

Mitchell H. Cohen U.S. Courthouse
Clerk of Court — D.N.J., Camden Vicinage
401 Market Street, Camden, NJ 08101

Re: **Barber v. Boyd, et al.** — Submission of Complaint, IFP Application, Summons

RECEIVE

Dear Clerk:

SEP 15 2025

Please find enclosed for filing:

1. Civil Cover Sheet (JS-44);
2. Application to Proceed In Forma Pauperis (AO-239);
3. Complaint with Jury Demand and Exhibits A-G (with § 1746 verification);
4. Motion for Preservation and Limited Early Production;
5. Proposed Order; and
6. AO-440 summonses for each defendant listed in the caption.

AT 8:30
C. FRK, U.S. DISTRICT COURT - L

Also enclosed are:

- A completed consent and registration form for electronic/digital communication;
- Discovery materials from the underlying municipal/county matter, provided as context for the Court's review; and
- Copies of Plaintiff's previously filed Demurrer and Plea in Abatement submitted in the originating municipal court proceeding.

If the Court grants IFP status, I respectfully request service of process by the U.S. Marshals Service pursuant to Fed. R. Civ. P. 4(c)(3), with conformed summonses returned when issued.

Thank you for your assistance.

Respectfully,

/s/ **Devon T. Barber**, Pro Se
c/o 325 East Jimmie Leeds Road, Suite 7-333, Galloway Township, NJ 08205-8205
(609) 665-9350 • DTB33@PM.Me Date: September 9th, 2025 A.O.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY – CAMDEN VICINAGE

Plaintiff:

Devon T. Barber
c/o 325 East Jimmie Leeds Road, Suite 7-333
Galloway Township, NJ 08205-8205

RECEIVED

SEP 15 2025

AT 8:30
CLERK, U.S. DISTRICT COURT - E

Defendants:

Officer Stephen Boyd (Hamilton Twp. Police),
Sergeant Craig Clayton (Hamilton Twp. Police),
Officer Samantha Liepe (Hamilton Twp. Police),
Special Officer Arthur Train (Hamilton Twp. Police),
Detective Lawrence Murray (Hamilton Twp. Police),
Officer John McColgan (Hamilton Twp. Police),
Township of Hamilton (NJ municipal corporation; DUNS 045506342),
County of Atlantic (DUNS 019846067),
Atlantic County Justice Facility (operated by County of Atlantic),
Atlantic County Prosecutor's Office.

I. Basis of Jurisdiction: Federal Question (28 U.S.C. §§ 1331, 1343)

III. Nature of Suit: 440 Civil Rights – Other (§ 1983/NJCRA)

IV. Origin: Original Proceeding

V. Cause of Action: 42 U.S.C. § 1983 — unlawful seizure, excessive force, malicious prosecution, due process; NJCRA; NJ torts (conversion, assault/battery, IIED, false imprisonment, negligence).

VI. Requested in Complaint: Jury Trial; compensatory and punitive (individuals only); declaratory/injunctive relief.

VII. Related Cases: ATL-24-001934; E24-13684.

Plaintiff Contact: Devon T. Barber, Pro Se, c/o 325 E. Jimmie Leeds Rd., Suite 7-333, Galloway Twp., NJ 08205-8205; (609) 665-9350; DTB33@PM.Me.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY — CAMDEN VICINAGE

Devon Tyler Barber,
Plaintiff, Pro Se,

RECEIVE

SEP 15 2025

v.

AT 8:30

U.S. DISTRICT COURT

Officer Stephen Boyd (Hamilton Twp. Police; sworn Jan. 2, 2020), Defendant.
Sergeant Craig Clayton (Hamilton Twp. Police; sworn Sept. 18, 2006), Defendant.
Officer Samantha Liepe (Hamilton Twp. Police; sworn July 31, 2023), Defendant.
Special Officer Arthur Train (Hamilton Twp. Police; sworn Sept. 25, 2013), Defendant.
Detective Lawrence Murray (Hamilton Twp. Police; sworn July 15, 2013), Defendant.
Officer John McColgan (Hamilton Twp. Police; sworn July 29, 2019), Defendant.
Township of Hamilton (New Jersey municipal corporation), Defendant.
County of Atlantic (New Jersey county government), Defendant.
Atlantic County Prosecutor (official capacity only; prospective declaratory/injunctive relief), Defendant.
Sheriff of Atlantic County (official capacity only; prospective declaratory/injunctive relief), Defendant.
Atlantic County Justice Facility (operated by County of Atlantic; named for notice—claims run against the County), Defendant.

