

## City of Miami Civilian Investigative Pannel

To whom it may concern:

I would like to make a formal complaint against the following City of Miami Police Department personnel:

1. Former City of Miami Police Chief Art Acevedo #45579
2. Commander Brandon Lanier #28889 Commander of Internal Affairs Section
3. Officer Wanda Jean Baptiste #27526 Internal Affairs Section Investigator

The allegations are:

1. Knowingly and deliberately made false and misleading statements in the Internal Affairs Investigation/reprimand issued to Ronald and Nerly Papier resulting in their termination in City of Miami IA case ADM21-022.
2. Knowingly and intentionally violated FSS 112 Officer Bill of Rights while investigating City of Miami IA case ADM21-022.
3. Committed Perjury and Official Misconduct while investigating City of Miami IA case ADM21-022.

### **Brief Background**

On April 2, 2021, Commander Nerly Papier, had struck a curb on the way to headquarters and had two flat tires as a result.

On April 4, 2021, an email alleging misconduct related to Commander Papier's crash was circulated on social media and had been sent to local politicians and government officials.

On April 5, 2021, Chief Acevedo was sworn in as Miami's 42<sup>nd</sup> Police Chief.

On April 6, 2021, Captain Ortiz submitted memorandum to Chief Acevedo with the subject line "Report of Corruption/Retaliation." The memorandum alleged that Deputy Chief Papier had been involved in a cover up of his wife's Commander Nerly Papier's crash.

On April 7, 2021, Chief Acevedo contacted Internal Affairs Section Lieutenant

Brandon Lanier and advised him of the memorandum authored by Captain Ortiz. The Internal Affairs Section subsequently initiated an investigation (I.A. Case # ADM-022).

**1. Knowingly and deliberately made false and misleading statements in the Internal Affairs Investigation/reprimand issued to Ronald and Nerly Papier resulting in their termination in City of Miami IA case ADM21-022. Committed Perjury and Official Misconduct**

The allegations contained in the investigation/ respective reprimands and the basis for the termination of Commander Nerly Papier and Deputy Chief Ronald Papier are simply untrue and are belied by the evidence. The so-called “conclusions” reached by “investigators” in their case(s) are at best, suspect and at worst, seemingly fabricated to facilitate a termination, regardless of what the truth is. Based on the evidence it appears that the Internal Affairs investigators mischaracterized and falsified evidence in order to facilitate the Chief of Police’s effort to terminate the Papiers from their employment after he weaponized the Internal Affairs Division to settle personal scores. For example, after moving the Internal Affairs division under his direct personal control, the “investigators” justified their conclusion supporting termination of the Papiers by taking selective portions of witness statements, misrepresenting them, distorting the documentary evidence, and outrightly misrepresented historical facts to support the termination. The “facts” they relied upon to support the termination are all provably false. The responses provided below to each allegation are not based on opinion or perspective. These are undisputable facts supported by emails, witness statements, and contained in the DDRB audio recorded record.

**Allegations Against Commander Nerly Papier and Basis for her Termination**

**Allegation #1:**

*During her Garrity statement, Commander Papier stated she hit a curb to avoid a dark colored vehicle and after hitting the curb, continued driving the vehicle maneuvering back onto the street. During this statement she never acknowledged the presence of pedestrians in her vehicle’s path as she hit the curb. Video footage does not corroborate any vehicle coming into her*

*traveling path forcing her off the roadway causing an accident as stated.*  
**Commander Papier violated Departmental Order Policy 11.6.53.1  
Members and Civilians Employees to be Truthful.**

**Response:**

There is nothing inconsistent with Commander Papier's version of events and what it depicted on the video. Upon reading officer Jean Baptiste's allegation and conclusion that Commander Papier violated Departmental Order 11.6.53.1, she would have you believe the video footage shows Commander Papier's vehicle traveling North on 2<sup>nd</sup> Avenue and no other vehicles swerving into her lane causing her to drive onto the sidewalk. Nothing could be further from the truth. The simple fact is the video only shows Commander Papier's vehicle already on the sidewalk, then coming off the sidewalk back onto NW 2<sup>nd</sup> Avenue immediately. The video does not capture the beginning of the incident based on the camera angle. The video does show a black SUV changing lanes behind her vehicle after she comes off the sidewalk. Commander Papier described the vehicle that swerved into her lane on April 2, 2021, without knowing or having seen the video as a dark color SUV. In an email dated April 22, 2021, from Assistant State Attorney Johnette Hardiman to detective Jean Baptiste, ASA Hardiman states "**there is no apparent crime for the SAO to pursue at this time. The video and the report do not appear to be in conflict.**" Commander Papier's version of events is unrebutted by any evidence at all – testimonial or documentary. Therefore, there is no basis to sustain any claim against Commander Papier for being untruthful regarding this incident.

