

*NORTH MIAMI*

**POLICE**

*DEPARTMENT*

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**OFFICE OF PROFESSIONAL COMPLIANCE**

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**North Miami Police Department  
Internal Affairs Case #2014-02**

**Internal Affairs Investigative Report**

On January 24<sup>th</sup>, 2014, the Office of Professional Compliance received an Allegation of Misconduct Form regarding an allegation of misconduct against North Miami Police Department Officer Jodlyn Antoine. The Allegation of Misconduct Form stated that, on January 6<sup>th</sup>, 2014, at approximately 5:00 PM, Officer Jodlyn Antoine called Marie Brignol, the Complainant, and stated, "This is Joe. I need my money." The Allegation of Misconduct Form further stated that, on January 13<sup>th</sup>, 2014, a co-worker called Marie Brignol to inform her that "Joe" was at their place of employment looking for her. The Allegation of Misconduct Form notes that the co-worker recognized "Joe" because they both attended the same high school. The Allegation of Misconduct Form further stated that, on January 20<sup>th</sup>, 2014, Marie Brignol left her place of employment ten (10) minutes early. Shortly after leaving, the co-worker called her to inform her that "Joe" was at her place of employment again, looking for her. This time "Joe" was wearing a police uniform. The Allegation of Misconduct Form further stated that, on January 21<sup>st</sup>, 2014, at approximately 11:30 PM, Marie Brignol was walking to her vehicle as she left her place of employment, when she noticed a black in color vehicle driven by Officer Jodlyn Antoine. The vehicle blocked her path to her vehicle. Officer Jodlyn Antoine then stated, "I want to know when you're going to get my fucking money. I know where you live and what kind of car your daughter drives. There are two ways, the good way, or the bad way." According to the Allegation of Misconduct Form, these incidents took place at Hampton Court Nursing Home, located at 16100 NW 2<sup>nd</sup> Avenue, Miami, Florida 33160. Uniform Patrol Section's Afternoon Shift Sergeant Kessler Brooks authored the Allegation of Misconduct Form. Marie Brignol signed the form. Officer Jodlyn Antoine is assigned to the Uniform Patrol Section's

Day Shift. **\*All of the aforementioned items are available for review within the file.**

On January 24<sup>th</sup>, 2014, I was authorized by former Chief of Police Marc Elias, Jr. to conduct an Internal Affairs Investigation into the aforementioned matter regarding Officer Jodlyn Antoine. **\*All of the aforementioned items are available for review within the file.**

On February 6<sup>th</sup>, 2014, I responded to Hampton Court Nursing Home. I met with Director of Community Relations Jackie Curbelo. She confirmed Marie Brignol's employment. She also confirmed that Marie Brignol was working on January 20<sup>th</sup> and January 21<sup>st</sup>, 2014, from approximately 4:30PM to approximately 11:30 PM. I requested to view her Timecard. She provided me with a detailed Timecard for January 20<sup>th</sup> and January 21<sup>st</sup>, 2014. On January 20<sup>th</sup>, she clocked in at 4:39 PM and clocked out at 11:32 PM. On January 21<sup>st</sup>, she clocked in at 4:20 PM and clocked out at 11:30 PM. **\*All of the aforementioned items are available for review within the file.**

On February 6<sup>th</sup>, 2014, I obtained a satellite photograph of Hampton Court Nursing Home, located at 16100 NW 2<sup>nd</sup> Avenue. The satellite photograph was obtained utilizing Google Maps. **\*All of the aforementioned items are available for review within the file.**

On February 20<sup>th</sup>, 2014, I responded to Palmetto Rehabilitation and Health Center, located at 6750 West 22<sup>nd</sup> Court, Hialeah, Florida 33016. I interviewed Marie Brignol as a Witness of this Internal Affairs Investigation. The interview was taped. During the interview, she stated that sometime in July 2013, while working at Palmetto Rehabilitation and Health Center, she realized that her purse was missing. She stated that the purse contained money which did not belong to her. She stated that she contacted her boss. She stated that another co-worker assisted her in locating her purse. She stated that her purse was found outside. She stated that the money was missing. She stated that the total amount of money stolen was approximately \$2,500. She stated that the Administrator contacted the police. She stated that the police responded and conducted an investigation. She stated that Palmetto Rehabilitation and Health Center did not have surveillance cameras. She stated that the money belonged to Officer Jodlyn Antoine's girlfriend, Nicole Montina, and two (2) other

people. She stated that Nicole Montana is a co-worker at another nursing home where she works. She stated that she showed Nicole Montana the police report, but Nicole Montana told her that she was still responsible for the money. She stated that she told Nicole Montana that she would pay, but she did not have all of the money to pay back in full. During the interview, Marie Brignol handed me a Hialeah Police Department Case Card (Hialeah PD Case # 2013-23891). She then showed me an undisclosed amount of money inside of her purse and stated that Nicole Montana also gave her that money to give to other people. When asked why Nicole Montana couldn't give the people that money herself, she replied, "Because, you know we are good friends you understand. Her and I, we like very good friends." She stated that she has borrowed a total of \$10,000 from Nicole Montana, which she has not paid back. She stated that, after the incident, co-workers at Hampton Court Nursing Home were calling her a thief. She stated that Nicole Montana told everyone that she was a thief. Shortly thereafter, she stated that she was driving home and noticed that she had a missed call from a telephone number that she did not recognize. She stated that she called the number back and Officer Jodlyn Antoine picked up the phone. She asked, "Who's this?" She stated that she heard Nicole Montana talking in the background, which is why she knew it was Officer Jodlyn Antoine. She stated that Officer Jodlyn Antoine asked, "When you're going to pay me the money, because I need the money?" She replied, "I don't have a deal with you, I have a deal with Nicole." He replied, "I want to know when you're going to pay me my fucking money." Again she replied, "I have a deal with Nicole you know." She stated that she began to cry on the phone, at which point, he hung up the phone. She called back, and he stated, "You cry and this." She replied, "Because I feel like you and your girlfriend, you attack me." He replied, "I know where you work." She stated, "Yes, if you want, I'm home now. You can come home, we can talk." He replied, "I'm going to work tonight. I will come to your job." She stated that she didn't hear from him again until a co-worker, at Hampton Court Nursing Home, told her that a man was looking for her. The co-worker stated that she had known him a long time ago because they attended the same high school. The co-worker stated that she didn't remember him but he remembered her. The co-worker stated that when he saw her, he knew her name and stated, "Hey Mode." She stated that she didn't know the exact date of his first (1<sup>st</sup>) visit at Hampton Court Nursing Home. She stated that on January 20<sup>th</sup>, she left work five (5) to ten

(10) minutes earlier. She stated that her co-worker, Mode, told her that he came to visit her a second (2<sup>nd</sup>) time but she had already left. She stated that on January 21<sup>st</sup>, at 11:30 PM, he returned a third (3<sup>rd</sup>) time, which is when he blocked her car in. She stated that he was driving a small, unknown make or model, black in color vehicle. She stated that it was not a police vehicle and that he was not wearing a police uniform. She stated that, when he blocked her in, he stated, "I'm coming to talk to you." She replied, "At this time 11:30, 11:35? I'm going home. I work 16 hours, now you come to talk to me in this time?" She stated that he exited his vehicle, at which point, she became afraid. She asked, "What happened? I need to go." He replied, "I want to know when I'm going to get the money. I know you do the Sue-Sue." She replied, "It's illegal. I don't involve in that thing." He stated, "I know you do it. Nicole and I know you do it." She stated, "Maybe your girlfriend do it." He replied, "No, I know you do it." Both continued back and forth in discussion. She stated that she asked him to move his car and he giggled. She stated that she asked him again to move the car because she wanted to go to sleep. She stated that he blocked her in for approximately ten (10) to fifteen (15) minutes. She stated, "I know your girlfriend is not nice neither call me that (inaudible). Because if I steal, if I have some money for you and I don't pay you, there is a court, there is a law in this country." She further stated, "You are a police officer. I don't know who to believe now. If someone comes to hurt me, I have to come to you. But you come to me to hurt me like that." She continued, "I'm leaving because I'm scared now. I want to go inside." He replied, "You know if you're not going to pay the money and the good guy, we will pay the money (inaudible)." She stated, "I know only one way to pay the money when you owe someone, you pay. I don't know the bad type." He replied, "I know where you live. I know where you live." She replied, "I live in 67<sup>th</sup> Miami Lakes." I then questioned why she would tell him where she lived, if she was scared. She stated that she told him because she believed that he already knew where she lived. She stated that she did not tell him the exact address. Although she stated that she was scared for her life, she stated that he did not threaten her in any way. She stated that she is so scared that she has not gone back to work at Hampton Court Nursing Home. She stated that she was scared because he told her that she knew what kind of car her daughter drives. She stated that her daughter did not know Officer Jodyln Antoine. She stated that he told her, "I don't want to hear you...Like a little baby, you're like a child." She stated that Officer

Jodlyn Antoine is a very aggressive person. When asked, she stated that Officer Jodlyn Antoine did not touch her. He did not show her a gun or any other weapon. She did not see a gun on him. He did not say that he was going to hurt her. He did not say that he was going to hurt her daughter. He did not say that he was going to do something to her. He did not say that he was going to do something to her daughter's car. He did not say that he was going to do something to her car. He did not say that he was going to do something to her at her place of employment. She stated that he was not wearing a police uniform that day. She stated that Mode told her that he was wearing a police uniform on January 20<sup>th</sup>, when he came looking for her. She stated that he went looking for her a total of three (3) times. She stated that the third (3<sup>rd</sup>) time was when he blocked her in. She stated, "I don't know how come he knows my tag number. He doesn't even know my car. Maybe the girlfriend take my tag number, send it to him because he don't know my...I don't know him." When asked to describe what Sue Sue is, she explained that it was something done in Haiti. It is used to make money in Haiti. She failed to explain exactly what Sue Sue is or how it is used to make money. She stated that Officer Jodlyn Antoine was alone when he confronted her. Nicole Montana was not with him. She stated that she knew Officer Jodlyn Antoine was a police officer because she met him some years ago when she visited Nicole Montana's house to take care of her after a surgery. Marie Brignol is a Certified Nursing Assistant at Hampton Court Nursing Home, Palmetto Rehabilitation and Health Center and Waterfront Nursing Home. Marie Brignol is the sole Complainant to this Internal Affairs Investigation. **\*All of the aforementioned items are available for review within the file.**

**On March 5<sup>th</sup>, 2014**, this Internal Affairs Investigation will be tolled until it is determined, during the course of this investigation, that no violation of Florida State Statute occurred and it is agreed upon, by the State Attorney's Office and the Office of Professional Compliance, that the allegations against Officer Jodlyn Antoine will be handled administratively by the North Miami Police Department.

