



GAINESVILLE POLICE DEPARTMENT

INTERNAL AFFAIRS INVESTIGATIVE REPORT

FILE CLASS:	IA Investigation	DATE OCCURRED:	August 13, 2022
TYPE OF COMPLAINT:	External	INTERNAL AFFAIRS #:	IA 22-046
DATE RECEIVED:	August 23, 2022	DATE CLOSED:	February 10, 2023
RELATED CASES:	-	ASSIGNED TO:	Sgt. Leah Hayes

LOCATION OF INCIDENT

ADDRESS:	4401 NW 6th Street	CITY:	Gainesville	ADDITIONAL INFO:	Coconut Cabaret
----------	--------------------	-------	-------------	------------------	-----------------

ASSOCIATED NAMES

CO:	Anthony Grezlik	RACE:	White	SEX:	Male	DOB:	10/08/1974
CO:	Brittney Cunningham	RACE:	White	SEX:	Female	DOB:	-
CO:	Alison Robbins	RACE:	Black	SEX:	Female	DOB:	01/11/1989
CO:	Aliyha Nichols	RACE:	Black	SEX:	Female	DOB:	11/14/1988
CO:	James Rauch	RACE:	White	SEX:	Male	DOB:	04/22/1961
SO:	Cpl. B. Shutterly	FINDINGS:	Sustained	ACTIONS:	Written Warning		
SO:	Ofc. E. Spaulding	FINDINGS:	Unfounded	ACTIONS:	None		
SO:	Ofc. T. Alvin	FINDINGS:	Sustained	ACTIONS:	Written Warning		
SO:	Sgt. A. Wagle	FINDINGS:	Sustained	ACTIONS:	Written Warning		

APPLICIBLE RULE OF CONDUCT

GPD General Order 1.4: Searches
GPD General Order 12.1: Command and Control
GPD General Order 26.1: Rules of Conduct

COMPLAINT / NOTES / SUMMARY

On August 23, 2022, Gainesville Police Department (GPD) Internal Affairs Division received three Citizen Complaint Forms regarding an incident at the Coconut Cabaret, a gentleman's club in Gainesville. On August 31, 2022, GPD Internal Affairs received another complaint about the same incident and on September 14, 2022, received a fifth and final complaint. The complaints are all from employees of Coconut Cabaret, three entertainers and two owners. Alison Robbins, Brittney Cunningham, and Aliyha Nichols are the entertainers who filed complaints and Anthony Greslik and James Rauch are the owners who filed complaints.

All five of the complaints refer to August 13, 2022, when three Gainesville Police officers, Corporal Shutterly, Officer Spaulding, and Officer Alvin, entered the Coconut Cabaret club and escorted one of the entertainers back into the dressing room where two other entertainers were getting ready. Corporal Shutterly then measured the thongs of all of the entertainers to ensure they were in compliance with a city ordinance regarding nudity in public places.

The complaints from the three entertainers said they felt violated, humiliated, uncomfortable, and exposed in front of the officers. Two of the three entertainers complained that the officer touched them when she measured their thongs instead of allowing the women to remove the clothing to measure it. All three of the entertainers were upset that the male officer stayed in the dressing room while the officer told them to bend over and pulled their thongs out of their buttocks and away from their bodies.

The owners' complaints reiterated the concerns of the three women and added that Officer Spaulding made a comment overheard by his staff that "If they are going to be nasty, then I'm going to be nasty." They added that Officer Spaulding was the officer who issued their club a noise warning about a week prior. The owners contend that Officer Spaulding is harassing their business based on her contempt of the nature of the club.

INVESTIGATION

I watched the body worn camera (BWC) footage of Corporal Shutterly, Officer Spaulding, and Officer Alvin for the incident on August 13, 2022 as well as BWC footage of Corporal Shutterly, Officer Widmayer, and Officer Spaulding for the noise warning that was issued to the owner, Rauch, on July 31, 2022. I reviewed the call notes for several noise complaints against the business prior to July 31, 2022 and for the self-initiated vice problem call on August 13, 2022. There was no incident report or other documentation written on August 13, 2022 in reference to the inspection at the Coconut Cabaret.

The following summary is based on the body worn camera videos of the officers on scene. The first interaction between Coconut Cabaret employees and Officer Spaulding is captured on body worn camera footage when Officer Spaulding responded to Coconut Cabaret for a noise complaint on July 31, 2022 at 11:11 PM. Officer Spaulding made contact with James Rauch (co-owner and 1 of the 5 complainants) as he stepped outside the western door of the business. Rauch identified himself as a manager. Rauch was immediately argumentative claiming that the business was not in violation of the noise ordinance. Officer Spaulding told him that he was in violation because she could hear the music from over 200 feet from the business. She explained that they were not in trouble and that she was just asking them to turn the music down. Officer Spaulding told Rauch that she was trying to be nice and give them a verbal warning or she could write a written warning and the next time officers had to come out for a noise violation, he would be fined \$250. Rauch asked Officer Spaulding how much he needed to turn the volume down and she answered, "just a little bit." Rauch alleged that people did not like the kind of club that they were operating and that is why they were complaining. Officer Spaulding said that she did not know what kind of club they were and assured him that she was there for the noise. Rauch pointed out the business' sign to Officer Spaulding which reads, "Coconut Cabaret A

Gentleman's Club". Officer Spaulding said that she did not know and that she had not looked at the sign. Rauch responded, "whatever" and turned to go back inside the business.

Officer Spaulding said to Rauch, "I don't know why you're being shitty with me, I came here to give you a warning." Rauch answered stating, "you guys keep doing this and we're not making that much noise". Officer Spaulding asked Rauch if GPD officers had been out and given them verbal noise warnings before and he said "yeah". Rauch explained that they have intentionally set the noise level of the music inside to 85 decibels and they have walked around outside with a decibel meter to make sure they were not in violation. Officer Spaulding told Rauch that the requirement is 200 feet and Rauch said he'll get a hot air balloon, and then went back inside the club. Officer Spaulding then commented to herself, "Alright, because of that, you're getting a written warning." Officer Spaulding turned off her BWC when she got back into her vehicle one minute later.

Officer Widmayer and Corporal Shutterly responded to this call at the request of Officer Spaulding because she did not have a noise warning form to issue to Rauch. Officer Spaulding re-activated her BWC as Officer Widmayer and Corporal Shutterly arrived in the parking lot of Coconut Cabaret at 11:30 PM. Corporal Shutterly was Officer Widmayer's Field Training Officer at the time. Officer Widmayer and Officer Spaulding re-contacted Rauch and Officer Widmayer issued Rauch a noise warning. Rauch argued the subjectivity of the violation and Officer Spaulding told him there is no arguing this and she explained the process of warning citations leading to citations with fines attached for future violations. After the warning was issued and as the BWCs are being turned off, Officer Spaulding can be heard stating to Officer Widmayer, "He liked you, he didn't like me."

On the night of August 13, 2022 at 11:33 PM, Corporal Shutterly is no longer training Officer Widmayer and is working solo. She is the first officer to walk up to the entrance of Coconut Cabaret. Rauch is standing just outside the entrance and Corporal Shutterly walks past him and into the club's foyer. Rauch then walks around her in the foyer and asks her to wait there as he goes through the door to the main floor, but Corporal Shutterly follows him. Corporal Shutterly does not speak to Rauch and if he says anything to her, it cannot be heard on body worn camera. Officer Alvin and Officer Spaulding follow Corporal Shutterly. Corporal Shutterly does not follow Rauch and instead makes contact with the security guard, Eric Ramos. When he asks what is going on, Corporal Shutterly tells him that some of the ladies are not wearing enough clothing. Ramos said he is just security and points out the owners (Rauch and Grezlik) who are standing a few feet away. As Corporal Shutterly and Officer Spaulding are talking about the entertainers' clothing, Ramos asked Officer Shutterly to define "not enough". Officer Shutterly points out Robbins and says, "that one definitely no" and then indicates toward the dancer on stage and says, "that one maybe." Ramos reiterates that he is just security and points to the owners standing nearby.