**Allegation #2:**

*While providing her Garrity statement, her statement does not corroborate with the statement obtained from Deputy Chief Ronald Papier. Commander Papier stated that she told her husband "I have two flat tires" and that was the extent of her conversation with him. Deputy Chief Papier stated his wife told him that "she struck a curb resulting in two (2) flat tires." Furthermore, during the course of the investigation, no other information was obtained from either employee bout their discussion of the accident between April 2*

*nd thru April 4<sup>th</sup>, and information disclosed and/or not reported about the accident to Chief Acevedo does not reconcile and is deemed to be untruthful by both individuals. **Commander Papier violated Departmental Order Policy 11.6.53.1 Members and Civilian Employees to be Truthful and Florida State Statute 316.1925 Careless Driving.***

**Response:**

This allegation is as extraordinary as it is ridiculous. It is an apparent attempt to deliberately misrepresent undisputed facts of the case. Deputy Papier said nothing inconsistent with Commander Papier's version of events. There is absolutely no conflict in these statements. It is well-known that when two people are recounting a conversation which has not been recorded or transcribed, there will invariably be differences in their phrasing of their recollection of events. Commander Papier stated that based on her recollection she told Deputy Chief Papier she had two flat tires and Deputy Chief Papier stated she told him she struck a curb resulting in two flat tires. Both statements are correct and consistent. Officer Jean Baptiste could have clarified this point with a simple follow-up question to Commander Papier during the interview by simply asking her to describe what happened that caused the tires to become damaged; but for whatever reason, Jean Baptiste chose not to inquire further. Regarding information obtained between April 2<sup>nd</sup>, thru April 4<sup>th</sup>, there was nothing additional to disclose. Again, if officer Jean Baptiste required clarification she could – and should – have asked a follow-up question. Instead, she chose to allege untruthfulness from two consistent statements. Even if one incredibly takes the position that these two statements are in conflict, it is not logical to conclude that ***both*** Deputy Chief Papier and Commander Papier were being untruthful when the only evidence of "untruthfulness" is the perceived inconsistency. It stands to reason that one of the parties must have been telling the truth. Officer Jean Baptiste never discloses which party is telling the truth and which party is allegedly telling the lie.

**Allegation #3:**

*Commander Papier stated she then contacted Miami Police Communications to request a wrecker to be dispatched for two (2) flat tires on her vehicle. Commander Papier failed to accurately advise dispatch that she was involved in a vehicular crash involving her assigned vehicle. **Commander Papier violated Departmental Order Policy 11.6.1.2 Members and Civilian Employees to Know Rules and Regulations, 9.4.1 Crash Within the City***

**of Miami and 11.6.53.1 Members and Civilian Employees to be Truthful.**

**Response:**

Commander Papier contacted Communications to request a wrecker for her vehicle. At no time was any untruthful statement made. The purpose of the communication was merely to obtain a wrecker to have the vehicle towed. Officer Jean Baptiste took the opportunity to twist Commander Papier statement to make it seem that by not telling Communication she was involved in a crash at the time she called for a tow truck she was lying about the crash.

