

2024R00617/BL

FILED

AUG 26 2024

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AT 8:30 3:20 P.M.
CLERK, U.S. DISTRICT COURT - DNJ

UNITED STATES OF AMERICA : Hon. Michael E. Farbiarz

v. : Crim. No. 24-543

JOSE GONZALEZ, and : 18 U.S.C. § 242
DONALD VINALES : 18 U.S.C. § 1512(k)
: 18 U.S.C. § 2

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting in Newark,
charges:

Background

1. At all times relevant to this Indictment, unless otherwise stated:
 - a. Defendants JOSE GONZALEZ and DONALD VINALES were Sergeants employed at the Passaic County Jail ("PCJ") in Paterson, New Jersey.
 - b. Lorenzo Bowden was a Correctional Officer at PCJ.
 - c. Officer-1, Officer-2, and Officer-3 were Correctional Officers employed at PCJ. Officer-4 was a Sergeant employed at PCJ.
 - d. Victim-1 was a pretrial detainee held in the custody and care of PCJ prior to any trial or adjudication of the charges against him.
 - e. The Passaic County Sheriff's Office Use of Force policies and procedures pertaining to institutional operations, including at PCJ, was effective May 10, 2010 and revised on May 11, 2018. It specified, among other things, that: (i) "[u]se of force as punishment" is "prohibited"; (ii) that if inmates, including pretrial detainees, are subjected to use of force, "[t]he officer(s) shall as soon as practical, transport the inmate to the Medical

Department to be assessed, and treated by medical staff”; and (iii) that “[f]ollowing the use of physical force, written reports shall be prepared and completed before the completion of the tour of duty by the custody staff members involved.” According to PCJ training records, GONZALEZ and VINALES were trained on this “Use of Force” policy during their employment at PCJ.

f. PCJ had video surveillance cameras throughout the facility, though certain areas were not captured by the cameras. PCJ Correctional Officers and inmates referred to those non-covered areas as “blind spots.”

The Assault

2. On or about January 22, 2021, while in a pretrial detention cell, Victim-1 splashed a mixture containing urine onto Officer-1, among other Correctional Officers.

3. The following day, on or about January 23, 2021, GONZALEZ, VINALES, Bowden, Officer-2, and Officer-4 escorted Victim-1 from Victim-1’s cell to PCJ’s medical unit.

4. Video surveillance footage shows GONZALEZ, VINALES, Bowden, Officer-2, and Officer-4 escorting a handcuffed Victim-1 to PCJ’s medical unit. The time stamp on the video surveillance footage indicates that it took GONZALEZ, VINALES, Bowden, Officer-2, and Officer-4 approximately 20 seconds to pass through a blind spot (the “Blind Spot”) as they were escorting Victim-1 from his cell to the medical unit.

5. After Victim-1 met with medical staff in the medical unit for approximately one minute, GONZALEZ, VINALES, Bowden, Officer-2, and Officer-4 escorted Victim-1, who was handcuffed, back to Victim-1's cell area.

6. Video surveillance footage shows GONZALEZ, VINALES, Bowden, Officer-2, and Officer-4 escorting a handcuffed Victim-1 back to his cell. The time stamp on the video surveillance footage indicates that it took GONZALEZ, VINALES, Bowden, Officer-2, and Officer-4 approximately 75 seconds to pass through the Blind Spot as they were escorting Victim-1 from the PCJ medical Unit back to his cell, that is approximately 55 seconds longer than it took GONZALEZ, VINALES, Bowden, Officer-2, and Officer-4 to pass through the Blind Spot as they were escorting Victim-1 from his cell to the medical unit.

7. During that time in the Blind Spot, GONZALEZ and VINALES assaulted Victim-1. GONZALEZ knocked Victim-1 to the ground. Once down, GONZALEZ and VINALES struck Victim-1, causing bodily injury. As GONZALEZ and VINALES assaulted Victim-1, Bowden, Officer-2, and Officer-4 watched and took no action to intervene.