**On March 11<sup>th</sup>, 2014**, I interviewed Loudime Mode as a Witness of this Internal Affairs Investigation. The interview was taped. During the interview, she stated that Marie Brignol is a co-worker at Hampton Court Nursing Home. When asked, she stated that she remembered a North

Miami Police Department police officer, named "Antoine," who visited Hampton Court Nursing Home looking for Marie Brignol twice. She stated that she did not remember the dates. She stated that she typically works from 11:00 PM to 7:00 AM. She stated that he visited both times at the beginning of her shift at approximately 11:00 PM. She stated that the first (1<sup>st</sup>) night he visited, he was wearing regular clothes. The second (2<sup>nd</sup>) night he visited, he was wearing a navy blue in color police uniform. She stated that she saw his marked City of North Miami Police Department police vehicle parked outside. She described the police vehicle. She stated that the first (1<sup>st</sup>) night he visited, he rang the doorbell. She opened the door and allowed him inside the nursing home. Officer Jodlyn Antoine stated, "Hello Loudime." She wondered how he knew her name because she was not wearing a name tag. He then asked for Marie Brignol. She stated, "Let me go see if she's scheduled. She responded to the nurse's station to check. She returned and told him that, although she was on the schedule, she had already left for the night. She did not see what car he was driving. The next day, she informed Marie Brignol that there was a guy looking for her. She stated that, on the second (2<sup>nd</sup>) night he visited, he was wearing a police uniform. She recognized him from the first (1<sup>st</sup>) visit. She asked him jokingly, "Are you here to arrest me?" He replied, "No. I need to see Marie Brignol." She stated that she checked the schedule again and it revealed that she was gone for the night. She stated that she escorted him outside, at which point, she saw the marked City of North Miami Police Department police vehicle. She asked him how he knew her name. He stated that he was a classmate from North Miami Senior High School. She stated that he was there for approximately five (5) minutes. The next day, she informed Marie Brignol that the police officer returned looking for her. She stated that although the police officer did not tell her his name, she recognized him from high school and remembered that his name was "Antoine," but did not remember his last name. She stated that he was very polite. When asked, she stated that she did not know Nicole Montana. She stated that his visits were probably in January but does not remember the exact dates. Loudime Mode is a Certified Nursing Assistant at Hampton Court Nursing Home. **\*All of the aforementioned items are available for review within the file.**

On March 19<sup>th</sup>, 2014, I received a telephone call from Uniform Patrol Section's Afternoon Shift Sergeant Kessler Brooks. He stated that Marie Brignol contacted him to advise him that, while at her home in Miami Lakes, Officer Jodlyn Antoine threatened to harm her. He stated that Officer Jodlyn Antoine allegedly told Marie Brignol that he is a police officer who knows good people and bad people. He stated that he was going to have the bad people hurt her and her daughter while he was at work. I advised Sergeant Kessler Brooks to immediately notify the Miami-Dade Police Department to have police officers respond to her home and to remain at her home until I arrived.

On March 19<sup>th</sup>, 2014, Sergeant Kessler Brooks placed a 911 Call to the Miami-Dade Police Department requesting that police officers respond to 6922 NW 179<sup>th</sup> Street #109, Miami Lakes, Florida 33015. **\*All of the aforementioned items are available for review within the file.**

On March 19<sup>th</sup>, 2014, I responded to the scene and met with Miami-Dade Police Department's Sergeant Robert Borgman (Unit M3500) and Officer Francisco Sangineto (Unit M3507), who were waiting outside her apartment's door. They advised me that they had not made contact with the complainant because they were awaiting my arrival. I advised them that I was conducting an Internal Affairs Investigations regarding a North Miami Police Department police officer and respectfully requested that they remain outside while I assessed the situation. Marie Brignol requested to file a police report with the Miami-Dade Police Department regarding Threatening/Harassing Phone Calls (MDPD Case #PD140319102318).

On March 19<sup>th</sup>, 2014, I interviewed Marie Brignol, at 6922 NW 179<sup>th</sup> Street #109, Miami Lakes, Florida 33015, as a Witness of this Internal Affairs Investigation. The interview was taped. This was the second (2<sup>nd</sup>) interview. During the interview, she stated that she received two (2) telephone calls from a telephone number that she did not recognize. She stated that the Caller ID on her cell phone listed "North Miami City" as the caller. She stated that she answered the telephone call because she assumed that I was calling her regarding this Internal Affairs Investigation. When she answered the phone, the male caller stated, "This is Joe. I'm calling you for my money. Since January I saw you. I'm calling you. When you're going to get the money?" She replied, "I don't have no deal with

you. I met you only one time, you don't know. You know, I don't have no deal with you." He stated, "I give you today. By next month, I need my money." She replied, "I don't have no deal with you. Joe, I don't understand you been harass me, my daughter and I. I don't know what's going wrong." He stated, "You know what happened. When I'm going to do something wrong to you, I'm not the one who's coming. I will be at work in that moment. I'm not the one who's coming to do nothing. But you know someone is coming. I don't know when." He further stated, "I'm the police. I know the bad person. I know the good person." She later stated that the caller stated, "I get information." She asked, "What information do you have?" He replied, "My information you can have work." He also stated that he was giving her until the beginning of April to give him the money. She further clarified that Officer Jodyln Antoine was attempting to collect Nicole Montana's money, not his money. She further stated, "The last time he went in my job, he block my car. How he know my car? Who give him my tag number? Who give him my tag number? I think when he was there, he don't know. He remember me. They gave him my tag number and he block me. He can't know who I am. He don't remember me." She was referring to her previous complaint against Officer Jodyln Antoine. When asked, she stated that he blocked her car in and he did not allow her to leave. She stated that he refused to move his car to allow a co-worker to leave as well. She stated that she asked Officer Jodyln Antoine approximately three (3) or four (4) times to move his car. She stated that he just stood with his arms crossed. She stated that when she asked Officer Jodyln Antoine to move his car to allow the co-worker to leave, he yelled at the co-worker in Creole, "Fuck You." She stated that she was not sure about the exact translation to English. She stated that the co-worker replied, "Okay, Thank You." She stated that the co-worker's name is "Magda," but does not know her last name. I reviewed Marie Brignol's Blackberry T-Mobile cellular phone's recent call list, with her permission. The first (1<sup>st</sup>) call was received on March 19<sup>th</sup>, 2014, at 6:19 PM, lasting 2 minutes and 8 seconds. The second (2<sup>nd</sup>) call was received on March 19<sup>th</sup>, 2014, at 6:21 PM, lasting 51 seconds. Both calls were made from "305-687-0462 - North Miami CIT." She stated that she does not remember which conversation took place during each phone call or the order the conversations took place in. She stated that she was afraid of Officer Jodyln Antoine and Nicole Montana. She stated that she is afraid because she lives alone with her 24 year old adult daughter. She stated that she



leaves her daughter home alone at night while she is at work. **\*All of the aforementioned items are available for review within the file.**

On March 19<sup>th</sup>, 2014, I contacted Interim Chief of Police Leonard Burgess to provide him with a detailed update regarding this Internal Affairs Investigation. It was determined to immediately notify Officer Jodlyn Antoine, in person, via Uniform Patrol Section's Afternoon Shift Commander Pedro Dominguez, that he is a Subject of an Internal Affairs Investigation, and to not contact Marie Brignol in any way, including via third person. Commander Pedro Dominguez contacted Officer Jodlyn Antoine, in person, as requested, to deliver the aforementioned information and directive.

On March 20<sup>th</sup>, 2014, Commander Pedro Dominguez submitted the aforementioned information, via email, to the Office of Professional Compliance. According to the email, Officer Jodlyn Antoine acknowledged that he knows Marie Brignol and will comply with the directives issued. **\*All of the aforementioned items are available for review within the file.**

On March 20<sup>th</sup>, 2014, I responded to the Miami-Dade Police Department, located at 5975 Miami Lakes Drive Hialeah, FL 33014. I retrieved a copy of the Offense-Incident Report (Miami-Dade Police Department Case #PD1403191023180 regarding this Internal Affairs Investigation. **\*All of the aforementioned items are available for review within the file.**

On March 20<sup>th</sup>, 2014, Sergeant Kessler Brooks responded to the Office of Professional Compliance. The aforementioned voicemail, left by Marie Brignol on Sergeant Kessler Brook's city issued cellular phone on March 19<sup>th</sup>, 2014, was retrieved. **\*All of the aforementioned items are available for review within the file.**

On March 20<sup>th</sup>, 2014, I contacted Assistant State Attorney, Johnette Hardiman, Public Corruption / Special Prosecution Unit, regarding this Internal Affairs Investigation. Assistant State Attorney Johnette Hardiman and I discussed the allegations of police misconduct and the information revealed as part of my Internal Affairs Investigation. Based on the aforementioned information, it was agreed upon that the State Attorney's

Office will conduct a criminal investigation in conjunction with the North Miami Police Department's Office of Professional Compliance.

On March 20<sup>th</sup>, 2014, I requested the Florida Department of Law Enforcement (FDLE) to provide any and all stored logs of complete text regarding any FCIC/NCIC and DAVID transactions and any and all other information included as a result of the Transaction Archive Report (TAR) in reference to any clearance checks and/or inquiries submitted for the persons listed below for the past twelve (12) months.

**Request 1: Complainant**

Marie Brignol	B/F	DOB 3-26-1961
DL	FL Tag BLBW49	Past 12 Months

**Request 2: Complainant's Daughter**

Helen Love Destine	B/F	DOB 9-23-1989
DL	FL Tag 021KCW	Past 12 Months

**\*All of the aforementioned items are available for review within the file.**

On March 20<sup>th</sup>, 2014, an internet search revealed that the telephone number "305-687-0462" was a City of North Miami telephone line at Claude Pepper Park, located at 1400 NW 135<sup>th</sup> Street, North Miami, Florida 33167. Further investigation revealed that the aforementioned telephone line is located at Claude Pepper Park's concession stand, near the baseball field. **\*All of the aforementioned items are available for review within the file.**

On March 20<sup>th</sup>, 2014, I responded to Claude Pepper Park's concession stand, located at 1400 NW 135<sup>th</sup> Street. I met with Athletic Coordinator Eduardo Milanese. He stated that the park did not have any surveillance cameras. He stated that he was not working at the concession stand on the evening of March 19<sup>th</sup>, 2014. He stated that Glenn George, President of the North Miami Little League, was working at the concession stand at the time in question.

On March 20<sup>th</sup>, 2014, I made contact with Glenn George, President of the North Miami Little League. He agreed to respond to the Office of Professional Compliance to provide a statement.

