

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Hon. Steven C. Mannion
	:	
RUBEN MCAUSLAND	:	Mag. No. 18-6076 (SCM)
	:	
	:	<u>CRIMINAL COMPLAINT</u>

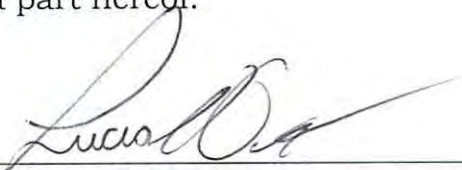
I, Luciano J. Dimino, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

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 J. Dimino
Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence
on the 19 day of April, 2018
at Newark, New Jersey

HONORABLE STEVEN C. MANNION
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

Between in or about October 2017 and in or about April 2018, in Passaic County, in the District of New Jersey, and elsewhere, defendant

RUBEN MCAUSLAND

did knowingly and intentionally distribute and possess with intent to distribute: 100 grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance; 28 grams or more of a mixture and substance containing cocaine base, namely crack cocaine, and a quantity of cocaine, both Schedule II controlled substances; and a quantity of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B), (b)(1)(C), and (b)(1)(D), and Title 18, United States Code, Section 2.

ATTACHMENT B

I, Luciano J. Dimino, am a Special Agent with the Federal Bureau of Investigation. I am aware of the facts contained herein based upon my own participation in this investigation and interviews and briefings with other law enforcement officers. I also have reviewed other evidence, including telephone toll records, pen records, GPS data, consensual recordings, and electronic communications. 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 concerning this investigation. Where I refer to statements of others, those statements have been related in substance and in part, unless otherwise noted. 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 RUBEN MCAUSLAND (“MCAUSLAND”) was a police officer employed by the Paterson Police Department (“PPD”) in Paterson, New Jersey. MCAUSLAND utilized a cellular telephone (the “McAusland Facility”), and drove a 2012 Chevrolet Camaro (the “Vehicle”).
- b. CW-1 has cooperated with law enforcement in the hopes of obtaining a more favorable outcome with respect to a recent conviction in the State of New Jersey for the possession and distribution of narcotics. CW-1 used a cellular telephone (the “CW-1 Facility”).

2. As set forth below, between September 2017 and April 2018, on multiple occasions, MCAUSLAND sold various types and quantities of narcotics, including heroin, marijuana, powder cocaine, and crack cocaine, to CW-1, in exchange for cash. Each sale of narcotics, and many telephone conversations between MCAUSLAND and CW-1 in furtherance of the sales, were recorded at the direction of law enforcement and with CW-1’s consent.

September to October 2017 (Assorted Narcotics, Including Cocaine and Crack Cocaine)

3. On September 28, 2017, MCAUSLAND spoke with CW-1 using the FaceTime application on the McAusland Facility.¹ This call was not recorded.

¹ FaceTime is a video chat service that allows individuals to conduct one-on-one video calls using iPhones or various other devices manufactured by Apple.

During the conversation, according to CW-1, MCAUSLAND offered to sell CW-1 a quantity of heroin, marijuana, and cocaine, for \$50.

4. On October 2, 2017, in a consensually-recorded meeting inside the Vehicle, in Paterson, MCAUSLAND sold CW-1 the narcotics that he had previously offered for sale. MCAUSLAND was asked by CW-1, "you wanted fifty?" MCAUSLAND responded, "I'll take the fifty," and CW-1 said, "here you go," at which point MCAUSLAND received \$50 from CW-1. Law enforcement confirmed that MCAUSLAND sold CW-1 approximately 35 grams of marijuana, 47.8 grams of heroin, 30.8 grams of cocaine, and 30.8 grams of crack cocaine.

November 2017 to January 2018 (Marijuana)

5. On October 12, 2017, MCAUSLAND received a consensually-recorded telephone call over the McAusland Facility, from CW-1. MCAUSLAND asked CW-1, "you buy trees?," likely referring to marijuana. CW-1 responded, "it depends how much it is." MCAUSLAND said, "uh, a pound." MCAUSLAND said that the price was, "25," likely meaning \$2,500. CW-1 said, "let me talk to my man" and "let me see what he wanna do."

6. On October 13, 2017, MCAUSLAND received a consensually-recorded telephone call over the McAusland Facility, from CW-1. MCAUSLAND said, "they sold, bro." CW-1 responded, "you said they sold already?" and MCAUSLAND responded, "they sold 3 for 27," likely meaning that MCAUSLAND or MCAUSLAND's contact for marijuana had sold three pounds of marijuana for \$2,700 each, including the pound that MCAUSLAND previously had offered to CW-1. MCAUSLAND said, "I'll let you know if I bump into something else." CW-1 said, "alright, well, keep me posted."

