April 26, 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, Assistant Attorney General Clarke and United States Attorney Sellinger,

The Estate of Najee Seabrooks, Paterson Healing Collective, Black Lives Matter Paterson and the undersigned organizations respectfully continue to urge the Department of Justice (DOJ) to investigate patterns and practices of unconstitutional misconduct perpetrated by the Paterson Police Department (PPD), pursuant to 34 U.S.C. § 12601.

Introduction

With the death of Najee Seabrooks and the deaths\(^\text{1}\) and serious injuries of others at the hands of the PPD, there has never been a more urgent need for police accountability in Paterson. Since the DOJ received our March 13, 2023 letter, which outlined the patterns and practices of unconstitutional misconduct which resulted

\(^\text{1}\) Paterson has the highest number of police-involved killings of any New Jersey municipality. Colleen O’Dea, *Encounters with police have killed 46 in NJ, highest number of deaths in Paterson, NJ SPOTLIGHT NEWS,* (Mar. 13, 2023), https://www.njspotlightnews.org/2023/03/recent-police-involved-shootings-bring-to-46-the-number-of-people-in-nj-whove-died-in-police-encounters/.

do social justice.
in these tragedies as well as our call for a DOJ investigation, New Jersey Attorney General Matt Platkin has assumed control of the PPD. This decision is an important recognition that Paterson’s deeply entrenched pandemic of police violence requires outside intervention.

We are pleased with and recognize Attorney General Platkin’s intervention as a significant step in the right direction. It is a necessary and immediate response. At the same time, given the scope of the challenge in Paterson, and the length of time it will take to fully address it, we continue to maintain that a DOJ investigation is necessary for the following reasons: (1) the DOJ oversees yearslong investigations and consent decrees and will provide the continuity necessary for a transformation of the PPD; (2) the DOJ’s investigations are exhaustive, transparent and could result in a review of policy, the creation, with community engagement, of new policies, and conducting of audits staffed by independent subject matter experts to ensure compliance with new policies; and (3) local residents, community leaders and advocates in Paterson could have confidence that the DOJ will conduct an independent and thorough investigation of police abuse in their city.

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The DOJ routinely conducts patterns and practices investigations and consent decrees that last for years and span across presidential administrations. The DOJ’s investigation into the Newark Police Division (NPD), for example, began in 2011 and its findings were published in 2014. The resulting consent decree began in 2016. While the NPD’s work is ongoing, the Newark consent decree led to the Newark Police Division’s development and creation, with community engagement, of 16 new reform policies designed to build the kind of transformed police-community relationship that Newark residents have urged for more than fifty years going back to the Newark Rebellion. The consent decree made it possible to begin to build a community-police relationship built on trust and accountability that had not before existed. This is what is required in Paterson. This kind of oversight, however, requires the longevity, staying power and resources that the DOJ provides. Absent a DOJ investigation, we are concerned that the PPD’s challenges will outlast

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a state-led intervention by even the best-intentioned Attorney General, including Attorney General Platkin, whose efforts we support.

*The DOJ’s investigations are exhaustive and transparent and could result in a review of policy, the creation – with community engagement – of new policies, and conducting of audits staffed by independent subject matter experts to ensure compliance with new policies.*

The DOJ’s investigations are comprehensive and transparent. As discussed in Newark, DOJ investigations and consent decrees engage the community to determine the public perception of the problem and solicit community feedback on recommendations. These investigations also review the structures within police departments that allow for patterns and practices of misconduct to continue. They analyze policies, recommend changes to those policies and will recommend audits to ensure that police personnel adhere to these policies. The findings are compiled in a publicly available document. Any consent decree or court-imposed judgment is also publicly available. Consent decrees will require policy changes to address these problems, will set out metrics for measuring success and will impose deadlines for achieving these goals. It would be difficult for a state-led process to approach the rigor and transparency of the DOJ’s pattern and practice investigations.

