



NORTH MIAMI POLICE DEPARTMENT
700 N.E. 124 STREET • NORTH MIAMI • FLORIDA 33161
(305) 891-0294



June 14, 2017

Commander Emile Hollant

Re: Notice of Intent To Terminate And Right To Pre-Determination Hearing

Dear Commander Hollant:

Based on the Findings of IA 16-06 (enclosed) and as set forth below, I am hereby notifying you of my intent to terminate your City employment. As you know, IA 16-06 concerned the allegation against you of Obstruction of a Law Enforcement Investigation. The case relates to the police-involved shooting, which took place on July 18, 2016.

The allegation which prompted the investigation is described as follows:

On July 18, 2016, a police contact shooting occurred at NE 127th Street and 14th Avenue, in the City of North Miami, documented under NMPD Case #16-22884. Following the arrival of NMPD investigators and staff members at the scene, Chief Gary Eugene asked Commander Emile Hollant whether he was a witness to the shooting incident. Commander Hollant advised he was not. Evidence later collected during the police shooting investigation appeared to contradict Commander Hollant's statement to Chief Eugene, as it revealed Commander Hollant appears to have been present prior, during, and after the shooting incident. Given the belief that Commander Hollant was not a witness to the incident, based on his statement, he was neither interviewed by the Investigative Section, nor separated as other witness officers were at the scene.

The allegation was found to be **Sustained** by the Disposition Panel, comprised of Assistant Chief Robert Bage and Majors Franzia Brea and Donald Blanchard. As a result, it was determined that you violated the following North Miami Police Department General Rules and Regulations and Standard Operating Procedures (SOP):

- ***General Rules and Regulations, Section 7:*** Members withholding information or furnishing unauthorized and/or confidential information with a view to personal gain or for any other reason shall be subject to disciplinary action.
- ***General Rules and 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.
- ***General Rules and Regulations, Section 44:*** Members of the Police Department shall not make false official reports, or knowingly enter or cause to be entered in any Police Department books or records any inaccurate, or false information.
- ***SOP 300.19 (V)(E):*** Identify and locate all witnesses and police officers at the scene. Keep all witnesses, including involved officer(s) and witness officers(s) separated. Prevent any officers or others from interviewing the involved officers(s) prior to the arrival of the Shooting Team.

In brief, the Disposition Panel's findings were based on previous sworn testimony provided by you relating to your status as a witness during the incident. The Disposition Panel deemed your statements to be "contradictory to statements made by other officers at the scene." Based on testimony by North Miami law enforcement personnel and radio transmissions, the Panel determined that you were at the scene prior, during, and after the shooting.

The Disposition Panel also noted, "Several command staff members and investigators were asked during their IA interviews if Commander Hollant would be considered a witness after learning he was on the scene prior to and after the shooting and they stated yes. The investigators stated he should have been separated and interviewed like all other witnesses." In addition, the Disposition Panel noted that you were a detective for two years and, as such, you were "the lead investigator or was assigned as a secondary investigator in at least 359 cases (Record Management System Print Out 4/17/2017)." Also, that you attended police training courses that "discussed the importance of identifying witnesses and taking their statements."

The Disposition Panel added, "Commander Hollant expressed regret to Chief Eugene in a conversation in the chief's vehicle for not providing a statement initially to North Miami investigators, "...he was more concerned about his failure of giving DB or the investigator in charge of the shooting in that sense, Detective Gaudio his official statement" (Eugene IA statement Line 297). Chief Eugene also stated that Commander Hollant apologized to him (Eugene IA statement 295-296)." They also noted, "Detective Gaudio, Commander Rivera, Major Cardona and retired Major Trevor Shinn all stated in their IA interviews that the North Miami report for the shooting was missing relevant information since Commander Hollant did not identify himself as a witness, did not provide a statement or write a supplementary report. When Detective Gaudio was asked in his IA interview if Commander Hollant caused inaccurate information to be entered into the investigative record, he stated "yes" (Gaudio IA statement Line 295)."

