

**North Miami Police Department
Internal Affairs Case 2012-02**

On May 13, 2012, Sergeant Ralph Estrugo received and documented a complaint made against Officer Jodyln Antoine. The complainant, Ms. Iben Rubert, alleges Officer Antoine has harassed her on numerous occasions over the past two years. She claims that Officer Antoine has made flirtatious remarks and improper advances towards her. Ms. Rubert advised Sergeant Estrugo that she feels the advances by Officer Antoine are becoming progressively worse, and she is in fear for her safety. After receiving the allegation of employee misconduct, I discussed it with Chief Marc Elias. Subsequent to our discussion, Chief Elias directed me to conduct an Internal Affairs Investigation into the allegation.

INVESTIGATION

On May 21, 2012, I met with Sergeant Estrugo. In his statement, Sergeant Estrugo reiterated what he had documented when he originally met with Ms. Rupert. According to the original complaint, Ms. Rupert mentions three incidents where she believes she was harassed by Officer Antoine; an incident at the Publix Supermarket located at 12855 NE 6 Avenue, an incident where he approached her at a funeral home on March 24, 2012, and on May 8, 2012, she was issued a traffic citation from Officer Antoine. Sergeant Estrugo also stated that she had mentioned something to do with an arrest and made it seem as if she had additional information to provide to whoever would be investigating the matter. Sergeant Estrugo advised that while he was meeting with Ms. Rupert in his office, Officer Antoine entered the squad room and attempted to enter Sergeant Estrugo's office. According to Sergeant Estrugo, this caused Ms. Rupert to cry and act as if she was in fear for her safety.

This information was relayed to me (Major Shinn) via telephone by Major Watler on Sunday, May 13, 2012. I requested that Officer Antoine be giving a directive to not have any contact with the complainant. Sergeant Estrugo and Sergeant Bill Prieto informed Officer Antoine that Ms. Rupert had filed a complaint against him and he was not to make contact with her.

Sergeant Estrugo's transcribed statement is contained in the file for review.

After meeting with Sergeant Estrugo, **I met with Sergeant Prieto.** Sergeant Prieto discussed Officer Antoine's actions when he entered the squad room on May 13, 2012, while Ms. Rupert was filing her complaint. According to Sergeant Prieto, Officer Antoine entered the squad room and was just hanging out before finally asking for a spare car. He was asked to wait outside; Officer Antoine then again came back into the squad room. He was given car keys and told to leave, however he returned again and this time he began peering through Sergeant Estrugo's office window. Officer Antoine had to be ordered to leave the station. Sergeant Prieto provided no additional information; his transcribed statement is contained in the file for review.

I retrieved a copy of the citation (Citation # 9699-WFD 9) that was issued to Ms. Rupert on May 8, 2012, by Officer Antoine. According to the citation, Ms. Rupert was stopped at 129 Street and West Dixie Highway at 7:04 a.m. The violation listed is: Following Too Closely, FL Statute: 316.0895(1).

I researched Ms. Rupert's name in the Department's records management system and found three other reports involving her. They are:

NMPD Case # 2011-15988, Ms. Rupert was arrested by Officer Antoine for petit theft. The arrest occurred on May 9, 2011, at the Publix located at 12855 NE 6 Avenue.

NMPD Case # 2010-44937, Ms. Rupert is listed as a victim in a domestic violence case. The listed arrestee (Elisee, Pierre) was charged with criminal mischief and possessions of a control substance. Officer Antoine was not involved in this case.

NMPD Case # 2010-2394, Ms. Rupert was arrested for possession of marijuana (greater than 20 grams), and possession of drug paraphernalia. Officer Hollant was the arresting officer and was responding to a disturbance between Ms. Rupert and her boyfriend, Elisee Pierre. Elisee Pierre was also arrested for the same charges. Officer Antoine was not involved in this case.