Civil Action No. _____

COMPLAINT FOR DAMAGES, DECLARATORY, AND
INJUNCTIVE RELIEF

JURY TRIAL DEMANDED

INTRODUCTION

1. This civil-rights action is brought under 42 U.S.C. § 1983 and the New Jersey Civil Rights Act (“NJCRA”), N.J.S.A. 10:6-2, arising from a pedestrian stop that escalated into unlawful force, fabricated charges, and degrading jail intake conditions.

2. Plaintiff declined to provide a driver's license, date of birth, or Social Security number while not operating a vehicle. Defendants improperly construed this lawful refusal as "hindering" or "false information," forcibly seized Plaintiff, and pursued baseless charges.
3. During the initial encounter, Defendants used unnecessary force, causing physical injury and property damage. Boyd then prepared criminal charges while Plaintiff remained under arrest.
4. Weeks later, Plaintiff was arrested on a bench warrant despite never receiving service or notice of a court date. At the Atlantic County Justice Facility ("ACJF"), Plaintiff was subjected to unsanitary and degrading intake conditions in violation of constitutional protections.
5. Plaintiff seeks compensatory and punitive damages as permitted by law, declaratory and injunctive relief to prevent future violations, and municipal liability under *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

JURISDICTION AND VENUE

6. This Court has federal-question jurisdiction under 28 U.S.C. §§ 1331 and 1333 because Plaintiff asserts claims under the U.S. Constitution and federal civil-rights statutes.
7. The Court has supplemental jurisdiction over Plaintiff's related state-law claims under 28 U.S.C. § 1337.
8. Venue is proper in this District under 28 U.S.C. § 1331(b) because the events giving rise to these claims occurred in Atlantic County, New Jersey, within the Camden Vicinage of this District.

PARTIES

9. Plaintiff **Devon T. Barber** is a resident domiciled in Atlantic County, New Jersey.
10. Defendants **Officer Boyd, Sgt. Clayton, Officer Liepe, Officer Train, Officer Murray, and Officer McColgan** were, at all relevant times, police officers employed by the Township of Hamilton, acting under color of state law and within the scope of their employment. They are sued in their individual capacities for damages and in their official capacities for declaratory and injunctive relief.

11. Defendant **Township of Hamilton** is a New Jersey municipal corporation that operates and is responsible for the policies, practices, and supervision of the Hamilton Township Police Department.
12. Defendant **County of Atlantic** is a political subdivision of the State of New Jersey that operates the Atlantic County Justice Facility (“ACJF”) and the Atlantic County Sheriff’s Office, and is responsible for policies, practices, and supervision related thereto.
13. Defendant **Sheriff of Atlantic County** is named in his official capacity only, for purposes of declaratory and injunctive relief. All claims for damages attributable to the Sheriff’s Office run against the County of Atlantic.
14. Defendant **Atlantic County Justice Facility (ACJF)** is operated by the County of Atlantic and is named for purposes of notice; all claims for damages are asserted against the County of Atlantic.
15. Defendant **Atlantic County Prosecutor** is named in official capacity only, for prospective declaratory and injunctive relief. No damages are sought against prosecutorial defendants.
16. **John/Jane Does 1–5** are presently unidentified staff members of ACJF who participated in, directed, or allowed the unconstitutional intake conditions alleged herein. They will be substituted by name when identified.

CAPACITY AND LIABILITY STATEMENT

17. The individual officer defendants are sued in their **individual capacities** for damages and in their **official capacities** only for prospective declaratory and injunctive relief.
18. Plaintiff seeks **Monell liability** against the Township of Hamilton and the County of Atlantic based on their policies, customs, and/or failures to train, supervise, and discipline employees, which were moving forces behind the violations alleged herein.
19. Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iv), Plaintiff seeks disclosure of all applicable insurance and/or risk-pool information relevant to indemnification of the defendants.

FACTUAL ALLEGATIONS

A. May 7, 2024 Stop and Use of Force

20. On May 7, 2024, Defendant Boyd stopped Plaintiff for an alleged pedestrian infraction near Walmart.
21. Plaintiff gave his correct name but declined to provide a driver's license, date of birth, or Social Security number because he was not operating a vehicle.
22. Boyd falsely radioed that Plaintiff was "uncooperative/false information" and summoned backup without basis.
23. Multiple officers—Liepe, Train, Murray, McColgan, and Sgt. Clayton—arrived at the scene.
24. Plaintiff did not attack, flee, or pose a threat; he exhibited normal, non-aggressive movements.
25. Without provocation, officers grabbed and tackled Plaintiff on the crosswalk, causing bloody wrists, back abrasions, and an open elbow wound.
26. During the takedown, officers broke Plaintiff's gold necklace off his neck and left it on the asphalt; Plaintiff later retrieved it, damaged.
27. Plaintiff was arrested, handcuffed, and transported to the police station, where he remained seated next to Boyd while Boyd typed charges against him.

