

**North Miami Police Department
Internal Affairs Case 2011-04**

On June 6, 2011, Sergeant Angel Rivera received and documented a complaint made against Officer Jodyln Antoine. The complainant, Ms. Germaine Charite alleged that Officer Antoine has utilized his police computer to access her personal information for no official police business. Ms. Charite also alleged that Officer Antoine provided the information to another person. After receiving the allegation of employee misconduct on June 7, 2011, I discussed it with Chief Stephen Johnson. Subsequent to our discussion, Chief Johnson directed me to conduct an Internal Affairs Investigation into Ms. Charite's allegation.

INVESTIGATION

On June 8, 2011, I made telephone contact with Ms. Charite. During our conversation she explained that she and Officer Antoine have been romantically involved for several years. Ms. Charite further stated that she was served a Temporary Injunction for Protection Against Dating Violence on June 7, 2011. Ms. Charite was concerned that she would be violating the injunction if she responded to the police department to meet with me. I made arrangements to meet her at her residence the following day.

On June 9, 2011, at 8:30 a.m., I responded to 265 NW 128 Street, and met with Ms. Charite. During our conversation, she explained that she and Officer Antoine have been dating for approximately 8 years. She recently discovered through Face Book that Officer Antoine has also been dating Ms. Carol Voltaire for several years. Ms. Charite indicated that during a meeting with Ms. Voltaire, Ms. Voltaire informed her that Officer Antoine used his police computer to show her (Voltaire) a driver's license picture of Ms. Charite. Ms. Charite believes that Officer Antoine used Florida's Driver And Vehicle Information Database (DAVID), to pull up and show Ms. Voltaire her picture. Ms. Charite further stated that she knows Officer Antoine uses this system for non police business because she has been in his presence in the past as they looked up pictures of people they know. Ms. Charite stated that she works for the North Miami Auto Tag Agency and is familiar with the user restrictions for DAVID.

According to Ms. Charite she called the police department a few times until she was able to talk with Sergeant Rivera. Ms. Charite stated that Officer Antoine became aware that she had called the police department to file a complaint and told her to stop harassing him at work. Ms. Charite refused to provide me a sworn recorded statement. She indicated that she did not want to jeopardize Officer Antoine's career. She also stated that she was afraid that Officer Antoine would retaliate if she gave a statement.

Ms. Charite provided me a copy of the Temporary Injunction for Protection Against Dating Violence that she was served. Officer Antoine is listed as the "Petitioner" and Ms. Charite is listed as the "Respondent". Both parties are required to appear for a hearing on June 22, 2011. Ms. Charite advised me that she has also filed for a Temporary

Injunction for Protection Against Dating Violence against Officer Antoine and he should be served in the near future. A sworn recorded statement was not obtained from Ms. Charite at this time.

When I returned to the office I received a telephone call from Sergeant Fernandez of the Miami Dade County Court Services Division. Sergeant Fernandez advised that Officer Antoine needs to be served a Temporary Injunction for Protection Against Dating Violence. Arrangements were made for the Miami Dade County Court Services to serve Officer Antoine at the North Miami Police Department later in the day while Officer Antoine was scheduled to be working. At 2:15 p.m., Dade County Court Services Sergeant Brenda Blacksmear responded to the Department and served Officer Antoine. Present in the room were Chief Johnson, Assistant Chief Elias and Sergeant Rivera. A copy of the Temporary Injunction for Protection Against Dating Violence was provided to me by Sergeant Blacksmear. The court case number is 11-018063-FC-04; the injunction lists Officer Antoine as the "Respondent" and Ms. Charite as the "Petitioner". The temporary injunction requires that Officer Antoine appear in court on June 22, 2011, at which time testimony will be heard and a disposition will be determined by the Honorable Joseph Davis, Jr.

I met with Communications Supervisor Debbie McDonald and requested that she conduct a search of Officer Antoine's inquiries made on DAVID during a specific time range. Ms. McDonald indicated that she could access the information; she was then provided the complainants name to compare against Officer Antoine's DAVID activity. During our conversation she advised that she became aware that the complainant had called and spoke to either Police Communications Operator Gloria Johnson or Jacky Finkel. Ms. McDonald said there was some conversation regarding Officer Antoine having knowledge that Ms. Charite had called the Department.

