

Notice of Disciplinary Action

NORTH MIAMI POLICE DEPARTMENT

Employee: Emile Hollant

ID #: 394

Date: June 8, 2017

Classification: Police Commander

Assignment: Uniform Patrol

On June 5, 2017, I received the summary from the Disposition Panel for Internal Affairs Investigation, Case #16-06, regarding the obstruction of an investigation by way of providing false statements made by Commander Emile Hollant. The Disposition Panel determinations were based on the preponderance of the evidence.

The allegation of Obstruction of a Law Enforcement Investigation by way of False Statements was **Sustained**. The Panel stated in their summary, there was sufficient cause to indicate that Commander Hollant violated the following Standard Operating Procedures and General Rules and Regulations:

- *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.*
- *Standard Operating Procedure, 300.19 V. E, Identify and locate all witnesses and police officers at the scene. Keep all witnesses, including involved officer(s) and witness officer(s) separated. Prevent any officers or others from interviewing the involved officer(s) prior to the arrival of the Shooting Team.*

The Disposition Panel discovered other findings base on the preponderance of the evidence, that Commander Hollant also violated the following policies: General Rules and Regulations, Section 6 and 9, and Standard Operation Procedure 300.19 V. K.

- *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.*
- *Standard Operating Procedure, 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 required in Standard Operating Procedure 300.06, Section VIII D. 7, Commander Hollant's two year disciplinary profile was reviewed.

A) Incident Allegation:

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 had 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.

In reviewing the documents and its contents pertaining to this investigation, as well as his tenure, experience, and responsibilities as a North Miami Police employee and Shift Commander, it was his responsibility to not withhold information regarding the incident and announce his presence as a witness when asked by several responding officials. As the commanding officer on the scene, Commander Hollant should have taken charge of the direction of this critical incident involving two subjects and multiple police personnel.

Commander Hollant failed to announce his presence on the scene as a witness, before, during, and after the shooting. He allowed police personnel to position themselves in the direct line of cross-fire and failed to assume his responsibilities by taking control and communicating to police personnel by giving them direction to defuse the tension.

B) Recommendation of Discipline: **Demotion**

Commander Hollant's actions and decisions to withhold information jeopardized the integrity of the investigation. My recommendation is that he be Demoted to the rank of Sergeant.

Employee Signature: _____

Date: _____

Distribution
Personnel Department
Employee's File (original)
Employee

Recommended By: Major Tim Belcher
Major: [Signature]
Assistant Chief: AC
Chief of Police: _____

Date: 6/8/2017
Date: 6-8-17
Date: 6-14-17
Date: _____

ON 6-5-17 I SUBMITTED A MEMORANDUM WITH MY RECOMMENDATION TO CHIEF GARY EUGENE. IN THE MEMORANDUM I POINTED TO THE FACT THAT THE STATE ATTORNEYS OFFICE, ON TWO SEPARATE OCCASIONS, CLEARED COMMANDER HOLLANT OF LYING IN AN INVESTIGATION. THE IA'S PANEL'S FINDING WAS NOT SUBSTANTIATED BY THE STATEMENTS + EVIDENCE.

I DO NOT AGREE WITH MAJOR BELCHER'S RECOMMENDATION. HIS INTERPRETATION OF THE FACTS IN THIS CASE IS FLAWED
ACCT ADULT N. A. P. ...