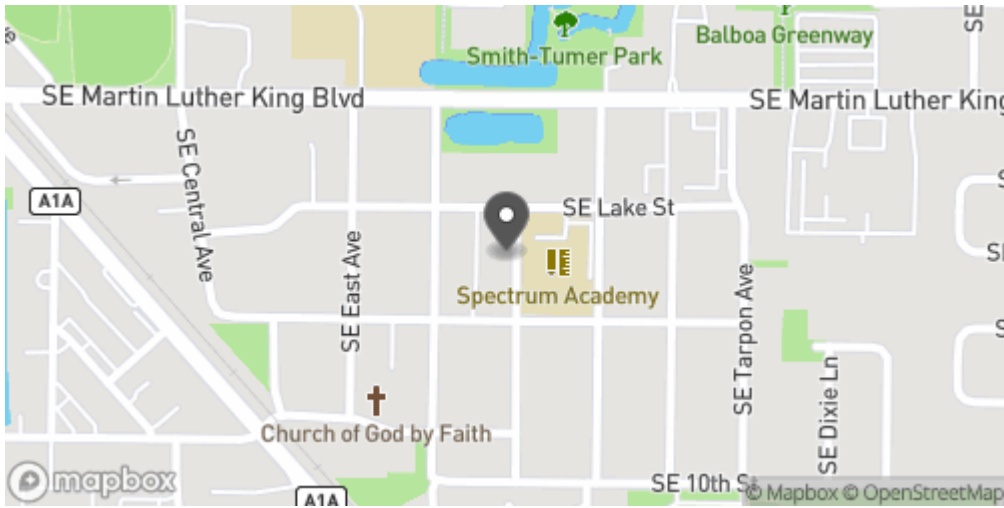
Based on my findings, I believe this complaint is frivolous on it's face and the complaints Coats made against Officer Spugnardi within the citizen complaint form are inaccurate after reviewing the body camera footage from Officer Spugnardi during the initial incident, the contact with S. Davis at the police department, and the arrest/transport of Coats for the battery that occurred. I spoke to Officer Spugnardi about the incident and we talked about different ways to explain legal processes and procedures to citizens on scenes similar to this.

I do not recommend any discipline for this incident. The citizen complaint form and copy of Officer Spugnardi's arrest affidavit were attached to this incident. A hard copy of both forms were placed in Acting Lieutenant Bossio's box for review.

Incident Location

Addresses

Latitude, Longitude = [27.19235, -80.24359]
810 East Spruce Avenue, Stuart, FL, 34994



- Location of Occurrence: Roadway

Reporting/Involved Citizen

Keonia Shaquina Coats

Date of Birth: 11/07/1992 **Race:** Black **Ethnicity:** Non-Hispanic **Gender:** Female

Addresses

901 Southeast Bahama Avenue, Stuart, FL, 34994

Phone Numbers

(772) 444-5605

(772) 666-0667

Role: Complainant

Charges Against Citizen

• Misdemeanor - Person

Involved Employees

Officer Timothy Spugnardi - 176

Assignment at time of incident: Officer Patrol/Night Shift **Video Footage:** Issued - Activated - Effective

Role: Primary Officer

Policy Outcome: Not yet entered

Linked Allegations

• Dishonesty - Unfounded - 10/03/2022

Officer Tyler Bovee - 152

Assignment at time of incident: Officer Patrol/Night Shift **Video Footage:** Issued - Activated - Effective

Role: Supervisor

Policy Outcome: Not yet entered

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

Date Attached	Attachment Description	Attachment Types
09/18/2022	Spugnardi Affidavit page 2	jpg
09/20/2022	Off Bovee Statements from mom and sister at PD 9/17/22 19:50 hours	
09/20/2022	Citizen video of incident	
09/20/2022	Officer Bovee BWC of arrest of Keona Coats	
09/20/2022	Spugnardi meeting with victim- obtains additional video/evidence	
09/20/2022	Off Bovee taking statements from Keona Coats mother and sister 9/17/22 20:16 hours	

09/20/2022	Off Bovee taking statement from Coats 9/18/22 0145 hours	
09/18/2022	Spugnardi Affidavit page 3	jpg
09/18/2022	Spugnardi Complaint Form page 2	jpg
09/30/2022	Interview of Coats	
09/20/2022	Dacey Video	
09/20/2022	Spugnardi original response to fight call	
09/30/2022	Spugnardi SR Review	docx
09/18/2022	Spugnardi Complaint Form page 1	jpg
09/20/2022	Officer Bovee response to original call	
09/18/2022	Spugnardi Affidavit page 1	jpg
09/21/2022	Shakicia Warrena and Ada Smith witness statements	pdf
10/07/2022	Spugnardi CC-1	docx
09/20/2022	Arrest of Keonia Coats	
10/06/2022	Spectrum Security Video	exe
09/21/2022	Spugnardi Case Report	pdf
09/21/2022	Bovee Supplement	pdf

Assignment History

Date/Time Sent	From	To	Activity
09/19/2022 09:08	Chief J Tumminelli	Sergeant Brian Bossio	Assigned from IAPro folder to Bossio, Brian Sergeant [142 / 142]
09/19/2022 09:09	Chief J Tumminelli		Field status changed in IAPro from In chain to Released
09/19/2022 09:09	Chief J Tumminelli		Released back to IAPro
09/19/2022 09:11	Chief J Tumminelli		Field status changed in IAPro from Released to Field assigned
09/19/2022 09:11	Chief J Tumminelli	Sergeant Brian Bossio	IAPro assigned

10/14/2022 09:51	Chief J Tumminelli	Field status changed in IAPro from Completed - in holding bin to Released
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Chain of Command History

Routing Number: 1

From Officer Tyler Bovee

To Sergeant Brian Bossio

Cc:

Date/Time Sent 09/18/2022 23:41

Instructions From [Officer Tyler Bovee] To [Sergeant Brian Bossio]

Good evening sir,

This is a citizen complaint against Officer Spugnardi for your review. Hard copies of the complaint form and the arrest affidavit were placed in your box. They were also electronically attached to this incident. If you have any questions or need anything further from me, please let me know.

- Tyler

Comments/Response From [Sergeant Brian Bossio]

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Chief Joseph Tumminelli

Routing Number: 2

From Chief Joseph Tumminelli

To Sergeant Brian Bossio

Cc: Lieutenant Richard Shine

Date/Time Sent 09/19/2022 09:11

Instructions From [Chief Joseph Tumminelli] To [Sergeant Brian Bossio]

Supervisor Review

Comments/Response From [Sergeant Brian Bossio]

I have forwarded the summary and Investigation form to A/Captain Shine. All relevant documents and

videos have been attached to Blue Team under this incident.

Thank you,

Routing Number: 3

From Sergeant Brian Bossio

To Lieutenant Richard Shine

Cc:

Date/Time Sent 10/07/2022 10:49

Instructions From [Sergeant Brian Bossio] To [Lieutenant Richard Shine]

I have completed this Supervisor Review. Please see documents that I left in your mailbox.

Thank you

Comments/Response From [Lieutenant Richard Shine]

Review of the file complete

Routing Number: 4

From Lieutenant Richard Shine

To Chief Joseph Tumminelli

Cc:

Date/Time Sent 10/07/2022 12:33

Instructions From [Lieutenant Richard Shine] To [Chief Joseph Tumminelli]

Review of the file complete and on your desk

Comments/Response From [Chief Joseph Tumminelli]

Completion notes: Agree with findings by Sgt Bossio.