On March 20<sup>th</sup>, 2014, I interviewed Glenn George as a Witness of this Internal Affairs Investigation. The interview was taped. During the interview, he stated that he was at Claude Pepper Park, on March 19<sup>th</sup>, 2014, from 6:00 PM to 8:00 PM. When asked if he was at the concession stand during that time period, he stated that he opened the facility but remained at the baseball field the remainder of the time. He stated that he did not see any police officers on the field or at the concession stand. Glenn George is the President of the North Miami Little League. He is not employed by the City of North Miami. **\*All of the aforementioned items are available for review within the file.**

On March 20<sup>th</sup>, 2014, I responded back to Claude Pepper Park's concession stand, located at 1400 NW 135<sup>th</sup> Street, North Miami, Florida 33167. I met with Andrew Wilcox, Vice President of the North Miami Little League. He stated that he was at Claude Pepper Park, on the evening of March 19<sup>th</sup>, 2014. While speaking with Andrew Wilcox, I noticed several notebooks under the concession stand's counter. When asked about the notebooks, he stated that the notebooks contained player applications, rosters, division lists, and other information pertaining to the North Miami Little League. With his permission, I reviewed the notebooks. While reviewing one of the notebooks, I noticed that Officer Jodlyn Antoine was listed as a parent to a child player. When asked about the listed child player and child's parent, he stated that he saw the child player and the child's parent on the evening of March 19<sup>th</sup>, 2014, at the Claude Pepper Park, while walking on the way to the concession stand. He agreed to respond to the Office of Professional Compliance to provide a statement. The information within the notebooks regarding Officer Jodlyn Antoine was submitted to the Office of Professional Compliance. **\*All of the aforementioned items are available for review within the file.**

On March 20<sup>th</sup>, 2014, I interviewed Andrew Wilcox as a Witness of this Internal Affairs Investigation. The interview was taped. During the interview, he stated that he was at Claude Pepper Park, on March 19<sup>th</sup>, 2014, from before 6:00 PM to after 8:00 PM. He confirmed all of the

aforementioned information provided at Claude Pepper Park. He also stated that he saw the child player and the child's parent, Officer Jodlyn Antoine, near the concession stand between approximately 6:30 PM and 6:45 PM. He stated that, although the North Miami Little League application lists that the child's parent is a police officer, he did not know that the child's parent was a police officer at the time. He stated that he has seen Officer Jodlyn Antoine at the park several times, but he stated that he has not seen him at the park wearing a police uniform. He was then requested to review photographs of North Miami Police Department police officers in an attempt to identify the child's parent. He identified Photo2 (Officer Jodlyn Antoine) as the child's parent. He stated that when he saw the child's parent, he was by the bleachers, approximately fifty to seventy feet (50 - 70ft) from the concession stand. He stated that the child player was at the park for practice, which is usually scheduled from 6:00 PM to 7:30 PM. Andrew Wilcox is the Vice President of the North Miami Little League. He is not employed by the City of North Miami. **\*All of the aforementioned items are available for review within the file.**

On March 20<sup>th</sup>, 2014, the Office of Professional Compliance received a second (2<sup>nd</sup>) Allegation of Misconduct Form regarding the aforementioned allegations of misconduct against North Miami Police Department Officer Jodlyn Antoine, which occurred on March 19<sup>th</sup>, 2014. The Allegation of Misconduct Form stated that, on March 19<sup>th</sup>, 2014, at approximately 6:19 PM and 6:21 PM, Officer Jodlyn Antoine called Marie Brignol, the Complainant, and stated, "This has been going on since January. I need my money. I know where you work. I know what your daughter drives and where she works. When harm comes, I will be at work." Uniform Patrol Section's Afternoon Shift Sergeant Kessler Brooks authored the Allegation of Misconduct Form. Officer Jodlyn Antoine was assigned to the Uniform Patrol Section's Day Shift. **\*All of the aforementioned items are available for review within the file.**

On March 21<sup>st</sup>, 2014, the Florida Department of Law Enforcement submitted the Transaction Archive Report (TAR) results to the Office of Professional Compliance via email and fax.

Result 1: Complainant

Marie Brignol	Officer Paul Laguerre	January 21 <sup>st</sup> , 2014
FL Tag Query BLBW49	ORI FL 01318M0	11:07 PM

Result 2: Complainant's Daughter

Helen Love Destine	No Hits
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**\*All of the aforementioned items are available for review within the file.**

On March 24<sup>th</sup>, 2014, I interviewed Officer Paul Laguerre as a Witness of this Internal Affairs Investigation. The interview was taped. During the interview, he stated that on January 21<sup>st</sup>, 2014, he was working as scheduled on the Uniform Patrol Section's Afternoon Shift, from 2:00 PM to Midnight. He stated that he did not have another law enforcement officer or civilian in the police vehicle with him that day. He stated that he has a permanently assigned police vehicle and laptop computer. He stated that he has access to conduct clearance checks on FCIC/NCIC. He stated that he does not have access to DAVID. He stated that, on the aforementioned date, he received a telephone call on his cell phone from Officer Jodlyn Antoine. He stated that he knew that it was Officer Jodlyn Antoine because he has him saved as a contact on his cell phone. He stated that Officer Jodlyn Antoine requested him to "run a tag." He agreed. He stated that Officer Jodlyn Antoine asked him to verify the results of the clearance check. He stated that once he verified the information for Officer Jodlyn Antoine, the conversation concluded. He stated that Officer Jodlyn Antoine was not working on his shift at the time. He stated that he does not remember the exact time of the telephone call. He stated that the telephone call occurred sometime in the evening. He stated that Officer Jodlyn Antoine did not say why he needed the clearance check conducted. He stated that he is willing to provide the Office of Professional Compliance with an itemized bill, specifically and narrowly, for January 21<sup>st</sup>, 2014, as evidence. He stated that his personal cell phone's provider is Metro PCS. Officer Paul Laguerre is assigned to the Uniform Patrol Section's Afternoon Shift. He has ten (10) years of experience as a law enforcement officer.

**\*All of the aforementioned items are available for review within the file.**

On March 24<sup>th</sup>, 2014, the North Miami Police Department Command Logs were reviewed. On January 13<sup>th</sup>, 2014, Officer Jodlyn Antoine was scheduled on a Regular Day Off and was not scheduled to work any other shift. On January 20<sup>th</sup>, 2014, the day that Officer Jodlyn Antoine allegedly responded to Hampton Court Nursing Home, wearing a police uniform, driving a marked police vehicle, Officer Jodlyn Antoine was scheduled on a Regular Day Off and was not scheduled to work any other shift. On January 21<sup>st</sup>, 2014, the day that Officer Jodlyn Antoine allegedly responded to Hampton Court Nursing Home, in plain clothes, driving an unknown black in color vehicle, Officer Jodlyn Antoine was scheduled to be on a Regular Day Off, but worked from 9:00 AM to 2:00 PM to fill a vacancy on the Day (B) Shift. Officer Jodlyn Antoine was not scheduled to work any other shift. On March 19<sup>th</sup>, 2014, the day that Officer Jodlyn Antoine allegedly made threatening and harassing telephone calls to the Complainant, Officer Jodlyn Antoine was scheduled on a Regular Day Off and was not scheduled to work any other shift. **\*All of the aforementioned items are available for review within the file.**

On March 26<sup>th</sup>, 2014, I responded to Palmetto Rehabilitation and Health Center, located at 6750 West 22<sup>nd</sup> Court, Hialeah, Florida 33016 with Crime Scene Technician Ineirys Zapata. She was requested to photograph Marie Brignol's vehicle, a white in color, 2002, 4-Door, Honda Civic, which was parked in the parking lot. Marie Brignol was not interviewed at this time. Crime Scene Technician Ineirys Zapata submitted the photographs, Supplement Report, Photograph CD and Property Receipt to the office of Professional Compliance. **\*All of the aforementioned items are available for review within the file.**

On March 26<sup>th</sup>, 2014, I responded to the Hialeah Police Department, located at 5555 East 8<sup>th</sup> Avenue, Hialeah, FL 33013. I retrieved a copy of the UCR Offense Report (Hialeah Police Department Case #2013-023891) regarding this Internal Affairs Investigation. **\*All of the aforementioned items are available for review within the file.**

On March 27<sup>th</sup>, 2014, I met with Assistant State Attorney, Johnette Hardiman, Public Corruption / Special Prosecution Unit, to provide a detailed update regarding this Internal Affairs Investigation. Assistant State

Attorney Johnette Hardiman and I discussed the information revealed as part of my Internal Affairs Investigation and all audio statements were reviewed. It was agreed upon that the State Attorney's Office will continue with the criminal investigation in conjunction with the North Miami Police Department's Office of Professional Compliance. It was also agreed upon to provide Officer Jodlyn Antoine with a formal 'Prior-To Letter' as an opportunity to discuss his version of the incident with the State Attorney's Office prior to filing the following criminal charges in reference to the following Florida State Statutes:

Extortion	FSS 836.05	Felony 3 <sup>rd</sup> Degree
Computer Offense	FSS 815.06	Felony 3 <sup>rd</sup> Degree
Harassing Phone Calls	FSS 365.15	Misdemeanor

The 'Prior-To Letter' was hand delivered, from the State Attorney's Office, to the North Miami Police Department's Uniform Patrol Section Major Annmarie Cardona. **\*All of the aforementioned items are available for review within the file.**

On March 27<sup>th</sup>, 2014, Uniform Patrol Section Major Annmarie Cardona provided Officer Jodlyn Antoine with the aforementioned 'Prior-To Letter' and formal written notification by the City of North Miami, via memorandum, of being placed on Administrative Leave with Pay, pending the outcome of the investigation. All aforementioned documents, along with a Property Receipt, listing all city issued equipment, were submitted to the Office of Professional Compliance. **\*All of the aforementioned items are available for review within the file.**

On March 27<sup>th</sup>, 2014, the State Attorney's Office provided Officer Jodlyn Antoine's personal cellular phone provider, Metro PCS, with a Subpoena Duces Tecum, requesting any and all phone records for telephone number [REDACTED] during the period of January 1<sup>st</sup>, 2014 to Present, pursuant to this investigation. **\*All of the aforementioned items are available for review within the file.**

On March 31<sup>st</sup>, 2014, the Office of Professional Compliance provided the State Attorney's Office with all transcribed statements, collected thus far, regarding this Internal Affairs Investigation. **\*All of the aforementioned items are available for review within the file.**

On April 1<sup>st</sup>, 2014, the Office of Professional Compliance received a hand written memorandum by Officer Paul Laguerre. The memorandum states that all attempts made to have his cell phone provider, Metro PCS, provide an itemized bill, as agreed, have failed. **\*All of the aforementioned items are available for review within the file.**

On April 2<sup>nd</sup>, 2014, the State Attorney's Office received a 'Proffer,' provided by Officer Jodlyn Antoine, via his attorney. The 'Proffer' was submitted to the Office of Professional Compliance. **\*All of the aforementioned items are available for review within the file.**

On April 18<sup>th</sup>, 2014, I responded to the Miami-Dade Police Department's Headquarters, located at 9105 NW 25 Street Doral, FL 33172. The 911 Call, made by Sergeant Kessler Brooks, regarding this Internal Affairs Investigation, was retrieved and transcribed. **\*All of the aforementioned items are available for review within the file.**