**Allegation #4:**

*Commander Papier stated that prior to the staff meeting, she met with Assistant Chief Manuel Morales #4886 in his office. She received a phone call from Officer Sheldon Williams #7683 assigned to the Auto Pound Unit, advising that the tow truck had arrived at Central Station parking lot. Commander Papier went to the damaged vehicle, retrieved some personal items, and returned to Assistant Chief Morale's office before attending the staff meeting. At no time did Commander Papier advise her Superior officer, Major Keandra Simmons of the vehicular crash.* **Commander Papier violated Departmental Order Policy 11.6.1.2 Members and Civilian Employees to Know Rules and Regulations and 11.6.56.11 Accidents or Damage to be Reported.**

**Response:**

This is patently incorrect. Commander Papier did advise Major Simmons of the crash, based on Major Simmons' own statement that Commander Papier hit a curb and had two flat tires. It was understood by everyone that the Commander had been involved in a crash. It appears that the Internal Affairs investigators are playing semantics to make it seem that there was some nefarious cover up to justify the Chief's termination of the Papiers without process. Commander Papier drove her vehicle to Miami Police Headquarters, parked it in her own parking space, and called Communication to request a wrecker. A crash report and administrative reports documenting the crash were completed. Those are certainly not the actions of a person who intends to cover up crime or policy violation.

#### **Allegation #5:**

*Commander Papier stated Officer Turner responded to complete the crash report. Officer Turner inquired about the crash location and Commander Papier stated, "I want to say it was at N.W. 2 Avenue and 1 Street by the fuel pumps". After reviewing video footage, it was revealed and confirmed by Commander Papier that the crash in fact occurred at N.W. 2 Avenue and Flagler Street and not at the location she provided the reporting officer on the official reporting document. **Commander Papier violated Departmental Order Policy 11.6.1.2 Members and Civilian Employees to Know Rules and Regulations and 11.6.53.1 Members and Civilian Employees to be Truthful.***

#### **Response:**

The crash occurred on NW 2<sup>nd</sup> Avenue between Flagler and NW 1<sup>st</sup> Street. In Sgt. Brown's report he says, "Commander Papier was traveling North bound in the outside lane of NW 2<sup>nd</sup> Avenue approaching NW 1 Street ...". Commander Papier is not in any way being untruthful in her description of the accident, because it did not occur either at the intersection of Flagler Street or NW 1<sup>st</sup> Street but in between Flagler Street and NW 1<sup>st</sup> Street on 2<sup>nd</sup> Avenue as is corroborated by the video. It should be noted that this "one-block discrepancy" is immaterial to circumstances surrounding the accident and the allegations made against Commander Papier. Again, the Internal Affairs investigators are playing semantics to target Commander Papier and to assert the narrative that she is being untruthful.

#### **Allegation #6:**

**During the course of the investigation, the following facts were discovered to support the violations:**

- *Video footage shows the location of the accident (NW 2 Avenue & Flagler Street) not corroborating with the location of the accident on the accident report (NW 2 Avenue & 1 Street).*

#### **Response**

The video shows that the crash occurred on NW 2<sup>nd</sup> Avenue between Flagler and NW 1<sup>st</sup> Street not at the intersection of NW 2<sup>nd</sup> Avenue and Flagler Street.

- *Video footage shows pedestrians walking down the sidewalk in the vehicles path at the time of impact when the vehicle hit the curb and drove on the sidewalk towards the pedestrians. Pedestrians had to jump out of the way to prevent from being struck by the vehicle.*

### **Response**

This is demonstrably not true. This allegation clearly evidences the bias of the Investigators. Just look at the video. At no time does it show any pedestrians “jump[ing] out of the way” of any vehicle. Rather, it shows pedestrians on the sidewalk and at no time in the path of the vehicle; moreover, this is immaterial to the crash as nobody was injured, and again the Internal Affairs investigators are attempting to misrepresent the facts for their own political purposes to justify terminating the Papiers.

- *On April 2, 2021, at approximately 1340 hours a crash report was initiated and completed by Officer Keljahi Turner #29240. Sergeant Darren Brown #27063 was dispatched to complete the supervisor portion of the crash report. That initial report states that Papier informed the officer that she had to swerve onto the curb to avoid hitting another vehicle. The video footage does not corroborate Papiers version of events.*

### **Response**

It is simply impossible for the investigator to draw this conclusion. An honest account of the video footage in question does not confirm or deny that a vehicle swerved into Commander Papier’s Lane causing the accident at issue here. It is inconclusive on that discreet point. The video’s camera range does not pick up the beginning of the incident. The video starts as Commander Papier’s vehicle’s right tires were already on the sidewalk and the vehicle coming off the sidewalk, i.e., after the accident. In fact, the video seemingly supports Commander’s version of the events because it shows a dark colored SUV changing lanes behind her vehicle after she drives off of the sidewalk.

