



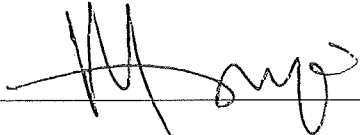
CLOSE-OUT MEMO

Preliminary Inquiry

Public Corruption Unit

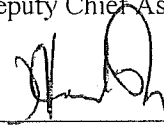
A.S.A.: JOSE ARROJO
Chief Assistant State Attorney

INVESTIGATION #: 64-16-23

SIGNATURE: 

DATE: 8/2/16

A.S.A.: HOWARD ROSEN
Deputy Chief Assistant State Attorney

SIGNATURE: 

DATE: 8/2/16

SUBJECT(S): Emile Hollant, Police Commander

EMPLOYMENT: North Miami Police Department

INVESTIGATOR: Pete Chong, Special Agent
AGENCY: Florida Department of Law Enforcement

CONCLUSION

CHARGES FILED

COURT CASE NUMBER:

CRIME	STATUTE	DEGREE
Obstruction of a Law Enforcement Officer Engaged in Lawful Investigation	843.02	Misd. of the First Degree

X OTHER:

On Monday, July 18, 2016, Officer Jonathan Aledda discharged his firearm while acting in his official capacity as a North Miami Police Officer. The investigation into the use of deadly force by Officer Aledda is **not** the subject matter of this preliminary inquiry. That matter is being investigated by the Florida Department of Law Enforcement, and other Assistant State Attorneys are tasked with reviewing the shooting officer's conduct.

This preliminary inquiry was generated when it was publicly reported that North Miami Police Commander Emile Hollant had been suspended without pay from his position after he gave "conflicting" statements to investigators or command staff officers regarding the use of deadly force. More specifically, it has been alleged that Commander Hollant advised

North Miami police investigators and command staff officers that he was not a witness in the police use of deadly force; but they concluded that he was. Commander Hollant is the subject of this inquiry.

Some reports in the media stated that Commander Hollant was suspended for allegedly fabricating information about the shooting. *NBC 6 Miami*, Friday July 22, 2016. The Miami Herald reported that Commander Hollant was suspended for misleading investigators, and that he is accused by police of "lying about his whereabouts" when the shot was fired. *Miami Herald* online July 22, 2016 8:02 PM by Charles Rabin and Lance Dixon. According to *Channel 7 Miami* in an article online on July 22, 2016, North Miami City Manager Larry Spring said that "Commander Emile Hollant was placed on leave after evidence of conflicting statements given to the investigators of this specific case. This will not be tolerated." According to an article posted online by *Channel 10 Miami* reporter Ian Margol and Senior Digital Editor Amanda Batchelor on July 22, 2016 at 12:25 PM and updated on July 25, 2016 at 8:04 PM, City Manager Spring said that Commander Hollant was suspended without pay for "giving conflicting statements" about the circumstances surrounding the shooting. As part of this inquiry, North Miami Police Chief Gary Eugene was interviewed. Chief Eugene stated that he had been advised by members of his command staff that Commander Hollant had provided inconsistent or false statements regarding his witnessing of the police use of deadly force. The North Miami City Manager was informed of the allegations against Commander Hollant, and a decision was made to suspend him without pay. It is noteworthy, that Chief Eugene suggested in his interview that he currently believed that the suspension was in error and that he had been misinformed by his command staff.

Commander Hollant provided a voluntary statement to prosecutors as part of this inquiry. He was accompanied by counsel. During his statement, Commander Hollant explained that he was the uniform patrol supervisor on the afternoon shift on July 18, 2016. He was indeed present at the scene of the police shooting and engaged to some degree in the incidents that led up to the shooting and those that followed. However, he had returned to his police vehicle, over a city block from the location of the victims of the shooting, to retrieve his binoculars when he heard gunshots. The gunshots were subsequently determined to have been fired by Officer Aledda.

Commander Hollant was thus, not physically present when Officer Aledda fired his weapon nor did he witness the actual shooting. Commander Hollant continued by advising prosecutors that when he told members of his department that Hollant was not a witness, he meant that he did not observe the shooting itself, not that he was not present and engaged in the incidents precedent or subsequent to the shooting.

We conclude that Commander Hollant did not lie, and that there was no intent by Commander Hollant to mislead or obstruct investigators or command staff officers regarding his involvement in the police shooting. He was present at the immediate scene before the shooting and after, and his involvement is captured to some degree in police radio transmissions. At best, the allegation that he provided inconsistent statements to investigators or command staff officers appears to have been the result of simple miscommunication.

There is insufficient evidence in this matter to generate a formal criminal investigation. Commander Hollant will be advised of this conclusion. Additionally, FDLE investigators and Assistant State Attorneys currently investigating the use of deadly force by Officer Aledda will also be advised. It is expected that Commander Hollant will be interviewed at length in that matter.

As a courtesy to the City of North Miami, they will also be advised of the statements taken in this inquiry so that they may review the same.