B. Warrant Arrest Without Notice; ACJF Intake

28. Months later, Sheriff's officers arrested Plaintiff on a bench warrant for failure to appear, although Plaintiff had never been served notice of a hearing.
29. At ACJF intake, Plaintiff was confined in an unsanitary holding area where another detainee, in visible detox distress, defecated in a cup. Staff delayed in responding and cleaning the area.

30. Plaintiff suffered humiliation, distress, and health risk from exposure to human waste.

C. Escalation and Coerced Plea

31. The Atlantic County Prosecutor's Office screened and pursued indictable charges—obstruction, resisting with force, hindering—unsupported by facts.

32. Facing felony exposure, Plaintiff pled to a petty disorderly persons offense on December 2, 2024; the indictable charges were dismissed.

33. On January 13, 2025, Plaintiff was sentenced to a fine-only disposition.

D. Dismissal of Pedestrian Ticket; Evidence

34. On August 20, 2025, the jaywalking summons (Ticket E24-13684) was dismissed; the dismissal was confirmed on August 22, 2025.

35. An OPRA response identified approximately 153 minutes of body-worn camera (“BWC”) footage and confirmed officer oath dates.

CLAIMS FOR RELIEF

Count I — Unlawful Seizure / False Arrest (42 U.S.C. § 1983; Fourth Amendment)

36. Refusing to show ID/SSN as a pedestrian is not obstruction absent a legal duty. *State v. Camillo*, 382 N.J. Super. 113, 120 (App. Div. 2005).

37.

Defendants lacked probable cause/reasonable suspicion to effect a custodial arrest on May 7, 2024.

38. Arresting Plaintiff on a failure-to-appear warrant without prior notice of a hearing violated the Fourth and Fourteenth Amendments.

39. Plaintiff suffered loss of liberty, injury, and emotional distress.

Count II — Excessive Force (42 U.S.C. § 1983; Fourth Amendment)

40. Force used was objectively unreasonable under *Graham v. Connor*, 490 U.S. 386 (1989), given the minor offense, lack of threat, and non-resistance.
41. Officers inflicted injuries and broke Plaintiff's gold necklace off his neck, leaving it on the asphalt.
42. Sgt. Clayton is additionally liable for failure to intervene.
43. Plaintiff suffered pain, scarring, emotional trauma, and property loss.

Count III — Malicious Prosecution (42 U.S.C. § 1983; Fourth/Fourteenth Amendments)

44. Defendants initiated/continued indictable charges (obstruction, resisting with force, hindering) without probable cause and with malice; those charges were dismissed.
45. **Reservation re Coerced Plea / Heck-Thompson.** Plaintiff alleges the plea was coerced by overcharging and reserves all rights to seek PCR relief. He does not seek § 1983 damages that would imply invalidity of the petty plea unless and until vacated; upon vacatur, he will seek leave to amend. *Thompson v. Clark*, 596 U.S. 36 (2022).
46. This Count is asserted against the individual officers and, under *Monell*, the municipalities; no damages are sought against prosecutorial defendants for core advocacy functions.

Count IV — Fabrication of Evidence (42 U.S.C. § 1983; Fourteenth Amendment)

47. Boyd fabricated/omitted material facts to portray lawful non-ID as "false information/hindering," violating due process. *Halsey v. Pfeiffer*, 750 F.3d 273 (3d Cir. 2014).
48. **Limitation.** Asserted only as to prosecutions that ended without conviction (dismissed indictables). Any claim that would impugn the petty plea is reserved unless/until vacated.

Count V — Procedural Due Process (42 U.S.C. § 1983; Fourteenth Amendment)

49. Arrest on an FTA warrant without proof of prior notice deprived Plaintiff of an opportunity to be heard.
50. Overcharging to coerce a plea undermined voluntariness and meaningful adjudication.

Count VI — Conditions of Confinement (Pretrial Detainee) (42 U.S.C. § 1983; Fourteenth Amendment)

51. Unsanitary ACJF intake conditions (human waste; delayed response) were objectively unreasonable/punitive, violating *Bell v. Wolfish*, 441 U.S. 520 (1979).
52. Plaintiff seeks damages and narrowly tailored injunctive relief to remedy intake practices.

Count VII — Property Deprivation (Procedural Due Process) (Alternative)

53. Officers broke and abandoned Plaintiff's necklace during the use of force, and no adequate post-deprivation process was provided.
54. In the alternative, to the extent New Jersey provides adequate remedies, Plaintiff pursues conversion/trespass to chattels in Count X.

