



OFFICE OF THE CITY ATTORNEY

April 6, 2017

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Chief Assistant State Attorney
Office of Katherine Fernandez Rundle
Eleventh Judicial Circuit of Florida
E. R. Graham Building
1350 NW 12th Avenue
Miami, Florida 33136-2111

Dear Mr. Arrojo,

Thank you for your update on the State Attorney Office's (SAO) investigation. I am writing to respond to a few points in your email.

First, as you know, over the past two days there have been numerous news reports concerning North Miami Chief of Police, Gary Eugene's testimony in this case. We were surprised to learn that CDR Hollant's Attorney and certain media outlets obtained Chief Eugene's testimony from the SAO, given that we had an in-person meeting just weeks ago with the SAO regarding releasing the very same materials and were instructed not to release the information until we heard from the SAO.

Secondly, since the City's investigation into CDR Hollant's actions is still ongoing and given that the Chief's testimony revealed information regarding the overall investigation, we are struggling to understand how the SAO determined that the release of the Chief's testimony (without redaction) was appropriate. Both Fla. Stat. 119 (k) which exempts all materials obtained by an agency investigating a complaint of misconduct against an agency's employee from disclosure pursuant to the Public Records Act and Fla. Stat. 119.071(2)(c)1, which exempts all active criminal investigative information, appear to apply here.

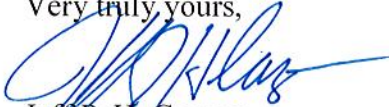
Unfortunately, based on the SAO's release of the Chief's testimony, the City is faced with the decision to either release ALL of the information concerning CDR Hollant's investigation so that the public can be fully informed of ALL the facts or continue to withhold all other pertinent information based on your cautionary statement that, "we maintain our position that as regards the statements and other investigative materials contained in the Aledda investigation, that those should not be publicly disseminated until the formal investigation closes".

Because the SAO has taken the position that the criminal inquiry into CDR Hollant actions is concluded, it can be argued that all other records associated with that criminal investigation can be released. *See, e.g. Chandler v. City of Sanford*, 121 So.3d 657 (5th DCA 2013). Accordingly, the City intends to release

1) the transcript of CDR Hollant's testimony to the SAO; 2) the redacted FDLE report; 3) the SAO Close-Out memo; 4) audio recording of CDR Hollant's testimony to FDLE; and 5) Chief Eugene's previously released audio testimony to FDLE.

We look forward to the conclusion of the SAO's overall investigation of this matter.

Very truly yours,



Jeff P. H. Cazeau
City Attorney

Encl:

- 1) Transcript of CDR Hollant's testimony to the SAO
- 2) Redacted FDLE report
- 3) SAO Close-Out memo
- 4) Audio recording of CDR Hollant's testimony to FDLE
- 5) Chief Eugene's previously released audio testimony to FDLE.