

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
: :
v. : Crim. No.
: :
KEVIN PATINO : 18 U.S.C. § 241
: 18 U.S.C. § 242
: 18 U.S.C. § 2
: 18 U.S.C. § 1519

INDICTMENT

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

COUNT ONE
(Conspiracy Against Rights)

1. On the morning of on or about December 14, 2020, defendant KEVIN PATINO (“PATINO”) and Co-conspirator 1, while serving as officers with the Paterson Police Department, physically assaulted a citizen and then covered it up by filing false police reports.

2. At all times relevant to this Indictment:

a. The Paterson Police Department (“PPD”) was a police department responsible for providing law enforcement services in and around Paterson, New Jersey. PPD officers were authorized by the State of New Jersey to make lawful arrests.

b. Defendant PATINO was a police officer employed by the PPD in Paterson, New Jersey.

c. Co-conspirator 1 was a police officer employed by the PPD in Paterson, New Jersey.

d. As police officers, and while acting under color of law, defendant PATINO and Co-conspirator 1 were required to comply with the Constitution and laws of the United States. Accordingly, defendant PATINO and Co-conspirator 1 were required to respect the right of others to be free from unreasonable search and seizure during an investigation and arrest, including the right to be free from the use of unreasonable force.

e. Victim 1 was a resident of Paterson, New Jersey.

f. PPD Officers 1 and 2 were employed by the PPD and were working in their official capacities on December 14, 2020.

3. On or about December 14, 2020, the PPD received a call regarding a “suspicious person” on Madison Avenue in Paterson, New Jersey (the “Call”). PPD Officer 1 and PPD Officer 2 responded to the Call and encountered an individual, who appeared to be the suspicious person described in the Call (“Suspect 1”).

4. Defendant PATINO and Co-conspirator 1 arrived in an unmarked PPD vehicle (the “Unmarked Vehicle”). Defendant PATINO and Co-conspirator 1 were wearing plain clothes and tactical vests with patches on the front and back marked “POLICE” and were displaying their PPD badges. Defendant PATINO and Co-conspirator 1 parked and got out of the Unmarked Vehicle and were present while Officer 1 and Officer 2 were speaking with Suspect 1.

5. At or about this time, Victim 1 went into a local convenience store on his way to work. Victim 1 then left the convenience store and walked towards where the PPD Officers were parked, stood nearby, and observed the PPD

Officers' interaction with Suspect 1. Victim 1 then walked away on Madison Avenue.

6. After their encounter with Suspect 1 ended, PPD Officer 1 and PPD Officer 2 returned to their vehicle and PATINO and Co-conspirator 1 returned to and entered the Unmarked Vehicle.

7. Co-conspirator 1 then drove the Unmarked Vehicle towards Victim 1, who was walking down Madison Avenue. Co-conspirator 1 rolled down the driver's side window of the Unmarked Vehicle and repeatedly asked Victim 1: "What did you say?" In response, Victim 1 stated that he had not said anything and kept walking. Co-conspirator 1 then made a sharp left turn with the Unmarked Vehicle towards Victim 1 and parked the Unmarked Vehicle.

8. Defendant PATINO and Co-conspirator 1 then got out of the Unmarked Vehicle and approached Victim 1 and grabbed hold of him. Victim 1 attempted to separate himself from defendant PATINO and Co-conspirator 1. In response, defendant PATINO struck Victim 1 in the face and body numerous times. While defendant PATINO was striking Victim 1, Co-conspirator 1 grabbed hold of Victim 1. Co-conspirator 1 then picked Victim 1 up and threw Victim 1 to the ground. While Victim 1 was on the ground, defendant PATINO repeatedly struck Victim 1.

9. Under the circumstances, the force that defendant PATINO and Co-conspirator 1 applied to Victim 1 was unreasonable and excessive.

10. Following their unreasonable and excessive use of force against Victim 1, PATINO and Co-conspirator 1 each filed false reports with the PPD in an attempt to cover up their conduct.

11. On or about December 14, 2020, in Passaic County, in the District of New Jersey, and elsewhere, the defendant,

KEVIN PATINO,

while serving as a law enforcement officer in the Paterson Police Department, and acting under color of law, knowingly and willfully conspired and agreed with Co-conspirator 1 and others to injure, oppress, threaten, and intimidate Victim 1 in the free exercise and enjoyment of a right and privilege secured to him by the Constitution and laws of the United States, namely, to be free from unreasonable searches and seizures, which includes the right to be free from the use of unreasonable force by a law enforcement officer.

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

COUNT TWO
(Deprivation of Rights Under Color of Law)

12. Paragraphs 1 through 10 of this Indictment are re-alleged here.

13. On or about December 14, 2020, in Passaic County, in the District of New Jersey, and elsewhere, the defendant,

KEVIN PATINO,

while acting under color of law, unlawfully assaulted Victim 1, thereby willfully depriving Victim 1 of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable searches and seizures, which includes the right to be free from the use of unreasonable force by a law enforcement officer, resulting in bodily injury to Victim 1.

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

COUNT THREE
(Falsification of Record)

14. The allegations set forth in paragraphs 1 through 10 of this Indictment are re-alleged here.

15. On or about December 14, 2020, in Passaic County, in the District of New Jersey, and elsewhere, the defendant,

KEVIN PATINO,

in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, knowingly concealed, covered up, falsified, and made false entries in a Paterson Police Department report about the December 14, 2020 incident involving Victim 1 charged in Counts One and Two, with the intent to impede, obstruct, and influence the investigation and proper administration of such matter; that is, defendant PATINO: (a) falsely reported that Victim 1 had walked towards PATINO and Co-conspirator 1 “screaming profanities” and “acting belligerent” and “causing a disturbance to the residents around the surrounding area;” (b) falsely reported that Victim 1 had approached PATINO and Co-conspirator 1 and proceeded to get in “an aggressive fighting stance by blading his body and clutching his fist;” and (c) omitted that PATINO and Co-conspirator 1 had continued to strike Victim 1 after Victim 1 was on the ground.

In violation of Title 18, United States Code, Section 1519.

COUNT FOUR
(Falsification of Record)

16. The allegations set forth in paragraphs 1 through 10 of this Indictment are re-alleged here.

17. On or about December 14, 2020, in Passaic County, in the District of New Jersey, and elsewhere, the defendant,

KEVIN PATINO,

in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, knowingly concealed, covered up, falsified, and made false entries in a Paterson Police Use of Force Report about the December 14, 2020 incident involving Victim 1 charged in Counts One and Two, with the intent to impede, obstruct, and influence the investigation and proper administration of such matter; that is, defendant PATINO: (a) falsely reported that Victim 1's "Aggressive resistance(attempt to attack or harm)" had led to the use of force; (b) falsely reported that Victim 1 had used a "Verbal/Fighting stance Threat, Attack with Hands, fists, legs, Resisted arrest/police officer control"; (c) falsely listed "Right Cheek, Left Cheek" as the only points of contact with Victim 1; and (d) falsely state that Victim 1 had not been injured in the incident.

In violation of Title 18, United States Code, Section 1519.

A TRUE BILL



PHILIP R. SELLINGER
United States Attorney

FOREPERSON

CASE NUMBER: _____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

KEVIN PATINO

INDICTMENT FOR

**18 U.S.C. § 241
18 U.S.C. § 242
18 U.S.C. § 2
18 U.S.C. § 1519**

A True Bill,

Foreperson

PHILIP R. SELLINGER
UNITED STATES ATTORNEY
FOR THE DISTRICT OF NEW JERSEY

R. JOSEPH GRIBKO
ASSISTANT U.S. ATTORNEY
609-989-2020