On May 22, 2012, I met with the complainant, Ms. Rupert. During the interview Ms. Rupert advised that she is a regular customer at the Publix Supermarket located at 12855 NE 6 Avenue. She said that is where she first met Officer Antoine. She specifically said the first time she met him was on an unknown date, late in the evening around 9:00 or 10: p.m., when she went to the Publix to use the ATM. According to Ms. Rupert, he approached her and commented on her looks. Ms. Rupert stated this would become routine for him to approach her and make flirtatious comments when she visited the Publix to use the ATM. She said that on one occasion Officer Antoine told her she was too cute to be by herself. Ms. Rupert said on that occasion she responded to Officer Antoine by letting him know that she has a boyfriend. Ms. Rupert could not be more specific on these incidents. She also said there was an incident where she parked in a handicap parking space and as another officer was addressing her, Officer Antoine approached and told her it was ok to park there and again made flirtatious comments about her looks. Based on her the interview the other officer may have been Officer Paul Laguerre. Again Ms. Rupert could not provide a specific date.

Ms. Rupert advised that during the encounters with Officer Antoine at Publix, he never asked her out on a date.

We then spoke about the incident where she was arrested by Officer Antoine at Publix for shoplifting on May 9, 2011. According to Ms. Rupert she was about to enter her car as she just exited Publix when she was approached by Officer Antoine, who requested her to respond back into the store. She said once back inside the office it was discovered she had mascara in her purse that she did not pay for before leaving. She was arrested by Officer Antoine and released on the scene, after receiving a Promising to Appear in court. According to Ms. Rupert, Officer Antoine took her cell phone out of the office and then

returned with it. She also claims that Officer Antoine again made flirtatious comments about her "looking too cute to be doing things like this". Ms. Rupert said that the store manager and undercover security officer were present in the room at the time. Ms. Rupert explained that it wasn't just what Officer Antoine said, it was his nonverbal communication with her. Ms. Rupert described his actions as "checking her out, or looking her up and down, and watching her walk".

Ms. Rupert then talked about an incident that occurred on March 24, 2012, while she was attending a funeral at the Emmanuel Funeral Home in the area of 149 Street and West Dixie Highway. She explained that while attending a funeral, a shooting occurred at the funeral home. According to Ms. Rupert several police officers and detectives responded including Officer Antoine. According to Ms. Rupert, Officer Antoine approached her and asked her what happened. Ms. Rupert said she referred Officer Antoine to her boyfriend. Ms. Rupert said that her boyfriend made a statement to Officer Antoine. Ms. Rupert went on to talk about her boyfriend questioning her about why Officer Antoine approached her at the funeral home.

The next incident that we discussed during our interview was the traffic stop on May 8, 2012, where she was issued a citation by Officer Antoine. Ms. Rupert advised that she was driving her vehicle on West Dixie Highway, traveling behind a police vehicle, not recognizing it to be Officer Antoine. Ms. Rupert explained that after making a left turn, the police vehicle turned around and initiated a traffic stop on her. When the officer approached her she realized it was Officer Antoine. Ms. Rupert said that Officer Antoine bent over and lowered his head to see in her open window. She said that she had a short house dress on and felt uncomfortable. Ms. Rupert claims that when she asked Officer Antoine why she was being stopped, he replied "you need to tighten up..."; "... you wanted my attention you got it". She also noted that he asked her for her driver's license and registration. Ms. Rupert said that she explained to Officer Antoine that she did not have her driver's license, but a temporary permit. According to Ms. Rupert, Officer Antoine took her documents and returned to his police car, returning a few minutes later and issued her a ticket. Ms. Rupert said that she signed the ticket and then immediately called 911 and alleged that she was being harassed by the Officer.

Ms. Rupert said that Officer Antoine did not ask her on a date, or make any comments about her looks or what she was wearing, nor did he use any inappropriate language. Ms. Rupert said she has not had any contact with Officer Antoine since being issued a citation. She filed her allegations just days after receiving the citation. Ms. Rupert stated that she feels that Officer Antoine is specifically going after her because she has not "given him the time of day". During the interview Ms. Rupert also made it clear that Officer Antoine has never asked her out on a date. Ms. Rupert's transcribed statement is contained in the file for review.

When I checked with Miami Dade Police Department's Communications Bureau regarding the 911 call that Ms. Rupert claims she made, I learned that my request was made past their retention period.

A review of the Department's Daily Incident Log does not reflect that Officer Antoine responded as a back up to a shooting incident on March 24, 2012, in the area of 149 Street and West Dixie Highway.