Unfounded

Chief Tumminelli 10/14/2022

STUART POLICE DEPARTMENT, FL

FIELD CASE REPORT

**CASE#
2022-00018850**

EVENT	REPORTED DATE/TIME 9/17/2022 18:04	OCCURRED INCIDENT TYPE Battery - Simple	CASE STATUS Closed
	OCCURRED FROM DATE/TIME 09/17/2022 18:04	OCCURRED THRU DATE/TIME 09/17/2022 18:04	LOCATION OF OCCURRENCE 810 SE SPRUCE AVE STUART, FL

	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
OFFENSES	01 784.03(1a1) BATTERY- TOUCH OR STRIKE ANOTHER	1	Completed

SUBJECT	JACKET/SUBJECT TYPE Adult Suspect	NAME (LAST, FIRST, MIDDLE SUFFIX) COATS, KEONIA SHAQUINA				
	DOB 11/07/1992	AGE or AGE RANGE 29	ADDRESS (STREET, CITY, STATE, ZIP) 901 SE BAHAMA AVE Stuart, FL 34994			
	RACE Black/African American	SEX Female	HEIGHT or RANGE 5'7"	WEIGHT or RANGE 140	HAIR BLK	EYE BRO
	DL NUMBER/STATE [REDACTED]	PRIMARY PHONE (772)444-5605	PHONE #2	PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE Adult Victim	NAME (LAST, FIRST, MIDDLE SUFFIX) COATS, KEONIA SHAQUINA				
	DOB 11/07/1992	AGE or AGE RANGE 29	ADDRESS (STREET, CITY, STATE, ZIP) 901 SE BAHAMA AVE Stuart, FL 34994			
	RACE Black/African American	SEX Female	HEIGHT or RANGE 5'7"	WEIGHT or RANGE 140	HAIR BLK	EYE BRO
	DL NUMBER/STATE [REDACTED]	PRIMARY PHONE (772)444-5605	PHONE #2	PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE Adult Suspect	NAME (LAST, FIRST, MIDDLE SUFFIX) DAVIS-GORDON, SHAKIRA LATOYA				
	DOB 11/21/1991	AGE or AGE RANGE 30	ADDRESS (STREET, CITY, STATE, ZIP) 810 SE SPRUCE AVE STUART, FL 34994			
	RACE Black/African American	SEX Female	HEIGHT or RANGE 5'8"	WEIGHT or RANGE 140	HAIR BLK	EYE BRO
	DL NUMBER/STATE [REDACTED]	PRIMARY PHONE (772)634-1264	PHONE #2	PHONE #3		

REPORTING OFFICER SPUGNARDI, TIMOTHY	DATE 9/17/2022	FIELD TRAINING OFFICER	DATE	REVIEWED BY BOVEE, TYLER	DATE 09/19/2022
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STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT
CASE#
2022-00018850

ADDITIONAL SUBJECTS

SUBJECT	JACKET/SUBJECT TYPE Adult Victim		NAME (LAST, FIRST, MIDDLE SUFFIX) DAVIS-GORDON, SHAKIRA LATOYA				
	DOB 11/21/1991 30		ADDRESS (STREET, CITY, STATE, ZIP) 810 SE SPRUCE AVE STUART, FL 34994				
	RACE Black/African American		SEX Female	HEIGHT or RANGE 5'8"	WEIGHT or RANGE 140	HAIR BLK	EYE BRO
	DL NUMBER/STATE [REDACTED]		PRIMARY PHONE (772)634-1264	PHONE #2		PHONE #3	

SUBJECT	JACKET/SUBJECT TYPE Juvenile Suspect		NAME (LAST, FIRST, MIDDLE SUFFIX) DAVIS, ICIS				
	DOB 09/22/2009 12		ADDRESS (STREET, CITY, STATE, ZIP) 810 SE SPRUCE AVE STUART, FL 34994				
	RACE Black/African American		SEX Female	HEIGHT or RANGE 5'06"	WEIGHT or RANGE 100	HAIR BLK	EYE BRO
	DL NUMBER/STATE		PRIMARY PHONE	PHONE #2		PHONE #3	

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

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

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				
	DOB		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 SPUGNARDI, TIMOTHY	DATE 9/17/2022	FIELD TRAINING OFFICER	DATE	REVIEWED BY BOVEE, TYLER	DATE 09/19/2022
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STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT
CASE#
2022-00018850

On Saturday, September 17, 2022 at 1804 hours, I was dispatched to 810 SE Spruce Ave in reference to a disturbance. Prior to my arrival, Stuart Police Dispatch advised that a female called 911 and said that another female was harassing her property and hung up.

Upon arrival, I observed a large crowd of approximately 20 individuals outside of the residence and gathered in the street in a verbal argument. I immediately requested additional units to respond to the scene to assist me with crowd control. I contacted a female, identified as Keonia Coats, who stated that she was walking her dog down the street when she saw a juvenile female, I'cis Davis, shooting a roman candle firework at her. Coats stated that she was shot at with the roman candle 3 separate times and she was not hit by them because she was able to dodge the fireworks. Coats then stated that an old friend of hers, identified as Shakira Davis, started a verbal argument with her about the entire incident which only agitated the situation. Coats advised that she initially wished to pursue charges against I. Davis but then stated that she did not anymore.

I later spoke with S. Davis, who advised that Coats was never shot at with fireworks. S. Davis stated that her daughter, I. Davis, was shooting fireworks at the apartment next to them while the children were being supervised by other adults. S. Davis stated that Coats approached her in an aggressive manner as if the two of them were going to fight each other. S. Davis then told me that Coats spit on her and threw sand at her and she wanted to press charges against Coats. I asked S. Davis where she was spat on and she said "right here" while pointing to her face and her whole chest. I asked S. Davis for a more specific spot as to where she was spat on and she said that her shirt was all wet and she proceeded to pull her yellow tank top down, slightly exposing her breasts. I did, however, observe some dirt on the back of S. Davis's shirt. Davis became agitated at my questioning and told me to speak with her neighbors as witnesses to the incident. I did not see any spit or scratches on S. Davis or her clothing or hair, supporting her claim of being spat on.

I attempted speaking with the neighbors, who all advised that they were supervising the children setting off firework items, which they all said that no one shot fireworks at anyone and were just shooting them into the air. One of the unknown male neighbors started to become annoyed with my presence and refused to speak any further. I asked Stuart Police Dispatch to conduct a check for wants and warrants on all individuals involved in the incident with negative results. Ofc. Forbes also spoke with S. Davis, who reported that she and Coats got into a verbal argument until Coats threw sand at her and spit on her as well. Prior to leaving the scene for the original call, I advised Coats and S. Davis of my determination for the incident, considering it a mutual combatant situation given the lack of evidence and conflicting statements during that time. I advised Coats that I would not be effecting an arrest and told her she could leave the scene. I advised S. Davis the same thing, which only served to aggravate her.

After I finished my initial investigation and left the scene, S. Davis drove to the Stuart Police Department to file a complaint against me and to show a video she obtained of the incident. K-9 Ofc Bovee and I spoke with

REPORTING OFFICER	DATE	FIELD TRAINING OFFICER	DATE	REVIEWED BY	DATE
SPUGNARDI, TIMOTHY	9/17/2022			BOVEE, TYLER	09/19/2022

STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT
CASE#
2022-00018850

(continuation)

S. Davis further on the matter and I viewed the video footage, recorded on a cell phone. In the video, I observed S. Davis standing on the sidewalk in front of 810 SE Spruce Ave in a verbal argument with Coats, who was standing in the street. While the argument ensued, S. Davis began walking away from Coats. Coats was seen in the video, grabbing a hand full of sand that was next to the sidewalk and proceeded to throw it at S. Davis as she walked away. While on scene of the original call, I observed S. Davis's shirt that was wet and she also had dirt on the left portion of her back and elbow area, which is consistent with her claims of being struck by the dirt.

