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

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 Collective\(^2\) (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:

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\(^4\) *Id.*

\(^5\) *Id.*

\(^6\) *Id.*

\(^7\) Andre Sayegh, *FACEBOOK* (Mar. 6, 2023), https://www.facebook.com/story.php?story_fbid=pfbid028DH5iPlv9jfkWQbChTrNwRQQypENH7zs357EKHgevNZqucErjKpZQgoXZRUAWDJ&id=581547464&mbextid=q1gEa&_rdr.
1) One of the officers who shot Mr. Seabrooks used force 15 times between October 2020 and December 2022. During this time period, this officer along with another officer used force more than any other officer in PPD.

2) A PPD officer is facing charges for shooting Khalif Cooper, who was unarmed, in his back resulting in his paralysis. This incident occurred in 2022.

3) A PPD Officer shot and killed Thelonious McKnight and certain evidence indicates he was unarmed when shot. This incident occurred in 2021.

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.

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. 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.

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12 Tully, supra note 11.


14 Id.


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.\textsuperscript{18}

7) A PPD Officer, who between 2012 and 2016 had 57 use of force reports,\textsuperscript{19} higher than all other PPD Officers during that period,\textsuperscript{20} was involved in a 2016 shooting that the Bergen County Prosecutor’s Office claimed was justified.\textsuperscript{21} He was the subject of a lawsuit for using excessive force in 2019 to remove a 17-year-old girl from a vehicle.\textsuperscript{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.\textsuperscript{23} The settlement and litigation costs totaled more than $300,000.\textsuperscript{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.\textsuperscript{25}

10) That same officer years later, in December 2020, allegedly punched Desyiah Leak in the face through her car window and dragged her out of her car by her legs during a car stop.\textsuperscript{26}

11) A week later, in December 2020, that same officer and his partner officer allegedly assaulted Osamah Alsaidi as he walked down a street and filed a false report about the incident resulting in federal charges.\textsuperscript{27}


\textsuperscript{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-policeman-justified/417741001/.

\textsuperscript{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/.


\textsuperscript{24}Id.

\textsuperscript{25}Id.

\textsuperscript{26}Id.

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

In March 2022, PPD released an audit that analyzed, among many areas, the use of force. 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.  

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.”  

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, 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.  

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.  

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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  


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.\(^{42}\)


\(^{37}\) Hoffer supra note 18.


\(^{39}\) 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/assaic-county/2022/05/this-nj-man-went-missing-after-paterson-police-left-him-at-a-park-3-months-ago.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. The Prosecutor’s office takeover in April 27, 2021 occurred after numerous complaints had been filed against officers. 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.

3) The PPD officer currently being federally prosecuted for the hospital assault was previously cleared by PPD internal affairs for the same assault and there are allegations that this PPD officer retaliated against the whistleblower for the hospital assault by ticketing him.

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.”

5) Between 2015 and 2019, Paterson had more excessive force complaints than Jersey City and Newark, a city with roughly twice the population.

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.”

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44 Id.


48 Id.

49 Hoffer supra note 18.


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” 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,” “units and officers being given responsibility for multiple unrelated tasks,” “a need for short-and-long-term organizational plans, with clear goals and objectives” 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 of disproportionately targets Black residents.

1) Despite Black people being 24.7% of the population of Paterson, they account for 49% of arrests and 43% of officer-involved killings.

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.

3) The earlier mentioned officer who shot Mr. Seabrooks, used force on Black individuals in 60% of his use of force incidents, or in nine out of 15 incidents.

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54 Police Executive Research Forum supra note 29 at 4.

55 Id.

56 Id.

57 U.S. CENSUS BUREAU supra note 51.


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.\textsuperscript{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

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