Count VIII — Monell (42 U.S.C. § 1983) (Township of Hamilton; County of Atlantic)

55. Policies/customs/failures to train or supervise were the moving force behind: (a) pedestrian-ID escalation; (b) deficient service/warrant safeguards; (c) disproportionate force/failure to intervene; (d) unsanitary ACJF intake.
56. The municipalities had notice of similar issues and were deliberately indifferent.

Count IX — New Jersey Civil Rights Act (N.J.S.A. 10:6-1 to -2)

57. Parallel violations of Article I, ¶¶ 7 and 1 of the New Jersey Constitution; fees available under N.J.S.A. 10:6-2(f).

Count X — New Jersey Tort Claims (State Law) (Supplemental Jurisdiction)

58. Plaintiff asserts the following causes of action under New Jersey common law and the New Jersey Tort Claims Act (NJTCA), N.J.S.A. 59:1-1 et seq.:

a. **Assault and Battery** — unwarranted takedown and restraint.

b. **False Imprisonment** — detention without probable cause or proper notice.

c. **Intentional Infliction of Emotional Distress** — extreme and outrageous conduct causing severe emotional distress.

d. **Negligence** — failure to ensure service/notice (by non-judicial actors) and failure to maintain safe intake conditions.

e. **Negligent Hiring, Training, and Supervision** — municipal failures that directly caused Plaintiff's injuries.

f. **Conversion / Trespass to Chattels** — officers broke Plaintiff's gold necklace off his neck, abandoned it on the asphalt, and Plaintiff later retrieved it in damaged condition.

g. **NJTCA Notice** — Plaintiff did not file a notice within 90 days but reserves the right under N.J.S.A. 59:8-9 to seek leave for late filing; § 1983 and NJCRA claims are not subject to NJTCA notice. *Owens v. Feigin*, 194 N.J. 607 (2008).

h. **Punitive Damages** — sought only from individual defendants, not public entities. N.J.S.A. 59:9-2.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and against Defendants, and grant the following relief:

1. **Declaratory Judgment** — declaring that Defendants' actions violated Plaintiff's rights under the U.S. Constitution, 42 U.S.C. § 1983, and the New Jersey Constitution/NJCRA.

2. **Compensatory Damages** — for physical injuries, emotional distress, reputational harm, property damage, and other actual losses.
3. **Punitive Damages** — against the individual defendants where legally permitted, to deter and punish reckless or malicious conduct.
4. **Injunctive Relief** — including but not limited to:
 - a. Preservation and production of all May 7, 2024 body-worn camera footage, CAD records, and ACJF intake video/logs;
 - b. Training and supervisory directives that pedestrian ID refusal, absent a statutory duty, does not constitute obstruction;
 - c. Implementation of reliable summons-service verification before issuance of failure-to-appear warrants;
 - d. Improvement of ACJF intake sanitation and medical response protocols.
5. **Attorneys' Fees and Costs** — pursuant to 42 U.S.C. § 1988 and N.J.S.A. 10:6-2(f).
6. **Insurance and Indemnification Disclosure** — disclosure of all applicable liability insurance, joint insurance fund (JIF) coverage, and indemnification obligations under Fed. R. Civ. P. 26(a)(1)(A)(iv).
7. **Such Other Relief** — as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,
B4: XIX, Devon Tyler