Based on the new evidence listed above, I believe I had probable cause to arrest and charge Coats with Battery, pursuant to F.S.S. 784.03 for actually and intentionally touching or striking S. Davis against her will by throwing sand at her. I drove to Coats residence, located at 901 SE Bahama Ave with Ofc. Forbes and contacted Coats once again. I advised Coats of the newly surfaced evidence and placed her into handcuff's, ensuring they were double locked and checked for fit at 1930 hours for the battery charge against S. Davis. I placed Coats into the prisoner compartment of my patrol vehicle and transported her to the Martin County Jail.

While transporting Coats to the jail, she began telling me the entire incident over again. Coats stated that she initially walked passed 810 SE Spruce Ave with her dog when S. Davis approached her with a wooden stick that had a rubber piece on it. Coats stated that S. Davis swung the stick at her, which grazed her right shoulder but she did not sustain any injuries from it. Coats advised that an unknown black male intervened between Coats and S. Davis to break up the fight and Coats returned to her residence. During my original time on scene, I did not observe any signs of being struck by a stick on Coats person, nor did she report the injury to me while on scene.

Upon arrival to the jail, I waited in the sally port of the jail while the Corrections Deputies were changing shifts. This occurrence usually takes a while for each shift to change out to a new shift, which results in officers waiting in the sally port for long periods of time until the staff are ready to receive new arrestee's. While in the sally port, Martin County no longer allows for body camera's to record either. As Coats and I waited in my marked patrol car and my body camera off to abide by Martin County's procedures of not recording in the sally port, I began typing my arrest affidavit. During this time, Coats sat in the prisoner compartment quietly for several minutes as I was typing my report. While doing my report, I could hear Coats in the prisoner compartment, moving a lot while the sound of the handcuffs were rubbing against the plastic seat she was sitting in. A short time later, Coats told me that her right shoulder was brushed by the stick she reported S. Davis used to hit her. I exited my patrol car and walked over to the right rear window of my patrol car and used my hand-held flashlight to expose Coats right shoulder. I did not observe any scratches/swelling/bleeding or any other marks supporting her claims of being struck by the stick. I told Coats that I could not see anything and continued typing my report.

REPORTING OFFICER	DATE	FIELD TRAINING OFFICER	DATE	REVIEWED BY	DATE
SPUGNARDI, TIMOTHY	9/17/2022			BOVEE, TYLER	09/19/2022

STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT
CASE#
2022-00018850

(continuation)

After approximately 15-20 minutes later, Coats reported that she had 2 scratches on her right leg, which were caused by her being struck by the stick. I got out of my patrol car once again and opened the rear right prisoner compartment door, used my hand-held flashlight once again to brighten Coats right leg and viewed 2 white marks on her calf muscle. These 2 marks appeared as if Coats had dry skin and she used a finger nail to scratch the top of her skin to create an injury that did not actually exist. The 2 marks did not resemble Coats being struck by a stick and rather her simply scratching her skin as if her nose itched or something similar. A few minutes later, Coats reported another injury to her inner left thigh from being struck by a stick. Once Coats was escorted to the booking counter in the jail, I viewed this claimed injury and once again, the scratch appeared to be similar to the scratches described above. I did not photograph these scratches as they were not consistent with Coats claim for injuries and my belief that she scratched herself while sitting in my patrol car.

Coats stated that she later walked back passed the Spruce residence on her way to a local store and saw that I. Davis and other unknown individuals were shooting fireworks nearby. Coats stated that a second firework was shot off and in close proximity to her, which caused her to look around. Coats stated that she saw I. Davis intentionally shooting fireworks at her as she was walking by but she was not hit by any of them. Coats told me that S. Davis had I. Davis go into the residence to avoid further confrontation while S. Davis and Coats continued their confrontation. Coats said that while she was arguing and yelling at S. Davis, who was on the sidewalk, she picked up a hand full of sand and threw it at S. Davis as she walked away from her. Coats told me that none of the sand actually hit S. Davis.

Coats stated that she did not have any witnesses or other evidence supporting what occurred other than who was originally on scene at the time. While on scene of the original call, I attempted interviewing several other possible witnesses who provided very little information other than that no fireworks were shot at Coats at the time. I did not have probable cause to charge S. Davis for the battery claim against Coats, as I had conflicting statements from witnesses on scene and S. Davis herself not reporting the use of a stick in the incident. Based on S. Davis and fellow unknown neighbors statements regarding the fireworks never being used to shooting the projectiles at Coats at any time, only shooting them straight into the air, I believe I did not have probable cause to charge I. Davis either.

I sent an Axon Capture link to S. Davis for the video showing Coats throwing sand at S. Davis to collect as evidence as well. For further information regarding any witnesses/witness statements, please reference K-9 Ofc. Bovee's supplement report. This entire incident was documented via my agency issued body worn camera. Based on all the evidence listed above, I believe I had probable cause to arrest and charge Coats with Battery Touch or Strike, pursuant to F.S.S. 784.03(1a1) for actually and intentionally touching or striking S. Davis against her will by grabbing a hand full of sand and throwing it at S. Davis as she was walking away from

REPORTING OFFICER	DATE	FIELD TRAINING OFFICER	DATE	REVIEWED BY	DATE
SPUGNARDI, TIMOTHY	9/17/2022			BOVEE, TYLER	09/19/2022

STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT
CASE#
2022-00018850

(continuation)

the dispute between the two.

<small>REPORTING OFFICER</small>	<small>DATE</small>	<small>FIELD TRAINING OFFICER</small>	<small>DATE</small>	<small>REVIEWED BY</small>	<small>DATE</small>
SPUGNARDI, TIMOTHY	9/17/2022			BOVEE, TYLER	09/19/2022

STUART POLICE DEPARTMENT, FL Obts-4302108290
 ARREST INFORMATION SHEET SO# 881531
 CASE#
 2022-00018853

DETAILS	<small>ARREST DATE/TIME</small> 09/17/2022 19:30	<small>ARREST TYPE</small> Taken into Custody	<small>ARRESTING OFFICER</small> 176 SPUGNARDI
	<small>LOCATION OF ARREST</small> 901 SE BAHAMA AVE STUART, FL		

ARRESTEE

ARRESTEE	<small>NAME (JACKET TYPE LAST, FIRST, MIDDLE SUFFIX)</small> Adult COATS, KEONIA SHAQUINA					
	<small>DOB</small> 11/07/1992	<small>AGE</small> 29	<small>ADDRESS (STREET, CITY, STATE, ZIP)</small> 901 SE BAHAMA AVE STUART, FL 34994			
	<small>RACE</small> Black/African American	<small>SEX</small> Female	<small>HEIGHT</small> 5'7"	<small>WEIGHT</small> 140	<small>HAIR</small> GRY	<small>EYE</small> BRO
	<small>DL NUMBER/STATE</small> [REDACTED]	<small>PRIMARY PHONE</small> Cell (772)444-5605	<small>PHONE #2</small>	<small>PHONE #3</small>		

CHARGES

	STATUTE / DESCRIPTION	COUNTS	ATTEMPT/COMMIT
CHARGES	01 784.03(1a1) BATTERY- TOUCH OR STRIKE ANOTHER	1	Completed

PROBABLE CAUSE

Charge - Battery Touch or Strike F.S.S. 784.03(1a1)
 Bond- \$500.00
 Victim - Shakira L. Davis

Sworn & Subscribed before me this 17 day of Sept, 2022
 NOTARY / ASA [Signature]
 My commission expires TERM
 Agency MCSO

REPORTING OFFICER 176
 176 SPUGNARDI
 DATE 09/17/2022

STUART POLICE DEPARTMENT, FL

ARREST INFORMATION SHEET

CASE#

2022-00018853

PROBABLE CAUSE (continuation)

Court Date - 10/13/2022 @ 1300 hours

On Saturday, September 17, 2022 at 1804 hours, I was dispatched to 810 SE Spruce Ave in reference to a disturbance. Prior to my arrival, Stuart Police Dispatch advised that a female called 911 and said that another female was harassing her property and hung up.