8. GONZALEZ and VINALES knew that that they had violated the "Use of Force" Policy by assaulting Victim-1 without any legitimate law-enforcement purpose. GONZALEZ and VINALES also violated the "Use of Force" Policy by failing to transport Victim-1 to the Medical Department for treatment after they assaulted Victim-1.

9. The day after the assault, on or about January 24, 2021, Victim-1 was taken to a local hospital, where he received treatment for his injuries.

COUNT 1

(Deprivation of Rights Under Color of Law)

10. The allegations set forth in paragraphs 1 through 9 of this Indictment are hereby realleged and incorporated as if fully set forth herein.

11. On or about January 23, 2021, in Passaic County, in the District of New Jersey and elsewhere, the defendants,

**JOSE GONZALEZ, and
DONALD VINALES,**

while acting under color of law, and aiding and abetting each other, willfully subjected Victim-1 to the deprivation of the right, protected and secured by the Constitution and laws of the United States, to due process of law, which includes the right of a pretrial detainee to be free from the use of unreasonable force by a person acting under color of law, resulting in bodily injury to Victim-1.

In violation of Title 18, United States Code, Sections 242 and 2.

COUNT 2

(Conspiracy to Obstruct Justice)

12. The allegations set forth in paragraphs 1 through 9 of this Indictment are hereby realleged and incorporated as if fully set forth herein.

13. From in or around at least January 2021 through in or around October 2022, in the District of New Jersey and elsewhere, the defendants,

**JOSE GONZALEZ, and
DONALD VINALES,**

knowingly and willfully conspired and agreed to knowingly and corruptly persuade, attempt to corruptly persuade, and engage in misleading conduct toward another person, with intent to hinder, delay, and prevent the communication to a federal law enforcement officer of information relating to the commission and possible commission of a federal offense, contrary to Title 18, United States Code, Section 1512(b)(3).

Goal of the Conspiracy

14. The goal of the conspiracy was for GONZALEZ, VINALES and their co-conspirators to omit material information and provide false and misleading information to federal investigators who were investigating violations of Victim-1's civil rights.

Overt Acts

15. In furtherance of the conspiracy, and to accomplish its unlawful object, members of the conspiracy committed, and caused to be committed, the following overt acts, among others, within the District of New Jersey:

a. On or about March 18, 2022, GONZALEZ was interviewed by federal law enforcement officers regarding the January 23, 2021 assault of

Victim-1. During that interview, GONZALEZ falsely stated that he did not recall any use of force incidents involving Victim-1 and that if PCJ officers had been involved in a use of force incident with Victim-1, the incident would have been documented.

b. After becoming aware of the grand jury subpoenas regarding the assault of Victim-1, on or about April 18, 2022, Bowden initiated a group text message chain (the “Group Text Chain”) to GONZALEZ, VINALES, and others, in which Bowden scheduled a meeting to discuss, in substance and in part, the federal investigation.

c. On or about April 20, 2022, GONZALEZ, VINALES, Bowden, Officer-2, Officer-3, and Officer-4 met outside of a gym in Wayne, New Jersey to discuss the federal investigation. During that meeting, some of those who were present stated, in substance and part, that everyone should keep their mouths shut and should say that nothing had happened to Victim-1 (referring to the assault).

d. On or about October 18, 2022, Bowden was interviewed by federal law enforcement officers regarding the January 23, 2021 assault of Victim-1. Bowden was advised multiple times that lying to federal law enforcement officers was a federal crime. During that interview, Bowden falsely stated multiple times that he and other PCJ employees, specifically GONZALEZ, VINALES, Officer-2, Officer-3, and Officer-4, did not meet with each other and did not have any group communications with each other after

the grand jury subpoenas were served in late March 2022 in connection with the investigation.

In violation of Title 18, United States Code, Section 1512(k).

A TRUE BILL,

FOR PERSON

Philip R. Sellinger/VK
PHILIP R. SELLINGER
United States Attorney

CASE NUMBER: 24-

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

JOSE GONZALEZ, and
DONALD VINALES

INDICTMENT FOR

18 U.S.C. § 242
18 U.S.C. § 1512(k)
18 U.S.C. § 2

A True Bill,

Foreperson

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