

“Social justice should be the underlying goal of all humanity.”

-Alan V. Lowenstein, Institute Founder



March 13, 2023

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Vanita Gupta
Associate Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Kristen Clarke
Assistant Attorney General for Civil Rights
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Philip R. Sellinger
United States Attorney for the District of New Jersey
970 Broad Street, 7th Floor
Newark, NJ 07102

Dear Attorney General Garland, Associate Attorney General Gupta and Assistant Attorney General Clarke,

It is with a strong sense of urgency that the undersigned grassroots and statewide organizations request that the United States Department of Justice, pursuant to 34 U.S.C. § 12601, conduct an investigation into the widespread unlawful and unconstitutional conduct perpetuated by the Paterson, New Jersey Police Department (hereinafter “PPD”). Residents of Paterson have lived for years under a police department with a history of excessive force and other abuse, all felt disproportionately by Black and Brown residents in one of the most diverse cities in the country.¹

This letter will highlight 1) the recent death of Mr. Najee Seabrooks at the hands of PPD through excessive force, 2) other examples of excessive force, 3) examples of illegal searches and seizures and corrupt practices, 4) lack of oversight and 5) racial

¹ *Paterson Ranked as New Jersey’s Most Diverse Municipality*, RLS MEDIA, (Jul. 2, 2021), <https://www.rlsmedia.com/article/paterson-ranked-new-jerseys-most-diverse-municipality>.

Board of Trustees

Paulette Brown, Esq.

Chair

Robin A. Lenhardt, Esq.

Vice Chair

Kenneth Y. Tanji

Treasurer

B. John Pendleton, Jr., Esq.

Secretary

Ryan P. Haygood, Esq.

President & CEO

Douglas S. Eakeley, Esq.

(Immediate Past Chair)

John J. Farmer, Jr., Esq.

(Past Chair)

Paul J. Fishman, Esq.

Michael D. Francis, Esq.

Jerome C. Harris, Jr.

Rev. Timothy Adkins-Jones

Sandra King

John H. Lowenstein, Ph.D.

Diana DeJesus-Medina

James McQueeney

Patricia Nachtigal, Esq.

Darrell K. Terry, Sr.

Martin Vergara II

Nina Mitchell Wells, Esq.

Antoinette Ellis-Williams, Ph.D.

Gary M. Wingens, Esq.

Zulima V. Farber, Esq. *(Emerita)*

Roger A. Lowenstein, Esq. *(Emeritus)*

Theodore V. Wells, Jr., Esq. *(Emeritus)*

Founders

Alan V. and Amy Lowenstein*

Founding Board President

Nicholas deB. Katzenbach, Esq.*

Founding Board Vice President

Hon. Dickinson R. Debevoise*

*deceased

60 Park Place, Suite 511

Newark, NJ 07102-5504

ph. (973) 624-9400

fax (973) 624-0704

email: justice@njisj.org

www.njisj.org

do social justice.

disparities in treatment. These unlawful and unconstitutional incidents establish a pattern and practice of misconduct and impunity that deprives the residents of Paterson of their civil rights.

The PPD Killing of Najee Seabrooks

On March 3, 2023, Najee Seabrooks, a high-risk violence interventionist working for the Paterson Healing Collective² (hereinafter “PHC”), was shot and killed by PPD officers in his own home. Mr. Seabrooks was in the midst of a mental health crisis when he called 911 for assistance.³ He also contacted several members of PHC.⁴ When the PHC members arrived, they were prevented by police from seeing Mr. Seabrooks,⁵ who was their friend and coworker.

The police entered Mr. Seabrooks’ apartment and, according to the officers, Mr. Seabrooks approached them with a knife before they shot and killed him.⁶ In response to Mr. Seabrooks’ death, Paterson’s mayor, Andre Sayegh, wrote that “since the incident, [he has] devoted time to understanding what occurred, and it is clear more mental health/crisis intervention resources are needed throughout our city.”⁷

If the Paterson Healing Collective had been empowered to deploy their violence intervention resources and expertise, Mr. Seabrooks would still be alive today.