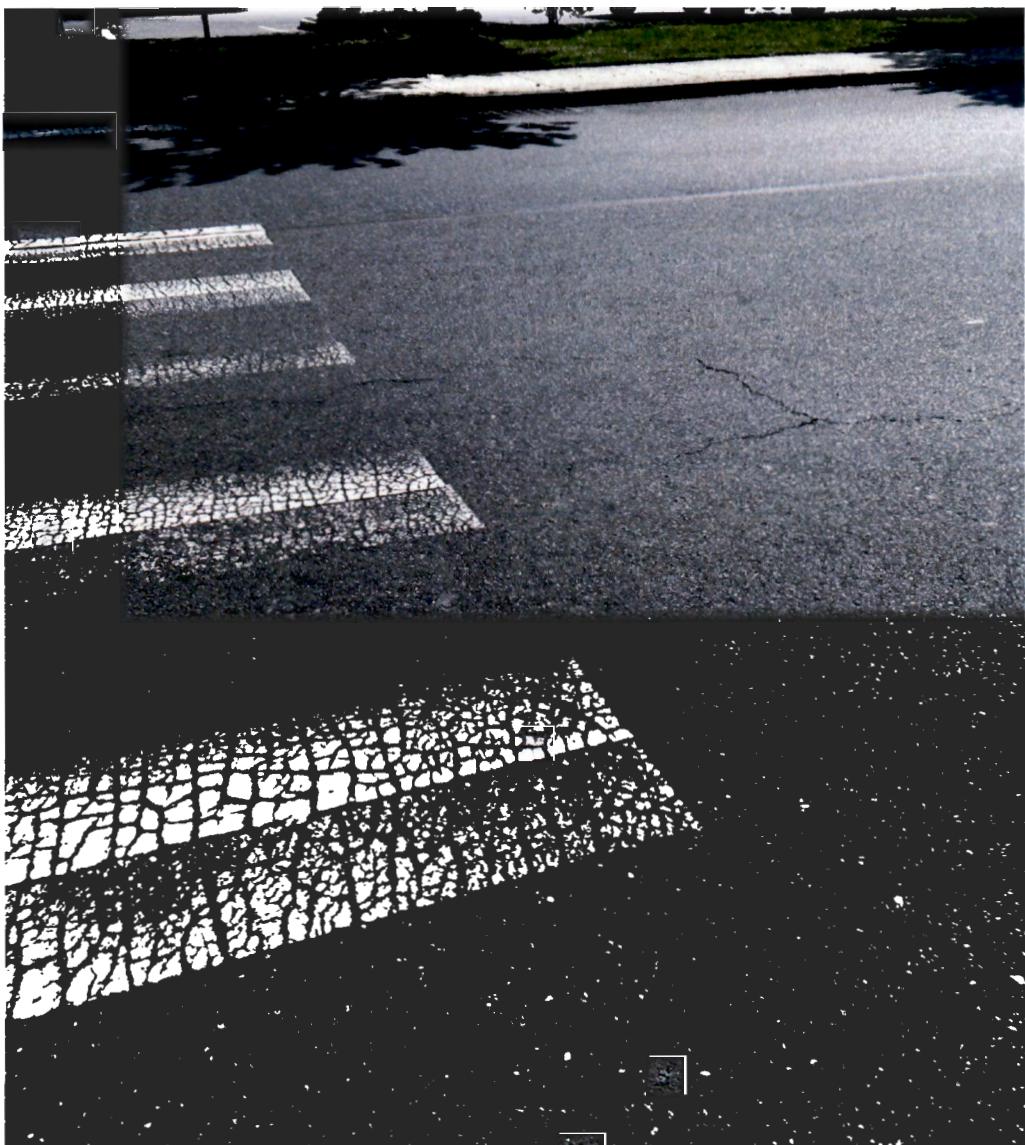
Date: September 9th, 2025

/s/ **Devon T. Barber**, Pro Se
c/o 325 East Jimmie Leeds Road, Suite 7-333
Galloway Township, NJ 08205-8205
(609) 665-9350 / Email: DTB33@PM.me

- **Exhibit A:** Photographs of Plaintiff's Injuries (abrasions to back, open elbow wound from ground impact, and bloody wrists from handcuffs) — May 7, 2024 Incident



- **Exhibit B:** Photographs of the Crosswalk and Scene (including Plaintiff's damaged gold chain left on the ground) — taken the same day after release from the Hamilton Township Police Station, May 7, 2024



- **Exhibit C:** Photograph of the broken gold chain (personal property damage) — taken the same day after release from the Hamilton Township Police Station, May 7, 2024.



- **Exhibit D:** OPRA response letter (confirming approx. 153 minutes of bodycam footage; listing officer oath dates, etc.).

9/5/25, 4:23 PM I am requesting body camera footage and copies of oaths of office for agents, officers, and supervisors involved in an incident on Ma...
Response:

1. In order for your request for body worn camera video from the incident to be released there is a fee required in order to review, redact, and supervisory review the video footage. In this case there is 153 minutes of footage which requires a fee of \$267.78 (including disk, envelope, and postage). Please submit payment made to the order of the Township of Hamilton in this amount for the video to be provided. In your reply kindly reference OPRA 1962.
2. Your request for the Oath of Office is denied pursuant to NJSA 47:1A:1 Personal information. However, the names of the Officers, title and date of oath are being provided below.

Officer Name Oath Date

Officer Stephen Boyd 1/2/2020
Sergeant Craig Clayton 9/18/2006
Officer Samantha Liepe 7/31/2023
Special Officer Arthur Train 9/25/2013
Detective Lawrence Murray 7/15/2013
Officer John McColgan 7/29/2019

Sgt. Wade Smith

Sgt. Wade Smith

1. All government records are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.

2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5.g. The seven (7) business day response time does not commence until the records custodian receives the request form. If you submit the request form to any other officer or employee of the Township of Hamilton, that officer or employee must either forward the request to the appropriate custodian, or direct you to the appropriate custodian. N.J.S.A. 47:1A-5.h.

