

**INTERVIEW WITH CHIEF GARY EUGENE**

**Q=Sgt. Diana Roman**

**A=Chief Gary Eugene**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12 Q: This is Sergeant Diana Roman. Today's date is April 7, 2017. The time is 10:04 am.  
13 This interview is being conducted at the Office of Professional Compliance of the  
14 North Miami Police Department located at 700 Northeast 124 Street. This sworn  
15 statement is in reference to Internal Affairs Case Number 16-06. I am the investigator  
16 in this case. Present in the room with me is Chief Gary Eugene and Mr. Adam  
17 Burden, a police consultant and reserve police officer for the North Miami Police  
18 Department. Chief, you're being interviewed as a witness employee in an official  
19 investigation by the North Miami Police Department. Your conversation with this  
20 investigator is being recorded. You are required to answer all questions pertaining to  
21 your actions or knowledge obtained while employed by the North Miami Police  
22 Department. Failure to answer these questions may result in departmental charges.  
23 Chief, you are directed to give your statement and answer any posed questions  
24 honestly, completely, and to the best of your ability, Chief, please raise your right  
25 hand. Do you solemnly swear or affirm that everything you say during this interview  
26 will be the truth, the whole truth, and nothing but the truth?  
27

28 A: I do.

29  
30 Q: Chief if it is determined that you have not spoken the truth, you may be charged with  
31 criminal perjury. Do you understand this fact?  
32

33 A: Yes, I do.

34  
35 Q: Okay, Chief, for the record, please state and spell your full name.  
36

37 A: Gary Charles Eugene, Gary, G-A-R-Y, Charles, C-H-A-R-L-E-S, Eugene, E-U-G-E-  
38 N-E.  
39

40 Q: For how long have you been employed with the North Miami Police Department?  
41

42 A: Woefully about four years, since 2013.  
43

44 Q: And what positions have you held with the department and for how long before  
45 becoming the chief of police?

- 46
- 47 A: I started here as a consultant, as an advisor to then Chief Marc Elias. Eventually after  
48 he left, I became executive assistant to the chief under Chief Burgess for a few  
49 months. And since, if I'm not mistaken, December 2015, and my position upgraded to  
50 assistant chief in charge of field operations. That's the position I held until I made  
51 chief back in June 2016.
- 52
- 53 Q: So you were responsible for patrol for some time there as an assistant chief?
- 54
- 55 A: As an assistant chief, yes.
- 56
- 57 Q: Okay, Chief, directing your attention to the police shooting that took place on July 18,  
58 2016 in the area of Northeast 14th Avenue and 127th Street. Please explain, what was  
59 your involvement with this case?
- 60
- 61 A: I can recall the day clearly, because I know that I was a guest at a Haitian radio  
62 station that day. That's one from 3:00 to 5:00, which is 1700 AM radio station just  
63 north of 163rd Street. And the show has ended closely to 4:45. And I was talking to  
64 the MC outside of the radio station when I received a call from my PI - or then PI,  
65 Officer Buissereth requesting permission to return to the city on overtime, because  
66 she obviously was already on her way home. We got in a shooting, but the initial  
67 information was just a basic shooting. And understand it was already past 5:00 - 5:05,  
68 5:10. I was looking off I-95, so I was on my way home. I asked her to double check to  
69 make sure the shooting - I hate to use the term "good shooting" - before I come back,  
70 because I didn't have a police radio with me. And she did call me back in about ten  
71 minutes later. She said, "Yes, it is a shooting. Somebody got shot," but she gave me  
72 the wrong address. She gave me Northeast 4th Avenue and 128. I decided to head  
73 back. I went to the location. I didn't see anyone except a PSA was taking a report at  
74 that time, PSA (Stanley) and with PSA (Martin). Both of them were riding a 2-man  
75 unit. I waited for her, call her back again, give me an update. And a good 15 minutes  
76 later she said, "I have some bad news for you. It is actually a police shooting. And the  
77 exact address is 14th Avenue and 128 Street." I did a U-turn, head back east on 125. I  
78 don't know what exact time I arrived, but all I can remember was I saw fire rescue  
79 turning -- I'm not sure if they're off 12th Avenue or 13th Avenue - followed by a  
80 police car, marked unit. I assume later on it was probably Mr. (Charles) Kinsley. So  
81 whatever the time rescue left the scene, that's when I basically arrived on the scene  
82 myself. Do you want me to continue?
- 83
- 84 Q: Yes, you can continue with your involvement, yes.
- 85
- 86 A: Okay. So I made it first. I park my car, if I'm not mistaken on 1-2-9, not at the  
87 location. I walked back. There is a building as I was walking back on the right side,  
88 an apartment complex. That's when I run into the commander. Based off of my  
89 experience, and you contact the higher-ranking officer on the scene. So I came to him  
90 and I said, "What happened?" And understand it is me. My priority at that time was

91 the well-being of the officer involved in the shooting. And I said, "Where is the  
92 officer?" He said -- I believe - I am not sure of that one. I cannot remember. Either  
93 he's still there or just left the scene or somebody took him to the station. "Is he  
94 okay?" "Yes." "Nobody got hurt from our point of view?" "No." And the other  
95 question I asked him, "Make sure we have a supervisor to contact his family  
96 members," because I didn't want them to see the news and not knowing what exactly  
97 transpired. And I say, "What happened?" He was very vague into his statements.  
98 There was a police shooting. There was a guy here who we thought out here to be a  
99 gun. And then I am not sure if he mentioned his name or just told me the officer shot  
100 at the guy. And later on they found out he was shot. And but the guy seems he's going  
101 to be okay. Briefly, and I remember asking him why did he shoot? That's where, you  
102 know, I have to be careful with my statements, because he made a statement to the  
103 nature that, "I went to get my binoculars. I didn't see him." And the part that confused  
104 me, I thought as I was talking when he said he went to get his binoculars, I didn't  
105 know if he was already on the scene, he was actually involved on the scene, or if he  
106 heard the radio transmissions and decided to get his binoculars to verify what was  
107 going on. Or I did believe in a sense - I wasn't sure if the information he was sharing  
108 with me, well, third-party information by him, the highest ranking making it to the  
109 scene before me, had the chance to speak to everybody else already to gather all the  
110 information and now he's just passing this information to me or if he was actually on  
111 the scene taking part in the scenario. And again at that time I knew that my questions  
112 should be very limited. I was trying to avoid to be a key witness to the incident,  
113 because I know from day one regardless of what happened, I as the chief, might end  
114 up being the one making the final decision. I'm sorry. So I stood up there, well just  
115 talking about everything else. I clearly remember if FDLE took a picture where I was  
116 standing in front of that apartment, there was a motorcycle there probably from one of  
117 the tenants of the building, and there was a black vehicle. I am not sure, but it seems  
118 like that's what the vehicle that's eventually we see the officer leaning against with  
119 the rifle and duty officer. That's what I remember. And we're talking everything else,  
120 but just chatting, not specific about the case. I remember seeing on the scene, if I'm  
121 not mistaken, you and Commander Rivera and Sergeant Jim Mesidor walking back  
122 and forth, assessing the scene. And I was waiting for someone, because again in my  
123 mind, Commander Hollant was either a key witness or again, like I mentioned, was a  
124 witness from information he has gathered prior of my arrival. There was a time that I  
125 believe I mentioned, "Can you check with Commander Rivera, see if he can give me  
126 an update?" He moved, so I was talking to the other tenants in the apartments. He  
127 came back. I hate to say that. He said, "Listen. I told you that he showed no respect to  
128 you, because he just stare at me, he look at me and pretend that he didn't hear what I  
129 said and kept walking." Eventually that's where, you know, I said - I made the  
130 statement that I was pissed, because I cannot understand as I ask a commander of  
131 police to give me an update, because understand upon my arrival, right before I arrive  
132 on the scene, I called the city manager and gave him a vague synopsis of what I'm  
133 arriving on. I believe I spoke to Councilwoman Carol Keys, or she called me, asking  
134 me what was going on, but I could not provide her enough information, so it was put  
135 upon me to try to gather as much information as soon as possible so I can call them

136 back. And in the meanwhile, if I'm not mistaken in the chronological order, Chief  
137 Cuevas arrived. He just said hi to me, shook my hand, and kept walking north to the  
138 location. Commander Estrugo arrived on the scene, went straight after talking to me  
139 for a couple of minutes, went to by where Chief Cuevas was. And the last person to  
140 arrive in my staff was Chief Juriga. He spoke to me briefly, and then he went to talk  
141 to Commander Angel and Jeff Mesidor. That's when I believe I observed you, all of  
142 them getting close to Chief Juriga. That's when I decided, let me go back. Most likely  
143 they're going to have a debriefing. Let me listen to what they have to say. As I'm  
144 standing there, Commander Hollant approached. I told him, I said, "Please,  
145 Commander, you cannot be here, because you are a witness." He replied to me - that's  
146 what I will leave it open - either no, I wasn't on the scene or I didn't witness the  
147 shooting, one of the two. That I cannot tell you exactly what he said. But he did reply  
148 to me according to my hand gesture that you cannot be here, because you are a  
149 witness. When he said either I wasn't here or I didn't witness it, I assume now he  
150 confirmed my initial thoughts, that the information he was sharing with me initially  
151 came from a third party, came from the debriefing that's probably held with the  
152 uniformed patrol. I never put - at that time I didn't put him on the scene at all. Once  
153 he said that, I said, "Okay." And then they gave me an update. My only concern,  
154 because when I believe Commander Rivera mentioned that he shot three times, in my  
155 opinion it was some automatic discharge of the barrels of three rounds. I said, "Wow."  
156 That's when he confirmed to me no, he did pull the trigger three times. And I gathered  
157 all the information. Understand initially it was going to be a non - it was going to be a  
158 normal good shooting, per se. I hate to use the term good, it's not. It's bad - non  
159 controversial. Somebody who thought happened to be a gun, they shot him, and that's  
160 what they had on him. So I sat on this - I was standing on the scene. That's when I  
161 find out from a sergeant or from an officer, do we have to Baker act someone? It's an  
162 autistic kid or something like this. I said, "Time out." It was my first involvement. I  
163 said, "Please, uncuff him, take him to the station unless he's violent." And again,  
164 there was no need for me to remember exactly because I thought it was going to be a  
165 very routine incident. That's what I know I got involved in by telling whoever was  
166 sharing that information, actually the person was talking to somebody else. I just  
167 interject when I heard the guy was over there still handcuffed. And so I stay on the  
168 scene. We talk everything else and we spoke to the media. The owner of the place  
169 came on the scene and was getting involved and so on and so forth. At the end I left,  
170 came to the station, because again, I was concerned about the wellbeing of Officer  
171 Aledda. I made it to the third floor to the DB. I asked I believe Detective (Gaudio),  
172 "Can I go say hi to him?" He gave me the green light to do so. Basically I explained  
173 to him, that is not an easy situation. If you need anything, I am here for you, you  
174 know, something just to cheer it up. And as I was leaving, I run into one of your  
175 detectives, and I see one of your detectives from DB next to Officer Warren, because  
176 initially Detective Warren was also involved in the shooting. And I stayed over at the  
177 DB for another 15 minutes, went upstairs to my office, make a few phone calls. I am  
178 not sure if I spoke to the city manager again, but I did make a few phone calls, and I  
179 spoke to - I tried to look for FDLE's (Troy Walker)'s business card, which he gave to  
180 me the day of my swear-in ceremony. I could not locate it. And then I left, knowing



181 that I would return tomorrow, the case would be proceeding. On my way home, I  
182 thought about it. I say, you know something? I've never been an advocate of police  
183 officers policing all their fellow officers. I took it upon myself to - the next day I was  
184 going to call FDLE to ask FDLE to take over the investigation. Even though deeply  
185 inside I knew at that time it was a non - how did I call that term I use - it was going to  
186 be a good shooting and clearly. And the next day I came to my office like anything  
187 else. I asked them for an update, which they gave me. That's when it was confirmed  
188 that Officer Warren that there was GSR on him. He didn't have any gunpowder. They  
189 scratched him out. So it was actually only a one-man police shooting. And basically  
190 give them green light to proceed. That afternoon what a coincidence, and the state  
191 attorney calls me. It was actually Katherine Rundle called me herself and said, "Chief  
192 Eugene, are you aware that FDLE's handling all police shootings for all other police  
193 agencies? You are probably the only one that doesn't call upon FDLE. That's going to  
194 be a good idea." I said, "Guess what? What a coincidence. I've been trying to locate  
195 (Troy)'s number. I thought about it since last night." She said, "Hold on. Let me call  
196 you back. I believe I have it." She did. She called me back in a few minutes, and she  
197 gave me his number. I called him when I was on my way home, and (Troy) told me  
198 that he was just landing at Hollywood International form Tallahassee. I explained to  
199 him the situation I have. I would prefer for FDLE to handle it. He said, "Chief, I was  
200 waiting for your phone call. I will see you in the morning, and we can discuss about  
201 it." I called the city manager, that I'm meeting with FDLE either the next meeting  
202 which would be Wednesday after the shooting at night. He said, "Please include  
203 myself and the city attorney, Jeff Cazeau, in the meeting. We showed up at 8:50, and  
204 they were already in the lounge. I thought well, we're just going to talk about the case  
205 and see what can be done. Guess what? There came about six - five or six of them.  
206 The SAC, Special Agent in Charge, Paul Walker, four office people include their legal  
207 advisor with the MOU already typed, just to be reviewed and signed. I say wow. Jeff  
208 Cazeau took it and said, "I'm taking it to my office." She said, "Even better. I just  
209 email you a copy." And that's how quick the MOU was signed and FDLE took off of  
210 it. It was not my thought that the shooting was going to be controversial, we were  
211 going to make headline news, that we were going to be the - I hate to use that term -  
212 in the news not only nationally but internationally. And that Wednesday after, that's  
213 when it was brought to my attention that there is a video going on that it seems like  
214 either channel 7 or channel 10 has a copy. It doesn't look good for the officers on the  
215 scene. That's what the statement that was made to me. Unfortunately, I do not recall  
216 where I got that information. If I'm not mistaken, it was from PIO, but I leave the  
217 door open. It could have been somebody else. I say I am glad I pass it to FDLE prior  
218 of the video emerging so it doesn't look like we are reacting to a controversial  
219 shooting. Now everybody will be at ease knowing that we took the step forward just  
220 to eliminate any perception of cover-up. And by the time I made it home, I believe my  
221 daughter, everybody from social media was telling me oh, lord. You shot a guy who  
222 put both guys in the air. Again, I didn't have all the facts at that time. Thursday  
223 morning we came in, because understand since the shooting after the meeting  
224 (unintelligible) was aired. On Wednesday the city manager decided to have a special 9  
225 o'clock debriefing. And we met in his office. He said from now on, until we find out,

226 we gather all the facts, we're going to meet every morning. Some of the key players  
227 in the city, including myself, the city attorney, the city manager, PIU, and so on and  
228 so forth, we'll meet in his office every morning at 9:00 until we can put the shooting  
229 at rest. It was Thursday morning. So I went back after the meeting to my office. Close  
230 to 3:00 pm Chief Juriga and then Major Trevor Shinn came to my office, and there's  
231 key words I want you to understand. He was like hey, holding a city in their hand.  
232 Your guy lied to you, referring to Commander Hollant. Now I'm putting the two  
233 together. I didn't like the term "your guys" like it was somebody close to me, much  
234 closer to me than everybody else. And I said, "What do you mean?" He said, "Oh, we  
235 just got a copy." Back then you have to understand that Major Shinn was your  
236 (unintelligible) supervisor. And when I say you for the tape, it was Sergeant Diana  
237 Roman. I said, "What is it?" He said, "Yes." Remember Commander Hollant claimed  
238 that he wasn't on the scene. We had the radio transmissions. Not only he was on the  
239 scene. This is the part that I do not recall if it came from Major Trevor or Chief  
240 Juriga. There was a statement made. Not only he was on the scene, I might not quote  
241 them exactly, but what he said on there is probably what made officer Aledda open  
242 fire. Please, it could have been different, but the top process was the same. I freak out  
243 when he said that. And I said - the first thing I did, I called the city manager and said  
244 the case is more complicated than any time before. A bombshell just landed. I have to  
245 bring you up to par to it. Are you in your office? He said yes. I remember before I left  
246 I went to Chief Juriga's office. When I showed up, Commander Rivera was already  
247 talking to him. (Unintelligible), this is one thing I will never, never take from any of  
248 my subordinates is lying. That guy's going to be suspended. And then I left. I want to  
249 make it clear, initially it was my decision to suspend Commander Hollant. When I  
250 made it to the city manager's office, it was (unintelligible) I would say after 5:00. It  
251 was himself, Jeff Cazeau, and Natalie Buissereth was talking in his office. I walk in,  
252 and I believe the three people who were present are people that I could trust that the  
253 information would remain confidential until further advised. I explained to the city  
254 manager what happened. I told him briefly my encounter with the commander on the  
255 scene. And now I find out - I moved to the left so far to the right so far that I thought  
256 maybe he's the one who told the sergeant - I mean, Officer Aledda go ahead, shoot, to  
257 be honest with you. He said, "What do you intend to do?" I said, "I have to suspend  
258 him." And I think I used a more stronger term when I said I have to suspend him. He  
259 said, "All right. That's your call. You have my full support." To make it clear again, it  
260 was my decision. Relying on my experience I know you cannot call an officer back  
261 home to suspend him. My intention at that time was I would call him in the morning.  
262 At night when I calm my head, because I was supposed to meet with the city manager  
263 after that and to inform him of the suspension. I wasn't thinking about criminally. I  
264 was thinking about administratively. I left the station. I left city hall. When I made it  
265 to West Dixie, I thought about it. I said for all the gossip that I've been hearing, all  
266 those hearsays that I've been hearing (unintelligible) most my staff member, I knew  
267 there was a feud - not a feud. I don't want to use that term. I don't want to tarnish the  
268 reputation of anybody in that sense. But Chief Juriga and Commander Hollant were  
269 not into good amicable term. Let's put it that way. (Unintelligible). And again I  
270 thought about it. I said, "You know the term that (unintelligible) always repeat, trust

