

Federal authorities charge New Jersey police officers in assault of teenager

Erik Schreiber
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Federal authorities charged two Paterson, New Jersey, police officers this week in connection with their brutal and unprovoked attack on 19-year-old Osamah Alsaidi in December 2020.

Officers Kevin Patino and Kendry Tineo-Restituyo are accused of violating Alsaidi's Fourth Amendment right not to be subject to the use of unreasonable force by law enforcement officers. The officers also were charged with obstruction of justice, based on a false police report that they filed about the incident.

Patino and Tineo-Restituyo appeared before a federal judge, who released them on a \$50,000 unsecured appearance bond. The judge also ordered Patino to undergo a mental health evaluation, underscoring the depravity of his actions. Public records and a previous report indicate that Patino has used force in 15 other incidents over the past three years. In 12 of these episodes, he struck someone with his fist or hand.

If the officers are convicted—which is not assured, given the long record of police impunity in the United States—they face considerable prison sentences. The civil rights violation charge brings a maximum of 10 years, the falsification of a record charge carries a maximum of 20 years. In addition, Patino and Tineo-Restituyo could be fined as much as \$250,000 for each charge.

Patino will plead not guilty, according to his attorney, Anthony J. Iacullo. The latter claims that the evidence will show that Patino's actions were appropriate. Tineo-Restituyo's lawyer has not commented.

The city of Paterson has taken away the officers' guns and suspended them without pay. In addition, New Jersey Attorney General Gurbir Grewal has opened an investigation into the officers. The state prosecutor's office will examine all cases in which Patino and Tineo-Restituyo testified, signed complaints

or handled evidence.

Local, state and federal officials were forced to take extraordinary measures against the officers because their assault was captured on video, which the victim shared on social media. The incident took place after midnight on December 14. The Paterson police department had sent Patino and Tineo-Restituyo out in an unmarked police car to respond to a report of a "suspicious person," according to a federal complaint. At the time, Alsaidi was walking near Madison and Getty Avenues on his way to work at Amazon.

On seeing Alsaidi, Tineo-Restituyo rolled down the driver's side window of the unmarked car and asked him, "What did you say?" This unprompted challenge sounds not like a "public servant" who is conducting an investigation, but rather like a bully who is spoiling for a fight. Alsaidi responded that he had not said anything and continued on his way.

Tineo-Restituyo turned the car sharply toward Alsaidi, blocking his path. The officers got out of the car and grabbed Alsaidi, who tried to free himself. Patino punched Alsaidi in the face and the body, and Tineo-Restituyo picked Alsaidi up and threw him to the ground. Once Alsaidi was down, the officers continued to hit him, according to the complaint. Finally, to add insult to injury, they arrested Alsaidi and charged him with aggravated assault of a police officer.

Alsaidi sustained several injuries to the head and face and was taken to the hospital. Sometime after he was discharged, he returned to the hospital voluntarily. He received a diagnosis of head trauma and concussion. Alsaidi began to have migraine headaches and was partly blind for two weeks after the assault.

Patino wrote the official report about this incident, and he and Tineo-Restituyo signed it. The video of the attack, as well as information provided by other

sources, shows that the report is full of fabrications.

By Patino's account, Alsaïdi walked aggressively toward the two officers while shouting profanities. The teenager "then got closer to these officers and proceeded to get in an aggressive fighting stance by blading his body [that is, turning sideways to fight] and clutching [sic] his fist." Alsaïdi then punched Patino in the chest, according to the report, throwing him off balance. Patino further claimed that Alsaïdi resisted attempts to stop him. He did not mention that he and his partner repeatedly hit Alsaïdi while he was on the ground.

After this savage beating came to light, Paterson Mayor André Sayegh sought to control the damage and defend the police. "This is not a reflection on every man and woman in our police department," he said. "As a matter of fact, I interact with police officers every day and I can assure you that the vast, vast majority of police officers are reputable in our city."

In reality, at least 10 Paterson police officers have faced federal charges in recent years for alleged unconstitutional practices. The abuses have become so egregious that the Passaic County Prosecutor's Office is taking over the Paterson police department's internal affairs functions. The prosecutor's office, and not the police department, will now investigate accusations of misconduct against Paterson officers.

Sayegh also pointed to initiatives that he said would increase transparency within the police department. They include an audit of the department and a policy of providing officers with body-worn cameras. But, nationwide, audits of police departments have done nothing to curb police violence, and officers routinely leave their body cameras off during encounters with the public.

Nor has the high-profile conviction of former Minneapolis police officer Derek Chauvin for the murder of George Floyd stemmed the epidemic of police violence. During the period before and after the verdict was announced, Daunte Wright in Brooklyn Center, Minnesota; Adam Toledo in Chicago; Ma'Khia Bryant in Columbus, Ohio; and Robert Delgado in Portland, Oregon, were all killed by police.

After the video of Patino and Tineo-Restituyo's rampage was made public, the New Jersey Chapter of the Council on American-Islamic Relations (CAIR) called for the city to fire them. "The message is that

Paterson and many other cities across New Jersey have issues with police brutality. It's a systemic issue, and our job is to call it out when it happens," said CAIR-NJ spokesperson Selaedin Maksut. "Especially actions like this, where they put someone in the hospital."

Police brutality is certainly a systemic issue, but it is not fundamentally a matter of racial, ethnic or religious discrimination. Paterson has the second-largest Muslim population in the United States, as a percentage of the total. Mayor Sayegh is the son of a Syrian mother and a Lebanese father. Chief Ibrahim M. Baycora of the Paterson police department is Muslim. These factors did not spare Alsaïdi, a Yemeni American with no criminal record, from a barbaric attack that may have lasting neurologic consequences.

Paterson is the third-largest city in New Jersey, as well as one of the poorest by per capita income. The city was a center of silk production in the 19th century and produced aircraft engines during World War II. By the end of that war, however, the city's industry began to decline. Paterson has had high unemployment rates since the late 1960s. In 2011, Hurricane Irene caused flooding to an extent not seen in a century, and thousands of residents were displaced.

The circumstances of the assault on Alsaïdi underscore the fact that police violence is exercised by the ruling class to suppress the working class.



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