Upon arrival, I observed a large crowd of approximately 20 individuals outside of the residence and gathered in the street in a verbal argument. I immediately requested additional units to respond to the scene to assist me with crowd control. I contacted a female, identified as Keonia Coats, who stated that she was walking her dog down the street when she saw a juvenile female, I'cis Davis, shooting a roman candle firework at her. Coats stated that she was shot at with the roman candle 3 separate times and she was not hit by them because she was able to dodge the fireworks. Coats then stated that an old friend of hers, identified as Shakira Davis, started a verbal argument with her about the entire incident which only agitated the situation. Coats advised that she initially wished to pursue charges against I. Davis but then stated that she did not anymore.

I later spoke with S. Davis, who advised that Coats was never shot at with fireworks. S. Davis stated that her daughter, I. Davis, was shooting fireworks at the apartment next to them while the children were being supervised by other adults. S. Davis stated that Coats approached her in an aggressive manner as if the two of them were going to fight each other. S. Davis then told me that Coats spit on her and threw sand at her and she wanted to press charges against Coats. I asked S. Davis where she was spat on and she said "right here" while pointing to her face and her whole chest. I asked S. Davis for a more specific spot as to where she was spat on and she said that her shirt was all wet and she proceeded to pull her yellow tank top down, slightly exposing her breasts. I did, however, observe some dirt on the back of S. Davis's shirt. Davis became agitated at my questioning and told me to speak with her neighbors as witnesses to the incident. I did not see any spit or scratches on S. Davis or her clothing or hair, supporting her claim of being spat on.

I attempted speaking with the neighbors, who all advised that they were supervising the children setting off firework items, which they all said that no one shot fireworks at anyone and were just shooting them into the air. One of the unknown male neighbors started to become annoyed with my presence and refused to speak any further. I asked Stuart Police Dispatch to conduct a check for wants and warrants on all individuals involved in the incident with negative results. Ofc. Forbes also spoke with S. Davis, who reported that she and Coats got into a verbal argument until Coats threw sand at her and spit on her as well.

After I finished my initial investigation and left the scene, S. Davis drove to the Stuart Police Department to file a complaint against me and to show a video she obtained of the incident. K-9 Ofc Bovee and I spoke with S. Davis further on the matter and I viewed the video footage, recorded on a cell phone. In the video, I observed S. Davis standing on the sidewalk in front of 810 SE Spruce Ave in a verbal argument with Coats, who was standing in the street. While the argument ensued, S. Davis began walking away from Coats. Coats was seen in the video, grabbing a hand full of sand that was next to the sidewalk and proceeded to throw it

REPORTING OFFICER

176 SPUGNARDI

[Signature]

DATE

09/17/2022

REVIEWED BY

Sworn & Subscribed before me this 17 day of Sept '22

NOTARY / ASA

A 2142

My commission expires

TERM

Agency

MCSO

SPD Arrest 2022-00018853 Page 2 OF 4

STUART POLICE DEPARTMENT, FL

ARREST INFORMATION SHEET

CASE#

2022-00018853

PROBABLE CAUSE (continuation)

at S. Davis as she walked away. While on scene of the original call, I observed S. Davis's shirt that was wet and she also had dirt on the left portion of her back and elbow area, which is consistent with her claims of being struck by the dirt.

Based on the evidence listed above, I believe I had probable cause to arrest and charge Coats with Battery, pursuant to F.S.S. 784.03 for actually and intentionally touching or striking S. Davis against her will by throwing sand at her. I drove to Coats residence, located at 901 SE Bahama Ave with Ofc. Forbes and contacted Coats once again. I advised Coats of the newly surfaced evidence and placed her into handcuff's, ensuring they were double locked and checked for fit at 1930 hours. I placed Coats into the prisoner compartment of my patrol vehicle and transported her to the Martin County Jail.

While transporting Coats to the jail, she began telling me the entire incident over again. Coats stated that she initially walked passed 810 SE Spruce Ave with her dog when S. Davis approached her with a wooden stick that had a rubber piece on it. Coats stated that S. Davis swung the stick at her, which grazed her right shoulder but she did not sustain any injuries from it. Coats advised that an unknown black male intervened between Coats and S. Davis to break up the fight and Coats returned to her residence.

Coats stated that she later walked back passed the Spruce residence on her way to a local store and saw that I. Davis and other unknown individuals were shooting fireworks nearby. Coats stated that a second firework was shot off and in close proximity to her, which caused her to look around. Coats stated that she saw I. Davis intentionally shooting fireworks at her as she was walking by but she was not hit by any of them. Coats told me that S. Davis had I. Davis go into the residence to avoid further confrontation while S. Davis and Coats continued their confrontation. Coats said that while she was arguing and yelling at S. Davis, who was on the sidewalk, she picked up a hand full of sand and threw it at S. Davis as she walked away from her. Coats told me that none of the sand actually hit S. Davis.

Coats stated that she did not have any witnesses or other evidence supporting what occurred other than who was originally on scene at the time. While on scene of the original call, I attempted interviewing several other possible witnesses who provided very little information other than that no fireworks were shot at Coats at the time. I sent an Axon Capture link to S. Davis for the video showing Coats throwing sand at S. Davis to collect as evidence as well. This entire incident was documented via my agency issued body worn camera.

REPORTING OFFICER

176 SPUGNARDI

DATE

09/17/2022

REVIEWED BY

Sworn & Subscribed before me this 17 day of Sept 22

NOTARY / ASA

A 2142

My commission expires

TERM

Agency

MCSO

STUART POLICE DEPARTMENT, FL
FIELD CASE SUPPLEMENT REPORT
CASE#
2022-00018850

EVENT	REPORTED DATE/TIME 09/18/2022 23:43	OCCURRED INCIDENT TYPE	CASE STATUS
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE FL

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT	

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		

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		

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 BOVEE, TYLER	DATE 09/18/2022	REVIEWED BY 09/18/2022 DURAN, DANIEL M	DATE 09/20/2022
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STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT SUPPLEMENT
CASE#
2022-00018850

On Saturday, 09/17/2022 at approximately 1804 hours, Officer Spugnardi was dispatched to 810 SE Spruce Ave. in reference to a disturbance.

Shortly after his arrival at the scene, Officer Spugnardi requested additional units respond to the scene due to a large crowd. I could hear yelling in the background of Officer Spugnardi's radio transmission. Based on this, I responded to the scene to assist.

Upon my arrival, I observed Officer Spugnardi and Officer Forbes speaking with two females. They were later identified as Shakira Davis-Gordon and Keonia Coats. I observed multiple people in the roadway in front of the residence and observed a group of individuals near the previously listed residence yelling at a group of individuals that were standing with Coats.

I stood by for officer safety while Officer Spugnardi completed his investigation of the incident. I did not conduct any interviews of any persons on scene. Officer Spugnardi approached me after he completed his investigation and advised that he did not have probable cause to make an arrest for the incident. All officers and persons involved with the original scene left.

At approximately 1858 hours, Stuart Police Dispatch made contact with me and advised that Davis-Gordon was in the front of the Stuart Police Department and wished to speak to the on duty supervisor. I made contact with Officer Spugnardi to have him provide me with a synopsis of what occurred during his investigation. Officer Spugnardi told me that he determined the incident to be a mutual combatants battery as he was unable to determine a primary aggressor and did not have any independent witnesses for the incident.