271 but verify?" That's when I decided to call you, Sergeant Roman and ask you where  
272 you were. You said that you were in the station in your office. I said, "There is a tape  
273 involving the radio transmission." That's what you explained to me. Yes, actually you  
274 are listening to the tape as we speak to the city. I say, "I'm on my way to you." I came  
275 to your office, and actually you were listening. If I'm not mistaken, you were trying  
276 to transcribe what was saying in the tape. We listened to the tape for at least, if I'm  
277 not mistaken, a good four, five times. Clearly what I reported to FDLE was that the  
278 tape confirmed that the commander was actually on the scene. The tape also - I  
279 cannot keep saying tape. The CD confirmed that the commander, you explained to  
280 me, it was not Miami 400. I remember clearly. It was actually Commander Hollant  
281 saying something to the nature of he appears to be loading his gun. And the 911  
282 dispatcher replied to him, "Is he loading his gun?" He replied a second time and said,  
283 "He appears to be loading his weapon." Those are the sequences that (unintelligible)  
284 together. As I was sitting with you, I also heard an officer, which I didn't know  
285 because later on I find out it was probably Officer (Bernardo), made the statement  
286 that the black male or the (unintelligible), one of the two, claim it is a toy. And there's  
287 another officer also saying, "Hold on. I have a visual" or something to the nature. "It  
288 is actually a toy." Hold on. At that time the thought process that I have that the  
289 commander was the one who caused the guy to shoot, will be more difficult. We need  
290 to look at the investigation deeper. And that's when I asked you to mail me a copy,  
291 which you did. I left the station. As I was leaving the parking lot, Commander Hollant  
292 was coming. He was in the parking lot and came to my officer and said, "Can I talk to  
293 you?" He got into the car, into my car. He didn't know I had a copy of the tape, of the  
294 CD, I'm sorry. He didn't know I already heard the transmission of what transpired.  
295 Actually as he was coming, I put it and hide it inside my car. He said, "Chief, I'm  
296 sorry I let you down. And I didn't know if I have to go to FDLE give them my  
297 statement," but he was more concerned about his failure of giving DB or the  
298 investigator in charge of the shooting in that sense, Detective Gaudio his official  
299 statement. I said, "Hey, listen. You know as your chief - we might be friends, but as  
300 the chief I cannot be talking to you about the case. Let me be clear. Let the  
301 investigation take its course. And the only advice I always tell everybody who is  
302 involved in something like this is keep your personal notes, so later on when it's time  
303 for you to testify or to give your deposition or to give your statement, you have a  
304 better recollection of what exactly transpired." That was my only conversation with  
305 him at that time. Left. When I made it home, I know clearly the time. That can be  
306 confirmed through my cellular phone through the city phone. It was between 8:40 and  
307 8:48 pm. You will understand later on why I clearly remember the time. I called both  
308 the city attorney and the city manager. I remember the incident so clearly, that the  
309 first time I called whomever I called first, they didn't pick up. I hung up and called  
310 the other one. And then I called again, and then I give them this information. I  
311 explained to both the city manager, Larry Spring, and Jeff Cazeau, "There is some  
312 new development. Guys, I know you are tired. There is a CD I would love for you to  
313 listen. Please, I'm going to delay the suspension of Commander Hollant until you  
314 have a chance to listen to the CD." I said, "Please, go to sleep. Don't worry about it.  
315 We'll talk about it in the morning," because I knew if I was that tired, the city



316 manager will be dead in his bed. That's (unintelligible). So the next morning I left at  
317 the regular time, and I went straight to city hall after I came here. When I made it to  
318 his office, I thought because everybody was waiting for the city manager, so I said,  
319 "He wasn't in his office. Let's not go there." I walk and I say, "Hey, that's the CD I  
320 was telling you." And that's when he asked me did I suspend the commander yet? I  
321 said, "No, not yet." The information was in the nature of why you cannot control your  
322 guys? I didn't know why the statement was. Eventually find out it was because he  
323 was here. I'm not sure if he was by himself or with the city attorney. They were  
324 (unintelligible) by Channel 10 who already knew about the suspension. And I put  
325 myself in his shoes. If I was the city manager, I would have been pissed, especially  
326 after talking to my chief the night before around 6:00 pm and for Channel 10 to know  
327 about it already. So (unintelligible) back and forth. I would have referred to listen to  
328 the tape first, but he did give me the (unintelligible). You have to suspend the guy. I  
329 want it done. And I left the station - I left city hall, came to my office, reviewed the  
330 civil service regarding the suspension, and technically that's why (unintelligible).  
331 Like I said initially it was my decision. I had some doubt, at least after I listened to  
332 the CD, but civil service clearly states anybody is not - Larry Spring, any city  
333 manager - they are the ones who have the title to suspend anybody. Actually even  
334 when I'm doing it as a chief, I'm doing it on behalf of the city manager, as he's  
335 basically - and as I was typing the form that you are suspended, so on and so forth,  
336 and my secretary advised me the city manager, Jeff Cazeau, because he did mention  
337 to me, "I need to speak to your staff," and everybody was already on their way to  
338 meet with the city manager. So when I walked and I showed that the civil service and  
339 this can operate both. And he said, "Yes, you can go ahead and proceed." I called Tim  
340 Belcher. I said, "Prepare the memo for me, Major Belcher." And as my staff was  
341 about to - were beginning to arrive, one of them obviously was Commander Hollant. I  
342 said, "Commander, can you wait for me in my office? We'll talk after. You are not  
343 needed in that meeting." Basically the meeting was basically like a pep, talk to the  
344 officers, to my staff, that the city is facing a crisis. It's going to need the cooperation  
345 of all parties involved. We expect the utmost performance of everybody in this room  
346 and from now on, any personal action, that should be set aside. Now there is no I. It is  
347 we. And I'm not asking any less from anyone. It is the time if anybody doesn't want  
348 to be part of the team, it is the time to walk away from this room. It was a great talk,  
349 and that was the end of my involvement. And eventually I called the commander in  
350 my office - oh, no. I believe I asked Major Belcher to inform him of the suspension,  
351 which he did. And then the rest is history. And there was another aspect you have to  
352 understand. That Friday afternoon, the SAC Troy Walker called me and said, "Chief, I  
353 have some issue I need to clear with you. I know you entrusted our department to  
354 conduct the investigation, but your elected officials are causing some controversial.  
355 Any press release has to go through my," referring to FDLE's PIU, "in conjunction  
356 with our PIU. Because at the end of the day, we'll be the one completing the fact  
357 findings mission." And I said, "Troy, you understand I'm part of the city, you know,  
358 elected officials." He said, "What you can do? I don't want to put you in this  
359 situation. Can you schedule an appointment with the city manager? I will personally  
360 share my point of view with him." I called him back. That meeting was scheduled for



361 Monday at 3:00 pm. That will give you Monday - the shooting took place, I believe,  
362 on the 18th - on the 25th. In that meeting, it was me, the city manager, the city  
363 attorney, and FDLE Troy Walker. We went over the case, over the MOU again, over  
364 the force issues, of trying to keep all information secure. From now on only the chief  
365 and new city manager and city attorney can call me. I don't want anybody asking me  
366 any questions about the case. (Unintelligible) formalities to proceed from now on.  
367 During the course of that meeting, I received a text from Chief Juriga telling me that  
368 the city attorney was here to talk to me. I texted him back or tell him back, I'm not  
369 sure exactly, "They will have to wait. I'm busy." Ten minutes later somebody  
370 knocked at the room. It was Chief Juriga. He excused himself. I step outside and say,  
371 "Listen. They wanted to take my statement, Jim Mesidor and Joe Rivera's statement."  
372 I said, "That's exactly what we are discussing here. FDLE will have to complete their  
373 investigation before the state attorney talks to anyone." Closed. He knocked again. I  
374 reopened. He said, "Listen. I thought about it. If it's okay with you, can I have them  
375 offer the commander a deal that if he turns in his certification, his FDLE certification,  
376 for them not to press charges against him." I said, "Hold on." I turned toward the  
377 other three who were in the room: the city manager, the city attorney, and  
378 (Unintelligible) I said, guys, as the MOU clearly stipulates that FDLE talking to Troy  
379 should complete, and in unison, everybody agreed that no statement will be given  
380 until the investigation is completed. That same night as I was home, Chief Juriga  
381 called me again and said listen, "Tomorrow morning is it okay that myself, (Jess), and  
382 (Angel), go to the state attorney to give our statement?" I was totally frustrated at that  
383 time, especially after the city manager already advised no, that's the way we are  
384 moving. I said, "Listen. The city manager is clear. He's the only one who can  
385 overrule, override my decision. He's in agreement with me that we should wait for  
386 FDLE to complete. And anyway, I need you tomorrow for a special meeting, a special  
387 training. That's what we're to get." He said, "No, I was talking early in the morning.  
388 We could do it before the 10 o'clock meeting." I said, "No." Because the next  
389 morning the training was in regard to (unintelligible) of the scene, the crime scene  
390 (unintelligible). I asked FDLE once I find out. So one of the FDLE agents was  
391 actually a former homicide detective in Miami for quite some time. Detective  
392 Gonzalez was his name. I'm not sure of his first name. You met him before. So FDLE  
393 did show up, give 1-1/2 hours presentation from now on what they expect from us  
394 when we arrive on the scene and so on and so forth. Some question. There was an  
395 interaction within the detective in there and whatever the case might be, why they  
396 need to be contacted, when they need to be contacted, when they will take over the  
397 scene. If there's a shooting, there is a miss, they need to be contacted also and so  
398 forth. That's happened, I believe, on Tuesday. The following Thursday, unknown to  
399 me, my secretary advised me there are a couple detectives in the lobby to talk to me. I  
400 invited them upstairs. That's when I find out there are two agents. One was from the  
401 state attorney, the other one from FDLE. They said, "We need to take your sworn  
402 statement regarding your involvement." I had some concerns at that time, because  
403 now we're dealing with the commander. I didn't want my statements to be used for or  
404 against Officer Aledda later on. They said no, they will confirm to me that that  
405 information will not be released until the conclusion of Aledda's investigation. And it

406 is the sworn statements that we (unintelligible). I give them a statement similar to  
407 what I'm sharing with you as we speak. And then before they took my statement, they  
408 said will it be okay for them to speak to Chief Juriga, Commander Rivera, and  
409 Sergeant Jim Mesidor. I say yes. Actually upon my statements, I told them they could  
410 use my office. I'm leaving. I will not come back until my secretary calls me and said  
411 that my office is secure. It's clear. I can return. I told (Gia) to go ahead and call those  
412 three people, referring to Juriga, Rivera, and Mesidor. And I said it before them so  
413 they can take the statements, and I left. I did find out later on that they didn't take any  
414 statement from them, or allegedly, because I'm not sure. And I never confirmed it. I  
415 never spoke to either one to say, "Did you give a statement?" I just find out that they  
416 felt there was no need for it, and that was the end of it. And the rest is history in a  
417 sense like they had their end - they closed their investigation. That I find out from the  
418 media before anybody else. I didn't have a chance to read it against the commander  
419 until I read it in the newspaper and heard it on the radios. And basically that's it  
420 unless you have any specific questions. And we can move on.  
421

422 Q: I do, Chief. Chief, going back to the date of the shooting and when you're responding  
423 to the scene, who was the first staff member to communicate with you about the  
424 shooting and around what time?  
425

426 A: Like I said, (unintelligible) I would say a couple minutes prior to fire rescue leaving  
427 the scene. Because like I said, I run into the rescue trucks, and it was being followed  
428 by a marked unit, radio 125 and (unintelligible).  
429

430 Q: And who spoke to you at that time?  
431

432 A: The first person to speak to where I park it was -- of course, I wave to some of the  
433 officers at the corners and the intersection - was Commander Hollant.  
434

435 Q: So you stated during previous testimony that you had spoken to Officer Natalie  
436 Buissereth and then...  
437

438 A: On the cellular phone.  
439

440 Q: On the cellular phone, and then the first staff member to talk to was Commander  
441 Hollant at the scene.  
442

443 A: Yes.  
444

445 Q: And then you talked to - you finally have a group discussion with Chief Juriga,  
446 Sergeant Mesidor...  
447

448 A: Jim Mesidor, I mean Sergeant Mesidor.  
449

450 Q: ...and Commander Rivera. Am I correct?

- 451  
452 A: Yes.  
453
- 454 Q: And you stated on that sworn testimony that no one called you during that time, that  
455 someone should have but that no one did. Now according to Assistant Chief Juriga, he  
456 stated that he called you prior to him arriving at the scene. Did Chief Juriga call you  
457 prior to having that group discussion you had with him at the scene?  
458
- 459 A: Now that you mention it, he probably did, because it is routine he will always call me  
460 knowing that I don't have a radio. I believe he called me not to discuss the case, to  
461 inform me of the shooting, thinking like perhaps I didn't know anything about it,  
462 because unknown to him, I had already spoke to Officer Buissereth. I believe he did  
463 call me to let me know that it was a police shooting, that he was on his way there. But  
464 I made it to the scene before him. It seems like he was responding pretty far from the  
465 scene, because he got there a good 10, 15 minutes after me.  
466
- 467 Q: Okay. Okay, so because phone records for that day do reflect that Chief Juriga called  
468 you at your number at 5:41 pm prior to his arrival at the scene. Now Chief, did  
469 anyone else contact you that day?  
470
- 471 A: I don't know for sure, because I'm going back through my daily routines. I will  
472 always call the city council people who is in charge of this neighborhood or that  
473 particular scene, but I believe to the best of my recollection it was Councilwoman  
474 Keys, even though I believe it is not her zone, but asking me about the shooting.  
475 Either she saw it in the news or she heard it from (unintelligible) in her zone. And I  
476 didn't share a lot of information, because upon my arrival I didn't have any  
477 information to share except that indeed there was a police shooting.  
478
- 479 Q: The reason I ask, Chief, is because phone records also reflect that you had three  
480 separate conversations with Assistant Chief Cuevas between 5:24 pm and 5:27 pm,  
481 prior to your conversation with Assistant Chief Juriga. So it appears to me that you  
482 did, in fact, have the assistant chief for the investigative section call you, and you did,  
483 in fact, have the assistant chief with uniform patrol section call you, as well. So can  
484 you explain why you stated in your previous sworn testimony that you had not spoken  
485 to any command staff other than Commander Hollant prior to the group discussion at  
486 the scene with Assistant Chief Juriga?  
487
- 488 A: I want to be clear. Is regarding to the shooting, because both Chief Cuevas and Chief  
489 Juriga made it to the scene after me. Upon my arrival I believe - not I believe - I am  
490 positive I was the highest, the first one to arrive on the scene above the rank of  
491 commander. And I made it there. I started conversation with Commander Hollant. I  
492 am pretty sure the first one to arrive after me was Chief Cuevas. He went towards the  
493 media who basically were gathering close to 129 and 14th Avenue. Then it was  
494 Commander Estrugo who spoke to me briefly and kept going towards Chief Cuevas.  
495 At that time, media 1 was involved in PI. I want to make it clear. And then the last

496 one to arrive was actually Chief Juriga. And he's the one who basically stood by me,  
497 and then that's when the conversation. Actually the reason I remember Chief Juriga  
498 clearly, I didn't want to go pick up my car, because the media was standing next to  
499 my car. Chief Juriga helped me out by taking my car keys and moved my car to 128  
500 and where we were standing. Prior to this one, yes, I was getting phone calls, because  
501 I was heading from the radio station to the scene. Maybe they call me, but I'm pretty  
502 sure they called me to inform me of the shooting, to inform me of the media  
503 responding. But no one, neither Juriga nor Chief Cuevas, spoke to me regarding the  
504 event that just transpired, no, until I was on the scene.  
505

506 Q: Obviously they needed to get some information first...

507  
508 A: Exactly.

509  
510 Q: ...before they can communicate to you.

511  
512 A: They just basically call me to tell me there is a police shooting. We have an officer  
513 involved in a shooting. Did you hear it? Are you responding? Yes.

514  
515 Q: Okay. But I just want to establish that your command staff did communicate with  
516 you...

517  
518 A: Yes.

519  
520 Q: ...as they should have. Now verify when you first speak to Commander Hollant when  
521 you arrive at the scene and you have a conversation with him about what he knew so  
522 far, verify you were not sure whether he was a witness or not.