Instead, the PPD prevented PHC from working, resulting in the use of excessive police force and killing of Mr. Seabrooks. Mr. Seabrooks desperately needed and deserved treatment, which was available to him, not a death sentence imposed upon him by PPD.

Recent Examples of PPD Use of Excessive Force

PPD’s excessive force and other misconduct surrounding the killing of Mr. Seabrooks are not isolated incidents. In fact, there is an extensive and well-documented history of excessive force within the PPD.

The following is a non-exhaustive list regarding incidents of excessive force by PPD:

² *Staff Bios*, PATERSON HEALING COLLECTIVE, <https://patersonhealingcollective.org/staff-bios/> (last visited Mar. 11, 2023); <https://patersonhealingcollective.org/about-us/>; The Paterson Healing Collective is a hospital-based violence intervention program funded by the New Jersey Office of the Attorney General and St. Joseph’s University medical hospital and has provided mental health support and crisis intervention to over 250 people since it was established in 2020. *See About Us*, PATERSON HEALING COLLECTIVE, <https://patersonhealingcollective.org/about-us/> (last visited Mar. 11, 2023). <https://www.northjersey.com/story/news/passaic/paterson/2023/03/08/paterson-nj-najee-seabrooks-healing-collective-liza-chowdhury/69985681007/>.

³ Joe Malinconico, *NJ Attorney General releases names of officers who fatally shot Najee Seabrooks*, YAHOO NEWS, (Mar. 8, 2023, 9:33 PM), <https://www.yahoo.com/news/cops-najee-seabrooks-case-being-210345025.html>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Andre Sayegh, FACEBOOK (Mar. 6, 2023), https://www.facebook.com/story.php?story_fbid=pfbid028DH5iPiy9jfKWQbChTrNwRQQvpENH7zs3S7EKHgevVNzq ucErhjKpZQgoXZRUAWDI&id=581547464&mibextid=qC1gEa&_rdr.

- 1) One of the officers who shot Mr. Seabrooks⁸ used force 15 times between October 2020 and December 2022.⁹ During this time period, this officer along with another officer used force more than any other officer in PPD.¹⁰
- 2) A PPD officer is facing charges for shooting Khalif Cooper, who was unarmed, in his back resulting in his paralysis.¹¹ This incident occurred in 2022.¹²
- 3) A PPD Officer shot and killed Thelonious McKnight and certain evidence indicates he was unarmed when shot.¹³ This incident occurred in 2021.¹⁴
- 4) Paterson is being sued for the 2019 wrongful death of Jameek Lowery while in police custody after police allegedly repeatedly struck him during a health emergency.¹⁵
- 5) A former PPD Officer is under indictment for allegedly tackling a detained man in 2018 and striking him in the head with a flashlight causing the man to sustain a fractured nose, the loss of several teeth and lacerations to the face and head.¹⁶ That same former officer also has an open indictment for allegedly assaulting another man in 2021, tampering with public records when he turned off his body worn camera and writing a false police report.¹⁷

⁸ One of the PPD officers who allegedly shot Mr. Seabrooks is Officer Jose Hernandez. Press Release, DEP'T OF L & PUB. SAFETY, *UPDATE: Attorney General's Office Releases the Identities of the Decedent and Officers in the Police-Involved Shooting in Paterson* (Mar. 8, 2023), <https://www.njoag.gov/update-attorney-generals-office-releases-the-identities-of-the-decedent-and-officers-in-the-police-involved-shooting-in-paterson/>.

⁹ *Reducing Use of Force by Law Enforcement* Dep't L. & Pub. Safety <https://www.njoag.gov/force/> (last visited Mar. 11, 2023) (select Paterson PD, type in Jose Hernandez, select incident years 2020, 2021, and 2022, click Overall Report Data, and view Total Reports).

¹⁰ *Reducing Use of Force by Law Enforcement* Dep't L. & Pub. Safety <https://www.njoag.gov/force/> (last visited Mar. 11, 2023) (select Paterson PD, select incident years 2020, 2021, and 2022, click Overall Report Data, click Reports by Officer, and view results).

