

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

JONATHAN BUSTIOS AND
EUDY RAMOS

:
:
: Hon. Michael A. Hammer
:
: Mag. No. 18-4086 (MAH)
:
: **CRIMINAL COMPLAINT**

I, Luciano Dimino, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.



Luciano Dimino
Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence
on the 11th day of April, 2018
at Newark, New Jersey

HONORABLE MICHAEL A. HAMMER
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

Count 1
(Conspiracy to Deprive Persons of Civil Rights)

On or about February 20, 2018, in Passaic County, in the District of New Jersey, and elsewhere, defendants

**JONATHAN BUSTIOS AND
EUDY RAMOS**

did knowingly and willfully conspire and agree with each other to injure, oppress, threaten, and intimidate Individuals 1 and 2 in the free exercise and enjoyment of the rights and privileges secured to them by the Constitution and laws of the United States, namely, their right to be secure in their vehicles and their persons against unreasonable searches and seizures.

In violation of Title 18, United States Code, Section 241.

Count 2
**(Extortion Under Color of Official Right
Affecting Interstate Commerce)**

On or about March 14, 2018, in Passaic County, in the District of New Jersey, and elsewhere, defendant

JONATHAN BUSTIOS

did knowingly and willfully obstruct, delay, and affect interstate commerce by extortion under color of official right, by accepting and agreeing to accept a thing of value, namely a firearm, that was provided by another, with that person's consent, in exchange for defendant BUSTIOS's favorable official action and assistance and for the violation of his official duties as an officer of the Paterson Police Department.

In violation of Title 18, United States Code, Section 1951(a).

ATTACHMENT B

I, Luciano Dimino, am a Special Agent with the Federal Bureau of Investigation. I am aware of the facts contained herein based upon interviews and briefings with other law enforcement officers. I also have reviewed or been briefed regarding other evidence, including telephone toll records, pen records, GPS data, Internal Affairs complaints, and audio and video intercepts. Because this complaint is being submitted for the limited purpose of establishing probable cause, I have not set forth herein each and every fact that I know or that has been told to me concerning this investigation. Unless specifically indicated, any statements herein attributed to individuals are set forth in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged. All referenced times are approximate and refer to Eastern Time.

1. At times relevant to this complaint:

- a. Defendant JONATHAN BUSTIOS (“BUSTIOS”) was a police officer employed by the Paterson Police Department (“PPD”) in Paterson, New Jersey. BUSTIOS was assigned PPD police car number 110 (“Police Vehicle 110”). BUSTIOS utilized a cellular telephone (the “Bustios Facility”).
- b. Defendant EUDY RAMOS (“RAMOS”) was a police officer employed by the PPD. RAMOS was assigned PPD police car number 108 (“Police Vehicle 108”). RAMOS utilized a cellular telephone (the “Ramos Facility”).
- c. Patrolmen at the PPD wore police uniforms, drove marked police vehicles and responded to calls for service. BUSTIOS and RAMOS worked four days a week for approximately 11 hours and 15 minutes each shift. They typically worked four days consecutively and then had four consecutive days off.
- d. PPD officers were required to complete a Patrol Activity Log for each of their shifts. This Patrol Activity Log listed the officer’s vehicle number and detailed the date, time, location, and nature of the officer’s involvement in a police activity during a shift. The Patrol Activity Log was completed in chronological order, listing out the activity as it was completed by the officer during the shift. The Patrol Activity Log documented activities such as directed patrols, suspicious person checks, motor vehicle stops and arrests. All police activities, to include breaks, were recorded on the Patrol Activity Log.

February 20, 2018 (Count 1)

2. The investigation has uncovered instances in which BUSTIOS and RAMOS have stopped and searched motor vehicles, without any justification, while at the same detaining the occupants of those motor vehicles. On certain occasions, BUSTIOS and RAMOS also have

taken cash and other items, without justification, after which they release the detained occupants of the vehicles. Below is one such example, on February 20, 2018, captured by Court-ordered video surveillance within and in the vicinity of Police Vehicle 108 and Police Vehicle 110 (collectively, the “Police Vehicles”).

