

NORTH MIAMI POLICE DEPARTMENT MEMORANDUM



To: Marc Elias
Acting Chief of Police

Date: May 21, 2011

From: Disposition Panel

Subject: Internal Affairs Investigation

Distribution:

Case No. 2011-04

A Disposition Panel comprised of the members listed below reconvened for the purpose of reviewing additional facts surrounding the above-listed case. The following represents findings of the panel.

I. SUMMARY

A. Incident/Allegation:

Ms. Germine Charite alleged that Officer Jodlyn Antoine utilized his police computer to access her personal information for no official police business and provided the information to another person, Ms. Carol Voltaire. Ms. Charite declined to give a sworn statement.

B. Disposition:

On September 6, 2011, the Disposition Panel rendered it's decision that no disposition should be decided upon until Officer Antoine provides a sworn statement.

On March 1, 2012, Officer Antoine gave a sworn statement. Based on his sworn statement the allegation is SUSTAINED. Officer Antoine utilized his police computer for his unauthorized personal use and not for any legitimate business purpose in violation of the following:

DAVID System Usage Agreement- which states in part "Unauthorized use includes, but is not limited to, queries not related to a legitimate business purpose, personal use, dissemination, sharing, copying or passing of DAVID information to unauthorized users and could result in civil proceedings against any user or other person involved".

North Miami Police S.O.P. , Mobile Laptop Computers, number 100.06 IV, paragraph. D, section #7 - " Information obtained through Department accessed programs is for criminal justice purposes only", and VI, paragraph A, "The mobile laptop computer system shall be used for work-related purposes only".

II. OTHER FINDINGS

NONE

III. POLICY OR PROCEDURAL CHANGES OR
IMPLEMENTATION NEEDED


NONE

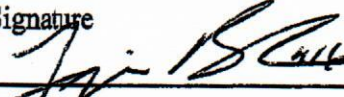
Neal Cuevas Commander

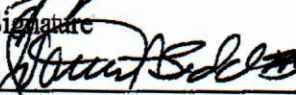
Panel Chairperson (Name, Title)
Franzia Brea-Burden Major

Panel Member (Name, Title)
Walter Sidd Sergeant

Panel Member (Name, Title)


Signature


Signature


Signature

NORTH MIAMI POLICE DEPARTMENT MEMORANDUM



To: Marc Elias
Acting Chief of Police

Date: September 6, 2011

From: Disposition Panel

Subject: Internal Affairs Investigation

Distribution:

Case No. 2011-04

A Disposition Panel comprised of the members listed below convened for the purpose of reviewing the facts surrounding the above-listed case. The following represents findings of the panel.

I. SUMMARY

A. Incident/Allegation:

Ms. Germaine Charite alleged that Officer Jodyln Antoine utilized his police computer to access her personal information for no official police business and provided the information to another person, Ms. Carol Voltaire. Ms. Charite declined to give a sworn statement.

B. Disposition:

Ms. Charite did not have firsthand knowledge that Officer Antoine accessed her personal information through the police computer but stated that she was told by Ms. Voltaire that he had.

Ms. Voltaire explained that during the week of April 25, 2011 Officer Antoine provided her with Ms. Charite's name, and date of birth as Ms. Voltaire needed the information to file a police report.

During a search of Officer Antoine's inquiries made on his police computer during a specific time range, it was discovered that Officer Antoine did access Ms. Charite's driver license information on June 3, 2011, which is after the date given by Ms. Voltaire.

The Panel agrees that no disposition should be given until Officer Antoine provides a sworn statement.

II. OTHER FINDINGS

NONE

A handwritten signature in black ink, appearing to be "R. Elias", with the initials "RB" and "NE" written below it.

NORTH MIAMI POLICE DEPARTMENT MEMORANDUM



To: Major Neal Cuevas

Date: August 30, 2011

From: Stephen Johnson
Chief of Police

Subject: Internal Affairs 11-04

Distribution: File

Please be advised that you will chair the Disposition Panel in Internal Affairs Case #11-04. The other members of the panel are Commander Franzia Brea-Burden and Sergeant Walter Sidd. Please contact your panel members to coordinate the review of this case and submit your findings within (7) days.

SJ:ca

cc: Commander Franzia Brea-Burden
Sergeant Walter Sidd

III. POLICY OR PROCEDURAL CHANGES OR
IMPLEMENTATION NEEDED

NONE

Neal Cuevas

Major

Panel Chairperson (Name, Title)

Franzia Brea-Burden Commander

Panel Member (Name, Title)

Walter Sidd Sergeant

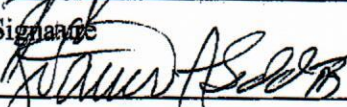
Panel Member (Name, Title)



Signature



Signature



Signature

Appendix E

S.O.P. 300.06

Notice of Disciplinary Action

NORTH MIAMI POLICE DEPARTMENT

Employee: Officer Jodlyn Antoine

ID #: 06-171

Date: June 6th, 2012

Classification: Police Officer

Assignment: Uniform Patrol

In reference to North Miami Police Department's Internal Affairs Investigation Case No. 2011-04, the Disposition Panel found the allegations against Officer Jodlyn Antoine to be **SUSTAINED**.