523  
524 A: He was very spontaneous when I started talking to him. And basically what  
525 happened? And he stopped talking. But was he on the scene or not never came in my  
526 wild - until I ask him why did the officer shoot? That's when he replied to me, "No, I  
527 didn't see the shooting. I was getting my binoculars."

528  
529 Q: And so...

530  
531 A: To me he was on the scene when he said I was getting my binoculars. I changed my  
532 mind is when I asked him, "You are a witness. You cannot be here." And he replied to  
533 me against either I wasn't on the scene or I didn't witness the shooting. That's what I  
534 made the conclusion that oh, he's probably just gathered the information from people  
535 on the scene and was relaying me that information that yeah, I was actually not on the  
536 scene. And I'm sorry.

537  
538 Q: So, because I'm trying to ascertain as to why would you stop him during this group  
539 discussion if he had already told you he's not a witness?

540



- 541 A: Initially he did tell me he wasn't a witness. He said, "No, I didn't see the shooting. I  
542 was getting my binoculars."  
543
- 544 Q: But at that point you believed that he was not a witness?  
545
- 546 A: I believed he was. Understand clearly.  
547
- 548 Q: Okay.  
549
- 550 A: But I believe he was. That's why, you know, when he came for the gathering, I said,  
551 "No, you are a witness. You cannot be here." When he replied to me he wasn't, I said,  
552 oh, maybe he gathered information from other people. I said, "Okay, then, you can  
553 stay." Now I got a different picture. It's based upon what he said during the gathering,  
554 and it was in front of Jim Mesidor, Rivera, Larry Juriga - I am not sure if you  
555 overheard it - and myself. And well right there on the scene I said, "No, you are a  
556 witness."  
557
- 558 Q: So basically what you're saying that based on your experience as a law enforcement  
559 officer, when you first spoke to him, what he's telling you is basically leading you to  
560 believe that he is a witness?  
561
- 562 A: Yes.  
563
- 564 Q: And so when he said that he was not, then that's when you assumed that he heard  
565 what he told you through other people, but what you're saying is that what you first  
566 heard from him did lead you to believe that he was a witness.  
567
- 568 A: Yes.  
569
- 570 Q: Okay. Now Chief, when you had this group discussion with Chief Juriga, Commander  
571 Rivera, and Sergeant Mesidor, what was said to you at that time?  
572
- 573 A: The statements were not addressed directly towards me. It was just sharing of  
574 information, that we have a case, first of all, they didn't say it was an autistic kid.  
575 That's something we discovered later on. And I believe it wasn't confirmed. But they  
576 described it as a mental challenged person. And they thought he was holding a gun.  
577 He opened fire three times. That's when I made that comment. One burst? That's  
578 when he said no. He did pull the trigger three times and so on and so forth give me  
579 the description. The guy was hit in the leg. IAB was on the scene. CSI was on the  
580 scene. They already collected most of the evidence, officer's (unintelligible) Officer  
581 Warren's guns were collected, where everybody was at that time and so on and so  
582 forth. It was basically sharing with me additional information. I at that time had  
583 enough to call back the city manager if I wanted to or call back any of the council  
584 people if I needed to. But there was no specific about when he shot, who he was  
585 aiming to, anything like this wasn't discussed at that time.

- 586  
587 Q: Okay. But were you satisfied at that point with the information given to you by your  
588 staff?  
589
- 590 A: Yes, completely.  
591
- 592 Q: Now it's like you said Chief, there was a point at the scene where you learned that we  
593 had an individual that was autistic.  
594
- 595 A: Yes.  
596
- 597 Q: To the extent that you asked that he be taken off the handcuffs, correct?  
598
- 599 A: Yes.  
600
- 601 Q: And did you at any point learn that Mr. Soto had committed a crime?  
602
- 603 A: I'm not sure. No, definitely I was not. The reason why, I don't see myself telling them  
604 quickly to remove the handcuffs if I knew he was a criminal. Otherwise I would  
605 never, never have made that order.  
606
- 607 Q: Okay. And as you mentioned, you learned also at the scene that Mr. Kinsey was shot  
608 with a rifle and that no crime had been committed by him, either, correct?  
609
- 610 A: I believe so, yes.  
611
- 612 Q: In addition to the information you had obtained so far, according to Commander  
613 Estrugo, he indicated during his statement to this office that on the date of the  
614 shooting he specifically suggested to you that you get ahead of this on the news,  
615 given that you had a white officer who shot a black male, the wrong person, and there  
616 was video of it. Did Commander Estrugo communicate these concerns to you?  
617
- 618 A: Trust me, I hate to say that no, unless I completely forgot, no, nothing to that nature.  
619 Because all this time I didn't even know. Understand, I arrive on the scene before  
620 him. And I was standing by the motorcycle and the black vehicle with Commander  
621 Hollant. Believe it or not, all of them came northbound from 128. First Chief Cuevas.  
622 We spoke briefly. Nothing about the case. Basically if you need anything from me, let  
623 me know. And Ralph Estrugo. I never had that conversation. Not on the scene, let's  
624 put it that way. And no.  
625
- 626 Q: Did you at any point have that conversation with him that day, the day of the  
627 shooting?  
628
- 629 A: I do not recollect that, because unfortunately I have to be honest with you. All this  
630 time I didn't know the specific: there was a therapist, there was an \_\_\_\_\_ kid,

631 anything about it. And actually the only time I start knowing about the initial phone  
632 calls, the initial 911 calls, is when I met with you a few days later as we were  
633 listening to the radio transmissions.  
634

635 Q: Okay, but Chief, fair to say you were made aware on that day that we have a  
636 person...

637  
638 A: Yes.  
639

640 Q: ...an person at that scene. You had a black male that was shot with a rifle by a  
641 white officer, which is unfortunately something that was out there on the news too  
642 often during that time.  
643

644 A: Yes.  
645

646 Q: You had information that no crime had been committed by Mr. Kinsey or by Mr.  
647 Soto. You had information that video footage was probably available.  
648

649 A: Not on the scene. Not at that time.  
650

651 Q: Not on the scene? On that date?  
652

653 A: No, not at all, no. Like I mentioned before, I thought the shooting was going to be  
654 noncontroversial.  
655

656 Q: Okay, but you did know some stuff like I've just mentioned, and all of this was in  
657 conjunction with the fact that the news media was at the scene requesting  
658 information, and as you said, Chief Cuevas mentioned that the media was there.  
659

660 A: Was there.  
661

662 Q: Can you explain, chief, why you indicated during previous testimony that you did not  
663 know the shooting would turn out to be controversial until 2:30 the next day, given all  
664 this information?  
665

666 A: I thought there was a miscommunication in a sense like there was a gun or the  
667 officers thought that was a gun. I didn't know the description. I didn't see the toy  
668 until, believe it or not, until FDLE sent me that picture, until after I leave you the  
669 clips that FDLE several months later. I thought that some people got shot. But when I  
670 said it was to me noncontroversial in a sense of hey, we thought it was a gun. Actually  
671 I had that past experience in Miami myself. And we probably shot somebody  
672 wrongly, but it was a justifiable shooting and to use a better term. And I didn't know  
673 when I called FDLE the next day, I still didn't know it was going to be controversial  
674 until the tape came out. Then I start to put the pieces together. Until that Thursday  
675 when I came to meet with you and listen to the radio transmissions and I realized the

676 initial 911 calls and even though we didn't have all of them at that time, but there was  
677 one that you allowed me to listen to. That's when I start to gather all the pieces and I  
678 start to develop a bigger picture of what transpired. And the rest is history. The media  
679 took it and run with it. But definitely that Monday after, Tuesday morning I thought it  
680 was going to be noncontroversial. We're not talking about good shooting or bad  
681 shooting, but it was going to be a justifiable shooting.  
682

683 Q: Even though you had an innocent black man shot with a rifle?  
684

685 A: Yes. I always look at it maybe by accident, but everything else that came out from the  
686 media, I was not aware of anything like this.  
687

688 Q: Okay, now Chief, you mentioned during previous testimony that the day after the  
689 shooting you were shown a video. Who showed you the video and what exactly did  
690 the video depict?  
691

692 A: If I said the day after the shooting, most likely I was referring to Wednesday.  
693

694 Q: Okay.  
695

696 A: That, I have to retract it.  
697

698 Q: Okay.  
699

700 A: And because when I spoke to Troy Walker that Tuesday night - perhaps he can  
701 confirm me, confirm that he told me he had just later that day (unintelligible) from  
702 Tallahassee and that he will call me back when he get home. And he did, and that's  
703 when I asked him to take over the shooting.  
704

705 Q: No. On your statement you say around 2:30, if I'm not mistaken, you're shown a  
706 video. As a matter of fact, Chief, relating to this video you stated, "It was a video  
707 taken from the second floor of the apartment, because you could clearly see the  
708 officer leaning in the engine area and the rookie officer I was telling you the black  
709 male. It was so clear, you could see his finger outside of the trigger."  
710

711 A: Thank you for bringing this to my attention. All the time that you're asking me about  
712 the video, I was referring to the video that you saw in the news. The video that I saw,  
713 I forgot (unintelligible) was a video according to the angle you will see the car parked  
714 like this, and this is the building. Here was the car. Allow me to use this one. The  
715 motorcycle was parked there. It is a 2-story apartment, I believe. And you could tell it  
716 was an angle like this. Officer Warren was in the portion closer to the building, and  
717 Officer Aledda was on the other side. Officer Aledda had the rifle against the trunk or  
718 the engine block, and Warren was in the back with his gun. When you enlarge it -  
719 actually I congratulate Warren for doing so - clearly you can see his finger outside of  
720 the trigger in the glove of one of the guns he has. That's the video I saw. It was



- 721 someone apparently who had to be behind him higher than them, because you could  
722 see the roof of the car clearly.  
723
- 724 Q: Okay, now Chief, the statement you just made gives the impression that there is an  
725 undisclosed video of the shooting officer. But after looking through the North Miami  
726 Police Department file and the Florida Department of Law Enforcement investigative  
727 file, the only videos available in this case relate to the footage of Mr. Kinsey and Mr.  
728 Soto, which were released to the media that we've all seen. And there's video of  
729 Officers Crespo and Bernadeau approaching Mr. Kinsey and Mr. Soto from the south.  
730 So Chief, no video exists of Officers Aledda and Warren that I am aware of. What  
731 does exist is a photograph of them taking cover behind a black vehicle, and in that  
732 picture Officer Warren is seen holding the firearm with his finger off the trigger,  
733 which is pretty much what you're describing. So can you clarify, Chief, are you sure  
734 you were shown a video of Officers Aledda and Warren or a photograph?  
735
- 736 A: It was probably a photograph, but I thought it was a clip from a video, because until  
737 this days and age I don't see people taking pictures but videos. And if it was actually  
738 the same videos, you will see when I was given a review by FDLE and I saw the  
739 same picture at least something similar to what I saw at that time, where you clearly  
740 has to say it was someone from the second floor taking a shot if it is only a picture.  
741
- 742 Q: Right. Because this is very important, Chief. We don't want the public to think that  
743 there's a video that we're not releasing. Can you think back to that moment when you  
744 were shown this, do you see movement in what you're being shown or is it still...  
745
- 746 A: No, there was no movement.  
747
- 748 Q: Okay, so it fair to say it's possible it's a photograph?  
749
- 750 A: Actually the reason I said there was no movement, that's when I was able to enlarge it  
751 and saw the finger outside of the trigger, the finger of Officer Warren. That could  
752 have been a picture that was shown to me.  
753
- 754 Q: Okay, so you agree that...  
755
- 756 A: Yes, definitely.  
757
- 758 Q: Okay. Now, and I point that out also because according to the Witness Valdez  
759 statement, which is the person who took the image of Officers Aledda and Warren,  
760 she only took a picture of them. She never said that she took a video.  
761
- 762 A: My apology on that one. It probably was a picture.  
763
- 764 Q: Now Chief, you also stated during previous testimony that after Commander Hollant  
765 advised that shots had been fired on the radio, that you heard a radio transmission

766 immediately thereafter of a sergeant advising on the radio, "Hold your fire - hold your  
767 fire. It's a toy." Now I just want to point out to you, Chief, that a sergeant did say  
768 "hold your fire" more than once, but it was not until five transmissions later that  
769 Officer Aledda is the one who confirms that it is a toy. Is there a reason why you said  
770 it was a sergeant that said that? Were you confused about that?  
771

772 A: To the best of my knowledge, from what I gather, unfortunately I didn't even review  
773 that radio transmission prior to my interview with you. Believe me, I cannot put the  
774 names to the radio call. An officer did said after the transmission by the commander  
775 that the black male or the therapist advised it is not a gun, it is a toy. That was the first  
776 transmission. The transmission, to the best of my recollection, I remember hearing  
777 was somebody said either I can see or just it is a toy. When the commander - I'm not  
778 sure, you know, because I don't have the tape available - later on said, "Shot fired -  
779 shot fired" on the radio. To the best again of my recollection I remember somebody  
780 saying - that's why, you know, I have to assume it was a sergeant, because on the  
781 scene after talking to people, I knew Sergeant Reid was also on the scene. I heard  
782 somebody say, "Hold fire" or "stop fire" or "hold fire." That is the best chronology  
783 that I remember clearly of the scene. And if anything emerges from the FDLE reports,  
784 I might be off by one or two, but basically to the best of my recollection, that's the  
785 way it happened.  
786

787 Q: Chief, during your previous testimony you stated you did not want to become a  
788 witness and for that reason you did not want to gain too much information. And my  
789 question to you is, to the contrary, wouldn't it be your responsibility to gain as much  
790 information as possible in order to ascertain whether your personnel is handling the  
791 matter adequately as well as to notify the city manager of any matters or concern  
792 and/or liability to the city?  
793

794 A: Initially when I arrive on the scene and once again it was a noncontroversial shooting,  
795 when I say I don't want to be basic witness, to things that might show the shooting to  
796 be a good shooting or a bad shooting. And once it became in the news, now it is a  
797 different ballgame. You have to proceed and try to get as much information as  
798 possible. And but witness, I would not be talking to the officer. I will never do so.  
799 And I will not be asking the detective can you tell me what the officer said until the  
800 city attorney has a chance to listen to that conversation. When I say only to minimize  
801 your involvement, in the terms yes, you have to know what transpired. You have to  
802 know what your expectations are. But once the officer starts telling the same way, I  
803 stopped the commander when he was coming to give me specifics, because once you  
804 allow someone from the rank and file to tell you, you know something. It was a gun.  
805 Let me use that analogy. It was a gun. I don't know what happened to that gun. Now  
806 suddenly you become a witness to that officer, and you have to testify against the city  
807 and against yourself. When I say you try to minimize your involvement, it is from  
808 specifics that you should (unintelligible) only the IA investigator, in that sense you, or  
809 for the shooter, the person in charge of the shooting team, to look. And then they will  
810 make the determination. Because at the end of the day and at the conclusion of that

811 investigation, after all the findings, all the pieces are putting together, I will have to - I  
812 will be the one taking the last action regarding the career of that officer, the  
813 advancement of that officer. I don't want to be jury, judge, and witness at the same  
814 time. I try to be unbiased about all of my statements of my conversations with the  
815 officers. But, of course, you know very well based upon records, once FDLE took  
816 over that investigation, I would routinely speak to the SAC Troy Walker. Even in that  
817 moment I will ask information that can be very relevant to us while running the city.  
818 When I say us, myself, the city manager, and the elected officials. But I didn't want to  
819 know or at least to be able to be in a position until we (unintelligible) specific details  
820 to the public. At that time we don't know where the information is going or who is  
821 leaking the information and so on and so forth. I try my best to allot my persons who  
822 are in key positions to conduct their investigation. In that sense it was you. Initially it  
823 was the shooting team, and 48 hours it became FDLE. It was the reason I made that  
824 statement.  
825

826 Q: Okay. But Chief, during your previous testimony, you also indicated that when you  
827 made the decision to forward the case to FDLE, you were concerned about how the  
828 North Miami Police Department investigative section would perceive that decision.  
829 You stated quote, "I didn't want to offend any one of them like I don't trust them or  
830 they're not up to the task. And I called Larry Juriga who was in charge of the  
831 investigation, and I say, I want you to know your guys are doing a great job, but I  
832 made the decision to request FDLE to take over the investigation." Now subsequently  
833 during that same testimony, as it relates to the initial handling of the case by the North  
834 Miami Police Department, you made a complete contrary statement in that you said  
835 that the scene was a mess, that people were walking all over the place, the scene  
836 wasn't well prepared. There was no inner perimeter, no outer perimeter. There was no  
837 media staging area, and in general that there was a lack of police investigative  
838 experience within the agency. Now Chief, prior to posing a question to you on this, I  
839 want to point out to you some of the steps that our agency took before this case was  
840 even discussed with FDLE. And bear with me here, because it's a bit of a list. And  
841 then I'll ask you a question on this. So number 1: Approximately 30 North Miami  
842 police officers responded to the scene of the shooting at various intervals to assist,  
843 and based on their level of involvement, 17 of them wrote supplemental reports.  
844 Number 2: Prior to and following the shooting based on officers' supplemental  
845 reports, on oral statements from these officers, by rescue personnel statements, and  
846 radio transmissions, uniformed patrol officers immediately arranged for perimeter  
847 points and the roping off of the area to protect the scene. And as a matter of fact,  
848 Chief, I'm going to hand you some pictures - let the record reflect I'm showing the  
849 chief of police some pictures that I will mark as exhibits 1 through 6 to be attached to  
850 this statement - which demonstrate that inner and outer perimeter areas were, in fact,  
851 in place to protect the evidence and to protect any vehicles from being moved and  
852 civilians from entering the scene. And so number 3: Our agency's investigative team,  
853 the shooting team, and their chain of command responded to the scene in a timely  
854 fashion, and uniformed patrol staff members also responded to the scene. Number 4:  
855 An officer was sent to accompany Mr. Kinsey to the hospital, and an investigator was