3. On February 20, 2018, at approximately 1:02 p.m., BUSTIOS, using the lights of Police Vehicle 110, pulled behind a dark-colored BMW sedan (the “BMW”), which pulled over and stopped. RAMOS stopped Police Vehicle 108, in front of the BMW. According to GPS data, the PPD Vehicles were at or around Bergen Avenue in Paterson. After stopping the BMW, BUSTIOS searched the person of the driver of the BMW, an African-American male (“Individual 1”). After completing his search, BUSTIOS placed Individual 1 in the rear of Police Vehicle 110, located behind the BMW. Contemporaneously, RAMOS searched the person of the passenger of the BMW (“Individual 2”). As RAMOS continued his search of Individual 2, BUSTIOS returned to the BMW and searched the front passenger seat.

4. While Individual 2 remained on the passenger side of the BMW, BUSTIOS opened the driver’s side rear door and entered the BMW, while RAMOS entered the BMW from the passenger’s side front door. BUSTIOS then opened the trunk of the BMW, and RAMOS brought Individual 2 to Police Vehicle 110. Next, BUSTIOS and RAMOS brought Individual 1 from Police Vehicle 110 to the driver’s side of the BMW and spoke with Individual 1.

5. After speaking to Individual 1 next to the BMW, RAMOS brought Individual 1 to Police Vehicle 108, positioned in front of the BMW, and placed Individual 1 in the backseat, while BUSTIOS began to search the trunk of the BMW. During the following approximately 15 minutes, BUSTIOS and RAMOS searched the BMW multiple times, including under the hood, within the interior, and in the trunk. During this timeframe, RAMOS walked from Police Vehicle 108 (in front of the BMW), to Police Vehicle 110 (behind the BMW), removed Individual 2 from the rear of Police Vehicle 110, and then walked Individual 2 (who appeared to be handcuffed behind his back) to Police Vehicle 108. According to the PPD, BUSTIOS and RAMOS did not have warrants to conduct any of the searches described above.

6. At approximately 1:24 p.m., BUSTIOS drove away from the BMW in Police Vehicle 110 and RAMOS entered Police Vehicle 108 and remained in place. After driving away from the BMW, while stopped in traffic, BUSTIOS removed a white plastic bag from his person, withdrew cash from the bag, and began to count the cash. BUSTIOS continued counting the cash as he resumed driving Police Vehicle 110 and then folded the cash in half.

7. Approximately ten minutes after driving away from the BMW, at approximately 1:34 p.m., BUSTIOS parked and exited Police Vehicle 110. At approximately 1:36 p.m., BUSTIOS reentered Police Vehicle 110, appeared to handle another plastic bag in his hands, and then held a revolver in his hands. After handling the revolver, BUSTIOS began driving Police Vehicle 110. Also at approximately, 1:36 p.m., RAMOS, who had remained with the BMW, exited Police Vehicle 108 and opened the rear doors, releasing Individuals 1 and 2. At approximately the same time, BUSTIOS and RAMOS drove away from their separate locations.

8. According to toll records, there was a telephone call from the Bustios Facility to the Ramos Facility at approximately 1:35 p.m. on February 20, 2018 that lasted for approximately 1 minute, 30 seconds. It is likely that BUSTIOS communicated to RAMOS, during this call, about releasing Individuals 1 and 2, because immediately after the phone call, RAMOS did in fact release Individuals 1 and 2.

