



MEMORANDUM

To: Community Council Members

From: Larry M. Spring, Jr., CPA, City Manager

Date: June 21, 2017

RE: 7-18-2016 Shooting Incident Updates

First and foremost, I would like to thank the North Miami City Council and the members of this Community Council for your continued support, participation, input and presence throughout this process. Your role in holding the city of North Miami and its police department accountable to the community at large is greatly appreciated and commendable. In keeping with the statements from our elected officials below, the City will remain diligent and transparent in serving the City's greater good.

"We will go wherever the truth takes us. And necessary decisions will be taken by proper authorities. Justice will be served." - Mayor Smith Joseph

"This investigation will be done thoroughly; and it will be done right. It will be done with transparency. And there will not be any cover-ups in the city of North Miami. We will not tolerate false and misleading information from a department that has decade's worth of positive history behind it." - Vice Mayor Scott Galvin

"The city of North Miami should not and will not tolerate any bad behavior from a police officers. I want and hope that justice will be served." - Councilman Philippe Bien-Aime

In an effort to show our continued commitment to transparency and accountability, here are the latest updates from the police involved shooting in North Miami that occurred on Monday, July 18, 2016. The detailed summary below outlines a series of significant events and developments regarding the matter.

As you may already know, the **Florida Department of Law Enforcement (FDLE)** completed its fact finding and in-depth investigation into the North Miami Police-involved shooting on December 16, 2016. The FDLE report was hand-delivered to both the City of North Miami and the **Miami-Dade State Attorney's Office (SAO)** on that date.

The SAO's responsibilities concerning the shooting incident was to determine any **criminal violations** occurred and to prosecute them accordingly. The City's responsibilities were to identify **violations of administrative regulations, policies and/or procedures**, and to take appropriate disciplinary actions. These two processes have been completed with the exception of the pending internal affairs investigation of Officer Jonathon Aledda (which will be addressed later in the summary).

OFFICER JONATHON ALEDDA

On Monday, July 18, 2016, North Miami Police responded to reports that a white Hispanic male, was in possession of a firearm and threatening suicide. NMPD officers arrived at the scene, locating and attempting to negotiate with the male subject who was reportedly armed and later identified as Arnaldo Eluid Rios Soto. Responding NMPD officers also observed a black male at the scene, who was later identified as Charles Kinsey. During a series of events now involved in on-going litigation, responding NMPD Officer, Jonathon Aledda, discharged his department-issued firearm, striking Kinsey. Kinsey was transported to an area hospital with non-life threatening injuries. On Wednesday July 20, 2016, NMPD Police Chief Gary C. Eugene requested that the FDLE investigate this police involved shooting. On Friday, December 16, 2016, the detailed FDLE report was hand-delivered to both the City of North Miami and the SAO.

(Exhibit A: Redacted FDLE Police Use of Force Investigation)

[http://www.northmiamipolice.com/about_nmpd/news/files/2017/FDLE Police Use Force Investigation.pdf](http://www.northmiamipolice.com/about_nmpd/news/files/2017/FDLE_Police_Use_Force_Investigation.pdf)

Referencing the FDLE report, "after a comprehensive investigation into the use of force incident and careful review of the testimony of officers, civilian witnesses, surveillance videos, and physical evidence, it was determined that the actions taken by Officer Aledda were consistent with the physical evidence. However, the testimonial evidence of law enforcement officers and civilian witnesses revealed various inconsistencies." The inconsistencies are noted in the FDLE report.

(Exhibit B: FDLE Police Use of Force Investigation; Summary Analysis, page 34)

[http://www.northmiamipolice.com/about_nmpd/news/files/2017/FDLE Police Use Force Investigation.pdf](http://www.northmiamipolice.com/about_nmpd/news/files/2017/FDLE_Police_Use_Force_Investigation.pdf)

As widely reported and previously noticed to the members of this Community Council, the SAO has completed its criminal investigation and filed criminal charges against Officer Aledda after receiving and reviewing the FDLE report. On April 12, 2017, Officer Aledda, was arrested and charged with attempted man-slaughter and culpable negligence for his alleged role in the shooting incident. Currently, Officer Aledda remains on paid administrative leave. NMPD will initiate its internal affairs investigation into the actions of Officer Aledda once a verdict is reached in the criminal proceeding.