856 sent to interview him. His property was collected and properly documented. Number  
857 5: Investigators conducted a canvas of the scene for witnesses. This canvas resulted in  
858 the discovery of the additional witnesses and of the video footage, which we now  
859 have, that shows Mr. Kinsey and Mr. Soto prior to and after the shooting. Number 6:  
860 Officer and civilian witnesses were separated and taken to the North Miami police  
861 station for the gathering of properly-recorded interviews. Number 7: Although one  
862 firearm was discharged during the shooting, North Miami police investigators  
863 impounded five firearms at the scene and generated the proper documentation.  
864 Number 8: Although one officer fired his weapon, five North Miami police officers in  
865 total were tested for gunshot residue on their hands. Number 9: Crime scene  
866 technicians were summoned to process the scene, which they thoroughly measured  
867 and created a sketch from said measurements. They also generated an array of  
868 property receipts for each and every item collected, and they followed the proper  
869 chain of custody on these forms. Number 10: The North Miami Police Department  
870 traffic homicide unit was summoned to the scene to conduct a digital laser mapping  
871 of the same to establish even further exact measurements and to generate a solid  
872 sketch of the scene. Number 11: According to former Public Information Officer  
873 Chief Cuevas and PIO Natalie Buissereth, as well as news media footage released on  
874 the date of the shooting, the news media was addressed at the scene, as you said  
875 before during the statement, so there must have been a media staging area. And lastly,  
876 Chief, as it relates to the investigative experience of the North Miami Police  
877 Department in general, as you know, in 2015 alone, the North Miami Police  
878 Department investigative section investigated four homicides, and all four were  
879 closed by arrest. In addition, these homicides have either gone to trial or are  
880 scheduled for trial, which is a strong indication that the state attorney's office  
881 consider these cases to be adequate enough to be presented to a judge and a jury. And  
882 I will tell you, Chief, as a former homicide investigator myself, I have to say, you just  
883 can't do that without a team. And so my question to you, then, is Chief, having heard  
884 all that, knowing all this information, or at the very least having the absolute  
885 wherewithal to ascertain this information as the head of this agency, why did you  
886 perceive the North Miami police investigation of the shooting to be "a mess" and for  
887 officers in general to have a lack of investigative experience in our agency?  
888

889 A: I am so glad that you brought this to my attention, because now I have a better  
890 understanding what my guys feel that way, feel so bad about my interview with  
891 FDLE. Understand when I promoted (unintelligible) I was not referring to DB. I want  
892 you to clearly understand it. And you have to capitalize if you have to. I was being  
893 very critical of the commander on the scene, Commander Hollant, because in my  
894 opinion, in that tape, the leadership that I expect from the higher rank on the scene,  
895 there was a time that you personally stopped a subject who was walking eastbound,  
896 westbound through the crime scene. I remember clearly you and I shout at the guy in  
897 unison, "Get back behind that zero line." It is very unfortunate, understand when I  
898 arrive on the scene, it was a good - I'm not sure if you have the exact time when fire  
899 rescue leaves - I would say a minimum of 45 minutes after the incident. I didn't even  
900 know if the shooter was still on the scene. The comment was because when the media



901 - yes, there was a media stage, but based upon my experience - maybe have different -  
902 I grew up under different SOPs. Let's put it that way. A good example was nobody  
903 came to me to ask me for my exact time I arrived on the scene. I am glad that  
904 eventually way after I gave my statement to the state attorney's office, I realized  
905 based upon the SOP here, there was the least creative of all potential witnesses of the  
906 scene.

907  
908 Q: A crime scene log?

909  
910 A: Exactly.

911  
912 Q: Correct.

913  
914 A: In my (unintelligible) we call on differently the way we process. That's why you  
915 know in the second crime scenes less than two months later involving Officer Baker,  
916 if you're allowed to use him, I had the commander of the scene designate a PSE to  
917 physically record everybody upon their arrival, even the outside agencies, because I  
918 reminded them, understand even though we didn't have any body camera at that time,  
919 but in my view there are agency's members on the scene that you might need and you  
920 and I discuss it, you need to record everybody, so on and so forth.

921  
922 Q: And I will interject real quick, Chief, that our officers did complete a crime scene log  
923 where they do indicate the persons that entered the scene to include the outside  
924 agency, in this case being fire rescue. Those individuals are listed on that form.

925  
926 A: Yeah.

927  
928 Q: So that was done.

929  
930 A: So and I want to make it clear. When I arrive on the scene and you will listen to my  
931 conversation, to my testimony, I spoke to someone this morning, unfortunately, about  
932 it, another indication that I said as my officers were lacking competency. They have  
933 been incompetent. No. That night when Commander came to me, I said to him after I  
934 spoke to you and I said, "How long you been in the force?" He said, "Sixteen years."  
935 That's why, you know, the statement 16 years versus 2 years before this officer came  
936 out. I was not referring to DB. I was not referring to the officers. I got that 16 years -  
937 and you can verify it - from Commander Hollant. I ask him, "How many major crime  
938 scenes have you handled either as a sergeant or as a commander?" He replied to me,  
939 "It is my first one." I said, "Wow." The next day I call FDLE and I said, "I need a  
940 favor from you. Can we have a couple seasoned investigators to prepare a training for  
941 me regarding how to preserve the crime scene?" If I'm talking about preservation of a  
942 crime scene, I'm not talking about DB, because people who are responsible of  
943 preserving the crime scenes have to be the commanders, in their absence, the field  
944 sergeant. Once you guys - when I say you guys, DB - arrives on the scene or you  
945 from IA, they should be able to present the scene to you on a silver plate. That's what

946 we have. If there was a secondary crime scene, I didn't see it. Okay? Or I missed it,  
947 let's put it that way. But to me, because I was always looking at the commander, I  
948 believe he didn't save unit field presence of a high-ranking officer on the scene.  
949 Actually unknown to everybody, perhaps I confess it to you, have been in my  
950 computer looking for advance development course - not for everybody but for the  
951 ones I believe are lacking some kind of leadership. Actually I just spoke to a sergeant  
952 about coming here where I said, "I understand why the officers are so angry. I would  
953 have been. The 16 and 2 years tried to justify, even though I was critical of him. I was  
954 trying to understand his lack of any CRTs on the scene. That's where I made the  
955 comment that - you have to understand this - 16-year veteran, when he mentioned he  
956 got only one crime scene probably, and I was referring not only 16 years as law  
957 enforcement, I was basically referring as a supervisor. You probably got less  
958 experience that a two years. Actually in the afternoon shift yesterday, but an officer  
959 brought it to my attention. You are trying to portray us like we are a bunch of  
960 incompetent. I had to clarify it to them. And you men, if I have to compare numbers, I  
961 forgot the exact psychological term. I will never use the term 16. It will have been 10,  
962 15, 20, 25, 30. You men will not want specific 16, 17, 18. So when I mentioned 16, I  
963 was referring to the exact time that commander had on the force at least at the time I  
964 spoke to him nine months ago. But I never, never spoke or insinuating or intentionally  
965 about DB.  
966

967 Q: Okay. So Chief, this is a very important question. So going back to the general  
968 perception that you had about how the agency handled the initial investigation, so are  
969 you saying that your comments were based on what you saw lacking from  
970 Commander Hollant or are there still questions that remain here today that we need to  
971 know that you felt that could have been done better?  
972

973 A: It was about the commander. I'm not sure it's appropriate to share these. I have for  
974 sure good people in my command staff to basically (unintelligible). And it was before  
975 all this controversial.  
976

977 Q: Was this before - I'm sorry...

978 A: Even the week prior.

979 Q: Was this before the shooting?

980 A: Before the shooting. And he didn't do anything to be - for me to address.

981 Q: And I'm sorry, Chief, but I have ask. Prior to the shooting, how long before the  
982 shooting was he promoted?  
983

984 A: I understand he was promoted a few weeks before the swear-in ceremony. Understand  
985 that they were sworn, they were promoted, and then we have the swear-in ceremony  
986 on 12 July. I am not sure. I believe I got promoted on June - I forgot exactly. Like a  
987  
988  
989  
990

991 week later I spoke to the city manager and moved on with my promotions.

992

993 Q: Okay, and now going back to the comment...

994

995 A: I'm not sure, probably one or two weeks prior to the swear-in ceremony.

996

997 Q: Okay, I'm sorry to interrupt.

998

999 A: Yeah, go ahead.

1000

1001 Q: Now you said that you spoke to someone to mentor him. Is that what you said? Now  
1002 was that before his promotion or after his promotion?

1003

1004 A: After his promotion, because a couple times I showed up in roll call, he's - I have to  
1005 be critical. I cannot hold any information. His uniform was unpressed, and somebody  
1006 who I just promoted to the rank of commander, he was wearing legal but I see  
1007 somebody who just got promoted, you don't wear the sneakers. And I did call  
1008 Commander Estrugo, if I'm not mistaken, I said, "Listen guys. I promoted you  
1009 together, but you have to show some pride of your rank. And I hate to say that there is  
1010 a big difference. Did he do anything that's required a reprimand or deficiency or  
1011 whatever? No. But you have to show. I want if I invite a guest to roll call, even  
1012 without the uniform, it needs to look who is the higher rank officer on the scene, who  
1013 is the same and who is this? I said, you need to help me on that. Later on Chief  
1014 Cuevas came to me and said, "No, I spoke to him. You're right, Chief." Apparently  
1015 Commander Rogers was going to speak to me and Cuevas. I didn't like this. And in a  
1016 couple occasions I saw him in his office. That's why if you remember when I first  
1017 took over, when I first made chief, in roll call there was a table and a chair where the  
1018 sergeant or the commander will be sitting to talk to the troop. My first action was to  
1019 get rid of that table. You have to show command presence all the time. I say you  
1020 cannot be a sergeant talking to your guys and to be sitting like that. You have to be  
1021 standing. They have to understand not in a view of military views, but if any guest  
1022 walk into this room, he will look. That person is in charge. And basically those were  
1023 the mentoring that I was looking for him and so on and so forth. And when I was  
1024 taking notes - and if you remember - I'm not sure if you remember when FDLE came  
1025 to do the training, the 1-hour presentation regarding the crime scene, he never, never  
1026 mentioned anything about the investigation itself. It's when to call them. That has to  
1027 be done by the field sergeant or the commander. What scene are you when they need  
1028 to be called. How many and where to put primary, secondary, and third, if necessary,  
1029 because the school I came from the first rule, even myself cannot go onto the scene as  
1030 the chief. You make a secondary perimeter. For the chief, for the consultant, for IA,  
1031 for everybody who is supposed to be on the scene. The third one is where the media,  
1032 you give it to the media, unless you don't want the media to have a view of the scene  
1033 itself. You can control them by putting them away from it. And then the last one will  
1034 be one considered for the general public. That's what I saw missing, and that's what I  
1035 planned to address, not with DBI. I want to make it clear. I'm begging you if you

- 1036 have a chance to talk to them, I want it to be clear to them, it was regarding the  
1037 commander I believe failed to take charge of the scene. It was my opinion.  
1038
- 1039 Q: Chief, you mentioned that there were two senior homicide detectives from the City of  
1040 Miami, that you wanted them to conduct training here. Those were the FDLE?  
1041
- 1042 A: No.  
1043
- 1044 Q: Or was there something else that you wanted to get done?  
1045
- 1046 A: Before understand anytime you go up, you develop within the departments, you tend  
1047 to grab anything positive that you observe in this department. When we have  
1048 (unintelligible) in Miami, my former chief, rest in peace, almost every  
1049 (unintelligible). NBC showed up, someone from NBC. The former dean of the  
1050 University of Miami to the best of my knowledge was one of the guests. Even when  
1051 that (unintelligible), perhaps the consultant will tell you, by inviting the vice president  
1052 to meet with his staff, Joe Biden. I was starting slowly, because Major Ervens Ford  
1053 who used to be The First 48 hours, and former commander (Ernest Cooper), who  
1054 retired since then, were the face, in a sense, of the early The First 48 Hours. I wanted  
1055 them to do a presentation prior to the shooting. Since they are easier to call, I didn't  
1056 have to spend any money with them. Actually Major Ford called me back and say if it  
1057 was okay for him to invite a former major in homicide by the name (John  
1058 Burmeister). I said no problem. But he has nothing to do with the shooting. I wanted  
1059 that to be clear, to do a (unintelligible) show on First 48 Hours Homicide, invited the  
1060 detective bureau, interact with them and so on and so forth. They are not only then. I  
1061 had plans to do it not every month but it was my goal every other month to invite  
1062 somebody. The same way it could have been Chief (Bearden), please can you share  
1063 your experience with my staff and do it. But when I call FDLE, it was basically  
1064 specific for the flaws that I observed on the crime scenes that I needed my  
1065 commanders or the field commanders to have a better understanding of the  
1066 importance of preserving a crime scene.  
1067
- 1068 Q: Okay. So because you mentioned leadership as an issue that you had, or lack thereof  
1069 in yours words, from Commander Hollant, but are you still saying that there was a  
1070 problem in the way the scene was preserved?  
1071
- 1072 A: The incident about the guy walking through the scene, but I do know I'm doing  
1073 myself analysis, you probably don't have and I know the department doesn't have the  
1074 manpower available to keep 30, 40 officers for 5, 6 hours. And unfortunately the  
1075 crime scene was a pretty large crime scene. But once again, I made it to the scene an  
1076 hour later woefully, and people had already cleared. But in my opinion when I first  
1077 arrived, I thought I was dealing to the initial crime scene. And the reason I mention  
1078 the media, because the owner of the facility where Mr. Soto was staying came to the  
1079 scene. Actually he start a verbal altercation with some of my guys. I realized that he  
1080 was much closer. At that time I believe Chief Juriga had to step in and basically took



1081 over the scene or Chief Cuevas - I'm not sure which one - to appease the guys,  
1082 because he was more concerned about the wellbeing of that kid at that time, because  
1083 if I'm not mistaken, he brought some family members with him. I'm not sure. And I  
1084 believe I told Chief either Juriga or Cuevas if they see me go in there, (unintelligible)  
1085 they're going to add my present (unintelligible) in the scene even further. And yes,  
1086 those were why I probably made the statement. But one way or another I did call  
1087 them daily to speak to my field duty, but since DB was available, I ask the chief if  
1088 there's any detective who would like to be part of it to come to the training. And I  
1089 want to make it clear for the record that when I proposed FDLE to take over our  
1090 shooting was over a year prior doing the shooting of involving Officer Niel Johnson. I  
1091 was on the scene with Chief Juriga. I was in a (unintelligible) at that time. And then  
1092 Chief (Leonard Burgess). And since he involved two (unintelligible), the City of  
1093 Miami and not Miami, I made the recommendation to allow FDLE to take over. Yes,  
1094 after I call FDLE I did call Larry Juriga, because I understand it, because I put myself  
1095 in his shoes. He didn't like the fact that I had that meeting with the city attorney and  
1096 the city manager and that he was not involved. I had to explain to him I didn't expect  
1097 them to show up with the MOU already prepared. It was supposed to be plan  
1098 watching. Let's see what we can do. And that's why I didn't invite anybody else. But  
1099 because of the urgency, that's why, you know, I clearly explained to Larry Juriga,  
1100 please explain to Detective (Gaudio) I have full confidence in his capacity. But I am a  
1101 strong believer you should never put our officer in a position to police their own  
1102 fellow officers, because if you find them, if you clear them, there will always be that  
1103 perception from the general public, maybe they're doing some kind of coverup. If you  
1104 find them guilty, you're putting that officer in a very awkward position, knowing that  
1105 he or she is the one who destroyed the career of his fellow officers. And that's why,  
1106 you know, an agency like New York, like even Miami, for example, Miami AI  
1107 investigators are not even housed inside the police compound. And I say not Miami is  
1108 too close for them to put them in that situation.  
1109

1110 Q: Okay. Chief, going back to the question of training real quick, did the City of Miami  
1111 guys ever do the training here that you intended to have done?  
1112

1113 A: No, because again, the City of Miami, they were not coming to do a training per se.  
1114 And do I still have plans to do it? Of course.  
1115

1116 Q: Right. Because given the extent of your expressed concerns, I just wanted to see if  
1117 you had followed up on them coming here to train us, actual homicide investigators to  
1118 come over and train?  
1119

1120 A: No. They are not coming to do any training. It was their past experience which  
1121 eventually before the time I called them, I find out Miami went through hell with The  
1122 First 48 Hours. I said, it's not the right time to call them anyway, because there was a  
1123 fiasco and there was statement (unintelligible). They use it against in the real trial. I  
1124 say, you know something. The way I was going, I better stop thinking about it  
1125 anymore. But it was just to talk about 48 Hours, you know, The First 48 Hours, their



1126 experience, so on and so forth. But it was not my intention of training homicide or  
1127 anything like this. It was to talk to the staff the same way I could invite any news  
1128 anchor to do a presentation with us.