On April 30<sup>th</sup>, 2014, the Office of Professional Compliance received Officer Jodlyn Antoine's subpoenaed telephone records by Metro PCS, along with a 'Declaration' and 'Instructions.' The telephone records indicate that, on January 6<sup>th</sup>, 2014, there were a total of seven (7) phone calls made between Marie Brignol and Officer Jodlyn Antoine throughout the day. One (1) 'Incoming Call' was 'Not Answered,' three (3) 'Outgoing Calls' were 'Answered,' One (1) 'Incoming Call' was 'Answered,' and two (2) 'Incoming Calls' were 'Answered By Voicemail.' The telephone records also indicate that, on January 21<sup>st</sup>, 2014, Officer Jodlyn Antoine made an 'Outgoing Call' to Officer Paul Laguerre at 11:06 PM. The 'Outgoing Call' was 'Answered' by Officer Paul Laguerre and lasted 39 seconds. Officer Jodlyn Antoine received an 'Incoming Call' from Officer Paul Laguerre at 11:07 PM. The 'Incoming Call' was 'Answered By Voicemail.' Officer Jodlyn Antoine received another 'Incoming Call' from Officer Paul Laguerre at 11:07 PM. The 'Incoming Call' was 'Answered' by Officer Jodlyn Antoine and lasted 44



seconds. **\*All of the aforementioned items are available for review within the file.**

On May 14<sup>h</sup>, 2014, the Office of Professional Compliance received a formal 'Close Out Memorandum' from the State Attorney's Office. The memorandum was authored by Assistant State Attorney Johnette Hardiman, Public Corruption / Special Prosecution Unit, on May 6<sup>th</sup>, 2014. The memorandum states that the Complainant's allegations cannot be proved beyond a reasonable doubt. The criminal investigation against Officer Jodyln Antoine is officially closed by the State Attorney's Office. The memorandum also states that the aforementioned "Haitian Savings Plan," mentioned in the 'Proffer,' provided by Officer Jodyln Antoine, is potentially a Pyramid Scheme in violation of FSS 849.091. An investigation into FSS 849.091 was not part of the State Attorney's Office review into this matter. **\*All of the aforementioned items are available for review within the file.**

On May 15<sup>h</sup>, 2014, an investigative news story, which Local10 News aired on May 14<sup>th</sup>, 2014, was posted online by Local10 News. The news story was printed and placed in the file. <http://www.local10.com/news/woman-claims-north-miami-police-officer-threatened-her/25988472/index.html>. **\*All of the aforementioned items are available for review within the file.**

On May 20<sup>th</sup>, 2014, I interviewed Sergeant Kessler Brooks as a Witness of this Internal Affairs Investigation. The interview was taped. During the interview, he stated that, January 24<sup>th</sup>, 2014, at approximately 8:00 PM, he was requested to respond to the North Miami Police Department's Front Lobby by the Communications Unit. He stated that he responded to the Front Lobby and met with Marie Brignol and her daughter. He stated that Marie Brignol had a complaint against "Officer Joe." He stated that she told him that "Officer Joe" was harassing her and making death threats in an effort to collect money. She stated that "Officer Joe" had visited her job on three (3) occasions. She stated that on the first two (2) occasions, she had left early. She stated that he entered her job asking co-workers for her. On his last visit, he met her in the parking lot, blocked her in and confronted her. Sergeant Kessler Brooks then read a copy of the Allegation of Misconduct Form aloud, which he authored. He stated that Marie Brignol's daughter seemed concerned and stated, "Why am I coming up in their affair? I have nothing to do with it. Why is he...why am I coming up in it?"

He stated that Marie Brignol seemed concerned. He stated that her voice quivered and made sounds as if she was crying. He stated that he did not observe any tears. He stated that she seemed scared. He stated that her daughter seemed concerned and afraid. He stated that he has no indication, in his experience as a police officer, to believe that Marie Brignol was lying. He stated that Marie Brignol stated that she was not very trusting of the police department. She stated that, since the police all wear the same uniform, nothing would come of her complaint. He stated that Marie Brignol confirmed that "Officer Joe" worked for the North Miami Police Department through a co-worker who knew him in high school. Sergeant Kessler Brooks stated that Officer Jodlyn Antoine's is also known as "Joe" by his co-workers, in short for "Jodlyn." He stated that Marie Brignol urged him to be one of the good ones and not push the complaint aside. He stated that she asked him if the calls would stop immediately. He stated that he advised her that there was a process and that she would be contacted by someone who would advise her accordingly. Sergeant Kessler Brooks authored an Allegation of Misconduct Form and submitted the signed form to the Office of Professional Compliance. He stated that he provided Marie Brignol with his business card, which contained his issued cellular phone number, and requested that she contact him if she needed anything. He stated that sometime in March 2014, he received a voicemail on his issued cellular phone. He stated that he reviewed the voicemail caller seemed to be someone who was crying and panicking. He paraphrased her message stating, "You said you'd protect me. He's calling again. Why did you say that you'd protect me and he's back at it?" He stated that Marie Brignol identified herself and left her contact information in the voicemail message as well. He stated that he immediately returned Marie Brignol's telephone call. He stated that she seemed angry with him for not protecting her. She stated that he called her and stated, "I need my money. I know where you work. I know what your daughter drives and where she works. When harm comes, I will be at work." He stated that he felt that these threats were imminent. He stated that he was going to send the police to her home. He stated that she was reluctant to have the police at her home because she was scared that the police were going to harm her. He stated that he then dialed 911 and requested the Miami-Dade Police Department to respond to Marie Brignol's home. When asked why he dialed 911, he stated that, if it was a crime that occurred, it needed to be documented professionally. He stated that he received another

telephone call from Marie Brignol. She stated that the Miami-Dade Police Department responded to her home, and that the police officers referred her to the North Miami Police Department. She stated that the police officers then left her home, after ten only (10) minutes, without taking any further action. She stated to him that it seemed to her as if the police was protecting each other. He stated that he then contacted the Miami-Dade Police Department's Shift Commander and made sure that the Miami-Dade Police Department responded back to her home and awaited my arrival. He stated that Marie Brignol seemed nervous and angry with him because she was, at that time, convinced that the police were not going to do anything to protect her. He stated that he did not speak to Marie Brignol's daughter, but he heard someone speaking in background who he thought was her daughter. Sergeant Kessler Brooks stated that he authored a second (2<sup>nd</sup>) Allegation of Misconduct Form and submitted the form to the Office of Professional Compliance. **\*All of the aforementioned items are available for review within the file.**

On May 22<sup>nd</sup>, 2014, I interviewed Marie Brignol, at 6922 NW 179<sup>th</sup> Street #109, Miami Lakes, Florida 33015, as a Witness of this Internal Affairs Investigation. The interview was taped. This was the third (3<sup>rd</sup>) interview. During the interview, she stated that during the month of January 2014, she was the sole driver of her vehicle. She stated that she had a friend who borrowed the car during the month of November 2013. She stated that her daughter owns her own vehicle. She stated that her daughter has borrowed her car in the past, before she bought her own car. She stated that she has been to Nicole Montana's house on one (1) occasion in the past. She stated that Nicole Montana invited her to pick up soup, so she asked her daughter to drive her to Nicole Montana's house to pick up the soup. She stated that she knew of Officer Jodlyn Antoine, but that he was not there at the time. When asked, she stated that she does not know if Officer Jodlyn Antoine and Nicole Montana live together. When asked if she knew where Nicole Montana's house is, she stated that she has only been there one (1) time. She stated that she does not know how to get there. She stated that her daughter used a GPS device to arrive at Nicole Montana's house. She stated that her daughter drove her own car to Nicole Montana's house. She stated that, although she does not remember exactly when she visited Nicole Montana's house, she stated that it was a long time ago. When asked if she knows where Officer Jodlyn Antoine lives, she

stated that she does not where he lives. She was then requested to review photographs of North Miami Police Department police officers in an attempt to identify Officer Jodlyn Antoine. She identified Photo4 (Officer Jodlyn Antoine) as Officer Jodlyn Antoine. She stated that she has stopped receiving telephone calls from Officer Jodlyn Antoine. She was then requested to review photographs of a white in color Honda Civic, Florida Tag #BLBW49. She confirmed that she owns the aforementioned vehicle. She also confirmed that no one else has driven that vehicle since November 2013. She also confirmed that this was the vehicle that Officer Jodlyn Antoine blocked in on January 21<sup>st</sup>, 2014, at Hampton Court Nursing Home. When asked why she thought that Officer Jodlyn Antoine had her tag number, she stated that he was already waiting by her car when he blocked her in on January 21<sup>st</sup>, 2014, at Hampton Court Nursing Home. She stated that there were a lot of cars parked in the parking lot, and he was parked by her car, at which point, he blocker her in. She further stated that, when she sees someone close to her car, she gets really scared. This statement was taken at Marie Brignol's home, while Marie Brignol's daughter, Helen Destine, was at work. **\*All of the aforementioned items are available for review within the file.**

On May 22<sup>nd</sup>, 2014, I interviewed Magda Norvilus, at Hampton Court Nursing Home, located at 16100 NW 2nd Ave, North Miami Beach, FL 33169, as a Witness of this Internal Affairs Investigation. The interview was taped. During the interview, she expressed that she feared that if she spoke to the police, she would lose her job. I explained that she was not in trouble, and that she was not suspected of committing a crime. She agreed to continue with the interview. She stated that on January 21<sup>st</sup>, 2014, she observed Marie Brignol talking to a man in the parking lot of the Hampton Court Nursing Home. She stated that she cannot describe him because he was in his car. She stated that Marie Brignol was standing and the man was sitting inside his car. She stated that Marie Brignol was talking to the man for approximately fifteen (15) minutes, or more. She stated that the man was refusing to move his car. She stated that although she did not ask him to move his car, she signaled him to move a few times by flashing her vehicle's headlights. She stated that he said something to her, maybe used curse words, but she does not know exactly what he said. She stated that, weeks later, Marie Brignol apologized for the incident. She stated that the conversation between Marie Brignol and the man did not seem like a

regular conversation. She stated that the man appeared excited. When asked if she heard the man yelling, she replied, "Oh yeah." She stated that Marie Brignol was not yelling. She stated that she does not know what the man was yelling about. She stated that Marie Brignol later told her that she had a problem with the man regarding money. She stated that she does not have any problems with Marie Brignol or the man. She stated that she just wanted to leave and the man refused to move his car. Magda Norvilus is a Certified Nursing Assistant at Hampton Court Nursing Home. \*All of the aforementioned items are available for review within the file.