- **Exhibit E:** Email or document dated 8/22/2025 confirming dismissal of the jaywalking summons (Ticket E24-13684).

9/5/25, 4:28 PM

Atlantic County | X@tiller.earth | Proton Mail

Re: [External] Immediate Assignment of PCR Counsel, State Response, and Consolidation of Filings – ATL-22-002313 / ATL-22-002292 / ATL-24-001934

From Jacqueline Peacock <Jacqueline.Peacock@njcourts.gov>

To Devon Tyler<X@tiller.earth>

Date Friday, August 22nd, 2025 at 10:58 AM

Your ticket was put in front of Judge Maguire on August 20th with all of your documents and dismissed on the record. Have a good day!

Jacqueline Peacock
Central Municipal Court of Atlantic County
5905 Main Street
Mays Landing, NJ 08330
Ph 609-909-5999
Fax 609-909-5992

From: Devon Tyler <X@tiller.earth>
Sent: Friday, August 22, 2025 10:42 AM
To: Jacqueline Peacock <Jacqueline.Peacock@njcourts.gov>
Cc: dTb33@pm.me <dTb33@pm.me>; David Lolli <David.Lolli@njjudge.gov>
Subject: [External] Immediate Assignment of PCR Counsel, State Response, and Consolidation of Filings – ATL-22-002313 / ATL-22-002292 / ATL-24-001934

Warning: Security Alert

This message is from an external sender. Do not open any links or attachments unless you know and trust the sending email address.

Please report suspicious emails to Security.infoSec@njcourts.gov.

Dear Ms. Peacock,

I write to confirm the status of my pending Post-Conviction Relief (PCR) matters and to request immediate administrative action.

On **May 4, 2025**, I filed my first PCR petition in **ATL-22-002313** and **ATL-22-002292**. Under **R. 3:22-10(b)**, the State was required to respond within a reasonable time (commonly 60 days). It has now been over 90 days with no answer. Since then, I have filed several supplements under **R. 3:22-8(b)** — most recently on **July 27, 2025** — which added records but did not restart the State's response obligation.

On **August 6, 2025**, I also filed a request for **Immediate Assignment of PCR Counsel** under **R. 3:22-6(a)**. To date, no appearance has been filed by OPD.

In addition, my **2024 conviction (ATL-24-001934 / E24-13684)** is subject to PCR review. That case arose from Officer Boyd's unlawful conduct — including a warrantless stop, harassment, and physical injury to me while I was

https://mail.proton.me/u/13/dbp-1T4naUrGxZID9BtND6nOQIGksQ7eh09DEne31cNd3CpsxEfYIC9-ecn-i1N_pfLN3k6QcUz_jbX9A-YwQ==/OeAHULh... 1/4

• Exhibit F:

STATE OF NEW JERSEY
v.
DEVON T. BARBER
SUPERIOR COURT OF NEW JERSEY
ATLANTIC COUNTY - CRIMINAL DIVISION
DOCKET NO. ATL-24-001934

AFFIDAVIT OF DEVON TYLER
IN SUPPORT OF POST-CONVICTION RELIEF

1. I am the individual formerly known as Devon T. Barber, currently using my lawful name, Devon Tyler. I am a New Jersey national, not a 14th Amendment corporate citizen.
2. In 2024, I was seized without a warrant by a group of police enforcers operating under Hamilton Township Police Department. I was handcuffed, transported to the station, and made to sit beside Officer Boyd as he typed his own report violating my notion of neutrality and breaching his oath of office.
3. There was no injured party, no warrant, and no articulable probable cause for this seizure. I was peacefully engaged in a private phone call when this enforcement occurred.
4. I was released the same day on a municipal-level summons. I was homeless at the time and had no stable mailing address but I was told the matter was minor and did not require any further action.
5. I was later re-arrested without notice or lawful service of any grand jury indictment. I had no awareness that the matter had escalated into a criminal prosecution. I believed it to be a local ordinance matter.
6. At no point was I ever afforded a meaningful adversarial hearing. There was no due process, and no appearance before a neutral and detached magistrate.
7. I was denied notice and opportunity to be heard, violating the **Fourteenth Amendment** and established due process precedent. The manner of arrest and follow-up constituted procedural ambush.
8. Assigned counsel did not challenge the initial seizure, the lack of notice, or the prosecutorial escalation of what was originally a summons. There was no strategy or substantive defense – only a push to comply.
9. This case represents a breakdown in law, service, and duty. I was treated as a commercial subject and not a man entitled to rights and remedy. My liberty and dignity were breached without lawful foundation.
10. I respectfully request this Court to **vacate the conviction ab initio** under **Rule 3:22-2(a)**, or in the alternative, provide full equitable relief, dismiss the charges, and issue a finding restoring my civil and natural rights.