¹¹ Tracey Tully, *Police Officer Who Shot a Man in the Back Is Charged With Assault*, NEW YORK TIMES (Feb. 6, 2023), <https://www.nytimes.com/2023/02/06/nyregion/new-jersey-officer-assault-charge.html>; Press Release, DEP'T OF L & PUB. SAFETY, *Paterson Police Officer Facing Aggravated Assault, Official Misconduct Charges After Shooting Fleeing Man in the Back in June 2022* (Feb. 6, 2023), <https://www.njoag.gov/paterson-police-officer-facing-aggravated-assault-official-misconduct-charges-after-shooting-fleeing-man-in-the-back-in-june-2022/>.

¹² Tully, *supra* note 11.

¹³ Joe Malinconico, *NJ attorney general: At least two guns were fired during fatal Paterson police shooting*, NORTHJERSEY.COM: PATERSON PRESS (Jan. 13, 2022, 5:01 AM), <https://www.northjersey.com/story/news/paterson-press/2022/01/13/paterson-nj-police-involved-shooting-at-least-two-guns-fired/9193329002/>.

¹⁴ *Id.*

¹⁵ Joe Malinconico, *Family of Jameek Lowery wins key decision in wrongful death lawsuit against Paterson*, NORTHJERSEY.COM (Sept. 19, 2022, 3:45 PM), <https://www.northjersey.com/story/news/paterson-press/2022/09/19/jameek-lowery-lawsuit-paterson-nj-family-moves-forward/69504084007/>.

¹⁶ Deion Johnson, *Former Paterson cop indicted for second time in six months*, NJ.COM (Jan. 18, 2023, 3:43 PM), <https://www.nj.com/news/2023/01/former-paterson-cop-indicted-for-second-time-in-six-months.html>.

¹⁷ *Id.*

- 6) Two PPD Officers fractured the leg of Dennis Deluccia when he asked to see if they had a warrant during a search of his house resulting in a \$85,000 settlement.¹⁸
- 7) A PPD Officer, who between 2012 and 2016 had 57 use of force reports,¹⁹ higher than all other PPD Officers during that period,²⁰ was involved in a 2016 shooting that the Bergen County Prosecutor's Office claimed was justified.²¹ He was the subject of a lawsuit for using excessive force in 2019 to remove a 17-year-old girl from a vehicle.²²
- 8) Paterson settled a lawsuit amidst allegations that an officer fractured the nose of Juan Simmons during a drug arrest while using a racial slur and using excessive force.²³ The settlement and litigation costs totaled more than \$300,000.²⁴
- 9) A PPD officer allegedly assaulted a handcuffed patient in a hospital while the patient was suffering from a mental health crisis in August 2018.²⁵
- 10) That same officer years later, in December 2020, allegedly punched Desyah Leak in the face through her car window and dragged her out of her car by her legs during a car stop.²⁶
- 11) A week later, in December 2020, that same officer and his partner officer allegedly assaulted Osamah Alsaïdi as he walked down a street and filed a false report about the incident resulting in federal charges.²⁷

¹⁸Jim Hoffer, *Exclusive: 7 On Your Side investigates claims of excessive force by Paterson police*, ABC7NY.COM (May 8, 2019), <https://abc7ny.com/7-on-your-side-investigation-paterson-police-brutality/5290671/>.

¹⁹ *NJ.com Force Report: Ryan Duffy*, NJ.COM, <https://force.nj.com/database/officers/RyanPDuffyPaterson> (last visited on Mar. 11, 2023).

²⁰ *NJ.com Force Report: Paterson Passaic County*, NJ.COM <https://force.nj.com/database/pd-dept/paterson-passaic> (last visited on Mar. 11, 2023).

²¹ The Bergen County Prosecutor's Office handled the case because one of the two police officers, was identified by sources as Ryan Duffy, who is also the son of a Passaic County freeholder. Keldy Ortiz, *Prosecutor's office: Fatal shooting of Paterson man in 2016 justified*, NORTHJERSEY.COM (Jun. 21, 2017, 7:50 PM), <https://www.northjersey.com/story/news/passaic/paterson/2017/06/21/fatal-shooting-paterson-man-who-shot-police-2016-justified/417741001/>.