After speaking to Officer Spugnardi, I drove to the police department and contacted Davis-Gordon. Upon my arrival, Davis-Gordon was initially upset and began yelling at me and

REPORTING OFFICER	DATE	FIELD TRAINING OFFICER	DATE	REVIEWED BY	DATE
BOVEE, TYLER	09/18/2022		09/18/2022	DURAN, DANIEL M	09/20/2022

STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT SUPPLEMENT
CASE#
2022-00018850

(continuation)

stated that I was at the original scene so there would not be "justice" for the incident. I explained to Davis-Gordon that I would listen to whatever it was that she wished to talk to me about. Davis-Gordon explained to me that Coats had battered her and that she had cell phone video of the incident. I asked her if I could watch the video which she agreed with.

Upon watching the video, I observed Davis-Gordon and Coats involved in a verbal argument in the roadway in front of 810 SE Spruce Ave. I observed that Davis-Gordon began walking away from the argument and as she began walking away, I observed Coats pick up a handful of dirt/rocks and throw it at Davis-Gordon. The video ends after this action. I contacted Officer Spugnardi via phone and asked him if he reviewed this video at the scene which he advised that he was not aware of any video from the incident.

Based on this, Officer Spugnardi came to the police department and reviewed the video. After reviewing the video, Officer Spugnardi told me that with this evidence that Davis-Gordon provided, he had probable cause to arrest Coats for battery against Davis-Gordon. I observed Officer Spugnardi provide Davis-Gordon a link to Axon Capture to upload the video footage.

Officer Spugnardi went to Coats' residence, 901 SE Bahama Ave. where he placed Coats under arrest for battery. I arrived at this location as Officer Spugnardi was placing her into handcuffs. Multiple family members were on scene and were agitated about the incident and advised that they were going to pursue charges against me, Officer Spugnardi, and Officer Forbes for making a false arrest. Officer Spugnardi transported Coats to the Martin County Jail where she was charged with battery.

At 1946 hours, Stuart Police Dispatch advised that there were two females in the lobby that wished to speak to a supervisor about this incident. I made contact with both

REPORTING OFFICER	DATE	FIELD TRAINING OFFICER	DATE	REVIEWED BY	DATE
BOVEE, TYLER	09/18/2022		09/18/2022	DURAN, DANIEL M	09/20/2022

STUART POLICE DEPARTMENT, FL
FIELD CASE REPORT SUPPLEMENT
CASE#
2022-00018850

(continuation)

females in the lobby. They were identified as Coats' mother, Ada Smith and Coats' sister, who is unidentified to me at the time of this report. They requested witness statements to be able to explain what occurred. I provided them with the witness statements and upon completing them, I turned them over to Officer Spugnardi to be attached this case.

On 09/18/2022 at 0130 hours, I was dispatched to the Stuart Police Department to make contact with Coats who wished to file a report against Davis-Gordon and Officer Spugnardi. Upon my arrival, I made contact with Coats who told me that information Officer Spugnardi provided within his arrest affidavit was inaccurate. I explained policies, procedures, and legal processes to Coats and asked her if she wanted a witness statement to put in writing her side of what occurred. Coats agreed to this and also wished to file a formal complaint against Officer Spugnardi. I provided Coats with the witness statement and a citizen complaint form. Coats' witness statement was taken and turned over to Officer Spugnardi. The citizen complaint form was taken and attached to an external inquiry I completed within Blue Team.

I did not have any further involvement with the incident. See Officer Spugnardi's original case report for further information.

REPORTING OFFICER	DATE	FIELD TRAINING OFFICER	DATE	REVIEWED BY	DATE
BOVEE, TYLER	09/18/2022		09/18/2022	DURAN, DANIEL M	09/20/2022

CITY OF STUART DEPARTMENT OF POLICE
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: Keonia Coats
ADDRESS: 901 SE Bahama Ave. Stuart, FL 34994
PHONE NUMBER: 786 666 0667 BUSINESS PHONE: _____
EMPLOYEE(S) NAME(S): _____
NATURE OF COMPLAINT: SEE ATTACHED

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 so a sworn statement can be taken, 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 as indicated below:

Cell Phone 786 666-0667
Email kcoats92@yahoo.com

I, Keonia Coats, 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.

Keonia Coats
Complainant's Signature

The foregoing instrument was acknowledged before me this 3rd day of OCTOBER, 2022 by _____ who has produced _____ as identification and who did/did not take an oath.

[Signature]

Police Officer or
Notary Public, State of Florida at
Large - Commission Expires:

An incident occurred on Spruce Ave. ①
Where officers were called to the
scene to investigate an incident
Prior to the officers arrival I was
assaulted by Shakira Davis at her
back door with a toilet snake she
swung at me leaving a wep and
scratch on my right side. She then
became a terrorist threat to me as
I walked down ~~the~~ spruce after
that coming to the road provoking
me and inticing me by pulling her
pants up and rolling her fist
in a circle. both of these were
seperate incidents. Officer S asked
did I want to press charges I
said yes being that fluid was
also thrown by Shakira S. Davis
and she had a kids scooter and
stick in her hand. I told the
officers on the scene what
happened and none of them observed
Davis on the scene or myself
It wasn't until Davis filed a
complaint on officer Spungund! and
showed him apparently a video of
me throwing dirt which never touched
her person and I expressed that
on the scene. ~~The~~ The crowd was
under control enough for the officers
to take both of our statements on
the scene. Instead he insisted on
persuaded me to leave and go home
and drop the issue

I was later picked up after everyone left and had ^{an} opportunity to me to give him proper cause to arrest me. None of the officers on the scene observed either person. On the way to jail I told the officer I had noticed a welt and scratch on my right side leg and he refused to take photos of it being that I wasn't specific, the officer did not want to file my ~~complaint~~ complaint or collect any evidence in my defense. There is footage of her backdoor from the Housing Authority building from the whole incident from the beginning that supports my initial complaint of fireworks being shot in my direction and her running in her direction coming back out swinging a long object which I was later told it was a toilet snake. None of the officers on the scene took proper statements from neither of us. S. Davis taunted me while the officers were on the scene the officers kept telling me to ignore her as officers Spurgundi allowed her to be vulnerable and press Davis on me due to the fact nothing changes touched her person and you can't

hear her if theres footage continuously taunting and antagonizing me when the dirt went in the air because it never touched her. the officer wrote a false report and did not describe the incident as it should have been. officer Bossio met with me later about complaints and no evidence or investigation was collected to support my allegations. I feel as though I was wrongfully arrested and a false statement was written against me in my case. No officers observed dirt on Davis on the scene. I was not the aggressor or initiator of the conflict. I expressed to the officer on the scene that shes very vengeful and would file complaints and would issue he still insisted to press the case and showed him dirt on her elbow and filed a complaint on him to make him look as though he wasnt doing his job as though I arrested me from my residence I feel as though my constitutional rights were violated. I dont believe the officers on scene carried out their duty properly and should be fired.

CITY OF STUART DEPARTMENT OF POLICE
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: Kaonia Coats

ADDRESS: 901 SE Bahama Ave.

PHONE NUMBER: (244) 444-5605 BUSINESS PHONE: _____

EMPLOYEE(S) NAME(S): ~~XXXXXXXXXX~~ Officer Spurgeon

NATURE OF COMPLAINT: Upon the arrival of an verbal altercation with me and someone. The officer named above asked did I want to press charges about the incident, I stated "yes" He then stated that the situation is being dropped and that I could leave the scene.

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 so a sworn statement can be taken, 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 as indicated below:

I, Kaonia Coats, 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.

Kaonia Coats
Complainant's Signature

The foregoing instrument was acknowledged before me this 18th day of September, 20 22 by M. Dacey who has produced _____ as identification and who did/did not take an oath.