COMMANDER EMILE HOLLANT

The SAO opened a 'Preliminary Inquiry' into the actions of the Commander Hollant, after it was reported in the news that the City had suspended him for giving conflicting statements regarding circumstances surrounding the shooting incident. More specifically, his participation as a witness. In a closeout memo dated August 2, 2016, the SAO determined

that “there [was] insufficient evidence in this matter to generate a formal criminal investigation” on charges of the commander committing obstruction of law enforcement officer engaged in lawful investigation. It is noteworthy, that SAO only interviewed Commander Hollant and Chief Gary Eugene in making their final determination. The SAO also noted that Chief Gary Eugene’s account of the facts of the incident changed between the time the decision was made to suspend Commander Hollant and the date of his interview with FDLE.

In accordance with NMPD policy, the **Office of Professional Compliance (OPC)** launched an obstruction of a law enforcement investigation probe into Commander Hollant’s actions again to determine if there were any violations of administrative regulations, policies and/or procedures. Based on the findings of the OPC investigation, it was determined that Commander Hollant committed administrative obstruction of a law enforcement investigation by way of false statement. The finding cited violations of the following Standard Operating Procedures (SOP) and General Rules and Regulations:

- **General Rules and Regulations, Section 7:** Members withholding information or furnishing unauthorized and/or confidential information with a view to personal gain or for any other reason shall be subject to disciplinary action.
- **General Rules and Regulations, Section 22:** Members are required to speak the truth at all times and under all circumstances, whether under oath or otherwise, except in cases where they are not allowed by the rules of the service to divulge facts within their knowledge, in which case they remain silent.
- **General Rules and Regulations, Section 44:** Members of the Police Department shall not make false official reports, or knowingly enter or cause to be entered in any Police Department books or records any inaccurate, or false information.
- **SOP 300.19 (V) (E):** Identify and locate all witnesses and police officers at the scene. Keep all witnesses, including involved officer(s) and witness officers(s) separated. Prevent any officers or others from interviewing the involved officers(s) prior to the arrival of the Shooting Team.

The following additional violations were noted as “Other Findings”:

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

The OPC investigation concluded that “Commander Hollant was the highest ranking officer and scene supervisor and was negligent in performing his duties and tasks at the scene of the shooting. The NMPD OPC completed its investigation; and on Wednesday, June 13, 2017, NMPD provided Commander Hollant with a termination of employment notice. The recommendation for termination was advised and a pre-determination will be arranged in the coming weeks. Commander Hollant will remain on paid administrative leave until further notice. Also noteworthy, in this investigation is the fact that the sworn statement given by Chief Gary Eugene directly contradicted his sworn statement given to FDLE earlier in the criminal investigation. Specifically, Chief Gary Eugene stated that Commander Hollant “lied to me,” referring to the Commander’s account that he was not a witness to the shooting.

(Exhibit C: North Miami Police Department Internal Affairs Case #16-06; Final notification, Tab 70)

<http://www.northmiamipolice.com/northmiamipolice/transparency/case%20file%20index/70%20Final%20Notification.pdf>

CHIEF GARY EUGENE

Chief Gary Eugene has been placed on administrative leave with pay. Additionally, I have asked for his resignation. Several factors have led me to this conclusion:

- 1.) Most prominently, the Chief has made conflicting statements in his sworn testimonies throughout the investigations.
- 2.) A complete loss of management control over the police department has become evident, based on communication I have received from NMPD staff of all ranks.
- 3.) Evidence suggests that the Chief may have colluded with one of the officers in question to circumvent the internal affairs investigation.
- 4.) The Chief’s own admission to me of making hiring decisions based on outside influencers.

***Exhibits A, B and C are available online for review by clicking the “News Room” link found on www.northmiamipolice.com.

Again, thank you for your continued support of the City of North Miami and the North Miami Police Department.

Sincerely,
Larry M. Spring, Jr., CPA
North Miami City Manager

c:North Miami City Council
Jeff P. H. Cazeau, City Attorney

TIMELINE OF SIGNFICANT EVENTS

- July 18, 2016: North Miami police involved shooting incident.
- July 18, 2016: All officers involved in the shooting incident (with the exception of Commander Hollant), were sequestered and interviewed, per departmental policy.
- July 19, 2016: Chief Gary Eugene contacted FDLE to conduct the fact finding investigation.
- July 22, 2016: Commander Hollant placed on administrative leave without pay due to conflicting statements.
- August 2, 2016: SAO issues closeout memo concerning Commander Hollant's actions on the scene.
- August 2, 2016: Chief Gary Eugene initiates OPC investigation, also referred to as an internal affairs investigation, into Commander Hollant's actions at the scene.
- August 8, 2016: Chief Gary Eugene changes Hollant's pay status to administrative leave with pay with an effective date of July 22, 2016 without the City's Manager's permission.
- December 16, 2016: FDLE report hand-delivered to both the City of North Miami and SAO.
- April 12, 2017: Officer Aledda arrested and charged with attempted man-slaughter and culpable negligence.
- May 4, 2017: Disposition panel receives Commander Hollant's internal affairs file.
- May 8, 2017: Chief Gary Eugene begins term of pre-approved family medical leave and appoints Assistant Police Chief Larry Juriga as Acting Chief.
- June 14, 2017: Commander Hollant's internal affairs investigation complete.
- June 14, 2017: Commander Hollant receives notice of intent to terminate his employment.
- June 15, 2017: Chief Gary Eugene placed on administrative leave with pay and receives separation agreement.