1129  
1130 Q: A STAT TRAX presentation.

1131  
1132 A: A STAT TRAX presentation.

1133  
1134 Q: Okay. But chief, this IA investigation was initiated by you, given statements made to  
1135 you by Commander Hollant at the scene and information later provided to you by  
1136 Assistant Chief Juriga. During your previous statement to FDLE, you stated that you  
1137 were "misled" to believe that Commander Hollant lied to you and that you were told -  
1138 you said two different things. One, that Commander Hollant gave the order to shoot,  
1139 and number 2, that Commander Hollant caused the shooter to open fire by making a  
1140 statement that the subject was loading a gun. And so, Chief, when you said that you  
1141 were told these two things, these are two completely different statements. And so can  
1142 you clarify, what exactly did Chief Juriga tell you?

1143  
1144 A: First of all I want you to know what was put out. I'm glad you're putting out this way,  
1145 was far from what was said to me. And after I was lied - I not say that - actually after  
1146 I was able to speak to Chief Juriga, and he said, "Chief, my integrity is at stake. When  
1147 you say I was misled, I will never mislead my chief." And in the beginning of my  
1148 presentation to you, I made it clear that he came in with Major (Trevor), and I  
1149 clarified, if I'm not mistaken - if I didn't do so, let me do it right now. He was  
1150 (unintelligible) my thought to put it to FDLE like this. Basically, initially I understand  
1151 I didn't know the part that he said he appears to be loading his gun until later that  
1152 night. The statement was hey, waving the CD in his hand - I forgot which one, to be  
1153 honest with you -- "Your guy lied to you." I said, "What guy?" He said, "Commander  
1154 Hollant. Remember he say he wasn't on the scene? We have the radio transmission.  
1155 Not only he was on the scene, he's probably what triggered, what caused the officer to  
1156 open fire." I didn't know anything about that tape except that, because now I threw  
1157 back the initial (unintelligible) when I was gathering everybody. And I said  
1158 (unintelligible) guys. When I told him you are a witness, and he said I wasn't a  
1159 witness, I don't have to ask my IA investigator, let me listen to it at that time. He said  
1160 what? They explain to me. The reason I use the word misled, because in my own  
1161 interpretation of what they said was what he said was what causes. Like he's made a  
1162 comment and poom, he open fire. After listening to the CD with you and I find out  
1163 there was a gap between his radio transmission and what the officer did, there were  
1164 two different officers who step in and to talk about toys, about he's not a real threat or  
1165 it's not a real gun, whatever the case was, that's why I said misled. Actually I want to  
1166 make it on record, I personally apologize to both Larry Juriga and at a lesser extent  
1167 Angel Rivera, because when he says, "You know, Chief, you claim I'm misled by  
1168 your staff," I said, "First of all, you were not even there, so you shouldn't. I was not  
1169 talking about you. It was basically Chief Juriga." And I did say that Larry, maybe I  
1170 used the words that I should not use, but basically what I meant by misled, it was not

1171 something, because misleading somebody is intentional. And in my case, I don't  
1172 think, at least I have no proof it was intentional from his part, the statement he made  
1173 to me. And actually I called Chief Juriga two days ago when the news first hit the  
1174 airwaves to say please, I want you to remember two things. The news was before I  
1175 spoke to you, and give me a chance to talk to you face to face. I call him home, I  
1176 mean, wherever he is right now. I didn't want him to feel like after I told him I used  
1177 the wrong word and the night that I spoke to Larry Juriga - I can remind it very well -  
1178 that was the shooting involving Officer Laguerre December 29, I believe. It was when  
1179 they almost got killed, those two officers, and one got killed. That's when I called  
1180 Larry Juriga and told him about it. I said misled? He said, "Yeah, that's what you  
1181 said." I said, "Fudge." I didn't mean by that. And so he understood it. I want you to  
1182 make for the record.

1183  
1184 Q: Okay, Chief. So verify that at no point did Chief Juriga tell you that Commander  
1185 Hollant gave the order to shoot.

1186  
1187 A: No.

1188  
1189 Q: Okay.

1190  
1191 A: He never, never neither from (unintelligible), nothing.

1192  
1193 Q: And as a matter of fact, during the beginning of this statement here today, when you  
1194 said that you went to the city manager with this, you said - and I wrote it down - you  
1195 said that you probably moved to the right with your comment on this. So is it fair to  
1196 say it was your interpretation...

1197  
1198 A: That he lied to me. The commander completely lied to me. But is one of my policies.  
1199 The analogy that I give here will 99% criminal law (unintelligible) can put one in  
1200 sense in jail. So later on that night after listening to you - not to you, to the city that  
1201 you heard, I said, administratively yes, maybe not criminally. And for your  
1202 information, I went to the city manager after the fact, knowing that the commander  
1203 was about to purchase a new condo. I went to him and I'm telling you to make the  
1204 case that we can give him administrative relief, but allow him to collect his pay  
1205 checks. Actually I went one step further. I went to the personnel department to allow  
1206 him to use his vacation time. That's what I even remember more or less, 500 some  
1207 hours, and later on use his sick time, thinking like the investigation will be over soon,  
1208 and when the investigation is over, if he's back, we can always reimburse him the  
1209 time. At least he will be collecting his paycheck. But I have to leave it to the city  
1210 manager. He look at me. He say, "You want to know something?" I came in the  
1211 meeting. He called me back. He said, "You know, someday we're going to change to  
1212 administratively we assign with pay." That again was his decision, not mine. I made  
1213 the recommendation, but he agreed with me. And that's when I called you, prepared  
1214 the memo, and that's (unintelligible). Actually Commander Hollant was never in  
1215 affected by the without pay, because by the time the check was supposed to get to his

- 1216 bank, the change was already being made by the city manager, so he never stopped  
1217 getting his paycheck.  
1218
- 1219 Q: Okay. Now, Chief, I want to go back real quick to the point where you had this  
1220 conversation with Juriga. I just want to verify, Chief, given that Chief Juriga had  
1221 uncovered a discrepancy, if you will, wouldn't it be his responsibility to discuss this  
1222 with you as the head of the agency and express his concerns?  
1223
- 1224 A: One hundred percent.  
1225
- 1226 Q: But Chief, after listening to the radio transmission, you stated that you no longer felt  
1227 that Commander Hollant had lied. And if you can just give me a moment here.  
1228
- 1229 A: Yeah, go ahead.  
1230
- 1231 Q: And you said so because he went to get a set of binoculars. Now given what you  
1232 know today, that Commander Hollant was at the scene, describing on the radio what  
1233 he perceived to be Mr. Soto loading up a weapon, he also stated during testimony to  
1234 FDLE, which you have a copy of - I don't know if you got an opportunity to read it -  
1235 but where he says that Officer Aledda was pointing his rifle in a southerly direction  
1236 where we now know Mr. Kinsey, Mr. Soto, and other officers were. And so knowing  
1237 this today, chief, do you believe whether Commander Hollant was or was not a  
1238 witness that should have been interviewed that day?  
1239
- 1240 A: Yes.  
1241
- 1242 Q: And can you describe to why do we sequester witnesses, Chief?  
1243
- 1244 A: To ensure that their statement is accurate and not influenced by any other party and so  
1245 on and so forth. And I believe perhaps that night, because he was not really, really  
1246 involved, the key players, the shooter, or whatever the case might be, but at least the  
1247 next morning I believe he should have been in DB to give testimony. Having said  
1248 that, the statement that I made, I was thinking of it, and the more I think about it,  
1249 regardless of your experience, 16 years veterans, doesn't understand the witness  
1250 versus a nonwitness is hard time. But to get back to the statement that a 16 years  
1251 veteran was as a supervisor, I was referring to the commander himself.  
1252
- 1253 Q: Okay. But you do believe he should have been interviewed?  
1254
- 1255 A: Yes.  
1256
- 1257 Q: And do you believe whether he should have written a supplemental report as 17 other  
1258 officers did?  
1259
- 1260 A: Yes, because after reading that part from your own SOPs that he should have been

1261 fully aware of, he knows that he has to write a supplementary report, yes.

1262  
1263 Q: Chief, you also stated during our FDLE statement that it later made sense to you that  
1264 Commander Hollant went to get his binoculars to check if indeed the item was a toy  
1265 or a real gun. And so, Chief, being knowledgeable of the facts of this case today as  
1266 submitted to you by the FDLE file that you received, do you feel it was appropriate  
1267 for a commander to leave an active and apparently uncertain scene where several  
1268 officers were pointing firearms, including long rifles, at two individuals who were not  
1269 known to have committed any violent crime and given that the positioning of the  
1270 officers at the scene there was a possibility of crossfire. And so is it your opinion,  
1271 Chief, that it was appropriate for a commander to walk away from a scene under these  
1272 circumstances?

1273  
1274 A: No. And that's why probably even after the suspension I was already looking  
1275 personally, asking around to find development cause and not for him only, but from  
1276 now on every time I put someone or somebody to have a mentor, and similar to the  
1277 FTO program even when you get promoted to major to have (unintelligible) major to  
1278 overshadow you. And I was disturbed by him. But understand the testimony that you  
1279 review with me, you're sharing with me, was based upon a criminal environment. It  
1280 was the statements even though FDLE use it, but my testimony, my deposition was to  
1281 the state authority. It was looking at the criminal aspect of his involvement. There's a  
1282 big difference between your opinions on a criminal charge, if it's a criminal charge  
1283 than when you're facing, like we are doing right now, an administrative review. And I  
1284 want to be clear, and I was speaking to the state attorney thinking about the criminal  
1285 charge, and that's why I give him the benefit of the doubt in many, many occasions.  
1286 Administratively it is a different ballgame.

1287  
1288 Q: Well, Chief, I would like to know, during a previous statement - well, your FDLE  
1289 statement - you stated that you were concerned about the investigative section being  
1290 more worried about clearing the officer than conducting an impartial investigation.  
1291 And as an IA investigator, as a member of this agency, obviously I am very concerned  
1292 about that, and so having been with this agency for some time, Chief, what facts do  
1293 you have to support that statement that the North Miami investigators may have  
1294 functioned in this fashion in the past or would in this case?

1295  
1296 A: When was that? The shooting took place on Monday. When did I talk to you for the  
1297 tape, for the city? I believe Wednesday, Wednesday night. No, Thursday night. As I  
1298 was leaving - remember when I told you I ran into the commander in the parking lot?  
1299 But prior to the commander coming to me, I had a conversation with - I'm not sure if  
1300 he come to my office or if he call me - that was with Commander Estrugo. He said to  
1301 me that he was in Hollant's office. I'm quoting the commander. Angel walk into  
1302 Hollant's office and say you, and I'm not sure what the exact word was. I try to - hey  
1303 you. Do you think the statement that you are holding could have helped our guy,  
1304 referring to Aledda? At that time, FDLE already took over the investigation on the  
1305 scene then. Basically the statement that was reported to me was Commander Rivera



1306 walked to Commander Hollant - at that time I believe Hollant and Estrugo were  
1307 sharing the same office - and said to Commander Hollant, "Do you know that the  
1308 information that you held could have helped our guy?" Come on, guys. That was my  
1309 reaction. Even when it is true, by you making that kind of statement, by me already  
1310 looking at the commander, by the media getting (unintelligible) about that  
1311 information, will send a strong message that instead of trying to gather the fact, you  
1312 are more concerned about protecting Officer Aledda. That's why, you know, that  
1313 phrase came out in my course of the conversation.  
1314

1315 Q: So this is the result of a third-party conversation that you heard took place between  
1316 Commander Rivera and Commander Hollant. But I would like to know, is there any  
1317 other reason why, any other facts that you have to support that?  
1318

1319 A: And I believe I did speak with the commander after the fact.  
1320

1321 Q: Which commander?  
1322

1323 A: Hollant. Either when I suspended him, he did come talk to me, and he repeated the  
1324 same phrase. Like that's why you know I was so pissed off. I didn't know what I was  
1325 saying, so on and so forth. Those guys, they are about to throw me under the bus to  
1326 protect their own SWAT member. That was something said of that nature. I did not  
1327 reply to him. And yes, as the chief of police, you have to be careful. I understand a  
1328 good heart of if, indeed, at that time made that statement, I didn't want the statement  
1329 to be let out like it could have helped my guy. And I will tell you, nine months later I  
1330 had many conversations with Angel, and this come to light. Well he said, Chief, the  
1331 statement I made to him wasn't like this. Chief, I can tell you I didn't do it, because I  
1332 can tell you I (unintelligible). I don't know. I'm very close to him, and I know you,  
1333 that he recently made that statement to me before the news media. I know you.  
1334 Coming from the City of Miami, you like everybody else, will always wish the very  
1335 best for the officer. I said, "Yes, I did." Actually, I don't know how many times I told  
1336 Chief Juriga, "Please, every time you have the occasion to speak to Aledda, let him  
1337 know that I cannot talk to him because of the IA investigation and the criminal  
1338 investigation, but understand that I have him in my prayers." But at that time my  
1339 response to FDLE - again is I have to be careful. I don't want people to know that I  
1340 was speaking to FDLE. FDLE showed up. I thought it was only the state attorney's  
1341 office. I didn't know FDLE was going to use the same statement for their self. I  
1342 thought they only showed up in case they are the witness of the state attorney's office.  
1343 But it was. I was speaking to that investigator thinking like I was dealing with a  
1344 criminal investigation.  
1345

1346 Q: Okay, Chief, so just verifying, going back to this comment of them possibly not  
1347 conducting an impartial investigation, knowing what you know today and all those  
1348 facts that I enumerated before where they looked for witnesses, they collected more  
1349 firearms than they even had to, they collected more GSRs from many, many officers,  
1350 do you feel today that there was anything done that would indicate that our

1351 investigative team was trying to protect anybody?

1352  
1353 A: Not at all. I know it will take time for me to (unintelligible) their interpretation of my  
1354 statements. But that statement was based upon the perception more than reality. And I  
1355 knew eventually the commander was going to have sat on it, because when he came  
1356 to me, to my office, to speak to me, he did show up with a lawyer. And I didn't like  
1357 the statement.

1358  
1359 Q: I'm sorry. You mean Commander Hollant?

1360  
1361 A: Commander Hollant. Okay. And not the one he has right now. It was a white guy. And  
1362 he said, "Damn. I don't like that kind of statement." I understand where it was  
1363 coming from, and because as a chief I'm telling you, the hardest part of my job - one  
1364 of the hardest parts of my job is to sign a termination package on someone and  
1365 especially when they are acting in good faith, regardless of the end result of their  
1366 action. But you have to take a look at the biggest pictures, who was providing me  
1367 with that information, what was said in one side, what was said on the other side. And  
1368 when I give the interview about nine, ten months ago and so on and so forth. So all  
1369 this should be taken into consideration, I believe.

1370  
1371 Q: Now Chief, you also stated during your FDLE statement in giving them a "broad  
1372 perspective of the makeup of the department" that you're afraid that if a North Miami  
1373 police officer got shot and asked for backup, that a North Miami officer may say I'm  
1374 not going. And Chief, I have to ask you again, having been with this agency for some  
1375 time, what facts do you have to support such a strong statement?

1376  
1377 A: The strong statement I had, and unfortunately it is the second time I'm going to  
1378 (unintelligible). It is the only one I will keep at its face value. But I didn't mean the  
1379 officers. I didn't mean the sergeant. It was one interpretation (unintelligible). I in  
1380 (unintelligible) I came to Miami. I never been part - I've been part of the command  
1381 staff since 1998 as a captain. I could not believe the comments that were so divided.  
1382 Actually that statement was even stronger incentive after my retreat that fortunately  
1383 you attended, and I made that comment prior to FDLE's releasing the tape. It is sad  
1384 someone in my command staff made that, and as the chief I may handle ordering my  
1385 staff to attend the funeral. It is sad. When I made that analogy that somebody was  
1386 referring, I was referring to my command staff. What I have (unintelligible) were  
1387 three groups: One on the left, on the right, and a group in the middle, including  
1388 yourself. I even went one step further. Yes - no, it is true. I asked Major (Beach) who I  
1389 consider someone also in the middle, we're going to set up the city and my staff. I try.  
1390 You remember. I could make (unintelligible) on the - and as the chief, as I knew there  
1391 was some friction, because my goal was - and I told the city manager - that division is  
1392 going to start. You do not attend all our weekly meetings. Almost every week I keep  
1393 telling those officers, our department is getting much younger. Guys, people in the  
1394 bottom are looking at us. They are not stupid. They know what going on. I'm not  
1395 asking any one of you to invite each other for happy hours. But for God sakes, the

1396 eight hours, let's do it together. And it is very unfortunate that I have to explain to  
1397 Officer (Ericka Carter) yesterday. She said the same thing. She said, "Chief, it is not  
1398 us." I said, "Yes, I was not referring to you. And it was about my command staff, my  
1399 entire, all my comments to FDLE was regarding my command staff." And helping  
1400 each other, my command staff lacking the experience regarding Commander Hollant,  
1401 my command staff. What was the issue about it? Everything was my command staff.  
1402 Regarding covering, it was based upon a comment that at that time I thought that  
1403 Commander Rivera had made. But since then I spoke to him on many occasions, at  
1404 least to believe he's genuine about it, that's not what he meant. And I explained to  
1405 him, I said, "Sometimes perception is worse than reality. You have to be careful when  
1406 you are in staff" and so on and so forth.