Later in the day Ms. McDonald provided me a printout for Officer Antoine's DAVID activity. **Ms. McDonald showed me that Officer Antoine did in fact access Ms. Charite's driver license information on June 3, 2011, at 9:02 a.m. The activity print out also reflects that Officer Antoine accessed his own personal drivers license information on the same date at 8:47 p.m. The DAVID print out is included in the file for review.**

On June 14, 2011, I conducted an in house search for all incidents involving Ms. Charite. The search produced a police report that originated on April 25, 2011. The North Miami Case number is 2011-14325. The reporter/victim is Ms. Voltaire who reported that she was receiving harassing phone calls from Ms. Charite. There are no reports or calls for service linked to Ms. Charite on June 3, 2011. I also reviewed Officer Antoine's activity for June 3, 2011 and found that he was in-service at 9:02 a.m. Officer Antoine had no documented police activity that would require him to query Ms. Charite, utilizing DAVID on June 3, 2011.

The North Miami Police Department's Mobile Laptop Computer Policy states that the mobile laptop computer system shall be used for work-related purposes only. A review of

Officer Antoine's training file reflects that he received training in this area on August 10, 2004, during a new employee orientation. According to the lesson plan the laptop policy and procedures were reviewed with him. Records also reflect that Officer Antoine signed an "agreement for Computer, Internet and E-Mail Access and Usage", on September 23, 2006. The agreement clearly states that the City of North Miami Computers, Internet and E-mail systems are to be used for conducting City business. It should also be recognized that users of the DAVID system are required to sign-in and accept DAVID user conditions. The words "DAVID Usage Warning" are clearly displayed in a similar color to red. The warning states "...unauthorized use includes queries not related to a legitimate business purpose, personal use, dissemination, sharing, copying, or passing of DAVID information to unauthorized users..." The user can only enter the system after reviewing the warning and clicking "I accept the above conditions on my use of DAVID".

On June 22, 2011, I learned that the Court ordered a continuance in the case and the Temporary Injunction was reissued and extended until July 12, 2011. Sergeant Fernandez of the Dade County Court Services subsequently served Officer Antoine with the new injunction at the North Miami Police Department on June 30, 2011. Chief Johnson and Chief Elias were apprised.

On June 30, 2011, I took a sworn recorded statement from Ms. McDonald. In her statement, Ms. McDonald explained that she confirmed that Officer Antoine accessed Ms. Charite's driver license information on June 2, 2011, on the Driver And Vehicle Information Database (DAVID). She also confirmed that Officer Antoine accessed his own personal information on DAVID. Also during her statement, Ms. McDonald advised that Police Communicator Operators (PCO) Gloria Johnson and Jackie Finkel had some knowledge of Ms. Charite calling the police department. Ms. McDonald's transcribed statement is contained in the file for review.

On July 5, 2011, I met with PCO Gloria Johnson. In her statement, Ms Johnson advised that Officer Antoine had called the station and informed her that that he has a restraining order against a female. Ms. Johnson said that Officer Antoine advised that the restraining order prohibited the female to call the station and they (PCO's) were not to take her call. Ms. Johnson said she began to write a note to the other PCO's, but then turned the matter over to Ms. McDonald. Ms. Johnson said she never spoke with the female but PCO Finkel had. Ms. Johnson's transcribed statement is included in the file for review.

Officer Antoine had informed me that the Court had issued a second continuance in the case and the Temporary Injunction was extended until August 11, 2011. I responded to the North Dade Court House on July 21, 2011, to review the Court file. I confirmed the information concerning the continuance of the case and Temporary Injunction. The new hearing date is scheduled for August 11, 2011, at 9:00 am. While reviewing the Court documents concerning the case, I discovered a Temporary Injunction For Protection Against Repeat Violence (case # 11-018092-FC-04), where Carolle Voltaire is listed as the "Petitioner", and Germinie Charite is listed as the "Respondent". The Injunction is valid until 01/26/2012. According to Ms. Charite, Carolle Voltaire is Officer Antoine's other girlfriend and the person who he provided Charite's information to.

On July 21, 2011, I met with Ms. Voltaire. In her statement, Ms. Voltaire stated that she is 26 years of age and has been dating Officer Antoine since the age of 19. According to Ms. Voltaire, she and Officer Antoine have a child in common. She indicated that she and Officer Antoine are currently not dating and only communicate about their child. She further advised that she was contacted by Ms. Charite in April of 2011. Ms. Voltaire stated that Ms. Charite had informed her that she was also dating Officer Antoine. Ms. Voltaire said that she contacted the North Miami Police Department to file a report against Ms. Charite on two occasions. She said she also filed for a temporary injunction against Ms. Charite.