The Disposition Panel also indicated, "Chief Eugene stated during his IA interview, "That he lied to me. The commander completely lied to me", referring to Commander Hollant (Eugene IA statement Line 1198). The sworn statements made by Commander Hollant on August 2, 2016, at the State Attorney's Office, and on August 11, 2016, at FDLE, are in conflict with statements made during IA 16-06 by Sergeant Reid and Officer Bernadeau. Both officers stated during their IA interviews that Commander Hollant was present during the actual shooting by Officer Aledda. Commander Hollant stated in his two sworn statements that he was not present during the shooting. In addition, several other officers stated during their IA interviews that they observed Commander Hollant on the scene just prior to and just after the shooting. Chief Eugene, Assistant Chief Juriga, Major Cardona and Detective Gaudio all stated during their IA interviews that Commander Hollant stated he was not a witness when asked on the scene of the shooting. Commander Rivera also stated during his IA interview that he asked Commander Hollant several days after the shooting, when it was learned Commander Hollant made radio transmissions from the scene, thus making him a witness, who he told he was a witness. Commander Hollant stated to Commander Rivera, Detective Tovar. Detective Tovar stated in his IA statement that Commander Hollant never told him, he was a witness."

In addition, the following violations were noted and Sustained as "Other Findings":

- **General Rules and Regulations, Section 6:** *Members of the Police Department shall be held responsible for the proper performance of their assigned duties.*
- **General Rules and Regulations, Section 9:** *Any member who displays reluctance to properly perform their assigned tasks or acts in a manner tending to bring discredit upon themselves or the Department, or fails to assume responsibility to exercise diligence, intelligence, and interest in their duties, or whose performance is below acceptable departmental standards, shall be deemed incompetent and/or inefficient and subject to disciplinary action.*
- **SOP 300.19 (V)(K):** *Ensure that an offense report is completed by an officer who is not directly involved in the shooting incident. The officer should not have had to take any actions towards the subject or one that is considered a witness to the shooting. The report should detail the known facts that initiated the incident. All other officers on the scene, but not involved in the shooting, will complete a supplemental report under the same case number. Any discrepancies should be discussed with the shooting team supervisor who will make final determination based on known facts. All reports will be forwarded to the Shooting Team supervisor for coordination and accountability.*

As for "Other Findings," the Disposition Panel noted, "Commander Hollant was derelict in performing his duties and tasks at the scene of the shooting. He failed to assume responsibility and exercise due diligence. Commander Hollant was the highest ranking officer on the scene and should have taken command of the scene...Commander Hollant did not provide any instructions or direction to Sergeant Reid or to any other officer prior to the shooting after his initial observations and radio transmissions that the subject looks like he is loading a gun." The Disposition Panel added, "When Commander Hollant left to get his binoculars, he failed to monitor

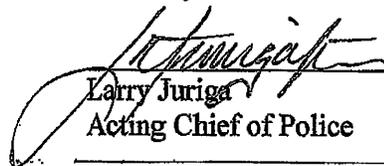
the radio and provide any direction to his subordinate officers...Commander Hollant was not on the radio for approximately 2 minutes while conflicting information was being provided. From listening to the dispatch tapes you cannot determine who was in charge on the scene and some statements made by officers were not acknowledged by the dispatcher or a supervisor." In addition, "Several command staff members were asked during their IA interview if they would have left the scene to get binoculars and they stated no, including Chief Eugene." The Disposition Panel also noted, "Commander Hollant not identifying himself as a witness on the scene had a rippling effect on the investigation." Lastly, the Disposition Panel also noted that you failed to "write a supplementary report," as required by policy.

Based on the Panel's findings, I intend to proceed with terminating your employment with the City.

To ensure your constitutional right to due process and in accordance with City policy and the Police Officers' Bill of Rights, before the effective date of dismissal, you will be entitled to a Pre-Determination Hearing where you will have the opportunity to provide me with any information you believe may mitigate or negate the findings in the report and/or my intent to terminate you. Prior to the Pre-Determination Hearing, you may request and review a complete copy of the investigative file, including the final report, and all related statements and evidence gathered in relation to this case. You may have representation with you.

Please contact Administrative Assistant Gia Smith by Friday, June 16, 2017, at 12:00 p.m., to schedule this Hearing. Her phone number is (305) 891-0294, Ext. 24100. I will be available June 19-23, 2017, or sooner, if preferred. If you do not contact Ms. Smith by that time, I will assume that you have elected to forego a Pre-Determination Hearing and will base my final decision on the documents and information that I have available to me at that time.

Sincerely,


Larry Juriga
Acting Chief of Police
