

Editor, Naples Daily News,

Re: the "Publix grape case" chronicled in the Naples Daily News in recent weeks.

The Collier County Sheriff's Office investigator took law enforcement action after witnessing behavior that she believed would qualify as a misdemeanor under state statutes.

It is undisputed that produce, which is sold by volume, was consumed without prior payment or specific permission. Store management was questioned to determine whether they wished to pursue charges; they declined. Our investigator immediately disengaged.

Mrs. Irlanda Gendron states in her complaint that while she was eating grapes she was confronted by a deputy who openly displayed her firearm and star and further alleges that the deputy was impolite to her.

According to Mrs. Gendron the investigator did not say "please" when asking for identification, she pointed her finger at Mrs. Gendron and exposed a sidearm and deputy star. The store manager stated that our investigator was "aggressive." The store manager was unable to define "aggressive" for us; he stated that the deputy was not rude or unprofessional.

A review of the digital images of the incident from Publix store cameras, time lapsed and at a distance from the situation, is of little value. It does not depict improper conduct by our investigator. It should be noted that there was no audio. The image does not provide evidence of the volume of produce consumed.

As best I can determine from evidence, our member properly identified herself as a law enforcement officer. While on duty, all law enforcement members are required by policy to wear a duty firearm and, if exposed, the Agency star must be worn near the firearm. If the firearm and star are concealed, the deputy is required to identify themselves as law enforcement and uncover the star.

Our member, an experienced law enforcement officer believed that Mrs. Gendron's behavior was unreasonable in view of the law; Mrs. Gendron believes otherwise. The basis for violation of law in this situation occurs upon the mere consumption of the produce without payment or prior permission and not on the volume. Early statements from us as to the quantity of grapes consumed cannot be supported or refuted but should be treated as unsustainable remarks.

Based on the facts that I have reviewed, I cannot subscribe to the theory that our member's actions were wholly inappropriate, only that they were unwelcome.

Because Publix does not wish to pursue shoplifting complaints for cost by weight merchandise, we are re-evaluating our response to such apparent violations within the confines of their stores.

Our member has been reminded of her duty to be courteous while performing duties when circumstances permit. We regret any inconvenience that we may have caused Mrs. Gendron and ask for her continued support.

Don Hunter, Sheriff  
Collier County