On May 23, 2012, I responded to Publix (12855 NE 6 Ave), and spoke with the Manager, Ms. Angela Hightower. At my request she researched, however was unable to locate a Loss Prevention Report related to the arrest of Ms. Rupert on May 9, 2011. Ms. Hightower said that she recognized Ms. Rupert (photo displayed) as a customer. She said she may have been present when Ms. Rupert was arrested. She provided me the name and number of another manager, Ms. Lavaca Shand who may have also been present while Ms. Rupert was arrested. Ms. Hightower also provided me the name of the Loss Prevention Officer (LPO) who was working on May 9, 2011. The LPO, Ms. Georgette no longer works at the Publix.

On this date I also met with Officer Paul Laguerre. During his statement, Officer Laguerre had no information related to the allegations made by Ms. Rupert. His transcribed statement is contained in the file for review.

On May 24, 2012, I responded to the Publix located at 14681 Biscayne Boulevard, and met with Ms. Shand. In her statement, Ms. Shand advised that she does know Officer Antoine from working off-duty at Publix at 12855 NE 6 Avenue. Ms. Shand said that she did not recognize Ms. Rupert (picture displayed). Although Ms. Shand does not recall Ms. Rupert specifically, she did acknowledge that she has been in the presence of Officer Antoine while he has processed/arrested female subjects for shoplifting. Ms. Shand said that he has never witnessed or heard Officer Antoine make any inappropriate comments to females while working at Publix. The file contains the transcribed statement.

During the investigation I had learned that Ms. Rupert had her traffic court date regarding the citation issued by Officer Antoine scheduled for August 6, 2012.

On July 26, 2012, I again met with Ms. Hightower. In a statement, Ms. Hightower advised that she vaguely remembers when Ms. Rupert was arrested and being present in the office. Ms. Hightower did not witness Officer Antoine make any inappropriate comments to Ms. Rupert nor did she witness him make any facial expressions that would be improper or considered inappropriate towards Ms. Rupert. Ms. Hightower's transcribed statement is contained in the file for review.

Later in the day I was able to make telephone contact with the LPO, Ms. Georgette (786 237-1879). During our telephone conversation Ms. Georgette indicated that she would never be able to recall an individual incident due to the quantity of cases she initiates, especially one so long ago (2011). I did request that she come into the Department so I could take a statement, Ms. Georgette was reluctant to get involved saying she would have no information to provide, but agreed to meet with me the next day at 3:00 p.m. On Friday, July 27, 2012, Ms. Georgette failed to respond to the Department as agreed upon. I telephoned her and left voice messages, she has never replied.

A research of Ms. Rupert's court case for the citation issued by Officer Antoine revealed that her final court date was on October 5, 2012. During the Court proceedings, Ms. Rupert plead not guilty and the case was dismissed without notation. The file did reflect that Officer Antoine was named as the witness/officer. I responded to the North Dade Court House and confirmed that Officer Antoine was present as his time sheet reflected. Although he did not sign in on the Officer's Sign-in Log, I was able to confirm his attendance in court by reviewing other cases he was in attendance for.

On October 12, 2012, at 7:30 a.m., Officer Antoine arrived at my office, along with counsel from the Dade County Police Benevolent Association (PBA), Mr. Andrew Axelrad. Prior to conducting the interview, Officer Antoine was informed of the nature of the complaint and the identity of the complainant. 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. During his statement, Officer Antoine denied all allegations made by Ms. Rupert. He acknowledged that he arrested her for shoplifting on May 9, 2011, and cited her for a moving violation on May 8, 2012. Officer Antoine also recalled responding to a shooting incident that occurred in the jurisdiction of Miami Dade County. He said it was at a funeral home in the area of 149 Street and West Dixie Highway. According to Officer Antoine, he did not see or talk with Ms. Rupert while on the scene. Officer Antoine advised that he has never made any other contact with Ms. Rupert; he has never made any flirtatious comments, or inappropriate facial gestures towards her. Officer Antoine's statement is contained in the file for review.

This concluded the investigation, and the file has been prepared for the disposition panel.

INTERNAL AFFAIRS CASE 12-02

“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

10/16/12

Date