While still talking with Ramos, Corporal Shutterly suggested to Officer Spaulding that they just chat (presumably with Robbins), when Officer Spaulding interjected, "You're leading it." Corporal Shutterly replied, "I'm doing the arrest!" They laughed and Officer Spaulding said, "I want you to lead it." Corporal Shutterly walked towards Robbins to make contact with her and walked right past Rauch without speaking to him. Corporal Shutterly contacted Robbins and told her that she is not in any trouble, but mentioned that there is a city ordinance against nudity so they needed to measure her

underwear. Robbins offered to remove the underwear and change her clothing and asks if they can go to the locker room to do that. Corporal Shutterly told Robbins that she does not have to take her underwear off, but they can go into the locker room.

Robbins walked into the dressing room and all the officers follow her inside. The dressing room is a narrow L-shaped room with large mirrors on both of the back walls and bright lighting. There are two other entertainers in the dressing room, later identified during this investigation as Aliyha Nichols and Brittney Cunningham. Robbins asked Corporal Shutterly if she was going to measure everyone's underwear or just hers. Corporal Shutterly said she was going to measure everyone. Corporal Shutterly tells them that it is nothing they are going to get in trouble for and makes the comment, "We're not here to mess with your livelihood." Robbins then announced to Nichols and Cunningham, "They want to measure our underwear!" There was conversation between the entertainers and Corporal Shutterly about what is legal underwear. Robbins turned around and bent over and Corporal Shutterly pulled the fabric of Robbins' thong out from in between her buttocks and measured it. Robbins said this was the most interesting thing that has happened to her since 2008 when she started dancing. Corporal Shutterly told Robbins that she was good. Robbins again stated that was the weirdest thing she had ever had happen to her and said she has had a man ask her to step on tomatoes.

Aliyha Nichols turned around for Corporal Shutterly and Corporal Shutterly pulled her thong away from her body and measured it. Corporal Shutterly told Nichols, "You're good darlin'" and moved on to Cunningham. Cunningham told Corporal Shutterly that she was "bottom heavy". Cunningham bent over and Corporal Shutterly said, "We're gonna get real close and personal darlin'." Corporal Shutterly then asked Cunningham if she could bend forward a little as she pushed down on her upper back. Nichols commented that Cunningham has "a big booty" and Corporal Shutterly said, "You do got a big booty!" Corporal Shutterly pulled the fabric of Cunningham's thong out from in between her buttocks and measured the width of the thong. Corporal Shutterly said Cunningham's thong just barely passed. Cunningham offered to change, but Corporal Shutterly said that she was okay. Officer Alvin and Officer Spaulding were in the dressing room during the measuring of the garments.

Officer Alvin then stepped out of the dressing room. Corporal Shutterly asked Nichols if she could send the lady who was on stage back to the dressing room and Nichols agreed and left the dressing room. Robbins left after she was measured so only Corporal Shutterly, Officer Spaulding, and Cunningham were left in the dressing room. Cunningham asked Corporal Shutterly if someone called or if this was a routine thing. Corporal Shutterly told her, "It's more of a routine thing, we were in here before for a complaint and at that time, one of the young ladies wasn't wearing any underwear." When Cunningham gave Corporal Shutterly a startled look, Corporal Shutterly said, "Yeah, so we're just here to ensure compliance." Officer Alvin came back into the dressing room and Corporal Shutterly told him that they were just waiting for the young lady on stage. Corporal Shutterly then says to Cunningham, "I imagine you get some of just the skeeziest people." Cunningham responded that you have to have a strong mind to deal with some of the people. Corporal Shutterly then said, "I could never do it. I respect you immensely for it, I could never do it." Officer Spaulding added, "I couldn't either, I'm not nice enough." Cunningham left the dressing room and the three officers were left inside the dressing room awaiting the dancer from the stage.

While the officers were alone in the dressing room, Corporal Shutterly said, “That dude came out with the quickness when we showed up.” Officer Spaulding responded, “He always does. He’s a lot nicer today though.” Corporal Shutterly said, “Well, we’re en masse. And Tommy’s so intimidating.” Officer Alvin asked Corporal Shutterly what she said and Corporal Shutterly tells him, “You’re so intimidating.” Officer Alvin rolls his eyes, shakes his head and responds, “I’m not in the mood for no old white man bullshit.” Moments later, Corporal Shutterly said she was tired of waiting and they all exit the dressing room.

On their way out of the club, Cunningham stopped Corporal Shutterly and James Rauch is standing close by. Cunningham told Corporal Shutterly that she was still trying to find the other dancer, but Corporal Shutterly told her that since the outfit was similar, she would assume that it was within compliance. Nichols was also nearby and asked if the officers were called to the club for a complaint. Corporal Shutterly repeated that they had an incident there previously in which a young lady was not wearing any underwear so she told them they were there to ensure compliance. Both Nichols and Rauch reacted to Corporal Shutterly’s claim by stating, “Here? When? I don’t think so.” Corporal Shutterly said she was not there, it was just something she was told. Rauch said, “No one has ever told me of this complaint.” Rauch said he would never allow that to happen and added that they try to do everything they can to give the officers no reason to come to their club. There is no attitude or animosity from Rauch during their interaction. Corporal Shutterly tells Rauch they are leaving and Rauch tells the officers to be safe. The officers walk out into the parking lot behind the security guard, Ramos. Ramos can be seen turning around to talk to the officers just as they turn off their body worn cameras. The conversation between the officers and Ramos is not captured on any body worn camera video.

Anthony Grezlik, Co-owner Coconut Cabaret

On December 12, 2022, the co-owner of Coconut Cabaret, Anthony Grezlik, was interviewed in regards to his complaint. Grezlik said that he was at the Coconut Cabaret on August 13, 2022 and was seated behind the DJ booth on the west side of the club. He saw the officers come into the club and speak to the security guard, Eric Ramos, before they made contact with Alison Robbins, who was standing next to the bar talking to a customer. After a brief conversation with the officers, Robbins walked back into the dressing room located behind the stage with all three officers following her. Grezlik said that a few minutes later, the male officer stepped out of the dressing room, and several minutes later, the two female officers exited the dressing room.

Grezlik said the dressing room is off limits to everyone except the entertainers and staff. He said that the dressing room has a doorbell to ring before staff enters so they can ensure that everyone inside is dressed and decent before anyone just walks into the dressing room. Grezlik said that two entertainers, Brittney Cunningham and Aliyha Nichols, were already in the dressing room when Robbins walked in with the officers following. Grezlik said that Robbins told him that she felt singled out by the officers and did not know why. Grezlik expressed his opinions about what he was told happened in the dressing room. During his interview with Internal Affairs, Grezlik was unaware of the city ordinance or the coverage requirements that apply to his business, therefore he did not understand what the

officers were doing during the compliance check. He was told by his employees that the officers received information of dancers not wearing any bottoms in the club. Grezlik said Coconut Cabaret has a no nudity, no touching policy, and a dress code for the entertainers. Grezlik said that officers have never inspected the entertainers' garments before this incident and that it has not happened since.

In reference to the allegation that Officer Spaulding made a retaliatory comment about the owner, Grezlik said that Officer Spaulding said something like, "if they're going to be nasty..." or "if they're going to be an asshole, then I'm going to be an asshole." Grezlik said he did not hear Officer Spaulding make this comment, but his security guard, Eric Ramos, and his door person, Anitra Bullard, did. He said three other entertainers heard it as well, but he could not remember which ones. Grezlik said that when he heard that Officer Spaulding said that, it made him dig into this [compliance check] a little more. He said that his club shares customers with Munegin's, a nearby bar, and he has heard from his customers that Officer Spaulding frequents Munegin's as a customer and that they have overheard her speak poorly of Coconut Cabaret. Grezlik said he suspects Officer Spaulding is dating someone who works at Munegin's. Grezlik also mentioned that Robbins has a history with Munegin's because her ex-husband works there and she is now banned from the bar.

Grezlik said that after the incident, he was told by Robbins that Ramos told her the officers said that they were going to arrest her. As this was third hand information, Grezlik was not sure of the context of that statement.

I provided Grezlik with a copy of the city ordinance that addresses nudity in public places.