The Disposition Panel found that Officer Jodlyn Antoine violated:

North Miami Police Department S.O.P., Mobile Laptop Computers, 100.06 IV, Paragraph D, Section #7- "Information obtained through Department accessed programs is for criminal justice purposes only." and

North Miami Police Department S.O.P., Mobile Laptop Computers, 100.06 VI, Paragraph A- "The mobile laptop computer system shall be used for work related purposes only." and

DAVID System Usage Agreement, which states in part, "Unauthorized use includes, but is not limited to, queries not related to a legitimate business purpose, personal use, dissemination, sharing, copying or passing of DAVID information to unauthorized users and could result in civil proceedings against any user or other person involved."

After reviewing the Disposition Panel's findings and considering all factors, including Officer Jodlyn Antoine's Two (2) Year Disciplinary Profile, I recommend that Officer Jodlyn Antoine receive the following Disciplinary Action:

1) Written Reprimand

In recommending the aforementioned Disciplinary Action, I also recommend that Officer Jodlyn Antoine review the following, in an effort to improve performance:

- 1) Review of North Miami Police Department's S.O.P., Mobile Laptop Computers, 100.06
- 2) Review of DAVID System Usage Agreement

Employee Signature: _____

Date: 06-14-2012

Distribution:
Personnel Department
Employee's File (original)
Employee

Reviewed By:

Supervisor: _____

Commander: _____

Major: _____

Assistant Chief: _____

Chief of Police: _____

Date: 060612

Date: 061112

Date: 061112

Date: 8-11-12

Date: 6-11-12

CITY OF NORTH MIAMI

To: Officer Jodylyn Antoine

Date: 6/11/2012

From: Chief Marc Elias, Jr. #04

Subject: Disciplinary Action

You are hereby notified that you are:

- ☐ Removed from the service of the City of North Miami effective _____ Time _____ Date _____
- ☐ Demoted from _____ Classification _____ to _____ Classification _____ effective _____ Time _____ Date _____
- ☐ Suspended from _____ Time _____ Date _____ to _____ Time _____ Date _____
- ☐ Fined _____
- ☒ Being reprimanded in writing, a copy of which will be kept in your employee file in the Personnel Administration Department.

If one of the first four actions is checked, the following statement will apply to employees with regular Civil Service status, in accordance with Civil Service Rule XIII:

"Written notice of removal given to any employee, or written notice left at or mailed to his/her usual place of residence, shall be sufficient to put any such disciplinary action into effect, and it shall be the duty of the appointing authority taking the action to notify the Personnel Department forthwith.

Any employee in the classified service who deems that he or she has been demoted, removed, fined, or suspended without just cause may, within fourteen (14) calendar days of such action, request in writing a hearing before the Personnel Board to determine the reasonableness of the action, except that any disciplinary action imposed upon an employee following review of an accident or injury by the City's Accident Review Boards pursuant to Administrative Regulation 1-8 or 110-4 shall not be subject to appeal to the Personnel Board, but shall be subject to review in accordance with the respective aforementioned Administrative Regulation or as the same may hereafter be amended."

"The Board shall, within sixty (60) calendar days after a request for appeal by a disciplined employee, proceed to hear such appeal."

If the last action (reprimand in writing) is checked, the following statement will apply to employees with regular Civil Service status, in accordance with Civil Service Rule XIII:

You may appeal this reprimand to the City Manager. You must submit your appeal request, in writing, to the Personnel Administration Department within five (5) calendar days of receipt of the reprimand.

If one of the following is checked, no appeal procedure is available:

- ☐ Employee on probation does not have regular Civil Service status in present job classification.
- ☐ Disciplinary Action in accordance with Administrative Regulation 1-8, Accident Review Board for All Employees Except Sworn Police Personnel.
- ☐ Disciplinary Action in accordance with Administrative Regulation 110-4, Accident Review Board for Sworn Police Personnel.

The disciplinary action was taken for the following reasons: (Remarks from appointing authority. List cause(s) for action as per Rule XIII, Section B, Administrative Regulation, Rule, Policy, or any additional remarks you feel are pertinent to the action.)

SEE ATTACHED SUMMARY

Copy to: ☒ Personnel ☒ Hand Delivered

☒ Department or

☒ Employee ☐ Certified Mail

Employee's Signature

Date

Certified Mail Number

Date

Copy must be provided to employee. Forward signed original to Personnel Administration.

Rev. 08-93

Rev. 10-02