[Signature] 170
Police Officer or
Notary Public, State of Florida at
Large - Commission Expires:

After leaving the scene I returned to my address. Minutes after the incident occurred The same Officer is at ~~the~~^{my} residence saying he's placing me under arrest. In the cop car The officer stated that the only reason I'm being arrested is because S. Davis filed a police report on him. And showed footage of me throwing dirt. The statement of dirt being on S. Davis elbow and back of her shirt does not add up to my initial statement nor the video showed. Officer Spurgard then failed to take a photo of a welt on my Right lower leg and ~~showed~~ a scratch on my inner thigh because he said my initial statement was my right side. I explained to him I was upset and did not analyze my body for marks or scratches. He still didn't take photos after visualizing it. I was persuaded to not press charges on my behalf After the officer stated the situation was over.

Under penalty of perjury I swear the above statement is true and correct to the best of my knowledge and belief.

Signature: *Kenneth A. S.*

Sworn to and subscribed before me this 15th day of September, 2022.

Notarization by: *[Signature]* ID# 170



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

Statement Form

Please fill out in full.

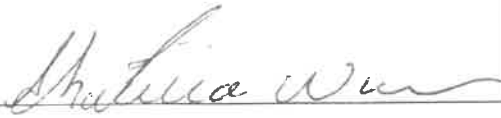
Date of Statement: 9-17-22		Time: 8:00 PM		Case #: 2022 001 3660	
Name: Shabrina Warren		DOB: 5-22-89	Race: B	Sex: F	
Address: 917 SE Dixie Ln		City, State: Stuart FL		Zip: 34994	
Phone number(s): 772-218-2022		Driver's License #:		ID Type:	
Other ID #:					
**List items stolen or damaged separately with approximate values.					
Narrative: On 9/17/22 I was on duty at the scene of the sister of the victim who was attacked by the victim's To whom it may concern I Shabrina Warren drove on the scene of spruce. To see what was going on with my sister henia coats. when I first drove up to the scene of spruce street I seen shakira davis go in the house and grab a weapon and charge at my sister henia coats. someone grab her to stop the attack. Then I seen her throw water in her. Then my sister defended herself and threw something back really didn't see what it was but it didn't hit shakira davis					
Under penalty of perjury I swear the above statement is true and correct to the best of my knowledge and belief.			Sworn to and subscribed before me this 17 th day of SEPTEMBER, 20 22.		
Signature: <i>Shabrina Warren</i>		Notarization by: <i>[Signature]</i>		ID#: 156	
>>>>>> Offense info below to be entered by officer. <<<<<<<					
Type: BATTERY					
Date: 09/17/2022	Time: 1805	Location: 917 SE SPRUCE AVE, STUART, FL 34994			
Suspect(s): SHAKIRA DAVIS					

Statement Form Continuation:

after that incident it was broken up
it was a lot of arguing then Shakira davis
charge at her again but someone push
her back. Then back to arguing shakira
davis continued to ~~to~~ go.

Under penalty of perjury I swear the above statement
is true and correct to the best of my knowledge and
belief.

Signature:



Sworn to and subscribed before me this 17th day of
SEPTEMBER, 20 22.

Notarization by:



ID#: 152



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

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Statement Form

Please fill out in full.

Date of Statement: 9/17/22	Time: 8:00 P.M.	Case #: 2022 UCC 18850
Name: Aida Smith	DOB: 4/6/75	Race: B Sex: F
Address: 601 SE BOWEN AVE	City, State: Stuart/Fla	Zip: 34994
Phone number(s): 772-283-9194	Driver's License #:	Other ID #:
ID Type:		
**List items stolen or damaged separately with approximate values.		
Narrative:		
<p>To whom it may concern Shakerr Davis came home and said her friend was pulling her butt at her and Desheena Tucker snore early to this incident calling her and Desheena Tucker out their name in a bad way / now today my daughter was walking on the side of walk and she told her daughter I see 8 to shoot round candles at her her little girl shot the candles and then told my daughter to sick her Dick when her mother and my daughter go got to Angeleno on the road.</p>		
Under penalty of perjury I swear the above statement is true and correct to the best of my knowledge and belief.	Sworn to and subscribed before me this 17 th day of SEPTEMBER, 2022.	
Signature: [Signature]	Notarization by: [Signature]	ID#: 150
>>>>>> Offense info below to be entered by officer. <<<<<<<<		
Type: BATTERY	Date: 09/17/2022	Time: 1805 Location: 310 SE SPENCE AVE, STUART, FL 34994
Suspect(s): SHAKERRA DAVIS		

Statement Form Continuation:

show when I taken around to
Sharon Davis Holding a stick and
to her hands along with a scooter
in each hand so I her mother
push my daughter out the way
then Sharon Davis throw water at
her which is an assault on Keawia
so Keawia defend her self by throwing
sand.

Under penalty of perjury I swear the above statement
is true and correct to the best of my knowledge and
belief.

Signature:



Sworn to and subscribed before me this 17th day of
SEPTEMBER, 2022.

Notarization by:



ID#: 152

**STUART POLICE DEPARTMENT
INVESTIGATIVE REPORT**

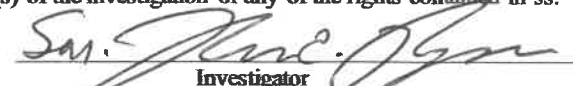
2022-00024

To: Chief of Police From: Sgt. B. Borsio A/LT
 Inquiry Date: 9/18/22 Complainant: Keonia Coats
 Time & Date of Violation: 9/17/22 1804 hrs Employee: Officer T. Spagnoli
 Rules and Regulations Violation(s): Policy 2. Dishonesty

This inquiry has been investigated by: Sgt. B. Borsio A/LT 142 10/4/22
 Investigator ID Number Date

FINDINGS: *attach investigative report(s)*
 Sustained Not Sustained Unfounded Exonerated

AFFIRMATION OF INVESTIGATIVE INTEGRITY:

I, the undersigned, do hereby swear under penalty of perjury that to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived or allowed another to deprive the subject(s) of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes.

 Investigator

I have reviewed the investigation on the involved employee and recommend the following action:

Agree Disagree Violation: Dishonesty Policy 2 Discipline: NO Action
 Amount: _____
 Agree Disagree Violation: _____ Discipline: _____
 Amount: _____

[Reasons for dissenting the findings must be attached.]
 [If applicable indicate suspension hours. If an assessment or reimbursement indicate percents and monies for payment]
A/LT 142 10/4/22
 Sergeant/Supervisor ID Number Date

[Signature] 111 10/7/2022 Agree no further Action
 Division Commander ID Number Date Disagree
[Signature] 10/7/22 Agree
 Assistant Chief/Division Chief ID Number Date Disagree
[Signature] 10/7/22
 Chief of Police ID Number Date

I have read the above allegations, findings and recommendations and accept this action.
 I wish to have a hearing with the Chief of Police To appeal disciplinary action To appeal finding
[Signature] 178 10/10/22
 Employee Signature ID Number Date
 Pre-determination hearing held on _____

Violation: Policy 2 Dishonesty FINAL RESOLUTION Discipline: NONE Amount: N/A
 Violation: _____ Discipline: _____ Amount: _____
 [If applicable indicate suspension hours. If an assessment or reimbursement indicate percents and monies for payment]
 If applicable, the date Notice of Disciplinary Action was served: NONE
 Calendar date(s) of suspension: NONE
[Signature] 10/4/22
 Chief of Police Date

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

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To: Chief Tumminelli via Chain of Command
From: A/LT Brian Bossio
Date: September 29, 2022
Re: Citizen Complaint- Officer Spugnardi Supervisor Review Event Number 2022-00024
SPD Case# 2022-00018850

I was assigned this Supervisor Review by Chief Tumminelli via Blue Teams on September 19, 2022, in reference to a signed citizen complaint against Officer Spugnardi.