Alison Robbins, entertainer at Coconut Cabaret

On December 12, 2022, Alison Robbins, a dancer at Coconut Cabaret, was interviewed in regards to her complaint. Robbins was working at Coconut Cabaret on the night of August 13, 2022 and was approached by one of the female officers (Corporal Shutterly) as she was standing at the bar. Robbins said that Corporal Shutterly told her that she was not in trouble, but they needed to measure her panties. Robbins said she told them she was not comfortable doing that on the floor in front of everyone and asked if they could go to the locker room to do that.

Robbins said that as she walked into the locker room, she tried to quickly give the two women inside warning that the police officers were following her into the locker room. She said the officers did not knock or ask if everyone was dressed inside before they just came in. She said that the male cop came into the dressing room too. Robbins said that Corporal Shutterly told her to "bend over" and took out a measuring tape, pulled the fabric of her thong out from in between her buttocks and measured it. Robbins said that when she tried to pull the fabric out for Corporal Shutterly, Corporal Shutterly pushed her hand away and told her she would do it. Robbins said that she was really uncomfortable with the male officer inside the locker room watching while their panties were measured.

Robbins explained that when she is working as a dancer, she goes into character, but when she was in the locker room with the officers, she was not in character and was uncomfortable with being touched

and exposed the way she was. She said that she has been dancing for a long time and in a lot of different clubs that allow nudity and touching and she has never experienced anything like this before in which police officers are touching her, pulling her clothing away from her body and measuring it. Robbins said she felt violated by the police that night and she felt bad for the other women who were in the dressing room with her who were also subjected to the garment check.

Robbins said she felt singled out by the officers because she was the only dancer they approached and took back to the locker room to measure. She said she felt like they only measured the other two girls because they were already in the locker room. Robbins said that Eric Ramos told her that the officers said they wanted to arrest her before they even made contact with her. She said there were 12-14 other dancers working that night and some with smaller panties than she was wearing.

I asked Robbins if she heard the comment that Officer Spaulding was alleged to have made as she was leaving the club. Robbins said that she did not hear it.

James Rauch, Co-owner of Coconut Cabaret

On December 13, 2022, the co-owner of Coconut Cabaret, James Rauch, was interviewed in regards to his complaint. Rauch said that he was at the Coconut Cabaret on August 13, 2022 and he met the officers at the door when he realized they were on the property. He said the officers told him they were there to perform a check. Rauch said he asked the officers to wait at the door, but they followed him inside and spoke to Ramos before they went back to the dressing room with Robbins. Rauch said he followed the officers to the dressing room, but the male officer was in the doorway, so he could not get into the dressing room. Rauch said the officers did not give him much information about why they were there.

Rauch said that he learned later from the officers that they had a complaint of a woman dancing without panties on. He said that was preposterous and all they had to do was look around because all of his dancers had panties on. Rauch then added that he later learned that the complaint may have been bogus. Rauch mentioned the comment that Officer Spaulding made to Ramos which he summarized as if he (Rauch) continued to be an asshole, then they were going to continue to get complaints, inspections, and charges. Rauch explained that over the last several weeks, the business had been getting complained on for the noise and that officers were coming out on a regular basis to ask them to turn the music down. Rauch explained that he researched the noise ordinance and even got a decibel meter to ensure they were not in violation of the ordinance.

By the time Officer Spaulding responded to the Coconut Cabaret for the noise complaint, Rauch was admittedly frustrated with the numerous noise complaints. He said that despite the sound levels being in compliance with the noise ordinance, he has adjusted the music to each individual officers' satisfaction week after week. Rauch said that Officer Spaulding got an attitude with him and he had an attitude with her. Rauch said he thinks Officer Spaulding took it personal and was harassing his business with the inspection of the dancers' garments.

Brittney Cunningham, entertainer at Coconut Cabaret

On December 27, 2022, Brittany Cunningham was interviewed regarding her complaint. Cunningham said that Gainesville Police Officers came into the locker room at the Coconut Cabaret and were measuring the bottom garments of the dancers. Cunningham said that she had no idea why the police were there, she just saw what they were doing and then they told her it was her turn to get measured. Cunningham said that she bent over and the officer told her to bend over even more. She said that she had no warning about how close the officer was going to get to her or that they had to touch her to measure her bottoms. Cunningham questioned why she could not have taken the bottoms off for the officer to measure them. She said she was very uncomfortable. Cunningham said she was also uncomfortable with Officer Alvin being in the locker room.

Cunningham said that she and the other dancers were caught off guard when the officer said she had a complaint of a dancer who was nude. Cunningham said Coconut Cabaret is a no nudity bar and they would get in big trouble with their boss if he saw them not wearing anything.

Cunningham said the whole situation made her very uncomfortable. She said she is already in a situation where she has to work somewhere that is uncomfortable for her. Cunningham said everyone wants to feel safe in their work environment and this situation did not make her feel safe. She said the locker room is their safe space and that it did not matter that the officers were women, because they have rules that apply to both men and women and they are a no touch club, but even women have tried to touch them before. Cunningham said that she would have appreciated the male officer waiting outside as there was absolutely no reason for him to be back in the locker room.

Cunningham said that she felt like the female officers tried to be respectful, but she felt judged by them, especially when one of them said they could never do something like this. Cunningham said she did not think she could ever do something like this either, but now she has to because she is a single mom.

Aliyha Nichols, entertainer at Coconut Cabaret

On December 1, 2022, I spoke with Aliyha Nichols over the phone to determine when she would be available for an interview. Nichols said she was available early in the mornings. I called Nichols on December 6, 2022 and scheduled her interview for December 13, 2022 at 9:30. Nichols did not show up at that time. I called Nichols on December 15, 2022 and rescheduled her for an interview on December 28, 2022 at 10:00. Nichols also did not show for that interview. I called Nichols again on January 3, 2023 and received an automated message that her phone could not accept calls. I called Nichols again on January 10, 2023 and was able to leave a message for Nichols asking her to let me know if she still wanted to participate in an interview. Nichols never returned my call.

Anita Bullard, employee of Coconut Cabaret

On January 10, 2023, I called Grezlik and he provided a contact number for Anita Bullard. I called Bullard that day and left a message for her. I called Bullard again on January 11, 2023, but never received a call back.

Officer Alvin

On January 12, 2023, I sent Officer Alvin an email noticing him of the allegation of misconduct. On January 17, 2023, I met with Officer Alvin and provided him with all of the documentation available associated with this investigation. On January 19, 2023, I interviewed Officer Alvin in this case. Officer Alvin was provided and signed the Garrity Warning and Officer Bill of Rights forms. A recorded interview was then completed.

Officer Alvin said that prior to August 13, 2022, he had never been to the Coconut Cabaret and only heard about the noise complaints from Corporal Shutterly on the night of the incident. He said Sergeant Wagle asked him to accompany Corporal Shutterly to Coconut Cabaret so she would have male presence. He said that Corporal Shutterly told him about when she and other officers issued the owner (Rauch) a noise citation, he was not happy with them. Officer Alvin said that Corporal Shutterly also mentioned that there was a complaint of a female performing nude. Officer Alvin said that he did not question Corporal Shutterly further about the nude female complaint.

When asked why he was asked to be part of the check at the Coconut Cabaret, Officer Alvin said Corporal Shutterly told him that whenever female officers respond to the club, the owner has a very bad attitude, so Sergeant Wagle asked him to go to prevent the owner from giving the female officers a hard time. He said that the idea to check the dancers for compliance with the city ordinance was either Corporal Shutterly's idea or Sergeant Wagle's idea. He said they wanted to be proactive with the club because of all the noise complaints GPD was getting about the club.

Officer Alvin said that the plan was to just go inside real quick and check the attire of the dancers to ensure compliance. He said that Corporal Shutterly was in charge. Officer Alvin said his role was to keep the owner from interfering. Officer Alvin stated he did not know the requirements of the city ordinance governing nudity in public places and that he was supposed to look at the city ordinance prior to the compliance check, but he never did.

On the night of the incident, Officer Alvin said Corporal Shutterly made contact with the security guard and then with one of the dancers. He said that he followed Corporal Shutterly, Officer Spaulding, and the dancer into the dressing room. Officer Alvin said initially he did not know that it was a dressing room and he felt uncomfortable being inside. However, Officer Alvin said he stayed in the dressing room because he did not want the owner coming back there and giving the female officers trouble. At one point Officer Alvin left the dressing room, but he returned because the owner went back there.