²² *Woman alleges Paterson Police officers used excessive force against her*, PATERSON TIMES (Jan. 17, 2022), <https://patersontimes.com/2022/01/17/woman-alleges-paterson-police-officers-used-excessive-force-against-her/>.

²³ Joe Malinconico, *Police brutality lawsuit will cost Paterson taxpayers over \$300K*, NORTHJERSEY.COM (Feb. 19, 2020, 7:55 PM), <https://www.northjersey.com/story/news/paterson-press/2020/02/19/paterson-nj-police-brutality-lawsuit-could-cost-taxpayers-over-300-k/4809582002/>.

²⁴ *Id.*

²⁵ Joe Malinconico, *Accused Paterson cop also assaulted handcuffed ER patient, witness says*, NORTHJERSEY.COM: PATERSON PRESS (May 10, 2021, 4:44 AM), <https://www.northjersey.com/story/news/paterson-press/2021/05/10/paterson-nj-cop-facing-federal-charges-accused-assaulting-er-patient/4960369001/>.

²⁶ Joe Malinconico, *Third person comes forward with claims of excessive force by Paterson police officer*, NORTHJERSEY.COM: PATERSON PRESS (Mar. 1, 2021, 12:10 PM), <https://www.northjersey.com/story/news/passaic/paterson/2021/02/17/paterson-nj-police-face-third-case-excessive-force-allegations/6784432002/>.

²⁷ *Id.*; Tom Nobile, *Paterson cops charged by feds for alleged assault; NJ to take over IA investigations*, NORTHJERSEY.COM (Apr. 28, 2021, 6:52 PM), <https://www.northjersey.com/story/news/2021/04/27/nj-paterson-police-use-force-paterson-cops-federal-charge-assault-falsifying-reports/4854105001/>.

12) The partner officer, around that same time, also allegedly assaulted 18-year-old Rosdward Hernandez and fabricated an incident report.²⁸

In March 2022, PPD released an audit that analyzed, among many areas, the use of force.²⁹ Of the 246 identified officers who reported using force, 70% did so in 1-5 distinct occurrences, 20% did so in 6-10 occurrences and 7% did so in 11-15 occurrences.³⁰

Especially relevant to the PPD's killing of Mr. Seabrooks, the audit recommended that Paterson add a definition of de-escalation which "should emphasize proportionality, the use of distance and cover, tactical repositioning, 'slowing down' situations that do not pose an immediate threat, calling for supervisors and other resources, and similar actions and tactics."³¹

The PPD shooting of Mr. Seabrooks demonstrates that it failed to adopt and/or follow the recommendations of their own audit. Additionally, the audit recommended that a citizen complaint form be available for online completion,³² another recommendation that PPD has neglected to adopt.

Recent Examples of Illegal Searches/Seizures and Corrupt Practices

There are also multiple instances during which PPD engaged in illegal searches/seizures and corrupt practices:

- 1) Between 2018 and summer of 2022, 12 officers were arrested and eight were convicted of federal charges.³³
- 2) Six of the federally charged PPD officers, who formed the Paterson "Robbery Squad," received federal convictions and sentences for their roles in illegally stopping, searching and taking money from residents.³⁴

²⁸ Nobile, *supra* note 27; Joe Malinconico, *New lawsuit accuses indicted Paterson cop Kevin Patino of assaulting a teenager*, NORTHJERSEY.COM: PATERSON PRESS (Nov. 30, 2022, 4:20 AM), <https://www.northjersey.com/story/news/paterson-press/2022/11/30/paterson-nj-cop-kevin-patino-was-indicted-now-faces-new-assault-suit/69686162007/>.

²⁹ Police Executive Research Forum, *Paterson Police Department Agency Review and Assessment* (February 2022).

³⁰ *Id.* at 45.