Ms. Voltaire could not provide the exact date but explained that Officer Antoine provided her with Ms. Charite's name, and birth date. She explained that it was during the same week that she was originally contacted by Ms. Charite and she needed the information to file a police report and restraining order. Ms. Voltaire said that she recalled calling Officer Antoine on the telephone and asking for the information. Ms. Voltaire said that she has no knowledge of Officer Antoine using his police computer to obtain Ms. Charite's information. Ms. Voltaire made the police report on April 25, 2011, and said it was prior to that date when she received the information from Officer Antoine. Ms. Voltaire's statement has been transcribed and is contained in the file for review.

On July 22, 2011, I met with Sergeant Angel Rivera. In his statement, Sergeant Rivera advised that he spoke with Ms. Charite on June 6, 2011. He explained that she had called the station and the call was transferred to him. Sergeant Rivera confirmed what he had documented on the Allegation of Employee Misconduct form. He had no further information to provide. Sergeant Rivera's statement was transcribed and is contained in the file for review.

Later in the day I met with PCO Finkel. Ms. Finkel advised in her statement that she recalls receiving a call from a woman making allegations against Officer Antoine. According to PCO Finkel the woman was alleging that Officer Antoine gave his girlfriend the complainant's information and the girlfriend is now harassing the complainant. PCO Finkel does not recall if she transferred the call to a supervisor. She had no further information concerning the allegation. PCO Finkel's transcribed statement is contained in the file for review.

During the course of this investigation, Officer Antoine requested to take a leave of absence. The leave of absence was approved by the Personnel Director and City Manager. The leave is effective July 26, 2011 – July 26, 2012, at which time Officer Antoine may be hired back. The supporting documentation is contained in the file for review.

On July 25, 2011, at approximately 8:10 a.m., Officer Antoine responded to my office and requested to speak with me. He stated that it was his last day at work and inquired to know if he was a subject of an internal affairs investigation. I confirmed that he was the subject of an internal affairs investigation however I did not tell him the status. I told him that prior to me asking him any questions he would be entitled to certain rights as a law

enforcement officer and it would not be sensible to try to force an interview prior to his separation. I informed Officer Antoine that I would proceed with the investigation without his testimony if he was not available. Officer Antoine said that he would be periodically in town and would call me so arrangements could be made for him to give a statement.

On August 25, 2011, I responded to the North Dade Court House to review the Court file (case # 11-018092-FC-04) involving Officer Antoine. It was discovered that the Temporary Injunction For Protection Against Repeat Violence will remain in effect until October 11, 2011. Both parties in this matter have been instructed that they have the option to schedule a hearing date prior to October 11, 2011, if they wish the Court to consider a final judgment of injunction, which shall remain in effect until a date certain, or until modified or dissolved by the Court. If either party makes the request then the current judgment will dissolve on October 11, 2011.

Officer Antoine is not currently employed as a police officer with the City of North Miami; therefore he cannot be compelled to give a statement. Officer Antoine has not contacted me concerning this matter. **The investigation has produced evidence to reasonably conclude that Officer Antoine used the Driver And Vehicle Information Database (DAVID), which is under the auspices of the Florida Department of Safety and Motor vehicles for personal business. Records reflect that he accessed Ms. Charite's driver license information on June 3, 2011, at 9:02 a.m. The investigation concluded and the file was prepared for review by the Disposition Panel.**

On September 6, 2011, I contacted Assistant State Attorney, Johnette Hardiman of the Public Corruption Prosecution Unit. After the known facts of the investigation were presented to A.S.A. Hardiman, she concurred that the case be processed for administrative purposes only. Administratively the department will be required to submit a summary of the case and final disposition to DHSMV, Chief Maureen Johnson.

INVESTIGATION SUMMARY

The complainant, Ms. Germiné Charité alleged that Officer Antoine utilized his police computer to access her personal information for non official police business. Ms. Charité also alleged that Officer Antoine provided the information to Ms. Carol Voltaire.