I asked Officer Alvin why he made the comment, “I’m not in the mood for no old white man bullshit.” Officer Alvin said the owner had a “whole attitude” about the officers being in the dressing room. I asked Officer Alvin if the owner had an attitude with him and he said no, but the owner seemed like he had an attitude when he left the dressing room. I tried to determine why Officer Alvin thought the owner had an attitude and he said that the owner grunted when he walked past him. He said he could also tell by the look on his face and his demeanor. I asked Officer Alvin if he had ever spoken to the owner prior to this incident and he said he had not. I asked what he meant when he referred to his “bullshit”. Officer Alvin said he meant the owner’s attitude. Officer Alvin acknowledged that his comment was unprofessional. I continued to attempt to get Officer Alvin to explain the owner’s attitude and demeanor to me, but all he could explain was that the owner was snarky. I asked if he might have entered the encounter at Coconut Cabaret with preconceived notions of the owner’s demeanor based on Corporal Shutterly’s and Officer Spaulding’s accounts of their prior interactions with the owner, but Officer Alvin denied any preconceptions.

I asked Officer Alvin if there was a plan to educate the club owners and dancers about the city ordinance and requirements and he said there was. He said that he thought Corporal Shutterly was trying to do that as they were leaving the club, but the owner was not trying to hear anything that Corporal Shutterly was saying to him. He said the owner appeared to brush her off. Of note, this interaction is caught on Corporal Shutterly’s body worn camera footage. It is likely that Officer Alvin could not hear the conversation due to the music, but his perception of the interaction is entirely inaccurate.

Officer Alvin denied being part of the conversation with Ramos in the parking lot after leaving the club. Hence, he said he did not hear Officer Spaulding make a comment similar to, “if you’re going to be an asshole, I’m going to be an asshole.”

Officer E. Spaulding

On January 19, 2023, I sent Officer Spaulding an email noticing her of the allegation of misconduct. Later that day, I met with Officer Spaulding and provided her with all of the documentation available associated with this investigation. On January 24, 2023, I interviewed Officer Spaulding in this case. Scott Bertzyk was present for the interview as Officer Spaulding’s representative. Officer Spaulding was provided and signed the Garrity Warning and Officer Bill of Rights forms. A recorded interview was then completed.

I asked Officer Spaulding to tell me about what happened when she first responded to the Coconut Cabaret for a noise complaint on July 31, 2022. She said that she went to the complainant’s location first and she could hear the music. She said that complainant’s house is obviously over 200 feet from the club. Officer Spaulding said that she then went to the Coconut Cabaret and asked the manager to turn the music down. She said that manager, identified as Rauch, wanted to argue with her about decibels and she told him that she could hear it from far away and just wanted him to turn it down. She said Rauch just wanted to argue with her. Officer Spaulding said that was the first time she had been to

the club for a noise complaint, but she was aware that there had been noise complaints against them in the past.

Officer Spaulding said Coconut Cabaret is in the zone next to her assigned zone, but there is currently no one assigned to that zone on her shift. She said she decided to issue the club a written warning for the noise violation, but was in a pool car and did not have her warning citation book with her so she called Corporal Shutterly to see if her trainee would like to learn how to issue a noise warning. She said that Corporal Shutterly and Officer Widmayer arrived and issued the noise warning. I clarified that the decision to issue the noise warning was hers and asked her what led to that decision instead of just a verbal warning. Officer Spaulding said Rauch continued to argue with her and he mentioned that we (GPD) have been out there multiple times to tell them to turn it down and Officer Spaulding said she felt like that was not working so she decided to issue a written warning. I reminded Officer Spaulding that she accused Rauch of being “shitty” with her and asked her what she meant by that. She said he was arguing with her, refusing to listen to what she said, rolling his eyes, and scoffing at her. Officer Spaulding said that her decision to issue the written noise warning citation was based solely on Rauch’s comment that GPD had been there multiple times to tell him to turn the music down.

When asked why she returned to the Coconut Cabaret two weeks later to conduct a compliance check, Officer Spaulding said that after Officer Widmayer issued the noise warning to Rauch, Corporal Shutterly told her about the city ordinance regarding nudity in public places. Corporal Shutterly also said that she thought one of the dancers in the club was not wearing any underwear and therefore not in compliance with the city ordinance. Officer Spaulding said that she was not aware of the city ordinance or that she could arrest someone for a violation of a city ordinance. She said that Corporal Shutterly suggested they come back on a night they were not so busy and they could do a detail so Corporal Shutterly could teach her how to enforce city ordinances.

I asked Officer Spaulding more about what Corporal Shutterly said about one of the dancers inside the club not wearing any underwear. Officer Spaulding confirmed that none of the officers went inside the club on the night the noise warning was issued. I asked Officer Spaulding if she ever saw any of the dancers or entertainers that night. She said she did not, but she said that you could see into the club when Rauch was poking his head in and out. Officer Spaulding said if someone was standing a certain way in front of the door, they could see in. Officer Spaulding said that she could not see in, but she assumed that Corporal Shutterly could because that is how she saw that one of the dancers did not have any underwear on. Officer Spaulding said that she never saw anyone without the proper attire on and never heard a complaint from anyone other than Corporal Shutterly that anyone was in the Coconut Cabaret without proper attire on.

Officer Spaulding said that she was not part of the discussion to conduct a city ordinance compliance check. She said that Corporal Shutterly, Officer Alvin, and Sergeant Wagle planned it. She thought that she was invited to participate because she and Corporal Shutterly had talked about the city ordinance before and Corporal Shutterly thought Officer Spaulding wanted to come along to see how it works. Officer Spaulding said Corporal Shutterly was in charge and they reviewed the requirements of the ordinance prior to conducting the check. Officer Spaulding said Corporal Shutterly had a tape

measure and they were just going to go in and measure the outfits of the dancers. Officer Spaulding could not remember the measurements the ordinance requires.

Officer Spaulding said she was not aware if any supervisors other than Sergeant Wagle knew about the compliance check. When I asked Officer Spaulding what the goal of the compliance check was, she said that it was a proactive detail at a location that was causing a lot of complaints similar to when they have issues at Midtown and run underage drinking details. Officer Spaulding said the goal was not to make arrests, but to educate the employees of the club. I asked Officer Spaulding to tell me about their plan to educate them and she said that if the dancers were not in compliance, then they would tell them that they had to wear something else. I asked if they took copies of the city ordinance to provide to the employees and she said they did not. Officer Spaulding said she guessed Corporal Shutterly was going to educate the dancers on the requirements of their clothing because she was in charge of the detail. I asked Officer Spaulding if the detail was conducted in retaliation for Rauch's bad attitude towards her during the noise complaint call two weeks prior and she said no.

Officer Spaulding said Corporal Shutterly was the first officer to walk into the club on the night of the detail. She said Corporal Shutterly made contact with the security guard inside the club and told him why they were there. When I asked Officer Spaulding about her comment to Corporal Shutterly that "you're leading this", Officer Spaulding said that she meant this detail was Corporal Shutterly's idea and Corporal Shutterly knew the requirements of the city ordinance better than her or Officer Alvin. Officer Spaulding said that she would not have felt comfortable measuring the dancers' clothing for those reasons. I questioned Officer Spaulding about Corporal Shutterly's response to her, "I'm doing the arrest!" I asked who would have been arrested, the owners or the dancers, and Officer Spaulding did not know.

Officer Spaulding also said that she did not know what the plan was for measuring the underwear of the dancers and that when they went back into the dressing room, she did not think to ask Officer Alvin to wait outside. Officer Spaulding said none of the girls gave her any indications they were uncomfortable with what happened in the dressing room. Officer Spaulding said that she did have reservations about what they were doing in the dressing room, she thought it was weird, but she also thought they were just doing their job.

Officer Spaulding said that she did not remember Officer Alvin making the comment, "I'm not in the mood for no old white man bullshit" but did hear it when she reviewed the body worn camera footage prior to this interview. She said Officer Alvin probably said that because Rauch kept following them around. Officer Spaulding said that she did not remember making a comment similar to "If you're gonna be a dick/asshole, then I can be a dick/asshole".