³¹ *Id.* at 6.

³² *Id.* at 72

³³ Joe Malinconico, *Ex-Paterson cop Spencer Finch indicted in alleged 2021 captured on video*, NORTHJERSEY.COM: PATERSON PRESS (Jul. 28, 2022, 3:02 PM), <https://www.northjersey.com/story/news/paterson-press/2022/07/28/ex-paterson-nj-police-officer-spencer-finch-indicted-alleged-assault/65385307007/>.

³⁴ See Joe Malinconico, *Seventh Paterson cop in FBI probe pleads guilty*, NORTHJERSEY.COM: PATERSON PRESS (Oct. 1, 2019, 7:09 PM), <https://www.northjersey.com/story/news/paterson-press/2019/10/01/paterson-seventh-cop-daniel-pent-pleads-guilty/3829390002/>; see also *Paterson police officer convicted of stealing money from city residents*, NEWS12NEWJERSEY (May 27, 2022), <https://newjersey.news12.com/paterson-police-officer-convicted-of-stealing-money-from-city-residents>; see also Press Release, US Att'y's Off. Dist. N.J., *Three Paterson Police Officers Sentenced for Roles in Violating Individuals' Civil Rights* (Sept. 8, 2022), <https://www.justice.gov/usao-nj/pr/three->

- 3) One of these officers was under a federal investigation for selling narcotics, some of which he obtained from crime scenes from 2017-2018.³⁵ This officer was also charged for a 2018 assault of a hospital patient who was admitted after attempting suicide and was eventually sentenced to six years in prison for the hospital assault as well as narcotics distribution.³⁶ This officer's partner recorded the assault on his cell phone, concealed the evidence and was sentenced to six months.³⁷
- 4) A former PPD detective served 22 months for a 2015 off-duty accident when he struck and killed JaQuill Fields and struck and injured his brother, Ameen Fields, with his vehicle, and left the scene of the incident.³⁸
- 5) In February 2022, PPD officers stopped Felix DeJesus and while handcuffing him, DeJesus stated in Spanish that he thought they broke his arm.³⁹ After determining they were not going to charge him, they turned off their body cameras, violating policy.⁴⁰ They then allegedly drove him to a park and released him after dark in the winter wearing only a T-shirt.⁴¹ DeJesus has been missing ever since.⁴²

paterson-police-officers-sentenced-roles-violating-individuals-civil-rights; see also Press Release, US Att'y Off. Dist. N.J., *Two Paterson Police Officers Sentenced to Prison Terms for Roles in Violating Individuals' Civil Rights* (Sept. 9, 2022), <https://www.justice.gov/usao-nj/pr/two-paterson-police-officers-sentenced-prison-terms-roles-violating-individuals-civil>; see also Joe Malinconico, *Ex-Paterson cop who led the infamous 'robbery squad' reports to federal prison*, NORTHJERSEY.COM: PATERSON PRESS (Jan. 20, 2023, 4:23 PM), <https://www.northjersey.com/story/news/paterson-press/2023/01/20/paterson-nj-ex-cop-michael-cheff-begins-federal-prison-sentence/69825998007/>.

³⁵ Joe Malinconico, *Paterson cop Ruben McAusland pleads guilty, admits in federal court he sold drugs*, NORTHJERSEY.COM: PATERSON PRESS (Jun. 27, 2018 6:13 PM), <https://www.northjersey.com/story/news/paterson-press/2018/06/27/paterson-cop-ruben-mcausland-pleads-guilty-federal-drug-dealing-charge/738089002/>.

³⁶ Press Release, US Att'y's Off. Dist. N.J., *Paterson Police Officer Sentenced to 66 months in Prison for Assaulting Hospital Patient, Distributing Narcotics* (Mar. 27, 2019), <https://www.justice.gov/usao-nj/pr/paterson-police-officer-sentenced-66-months-prison-assaulting-hospital-patient>; Hoffer *supra* note 18.

³⁷ Hoffer *supra* note 18.