7. On November 2, 2017, CW-1 received text messages over the CW-1 Facility from the McAusland Facility. Read together, the text messages stated: "Yoooo Same deal." MCAUSLAND likely was informing CW-1 that he, again, had one pound of marijuana available for sale for \$2,500. MCAUSLAND sent a text message stating, "2500," likely confirming the price per pound of marijuana.

8. On November 2, 2017, at approximately 11:20 p.m., MCAUSLAND and CW-1 spoke over the McAusland Facility. MCAUSLAND agreed to meet CW-1 at a location in Paterson. Later that night, law enforcement agents conducted surveillance of the meeting between MCAUSLAND and CW-1 in Paterson. Law enforcement agents observed CW-1 enter the Vehicle.

9. During this recorded meeting, CW-1 said, "What's good, Roob?" CW-1 then said, "here you go" and handed MCAUSLAND \$2,500 in cash. MCAUSLAND gave CW-1 approximately one pound of marijuana. MCAUSLAND asked, "how much can you buy at a time?" MCAUSLAND was

asked by CW-1, "if we buy a lot, y'all come down on the number?" CW-1 said that CW-1 would see if others wanted "to pool their money and shit" to buy additional quantities of marijuana from MCAUSLAND, and MCAUSLAND responded, "alright." CW-1 exited the Vehicle.

10. CW-1 handed law enforcement agents the marijuana that MCAUSLAND had sold to CW-1. Law enforcement confirmed that MCAUSLAND sold CW-1 approximately 871.6 grams of marijuana.

11. On January 24, 2018, at approximately 3:30 p.m., in Paterson, during a recorded meeting between MCAUSLAND and CW-1 in the Vehicle, MCAUSLAND sold CW-1 approximately 1 pound of marijuana for \$2,400. During that same recorded meeting, MCAUSLAND discussed future business with CW-1. CW-1 asked MCAUSLAND, "when you gonna come across something else for me?" and MCAUSLAND replied, "yo, I had a big bust but we had too many bosses there. We had like 50 vials of crack cocaine." MCAUSLAND likely was suggesting that he would have stolen some of the seized crack cocaine from the PPD and sold it to CW-1 had there not been so many "bosses" around.

February to April 2018 (Heroin and Cocaine)

12. On January 25, 2018, MCAUSLAND and CW-1 spoke over the McAusland Facility. MCAUSLAND said, "I got a big-time move that came to my table" and then said, "I don't know if you deal with it or not, you deal with white?" The term "white" likely referred to cocaine. CW-1 replied, "yeah, hell yeah. They turn it into crack, it's good." MCAUSLAND responded, "It's, it's, it's, it's a, it's a K," to which CW-1 replied, "what? A whole key?" likely meaning a kilogram of cocaine. MCAUSLAND said, "yeah," and CW-1 asked, "how much?" MCAUSLAND said, "30-something," likely meaning upwards of \$30,000. MCAUSLAND continued, "I'll get the numbers for you." CW-1 said, "yeah, find out, I could ask my uncle and shit. He probably want it 'cause he deal, he deal with the, you know, shit like that." MCAUSLAND said that it was "straight out of the Southern border," likely meaning that the cocaine had come from Mexico. MCAUSLAND said, "I'll hit you with a number and then, uh, we'll talk."

13. On February 9, 2018, MCAUSLAND and CW-1 met at CW-1's residence. MCAUSLAND arrived at CW-1's residence in his police car. During this recorded conversation, MCAUSLAND discussed with CW-1 the sale of certain pills. MCAUSLAND said, "we make 'em" and "it's pure dope." CW-1 told MCAUSLAND, "find out the prices and shit. Cuz, obviously, I could sell percs like that. Like that's so easy." MCAUSLAND responded, "are these more potent than percs at this point?" and CW-1 responded, "yeah, probably." MCAUSLAND agreed to obtain 1 or 2 of the pills to give to CW-1 as a sample. It is likely that MCAUSLAND was referring to the sale of pills that appeared to

resemble Percocet pills but instead were made with heroin. Later in the conversation, MCAUSLAND and CW-1 referenced their prior discussion to engage in a transaction involving a kilogram of cocaine. CW-1 asked, "how's the white gonna go through," referring to MCAUSLAND's prior offer to sell CW-1 a kilogram of cocaine. MCAUSLAND responded, "the same way we've been doing it."

14. On February 11, 2018, at approximately 11:30 p.m., MCAUSLAND and CW-1 met at a supermarket in Paterson. Law enforcement officers witnessed MCAUSLAND meet CW-1 in the parking lot of the supermarket. MCAUSLAND arrived in a marked PPD vehicle. The supermarket was located within a half-mile of the PPD headquarters.