Officer Spaulding said that she feels bad that the females were uncomfortable and she failed to realize that. When asked what she could have done differently, Officer Spaulding said that she would have tried to make the females feel more comfortable and do a better job of explaining what they were doing and why they were doing it.

Sergeant A. Wagle

I spoke to Sergeant Wagle on January 25, 2023 and scheduled to interview him the following morning. I offered to provide Sergeant Wagle with all of the documentation available associated with this investigation and he declined. On January 26, 2023, prior to the interview, I again offered to provide Sergeant Wagle with the documentation related to this investigation and again he declined. I offered to reschedule the interview to allow him time to consult with a representative and review the documentation, but he declined. I then interviewed Sergeant Wagle in this case. Sergeant Wagle was provided and signed the Garrity Warning and Officer Bill of Rights forms. A recorded interview was then completed.

Sergeant Wagle said that he is a Sergeant assigned to Patrol and he supervises Team 2, which encompasses the Midtown and Downtown areas. He said that he was aware of the repeated noise complaints regarding the Coconut Cabaret. I asked Sergeant Wagle if he was involved in any attempts to resolve the noise complaint issue and he said he was involved in one. I asked his involvement and Sergeant Wagle said that on August 13, 2022, Corporal Shutterly came to him after briefing and explained that she wanted to take Officer Spaulding up to the Coconut Cabaret to enforce the city ordinance regarding nudity at the club. He said he was also under the impression that there was a noise complaint holding that Officer Spaulding would be responding for anyway, but he did not remember. Note: There was not a noise complaint holding at that time on the night of the compliance check.

Sergeant Wagle said that Corporal Shutterly told him the last time they were at the Coconut Cabaret, one of the dancers was not wearing bottoms. Sergeant Wagle could not remember if Corporal Shutterly told him that she observed the violation or if Officer Spaulding was the one who observed the violation. Sergeant Wagle also said that Corporal Shutterly told him the manager gave them a really hard time the last time they dealt with him. He said Corporal Shutterly described the manager as creepy, said he was demeaning, and made one of the female officers uncomfortable. Sergeant Wagle told Corporal Shutterly to take Officer Alvin with them because Officer Alvin is a big guy. He said he thought it would be a great training opportunity for all of them.

Sergeant Wagle said that he told Corporal Shutterly that if she was going to do this, she needed to do it “by the numbers” meaning, have a briefing with the other officers, run it like an operation, review the city ordinance, make sure everyone knows what they are doing, and to be professional. He said that he has a lot of confidence in Corporal Shutterly. I asked Sergeant Wagle several questions about the logistics of the compliance check, but he was unaware of the plan of action or the procedures they planned to use to accomplish it. I asked if Sergeant Wagle reviewed the city ordinance with Corporal Shutterly prior to the check and he said that he told Corporal Shutterly to review it with the other officers. Sergeant Wagle added that he had full confidence that Corporal Shutterly would interpret the ordinance correctly. When I asked Sergeant Wagle why he did not go to the Coconut Cabaret along with Corporal Shutterly and the other officers, he said the better question is why would he? He said that the supervisors empower the officers on their shift to make life and death decisions, they empower their Corporals to make limited supervisory decisions, and he expected if there were any issues, he would be notified.

I asked Sergeant Wagle if Corporal Shutterly has ever performed a compliance check like this before. He said he thinks that there are probably only two officers in all of GPD who have performed a compliance check like this before, the officers who worked downtown when Decadence was open. I asked Sergeant Wagle if he spoke to any of the officers involved after the check was completed and he said he did not think so. He said he did not hear anything about it until one of the owners started to complain. Sergeant Wagle said at one point he and Lieutenant Wilkins watched the video and looked for any violations of state statute or policy and they did not find any. I asked him if they felt the need to address any issues with the officers after watching the video. He said that he and Lieutenant Wilkins talked about what the officers could have done better and they considered that the officers could have asked the females to remove the clothing in order to measure it, but Sergeant Wagle said that sounds very creepy and thinks that is more intrusive than what was done. He said that he does think that Corporal Shutterly should have communicated with the owner more about the suspicion that a female was dancing without underwear, about why they were there, the city ordinance, and what they were going to do.

Corporal B. Shutterly

On January 26, 2023, I sent Corporal Shutterly an email noticing her of the allegation of misconduct. On January 27, 2023, Sergeant Funderburg met with Corporal Shutterly and provided her with all of the documentation available associated with this investigation. On February 1, 2023, I interviewed Corporal Shutterly in this case. Scott Bertzyk was present for the interview as Corporal Shutterly's representative. Corporal Shutterly was provided and signed the Garrity Warning and Officer Bill of Rights forms. A recorded interview was then completed.

I asked Corporal Shutterly to tell me how she ended up responding to Coconut Cabaret on July 31, 2022 when the noise warning was issued. She said that Officer Spaulding was there for a noise violation and did not have her warning citation book, so she called Corporal Shutterly to come assist her. Corporal Shutterly said that she had Officer Widmayer as a trainee at the time and when they arrived at the Coconut Cabaret, the manager (Rauch) was out front with Officer Spaulding. She said Officer Widmayer issued the manager the noise warning. Corporal Shutterly said they never went inside the club, they only interacted with the manager outside.

I asked Corporal Shutterly to explain Rauch's demeanor towards the officers and she said he was unpleasant. She added that Rauch gave her the impression that he does not like women. I asked Corporal Shutterly what gave her that impression and she said that Rauch had different attitudes towards Officer Widmayer and Officer Spaulding and there was "a very inherent lack of respect for women." Corporal Shutterly said she was able to deduce that from witnessing Rauch interact with both officers. She added that Rauch also ignored her presence. I reminded her that she stood several feet back behind Officer Widmayer and Officer Spaulding and never spoke during the 5 minute interaction with Rauch. I asked Corporal Shutterly if Rauch said anything or did anything specific to indicate that he did not like women and she said it was just the difference between how he interacted with Officer Widmayer and Officer Spaulding as well as the "overall vibe."

Corporal Shutterly said after they issued the noise warning, they stayed in the parking lot for a couple of minutes debriefing the call. Corporal Shutterly said during the debrief, Officer Spaulding told her that one of the dancers in the club was not wearing any underwear. Corporal Shutterly said she pointed out that there was a city ordinance regarding nudity and Officer Spaulding was not aware of the ordinance so Corporal Shutterly offered to come back one night and enforce it. When I asked why not enforce it at that time, while they knew there was a dancer not in compliance, Corporal Shutterly said Officer Spaulding was not interested. Corporal Shutterly said it was not her zone or even her sector, she did not even think it was her district, so she did not want to step on toes.

Corporal Shutterly said that she had never been to the Coconut Cabaret prior to that night. She said she became aware of the noise complaint issue that night and afterward would see noise complaint calls for the business on the computer.

Corporal Shutterly said it was her idea to go to the Coconut Cabaret and conduct a compliance check to make sure the dancers were wearing the appropriate covering. Corporal Shutterly said the check was not related to the noise complaint issue. When I asked why she wanted to conduct a city ordinance compliance check, Corporal Shutterly said that she thinks that it is important that officers know all of the tools and resources available and also thought that it was an issue that should be addressed. She said there was a plan of action and that she was in charge. Corporal Shutterly said that she reviewed the entire ordinance with both Officer Spaulding and Officer Alvin. She said that Officer Alvin was included in the plan as a “bodyguard” for her and Officer Spaulding. When asked why she would need a “bodyguard”, Corporal Shutterly said that based on her impression that Rauch did not like women, she thought it would be better to have Officer Alvin as a “bodyguard” in case there was an issue. I asked Corporal Shutterly what kind of issue she thought she might have and she said she thought that if she and Officer Spaulding went alone, that Rauch might be “extremely unpleasant” towards them. I asked her if Rauch was ever aggressive towards them and she said he was not aggressive, but he was hostile and Officer Alvin was there to prevent Rauch from being hostile and causing any officer safety issues.