³⁸ Joe Malinconico, *Former Paterson cop in fatal hit-and-run to be released after 22 months in prison*, NORTHJERSEY.COM (Oct. 7, 2020 5:28 PM), <https://www.northjersey.com/story/news/paterson-press/2020/10/07/jose-urena-former-paterson-nj-cop-hit-and-run-released/5910498002/>.

³⁹ Deion Johnson, *This man went missing after Paterson cops left him at a park 3 months ago. No one has seen him since*, NJ.COM (May 20, 2022 6:55 PM), <https://www.nj.com/passaic-county/2022/05/this-nj-man-went-missing-after-paterson-police-left-him-at-a-park-3-months-ago.html>.

⁴⁰ Daisy Calavia-Robertson, *If N.J. cops can turn off their body cameras whenever they want, where's the accountability? And where's Felix DeJesus?* NJ.COM (Feb. 15, 2023 11:37 PM), <https://www.nj.com/opinion/2022/06/if-nj-cops-can-turn-off-their-body-cameras-whenever-they-want-where-s-the-accountability-and-where-s-felix-dejesus-calavia-robertson.html>.

⁴¹ Johnson *supra* note 39.

⁴² *Id.*

Lack of Oversight

Of particular concern is PPD's absence of accountability and failure to govern itself, a recipe for the continuance of the unconstitutional behavior described above. The following are examples demonstrating PPD's lack of oversight and accountability:

- 1) PPD has only recently regained control of its internal affairs division after 17 months of oversight from the Passaic County Prosecutor's Office.⁴³ The Prosecutor's office takeover in April 27, 2021 occurred after numerous complaints had been filed against officers.⁴⁴ The changes implemented by the Prosecutor's office are modest at best and experience shows that PPD will be incapable of managing its own investigations of its officers' conduct.
- 2) Only two incidents of major discipline were reported to the Office of the Attorney General during the entirety of 2021.⁴⁵
- 3) The PPD officer currently being federally prosecuted for the hospital assault⁴⁶ was previously cleared by PPD internal affairs for the same assault⁴⁷ and there are allegations that this PPD officer retaliated against the whistleblower for the hospital assault by ticketing him.⁴⁸
- 4) According to reporting, "from 2014-2018 183 complaints were made regarding excessive force or improper arrest investigated by Internal Affairs – and only one complaint was substantiated."⁴⁹
- 5) Between 2015 and 2019, Paterson had more excessive force complaints than Jersey City and Newark,⁵⁰ a city with roughly twice the population.⁵¹
- 6) However, the PPD audit stated that "[the audit] did not see any indications that supervisors conduct comprehensive reviews of use-of-force reports and incidents."⁵²

⁴³ Chris Sheldon, *After 17-month takeover, N.J. police department gets control of its IA department back* NJ.COM (Sep. 30, 2022 8:36 PM), <https://www.nj.com/passaic-county/2022/10/after-17-month-takeover-nj-police-department-gets-control-of-its-ia-department-back.html>.

⁴⁴ *Id.*

⁴⁵ N.J. Off. Att'y Gen, Major Discipline Reporting January 1, 2021 to December 31, 2021, <https://www.nj.gov/oag/iapp/docs/Major%20Discipline%201-01-21%20to%2012-31-21.pdf>.

⁴⁶ Joe Malinconico, *Two cops accused of using excessive force reject plea deal, trial date set*, NORTHJERSEY.COM (Feb. 21, 2023 4:16 PM) <https://www.northjersey.com/story/news/paterson-press/2023/02/21/paterson-nj-police-misconduct-trial-set-reject-deal-excessive-force/69928643007/>.

⁴⁷ Joe Malinconico, *Accused Paterson cop also assaulted handcuffed ER patient, witness says*, NORTHJERSEY.COM (May 10, 2021 4:44 AM) <https://www.northjersey.com/story/news/paterson-press/2021/05/10/paterson-nj-cop-facing-federal-charges-accused-assaulting-er-patient/4960369001/>.

⁴⁸ *Id.*

⁴⁹ Hoffer *supra* note 18.