9. At approximately 1:50 p.m., BUSTIOS and RAMOS parked alongside one another in each of the PPD Vehicles, respectively, underneath a highway overpass in Paterson. During this interaction, BUSTIOS brought out the recovered cash and then passed the cash to RAMOS. BUSTIOS also displayed the revolver to RAMOS:

10. BUSTIOS and RAMOS did not report the stop, searches, detention, handcuffing, or release of Individuals 1 and 2, the stop and search of the BMW, or the recovery of money on their Patrol Activity Log or any associated documents for February 20, 2018. Rather, BUSTIOS and RAMOS each reported an incident on Bergen Street on their Patrol Activity Logs—RAMOS wrote that he “checked out” in the disposition and comment section, and BUSTIOS wrote that he “assisted.”

11. BUSTIOS and RAMOS also submitted a PPD offense report, dated February 20, 2018. The offense reported stated that BUSTIOS and RAMOS had recovered two handguns and five .38 caliber rounds on February 20, 2018. Specifically, this report, signed by both BUSTIOS and RAMOS, claimed:

At approximately 1403 [2:03 p.m.] myself [RAMOS] along with J. Bustios unit 110 were dispatched to 159 Lyon St. While there we were approached by a concern [sic] citizen whom stated that the rear portion of the garage located at 155 Lyon St was used as a stash spot. Upon completion of our primary assignment we then proceeded to the aforementioned location given by the concern [sic] citizen. While conduct a property check of this location we located (2) black and silver handguns.

12. The video surveillance contradicted the report submitted by BUSTIOS and RAMOS. The video surveillance showed them driving from 2:00 p.m. to 2:08 p.m. and then exiting their PPD Vehicles around 2:08 p.m. They returned to their PPD Vehicles at approximately 2:16 p.m. According to the video surveillance, when they returned to their PPD Vehicles, they were not carrying any firearms. Rather, the only items in their hands were their cell phones. BUSTIOS and RAMOS then proceeded to PPD headquarters. Accordingly, the video surveillance did not show BUSTIOS and RAMOS interacting with a concerned citizen, visiting a stash house, or obtaining two firearms at once. Rather, it is likely that at least one of the firearms¹ that BUSTIOS and RAMOS reported as “recovered property,” was, in fact, the firearm that BUSTIOS and RAMOS obtained during the incident involving Individuals 1 and 2.

¹ The investigation has revealed that BUSTIOS and RAMOS acquired the other firearm earlier that day, after searching a premises and detaining an individual. They did not include any of these facts in their police report.

Accordingly, the offense report signed and submitted by BUSTIOS and RAMOS was materially false and intended to conceal BUSTIOS's and RAMOS's illegal conduct.

March 14, 2018 (Count 2)

13. As described more fully below, on March 14, 2018, BUSTIOS (a) placed a detained individual ("Individual 3") in the back seat of Police Vehicle 110; (b) told Individual 3 that BUSTIOS would refrain from charging him with resisting arrest and would allow Individual 3 to keep the cash that Individual 3 had on his person in exchange for Individual 3 leading BUSTIOS to the location of a firearm;² (c) located a firearm, at Individual 3's direction; and (d) placed the firearm in BUSTIOS's pocket. According to PPD records, BUSTIOS did not place the recovered firearm into evidence, nor did he mention the recovered firearm on his police reports. Instead, BUSTIOS kept the firearm, in exchange for which BUSTIOS reduced the applicable criminal charges for Individual 3.

14. On March 14, 2018, at approximately 2:16 p.m., BUSTIOS placed Individual 3 into the backseat of Police Vehicle 110. While driving Individual 3 back to the police station, BUSTIOS discussed possible charges with Individual 3:³

BUSTIOS: How about this? I won't charge you with resisting arrest. Because that's what you did. You resisted my arrest. That's why I had to call more people over there. So, that's my word. I will not charge you with resisting arrest.

Individual 3: What's the other charge?

BUSTIOS: Possession.

Individual 3: (inaudible)⁴ distribution?

BUSTIOS: Yeah, basically.

Individual 3: (inaudible).