Corporal Shutterly said prior to going to the club, she explained the requirements to Officer Spaulding and Officer Alvin and mentioned that if they encountered violations then they would take enforcement action. I asked Corporal Shutterly what enforcement action they planned to take. She said she would need to review the ordinance again, but she thought there was the potential to arrest for violations. She waivered back and forth about whether she could arrest the owners or the dancers and then said that she would have probably filed a sworn complaint. I attempted to clarify if the plan was to file a sworn complaint or if the plan was to see if there were violations and then figure it out from there. She said she more or less she was going to figure it out once they determined there were violations.

Corporal Shutterly said that she briefly discussed the compliance check with Sergeant Wagle because it was not her zone or her sector. She said that she did not know which supervisor on her shift was in charge of that area, but she only spoke to Sergeant Wagle about it and he briefly mentioned it to Lieutenant Wilkins. Corporal Shutterly said that Sergeant Wagle just told her to review the ordinance prior to the checks. She said Sergeant Wagle did not give her any direction about how to accomplish the goal of assuring the dancers were in compliance with the city ordinance. Corporal Shutterly said

that she was not instructed to make contact with the owners or manager of the business first to educate them on the city ordinance or how they planned to ensure the dancers were in compliance. Corporal Shutterly said that she explained the rules to the dancers as she measured them. When asked if she ever contacted the manager or owner, she said she thought she tried to explain it to Rauch at the end of the check, but she sensed he did not want to talk to her. Corporal Shutterly said that she did not review her body worn camera footage prior to this interview, but that is how she remembers it.

Corporal Shutterly said the city ordinance compliance check was not conducted as retaliation for Rauch's attitude or demeanor on the night of the noise warning. I re-verified that the Coconut Cabaret is not in Corporal Shutterly's zone or her sector but that it was her idea to conduct a city ordinance compliance check on the business and I asked her why. She said that she wanted Officer Spaulding to know what her options were as a police officer. When I asked if she thought it was necessary to conduct "hands on" training on arrest-able city ordinance violations, Corporal Shutterly said she thinks "hands on" training is important in this job, and commented that otherwise we could just hand trainees a book and tell them to "go nuts."

I asked who first made contact with an employee of the club and Corporal Shutterly said that she contacted the security guard. She said they did not contact the owners or managers to let them know what the officers were doing and she could not explain why. She also could not explain why she did not talk to the owners about the incident that led to the compliance check, an officer witnessing a female dancing inside the club without wearing bottoms. Corporal Shutterly had no answer for why she did not question the owners about that incident or even provide them with that information.

I asked Corporal Shutterly about the logistics of measuring the garments of the dancers. She said that she keeps a tape measure in her car, so she just planned to measure them as they wore them. I asked if she planned to measure them on the floor (in the open area) of the club and she said she asked (Robbins) what she would prefer because she knew that was a weird thing to go through. Corporal Shutterly said she contacted Robbins first because she thought Robbins was in violation.

Corporal Shutterly said that she did not think to ask Officer Alvin to wait outside the dressing room. Corporal Shutterly said that she measured the clothing while it was still on the bodies of the women because she was not comfortable asking them to disrobe. When I asked Corporal Shutterly if she assumed that the women were comfortable with her putting her hands on them in order to measure their clothing, she said she did. She said that they were chatting and laughing and she was being as polite and professional about it as she could. When I asked Corporal Shutterly why she made the comment, "you do have a big bootie", she said the dancer was "anatomically gifted" and the intersection of the fabric that she needed to measure was tucked further between the buttocks than it was on the other dancers. I also asked Corporal Shutterly about her comment, "I imagine you get some of just the skeeziest people in here" to one of the dancers. She said that she made that comment because it is a club where women are scantily clothed and people tend to be skeezy when they are in that environment.

Corporal Shutterly said the dancers never gave her any indications that they were uncomfortable, but she acknowledged that they said they were uncomfortable and felt violated both in their complaints and

their internal affairs interviews. Corporal Shutterly said she did not think she was exposing the women when she pulled the fabric from between their buttocks to measure it.

Corporal Shutterly said the officers did talk with the security guard in the parking lot outside, but she did not remember Officer Spaulding making a comment similar to “if you’re going to be an asshole, then I can be an asshole.”

When asked what she would do different now that she has gained the perspective of the employees of Coconut Cabaret, she said she would be more communicative. Corporal Shutterly felt that she conducted herself as politely and professionally as she could.

Morgan Widmayer

February 2, 2023, Informal phone conversation

Morgan Widmayer is a former police officer with the Gainesville Police Department. He has since resigned, but was assigned as Corporal Shutterly’s trainee on July 31, 2023, when they responded to assist Officer Spaulding at Coconut Cabaret. I intended to interview Widmayer as a witness in this investigation.

I contacted Morgan Widmayer via phone and requested he participate in a formal interview regarding this internal investigation. Widmayer asked what the investigation was about, and when I told him that I had complaints from the Coconut Cabaret, he said he remembered going there to issue a noise warning. Widmayer stated that the owner was nice to him but had an attitude with Officer Spaulding. Widmayer stated the owner did not like women and when I asked him why he thought that, his only explanation was the difference in the owner’s attitude towards them (him and Officer Spaulding). He said that he did not see any overt sexist behavior by the owner. Widmayer said that when Officer Spaulding called Corporal Shutterly that night to request their assistance, she was extremely upset about how disrespectful the owner was towards her. He said that Officer Spaulding said later that the owner’s attitude was much better once Officer Widmayer was dealing with him.

Widmayer said after he issued the noise warning, he and the other officers were talking in the parking lot and the owner kept poking his head out of the door looking at them. Widmayer said during the discussion in the parking lot after issuing the noise warning, Officer Spaulding mentioned that she thought one of the female dancers inside the Coconut Cabaret was not wearing bottoms and Corporal Shutterly was talking about the city ordinance regarding nudity. Widmayer said they were not talking in the parking lot for very long and when they left, Corporal Shutterly laser measured 200’ from the business for Officer Spaulding.

Widmayer agreed to come in for a formal interview the following day, but later politely declined to participate in an interview. The information provided by Widmayer was not taken under oath and therefore cannot be used for consideration in determining discipline. It is included in this report as information learned during the investigation.

Officer Spaulding

I gave Officer Spaulding the opportunity to respond to Corporal Shutterly's and Sergeant Wagle's testimony as well as the information Widmayer provided. On February 6, 2023, Officer Spaulding was provided the transcripts of her first interview, Corporal Shutterly's and Sergeant Wagle's interviews and a typed summary of Widmayer's statements. On February 7, 2023, I interviewed Officer Spaulding again. Scott Bertzyk was present for the interview as Officer Spaulding's representative. Officer Spaulding was provided and signed the Garrity Warning and Officer Bill of Rights forms. A recorded interview was then completed.

Regarding the conversation that occurred between Officer Spaulding, Corporal Shutterly, and Officer Widmayer on the night the noise warning was issued, Officer Spaulding said she does not think anyone remembers the exact conversation. She said it was not a call that was significant and it was a long time ago, so she does not remember exactly what was said. Officer Spaulding suggested that it could have even been a miscommunication and somebody might have said, "what if they are naked in there?" Just to clarify, I asked Officer Spaulding if she saw anyone naked or bottomless in the Coconut Cabaret and she said that she never saw anyone naked or bottomless nor did she tell anyone that she saw someone naked or bottomless.

I asked Officer Spaulding if it was her impression that Rauch did not like women and she replied yes. When I asked why she thought that, she said at first she just thought he had an issue with her, but then after Rauch was more pleasant to Officer Widmayer, she thought maybe he did not like women or women in positions of authority. Officer Spaulding said her impression was based on the difference between Rauch's attitude toward her and his attitude toward Officer Widmayer.

I asked Officer Spaulding if she explained the two components of the noise ordinance to Rauch and she said that she did not know about the decibel component of the noise ordinance, she only knew of the plainly audible from more than 200 feet component.

Regarding the night of the compliance check, Officer Spaulding said that she was not aware they were going to conduct a check until that night. I asked Officer Spaulding if she felt the need to have a male officer present during the compliance check and she said it made her more comfortable because of the way Rauch treated her when she was by herself on the night of the noise warning. She mentioned that she thought his behavior would have escalated without a male officer there. When I asked how, Officer Spaulding said she thinks Rauch would have disrespected the female officers by yelling at them and creating a scene like he did when she first responded to the noise complaint.