By falsifying this information (*Falsifying, or causing another person to falsify, any official record or official document*), to cause the termination of Commander

Nerly Papier (*cause unlawful harm to another*) Acevedo, Lanier, and Jean Baptiste committed Official Misconduct.

**838.022 Official misconduct. —**

*(1) It is unlawful for a public servant or public contractor, to knowingly and intentionally obtain a benefit for any person or to cause unlawful harm to another, by:*

*(a) Falsifying, or causing another person to falsify, any official record or official document.*

**Allegations Against Deputy Chief Ronald Papier and Basis for his Termination**

**Allegation #1:**

*On April 4, 2021, Internal Affairs Major Jose Fernandez #27414 received an anonymous email alleging possible public corruption involving the Deputy Chief of Police and his subordinates down the entire chain of command. On April 4, 2021, at approximately 0932 hours Major Jose L. Fernandez forwarded the subject email containing the allegations to Deputy Chief Papier inquiring on how to proceed. Deputy Papier advised Major Fernandez that regarding criminal allegations; a few days had past, she had been in a staff meeting the day it occurred and no one reported her being under the influence. The Deputy advised this information is slanderous and the City of Miami Police Department does not investigate “Anonymous slanderous emails”. As a result of this conversation, Major Fernandez advised the Deputy that he will contact the State Attorney’s Office and advise them that the city would proceed administratively. **Major Fernandez shared this information with State Attorney’s office who ultimately relied on that information to determine not to proceed with a criminal investigation.***

**Response:**

The last sentence in this allegation is patently untrue. As even a cursory review of the email records shows the State Attorney’s Office never relied on that information to determine not to proceed with a criminal investigation. Again, Mr. VanderGeisen wrote to Lieutenant Lanier in his April 7 email, “**To be clear,**



**neither Johni nor I advised as to whether or not the matter should be handled administratively or criminally. If your investigators uncover anything that suggest a crime, please let us know so that we can review.”**

The conclusion Officer Baptiste drew was in direct opposition to the unambiguous written record. It is also worth noting that not a single member of the Miami Dade County State Attorney’s Office was interviewed as part of this investigation.

**Allegation #2:**

*During the investigation it was revealed that Deputy Chief Papier contacted Major Richard Perez #5630 and requested audio communications from the bridge line to be copied and provided to him on a disk regarding Commander Papier’s crash knowing an investigation, involving the crash had commenced. Deputy Chief Papier violated Departmental Order Policy 11.6.1.2 Members and Civilian employees to know rules and regulations, 11.6.17.39 any other act or omission contrary to the good order and 11.6.17.7 conduct unbecoming of a police officer.*

**Response:**

This allegation is not only untrue, but Officer Jean Baptiste also knew it to be false from the interview statements she received from Deputy Chief Papier, Major Perez, Executive Officer Geisse, Assistant Chief Gause, as well as an email contained in the Internal Affairs file. Officer Jean Baptiste never asked Chief Gause when she received the recording, nor did the Internal Affairs Summary Report detail how Internal Affairs received the recording of the Communications Bridge conversation. Barbara Delgado, the person who made the CD for Major Perez, was never interviewed. A public records request revealed the CD was made on Wednesday April 7<sup>th</sup>, 2021, at 0737 AM. This proves that Deputy Chief Papier made the request prior to April 7<sup>th</sup>, 2021, at 1230 PM when he was made aware by Chief Acevedo that an Internal Affairs Investigation was going to be taking place. Officer Jean Baptiste could have confirmed the date and time the request was made for the CD, but she did not.

**Allegation #3:**

*While providing his witness statement, his statement does not corroborate with the statement obtained from Commander Papier. Commander Papier stated that she told her husband “I have two flat tires” and that was the extent of her conversation with him. Deputy Chief Papier stated his wife told him that “she*

*struck a curb resulting in two (2) flat tires”. Furthermore, during the investigation, no other information was obtained from either employee about their discussion of the accident between April 2<sup>nd</sup>, thru April 4<sup>th</sup>, and information disclosed and/or not reported about the accident to Chief Acevedo does not reconcile and is deemed to be untruthful by both individuals. **Deputy Chief Papier violated D.O. Policy 11.6.53.1 Members and Civilian Employees to be Truthful.***

**Response:**

This was addressed above.