1407  
1408 Q: Chief, you recently had a retreat for your command staff. What other steps have you  
1409 taken to rectify what you have just described?  
1410

1411 A: The only things I fail to mention, because again it was a deposition to the state  
1412 attorney, if it was in the news media, was this is what I have. I am taking ownership  
1413 of what I have, right now talking about the time I gave that interview or I gave that  
1414 deposition, and from now on things are going to change. I believe within nine months  
1415 our department - not I, there is no I - has done a lot and the support of the city  
1416 manager, the support of city hall and so on and so forth. Is it where I'd envision it to  
1417 be? No, because there is still some friction. Unfortunately the release of my interview  
1418 is not that helpful, neither. And the exact same thing I told the officers yesterday.  
1419 Don't judge me upon my statement. Judge me upon my actions, and let's move on.  
1420 The statement I made to DB a couple days ago was if somebody refused to come on  
1421 the train, I will (unintelligible). And it was another opportunity for that retreat, and  
1422 prior to the retreat, if you remember, it was the gift after my life have the ability to  
1423 speak to every single one from my staff individually behind closed doors and give  
1424 them a chance to speak their mind. I was personally offended by some of the  
1425 statements made, but I was man enough to say, "I told you can say anything you  
1426 want, and I have to live with it." We cannot have the departments all arise like this  
1427 one again. And people think I am speaking only to a group of my staff and not to the  
1428 other group. I speak regularly to everyone. I am fed up. And I will not give up. That's  
1429 the sad part. The good part, I will not give up. And it is sad I could not even speak to  
1430 my officers yesterday, because I have receiving some phone calls from a few, "Chief,  
1431 what you did to us is unfair." But the good news, when I explain to them like I just  
1432 spoke to a sergeant and I said a 16 years, he said, "Chief, you don't have to say  
1433 anything. I know exactly when he came to the station. Indeed you are referring to the  
1434 commander on the scene." Yesterday at the luncheon I spoke to the individual, and I  
1435 told him, "It is the only things that I will not call him anything bad. He is moving up  
1436 through the division within my staff. It is a shame." Perhaps it is the positive we can  
1437 get out of the incidents is for me to come next week and say you know something  
1438 guys, this is exactly what I was talking. And it is sad that I have to go before my  
1439 troops and say this. I am not a 2-faced person.  
1440

1441 Q: Hey, Chief, I have no further questions. Is there anything I have failed to ask that you  
1442 would like to add to this statement?  
1443

1444 A: Please, I would like to thank you for doing a thorough investigation. Keep it up.  
1445 Thank you.  
1446

1447 Q: Thank you sir. Chief, has everything you've said been the truth to the best of your  
1448 knowledge?  
1449

1450 A: Yes.  
1451

1452 Q: Given that this is an open investigation, in accordance with Florida law and  
1453 departmental policy it is confidential. Therefore, you are directed not to discuss or  
1454 communicate with anyone about this case by any means available to you, Chief. This  
1455 concludes this interview. Thank you for your cooperation. The time now is 12:27 pm.  
1456

1457 A: Thank you.  
1458  
1459

1460 TRANSCRIBED BY: NET TRANSCRIPTS, INC.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**INTERVIEW WITH CHIEF GARY EUGENE**

**Q=SA Pete Chong**

**Q1=SA Terry Brinson**

**Q2=Ronald Dowdy**

**A=Chief Gary Eugene**

Q: This is Special Agent Pete Chong of the Florida Department of Law Enforcement. Today's date is July 28 of 2016. The time's approximately 1:05 pm and we're at the North Miami Police Department located at 700 Northeast 124 Street in North Miami and Miami Dade County, Florida. I'll be conducting an interview of North Miami Police Chief Gary Eugene. Also conducting the interview with me is FDLE Special Agent Terry Brinson and present in the interview is Miami-Dade Assistant State Attorney, Ronald Dowdy. The scope of this interview will be limited to the events that lead to the suspension of North Miami Commander Emile Hollant after an officer involved shooting that occurred on July 18 of 2016 to determine where any of the - any of the allegations potentially involved criminal misconduct. Chief, could I ask you to raise your right hand? Do you swear that the testimony you're about to provide is the truth, the whole truth, and nothing but the truth so help you God?

A: I do.

Q: Thank you very much. Could you please state your full name?

A: Gary (Charles) Eugene.

Q: And could you please state your or- or you title with the North Miami Police Department?

A: I'm the current police chief of the department.

Q: Thank you. Can you in your own words tell me about your knowledge about the circumstances leading up to the suspension of Car- Commander Emil Hollant, specifically related to the incident on July the s- this police shooting incident that occurred on July 18 of 2016?

A: Yeah. Yes unfortunately, I need to start from the beginning so you have a grasp of exactly what transpired.

46 Q: Absolutely.

47  
48 A: And I was a guest at the Haitian radio station at 3:00 pm and it runs from 3:00 to 5:00  
49 but it was over by a quarter to 5:00. As I was talking to the host - it was North Miami  
50 Beach actually in the area of North Miami and 168th Street, right near. It was 5:00-  
51 something when my PIO officer, Natalie Buissereth, called me because she would  
52 need a clearance to return any crime scenes after working hours. She called me, she  
53 said there was a shooting, she gave me the wrong address. She said, "Northeast 4th  
54 Avenue and 127." But she was already on her way home, soon she will return to the  
55 location as our PIO. I said, "Verify the o- the incident, make sure that actually  
56 somebody got shot." Because she had her police radio and I didn't have one. At that  
57 time I decided to make a Uie and head to Northeast 4th and 127. Unfortunately when  
58 I made it to the scene there was no one there. I realized it was the wrong address so I  
59 called her back, that's when she said, "Let me call communication and I will get -  
60 give you the latest update." She called me back, she said, "Actually I gave you a  
61 wrong address, it is as Northeast 14th Avenue and 127." So I made a U-turn from  
62 125, head east. Actually as I was heading by 8th Avenue and 9th Avenue I saw the fire  
63 rescue trucks, Miami-Dade Fire Rescue truck heading westward. I assumed that was  
64 Mr. Kinsey that we eventually - we find out was the one that got shot. I made it to the  
65 scene. As I was getting closer, I know it has to be a very significant scene because I  
66 saw people (unintelligible). I made it, like, north on 12th Avenue and there were  
67 police officer covering the corners. Understand no one else has called me at that time.  
68 They should have done so but nobody else called me. And - so I turn on - not on 127  
69 where the offen- the shooting actually took place but in the next street north of it, I  
70 assume it was 128. I made a turn heading east and I parked my car just at the corner  
71 of 14th Avenue. I wa- the only person I run into was Commander Hollant and my first  
72 question as the police chief was to find out if the officers - everybody was okay. And I  
73 asked him, "If the officer is okay, the officer involved in the shooting?" He said, "Yes,  
74 he's in the police car." I said, "Make sure we provide him all our assistance in the  
75 sense of the water, if he needs to call his loved ones." And so on and so forth. My  
76 only question knowing this by experience in Miami - I spent 27 years in Miami. I  
77 knew especially in a case like in North Miami where I would be the last one to make  
78 the determination following all your investigation guys. Not sure at that time because  
79 I wasn't thinking about it really. I didn't want to get too much information about the  
80 actual incidence because I would become a witness and an enforcer on both sides. I  
81 didn't want to put myself in that awkward position. So I said it - my question to him  
82 was, "Why did he shoot the guy?" He said, "Chief, to be honest with you I was in my  
83 car -" or either, "I was in my car" or "I went to my car to get a pair of binoculars that  
84 I have." I could not understand the significant of it until later on I found out there was  
85 some discrepancy, was it a gun or not gun. But he just told me that he was going to  
86 get his binoculars so he did not witness the shooting. And of course unrelated to the  
87 case understand there's some animosities going on between different groups within  
88 the department that I had to cover, I hate to use that term. And so he made a comment  
89 to the nature, "You will see nobody - everybody won't even know you as the chief."  
90 And he did, nobody came to me to tell me anything. Which in itself, that's something

91 - has nothing to do with policies but it is unfair. The chief of police showed up on the  
92 scene, somebody should have come to me to debrief me of what going on. And I  
93 checked my watch basically to see - I like to see how long before a supervisor or the  
94 commander, not him - I was talking to the other commander who is in charge of the  
95 investigation, would finally decide to come to me. I was pissed to be honest with you.  
96 I said, "I'm not going to talk to anyone..."  
97

98 Q: Hm.

100 A: "...they have to understand I am the chief right now."

102 Q: Mm-hm.

104 A: "They should give me that s- at least the minimum respect to come to me and tell me  
105 what going on." At that time I realize, "You know something, at the end of the day  
106 I'm going to need the information because I just spoke to the city manager as I was  
107 pulling in. I will end up giving him some additional information." And the council -  
108 council person of the area, Carol Keys, called me and asked me what was going on  
109 because she says she was watching the news, there was helicopter over the place. I  
110 have to tell her, "Hold on." Because I don't have anything else about the actual  
111 shooting, "I will get back to you." I ask Commander Hollant to tell Commander  
112 (Rivera), who was the person in charge police shooting scene, that I needed an  
113 update. I saw him walk to him and actually said, "The chief would like to - for you to  
114 give him an update." He just stared (unintelligible) to the officer and kept walking.  
115 And it took a good 20 to 30 minutes for the Assistant Chief Juriga. He showed up to  
116 the scene - on the scene and we talked. The media was already on the scene. At that  
117 time Juriga walking the middle - close to where the victim's clothes were on the  
118 ground and the three people I just mentioned to you came to talk to him. At that time I  
119 realized, "You know something, I need to set aside my ego because I need to find out  
120 what's going on." I walked to them and - personally and as I was listening to the  
121 incident about the shooting Commander Hollant came to me. I did - I raised my hand  
122 I said, "I'm sorry." I told Larry, you know, "Stop." I told him, "Hey listen, I believe  
123 you wit- you are a witness to the shooting and you cannot be here in the debriefing. I  
124 don't want information to interference your testimony at the later of this." But I didn't  
125 tell him all of this, I just said, "You cannot be here because you are a witness to the  
126 shooting." His response to me was, "No I did not witness the shooting." Either this or,  
127 "I was not a witness." Because I never thought he was going to be significant into  
128 your investigation. Said either, "I did witness the shooting." Or "I was not a witness."  
129 At that time I say, "All right then you can stay." And basically was I told w- by the  
130 inf- there were supposedly two people who got shot. Only one person got shot but  
131 they believe there were two shooters. The officer, later identified as Aledda with the  
132 rifle, and the officer next to him was a rookie officer, in his second months or third  
133 months solo, was next to him. And during the course of that conversation somebody  
134 else approached hi- approached us to mention the guy was apparently autistic. As a  
135 former nurse I told them to go ahead remove the handcuff. It was my order to

136 whomever I completely forgot who get it, "No if he's autistic, remove the handcuff  
137 unless -" it is something of that nature, "If you feel like he's not going to hurt himself,  
138 remove the handcuff." Of course we talked, not about the case in particular. At that  
139 time Larry asked me if I wanted to talk to the officer. I said, "Where was he?" They  
140 said, "They already transported him to our investigation bureau." I say, "Yes."  
141 Because basically I want the officer who works for me to know that I'm here to  
142 support him. Especially I don't know anything about the case. And even if I knew he  
143 was (unintelligible) I will have to take care of my officer. And I was delayed because  
144 I stopped at a restaurant to grab me a sandwich. Came in to the third floor, I saw all -  
145 several witnesses and I asked for the officer. They told me he was talking to PBA rep.  
146 I allowed - I asked him if I can talk to the officer, basically what I told you I just told  
147 him, "Blah, blah, blah, blah, blah. Hang in there. Do you want us to call your loved  
148 ones?" He said no he already spoke to his family, things like that. "Are you okay? Do  
149 you need anything from us?" He said, "No chief I'm okay." That was basically my  
150 only interaction with the people. I stayed outside for, like, a good 30 minutes. I didn't  
151 ask any other questions. I didn't try to get any additional information about the actual  
152 shooting. I didn't know the shooting was going to be - was going to turn out to be  
153 controversial, let's put it that way. And nothing - I didn't know who the person who  
154 got shot was, who the autistic kids was. I did not know anything about that case. I  
155 left, came to my office until 10:30 and left. The following day which is on Tuesday I  
156 asked Larry to give me an update. That's when I start getting a picture of what was  
157 going on. And I cannot remember the specifics of what he was telling me. He came  
158 back late in the afternoon, I would say close to 2:30. The reason I remember the time,  
159 I would (unintelligible) understand why, he called me he see c- Larry came to see me,  
160 Larry Juriga, and said that's - when was that? Hold on, hold on. No they came in, they  
161 showed me some evidence. It was not the tape; it was on the news where the guy's  
162 screaming whatever the case. It was another one. That one was more blurry than the  
163 one you saw, I mean, the newer one. It was a video taken (unintelligible) from the  
164 second floor of the apartment because you could s- clearly see the officer leaning in  
165 the engine area and the rookie officer I was telling you, the black male, it was so clear  
166 you could see his finger outside of the trigger. And behind, like, a bushe- bushes you  
167 can see the black male is back with both hands in the air. That one wasn't clear  
168 enough but if he's there, he's there. I decided, "Mm, I don't like what I've been  
169 seeing." I spoke to (Kathleen Randal) and - actually she called me first. And  
170 understand the incident happened six days after I got sworn in as chief. And I say,  
171 "You know something, it is something I always thought to avoid a- any political  
172 controversies." It was my intention to call an outside agency to conduct my  
173 investigation. She said, "Chief I was just about to tell you this and - but I didn't know  
174 where to start. Actually I'm v- I know the guy for you (unintelligible) (Troy Walker)."  
175 Actually (Troy) was at my swear-in ceremony. "We have met in the past and if you  
176 want -" I say, "I don't have his number." She says, "I will send it to you." She e-  
177 mailed it to me. I did call (Troy). I don't know where he was, he seemed like he was  
178 outside of the city because he said, "I just made it back home. I will call you in a  
179 few." And then he called me back and I explained the situation to him. I said, "Listen,  
180 with what's going on in the nation, I highly recommend if you can help me out. But I



181 didn't know he could have taken over the case since we already started the  
182 investigation." He said, "No, no that should be not a - any problem. Can we meet  
183 tomorrow morning?" I said, "No problem, 9:30." By 9:10 you guys - when I say you,  
184 I believe you were here. The first group who came in.  
185  
186 Q1: Yeah Wednesday? Wednesday?  
187  
188 A: Wednesday morning?  
189  
190 Q1: No I wasn't here Wednesday morning.  
191  
192 A: Okay no you weren't? They came in, I know for sh- (Chris) was there, I forgot his last  
193 name, and (Scott) was there and f- and...  
194  
195 Q: (Freedman).  
196  
197 A: (Freedman).  
198  
199 Q: Mm-hm.  
200  
201 A: And the female - the legal advisor...  
202  
203 Q: (Jackie)...  
204  
205 Q1: (Jackie).  
206  
207 Q: ...(Boswell).  
208  
209 A: (Jackie Boswell) and somebody else, you - five of you guys. We met, myself, the city  
210 manager, and the city attorney. I didn't invite anybody else because I wanted to hear it  
211 from you guys first, see the feasibility of you taking over. And I was surprised that the  
212 MOU was already prepared, this city attorney said, "No problem. Send it to me. I will  
213 sign it." They send me a copy and at that time I told you guys - I said, "Listen, let's  
214 take this opportunity - give me a chance to tell my guys that y- it is my decision to  
215 ask you guy to take over the investigation" I didn't want to offend any one of them  
216 like I don't trust them or they are not up to the task. And I called Larry Juriga who is  
217 in charge of the investigation, I say, "I want you to know your guys are doing a great  
218 job but I made the decision to request FDLE to take over the investigation. They will  
219 be coming back this afternoon to meet with you guys." I could feel some resentment  
220 obviously and I spoke to (Troy) prior that, "Understand there will be some  
221 resentment." But the reason behind it besides the political correctness that I was  
222 trying to do in the department with only 129 people, there's a great chance that there  
223 are some friendship that will cause some uneasiness for whomever is going to  
224 conduct the investigation. And when I called him this afternoon I made it clear to  
225 them. I said, "If we find a person - the officer cleared completely y- I don't want the