⁵⁰ Joe Malinconico, *Paterson police excessive force claims surpass Newark and Jersey City*, NORTHJERSEY.COM (Mar. 22m 2021 7:50 PM) <https://www.northjersey.com/story/news/paterson-press/2021/03/17/paterson-nj-police-excessive-force-claims-surpass-newark-jersey-city/4718154001/>.

⁵¹ *QuickFacts Paterson city, New Jersey*, U.S. CENSUS BUREAU <https://www.census.gov/quickfacts/patersoncitynewjersey> (last visited Mar. 11, 2023); *QuickFacts Newark city, New Jersey*, U.S. CENSUS BUREAU <https://www.census.gov/quickfacts/fact/table/newarkcitynewjersey/PST040222>.

⁵² Police Executive Research Forum *supra* note 29 at 5.

- 7) The Passaic County Prosecutor failed to prosecute any case against the Paterson “Robbery Squad”⁵³ showing that local prosecutors are unable to provide accountability to PPD.
- 8) The PPD audit identified structural issues within PPD including: “sworn officers performing work that could be more effectively and efficiently performed by civilians,”⁵⁴ “units and officers being given responsibility for multiple unrelated tasks,”⁵⁵ “a need for short-and-long-term organizational plans, with clear goals and objectives”⁵⁶ which can result in officers doing too many tasks and could impede oversight.

PPD’s audit revealed serious gaps in oversight and yet PPD has not improved. The entities charged with investigating complaints have failed to take their job seriously. This has led to shocking incidents of misconduct. PPD critically needs independent oversight.

Racial Disparities in the Use of Force

PPD’s use of force disproportionately targets Black residents.

- 1) Despite Black people being 24.7% of the population of Paterson,⁵⁷ they account for 49% of arrests⁵⁸ and 43% of officer-involved killings.⁵⁹
- 2) According to the New Jersey Office of the Attorney General, between October 2020 to December 2022, PPD used force on 495 people, 257 or 52% of whom were Black.⁶⁰
- 3) The earlier mentioned officer who shot Mr. Seabrooks,⁶¹ used force on Black individuals in 60% of his use of force incidents, or in nine out of 15 incidents.⁶²

⁵³ Joe Malinconico, *Why did the Passaic prosecutor decline to investigate Paterson's 'robbery squad'?*, NORTHJERSEY.COM (OCT. 13, 2022 6:58 AM) <https://www.northjersey.com/story/news/paterson-press/2022/10/13/paterson-nj-robbery-squad-passaic-prosecutor-declined-to-investigate/69558817007/>.

⁵⁴ Police Executive Research Forum *supra* note 29 at 4.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ U.S. CENSUS BUREAU *supra* note 51.

⁵⁸ *Paterson Police Department*, POLICE SCORECARD <https://policescorecard.org/nj/police-department/paterson> (last visited Mar. 11, 2023).

⁵⁹ *Id.*

⁶⁰ *Reducing Use of Force by Law Enforcement* Dep’t L. & Pub. Safety <https://www.njoag.gov/force/> (last visited Mar. 11, 2023) (select Paterson PD, select incident years 2020, 2021, and 2022, click Subject Data, view Total Number of Subjects, click Black or African American, view Total Number of Subjects, and divide second total by first total).

⁶¹ DEP’T OF L & PUB. SAFETY *supra* note 8.

⁶² *Reducing Use of Force by Law Enforcement* Dep’t L. & Pub. Safety <https://www.njoag.gov/force/> (last visited Mar. 11, 2023) (select Paterson PD, type in Jose Hernandez, select incident years 2020, 2021, and 2022, click Subject Data, and view Total Number of Subjects, click Black or African American, view Total Number of Subjects, and divide second total by first total).

Conclusion

A trend of widespread, unconstitutional PPD misconduct is unmistakable – and has disproportionately impacted Black and Brown residents, depriving them of their civil rights. Many of the convicted PPD officers were prosecuted federally. This is because, in too many of these incidents, the Department of Justice (DOJ) was ultimately the only means of accountability.