**Allegation #4**

*Between Friday April 2<sup>nd</sup>, 2021, and Monday April 5<sup>th</sup>, 2021, Deputy Chief Papier who over sees the Internal Affairs Section failed to recuse himself and failed to inform his superior and disclose a conflict of interest to Chief of Police Art Acevedo #45579. **Deputy Chief Papier violated Departmental Order Policy 11.4.3.7 Commanding officers shall keep the Chief of Police and Senior Staff informed and 11.4.5.5 Commanding officers to set example for Subordinates.***

**Response:**

This allegation is founded entirely on a baseless and incorrect assumption. At no time during Deputy Chief Papier’s interview by Officer Jean Baptiste was he asked if he had informed Chief Acevedo of the email/incident. Nowhere in the IA investigation is there a statement by Chief Acevedo indicating Deputy Chief Papier did not inform him of the email/incident. At the audio recorded DDRB Hearing, Officer Jean Baptiste could not explain how she knew Deputy Chief Papier had not informed Chief Acevedo about the email if she did not gain that information from interviewing either Deputy Chief Papier or Chief Acevedo. Not only was Chief Acevedo aware of the email allegation on April 4 because he was a direct recipient, but Deputy Chief Papier also approached him to discuss the matter on his first day as Miami’s Police Chief. Had Internal Affairs asked about this during Deputy Chief Papier interview he would have immediately explained, but as they claimed they were only taking a witness statement and not interviewing him as a principal he was not afforded the opportunity to refute the allegations against him of which he was not at the time aware. Internal Affairs could also have confirmed this if they had taken a statement from Chief Acevedo. Furthermore, the reprimand itself notes that the

investigation was initiated on April 7<sup>th</sup>. Deputy Chief Papier was not informed that an investigation was underway until lunch that day. Obviously, the Deputy Chief could not recuse himself on April 5<sup>th</sup> from an investigation that did not begin until April 7<sup>th</sup>.

#### **Allegation #5**

*Deputy Chief Papier further failed to recuse himself when contacted by the State Attorney office and informed them that the City of Miami Internal Affairs investigated when in fact, he never investigated anything about the accident at all. Deputy Chief Papier also failed to report to his supervisor Chief Art Acevedo about the State Attorney's inquiry. **Deputy Chief Papier violated Departmental Order Policy 11.6.17.7 Conduct unbecoming a police officer.***

#### **Response:**

This alleged violation is untrue and is completely fabricated. At no time did Deputy Chief Papier ever speak to anyone at the State Attorney's Office regarding this matter. Nowhere in the Internal Affairs file or in Deputy Chief Papier's reprimand does it indicate when he allegedly contacted the State Attorney's Office, which representative he spoke, or who provided this information to Internal Affairs. At no time was Deputy Chief Papier asked in his interview if he had ever spoken to anyone at the State Attorney's Office or if he was contacted by them. Deputy Chief Papier never told the State Attorney's Office that Internal Affairs conducted an investigation into this matter, since he never spoke to them. Deputy Chief Papier never reported speaking to the State Attorney's office to Chief Acevedo because he never did.

By falsifying this information (*Falsifying, or causing another person to falsify, any official record or official document*), to cause the termination of Deputy Chief Ronald Papier (*cause unlawful harm to another*) Acevedo, Lanier, and Jean Baptiste committed Official Misconduct.

#### **838.022 Official misconduct. —**

*(1) It is unlawful for a public servant or public contractor, to knowingly and intentionally obtain a benefit for any person or to cause unlawful harm to another, by:*

*(a) Falsifying, or causing another person to falsify, any official record or official document.*

**2. Knowingly and intentionally violated FSS 112 Officer Bill of Rights while investigating City of Miami IA case ADM21-022.**

On April 15, 2021, Lieutenant Lanier and Officer Jean Baptiste took an Internal Affairs Statement from Deputy Chief Ronald Papier. They advised him he was a witness in a complaint against Commander Nerly Papier for Improper Procedure and Misconduct. They did not advise him that he was the subject of an investigation, nor did they afford him an opportunity to review the statements they had taken in accordance with F.S.S. 112 Officer Bill of Rights. At the conclusion of the investigation Deputy Chief Papier was terminated.