On May 22<sup>nd</sup>, 2014, I interviewed Helen Destine, at 6922 NW 179<sup>th</sup> Street #109, Miami Lakes, Florida 33015, as a Witness of this Internal Affairs Investigation. The interview was taped. During the interview, she confirmed that she is Marie Brignol's daughter. She was then requested to review photographs of a white in color Honda Civic, Florida Tag #BLBW49. She confirmed that her mom owns the aforementioned vehicle. She stated that she has not driven her mom's vehicle since 2008. When asked, she stated that she did not borrow her mom's vehicle during January 2014. She stated that she has not borrowed her mom's vehicle since she purchased her own vehicle in 2008. She also stated that her mom had a friend who borrowed her mom's vehicle in November 2013. She stated that no one else has keys to her mom's vehicle. She also stated that she has a spare key to her mom's vehicle. She stated that she has been to Nicole Montana's house on one (1) occasion in the past. When asked how long ago, she replied, "That was a long time ago. Maybe like a year, two years ago maybe." She stated that Nicole Montana made soup and invited her and her mom to get soup. She stated that she drove her mom because her mom doesn't know addresses very well. She stated that she put the address on her GPS device. I asked her to describe her mom's skills and abilities getting around town. She replied, "Not very well." She further explained that her mom can only get around to places that she's familiar with. She stated that, like her mom, she also doesn't know how to get around either, so she uses the GPS device to assist her. When asked, she stated that she would not know how to get back to Nicole Montana's house. She also believes that her mom would not be able to figure it out either. She stated that, the day she visited Nicole Montana's house, she did not notice if anyone else was at the house. When asked if she knew if Nicole Montana lived with anyone, she stated that she has overheard conversations

between Nicole Montana and her mom. In those conversations, she's overheard that Nicole Montana lives with her boyfriend and her kids, but she's not sure. When I asked her who Nicole Montana's boyfriend is, she stated that her boyfriend is Joe Antoine. She stated that she does not know where Joe Antoine lives. She stated that she has not seen Joe Antoine in person. She further explained that she has seen pictures of him on Facebook. She explained that Facebook lists pictures of people's Facebook Default Photo to suggest you to become their "Friend," based on common "Friends" and/or other criteria. She stated that Facebook has suggested for her to become "Friends" with Nicole Montana. Therefore, she has seen Nicole Montana's Facebook Default Photo, which is a picture of Nicole Montana and Joe Antoine, together. She stated that she is not Nicole Montana's "Friend" on Facebook. She stated that she drives a black in color, 2008, 2-Door, Honda Accord. She stated that her mom drives a white in color, 2002, 4-Door, Honda Civic. When asked, she stated that her vehicle and her mom's vehicle do not look alike. When asked if she was scared, she stated that she's scared that he might do something to her or her mom. She stated that she mostly fears for her mom's safety. She stated that her fears are based on comments that her mom has made. She stated that she has not heard Joe Antoine make these comments herself. She stated that her mom has three (3) jobs, so she's home alone at night. She stated that she's constantly calling her mom to make sure that she's okay. She stated that when her mom does not answer her phone calls, she freaks out. She stated that, although her mom tells her that he has stopped calling her, she does not feel any safer. Helen Destine is Marie Brignol's daughter. This statement was taken at Marie Brignol's home, while Marie Brignol was at work. **\*All of the aforementioned items are available for review within the file.**

On May 23<sup>rd</sup>, 2014, Florida Department of Law Enforcement's (FDLE) Regina Cline inquired, via email, if a determination had been regarding FCIC/NCIC Official Misuse as part of this Internal Affairs Investigation. FDLE has requested that, if FCIC/NCIC Official Misuse is determined, to notify them by completing a CJIS Systems Misuse Reporting Form. **\*All of the aforementioned items are available for review within the file.**

On May 28<sup>th</sup>, 2014, Officer Jodlyn Antoine responded to the North Miami Police Department, as requested, and was issued a Notice to Appear Memorandum, along with copies of the Allegation of Misconduct Forms, via Major Annmarie Cardona. The meeting was scheduled for Friday, June 6<sup>th</sup>, 2014 at 2:00 PM. **\*All of the aforementioned items are available for review within the file.**

On May 29<sup>th</sup>, 2014, Police Benevolent Association's Mimi Pena, rescheduled the aforementioned meeting, on behalf of Officer Jodlyn Antoine, for Friday, June 6<sup>th</sup>, 2014 at 7:30 AM.

On May 29<sup>th</sup>, 2014, it was verified that Officer Jodlyn Antoine's CJIS Certification is current since September 10<sup>th</sup>, 2012. The Florida Department of Law Enforcement's (FDLE) Criminal Justice Information Services (CJIS) requires that users certify and recertify every two (2) years. Officer Jodlyn Antoine is due to recertify by September 10<sup>th</sup>, 2014. **\*All of the aforementioned items are available for review within the file.**

On May 29<sup>th</sup>, 2014, the City of North Miami Police Department's Standard Operating Procedures (SOP's), City of North Miami Police Department's Rules and Regulations, City of North Miami Administrative Regulation 1-56 (Take Home Vehicle Agreement), and FCIC/NCIC Full Access Certification Booklet & CJIS User Agreement were reviewed. **\*All of the aforementioned items are available for review within the file.**

On June 4<sup>th</sup>, 2014, I obtained satellite photographs of Pepper Park and its relation to the concession stand, located at 1400 NW 135<sup>th</sup> Street. The satellite photographs were obtained utilizing Google Maps. **\*All of the aforementioned items are available for review within the file.**

On June 4<sup>th</sup>, 2014, I obtained Officer Jodlyn Antoine's Time Sheet for the week ending in January 25<sup>th</sup>, 2014. A copy was placed in the file. **\*All of the aforementioned items are available for review within the file.**

On June 5<sup>th</sup>, 2014, the Office of Professional Compliance received the two (2) most recent Take Home Vehicle Agreements. Exhibit A and Exhibit B were both signed by Officer Jodlyn Antoine.

Effective 02-14-2012	Vehicle #8200	2FAHP71W74X143910
Ford Crown Victoria	Tag #233019	Marked Patrol Vehicle

Effective 03-15-2012	Vehicle #8289	2FAHP71V88X173947
Ford Crown Victoria	Tag #XA7901	Marked Patrol Vehicle

**\*All of the aforementioned items are available for review within the file.**

On June 5<sup>th</sup>, 2014, an update to the aforementioned investigative news story, which Local10 News aired on May 14<sup>th</sup>, 2014, was posted online by Local10 News. The news story was printed and placed in the file. <http://www.local10.com/news/no-charges-for-north-miami-police-officer-accused-of-harassing-woman/26013358> **\*All of the aforementioned items are available for review within the file.**

On June 5<sup>th</sup>, 2014, online research was conducted in an attempt to gather information regarding Sue-Sue, Sou-Sous or Sou-Sou. The online research revealed numerous articles explaining the savings process. The articles were printed and placed in the file. **\*All of the aforementioned items are available for review within the file.**

On June 5<sup>th</sup>, 2014, I responded to Publix Supermarket, located at 12855 NE 6<sup>th</sup> Avenue, North Miami, Florida 33161. I met with Grocery Manager Moe Thomas. I reviewed the Off-Duty Officer Log for the week ending in January 24<sup>th</sup>, 2014. On January 20<sup>th</sup>, 2014, Officer Jodlyn Antoine signed the log, indicating that he was working from 6:30 PM to 12:30 AM. When asked, Grocery Manager Moe Thomas stated that it is considered common practice for police officers working off-duty at the store to list the 'Time In' and 'Time Out' at the beginning of their tour. He stated that police officers are paid and allowed to leave early if the store's money is deposited into the safe by employees earlier than expected. Although the store is equipped with surveillance cameras, he stated that the outdoor surveillance cameras at the front of the store, where police officers working off-duty jobs typically park and stand during closing hours, are down and not recording. It appears as though Officer Jodlyn Antoine may have mistakenly signed the Off-Duty Officer Log for January 20<sup>th</sup>, 2014, by indicating '2013' instead of '2014,' a common mistake during the early weeks of the new year. January 20<sup>th</sup>, 2014 is the night which Officer



Jodlyn Antoine allegedly visited Hampton Court Nursing Home, wearing his police uniform, while driving a marked police vehicle. A copy of Publix Supermarket's Off-Duty Officer Log was obtained and placed in the file. **\*All of the aforementioned items are available for review within the file.**

On June 5<sup>th</sup>, 2014, the North Miami Police Department Unit Listing Logs for Officer Jodlyn Antoine (Unit #171) were reviewed for January 13<sup>th</sup>, 2014, January 20<sup>th</sup>, 2014, January 21<sup>st</sup>, 2014, January 22<sup>nd</sup>, 2014, and March 19<sup>th</sup>, 2014. Copies were obtained and placed in the file. Blank pages indicate that there was no listed activity. **\*All of the aforementioned items are available for review within the file.**

On June 6<sup>th</sup>, 2014, Officer Jodlyn Antoine and Police Benevolent Association's Attorney Cristina Escobar responded to the North Miami Police Department's Chief's Conference Room, as scheduled, to review the Internal Affairs Investigative File, including all documents and evidence contained therein.

On February 6<sup>th</sup>, 2014, I interviewed Officer Jodlyn Antoine as a Subject to this Internal Affairs Investigation. The interview was taped. During the interview, he was advised of the identity of the Complainant, and all other information related to the allegations. He was advised that under the Police Officer's Bill of Rights, he was entitled to have an attorney and/or representative present during questioning. Police Benevolent Association's Attorney Cristina Escobar was present. He was given an opportunity to identify himself on tape. Officer Jodlyn Antoine was advised of his Garrity Rights and was presented with a Garrity Notice Form. I read the Garrity Rights aloud as Officer Jodlyn Antoine read along. Officer Jodlyn Antoine signed the Garrity Notice Form. Officer Jodlyn Antoine was given an opportunity to review the Complaint, all related statements and all other existing evidence that I had obtained thus far that related to this incident. Officer Jodlyn Antoine advised me that he was ready to give his statement. During the interview, he stated that Marie Brignol, the Complainant, was his girlfriend's best friend at the time of the Complaint. He stated that his girlfriend is Nicole Montana. He stated that Marie Brignol and Nicole Montana are no longer friends. When asked, he stated that they were no longer friends due to a dispute regarding money owed. He stated that the dispute occurred sometime in January. When asked, he stated that

sometime in January, he was home with Nicole Montana. He stated that he was inside of his residence, where he and Nicole Montana reside, located at