FREQUENTLY ASKED QUESTIONS

What is the employment status of Officer Jonathon Aledda, Commander Emile Hollant and Police Chief Gary Eugene?

Officer Jonathon Aledda is currently on paid administrative leave.

Commander Emile Hollant is currently on paid administrative leave.

Police Chief Gary Eugene is currently on paid administrative leave.

What events led to the recommendation of termination of Commander Emile Hollant?

Commander Hollant, a 17-year veteran of the NMPD, was the highest ranking officer and scene supervisor on the evening of July 18, 2016. The OPC investigation included determinations of NMPD policy violations in General Rules and Regulation sections: 6, 7, 9, 22, and 44 and Standard Operating Procedures (SOP) 300.19 (V) (K) (E). Please refer to page 3 for list of violations.

What steps have been taken in regards to the employment of Commander Hollant? What are the remaining steps in the procedural process?

Following sustained allegations in Internal Affairs investigation #16-06, Commander Hollant has been notified of the NMPD's intent to terminate his employment. He is currently entitled to a Pre-Determination hearing, typically referred to as a "name clearing" hearing to provide evidence in support of keeping his job. If terminated, he will be entitled to an appeal hearing before the Personnel Board to appeal his employment termination.

Why was Police Chief Gary Eugene placed on administrative leave?

The Chief has been placed on administrative leave with pay and the City Manager asked for his resignation. Several factors has led to this conclusion:

- 1.) Most prominently, the Chief has made conflicting statements in his sworn testimonies throughout the investigations.
- 2.) The complete loss of management control over the police department evident by communications received from staff within the department from every rank
- 3.) Possible evidence that the Chief may have colluded with one of the officer in question to circumvent the internal affairs investigation
- 4.) The Chief's own admittance of having allowed outside influences to drive his hiring decisions

Why was Officer Aledda arrested and what process will he undergo?

On April 12, 2017, Officer Aledda of the NMPD, was arrested by the FDLE. The SAO charged Officer Aledda with attempted man slaughter and culpable negligence for his alleged role in the shooting. As with any case, the criminal proceeding will continue in the courts. After the trial is complete, the City will complete its internal affairs investigation of Officer Aledda, which is standard procedure for the nature of this investigation.

Why did the Acting Police Chief sign off on the notice of intent to terminate Commander Hollant and not Chief Gary Eugene?

Chief Gary Eugene was on a pre-approved medical leave commencing on May 8, 2017. Prior to this leave, Chief Gary Eugene designated Assistant Police Chief Larry Juriga as the Acting Chief during his absence, giving him the full power and authority to act on his behalf. After medical clearance, Chief Gary Eugene reported for duty on Friday, June 16, 2017.

What were the responsibilities of FDLE, SAO and the City with regards to the investigation of the North Miami Police- involved shooting?

FDLE conducted a comprehensive investigation into the shooting incident on July 18, 2016 and carefully reviewed the testimony of officers, civilian witnesses, surveillance videos, and physical evidence to present to both the SAO and the City.

The SAO responsibilities concerning the shooting incident was to determine any criminal violations and bring forth criminal charges.

The City's responsibilities were to determine if there were any administrative regulations, policy and/or procedures were violations and to take the appropriate disciplinary actions

What improvement has the NMPD implemented since the police involved shooting?

The city of North Miami and NMPD have used this as an opportunity for improvement and to demonstrate our commitment. Less than one year later, all NMPD patrol officers, sergeants and commanders now wear body-worn cameras to show our commitment to professional integrity. All NMPD officers have undergone autism training. Officers are currently receiving Crisis Intervention Training (CIT) to promote increased awareness and sensitivity when engaging with individuals facing mental health crises. In the last 12 months, NMPD also introduced community oriented policing (COP) activities such as COPS and Kidz School Lunches, weekly community bike rides, Coffee with a Cop and community clean-ups. The City is also implementing a new organizational structure which will increase the amount of officers patrolling the streets.