BUSTIOS: Possession, possession with intent to distribute, or possession with intent to

² There are no facilities to manufacture or produce firearms in New Jersey. Accordingly, the firearms necessarily traveled in interstate commerce.

³ The description of events for March 14, 2018 largely is based upon Court-ordered video and audio surveillance within and in the vicinity of Police Vehicle 110.

⁴ Certain portions of this conversation were marked inaudible, meaning that they were not capable of being heard by agents when played back on recording equipment currently in use.

distribute. That's it. There's only two charges.

Individual 3: (inaudible) on four bricks?⁵

BUSTIOS: Uhh -- three bricks. Two bricks.

Individual 3: You told me (inaudible).

BUSTIOS: Well I gotta charge you for two bricks. It's the same charge regardless, you know that right? It's the same charge! I'm giving you my word, I won't charge you with resisting. I'm supposed to charge you with resisting.

Individual 3: (Inaudible).

BUSTIOS: Alright bro, how about this, how about no deal, how about that, I'll just charge you with everything.

In the context of this and other intercepted communications, it is likely that BUSTIOS was trying to negotiate a deal with Individual 3, whereby Individual 3 would provide BUSTIOS with the location of a firearm, in exchange for which BUSTIOS would not charge Individual 3 with resisting arrest.

15. BUSTIOS and Individual 3 continued discussing the circumstances of the arrest, as well as the parameters of a deal:

BUSTIOS: I was like fuck it, let me call for more units. You know what I mean. I weigh 300 pounds bro, you weren't gonna overpower me. But 'cause she was there, your aunt fucked everything up, any deals you could have made, anything, fucked everything up.

Individual 3: (Inaudible).

BUSTIOS: Yeah, but, shit happens man. How much money you have on you? I ain't touch your money, I put it back in your pocket. Yeah I did, check your pocket. No, check your inner pocket in your jacket. You got it right? How much money you have on you? If it's

⁵ A brick is approximately 50 bags of heroin.

under a certain amount, you can keep it. You keep that shit. Keep it. How much you have?

Individual 3: (Inaudible).

BUSTIOS: Ahhh, yeah, you'll most likely be able to keep that. I could tag it. You see, I'm tryna find ways to hook you up, you know what I'm saying? But you're talking all this talk, you're not coming through with anything.

Individual 3: (Inaudible).

BUSTIOS: Alright. No, no, I don't. That's on my mother, you will not get charged with that. Alright? On my mother, you will not get charged with a gun. And you keep your dough, whatever dough you have on you.

Individual 3: (Inaudible).

BUSTIOS: Yeah, how many bricks you got on you? You know that's the same charge as two bricks, right? Yeah. Ask the CO, ask the CO in there, it's the same charge as four bricks. It's the same charge, bro, why would I not? I ain't gonna charge you with resisting, and I'm letting you keep your money bro. And I'll give you the phone, you can make a phone call as soon as you get inside. Call whoever the fuck you wanna call.

BUSTIOS: If you don't wanna make the deal, you don't have to make the deal.

Individual 3: No, I do (inaudible).

BUSTIOS: Yeah, but thinking about it now, thinking about it now, the resisting arrest will be way worse. Four minutes tops, bro. I'm tryna pick it up without getting nobody else involved.

In the context of this conversation and other conversations, BUSTIOS likely was continuing to negotiate a deal with Individual 3 that would result in reduced charges for Individual 3. When

BUSTIOS said that he could have “tagged” Individual 3’s money, he likely meant that he could have confiscated the money in connection with Individual 3’s drug charges.

16. Individual 3 and BUSTIOS continued talking:

Individual 3: Are you gonna pick it up with me in the car?

BUSTIOS: You don’t want me to? You don’t want me to?

Individual 3: (Inaudible). I don’t want the gun charge.

BUSTIOS: I just told you, I’m not gonna charge you. How many times do I have to tell you, man?

Individual 3: (on phone) Hello? (Inaudible). Alright, alright.