He stated that he heard Nicole Montana yelling profanities outside. He stated that Nicole Montana immediately ended her phone conversation. He stated that he noticed that Nicole Montana was using his cell phone. He stated that he asked Nicole Montana and, at first, she didn't want to tell him what was going on. He stated that he assumed Nicole Montana was talking to "...maybe an ex or some other girl..." He stated that he checked the number and didn't recognize who Nicole Montana had been talking to. He stated that Nicole Montana then explained the situation. He stated that, in January of 2013, Nicole Montana had asked him for advice regarding lending Marie Brignol money. He stated that he was against it. He stated that Nicole Montana agreed that she was not going to lend Marie Brignol the money. He stated that Nicole Montana lent Marie Brignol the money behind his back. He stated that this made him upset. When asked, he stated that he was upset because it was a lot of money, approximately \$7,000. When asked, he stated that he did not know why Marie Brignol borrowed the money. He stated that it was a personal loan. He stated that on January 6<sup>th</sup>, 2014, he had a conversation with Marie Brignol. When asked, he stated that it was Nicole Montana's idea to speak to Marie Brignol. He stated that he wasn't sure if he called Marie Brignol, or if she returned a call on his cell phone, and that's when he spoke to her. He then stated that it was Nicole Montana and Marie Brignol who suggested that he should call Marie Brignol. When asked, "Why?" He replied, "I don't know. I mean they just... because my girlfriend can be hot headed at times and kind of like difficult. And she...you know I always want to be the peace keeper and try to level things out. And say you know it's not really necessary. You know my main concern was to be a peace keeper between the two ladies. Not to even get involved because I really didn't not want to get involved at all because I had already told her I was against her lending anyone money." When asked about whose idea it was for him to be the peace keeper, he replied, "It was actually my idea." He stated that when he spoke to Marie Brignol on the phone, he stated that he did not ask her to pay back the money at any time. He stated that she did not want to speak on the phone. When asked, he stated that he did not argue with her nor threaten her in any way during the phone conversations with her. When asked, he stated that he and Nicole Montana contribute to the expenses of the house and expenses of the bills, etc. When asked, he

stated that Marie Brignol does not owe him money. He stated that he has not lent Marie Brignol any money. He stated that all of the telephone calls, between him and Marie Brignol, during January 6<sup>th</sup>, 2014 took place while he was home, in Nicole Montana's presence. He stated that he made arrangements with Marie Brignol to meet her at her place of employment, Hampton Court Nursing Home. When asked, he stated that he knows where Marie Brignol resides because, years ago, he drove Nicole Montana to her house to drop off food. He stated that he waited in the car and did not enter her home. When asked if he responded to Hampton Court Nursing Home on January 13<sup>th</sup>, 2014, he replied, "I don't remember the date. I remember going there." He stated that he responded to Hampton Court Nursing Home at approximately 11:00 PM or 11:30PM. He stated that he does not remember. He stated that Marie Brignol told him her schedule when the arrangement was made to meet, which is why he knew that she would be leaving work at that time. When asked, he stated that he was not on-duty. He stated that he was driving his personal vehicle. When asked to describe his vehicle, he stated that he owned three (3) vehicles and did not remember which one he drove to Hampton Court Nursing Home. He then remembered that he drove his black in color Chevrolet Camaro to visit Marie Brignol, but he then stated that he was not sure. He stated that he might have driven his white in color Nissan Titan pickup truck. When asked, he stated that she wasn't expecting him to visit on that specific evening. He stated that he made arrangements to visit but did not specify the date. Then he corrected himself and stated that he made arrangements to meet on that specific evening. He stated that he parked his vehicle in the Hampton Court Nursing Home's parking lot and approached the door. He stated that he rang the doorbell and an employee answered the door. When asked, he stated that he recognized the employee from high school. He stated that he referred to her as 'Ludy.' When asked if he was referring to Loudime Mode, he replied, "Yes." She stated that she remembered him from high school as well. He stated that he asked for Marie Brignol. He stated that Loudime Mode told him that Marie Brignol had already left. He stated that this conversation took place at the doorway. He stated that he remained outside of the nursing home and Loudime Mode remained inside. He stated that he was there for approximately five (5) minutes. When asked if he then made another arrangement with Marie Brignol to meet with her a second (2<sup>nd</sup>) time, he stated, "No it was my girlfriend that did actually. Because I told my

girlfriend I went by to see Marie but she was not there. And so...cause they both worked nights together at the one at Medley...the nursing home Waterford near the Medley area in Hialeah. And she...apparently she told my girlfriend that she'd rather talk to me because I seemed to be more calm and whatever, whatever. And my girlfriend supposedly said to her, well if you want to try to lie to him he's not going to believe you. And Joe pretty much knows what's going on now. I already told him. She goes no it's not that, I'd just rather talk to him because you know if...you know...you know trying to talk to you is like trying to talk to a wall. You don't want to listen. You just want to argue and fight. And she goes well anyway you can tell Joe I'm working whatever date it was and I'll be getting off around 11 or 11'ish or so. And so my girlfriend passed the message on to me. So that day I know I was working off-duty." I then asked if Marie Brignol and Nicole Montina were still talking or still had a relationship. He replied, "No they were really like beefing but you know they're trying...I told Nicole just be calm about it. Don't go about arguing and fighting, it's not worth it. You guys are two grown ladies. Both of you are older than me. There's no need for you guys to be arguing like that, it's whack." When asked if his second (2<sup>nd</sup>) visit to Hampton Court Nursing Home was on January 20<sup>th</sup>, 2014, which was the evening he was working an off-duty job at Publix Supermarket, he stated that he did not remember the exact date. He stated that he responded immediately after his off-duty job to Hampton Court Nursing Home. When asked, he stated that he was not on-duty. When asked, he stated that he made the visit to Hampton Court Nursing Home in his marked police vehicle (#8289), wearing his Class B police uniform, gunbelt included. He stated that he parked his marked police vehicle in the Hampton Court Nursing Home's parking lot. But he stated that he did not park in a parking spot. He stated, "I actually parked behind a couple of cars." He stated that he rang the doorbell. He stated that Loudime Mode did not answer the door. He stated that another female employee answered the door. He stated that he asked for Marie Brignol. He stated that the employee told him that Marie Brignol had already left. I then asked, "So what did you do?" He replied, "I just left." I then asked him if, during that visit, he remained inside or outside of the nursing home. He stated, "I stepped in this time." When asked if he saw Loudime Mode inside, he stated that he saw there. When asked, he stated that Loudime Mode saw him wearing his police uniform. When asked if he had a conversation with Loudime Mode, he replied, "I just said hello." When I

asked him if she jokingly asked him if he was there to arrest her, he replied, "Probably." When asked what his response was to her question, he replied, "I just laughed, giggled." When asked, he stated that Loudime Mode stepped out to the doorway. When asked, he stated that his assigned marked police vehicle was parked near the doorway. When asked if he had a conversation with Officer Paul Laguerre on January 21<sup>st</sup>, 2014, he replied, "Yes I did." He stated that he asked him to run a tag for him. He stated that, at approximately 10:30 PM, he was on the phone with Nicole Montana, while she was getting ready to leave home for work, when she saw a car parked in the corner, not too far from their home. She told him that it looked like Marie Brignol's car. He then stated, "And I said you know...I don't remember what my response was to her but that just...like basically like stop it. And she said no I'm serious. And she goes and you know, she did threaten to voodoo poison powder on our door step. She made numerous threats like that. Saying that if I don't leave her alone about the money she's going to put poison on our door step at our home. I said yeah, yeah, yeah. I said anyway. And she goes, you know how Haitian people are very, very nasty and they can do stuff like that. I'm like okay. And when she pulled off as we're talking she said hold, wait a minute, wait a minute. She goes that car I just told you about, it just pulled into our driveway. And I could actually hear her making a U-turn. She made a U-turn to go back to the house." He stated that Nicole Montana described the car to him as a white in color, small, Honda. When asked if Nicole Montana was still inside the house, he stated that Nicole Montana was driving. He stated that she was looking in the rear view mirror. He stated that he asked Nicole Montana to get the tag number for him. He stated that he told Nicole Montana to follow the car. He further stated, "Yeah. She was coming (inaudible) the car and then she was making...she was actually kind of pissed off. She was like I'm going to f\* this bitch up you know, what the hell she coming to my house for. And I said don't do nothing stupid. Just relax. Just calm down." When asked if he believed that, if someone were to threaten him with Voodoo, he would be in fear for his safety, he replied, "Yes." When asked if he believed that if, someone were to threaten Nicole Montana with Voodoo, she would be in fear for her safety, he replied, "Yes." When asked if he would be in fear for his kids' safety, he replied, "Absolutely." I then asked, "Is that why you asked her to follow the car?" He replied, "Yes." He stated that she was actually already starting to follow the car. I stated, "But earlier you told me that you asked her to follow the

car.” He replied, “No. I asked her to get me a tag number. I didn’t ask her to follow the car. She was already trying to catch up to the car to see if it was Marie. I said, don’t do nothing stupid. But she was talking off hot headedness. I said just get the tag number. It’s probably not even her. And she said, I know it’s her. It has to be her. Why did she pull into my driveway? She got the tag number for me. I said just let it go. Don’t do anything just let it go.” He stated that, after Nicole Montana got the tag number, she wanted to go to the police. I asked, “After you got the tag number what did you do?” He replied, “I continued talking to Nicole cause she was on her way to work. And you know...and she actually wanted to call the Police. However I told her what are you going to tell them? That they’re going to put voodoo powder. It doesn’t make any sense. They’re not going to believe it. They’re not even going to entertain a report on that, as far as I know.” He further stated that, as a police officer, if someone came to him alleging to have been threatened with Voodoo, he would not take them seriously. He then stated that he called Officer Paul Laguerre and asked him to run the tag for him. He stated that he just wanted to verify who the car was registered to. He stated that officer Paul Laguerre confirmed that the tag was registered to Marie Brignol. He stated that, when he received this information, he was already enroute to Hampton Court Nursing Home, to visit Marie Brignol. He stated that he arrived at approximately 11:30 PM. He stated that he was not on-duty. He stated that he was driving his black in color Chevrolet Camaro. He stated that he did not see a parking space available so he just parked his car, blocking a few other cars. He stated that he remained inside the car. When asked, he stated that, if any of the drivers, of the other cars he was blocking, needed to leave, he would have to move his car. He stated Marie Brignol was not expecting him. He stated that he was there for approximately five (5) to ten (10) minutes before he saw Marie Brignol walking out of the nursing home. When asked, he stated that he did not block Marie Brignol’s path to her car. He stated that Marie Brignol told him that an employee needed him to move his car so she could leave, so he moved his vehicle. When asked about what he and Marie Brignol spoke about, he stated, “I said hello Marie and she was like hello Joe. I said here I am. She was like Joe I’m going through hell with Nicole. I said I know. I know all about it. I said tell me what’s going on. What is it that you had to tell me that you couldn’t talk over the phone? That’s when she starts telling me about the esue, sue-sue thing. And I said...at that point I didn’t..I