226 investigation to (unintelligible) there are some cover-up. And if eventually we find an  
227 officer to be in violation, I don't want his friend to have to tell him, 'We conducted  
228 the investigation and we find you to be in violation.' It's a win-win situation to have  
229 FDLE." And I was thinking about you guys, FDLE, or Miami-Dade but Miami-Dade  
230 is much closer to us as a police agency. The chance of having an officer knowing the  
231 officers here is much higher than FDLE. That's why I decided to call upon you. And  
232 it was at that time - this happened on Wednesday. On Thursday Larry Juriga came to  
233 me with the Major of Investigation, (Trevor) Shinn. It was on Thursday after - and  
234 understand Major Shinn is the Major of Investigation but during the previous chief he  
235 was also in charge of IA. I changed it since then but actually whatever IA has will go  
236 through him. And because he's the Major of Investigation everything that goes  
237 through him will go through the assistant chief. And they told me - they said, "Chief,  
238 we'd like to let you know that Hollant - Commander Hollant lied to you." And I said,  
239 "What?" They said, "We actually find out if he had a radio transmission that he  
240 actually gave the order - he actually made a statement that caused the guy - the  
241 shooter to open fire." First I was fuming when I heard that because I spoke to him, he  
242 made it clear to me that he was not - he did not witness the shooting. I said, "He  
243 actually -" he said, "Yes he made a statement that the guy was loading the gun. That's  
244 what caused -" that's what statement they made, "That's what caused Officer Aledda  
245 to open fire." I said, "How can he pretend that he did not witness the shooting?" He  
246 said, "Actually (John) (Rivera), the president of the PBA, is about to give a press  
247 conference at 3:00 pm. And the officer is on his way to Boston, he should be boarding  
248 a plane to Boston as we speak." Our city manager is next door - I made a comment - I  
249 said, "Fuck." Excuse my French. And, "Eff it, I'm going to suspend him." I went to  
250 the city manager office. When I made it there it was Larry Spring, the City Manager,  
251 Jeff Cazeau, the City Attorney, and Natalie Buissereth, my PIO officer. I said, "Listen  
252 Chief, you know me -" I mean, I told the city manager, "You know me very well. I'm  
253 a nice person but I hate when people lie to me especially when people lie to me with  
254 no reason. That guy told me he did not witness the shooting and I just find out he ac-  
255 not only witnessed the shooting, he actually gave the order." N- and that was the thing  
256 that was relayed to me. I n- was mislead to believe that's what actually occurred. The  
257 city manager look at me and said, "What do you intend to do?" I said, "I want to put  
258 him on administrative leave now." He said, "Actually I have something better, I want  
259 to suspend him." I said, "I will if you suspend him, no pay." (Unintelligible) that  
260 statement. So the decision was made about five - I would say 5:30. So I left his office,  
261 I took my car, as I'm driving car I made it to (unintelligible). Then suddenly I have  
262 some second thought. I said, "Wait a minute chief, you're taking a very strong  
263 decision without actually listening to the tape yourself." I call on (Diana) (Roman),  
264 Sergeant (Roman) who's in charge of IA, Internal Affairs. I say - I ask her where she  
265 was. She said she was in the office. I say, "I'm on my way right now." I made a U-  
266 turn, came to her office which is right behind mine. I said, "Do you have a - do you  
267 happen to have a copy of the radio transmissions?" She said, "Yes." I said, "Can you  
268 pull it for me?" And actually she was reviewing it, taking notes, so on and so forth.  
269 When I heard - and the c- commander, he did make a statement - he made it where he  
270 said, "He appears to be loading his gun." The commutation - commi- communication

271 operator replied, "Did you advise he's loading his gun?" He replied, "It appears he's  
272 loading his weapon at this time." I'm waiting to hear shot fired because that's what  
273 they told me, he made the keywords and then the guy opened fired. Somebody made  
274 another comment. At that time I heard the shooter, Officer Aledda, make a statement  
275 to the nature of, "Be advised I have a clear shot of the subject." Later on a sergeant -  
276 because I go by the number, I don't know who he was at that time. The sergeant got  
277 on the air and said, "I have a visual it is a g- it is a toy. Is it a toy, QRX." QRX mean  
278 standby don't do anything. And then, you know, they all in conversation back and  
279 forth. You pull the actual tape you can always listen to it back and forth. The next  
280 transmission by sergeant - by Command Hollant was, "Shots fired." And I heard  
281 immediately the sergeant who advised earlier that was a toy say, "Hold fire. Hold fire.  
282 It is a toy." Tried to stop whomever was doing the shooting. Said, "Oh Lord." I  
283 realized that even the statement of the commander, when he said he left to go back to  
284 go get his binoculars, it makes sense to verify if he was indeed a toy or a real gun.  
285 Now I start to put the pieces together in my mind.  
286

287 Q: Mm-hm.

288  
289 A: He did say he went to get his binoculars. It makes sense because there is a sergeant  
290 that just confirmed it's not a gun...

291  
292 Q: Mm-hm.

293  
294 A: ...what is it tha the was loading his gun?

295  
296 Q: Mm-hm.

297  
298 A: The sergeant later on said, "It is a toy."

299  
300 Q: Mm-hm.

301  
302 A: So it makes sense why he would leave the scene to pick up his binoculars to verify.  
303

304 Q: Mm-hm.

305  
306 A: I said, "Okay now these people about to mislead me..."  
307

308 Q: Mm-hm.

309  
310 A: "...into taking actions." But it was like the enemies each other, they don't like each  
311 other. I head back, somebody send me a copy of the video of (John) (Rivera), the  
312 PBA. I made it home, I called the city manager. I said to the city manager, "Please  
313 whatever we talked this afternoon put a hold on it. I have something to share with  
314 you."  
315

316 Q: Mm-hm.  
317

318 A: I called the city attorney, "I have to tell it was about - it's something. Don't - there are  
319 some de- new developments I need for her to listen to a DVD - to a CD before we  
320 take any action." The next morning I had a meeting at 9 o'clock in the city manger so  
321 I went to him, to his office. At that time the city manger was with Jeff Cazeau. The  
322 city manager was fuming. You know, to be honest with you I came close of - and I let  
323 him know that I was about to resign 'cause I can't - he said, "Why Emilie is still in  
324 the force?" I said, "They are some new developments. I would like for you to listen to  
325 something." I said, "Chief Eugene you don't understand what I'm saying. Why he  
326 hasn't been relieved of duty since last night?" I said, "City Manager I'm telling you, I  
327 - I'm holding the CD. I have a CD I would like for you to listen and make your  
328 decision according to the CD." He slammed his hand on his desk, he said, "You seem  
329 like you don't understand what I'm telling you. Can you believe - you need to take  
330 control of your people because as I'm coming here Channel 10 reported cornered me  
331 and said, 'I heard Commander Hollant has been relieved of duty, has been suspended  
332 without pay. Can you advise why?'" So I'm thinking, "We spoke last night, I came  
333 here to listen to the DVD. I didn't talk to nobody. How did it get out?" I start  
334 thinking, "Who could have put that information out? The only sh- three people I'm  
335 positive who did not put it out were the city manager, the city attorney, who  
336 eventually (unintelligible), and myself. I'm thinking, "Perhaps the PIO spoke to  
337 somebody. Perhaps -" I was guessing. I said, "City Manager I beg you, it takes only a  
338 few minutes, listen to the tape - the CD." My hand is shaking with the CD in front of  
339 him. The city attorney turn around and say, "Gary, Gary, go relieve him of duty." I  
340 came to my office, I reviewed the contract because I'm new in the job, the policies  
341 from Miami (unintelligible) be different than here. I got a copy of the Police Officer's  
342 Right of the Civil Services Rules and Regulations where I said, "The city manager  
343 has the right to relieve anybody, to suspend, to place anybody on administrative leave,  
344 whatever he can. It is up to the city manager even though I can do it too, but I'm  
345 doing it on behalf of the city manager." And I listened to the s- CD again and I realize  
346 his statement - I don't want to inference but I'm telling you my opinion has nothing to  
347 the officer shooting. And I try my best, I call (unintelligible) assistant chief I said,  
348 "Can we make at least - since I know the city manager would love to - me have to  
349 retract this decision later on. Can we at least make it administrative?" We assigned  
350 administrative leave with pay. The secretary came in and said, "The city manager  
351 (unintelligible) waiting for him in my conference room which is behind." And I said,  
352 "Did you relieve him -" that was his question, "Did you relieve him of duty?" I gave  
353 him the paper showing that it is his right as a city manager to do so. But I said, "I  
354 want to - want you to know I do not agree." And he showed it to the city attorney. I  
355 said, "Chi- City Manager whatever you want I will support you. It is me. I may not  
356 agree to it, but you're my boss, I will support you." He said to me, "And suspension  
357 without pay." And at that time he said, "I need to talk to your staff." I called the  
358 secretary, I said, "Everybody available from my command staff to come into the  
359 conference room." Unfortunately the Commander Hollant was in the area as well and  
360 when he came in I have to advise him, "Go wait for me by my office of the city



361 manager." So everybody else knew there wa- there was something. The city manager  
362 expressed to them basically it is a very sensitive information, we know what going in  
363 the nation, Miami - North Miami's in the spotlight we're not going - we're not going  
364 down." You know, like a pep talk, so on and so forth. "If you don't want to be part of  
365 the team around the table, it is the time for it to walk away, we are here together. If we  
366 be able to succeed or we fail together." That was the type of conversation. And after  
367 all this I came back, I called the major who is in charge of the commander. I said,  
368 "(Unintelligible) for the suspension without pay. And please have Commander  
369 Hollant turn in his stuff including his gun, his badge, let - go over the rules and  
370 regulation governing the suspension that is not in - cannot use the police uniform, he  
371 cannot present himself as a member of the department and so on and so forth. And  
372 take him home." Because I didn't want to talk to him personally. You know, that's  
373 what the situa- the (unintelligible) at that time. Amazingly, like, in two hours later  
374 Commander Hollant called me said, "I'm telling you chief -" he called me at least  
375 four times. The reason I pick up the phone, I say, "I don't want the guy to hurt  
376 himself. Let me find out..."

377  
378 Q: Mm-hm.

379  
380 A: "...at least what he wants." He say, "I'm telling you - and these people lied about me.  
381 And I'm telling you nobody knew about it. Do you know the Channel 10 is in front of  
382 my place? Somebody has already contacted Channel 10, the news media, and there  
383 was (unintelligible). And - and somebody gave Channel 10 s- my home address."  
384 That's his statement. I said, "Listen, Emile, as a commander I'm telling you as a chief  
385 I'm ordering you to, it is up to you. You can call your attorney, you can call the PBA,  
386 but I will advise you don't talk to the media and I will keep you informed of any other  
387 action will be taken against you." And the following day on Friday they gave the  
388 press conferences but this time it wasn't me, it was the elected official, the City  
389 Manager and the City Attorney. And at least I have to give credit to the city manager,  
390 he was man enough to say it was his decision to suspend Hollant. He didn't mention  
391 anything like I - that I agreed with it or anything of that nature. He just said, "It is my  
392 decision." And somebody asked him, "Why is the shooter is relieved with pay and the  
393 witness who just made a claim that he wasn't on the scene because they - if they were  
394 (unintelligible) impression. He said, "I was not on the scene. What I'm telling you he  
395 told me, 'I did not witness the shooting.'" I know better thi- this (unintelligible) that's  
396 mean. If I was around it, I consider myself a sh- a ni- a witness. If I heard the shot I  
397 am at witness but indications, my experience are not his. Of course the news spread,  
398 social media, the Haitian community is rising for one reason, "Why the Hispanic  
399 officer who shot the guy getting paid? The Haitian commander who just under a  
400 miscommunication got released?" So they tried to make it a racial - oh the Haitian  
401 media was blasting the mayor's office, the l- the Haitian elected officials, so on and  
402 so forth. And the city manager called me the next morning and I say, "You know, I'm  
403 telling you whatever I will defend you." And we spoke on Monday, Tuesday but we  
404 came to the corner where I say, "We have a big situation - a tough situation. If we  
405 change the suspension it will tell the community that we have some additional

406 information from FDLE, that's why we changing the punishment. And we can no  
407 longer be able to tell them we don't have any additional information because I don't  
408 want to put any information that you guys are sharing with me out there." As of two  
409 days ago (unintelligible) I said, "Understand the officer just bought and apartment in  
410 Hallandale. (Unintelligible) so he used only savings to get it" The commander. "It is  
411 tough because I'm telling you City Manager most likely at the end of th- your  
412 investigation, FDLE, it is my opinion based off of my experience, based off what I  
413 heard that I cannot reveal, it seems like the officer will be fully exonerated." I don't  
414 want to (unintelligible) because at that time we find out from (Troy) he waited about  
415 45 to 60 days before you guys complete your investigation. I say, "I don't think he  
416 can hold without the financial backing for two months." The city attorney said, "But  
417 Eugene if we change it now, we'll have to answer more questions. You will - then we  
418 set a perception that an - interfering with the investigation and so on and so forth." I  
419 say, "I may have a solution for you guys." I went to see the Personnel Director, I say,  
420 "Everything I'm telling you is fully confidential. How can we help the officer - the  
421 commander financially without reinstating him?"  
422

423 Q: This is you - this your - your decision to - to try to help the officer?  
424

425 A: Yes fi- the financial...

426  
427 Q: Okay.  
428

429 A: ...and - because I listened to the tape...  
430

431 Q: Mm-hm.  
432

433 A: ...I realized somebody mislead me and so on and so forth.  
434

435 Q: Mm-hm.  
436

437 A: He went, he checked his balance we find out that he had 594 hours of vacation times,  
438 he has his (unintelligible), he has what we call floating holiday. So I say, "Good. He's  
439 entitled to use vacation time even when you're suspended..."  
440

441 Q: Mm-hm.  
442

443 A: "...because you're using your accrued time."  
444

445 Q: Mm-hm.  
446

447 A: I said, "But I will not talk to the officer." I say, "I know somebody who kno- who  
448 knew him - I mean, who knows him very well, a commander, I will have I'm  
449 approach him if it's something good for him." I get the respond, "That's - he has no  
450 problem because he's - he realize now I'm just taking a long paid vacation..."

- 451  
452 Q: Mm-hm.  
453  
454 A: "...because if I didn't, please I don't try to interference your findings. If I did and you  
455 find him to be completely exonerated, the city will have to give him the time back."  
456 And - so that's where my conclusion is. And then of course after that I found out that  
457 that commander who got suspended and (Angel) (Rivera) was the commander on the  
458 scene, they don't like each other. It is dangerous. I didn't realize the same police  
459 departments people are fighting so much.  
460  
461 Q: Mm-hm.  
462  
463 A: And - but unfortunately I'm taking a lot of decision, replacing the assistant chief,  
464 swapping the last assistant chief. But every time, "Why? Can you tell us why?" I  
465 don't want to tell them, that is because I know more about the case. I realize there's so  
466 much animosities amongst them, anything I said can be used either for the officer,  
467 against the officer. What was more disturbing for me to know is that (Angel), the  
468 commander inside of the police shooting, was supposed to have complete the  
469 investigation (unintelligible). Went to talk to Emile, to the other commander that got  
470 suspended, prior of the suspension and told him, "I called them and they concur with  
471 it (unintelligible)." Please I'm not quoting him clearly but it is the nature of what he  
472 said. Do things like, "You lied to us or - for not saying that you saw the guy loading  
473 the gun. Do you realize that - that that information could have helped my officer?" So  
474 that (unintelligible) show me they are more concerned about clearing the officer of  
475 any wrongdoing than actually conduct an impartial investigation. Because understand  
476 Commander (Rivera) is the commander of S.W.A.T. and that officer is the latest - is  
477 one of the latest S.W.A.T. additions. He made that statement clearly. "Your statement  
478 could have helped my officer." I realize the chemistry of what's going on. On that  
479 time I decided upon myself not to talk to anyone. I told (Troy), "I will keep you  
480 informed. Not share any information with anybody else. Anything come through me  
481 and I will keep you informed of any new development because I got a better picture  
482 of what going in my department. It is sad but is the reality." And actually I forgot  
483 someone from your department, from - Hispanic, what's his name? From this  
484 attorney's office.  
485  
486 Q1: Mm, from his office?  
487  
488 A: Yeah.  
489  
490 Q2: (Jose) (Arroyo)?  
491  
492 A: What's his name?  
493  
494 Q2: (Jose).  
495