BUSTIOS: 110, I’m coming in with one (over police radio).

Individual 3: (Inaudible).

BUSTIOS: I’m gonna drop you off and go get it. (Inaudible) upstairs.

Individual 3: (Inaudible).

BUSTIOS: Come on, bro. Anywhere, in the garbage.

Individual 3: (Inaudible).

BUSTIOS: Take your money.

Individual 3: (Inaudible).

BUSTIOS: Where? Tell them to go away. Get away, run away.

Individual 3: (Inaudible).

During this portion of the conversation, BUSTIOS was in the PPD parking lot. When Individual 3 asked BUSTIOS whether BUSTIOS was going to pick “it” up, Individual 3 likely was referring to a firearm. When Individual 3 spoke to someone else on the phone, he likely was obtaining the location of a firearm, and when BUSTIOS said “anywhere, in the garbage,” he likely was telling Individual 3 where to tell his contact to leave the firearm. BUSTIOS then told Individual 3 to “tell them to go away,” likely meaning that Individual 3 should tell his contact to run away after leaving the firearm for BUSTIOS to find.

17. BUSTIOS exited the PPD parking lot, and Individual 3 provided BUSTIOS with directions. Individual 3 said, "just go down Governor, under the bridge. I'ma look for it. If I see it, I'll know." BUSTIOS responded, "that bridge we passed by before, right? Off the street, right?" and Individual 3 responded, "yeah, it's by Governor." Discussing his end of the deal, BUSTIOS said, "I'm gonna lock you up. I'ma put it on a summons. And that's it. You get your money. I'm not gonna charge you with resisting. I'ma write it up as, uh, 'I was walking, and I saw you do a hand-to-hand and I stopped, I stopped you.'" BUSTIOS told Individual 3 that "I'm not tagging the money, bro, so when the court sees it, they're gonna say 'he only had 100 bucks, like what is he really selling? What is they gonna do? Drop it.'" BUSTIOS had previously indicated that he would only "tag" Individual 3 with having \$100, instead of the several hundred dollars that Individual 3 actually had on him. Accordingly, BUSTIOS likely was telling Individual 3 that the Court likely would view \$100 as an amount consistent with possessing, but not distributing, narcotics. BUSTIOS continued, "you gonna go up to, uh, holding. And then most likely they're gonna put on a summons and you're gonna get released today. Or the latest tomorrow morning, from here, not from the County. You have no warrants, right? You having nothing, no -- nothing? Alright, you good, man. What are you worried about?"

18. At approximately 2:30 p.m., BUSTIOS stopped the vehicle and exited. Speaking to Individual 3, he said, "where is it at?" and then said, "talk louder, I can't hear you. Right here?" BUSTIOS then said, "in a brown bag? Where? In that?" Then BUSTIOS said, "nothing here." He returned to the vehicle. It is likely that BUSTIOS was attempting to locate a firearm at this first location and that Individual 3 was directing BUSTIOS to the correct location of the firearm. However, at this first location, BUSTIOS did not recover a firearm.

19. Individual 3 then began providing directions to another location. BUSTIOS proceeded to the second location and exited Police Vehicle 110. Individual 3 said, "(inaudible) in a brown plastic bag." BUSTIOS said, "a brown plastic bag?" BUSTIOS exited his vehicle and walked up and down the street. Individual 3 continued to provide directions to BUSTIOS regarding the location of the firearm and then said, "you got it. You got it," likely referring to the fact that BUSTIOS had recovered the firearm. BUSTIOS reentered the vehicle, reached into his left pants pocket with his left hand and pulled out and handled a firearm.

20. Following this incident, BUSTIOS submitted an arrest report for Individual 3. BUSTIOS did not charge Individual 3 with resisting arrest. In the arrest report, BUSTIOS failed to mention that he had recovered a firearm. And, according to the PPD, BUSTIOS did not turn in the firearm that he had recovered.