mean I was like okay, if you say it's illegal, I don't know. I, myself really don't get involved with the whole esue thing." He further stated, "She said she didn't talk to me, she thinks that it's illegal. And that's why she didn't want to talk over the phone. And then she goes but before we get into that, you know that Nicole loaned me \$7,000. I said yeah. She's like, you know that? I said yeah. She's like, okay she told me not to tell you that. I said, well I had already knew, she told me. She's like oh. She seemed a little disappointed. I'm like, where's this coming from. She goes, no cause when she told me, she said I'm going to lend you money but please don't tell Joe, he'll kill me if he finds out that I loaned you the money. He'll be very, very angry. So don't tell him I loaned you money. So I think her intentions for calling me was to tell me that, do you know she loaned me the money behind your back. Just to create some kind of static between my girlfriend and I. I already knew because she had told me from that...when I heard her shouting out the top of her lungs cursing out Marie on my phone. She had to tell me. And so I had already knew. And I said, is that why you called me out here? She goes no, no, no but look I don't have no problems to pay Nicole back. But what I would like, I don't have the money in full. I would like to offer her to pay her monthly or piece by piece. And can you see if she will agree to it. I said knowing Nicole and her bull headed self, I seriously doubt she's going to go for it. I can ask but I can almost tell you I don't think she's going to go for it. And then she was telling me about how she made a police report when the money was stolen and all that. I'm like okay. And she told me that...that's when I found out that she owed Nicole a total of two hands on this esue thing which was 20 grand plus the seven, which made it 27 grand. I'm like wow." He further stated, "While she was telling about the money thing, like I said it look like it was change of shift and people was getting ready to leave. And so, while she was telling me about the...me not knowing about the \$7,000 that was borrowed and so on and so forth, that's when I had to move my car and moved up and she walked up to my car where I was parked further up. I'd say about....if I had to guesstimate it be about another 20, 25 feet maybe." When asked, he stated that he did not refuse to move his car. He stated that Marie Brignol did not tell him that she wanted to leave. He stated that Marie Brignol did not ask him to move his car. He stated that he and Marie Brignol did not have an argument. He further stated, "She was upset. Not at me, she was upset when she was telling me how Nicole was going around and blasting her name. Saying that she's a crook. She's a lying

crook.” When asked, he stated that he was not upset. He stated that he did not raise his voice. He stated that she did not raise her voice. He stated that he did not threaten Marie Brignol in any way. He stated that he did not threaten to do any harm to her nor her daughter. He stated that he did not touch her. He stated that he was not armed. He stated that he did not make any arrangements to collect the money. He stated that he did not make any statements about knowing where she lived or what kind of car her daughter drives. He stated that he does not know what kind of car her daughter drives. He stated that he has not seen her daughter. He stated that he did not say that there are two ways, the good way or the bad way. I stated, “In her allegations, in her statement, she stated that there was a person, a co-worker, her name was Magda. I later identified this Magda as Magda Norvilus, a co-worker at Hampton Court. I interviewed her and in her sworn statement she said that she walked out of her job, at the same time that you were there talking to Marie Brignol. She stated that you were in your vehicle and she stated that you were yelling. That you seemed excited and that the conversation did not seem like a regular conversation. Is there any reason why she would think this? He replied, “Not unless they got together and plotted this lie. Cause at no time was I yelling at anyone. At times I mean I can talk kind of loud but not loud as yelling and shouting. You know my voice may...I mean that’s my regular talk but I wasn’t yelling at anyone. I wasn’t even upset. I had no reason to be. It wasn’t my money that was taken. My girlfriend will...lesson learned stupidly don’t get involved in crap like this. And if...that’s it. I mean I just...I had no reason to be upset.” When asked, he stated that he did not accuse Marie Brignol of being involved in Sue-Sue. When asked if he confronted Marie Brignol about the possibility of her driving by the house, he replied, “And that was the last part of our conversation. I said, what was you driving by the house earlier, what was that all about? She goes, I wasn’t by your house. I said you know the house. I’m talking about Nicole’s house. She was like, me no I wasn’t by your house. I’m like, look Nicole wouldn’t lie about that. She saw your car parked on the corner. She goes, my car. I said yeah. And then she...when she left you apparently pulled into the driveway and then when she went up behind you...when she was coming back you pulled out the driveway and left. She said you didn’t get out the car but you just drove off. She goes, is she sure it was me. I said right she gave me your tag number and I confirmed it. I ran your tag, it was your car. And she said that, you know many times she wanted to go to Nicole’s



house just to talk to her because I really loved her like a sister. I wanted to talk to her but sometimes when I feel like if I go and talk to her, I'm putting myself in danger, because she might want to fight. And if I'm at her house and it happens then I'm going to be the one at fault. And so, I just changed my mind and left." He further stated, "I said, why'd you have to tell me it wasn't you. She goes, I just don't want to get in that Joe. Nicole and I were like sisters you know that already. You seen how I was with her. We eat from each other. You look at when she was in the hospital, I was the one that was there taking care of her. I said yeah and I respect you for that. That's why I want to see you guys...I don't want to see the friendship fall apart the way it did. It doesn't make no sense." I then referred Officer Jodyln Antoine to Marie Brignol's Time Card for January 21<sup>st</sup>, 2014, the date of the alleged third (3<sup>rd</sup>) visit. I asked, "On the 21<sup>st</sup> she clocked in at 4:20 P.M. and clocked out at 11:30 PM exactly. So my question to you is, if Nicole Montana saw her and her vehicle, at your house, how can she be in two places at one time?" He replied, "Well I myself didn't see the vehicle at the house. Nicole told me she did. And many times because Nicole's in the same field and my mom's also been a CNA for all her life since I was growing up. And who's to say that there's at times they don't leave to, either go to a store, or go take them a personal errand, and have someone look out for them and then come back. I can only say I've seen it done from Nicole. I've seen it done from my mom. You know working in a nursing home setting for many times. Many times she'd leave without notice and to have a co-worker look out for her while she go and play her lotto or do whatever she got to do and come right back or whatever the case may be. Anything's possible. I don't know. I wasn't there. I can only go by what I was told. Can she have been on the clock and stepped away? Absolutely cause nothing is saying that it can't happen. Could she have left for about half hour, 45 minutes, who knows? I don't know I wasn't there. But it just so happen to me and don't forget, there was a nice gap between the time when Nicole saw her and the time I went over there." When asked, he stated that, on March 19<sup>th</sup>, 2014, he was at Claude Pepper Park with his son, who plays Little League Baseball there. He stated that he arrived at approximately 6:00 PM and departed at approximately 7:30 PM. He stated that Nicole Montana joined them as well. When asked if he made any phone calls to Marie Brignol from the concession stand, he replied, "Yes and no in a sense. The call was made however Nicole was with me upset and crying cause she got wind that Marie said that she was not going pay

her not a dollar for her disrespecting her calling her a thief among all her peers at the job.” He further stated, “She asked me to call and I said that she knows my number. If she don’t answer your phone what makes you think she’s going to answer mine. And we were standing right there at the concession stand. And I did make the suggestion that you want to try to call her on this phone. If she answers, you know, why don’t you just try to talk to her. And she was like she already said she’s not going to pay me. And she’s like I need my money. And she went ahead and dialed the number.” He stated that, when Marie Brignol answered, Nicole Montana handed him the phone. He told Nicole Montana that he did not want to talk to Marie Brignol. He further stated, “She said...she whispered to me. Please talk to her, talk to her. And I took the phone and I said hello. And Marie said who’s this and I said this is Joe. She says, what can I do for you Joe. I said Nicole’s here with me and she’s really, really upset. And she said so. So what’s the final outcome, what are you guys going to do with this money issue? She goes, I’m not paying her nothing. I said then why are we going to do that. She said because she’s a rude, nasty person walking around the job. I’m tired of telling people I’m a thief. Everyone’s looking at me as a thief. And I don’t like that. And you know what, I’m not paying. She can take me to court. I said does this really have to amount to this. She goes I don’t care. She can take it to court. I don’t want to deal with her. I’m not going to deal with her. As far as I’m concerned, there is no money and that’s that. I said come on Marie. I said you know what and I said I also received word or heard that you know Nicole’s not the only person who took a loss on this. There’s a couple other Haitian people you didn’t pay them. She’s like well that’s my business. I said you know these Haitian people now they’re talking about possibly putting voodoo on you. Don’t mess with Haitian people money, you should know better than that. I said you know what, do the right thing. Just pay the people their money. She goes, what I do with other people and the money that’s not involved in court, that’s my business and those people, not anybody else’s. I said all right well I’ll let you...click and the phone hung up. I thought maybe the phone got disconnected. I called back. I said I think we got disconnected. She goes no I hung up. She goes, I don’t wish to continue this. I said okay no problem and hung up the phone. That last call only took some seconds. She hung up. I said she don’t even want to talk to me now Nicole, it’s a wrap. I said maybe you can go and file a small claims court being that \$27,000 is a lot of money. If you can prove it and you got the pay schedules

maybe you stand a chance in court. But I don't know what to tell you. She goes there's nothing we can do about it? I said court. She knows about it too because someone's telling her that you can take her to court. And she said...Nicole told me that, oh she mentioned that to me too. She said, when you call me in court they know I'm a CNA. If they order me to pay back the money, I'm going to pay you \$10.00 every time I get paid until it's paid off. You'll never see the whole money entirely. And that was the rest of our...that was the end of our conversation." When asked, he stated that he did not threaten Marie Brignol during the phone conversation. When asked, he stated that he did not tell her that he was a police officer who knew good people and bad people. When asked, he stated that he did not tell her that he was going to have the bad people hurt her and her daughter while he was at work. When asked if he called in an attempt to collect money, he replied, "No I was attempting to collect the money. When I heard that they almost got into a fight at work and that was one of the main reasons why I said let me talk to her. Cause it's not worth anyone losing their job or going to jail or anyone getting hurt you know." When asked, he stated that he did not ask her for the money. When asked if he gave her a deadline to pay the money, he replied, "No. All I did was ask her when are we going to bring this to a close. When is Nicole going to get her money? And she clearly stated that she was not interested in paying Nicole and nor was she going to. That was the end of the extent of us talking about the money." When asked, he stated that he did not tell her that he would have an alibi if she got hurt. When asked, he stated that he did not say that he was going to send someone to hurt her and her daughter. He stated that he did not make any threats. When asked if he made any statements that Marie Brignol may have perceived as threats, he replied, "Not whatsoever." When asked if he told Marie Brignol that he got information at work, he replied, "The only thing that I told her, if anything, was that Nicole told me that she deprived other people of their sue-sue hand. And those people were really, really, really pissed and just striking another war between her and some other people because of it. And I said you know dealing with Haitian people you got to be very careful cause supposedly those other people made statements that they were going to regulate her. Most likely with voodoo if she didn't pay them their money. They work too hard for their money and they want their money. But as far as me threaten, I have nothing to lose from this. It's not my money you know. I have no reason to threaten Marie or to want to see any ill will to