496 A: (Jose), mm-hm. I don't know if you came with him, I was in the meeting with (Troy),  
497 the city manager. I believe it was - oh Lord, Tuesday or Friday - or Monday or  
498 Tuesday mor- this Monday - Monday because (Troy) came in at 3:00. Because what  
499 did - that (Troy) wanted to speak the elected official because I said, "Understand they  
500 are my boss." "What is it Gary?" "I will talk to them and tell them to stay off the air."  
501 So I said, "Please help (unintelligible) they cannot say anything to you but for me  
502 they work - I work for them." So the meeting was, like, by 4 o'clock and the  
503 gentleman called, came - oh came to see me or whatever the case might be. My  
504 secretary called me, I said, "I'm tied up in a meeting ask Larry to talk to them."  
505 Juriga. And suddenly, like, 30 minutes later Larry came to my - to the office, we were  
506 in the city manager's conference room. And I excused myself, he said, "Listen, the  
507 state attorney wanted to look to proceed criminally." Understand I have all this  
508 information, I don't want to reveal them to Larry. I said, "Listen, why we don't leave  
509 - we do- ask the city attorney to wait for FDLE? And when FDLE's findings come out  
510 then proceed criminally?" "No they don't mind to do it really together at the same  
511 time." I said, "No." I said, "Come in." I said, "City Manager I don't want the district  
512 attorney understand already listen to the tape but I don't want anybody to know." The  
513 city attorney to proceed on the criminal charge until FDLE completes the  
514 investigation." And (Troy) concurred with my recommendation. And Chief Juriga  
515 reply, "No because what we are looking for I got an (unintelligible) perhaps I'm very  
516 close (unintelligible) out on his office I can see they can offer a deal to the  
517 Commander Hollant, 'If you - if you decide to resign right now, we'll not proceed the  
518 criminal charge on you - the criminal charge.'" I sorta gave up that time I said, "I'm  
519 not ready to make an offer to him." But I could not tell him why. I said, "Let's wait  
520 for FDLE. FDLE just gave us - they will be done in f-, uh, 45 days. We already spend  
521 a week, so it is around the corner." And I know those guys, (Gonzales), use to my  
522 FTO, trained me an officer when I first joined the - those guys a bunch of professional  
523 - they will do an outstanding job and will make up my - your mind - I will make up  
524 my mind f- according to their findings." He stopped. I'm on my way home, Larry  
525 Juriga called me again, "No I was thinking, like, the state attorney really wants to  
526 look at the criminal charge. Is it okay if tomorrow myself and Joe (Rivera) and (Jim)  
527 (Mesido)" another one - another S.W.A.T. member, "can go to the state attorney to  
528 say that - to give our testimonies that the guy say he was not on the scene?" I said,  
529 "First of all he never said in my presence he wasn't on the scene. He said, 'I did not  
530 witness - I was not the witness.'" And I said, "Secondly I already invited FDLE to  
531 come to our staff meeting to do a presentation since now we have a new policy that  
532 you will be taking over all police shooting. I asked (Troy) to send a couple of your  
533 guys to tell tha- tell us what they expect because we're the first one on any shooting  
534 scene what they want us to do. What I - we call you before you show up on the  
535 scene." I say, "This is a very important meeting." "No but, uh, can we go before the  
536 10 o'clock meeting?" I said, "Listen I don't want any contact with the state attorney  
537 now." "All right you are the chief." I say, "Yes it is my decision." And the next day I  
538 explained it to the city attorney, to the city manger I say, "Those guy are playing  
539 game. It is - it is - it is not profession, it is ve- turning into a personal vendetta. I don't  
540 like it." And, "No but chief he lied to you." I said, "He lied to me, I thought he lied to



541 me because I didn't listen to the conversation at the time." Then - so yesterday I took  
542 the decision, my experience clearly, the scene was a mess to be honest with you.  
543 People walking all over the place, thank god the gentlemen did not die. I realize I  
544 have a problem of training with my staff. And sometimes we talking about someone  
545 with 15, 16 veterans but in not Miami, the 15 veterans may have less experience than  
546 the two years cop in Miami. Because we're not talking one or two homicide for the  
547 entire city. In Miami I was in charge of Little Haiti, in one year I had 21 homicides  
548 and as the commander of Little Haiti I had to be there each and every one of them. I  
549 realize that this scene wasn't p- well prepared, there was no in- inner perimeter, no  
550 out perimeter, no media stage area, nothing. And that's why, you know, I reach for  
551 you guys to do a - do a training. When I say, the FDLE people. And I was fuming  
552 when I found out the commander of investigation was in charge of the police shooting  
553 went to chastise the other commander prior of myself making it official that he was  
554 suspended even though it was not my decision. I decided it's time for me to take  
555 actions. But I actually - by taking action of displacement of personnel really affect or  
556 interference the investigation. Because what I am afraid of, if I move someone for the  
557 media not to get to me and say, "Chief Eugene you just replaced the Chief of  
558 Investigation, is it because he or she did something wrong?" You know, I did not want  
559 to put myself in that predicament. Roy say, "No run your department as you like." So  
560 yesterday I called Chief Juriga. I said, "Effective Sunday you will be reassigned to  
561 Court Compliance division." And I took the assistant chief of Court Compliance and  
562 put him over Investigation. And he keep asking me, "Why are you doing this? I try to  
563 be honest with you. I try to stay away from the real reason." I said, "That career  
564 development." And because I don't want any of my statements to be used to put  
565 something out in the media again and that's basically where we stand. I already reach  
566 for a couple senior homicide investigators from the city of Miami who have been in  
567 early 48 Hours for some many years to come do a training for me mid-August about  
568 the preservation of a cri- a crime scene, especially homicide. I'm not focusing on  
569 police shootings, but on homicide, on major crime scene. And even on police  
570 shooting because we'll be - we should be the first one on the scene until we call you  
571 guys. And this is part of my training process. And I explain to the city manager, I said,  
572 "I did realize the lack of police experience or investigative experience that my guys -"  
573 a good example the commander was virtually - unfortunately been relieved of duty. I  
574 called him the day after, before my decision was taken, I said, "How many police  
575 shootings have you -" he said, "No it is my first one." I'm thinking - I start laughing,  
576 "After 16 years it is your first one? North Miami's a great town to live." That was my  
577 thinking. And - so I wanted to give you not only my observation, my involvement, but  
578 to give you the broad perspective of the makeup of the department. And when talking  
579 people it seems like I am afraid that that's one of them will get shot, for God sake,  
580 and somebody will call for a backup and the other one would say, "I'm not going." Is  
581 to tell you how much the animosity is. I'm working on it, I told the city manager,  
582 "Things will get better. I know what I'm facing now. I have a better picture of what's  
583 going on. And I leave it in your hand, I'm entrusting you to do the right guy - the  
584 right job." Unfortunately this (Troy) - I've known (Troy), I know (Gonzales) and -  
585 and basically where we stand. Any other question please...

586  
587 Q: Thank you Chief.  
588  
589 A: ...(unintelligible).  
590  
591 Q: I appreciate the information. Just to clarify a couple things, the - so initially after  
592 you're listening to the tape, after having the major playback the r- dis- dispatch  
593 recording to you, you're initial thought was that Commander Hollant may have  
594 mislead you initially. Is that what your initial thought was?  
595  
596 A: No. My thought - when I told Commander Hollant, "You are not on the scene and you  
597 are witness." And he said, "No I'm not a witness."  
598  
599 Q: Mm-hm.  
600  
601 A: And when later on Larry Juriga brought to my attention that they heard the  
602 transmission of the commander and actually it's because of that - his transmission,  
603 that's why the officer open fired.  
604  
605 Q: Mm-hm.  
606  
607 A: I said, "How come he said to me - (unintelligible) said to me that he did witness the  
608 shooting when he basically gave the order." That's what I thought.  
609  
610 Q: I see.  
611  
612 A: So that's what I s- went to speak to the city manager...  
613  
614 Q: Okay.  
615  
616 A: ...and I did took that decision to suspend him.  
617  
618 Q: Okay.  
619  
620 A: Until I - some flash, "Wait a minute, they don't like each other."  
621  
622 Q: Mm-hm.  
623  
624 A: "Let me get my firsthand information." And I came to the station, listened to the tape  
625 and - I keep saying tape, to the CD myself. I said, "Timeout, the time he said - he did  
626 say it, 'He's loading it.' to the time of the shooting is a good four minutes later." And  
627 I remember it clearly stated to me that he went to get his binoculars so I believe it  
628 does make sense that he himself said, "He was loading a - he appears to be loading a  
629 gun." The sergeant later said, "It is a toy."  
630

631 Q: Mm-hm.  
632  
633 A: It does make sense at that time for him to say, "Let me go get my binocular."  
634  
635 Q: Okay.  
636  
637 A: Now I put the last pieces together I realize I was mislead. Please, I'm not say it was  
638 don't intentionally, by Chief Juriga that it was his statements that caused the guy to do  
639 the shooting. At that time I knew he was on the scene be he was the first person to  
640 debrief me of what was going on.  
641  
642 Q: Mm-hm.  
643  
644 A: So nobody could tell me otherwise because when I arrived on the scene he was the  
645 only person who talked to me...  
646  
647 Q: Mm-hm.  
648  
649 A: ...until after I went for the briefing I was telling you. The only thing is I was pissed is  
650 the fact that I thought he actually witnessed the shooting and he told me he did not  
651 witness, that's the lie I believe he told me. But after listening to the tape I say, "Wait a  
652 minute, he did not lie."  
653  
654 Q: Okay.  
655  
656 A: You understand that's...  
657  
658 Q: Yes. So but at that time point the city manager kinda of had already kind made up his  
659 mind that he wanted...  
660  
661 A: Yes.  
662  
663 Q: ...the...  
664  
665 A: Mm-hm.  
666  
667 Q: ...officer...  
668  
669 A: He didn't want to listen to the...  
670  
671 Q: ...the commander suspended?  
672  
673 A: ...tapes at that time.  
674  
675 Q: Okay. So you felt obviously under - under pressure from the city manager that the city

- 676 manager wanted the commander suspended without pay?  
677
- 678 A: Yes. It wasn't under pressure like I didn't - yes it was his decision. It was piece, not of  
679 the incident itself, the ca- the fact that's - the information was leaked to the media.  
680 And unfortunately it was only the four of us discussing. But now I'm thinking when  
681 Larry Juriga brought to my attention that's Officer Hollant in court, witness - did  
682 witness the shooting I did tell him, "I'm going to suspend him." So now I have the  
683 PIO who was in the meeting with me, the city manager, I have the assistant chief who  
684 was - I told that I plan to suspend the guy. He has his known - own confidence that he  
685 can talk to, I don't know who called the media, Channel 10.  
686
- 687 Q: Mm-hm.  
688
- 689 A: I start getting a better picture of the whole situation when after the suspension the  
690 commander called me and said, "Channel 10 was already in front of his house."  
691 Somebody here called Channel 10 and gave the address of the commander.  
692
- 693 Q: Okay.  
694
- 695 A: But unfortunately I cannot find out...  
696
- 697 Q: Sure.  
698
- 699 A: ...(unintelligible).  
700
- 701 Q: If I could ask - ask you a couple dates of the...  
702
- 703 A: Yeah.  
704
- 705 Q: ...you had the date of the shooting, when did crim- Assistant Chief Juriga meet with  
706 you to tell you that he thought that Commander Hollant lied to you? Was that  
707 following day? Would that have been the Tuesday?  
708
- 709 A: No. Tuesday that's when I contacted FDLE, Wednesday that's when you came in -  
710 FDLE came in.  
711
- 712 Q: Mm-hm.  
713
- 714 A: He told me on Thursday afternoon.  
715
- 716 Q: Was that in your office Chief?  
717
- 718 A: Yeah right here Thursday, he was standing here.  
719
- 720 Q: And who was with him?



721  
722 A: (Trevor) Shinn, Major Shinn. S-H-I-N-N.  
723  
724 Man: (Unintelligible).  
725  
726 Q: And that was at c- the Assistant Chief that was - is telling that the Major Shinn was -  
727 was present, but who was doing the talking?  
728  
729 A: Larry Juriga, Assistant Chief Juriga.  
730  
731 Q: The meeting that was held at the scene - at the scene of the shooting after the shooting  
732 i- w- where you were trying to determine if Commander Hollant was a witness, was  
733 that just a comma- kind of commander's meeting to go over the incident of the  
734 shooting?  
735  
736 A: No it was very unofficial...  
737  
738 Q: Okay.  
739  
740 A: ...it was, like, gathering, "Let me listen what they're - they're saying." You know?  
741  
742 Q: And...  
743  
744 A: (Unintelligible).  
745  
746 Q: ...so who was present at that meeting?  
747  
748 A: I believe the best...  
749  
750 Q: Uh-huh.  
751  
752 A: ...Larry for sure, Larry...  
753  
754 Q: Okay.  
755  
756 A: ...Juriga, myself - actually they're were - they're breaking - they were sharing their  
757 information with Larry. I just - I walked to the group...  
758  
759 Q: Okay.  
760  
761 A: ...to be part of it. It was Larry, (Angel), (Jim) (Mesido) who was the sergeant in  
762 charge, and I'm not sure there was a fourth one. I'm sorry I cannot...  
763  
764 Q: It's okay.  
765

766 A: ...remember the last one.  
767

768 Q: When was the - wa- when was the meeting with the city manager where you briefed  
769 him. After the assistant chief and Major Shinn came to you, did you immediately go  
770 to this - the city manager's office to brief them?  
771

772 A: No.  
773

774 Q: Or...  
775

776 A: I mean, yet...  
777

778 Q: Okay.  
779

780 A: ...because he told me, that's what I was told by my PIO that she just find out Officer  
781 Aledda is at the airport, he's about to board the plane to go to Boston.  
782

783 Q: Okay.  
784

785 A: And that's what I was informed by Larry Juriga that (John) (Rivera), the PBA  
786 president was about to hold a press conference about the shooting. So I assumed that  
787 it was close to the - 3:00 pm. I went to talk to the city manager after 4:00 for sure, it  
788 was after 4:00 o'clock. And...  
789

790 Q: And who are - who did you say was present there with - along with the city manager  
791 and yourself?  
792

793 A: City Attorney Jeff Cazeau, I don't know if you know the spelling. It's French, C-A-Z-  
794 E-A-U.  
795

796 Q: Okay.  
797

798 A: And of course the PIO, I told you Natalie Buissereth.  
799

800 Q: What was the - the - the memo that was written to suspend the - Commander Hollant,  
801 what was the basis of the s- of the suspension, what did it say as far as the r- the  
802 reason for the sus- if you can remember?  
803

804 A: I didn't type it, I didn't prepare it.  
805

806 Q: Mm-hm.  
807

808 A: I instructed the major to do so except I deleted intentionally the part that it said,  
809 "You're in violation by claiming s- that you were not - you were not on the scene."  
810 When in fact I say, "No that wa-..."

811  
812 Q: It was deleted?  
813  
814 A: I deleted it...  
815  
816 Q: Okay.  
817  
818 A: ...because I knew he was on...  
819  
820 Q: Yeah.  
821  
822 A: ...the scene because I had spoken to him...  
823  
824 Q: Mm-hm.  
825  
826 A: ...on the scene.  
827  
828 Q: Mm-hm.  
829  
830 A: And basically I left it open very generally...  
831  
832 Q: Mm-hm.  
833  
834 A: ...because understand I wasn't - I did not agree to it.  
835  
836 Q: Mm-hm.  
837  
838 A: And I went along with it but I did not...  
839  
840 Q: Mm-hm.  
841  
842 A: ...the force behind it so I make it very generally, "That's - you've been in violation of  
843 civil rules and regulation." To the best of my recollection, something very generally.  
844  
845 Q: Okay.  
846  
847 A: Because I didn't want it to be too specific first of all, I don't want him to turn letter or  
848 - and f- c- make some claims...  
849  
850 Q: Mm-hm.  
851  
852 A: ...against us. And for you - for the system...  
853  
854 Q: Yes.  
855

856 A: ...but to act fair either (unintelligible) office...  
857  
858 Q: Mm-hm.  
859  
860 A: ...or of you guys. So I tried to - I told the commander to rewrite it very generic...  
861  
862 Q: Mm-hm.  
863  
864 A: ...and especially that's at that time I knew it was supposed to call me on Tuesday or  
865 Monday I believe at 12:00 with his attorney that was represented...  
866  
867 Q: Okay.  
868  
869 A: ...by the PBA.  
870  
871 Q: So was it - was it a Monday that the - the letter was served to him by the major? What  
872 - what - do you remember what day that was?  
873  
874 A: The letter - they gave me that letter on Monday. I believe I presented it to his attorney  
875 on Tuesday.  
876  
877 Q: And so that would've been - the effective date of suspension would've been Tuesday?  
878  
879 A: It was very retroactive because the suspension - if I'm not mistaken, believe it or not,  
880 the major wasn't - is not here right now.  
881  
882 Q: That's okay.  
883  
884 A: And Major Beltran m- I know he has it on his computer.  
885  
886 Q: Okay.  
887  
888 A: And...  
889  
890 Q: But you gave it to the a- the - the offi- the commander - the commander's attorney?  
891  
892 A: Attorney and him together. I said - and I said, "Unfortunately (unintelligible) -" I  
893 spoke to the lawyer, I explained to him, "I cannot discuss the case..."  
894  
895 Q: Mm-hm.  
896  
897 A: "...because FDLE's still investigating."  
898  
899 Q: Mm-hm.  
900



901 A: But...

902  
903 Q: You - do you remember the attorney's name by chance? If you don't that's fine.  
904

905 A: Yeah but I should...

906  
907 Q: Okay.  
908

909 A: ...get it for you. I can have it.  
910

911 Q: Okay. Chief I appreciate it. Is there anything that - during this interview that I've  
912 either failed to ask you or that you'd like to add or clarify today?  
913

914 A: Mm, no. Mm...  
915

916 Q: Thanks very much. Has the information that you've provided during this interview  
917 been the truth to the best of your recollections? No-...  
918

919 A: Yes sir.  
920

921 Q: Thanks very much.  
922

923 A: Thank you.  
924

925 Q: The time is approximately 2:10 pm. And this will conclude the interview.  
926  
927

928 TRANSCRIBED BY: NET TRANSCRIPTS, INC.