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Deputy Chief Keith Rubel
Newark Police Department

Internal Affairs Bureau

247 16th Ave.

Newark, NJ 07103

(via Fax only to 973-424-0163)

Dear Deputy Chief Rubel:

Please accept this letter as my Internal Affairs complaint against Newark Police Officers Rios and Rivera. Unfortunately, the Appellate Division decision upon which this complaint is based refers to the officers only as "Officer Rios" and "Officer Rivera." Accordingly, I don't know which of the two officers¹ with the last name of "Rios" or the ten officers² with the last name of "Rivera," as listed on the Asbury Park Press's "DataUniverse" site are the officers against whom this complaint is lodged.

The basis of my complaint is an June 28, 2011 decision of the Appellate Division of the New Jersey Superior Court in State v. Rashad Walker a/k/a Derrick Moss³, Docket No. A-4672-08T1

The decision reveals that Rios and Rivera made an improper, warrantless entry into Walker's apartment in order to effectuate a drug possession arrest. According to the Court, the information given to the officers by the confidential informant was not precise enough to establish probable cause and that since they created their own "exigent circumstances" they could not argue that those circumstances relieved them from their responsibility to obtain a warrant.

As Libertarians, we seek the repeal of all laws prohibiting the production, possession, or use of alcohol, drugs and drug "paraphernalia" by adults. But, as long as this senseless "drug war" is being waged, we insist that police agencies scrupulously

¹ Eddie J or Jimmy D.

² Andy C, Arnaldo J, Carlos M, Carmen, Carmen, Dennis E, Gabriel, Iris A, Javier or Jose C.

³ Available for the next ten days at <http://www.judiciary.state.nj.us/opinions/a4672-08.pdf> The case at the trial level bore Indictment No. 08-09-2693.

abide by individuals' rights to be free from warrantless and unreasonable searches and seizures.

Although I am not familiar with the Code of Conduct that governs Newark police officers, I believe that making an illegal, warrantless entry into a person's home would violate that Code and subject the offending officers to discipline.

I have no personal knowledge of any of the facts underlying the Appellate Division's decision. Rather, my knowledge is based solely on the decision. I assert however, that a finding by the Superior Court Appellate Division that two police officers made an illegal, warrantless entry into a person's home should be sufficient to cause the Internal Affairs Bureau to initiate a formal investigation.

Thank you for your attention to this matter. Please advise me of the outcome.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Paff', with a large, stylized flourish at the end.

John Paff