Ms. Charité had no firsthand knowledge that Officer Antoine accessed her personal information utilizing a police computer but claims she was informed by Ms. Voltaire. Ms. Charité indicated that during a meeting with Ms. Voltaire, Ms. Voltaire informed her that Officer Antoine used his police computer to show her (Voltaire) a driver's license picture of Ms. Charité. Ms. Charité believes that Officer Antoine used the Driver And Vehicle Information Database (DAVID), to access and show Ms. Voltaire her picture. Ms. Charité further stated that she knows Officer Antoine uses this system for non police business because she has been in his presence in the past as they looked up pictures of people they know. Ms. Charité refused to provide me a sworn recorded statement.

Ms. Voltaire could not provide the exact date but explained that Officer Antoine provided her with Ms. Charite's name, and birth date. Ms. Voltaire said that she recalled calling Officer Antoine on the telephone and asking for the information. Ms. Voltaire said that she has no knowledge of Officer Antoine using his police computer to obtain Ms. Charite's information.

Communications Supervisor Debbie McDonald conducted a search of Officer Antoine's inquiries made on DAVID during a specific time range. It was discovered that Officer Antoine did in fact access Ms. Charite's driver license information on June 3, 2011, at 9:02 a.m.

During the course of the investigation it was learned that Officer Antoine and Ms Charite served each other with mutual Temporary Injunction For Protection Against Repeat Violence. The Court has ordered the injunction to remain in effect until October 11, 2011. It was also learned that Ms. Voltaire filed for a Temporary Injunction for Protection against Repeat Violence against Ms. Charite. The injunction remains in effect until January 26, 2012.

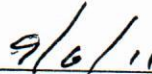
Officer Antoine separated his employment by taking an approved leave of absence. The leave was effective July 26, 2011. The investigation was concluded without a statement from Officer Antoine.

INTERNAL AFFAIRS CASE 11-04

"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."



Commander Trevor Shinn



Date:

**North Miami Police Department
Internal Affairs Case 2011-04
"Supplement Report"**

The original complaint was documented on June 6, 2011. The complainant, Ms. Germaine Charite alleged that Officer Antoine utilized his police computer to access her personal information for non official police business. Ms. Charite also alleged that Officer Antoine provided the information to Ms. Carol Voltaire. During the course of the investigation, it was discovered that Officer Antoine did in fact access Ms. Charite's driver license information on June 3, 2011, at 9:02 a.m. It was also learned that Officer Antoine and Ms Charite served each other with mutual Temporary Injunction For Protection Against Repeat Violence. Officer Antoine separated his employment by taking an approved leave of absence. The leave was effective July 26, 2011. The investigation was concluded without a statement from Officer Antoine and turned over to the Disposition Panel for review and disposition determination. On September 6, 2011, the panel agreed that no disposition should be decided upon until Officer Antoine is available to provide a sworn statement. The disposition was then tabled until Officer Antoine became available to provide a statement.

On November 22, 2011, at 3:00 p.m., Officer Antoine responded to the police Department with Mr. Lewis Fustee, a Dade County Police Benevolent Association representative. At the advice of Mr. Fustee, Officer Antoine refused to volunteer his statement. It should be noted that Officer Antoine was still on approved leave of absence and responded to the station on his own time.

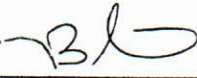
Officer Antoine was rehired as a Police Officer on February 13, 2012.

On March 1, 2012, at 2:00 p.m., Officer Antoine arrived at my office, along with counsel from the Dade County Police Benevolent Association (PBA), Mr. Lewis Fustee. Prior to conducting the interview I informed Officer Antoine of his Garrity Rights and he confirmed that he reviewed all the sworn statements and related evidence to this matter that had been provided to him. **In his statement, Officer Antoine acknowledged that on June 3, 2011, he utilized DAVID to accessed Ms. Cherite's driver's license information. He denied that he provided the information to Ms. Voltaire.** Officer Antoine defended his actions by saying that he was preparing to file a restraining order against Ms. Cherite, and he wanted to confirm he had her correct information. Officer Antoine did in fact file a Temporary Injunction for Protection Against Dating Violence, with the Court on June 6, 2011. This document has been previously been made reference to and is contained in the file for review. Officer Antoine's transcribed statement is contained in the file for review.

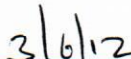
The file will is being returned to the Disposition Panel for consideration.

INTERNAL AFFAIRS CASE 11-04

"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."



Major Trevor Shinn



Date: