



# MEMORANDUM

To: Larry Spring  
City Manager

From: Larry Juriga  
Interim Chief of Police

A handwritten signature in black ink, appearing to read "L. Juriga".

Date: August 10, 2017

RE: Request to terminate, **Commander Emile Hollant**

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As you are aware, on June 14, 2017, Commander Emile Hollant was issued the attached Notice of Intent to Terminate and Right to Pre-Determination Hearing, regarding his actions and conduct, related to the July 18, 2016 officer involved shooting. On July 7, 2017, I presided over Commander Hollant's pre-determination hearing, during which time, he and his representative, Domingo Montoute-Howard, were afforded the opportunity to respond to my termination recommendation.

That termination recommendation was based upon the findings of IA 16-06, which involved the allegation that Commander Hollant misrepresented his role/involvement at the shooting to former Chief Eugene. In particular, it was alleged that Commander Hollant denied being a witness, in response to Chief Eugene's inquiry, following the arrival of NMPD investigators and staff members, at the scene of the shooting. His denial was later contradicted by evidence collected during the investigation of the shooting. The Disposition Panel (comprised of Assistant Chief Robert Bage and Majors Franzia Brea and Donald Blanchard) assigned to review the IA findings also analyzed the radio transmissions from July 18, 2016 and reviewed testimony by North Miami law enforcement personnel. These materials revealed that Commander Hollant was, in fact, on the scene prior to, during, and after the shooting (a fact which Commander Hollant admitted during his pre-determination hearing).

Despite this admission, at the pre-determination hearing, Commander Hollant denied that he was a "witness" to the shooting. This contradicted evidence uncovered by the Disposition Panel, which noted that several command staff members and investigators were asked during their IA interviews if Commander Hollant would be considered a witness, after learning that he was on the scene prior to and after the shooting, and they stated "yes." Given that Commander Hollant was a detective for two (2) years and served as the lead investigator or was assigned as a secondary investigator in at least

359 cases, and given that Commander Hollant had attended police training courses that emphasized the importance of identifying witnesses and taking their statements, Commander Hollant knew or should have known that he was a "witness" in the July 18, 2016 incident and should have identified himself as such immediately.

Because Commander Hollant denied that he was a witness to the incident, he was neither interviewed by the Investigative Section, nor separated as other witness officers were at the scene of the shooting. His statement had a rippling effect on the entire investigation. The Disposition Panel noted that Detective Gaudio, Commander Rivera, Major Cardona, and retired Major Trevor Shinn all stated in their IA interviews that the City's report for the shooting was missing relevant information because Commander Hollant did not identify himself as a witness, did not provide a statement and/or write a supplementary report. Indeed, when Detective Gaudio was asked during his IA interview if Commander Hollant caused inaccurate information to be entered into the investigative record, he stated "yes."

Commander Hollant's continued insistence at the pre-determination hearing that he was not a witness to the shooting incident lacks credibility in light of his own past conduct. As was noted by the Disposition Panel, following the shooting Commander Hollant had a conversation with Chief Eugene in the Chief's vehicle, during which Commander Hollant expressed regret to Chief Eugene for not providing a statement initially to the City's investigators. Chief Eugene also stated that Commander Hollant apologized to him. By contrast, Commander Hollant made no apologies and failed to express any remorse during his pre-determination hearing.

Instead, at the pre-determination hearing, Commander Hollant repeatedly denied that he made contradictory statements regarding the shooting incident. This contradicts Chief Eugene's statement during his IA interview that Commander Hollant "completely lied to me." Furthermore, the sworn statements made by Commander Hollant on August 2, 2016 at the State Attorney's Office and on August 11, 2016 to FDLE are in conflict with statements made during IA 16-06 by Sergeant Reid and Officer Bernadeau. Both witnesses stated during their IA interviews that Commander Hollant was present during the actual shooting. However, Commander Hollant stated in his two (2) sworn statements that he was not present during the shooting. Several other officers stated during their IA interviews that Commander Hollant stated he was not a witness when asked at the scene of the shooting. Additionally, days after the shooting, when it was learned that Commander Hollant made radio transmissions from the scene, Commander Hollant told Commander Rivera that he had identified himself as a witness to Detective Tovar. This contradicts Detective Tovar's IA statement, wherein he stated that the Commander never identified himself as a witness.

As a result of the foregoing, the Disposition Panel (who had no motivation to lie or display bias against Commander Hollant) determined that Commander Hollant's statements were, indeed, contradictory. As a result, the Panel determined that Commander Hollant violated the following North Miami Police Department General Rules and Regulations and Standard Operating Procedures (SOP):

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

Although Commander Hollant noted during the pre-determination hearing that the FDLE summary report concluded that his inconsistent statements appeared to have been “the result of a simple miscommunication,” the FDLE’s investigation was focused on whether or not Commander Hollant was guilty of obstruction of a law enforcement investigation. The standard of review employed by the FDLE in a criminal investigation is “beyond a reasonable doubt,” which is different than the standard employed by the Department during an internal affairs investigation (which is based upon “a preponderance of the evidence”). The Disposition Panel found that based on the preponderance of the evidence Commander Hollant had made inconsistent statements.

Furthermore, although the FDLE felt there was insufficient evidence to generate a formal criminal investigation against Commander Hollant (on August 2, 2016), the FDLE also noted at that time that its own investigators and State Attorneys were in the process of investigating the shooting and “expected that Commander Hollant would be interviewed at length in that matter.” Indeed, Commander Hollant was interviewed and his statements to both the State Attorney’s Office on August 2, 2016 and to FDLE on August 11, 2016 conflicted with those provided by others at the scene. At the pre-determination hearing, Commander Hollant failed to provide any reasonable explanation for his inconsistent statements, and instead attempted to point a finger at others and place blame elsewhere. Commander Hollant took no personal responsibility for his actions and failed to express any remorse. Commander Hollant was—without question—a witness to the shooting incident, and his failure to identify himself as such was improper.

In addition to the above-outlined findings, the Disposition Panel also found that Commander Hollant was derelict in performing his duties at the scene of the shooting and afterward, by failing to complete a post-incident supplementary report. Specifically, Commander Hollant failed to assume responsibility during the incident and failed to exercise due diligence by giving instructions or direction to Sergeant Reid or any other officer prior to the shooting. Commander Hollant made two (2) radio transmissions about a gun possibly being loaded and then failed to make any other radio

transmissions until shots were fired. Based on Commander Hollant's explanation that he left the scene to find his binoculars, he removed himself from radio contact for approximately two (2) minutes. This decision left his subordinate officers without direction or sufficient leadership during (what Commander Hollant admits was) a "critical situation." Commander Hollant's conduct at the scene, and his failure to complete a post-incident report, was below the acceptable departmental standards. Accordingly, the Disposition Panel made the following "Other Findings:"

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

During the pre-determination hearing, Commander Hollant disagreed with these findings. He argued that he was right to defer to the "officer handling the scene." Commander Hollant asserted that the Panel's conclusion that he failed to give instruction was "ludicrous" and its conclusion that he failed to monitor the radio was "ridiculous." These arguments are unpersuasive and simply miss the point altogether. Commander Hollant was the highest ranking officer on the scene and should have taken command. His conduct during the shooting incident, and afterward, has resulted in the Department losing trust in Commander Hollant, which cannot be repaired.

Based on the foregoing, and after thoroughly reviewing all of the documents and information pertinent to this matter, I have determined that Commander Hollant's employment with the Police Department cannot be salvaged. As such, I recommend that the City proceed with terminating Commander Hollant's employment.

LJ/lj

C: Jeff Cazeau, City Attorney  
Joseph Roglieri, Personnel Administration Director

Attachment