



U.S. Department of Justice

Civil Rights Division

*Office of the Assistant Attorney General
950 Pennsylvania Ave, NW - RFK
Washington, DC 20530
Telephone (202) 514-2151*

May 9, 2011

BY HAND DELIVERY

The Honorable Cory A. Booker
Mayor of the City of Newark
920 Broad St # 200
Newark, NJ 07102-2609

Dear Mayor Booker:

I write to you regarding allegations of civil rights violations by the Newark, New Jersey Police Department ("NPD"). As you are aware, Newark residents, advocacy groups, and the Newark City Council have petitioned the Department of Justice for a federal investigation of the NPD's police practices. Based upon the allegations underlying these petitions, meetings with NPD leadership, and additional information we gathered before and after these petitions, I am authorizing an investigation of the NPD. The investigation will be conducted jointly by the Civil Rights Division and the United States Attorney's Office for the District of New Jersey and will examine issues of alleged police misconduct. The Department is prepared to begin work immediately, and we look forward to the NPD's continued cooperation.

The Special Litigation Section of the Civil Rights Division is charged with enforcing federal civil rights laws aimed at eliminating patterns or practices of misconduct by state and local law enforcement officers. Under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, the Department of Justice is authorized to investigate systemic violations of the Constitution or laws of the United States, and to seek appropriate relief. Over the years, our enforcement of these statutes, and our collaborative work with law enforcement agencies and communities across the country, has led to the implementation of policies and practices that promote constitutional policing, strengthen public trust, and promote police integrity and accountability.

The Special Litigation Section's investigation will examine allegations of excessive force, unconstitutional stops, searches and seizures, discriminatory policing on the basis of race, ethnicity, national origin, sexual orientation or gender identity, whether detainees confined to holding cells are subjected to unreasonable risk of harm, and whether officers retaliate against citizens who legally attempt to observe or record police activity. The Special Litigation Section will conduct a comprehensive review of the NPD's policies and practices in areas such as use of force (including deadly force), stops, searches, arrests, hiring, training, policy development, internal investigations, discipline, supervision, and risk management. Please be assured that we have not reached any conclusions about the subject matter of the investigation and that we will

consider all relevant information, including efforts that the City of Newark and the NPD have undertaken to ensure compliance with federal law.

The Special Litigation Section's investigation will have two dimensions. Our team of lawyers and police experts will confer with members of the NPD and other relevant members of your administration. Of equal importance, we will confer with external stakeholders, including but not limited to, community-based organizations, leaders within the criminal justice system and other organizations and individuals with relevant insights on this matter. Our investigation will be independent but we will provide real time feedback to you, and will ensure that the lines of communication are open throughout the review. At the conclusion of our investigation, we will discuss our findings with you in detail, and, if necessary, work collaboratively with you to develop an appropriate course of action.

During the investigation, should we identify deficiencies, we will identify potential assistance the Department of Justice may be able to provide to assist the City of Newark. In this regard, I have instructed the Special Litigation Section to coordinate with other components of the Department of Justice including, but not limited to, the United States Attorney's Office for the District of New Jersey, the Office of Justice Programs ("OJP"), and the Office of Community Oriented Policing Services ("COPS"), to assist the City of Newark, where appropriate, in furtherance of its broader goals of promoting public safety and public confidence in the NPD.

In our years of enforcing our police misconduct statutes, the good faith efforts of state and local jurisdictions working with us have enabled us to resolve our investigations without resorting to contested litigation. We can assure you that we will seek to minimize any potential disruption our efforts may have on the operations of the NPD. We will be in contact with the City Attorney to discuss the next steps. If you have questions, the Chief of the Special Litigation Section, Jonathan M. Smith, may be reached at (202) 514-5393.

Sincerely,

Thomas E. Perez
Assistant Attorney General

cc: Paul Fishman
United States Attorney
District of New Jersey

Samuel DeMaio
Acting Director
Newark Police Department