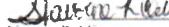
I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of New Jersey and the United States of America.

Executed on May 21, 2025 in Atlantic County, New Jersey.



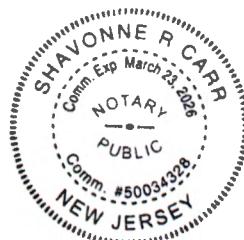
Devon Tyler

Subscribed and sworn before me this 21 day of May, 2025.



Notary Public

My Commission Expires: March 25, 2026





Gregory K. Clambrone
CHIEF OF POLICE

TOWNSHIP OF HAMILTON
POLICE DEPARTMENT



6101 THIRTEENTH STREET
SUITE 220
MAYS LANDING, NEW JERSEY 08330

POLICE: 609-625-2700
ADM/RECORDS: 609-625-2211
FAX: 609-625-5903

September 25, 2024

Devon Barber
133 St. James Place
Apt. 33
Atlantic City, NJ 08401

Re: Internal Affairs Complaint

Dear Mr. Barber,

You had previously reached out to the Atlantic County Prosecutor's Office to file an Internal Affairs complaint against multiple officers, related to an incident that occurred in the Township of Hamilton on May 7, 2024 (HTPD case # 2024-18260), citing multiple Civil Rights violations. They have forwarded your complaint to our agency.

The Township of Hamilton Department is in receipt of your complaint, as well as a previously filed Tort claim related to this incident. Due to the pending litigation, the Internal Affairs complaint will be held in abeyance, pending the outcome of any civil proceedings. However, due to the nature of your complaint, a preliminary check of the police reports and officers body worn cameras was conducted, and did not reveal officer misconduct, as described in your email. Once the civil proceedings are resolved, your complaint will be reviewed by the Internal Affairs Commander.

At the Township of Hamilton Police Department we view our relationship with stakeholders as an important part of our policing philosophy of community partnership, problem solving and change management. I hope this investigation renews your faith in your local police department.

I thank you for bringing this matter to our attention. It is the purpose of the police internal affairs function to thoroughly investigate every complaint about the actions of an officer with the dual purpose of improving our own performance and dispelling misconceptions about our actions.

Very truly yours,
A handwritten signature in black ink.
Gregory Clambrone
Chief of Police

CC: IA File

• Exhibit G:

**PLAINTIFF'S MOTION FOR PRESERVATION AND LIMITED EARLY
PRODUCTION OF BODY-WORN CAMERA FOOTAGE AND JAIL INTAKE VIDEO**

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY — CAMDEN VICINAGE**

Devon Tyler Barber,

Plaintiff, Pro Se,

v.

Officer Stephen Boyd, et al.,

Defendants.

Civil Action No. _____

NOTICE OF MOTION

Please take notice that on a date to be set by the Court, or as soon thereafter as counsel may be heard, Plaintiff **Devon T. Barber**, pro se, moves for an Order (1) preserving specified electronically stored information (ESI) and video recordings; and (2) permitting limited, narrowly tailored early production of those materials after the Rule 26(f) conference.

GROUNDS AND AUTHORITIES

This motion is supported by Fed. R. Civ. P. **26(d)(1)** (good-cause limited expedited discovery), **34** (production), and **37(e)** (ESI preservation), the accompanying Proposed Order, and the pleadings and exhibits of record.

RELIEF REQUESTED

Plaintiff seeks an order requiring Defendants **Township of Hamilton** and **County of Atlantic** (including ACJF) to:

1. **Preserve** all body-worn camera (BWC) recordings, dash-cam (if any), CAD/radio audio, incident reports, property/evidence logs, and **ACJF intake video** and logs related to:
 - a) the **May 7, 2024** pedestrian stop involving Plaintiff; and
 - b) Plaintiff's **June 2024** intake/confinement at ACJF.
2. **ESI Preservation Steps (concrete):**

- a) issue written **litigation holds** to all relevant custodians (officers, ACJF intake staff, IT, records/BWC administrators);
 - b) **suspend auto-deletion/overwriting** for BWC repositories, dash-cam servers, CAD/audio, and ACJF video retention systems covering the above date ranges;
 - c) preserve **original native files with metadata** (creation/modification times, GPS where applicable, device IDs, hash values) and maintain **chain of custody**;
 - d) preserve associated **audit trails/access logs**.
3. **Identification (within 7 days of Order):** serve a short list identifying the systems and locations where the preserved data is stored and the custodians subject to the litigation hold.
 4. **Early Production (after Rule 26(f)): within 14 days after the Rule 26(f) conference,** produce:
 - a) the ≈ 153 minutes of BWC identified in OPRA No. 1962, with time stamps intact;
 - b) any dash-cam for the incident;
 - c) **CAD/radio audio** and CAD event printouts;
 - d) **ACJF intake video** and intake logs for Plaintiff's June 2024 booking; and
 - e) corresponding **incident/property reports** for the May 7, 2024 stop, including any chain-of-custody entries for Plaintiff's necklace.