her you know.” When asked if Marie Brignol asked him about how he obtained her tag number, he replied, “No. That night I spoke to her at her job I told her that Nicole followed her. You know saw her tag and gave it to me.” When asked, he stated that Marie Brignol did not ask him to stop calling her at any point during their conversations. When asked, he stated that Marie Brignol did not tell him that she was afraid at any point during their conversations. When asked if he was afraid, he stated, “I wasn’t afraid. Like I said, genuine concern of the threats that were made and what she was planning on doing. And after I addressed that I think she knew I was onto her and whatever. And I never heard anything or nothing ever came of it.” When asked, he stated that he is current on his CJIS Certification and is aware of all FCIC/NCIC rules. When asked, “The Standard Operating Procedures for Mobile laptops; are you aware and I’m going to read off of a policy. It says, Criminal Information Systems, the mobile laptop computers interface with the Florida Criminal Information Center which is FCIC and the National Criminal Information Center which is NCIC. Departmental member should be aware that Florida State Statutes as well as FDLE regulate access to FCIC and NCIC, use of information in the system is strictly to Law Enforcement purposes and may not be disseminated to any person for any other person. Use of the FCIC/NCIC network is restricted to personnel who have received FCIC/NCIC training and hold an active certificate. Do you hold an active certificate?” He replied, “Yes I do.” When asked, “Do you feel that you violated that policy?” He replied, “I don’t feel I violated because I didn’t disseminate any information to anyone. I’m a Law Enforcement Officer and the information I was providing wasn’t through...I am certified to receive that type of information. At no time did I disseminate it to anyone outside of law enforcement.” When asked, “I’m going to read you Standard Operating Procedure 100.064D7. Information obtained through department access programs is for criminal justice purposes only. Under no circumstances may the following databases be accessed for personal use, FCIC, Dade County Local Computer and MPD records management. Did you access via first party, second party, third party FCIC, NCIC information?” He replied, “Yes I did.” When asked, “Was it for personal use?” He replied, “Yes it was personal use, in a sense. Because like I said, it was...like I said it was a concern for my home and persons safety that I did what I did. It wasn’t done maliciously or to do anything other than just gain knowledge of who was that on a suspicious vehicle that was coming into my driveway. You

know I just had to clarify and verify that so I know I had a leg to stand on when I questioned Ms. Brignol about it. And I didn't deny the fact. I'm the one that told her that here's how I knew it was her. So of course that was used, it is what it is." When asked, "North Miami Police Department General Rules and Regulations, I'm going to go through them. Section 3, members of the Police Department cannot escape responsibility for violating a rule, regulation or order by pleading that they did not think such rule or order applied to them. And, in any case of doubt concerning the application of any rule, regulation or order, consult your Commanding Officer or Supervisor. Do you feel that you violated this section in anyway?" He replied, "I guess I kind of like...I would say borderline. Like I said I think my reason for doing so was somewhat valid. My own personal safety and the safety of others including my property. However, you know I wasn't on-duty and it wasn't done on an official capacity of my duties." When asked, "Section 22 says members are required to speak the truth at all times and under all circumstances whether under oath or otherwise except in cases where they are not allowed by the rules of the service to divulge facts within their knowledge, in which any case they remain silent. Do you feel that you have...that all your statements that you said were the truth?" He replied, "Yes sir." When asked, "Section 30, members of the Police Department shall not wear uniforms at any time except when on-duty, on off-duty jobs or assignments of which the department has knowledge. They shall don their uniforms prior to reporting for duty. Do you feel that you violated that section by reporting...by visiting Hampton Courts in full uniform?" He replied, "Yes I was on my way home. And it was in route to go home. So I mean I was just stopping by on my way home. I could have...yes I could have home and changed and came back but at the same time we're playing it by time to where...you know like I said she wanted to talk to me. I didn't feel that I was really doing anything wrong. I was on my way home and I didn't wear my uniform for intimidation purposes because this lady has known me...known of me for some years now. And she knows I'm a Police Officer. And she knows that I was not there on a professional level. Like I wasn't there to conduct Police business, I was on my way home from work." When asked, "Section 42, no Police department vehicle will be used by any member without the permission of their Commanding Officer except in a serious emergency, when it is impractical to communicate with said Commanding Officer. And in such event the reason for using the vehicle shall be communicated to

their Commanding Officer as soon as possible. When you used your Police vehicle to visit Hampton Court, did you let any of your Commanding Officers or Supervisors know that you were going to use that vehicle for that purpose? He replied, "No." When asked if he violate this section, he replied, "I was on my way home like I said before. This is my take home Police car. I was on my way home. And it just happened to be in my route home. So in black and white, I'm somewhat in violation yeah but like I said, I was on my way home." When asked, "Section 59, Officer shall conduct themselves at all times both on and off-duty in such a manner shall reflect most favorably in the department. Conduct unbecoming an Officer shall include that which brings the department into disrepute or reflect discredit upon the Officer as a member of the department or that which impairs the operation or efficiency of the department or the Officer. Do you feel that your conduct was unbecoming in anyway?" He replied, "None whatsoever. Like I said, my intentions were not to create any harm. My intentions were not to create any intimidation. My actions were not to...my action was strictly to keep the peace between the two individuals involved in this so everyone would walk away happy..." When asked, "Okay, the Take Home Vehicle Program is governed by City of North Miami Administrative Regulation Section 1-56, and in paragraph 6, it says off-duty usage, take home vehicles will be used to commute to and from work by the most direct available as specified in the agreement or for official business approved in advance by the department head. No private personal business shall be conducted in take home vehicles except in accordance with paragraph 7 as it applies to sworn Police Officers who maintain their primary residence within the corporate limits of the City of North Miami. Do you...are any of both of your residents within the City of North Miami?" He replied, "No, North Miami Beach." When asked if he felt that he violated Administrative Rule Section 1-56 in any way, he replied, "Yeah." When asked, "FCIC/NCIC is provided to criminal justice agencies and statutorily defines agencies for official criminal justice purposes. Their term criminal justices purposes defines Florida State Statute Section 943.045 Subsection 2 and Code 28 of Federal Regulations CFR Part 20.3, the criminal allegations against you have been dropped by the State Attorney's Office, this is not a criminal investigation, this is an administrative investigation, but CJIS is governed by our policies and procedures and you are certified in CJIS to know what you can and cannot do. Do you feel that you were in violation of any of the CJIS agreements by using FCIC/NCIC for personal

use?" He replied, "Like I said, I did use it on somewhat of a personal note in a sense when I asked the Officer to run a tag for me. Because like I said, there was a threat or a concern of safety on a suspicious, possible suspicious vehicle that was lurking around my residence and pulling into my driveway with unknown reasons why. And then the person did in fact first started to deny that they were there. But when I advised them why...how I knew it was them, they clearly stated that they went there to walk to the other party, which is my girlfriend involved. But then changed their mind and left. So I mean...like I said, it was a safety issue to me." He then confirmed that he signed the two (2) most current Take Home Vehicle Program Contracts contained within the file. Officer Jodlyn Antoine has been employed with the City of North Miami, as a law enforcement officer, for approximately ten (10) years, and has previous experience as a law enforcement officer. He is assigned to the Uniform Patrol Section's Day Shift and is currently on Administrative Leave with Pay status, pending the outcome of this investigation. **\*All of the aforementioned items are available for review within the file.**

The violations that apply to this Internal Affairs Investigation to be reviewed by the Disposition Panel are as follow:

**Standard Operating Procedure 100.06 IV. B**

Criminal Information Systems: The mobile laptop computers interface with the Florida Criminal Information Center (FCIC) and the National Criminal Information Center (NCIC). (The interface to the Dade County Local Computer System is pending). Departmental members should be aware that Florida State Statutes as well as FDLE regulate access to FCIC/NCIC. Use of information in the system is strictly limited to law enforcement purposes and may not be disseminated to any person for any other purposes. Use of the FCIC/NCIC network is restricted to personnel who have received FCIC/NCIC training and hold an active certificate.

### Standard Operating Procedure 100.06 IV. D. 7

Information obtained through Department-accessed programs is for criminal justice purposes only. Under no circumstances may the following databases be accessed for personal use:

- a) FCIC/NCIC
- b) Dade County Local Computer
- c) NMPD Records Management System

### North Miami Police Department General Rules & Regulations – Section 3

Members of the Police Department cannot escape responsibility for violating a rule, regulation, or order by pleading that they did not think such rule or order applied to them. In any case of doubt concerning the application of any rule, regulation, or order, consult your commanding officer or supervisor.

### North Miami Police Department General Rules & Regulations – Section 22

Members are required to speak the truth at all times and under all circumstances, whether under oath or otherwise, except in cases where they are not allowed by the rules of the service to divulge facts within their knowledge, in which case they remain silent.

### North Miami Police Department General Rules & Regulations – Section 30

Members of the Police Department shall not wear uniforms at any time except when on active duty, on off duty jobs, or assignments of which the department has knowledge. They shall don their uniforms prior to reporting for duty.

### North Miami Police Department General Rules & Regulations – Section 42

No Police Department vehicle will be used by any member without the permission of their commanding officer, except in a serious emergency when it is impracticable to communicate with said commanding officer and



in such event the reason for using the vehicle shall be communicated to their commanding officer as soon as possible.

#### North Miami Police Department General Rules & Regulations – Section 59

Officers shall conduct themselves, at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming an officer shall include that which brings the department into disrepute or reflects discredit upon the officer as a member of the department or that which impairs the operation or efficiency of the department or the officer.

#### City of North Miami Administrative Regulations – Section 1-56. 6

Off-Duty Usage – Take home vehicles will be used to commute to and from work, by the most direct available route as specified in the agreement, or for official business approved, in advance, by the department head. No private personal business shall be conducted in take home vehicles except in accordance with paragraph 7 as it applies to sworn police officers who maintain their primary residence within the corporate limits of the City of North Miami. Employees (excluding sworn police) commuting to and from work will not be considered in a compensable status.

#### CJIS Policies and Procedures – Ethics & Misuse - FCIC/NCIC

FCIC/NCIC is provided to criminal justice agencies and statutorily defined agencies for official criminal justice purposes. The term “criminal justice purpose” is defined in FSS Section 943.045 (2), and 28 Code of Federal Regulations (CFR) Part 20.3, as:

“Administration of criminal justice” means performing functions of detection, apprehension, detention, pretrial release, post trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders by governmental agencies. The administration of criminal justice includes criminal identification activities and the collection, processing, storage, and dissemination of criminal justice information by governmental agencies.

Of the misuse cases that are investigated, most will stem from one of the following categories: *affairs of the heart, political motivation, monetary gain, or idle curiosity.*

\*All of the aforementioned items are available for review within the file.

A Map of the City of North Miami has been included within the Internal Affairs Investigative File.

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 State Statutes.



Rafael J. Estrugo  
Internal Affairs Sergeant

A handwritten signature in black ink, appearing to read "Rafael J. Estrugo", is written over a horizontal line.

Office of Professional Compliance  
Office of the Chief of Police  
North Miami Police Department  
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