I asked Officer Spaulding if there have been other times that Corporal Shutterly has facilitated teaching Officer Spaulding or any other officers things about policing. Officer Spaulding said that Corporal Shutterly is the person she calls when she has questions. I asked if Corporal Shutterly has ever initiated teaching Officer Spaulding something that she did not know how to do. Officer Spaulding could not think of another time Corporal Shutterly initiated a course of action to teach her how to do something.

CONCLUSION

The owners of the Coconut Cabaret claimed this compliance check was retaliation by the officers due to their contempt of the nature of their business. During the noise complaint call which occurred two weeks prior to the compliance check, Officer Spaulding and Corporal Shutterly developed the opinion that Rauch did not like women. However, there does not appear to be any basis for this assumption. During this interaction, there was a breakdown in communication because neither Rauch nor Officer Spaulding knew enough about the noise ordinance to have a proper discussion of the requirements. Rauch was talking about decibel levels, which Officer Spaulding admitted she was not aware of, and Officer Spaulding was talking to Rauch about the 200 feet and reasonable sensitivity to noise section of the ordinance, which Rauch was not familiar with. Neither Rauch, nor Officer Spaulding made an effort to understand what the other was talking about, which led to snarky exchange between the two of them. However, Rauch never gave any indication that he did not like women during this three minute interaction with Officer Spaulding.

When Corporal Shutterly and Officer Widmayer arrived, Rauch was already frustrated with Officer Spaulding, but had somewhat calmed down and was less argumentative with both Officer Widmayer and Officer Spaulding during the issuance of the noise warning. Officer Widmayer was polite towards Rauch and while Rauch continued to voice his disagreement with the noise complaints, he was polite to both of the officers. Both Officer Spaulding and Corporal Shutterly stated Rauch did not like women based on his improved demeanor during the second interaction that Officer Widmayer was a part of. Corporal Shutterly testified that Rauch had an “inherent lack of respect for women”. Officer Spaulding described Rauch’s behavior on the night of the noise warning as disrespectful, yelling at her, and causing a scene. However, these behaviors do not appear to occur on the body worn camera footage.

Computer Aided Dispatch history shows that there has not been a complaint to law enforcement about the attire of the dancers at the Coconut Cabaret since the club began featuring female dancers. According to Corporal Shutterly, Officer Spaulding, and Sergeant Wagle, the only information about females dancing in the Coconut Cabaret in any state of illegal nudity, arose during a conversation between Officer Spaulding and Corporal Shutterly after a noise warning call at the Coconut Cabaret. Officer Spaulding and Corporal Shutterly both testified they did not see a dancer in Coconut Cabaret in a state of nudity. Neither Corporal Shutterly nor Officer Spaulding claimed they made the statement that they saw a dancer in Coconut Cabaret in a state of nudity. However, both officers claimed they heard each other say they saw a dancer in Coconut Cabaret who was not wearing bottoms. Officer Spaulding initially said that Corporal Shutterly claimed she saw a dancer inside Coconut Cabaret who was not wearing bottoms, but later said that she did not remember exactly what was said and that it could have just been a misunderstanding. Corporal Shutterly said that Officer Spaulding claimed she saw a dancer inside Coconut Cabaret who was not wearing bottoms. Sergeant Wagle was not present during the conversation between them, but heard at a later time that one of them (Corporal Shutterly or Officer Spaulding) saw a dancer in the Coconut Cabaret without bottoms on.

Corporal Shutterly is assigned to Delta zone, which is not in the same sector or district as the Coconut Cabaret. However, Corporal Shutterly said that she initiated and conducted the compliance check at

the Coconut Cabaret based on the claim that a dancer was in a state of nudity and also as an effort to educate Officer Spaulding on the resources available to her. Officer Spaulding said that while she does rely on Corporal Shutterly if she has questions, Corporal Shutterly has not put together a detail or proactively taught Officer Spaulding about anything else.

When asked why they did not take action the night of the noise warning when someone claimed there was a dancer currently in the club without bottoms on, Corporal Shutterly said she did not recall the exact reasons, but because it was not her zone, or her sector, or even her district, she did not want to “step on toes”. In contradiction to that reasoning, two weeks later, Corporal Shutterly planned and conducted a compliance check operation at the Coconut Cabaret without notifying either of the supervisors who were working at that time and whose area of responsibility includes the area containing Coconut Cabaret. She also did this without involving the midnight shift zone unit responsible for that area, or any other officers assigned to that sector who were working that night. Corporal Shutterly only included Officer Alvin, who is not assigned to that area, at Sergeant Wagle’s suggestion and Officer Spaulding who is assigned a neighboring zone.

Corporal Shutterly notified Sergeant Wagle of her intent to conduct a compliance check at the Coconut Cabaret after shift briefing on the night of the compliance check. Sergeant Wagle instructed Corporal Shutterly to run the check like an operation, have a briefing with those involved and review the city ordinance. Sergeant Wagle said he told Corporal Shutterly to make sure everyone knows what they are doing and to be professional. Sergeant Wagle was not present for the compliance check nor did he feel it was necessary for him to be present.

Corporal Shutterly said there was a plan of action for the compliance check. She said she met with the officers who were involved prior to the check and talked to them about the city ordinance. However, Officer Alvin stated he did not receive any instruction or information regarding the ordinance other than being told to review the ordinance, which he said he did not do. Officer Spaulding stated they talked briefly about the ordinance in the parking lot before going into the club, but she was not aware of a plan to contact the owners, educate the employees, or how they were going to conduct measurements to ensure compliance. Corporal Shutterly said there was not a plan for who would have been charged with a violation or if they were going to make a physical arrest or not. There was no documentation of this compliance check other than a vice call entered into CAD. No report was written, no field contact card was completed, and no operation or after action plan was completed.

Once at the business, Corporal Shutterly did not make contact with the owners of the business to talk with them about their intention to conduct a compliance check. In fact, as she is speaking with the security guard, he twice suggests she talk to the owners and even points them out to Corporal Shutterly but she does not speak to them. Also, none of the involved officers notified anyone in charge of the alleged violation of the city ordinance that led to the compliance check. Rauch happened to overhear Corporal Shutterly mention the bottomless dancer and questioned her about it. Corporal Shutterly did not take that opportunity to tell Rauch about the city ordinance nor did she educate anyone about the city ordinance other than to tell the dancers, as she measured their clothing, that there was a requirement that thongs had to be ¾” wide.

While Corporal Shutterly measured the garments of the dancers, the women seemed to be shocked by the absurdity of measuring their thongs. Robbins offered to change her clothing to allow Corporal Shutterly to measure her thong. When I asked Corporal Shutterly why she did not allow that, she suggested that asking the dancers to disrobe was not a better option and she did not know how they would do that. She mentioned that she did not want the dancers to disrobe in front of her, but seems not to have considered that she could allow them to change in private by stepping out of the dressing room and then once they had changed, stepping back in to measure the thong. Despite the awkwardness of the situation, all three women remained compliant and friendly with the officers during the interaction. The women later complained that the procedure to assure compliance was invasive and they felt violated by the encounter. They explained that they were just being cooperative and friendly with the officers at the time of the check, but were uncomfortable with what was happening.

Measuring undergarments, especially the fabric that has to be removed from the natal cleavage, amounts to a search of a person. While Corporal Shutterly may have had reasonable suspicion to measure Robbins' thong because she was in public when Corporal Shutterly contacted her, Corporal Shutterly did not have a reason to search, or in this case measure, either Nichols' or Cunningham's thongs as they were contacted in a private dressing room. Despite reasonable suspicion to measure Robbins' undergarment, the act of pulling it from her natal cleavage to do so meets the definition of an invasive search as defined in Gainesville Police Department General Order 1.4 Searches and is prohibited by policy. *Invasive Searches/"Reach In" Searches: Although legal under case law, invasive searches that include reaching into the undergarments of a person are prohibited by department policy, except [to retrieve a weapon].*

Even though there were several more dancers working in the club at the time, the officers only measured the garment of one of the dancers who was in the public area of the club. They did attempt to call the dancer who was on stage back into the dressing room, but abandoned that endeavor after a few minutes of waiting. The officers did not attempt to locate and inspect any of the other dancers' garments and instead vacated the club without further inspection. Robbins testified that she felt singled out and, due to this fact, she was or could have appeared to be singled out by the officers. Corporal Shutterly stated to Cunningham and Nichols on her way out that she would just assume that the rest of the dancers were in compliance since the three she measured were in compliance.