Production format: standard playable files (e.g., .mp4/H.264), or native proprietary exports with a viewer if required, plus a simple index listing filename, source system, date/time span, and custodian.

5. **Privilege/Redactions:** Defendants may redact personal identifiers of non-parties (DOBs, SSNs, medical details) but must provide a **log** describing each withheld/redacted segment with the basis (Fed. R. Civ. P. 26(b)(5)(A)). Nothing in this Order authorizes withholding on relevance grounds.
6. **Meet and Confer:** If any portion is genuinely infeasible (technical or legal), Defendants must meet and confer within **5 business days** of learning the issue and propose alternatives; disputes may be raised by short joint letter.

GOOD CAUSE

The recordings are the best contemporaneous evidence of the claims (force, fabrication, conditions) and are time-sensitive ESI at risk of routine overwriting. The request is narrowly tailored to two discrete events, will streamline case management and potential resolution, and minimizes burden by specifying formats and a short index. See Fed. R. Civ. P. 26(d)(1), 37(e).

Respectfully submitted,

Date: September 9th, 2025 A.D.
By: ATX, Devon Tyler d/b/a
/s/ Devon T. Barber All Rights Reserved
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**[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR PRESERVATION
AND LIMITED EARLY PRODUCTION**

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY — CAMDEN VICINAGE**

Devon T. Barber,

Plaintiff, Pro Se,

v.

Officer Stephen Boyd, et al.,

Defendants.

Civil Action No. _____

[PROPOSED] ORDER

This matter having been opened to the Court on Plaintiff's Motion for Preservation and Limited Early Production of Body-Worn Camera Footage and Jail Intake Video, and good cause having been shown pursuant to Fed. R. Civ. P. 26(d)(1), 34, and 37(e);

IT IS on this ____ day of _____, 2025, **ORDERED:**

1. **Scope.** This Order covers materials related to (a) Plaintiff's **May 7, 2024** pedestrian stop, and (b) Plaintiff's **June 2024** intake/confinement at ACJF.
2. **Preservation.** Defendants **Township of Hamilton** and **County of Atlantic** (including ACJF) shall immediately preserve:
 - a. all **BWC** and **dash-cam** (if any) recordings;
 - b. **CAD/radio audio** and CAD event logs/printouts;
 - c. related **incident reports, property/evidence logs** (including entries concerning Plaintiff's necklace); and
 - d. **ACJF intake video** and intake logs.

Preservation includes issuing litigation-hold notices to relevant custodians, suspending automatic deletion/overwriting for the covered date ranges, and preserving originals with metadata and audit trails.

3. **Custodian/System Identification.** Within **7 days** of this Order, Defendants shall serve a short written identification of: (i) relevant custodians, and (ii) systems/locations where the preserved materials reside.
4. **Early Production.** Within **14 days after the Rule 26(f) conference**, Defendants shall produce to Plaintiff:
 - a. the approximately **153 minutes** of BWC identified in OPRA Request No. 1962, with time stamps;
 - b. any dash-cam footage for the incident;
 - c. **CAD/radio audio** and associated CAD entries;
 - d. **ACJF intake video** and intake logs for Plaintiff's June 2024 booking; and
 - e. the incident and property/evidence reports for the May 7, 2024 stop.

Production format shall be standard playable files (e.g., **.mp4/H.264**) or native proprietary exports accompanied by a viewer as needed, plus a simple index listing filename, source system, date/time span, and custodian.

5. **Redactions/Logging.** Defendants may redact personal identifiers of non-parties and medical information, but must simultaneously serve a **privilege/redaction log** consistent with Fed. R. Civ. P. **26(b)(5)(A)** describing the basis for each withheld/redacted portion. Redactions for "relevance" alone are not permitted.
6. **Meet and Confer; Letter Procedure.** Any claimed infeasibility or burden shall be raised promptly through a **meet-and-confer** within **5 business days** of discovery of the issue. Unresolved disputes may be presented by a short joint letter in accordance with the Court's preferences, without prejudice to formal motion practice.
7. **No Merits Determination.** This Order is without prejudice to any party's claims, defenses, or objections and does not adjudicate admissibility. The Court **retains jurisdiction** to enforce, modify, or supplement this Order.

SO ORDERED.

United States District Judge