On June 18, 2021, a City of Miami Departmental Discipline Review Hearing was held to review the Papier case. The hearing was audio recorded. At the hearing Lieutenant Lanier stated the April 4<sup>th</sup>, 2021, email was part of the investigation, and there was an allegation of misconduct against Deputy Chief Papier in the email, and that was part of the investigation although he did not create a separate IA 121 form (complaint form). He stated it was in the file and part of the investigation. This statement by Lieutenant Lanier leaves no doubt that Lanier and Jean Baptiste were knowingly conducting a principal investigation of Deputy Chief Papier when they interviewed him as a witness on April 15, thus knowingly violating his FSS 112 Officer Bill of Rights.

***112.532 Law enforcement officers' and correctional officers' rights.*** —All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

***(1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.*** — Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions.....

Acevedo, Lanier, and Jean Baptiste further violated FSS 112.533 subparagraphs 1 and 2. On May 18, 2021, at approximately 8:00 PM, Lt. Lanier, Officer Jean Baptiste, and Major Antonio Diaz came to the Papier's home without calling or otherwise advising them they would be coming over. They provided them with reprimands recommending their termination. Deputy Chief Papier's reprimand stated "On April 7, 2021, the Miami Police Internal Affairs Section received a formal complaint via email against Commander Nerly Papier #1473 alleging Improper Procedure and Misconduct. As a result of the Investigation attached hereto and incorporated herein, an additional allegation of Improper Procedure and Misconduct against Deputy Chief of Police Ronald Papier was discovered and Sustained.". Commander Papier's reprimand stated "On April 7, 2021, the Miami Police Internal Affairs Section received a formal complaint via email against Commander Nerly Papier #1473 alleging Improper Procedure and Misconduct. As a result of the Investigation attached hereto and incorporated herein, the allegations of Improper Procedure and Misconduct against Commander Papier are Sustained." The next day, May 19, several staff members received reprimands resulting from this Internal Affairs Case as well. All the reprimands were signed and discipline recommended by Lanier and Jean Baptiste and signed and approved by Chief Acevedo. The Internal Affairs Summary Report was not completed and signed off by Chief Acevedo until June 08. It is impossible they complied with the requirement of the Florida State Statute, which states subparagraph 1 and 2 shall be completed prior to the determination as to whether to proceed with disciplinary action or to file disciplinary charges. This is because Chief Acevedo had already determined the termination and discipline prior to the case being completed. He did not care to verify any of the facts, because instead of seeking the truth and reach a fair and just result, Chief Acevedo was dead set on creating a false narrative surrounding the incident with the intent to discredit the Papiers and ruin their hard-earned professional reputations and end their careers. He had an agenda from the beginning of the investigation to create violations to achieve his goal of terminating the Papier's employment.

***112.533 Receipt and processing of complaints. —***

*(1)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination*

*of complaints received by such agency from any person, which shall be the procedure for investigating a complaint against a law enforcement and correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. When law enforcement or correctional agency personnel assigned the responsibility of investigating the complaint prepare an investigative report or summary, regardless of form, the person preparing the report shall, at the time the report is completed:*

*1. Verify pursuant to s. 92.525 that the contents of the report are true and accurate based upon the person's personal knowledge, information, and belief.*

*2. Include the following statement, sworn and subscribed to pursuant to s. 92.525:*

*"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."*

*The requirements of subparagraphs 1. and 2. shall be completed prior to the determination as to whether to proceed with disciplinary action or to file disciplinary charges. This subsection does not preclude the Criminal Justice Standards and Training Commission from exercising its authority under chapter 943.*

### **3. Committed Perjury and Official Misconduct while investigating City of Miami IA case ADM21-022.**

Both Lieutenant Lanier and Officer Jean Baptiste signed an Investigative Verification Statement regarding this case. They swore the following: *"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in Sections 112.532 and 112.533, Florida Statutes."* By signing this statement, both Lieutenant Lanier, and Officer Jean Baptiste committed perjury.