INVESTIGATION:

On September 17, 2022. At 1804 hours, Officers responded to 810 SE Spruce Avenue in reference to disturbance. Upon their arrival, there was a chaotic scene where it was determined that an altercation took place between Keonia Coats and Shakira Davis-Gordon. Davis reported that Coats was walking down the street and made a comment to her regarding her children shooting fireworks at her. Davis said that Coats escalated the situation and approached her in a fighting manner and spit on her. Davis also said that Coats threw dirt on her. Both Davis and Coats advised they used to be friends, but they "fell out."

Coats advised she was walking to the Tip Top store. Coats advised that Davis' children were shooting roman candle fireworks in her direction. Coats advised a verbal altercation ensued and Davis went inside the house and retrieved some sort of wooden stick and attempted to hit her with it. Coats admitted to throwing the dirt at Davis.

Witnesses next door reported the children did not shoot the fireworks at Coats. The fireworks were shot in the air and the children were being properly supervised. Both Davis and Coats agreed that there was nearly a fist fight, but they were broken up by others and neither struck each other.

Officer Spugnardi decided that there was not enough evidence to determine a primary aggressor. Officer Spugnardi decided that this was a mutual combatant situation and did not make an arrest. He advised Coats and Davis that no arrest would be made as he had two different versions of what occurred and was unable to determine probable cause.

Davis came to the Stuart Police Department to speak to a supervisor. Officer Bovee responded and spoke to Davis. Davis showed Officer Bovee a video from the incident. The video showed Davis and Coats arguing and as Davis was walking away, Coats is seen picking up dirt off the ground and throwing it in the direction that Davis walked out of the video frame. The dirt contacting Davis cannot be seen in the video. Officer Bovee had Officer Spugnardi meet at the police station with Davis to view the video.

After reviewing the video, Officer Spugnardi determined that he had probable cause to arrest Coats for battery. Officers responded to 901 SE Bahama Avenue and placed Coats under arrest. While enroute to the jail, Coats

continued to discuss the incident. Coats claimed that she was struck by the wooden stick that Davis tried to hit her with. After arriving at the jail, Officer Spugnardi looked at her shoulder, on body camera, and did not see any marks.

Per directive, Officer Spugnardi shut his body camera off at the jail after he observed Coats reported mark on her right shoulder. According to Officer Spugnardi's case report, after 20 minutes of being in the sally port, Coats advised there were marks from being hit with the stick on her legs. Officer Spugnardi reports that there were two white marks on her legs that appeared like someone scratched or itched their skin causing the white marks to appear. Officer Spugnardi reported that the marks were not consistent with someone being struck with an object.

COAT'S COMPLAINT AND RESPONSE:

On September 18, 2022, Keonia Coats completed a Stuart Police Citizen Complaint for Internal Investigation. This is a summary of her complaint and the results of my investigation. The investigation was completed by reviewing body worn camera footage, report reviews, and interview of Keonia Coats.

1. Keonia Coats reports that Officer Spugnardi asked Keonia if she wanted to press charges and she replied "yes". This is true. However, Officer Spugnardi asked her at the beginning of this call. This is common to determine how the investigation is going to progress if a crime was committed and if probable cause could be developed and Coats was determined to be a victim, then an arrest or other enforcement action would be taken. Officer Spugnardi had yet to interview anyone else and at that point only knew he had a possible victim that wished prosecution.
2. Coat's written complaint next stated that Officer Spugnardi told her at the conclusion of the original response that she could leave, and the situation was bring dropped. This is true. Officer Spugnardi determined that a primary aggressor could not be determined, or if a battery had taken place at all. Officer Spugnardi determined that he could not develop probable cause to make an arrest on either Coats or Davis based on the information and evidence he had on scene at that time. Everyone was released from the scene.
3. After Coats left the scene, Officer Spugnardi arrived at her residence and arrested her for battery. Coats wrote that Officer Spugnardi told her that the only reason she was arrested is because Davis was filing a complaint against him and that she showed him a video of her throwing the dirt at Davis. Officer Spugnardi based this arrest on the probable cause based on the video. Although Davis expressed that Officer Spugnardi did not listen to her at the original call, she did not file a complaint.
4. Coats complaint states "the statement of dirt being on S. Davis elbow and back of her shirt does not add up to my initial statement nor the video showed." In the video that S. Davis shared after the initial response, it appears that S. Davis walked away from Coats when she threw the dirt. Although not shown in the video, it would make sense that the dirt would be on Davis's back as she was walking away when Coats threw it. Officer Spugnardi's case report documents his observation on the dirt on Davis' back.
5. Coats complaint includes the fact that Officer Spugnardi did not take photos of a "welp" on her right leg and a scratch on her inner thigh. Officer Spugnardi examined on camera, Coat's shoulder for any injury. Based on his report, he examined her legs as well and did not take photos since he felt that the marks Coats was referring to were not a result of being struck by an object. These reports of marks on her body were reported after Coats was placed under arrest and in custody.
6. Coats reported that she was persuaded not to press charges on her behalf after the officer (Spugnardi) stated the situation was over. Based on the BWC footage, there is no evidence that Officer Spugnardi persuaded Coats not to press charges. Officer Spugnardi could not press charges against Davis as he did not have probable cause, independent witnesses, or physical evidence to prove her allegations at that time. Whether she wanted to press charges or not were irrelevant, as no PC existed at the time.
7. During my interview with Coats, she stated that someone, either Officer Forbes or Officer Spugnardi

mentioned that arresting her after the fact would be a violation of her Constitutional Rights. After watching the body camera footage from both Spugnardi and Forbes, I am unable to find anywhere that statement was made. This misdemeanor arrest was based on probable cause and there was no violation of her Constitutional Rights.

CONCLUSION:

This call was a chaotic scene. Officer Spugnardi and other officers on scene attempted to gather as much information as they could. The initial determination of a disturbance with mutual combatants was reasonable conclusion. Probable cause could not be determined as they received two different stories and very little physical evidence to support either. After clearing the scene, Davis introduced a video that showed Coats picking up dirt and throwing it at Davis as she walked away. This, along with Officer Spugnardi's observation of dirt on the back of Davis's shirt rose to the level of probable cause that Coats committed battery. . Officer Spugnardi did tell Coats that Davis went to the police station to complain on him and show a video. This was translated by Coats as to the reason she was arrested was solely because Davis was going to file a complaint against him. This was not the case and was a miscommunication

Coats reported her injuries after the fact. Officer Spugnardi examined her and that he did not see any injuries consistent with Coats being hit with a stick. Officer Spugnardi did not take photos of the reported injuries to her leg because they appeared to be from someone who itched themselves with their fingernails. I would recommend that Officer Spugnardi take photos of any reported injury to prove or disprove they could be considered evidence of a crime. Coats advised that there should be video of this altercation from security footage at Spectrum High School. This video has been collected and will be reviewed by Officer Spugnardi for further investigation. I am expecting Officer Spuganrdi to follow up and if there is probable cause determined against Davis, that appropriate action be taken. It is my opinion that Officers on scene communicated well with those involved. Coats feels that her side was not taken into consideration, however, I explained to her the need for probable cause, supported by evidence, to effect an arrest. To review my interview with Coates, please see Axon evidence listed under this event number.

I observed the video from Spectrum School. In the video, it appears Keona Coats had ample opportunity to leave the scene prior to any physical altercation. I observed Davis go into her residence after the initial altercation. Davis walked out of the residence and held a metal scooter. Davis put the scooter down and never touched or threatened Coats with the scooter. There was no wooden stick involved based on the video that I witnessed. Unless the allegation of Davis attacking Coats occurred elsewhere, there is no evidence based on that I observed that his occurred. It also appears in the video that the dirt that Coats threw at Davis did make contact, thus confirming PC for battery.