*Local residents, community leaders and advocates in Paterson could have confidence that the DOJ will conduct an independent and thorough investigation of police abuse in their city.*

The DOJ’s placement within the federal government as an independent law enforcement body provides it with the autonomy to investigate the PPD. The DOJ is unencumbered by relationships with the PPD, county and state law enforcement agencies, bringing an important distance to the process. Furthermore, the DOJ is not subject to the same level of public distrust that has beset local and state law enforcement agencies. This lack of trust is particularly acute in Paterson and is supported by the PPD’s history of excessive force, illegal stops, searches and arrests, lack of accountability and racial disparities which are outlined in our previous letter. Attorney General Platkin, himself, acknowledged the extent of public mistrust of law enforcement in his announcement of the state takeover of the PPD. On the other hand, the DOJ has successfully prosecuted and convicted several PPD officers when county and state prosecutors failed to do so.

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12 *Id.* at 8.
13 *Id.* at 55.
14 *Id.* at 8-12, 16-17, 19, 23, 41.
17 Tully, *supra* note 3.
Conclusion

While we acknowledge and appreciate the New Jersey Attorney General’s takeover of the PPD, we believe that the PPD’s deep-seated issues require a greater level of intervention. Indeed, Paterson’s residents deserve federal intervention in their police department. The undersigned organizations strongly urge the DOJ to investigate patterns and practices of unconstitutional misconduct in the PPD.

Respectfully,

The Estate of Najee Seabrooks
Raymond M. Brown, CJ Griffin, & Rachel Simon of Pashman Stein Walder Hayden, P.C.

Paterson Organizations

Liza Chowdhury, PhD.
Paterson Healing Collective
Reimagining Justice Inc.

Zellie Thomas
Black Lives Matter Paterson

Rev. Dr. Weldon McWilliams IV
Christ Temple Baptist Church

Rev. Dr. Douglas L. Maven
First A.M.E. Zion Church, Paterson, NJ

New Jersey-based and National 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

Pamela Johnson, MPA
Anti-Violence Coalition of Hudson County

Kimberly D. Deal
Association of Black Women Lawyers of NJ
Kaleem Shabazz  
Vice President for Atlantic City Council  
Atlantic City NAACP

LaToya Dunston  
Atlantic County Community Street Team

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

William G. Simpson II  
Equal Justice USA

Rev. Eric Dobson  
Fair Share Housing Center  
United Black Agenda

Charlene D. Walker  
Faith in New Jersey

Amanda Ebokosia  
The Gem Project, Inc.

Al-Tariq Best  
Casandra White  
The HUBB Arts & Trauma Center

Robyn L. Gorman  
Hudson Partnership CMO

Cuqui Rivera  
Integrated Justice Alliance  
Latino Action Network  
Latino Action Network Foundation

Christian Rodriguez  
Ironbound Community Corporation

Jorge Renaud  
LatinoJustice PRLDEF

David D. Hobbs  
Macedonia Baptist Church
Nedia Morsy
Make the Road New Jersey

Crystal Charley-Sibley
Melanin and Maternal Wellness

Angelle Whavers
Mighty Writers Newark

Taiisa Kelly
Monarch Housing Associates

Felicia Simmons
Monmouth Ocean National Action Network

Richard Smith
NAACP New Jersey State Conference

Cynthia Dawkins-Harris
National Action Network-Newark Chapter

Jeff Feldman, MSW, LSW
National Association of Social Workers – NJ Chapter

Zayid Muhammad
Newark Communities for Accountable Policing

Elizabeth Ruebman
Newark Community Street Team

Bruce Morgan
New Brunswick Area NAACP

Amy Torres
New Jersey Alliance for Immigrant Justice

Reva Foster
New Jersey Black Issues Convention
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 (RAC-NJ)

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

Reginald Williams Jr.

Redemption Ministries

Edwin Ortiz

Returning Citizens Support Group

Rev. Dr. Charles F. Boyer
Racquel Romans-Henry

Salvation and Social Justice

Alia Berry

Seed and Berries

Maati Sekmet Ra

Trenton Anti-Violence Coalition
Rev. Anya Sammler-Michael  
The Unitarian Universalist Congregation at Montclair

Rev. Charles Loflin  
Unitarian Universalist FaithAction NJ

William O. Wagstaff III  
The Wagstaff Firm, P.C.

Gale Muhammad  
Women Who Never Give Up

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

Matthew J. Platkin  
Attorney General of New Jersey