To establish perjury, regardless of whether the offense occurred in an official proceeding, **the prosecutor must show that the defendant took an oath to tell the truth.** The oath must reflect the taker's understanding that he must speak truthfully. By signing this statement Lanier and Jean Baptiste took an oath to tell

the truth, and they did not.

**837.02 Perjury in official proceedings.—**

(1) *Except as provided in subsection (2), whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(2) *Whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding that relates to the prosecution of a capital felony, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(3) *Knowledge of the materiality of the statement is not an element of the crime of perjury under subsection (1) or subsection (2), and the defendant's mistaken belief that the statement was not material is not a defense.*

At the DDRB hearing, which was audio recorded, officer Jean Baptiste was untruthful when she stated and wrote in her Power Point Presentation that the video footage does not corroborate any vehicle coming into Commander Papier's traveling path forcing her off the roadway. When officer Jean Baptiste was asked how she came to that conclusion since the video does not show the beginning of the incident, she was unable to answer the question and refused to give an explanation. When asked if she had any independent witnesses, she stated she was unable to go and find witnesses because it was an open investigation. This is a completely outrageous excuse to prove her allegation that Commander Papier is lying about the accident. Officer Jean Baptiste would have to have either a video from a different angle showing the beginning of the incident or at least independent witnesses stating the opposite of Commander Papier's statement. She has neither. Simply put, Officer Jean Baptiste is unable to prove Commander Papier lied in her account of the incident. The officer accused Commander Papier of lying without any proof whatsoever, other than her own personal beliefs, biases and prejudices. Officer Jean Baptiste's betrayal of her sworn duties and responsibilities is underscored by the Miami Dade County State Attorney's office opining that there was no conflict between the video and Commander Papier's version documented in the accident report. Still, Jean Baptiste alleged the opposite against Commander Papier.

At the DDRB, which was audio recorded, Officer Jean Baptiste presented a PowerPoint Presentation, which is a permanent part of the record, to the board wherein she wrote and said Deputy Chief Papier requested the CD on April 7,

2021, which is untrue. Officer Jean Baptiste could have simply asked Barbara Delgado or Major Perez when the request was made but chose not to.

At the DDRB hearing Officer Jean Baptiste was untruthful when she stated and wrote in her Power Point Deputy Chief Papier never told Chief Acevedo about the email, when she had absolutely no basis to come to that conclusion.

**838.022 Official misconduct.—**

*(1) It is unlawful for a public servant or public contractor, to knowingly and intentionally obtain a benefit for any person or to cause unlawful harm to another, by:*

*(a) Falsifying, or causing another person to falsify, any official record or official document;*

*(b) Concealing, covering up, destroying, mutilating, or altering any official record or official document, except as authorized by law or contract, or causing another person to perform such an act; or.....*

*b) An official record or official document includes only public records. (The Power Point Document, as well as the IA summary Report and the Reprimands are all official public records)*

**Conclusion**

Introducing false or inaccurate allegations or improper evidence in a criminal complaint is one of the most heinous injustices that can be committed by a law enforcement officer. The conclusions reached in this case are completely fabricated. To be blunt, the investigators lied to terminate the Papier's from their employment. The case was assigned by Chief Acevedo to two handpicked investigators Lieutenant Lanier, and Officer Jean Baptiste from the Anti-Corruption Squad who have very limited experience in handling general IA investigations. The experienced IA major, Major Jose Fernandez, was removed from the case by Chief Acevedo. Acevedo personally directed the investigation. Chief Acevedo would review the IA case summary and make had written notes instructing the investigators what changes to make to fit his false narrative.

I am requesting a fully, fairly, and impartial investigation into these allegations against Chief Art Acevedo, Commander Brandon Lanier and Officer Wanda Jean Baptiste assigned to the City of Miami Police Department Internal Affairs Section, who have no regard for the truth, the unbiased fact-finding objective of



an investigation, or due process. They had an agenda from the beginning of the investigation to create violations to achieve their goal of terminating the Papier's employment. If the Miami Police Department does not practice procedural justice with its own employees, what kind of fair and impartial investigations can our citizens expect? If the Miami Police Department is willing to falsify facts in a police investigation to persecute their employees in an administrative investigation, one must wonder what they are willing to do to a member of the public in a criminal investigation.

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