It should be noted that when Officer Spugnardi was leaving the original call, Davis was expressing that she was upset that Coats was not being arrested. Officer Spugnardi responded that "I don't arrest people for petty shit."

RECOMMENDATION:

It is my recommendation that his complaint be UNFOUNDED, and no action taken against Officer Spugnardi. However, he should be reminded to be conscientious of his choice of words while dealing with the public.

Respectfully,

A/LT Brian C. Bossio

AGREE
Tenniss, 093

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

From: LT. R. Shine

Date: October 7, 2022

Subject: Spugnardi CC -2022-00024

Synopsis:

I reviewed the complaint that was alleged by Ms. Coats' in reference to the incident that was handled by Officer Spugnardi. After reading the investigation report submitted by Sgt Bossio, I retrieved the flash drive from Officer Leedham that contained the footage of the incident from Spectrum High School. It should be noted that Ms. Coats alleged that this footage would show that she was battered with a stick during the altercation.

The footage shows Coats, and Davis face off against each other with the hands up as they were about to fight each other on Spruce Ave. People in the community got between the two and separated them before any punches were thrown. The footage also shows a female that I recognize as one of Coats family members come on scene and charge at Davis during the incident. The members of the community were able to step in between her and Davis also before any punches were thrown. Davis can be seen going into her residence and coming out with a kid's skateboard on wheels in her hand. The women continued arguing with each other at that point. You can see in the video that Davis put the skateboard down on the sidewalk and never approached Coats with it in her hand. Davis never reaches for the item again during the rest of the incident.

Findings:

I have reviewed the summary that was submit by Sgt Bossio and I agree with the findings, that no further action needs to be taken. I found the complainant to be the aggressor during the incident. Coats had multiple opportunities to walk away from the Davis residence on Spruce Ave. Instead, she tried to continue the altercation and also had other family members show up on scene and attempt to get involve by going after Davis. At no time in the video did I she Davis hitting Coats with a stick or any other object as she claimed. The Video does however show Coats picking up either dirt or a rock off the ground and throwing it at Davis.

Respectfully Submitted
Lt Richard Shine

CITY OF STUART DEPARTMENT OF POLICE
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: Kaonia Coats

ADDRESS: 901 SE Bahama Ave.

PHONE NUMBER: (248) 444-5605 BUSINESS PHONE: _____

EMPLOYEE(S) NAME(S): ~~XXXXXXXXXX~~ 176 Spurgeon

NATURE OF COMPLAINT: Upon the arrival of an verbal altercation with me and someone. The officer named above asked did I want to press charges about the incident, I stated "yes". He then stated that the situation is being dropped and that I could leave the scene.

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 so a sworn statement can be taken, 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 as indicated below:

I, Kaonia Coats, 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.

Kaonia Coats
Complainant's Signature

The foregoing instrument was acknowledged before me this 18th day of September, 20 22 by M. Dacey who has produced _____ as identification and who did/did not take an oath.

[Signature] 170
Police Officer or
Notary Public, State of Florida at
Large - Commission Expires:

Statement Form Continuation:

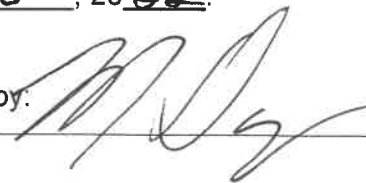
After leaving the scene I returned to my address. Minutes after the incident occurred the same officer is at ~~the~~^{my} residence saying he's placing me under arrest. In the cop car the officer stated that the only reason I'm being arrested is because S. Davis filed a police report on him. And showed footage of me throwing dirt. The statement of dirt being on S. Davis elbow and back of her shirt does not add up to my initial statement nor the video showed. Officer Spugnardi then failed to take a photo of a welt on my right lower leg and ~~missed~~ a scratch on my inner thigh because he said my initial statement was my right side. I explained to him I was upset and did not analyze my body for marks or scratches. He still didn't take photos after visualizing it. I was persuaded to not press charges on my behalf after the officer stated the situation was over.

Under penalty of perjury I swear the above statement is true and correct to the best of my knowledge and belief.

Signature: *Kenneth Coats*

Sworn to and subscribed before me this 18th day of September, 2022.

Notarization by:



ID#: 170

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 ♦ **P**roud ♦ **D**edicated

To: Chief Tumminelli via Chain

From: LT. R. Shine

Date: October 7, 2022

Subject: Spugnardi CC -2022-00024

Synopsis:

I reviewed the complaint that was alleged by Ms. Coat's in reference to the incident that was handled by Officer Spugnardi. After reading the investigation report submitted by Sgt Bossio, I retrieved the flash drive from Officer Leedham that contained the footage of the incident from Spectrum High School. It should be noted that Ms. Coats alleged that this footage would show that she was battered with a stick during the altercation.

The footage shows Coats, and Davis face off against each other with the hands up as they were about to fight each other on Spruce Ave. People in the community got between the two and separated them before any punches were thrown. The footage also shows a female that I recognize as one of Coats family members come on scene and charge at Davis during the incident. The members of the community were able to step in between her and Davis also before any punches were thrown. Davis can be seen going into her residence and coming out with a kid's skateboard on wheels in her hand. The women continued arguing with each other at that point. You can see in the video that Davis put the skateboard down on the sidewalk and never approached Coats with it in her hand. Davis never reaches for the item again during the rest of the incident.

Findings:

I have reviewed the summary that was submit by Sgt Bossio and I agree with the findings, that no further action needs to be taken. I found the complainant to be the aggressor during the incident. Coats had multiple opportunities to walk away from the Davis residence on Spruce Ave. Instead, she tried to continue the altercation and also had other family members show up on scene and attempt to get involve by going after Davis. At no time in the video did I she Davis hitting Coats with a stick or any other object as she claimed. The Video does however show Coats picking up either dirt or a rock off the ground and throwing it at Davis.

Respectfully Submitted
Lt Richard Shine



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MEMORANDUM

To: Officer Timothy Spugnardi

From: Joseph Tumminelli
Chief of Police

Date: October 4, 2022

Subject: Notice of Supervisory Review 2022-00024

This memo is to serve as your notification that a Supervisory Review has been initiated against you. The investigation has been assigned to Sergeant Brian Bossio.

Complainant: Keonia Coats

Allegation: Dishonesty

Nature of Complaint: On 09/18/2022 the complainant, Keonia Coats, filed a citizen's complaint against you, alleging that you gave false information in an arrest affidavit that you completed for her arrest.

You can be assured that we will conduct a conscientious, objective investigation as quickly as possible.

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



MEMORANDUM

TO: STUART INDEPENDENT REVIEW BOARD
FROM: DAVID DYESS, CITY MANAGER
SUBJECT: COMPLAINT OF KEONIA COATS ABOUT OFFICER SPUGNARDI
DATE: 10/21/2022

Dear Members of the Board:

Attached to this memorandum is the complaint initiated by Keonia Coats along with the investigative information as a result of the complaint.

Ms. Coats filed a complaint stating that Officer Spugnardi violated her rights by wrongfully arresting her.

After watching the videos, I can see where the officer would not have had immediate probable cause for an arrest until the video surfaced of the sand throwing. I don't see where Ofc. Spugnardi did anything wrong in this case.

I have reviewed the file and agree with Chief Tumminelli's findings.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Dyess", written over a white background.

DAVID DYESS

cc: Keonia Coats 901 SE Bahama Ave Stuart Fl 34994
Ofc. Spugnardi