15. During this recorded meeting, MCAUSLAND handed CW-1 approximately four heroin pills, as samples, for CW-1 to test prior to purchasing more. At the end of the meeting, MCAUSLAND reminded CW-1, "there's cameras here," likely informing CW-1 to be careful because there were video cameras in and around the supermarket parking lot. The net weight of the heroin pills given by MCAUSLAND to CW-1 on February 11, 2018 was approximately 5.1 grams.

16. On February 13, 2018, CW-1 sent MCAUSLAND a text message asking, "whats the numbers on these"? CW-1 likely was asking MCAUSLAND the price for each heroin pill. MCAUSLAND replied, "7 per pill," and then after CW-1 responded with an angry emoji, MCAUSLAND texted, "I don't wanna hear it!" CW-1 then asked, "U said they pressed dope right cause my boy don't believe me he said they hit like the real thing[.]" MCAUSLAND responded, "yeah call me[.]" CW-1 likely was asking if the pills were indeed made out of heroin.

17. On February 14, 2018, at approximately 8:00 p.m., MCAUSLAND and CW-1 met in the Vehicle, in Paterson, during which MCAUSLAND sold CW-1 57 heroin pills for approximately \$400. During this recorded meeting, CW-1 said, "I got the moneys." CW-1 then said, "that's 57?" CW-1 then counted out \$400 in cash and said, "there's 400 dollars, sir." The net weight of the heroin pills sold by MCAUSLAND to CW-1 on February 14, 2018 was approximately 24.4 grams.

18. On February 15, 2018, MCAUSLAND and CW-1 talked over the McAusland Facility, during which MCAUSLAND asked CW-1, "you still want more?" and then said, "I just got 150 more." MCAUSLAND likely was offering to sell CW-1 an additional 150 heroin pills. CW-1 asked, "no discount?" and MCAUSLAND responded, "same number." MCAUSLAND continued, "you could get 'em whole or you could get 'em whichever way you want to give it to me." MCAUSLAND likely was offering to sell CW-1 a portion of the 150 pills, in case CW-1 did not have the money to purchase all of them. CW-1 told MCAUSLAND

not to sell the heroin pills to anyone else, and MCAUSLAND responded, "nah, this is your deal, man."

19. On February 17, 2018, at approximately 5:10 p.m., MCAUSLAND and CW-1 met in the Vehicle, in Paterson, during which MCAUSLAND sold CW-1 approximately 88 heroin pills for \$600. At this recorded meeting, CW-1 entered the Vehicle and said, "here's six hundred dollars." MCAUSLAND asked whether the "pills" were "moving" and CW-1 responded, "yeah." MCAUSLAND asked, "should I keep refilling or should I just wait for you to let me know?" MCAUSLAND then told CW-1 that "there's 88 in there," meaning 88 heroin pills. The net weight of the heroin pills sold by MCAUSLAND to CW-1 on February 17, 2018 was approximately 41.4 grams.

20. On March 16, 2018, MCAUSLAND and CW-1 met in the Vehicle, in Paterson, during which MCAUSLAND sold CW-1 101 pills for approximately \$700. During this recorded meeting, CW-1 asked MCAUSLAND about the kilogram of cocaine that MCAUSLAND had previously offered to sell to CW-1. MCAUSLAND said that, "we gotta go down there," and then specified that he was referring to "Texas." The net weight of the heroin pills sold by MCAUSLAND to CW-1 on March 16, 2018 was approximately 50.8 grams.

21. On April 1, 2018, at approximately 4:00 p.m., MCAUSLAND and CW-1 met in the Vehicle, in Paterson, during which MCAUSLAND sold CW-1 1,010 heroin pills for approximately \$7,000. During this recorded conversation, MCAUSLAND handed CW-1 an empty container of Similac (baby formula) that was filled instead with several baggies containing the 1,010 heroin pills. MCAUSLAND said, "There's a thousand and ten here." MCAUSLAND continued, "they put 10 extra, so. They, like, if they have a problem with that [the pills cracking], we can hit 'em off for more. Just tell 'em to bring back the broken ones." The net weight of the heroin pills sold by MCAUSLAND to CW-1 on April 1, 2018 was approximately 442.6 grams.

22. Later in the meeting, MCAUSLAND said, "I'm gettin' 100 pounds of weed coming in" and MCAUSLAND said it would cost CW-1 "two grand a pop, but you gotta buy 3." MCAUSLAND likely was offering to sell CW-1 marijuana for \$2,000 per pound so long as CW-1 agreed to buy at least 3 pounds of marijuana.