We have been encouraged that DOJ is bringing accountability to the Louisville Police Department through exposing discriminatory patterns and practices.⁶³ We are also looking forward to the results of the DOJ investigation and the accountability it will bring to the Memphis Police Department.

And now, the undersigned organizations urge the DOJ, in the strongest terms, to bring that investigatory power to Paterson, New Jersey. The PPD incidents discussed above establish a pattern or practice that PPD engages in conduct that deprives the public of rights, privileges or immunities secured or protected by the Constitution or laws of the United States.

DOJ must intervene to bring about the kind of accountability that Mr. Seabrooks and his family, and others like them, deserve – along with the people of Paterson.

Respectfully,

Paterson Organizations

Liza Chowdhury
Paterson Healing Collective

Zellie Imani
Black Lives Matter Paterson

Rev. Dr. Maven
First AME Zion Church, Paterson, NJ

New Jersey-based Organizations (in alphabetical order)

Ronald W. Pierce
All of Us or None - South Jersey

Amol Sinha
American Civil Liberties Union of New Jersey

⁶³ Glenn Thrush, *Justice Dept. Finds Pattern of Discriminatory Policing in Louisville*, N.Y. TIMES (Mar. 8, 2023) <https://www.nytimes.com/2023/03/08/us/politics/louisville-police-breonna-taylor-justice-dept.html>.

Bonnie Kerness
American Friends Service Committee Prison Watch

Kimberly D. Deal
Association of Black Women Lawyers of NJ

Kaleem Shabazz
Atlantic City NAACP

Latoya Dunston
Atlantic County Community Street Team

Bill Davis
Babas Legacy

Madina P. Ouedraogo
Council on American-Islamic Relations – New Jersey

Sharyse M. Porter
Dawn of Hope Inc

William Simpson
Equal Justice USA

Rev. Eric Dobson
Fair Share Housing Center
United Black Agenda

Charlene D. Walker
Faith in New Jersey

Terrell Blount
Formerly Incarcerated College Graduates Network

Amanda Ebokosia
The Gem Project, Inc.

Nan Bennett
Hobbs Family Union Inc

Robyn L Gorman
Hudson Partnership CMO

Cuqui Rivera
Integrated Justice Alliance
Latino Action Network

David D. Hobbs
Macedonia Baptist Church

Nedia Morsy
Make the Road New Jersey

Richard Smith
NAACP New Jersey State Conference

Salaam Ismial Director
National United Youth Council Inc

Zayid Muhammad
Newark Communities for Accountable Policing

Aqeela Sherrills
Daamin Durden
Solomon Middleton-Williams
Newark Community Street Team

Bruce Morgan
New Brunswick Area NAACP

Amy Torres
New Jersey Alliance for Immigrant Justice

Yannick Wood
Ryan P. Haygood
Henal Patel
Emily Schwartz
Ashanti Jones
New Jersey Institute for Social Justice

Marleina Ubel
New Jersey Policy Perspective

Sarah Blaine
New Jersey Religious Action Center of Reform Judaism

Jerome Harris
NJ Black Issues Convention

Liz Glynn
NJ Citizen Action

Rev. J. Amos Caley
NJ Prison Justice Watch

Antoinette Miles
NJ Working Families Party

Matt Dragon
Our Revolution New Jersey

Lawrence Hamm
People's Organization For Progress

Janelle Ivry
Ramsey Alliance for Social Equity

Reginal Williams Jr.
Redemption Ministries

Edwin Chino Ortiz
Returning Citizens Support Group

Rev. Dr. Charles F. Boyer
Salvation and Social Justice

Barry Pinckney
Standing For Change

Rev. Anya Sammler-Michael
The Unitarian Universalist Congregation at Montclair

William Wagstaff
The Wagstaff Firm, P.C.

Maati Sekmet Ra
Trenton Anti-Violence Coalition

Rev. Charles Loflin
Unitarian Universalist FaithAction NJ

Gale Muhammad
Women Who Never Give Up

CC: Michael Campion
Chief of Civil Rights Division
United States Attorney's Office District of New Jersey