Sergeant Wagle and Corporal Shutterly testified that Officer Alvin was included in the compliance check as back-up due to Rauch's attitude towards women. Corporal Shutterly explained Officer Alvin's role as a "bodyguard" due to her belief that Rauch would be "extremely unpleasant". Corporal Shutterly thought they could avoid the hostility and any officer safety issues by having a male officer there. As stated earlier in addressing Rauch's alleged bias toward women, during the call involving the noise complaint, Rauch disagreed with the requirements and enforcement of the noise ordinance during this interaction, however, he was never aggressive nor a threat to officer safety. Additionally, although following the lead of Robbins, all of the officers, including Officer Alvin, entered a private dressing room that is not open to the public without invitation or announcement. Furthermore, Officer Alvin remained present in the dressing room while the female dancers were inspected. If Officer

Alvin's role was to address any non-compliance or safety concerns with Rauch, he could have remained outside the dressing room as Rauch did during the measurement of the undergarments.

Officer Alvin said his comment, "I'm not in the mood for no old white man bullshit" was referring to Rauch's attitude. However, Officer Alvin had a difficult time explaining how Rauch had an attitude other than to say it was just his demeanor. Officer Alvin did not interact with Rauch during the check other than Rauch "grunting" when he walked past Officer Alvin. Officer Alvin agreed this comment was unprofessional during his interview.

Under penalties of perjury, I declare that I have read the foregoing document and that to the best of my knowledge and belief the facts stated in it are true. Furthermore, 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 of the investigation of any of the rights contained in ss. [112.532](#) and [112.533](#), Florida Statutes.

IA#: 22-046

Investigator: *Sgt. Leah Hayes* Date: *02/13/2023*

Regarding performing a compliance check of the clothing worn by the employees of the Coconut Cabaret, neither the City of Gainesville *Nudity in Public Places* Ordinance nor the Gainesville Police Department General Orders provide direction, guidance, and/or limitations regarding inspections/compliance checks of a place provided or set apart for nudity. Therefore, the officers are not prohibited from conducting a check to ensure the employees of the Coconut Cabaret were in compliance with the city ordinance. Likewise, the officers have not been provided with a standard set of procedures or prohibited actions in the course of an inspection and/or compliance check.

Regarding the report of a Coconut Cabaret employee being observed without wearing any type of covering below her waist. This investigation determined neither Corporal Shutterly nor Officer Spaulding observed this occurrence. Initially, Officer Spaulding attributes this information to Corporal Shutterly and Corporal Shutterly attributes this information to Officer Spaulding. Although he received the same information, Sergeant Wagle could not recall whether this information came from Corporal Shutterly or Officer Spaulding. During a second interview, Officer Spaulding stated this information may have originated from a misunderstanding between herself and Corporal Shutterly. Therefore, this investigation was unable to determine the origin of this incorrect information.

It was determined that there was no evidence to substantiate the allegation that Officer Spaulding, or any of the other officers, conducted this compliance check as a form of harassment and/or as retaliation for Rauch's demeanor toward Officer Spaulding during her prior interaction. Officer Spaulding did not initiate the compliance check, was not part of planning the compliance check, and even seemed reluctant to take a leading role during the compliance investigation. It was also determined that Officer Spaulding did not violate any policies during the compliance check or the previous incident which

concluded in the issuance of a noise warning. Therefore, the allegation of harassment and/or retaliation pertaining to Officer Spaulding is **UNFOUNDED**.

Although there is no prohibition regarding the performance of a compliance check and the allegations regarding harassment and/or retaliation were unsubstantiated, there were other violations of policy that occurred during the compliance check of the Coconut Cabaret.

Gainesville Police Department General Order 1.4: Searches states, in part and in summary, *Prohibited Searches: Invasive Searches/Reach In Searches: Although legal under case law, invasive searches that include reaching into the undergarments of a person are prohibited by department policy, except as defined in section G.2.v. They shall be conducted out of public view. Section G.2.v states Invasive Searches/Reach In: If an officer has articulable suspicion that a person in custody is in possession of a weapon, the officer shall seize the weapon immediately and document the occurrence. Strip Searches are prohibited by policy.* This policy also states, in part and summary, *Documentation: All searches will be documented in an Incident/Investigation Report or Field Interview Card.*

During this compliance check, Corporal Shutterly conducted an Invasive Search/Reach In when she reached into the undergarments of three individuals while measuring for compliance. Additionally, neither Corporal Shutterly nor any of the involved officers documented her actions. Therefore, the allegation of violation of Gainesville Police Department General Order 1.4: Searches pertaining to Corporal Shutterly is **SUSTAINED**. Corporal Shutterly will receive corrective action in the form of a written warning.

Gainesville Police Department General Order 12.1: Command and Control states, in part and in summary, *Supervisory Duties: Regardless of rank or classification, a supervisor is responsible for the following basic functions: Furnishing direction and coordinating work to best accomplish goals and objectives.*

Corporal Shutterly advised Sergeant Wagle that she intended to perform a compliance check of the clothing worn by employees of the Coconut Cabaret. Sergeant Wagle stated he told Corporal Shutterly the check has to be done “by the numbers” meaning have a briefing with the other officers, run it like an operation, review the city ordinance, and make sure everyone knows what they are doing. Although the officers met before conducting the check, there was not a formal type of briefing and it was not run like an operation because there was not even an informal plan in place regarding each officers role or what enforcement actions would or would not be taken. It appears this also contributed to Officer Alvin’s presence in a private dressing room with 3 females while their clothing was being checked. Had Officer Alvin or the other officers understood his role better, he or the other officers may have realized his presence in the dressing room, especially with his task of addressing Rauch’s behavior, was un-necessary since Rauch was not in the dressing room. The lack of direction and/or coordination by Sergeant Wagle also resulted in Corporal Shutterly violating policy in the course of her actions. Therefore, the allegation of violation of Gainesville Police Department General Order 12.1: Command and Control pertaining to Sergeant Wagle is **SUSTAINED**. Sergeant Wagle will receive corrective action in the form of a written warning.

Gainesville Police Department General Order 26.1: Rules of Conduct states, in part and in summary, *Contact with Public: All members shall not express any prejudice concerning race, gender, religion, politics, national origin or similar personal characteristics.*

Although Officer Alvin did not make this statement directly to Rauch, he verbally expressed that Rauch's demeanor was based on Rauch's sex, age, and race. This statement was made in the presence of other officers, was captured on body worn camera, and is subject to public record. Officer Alvin admitted this comment was unprofessional during his interview. Therefore, the allegation of violation of Gainesville Police Department General Order 26.1: Rules of Conduct pertaining to Officer Alvin is **SUSTAINED**. Officer Alvin will receive corrective action in the form of a written warning.

As stated in the beginning of this conclusion, there is not a current GPD General Order providing guidance regarding inspections/compliance checks for places provided or set aside for public nudity. Previously, GPD did have a General Order that governed such checks but it was removed as moot because, at that time, there were no such establishments inside the city limits of Gainesville. However, as shown by the concerns/feelings of the involved employees as well as the policy violations that did occur during this check, the intricacies of this type of inspection/check deserve guidance and direction. Therefore, the Gainesville Police Department has started the process of reviewing the old policy to update and/or improve any information, guidance, techniques, and/or procedures. Once this process is complete, the policy governing inspections/compliance checks of place provided or set aside for public nudity will be reinstated.

Under penalties of perjury, I declare that I have read the foregoing document and that to the best of my knowledge and belief the facts stated in it are true. Furthermore, 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 of the investigation of any of the rights contained in ss. [112.532](#) and [112.533](#), Florida Statutes.

IA#: 22-046

IA Commander:

T. DURST

Date: 02.15.2023

Bureau Commander:

B. Att

Date: 2.15.23

Chief Inspector:

James Thum

Date: 2-15-23

Assistant Chief:

Paris Queen

Date: 2/15/23

Chief:

James Jones

Date: 2-15-23