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## Failure to Discipline Rampant Use of N-Word by Buffalo Police Officers, Lack of Oversight Chronic

### Testimony Shows Officers Receive No Training on Racial Bias or Profiling

November 3, 2022, Buffalo, NY – [Litigation](#) against the Buffalo Police Department (BPD) challenging the constitutionality of checkpoints and traffic enforcement has revealed widespread use of racist language and a complete lack of training on racial bias or profiling, with police left to police themselves when complaints are registered. According to their own testimony, supervisors rarely followed up on complaints and routinely failed to track or monitor how often officers were cited for harassing or abusing community members, viewing discipline as a private personnel matter within the department.

During deposition testimony, a former BPD lieutenant said “probably every officer” had used the n-word in encounters with Black citizens and admitted using it repeatedly himself throughout his career. The officer, Thomas Whelan, defended the use of the word as conducive to obtaining “compliance” and claimed it did not necessarily reflect racial bias. Patrick Roberts, a former BPD captain, also defended officers’ use of racial slurs.

Whelan and Roberts each had supervisory roles on Strike Force, the unit whose discriminatory tactics triggered the lawsuit brought by the organization Black Lives Resists in the Rust and Black and Latinx Buffalo residents subjected to baseless traffic stops and exploitative ticketing. Their comments on racial slurs shed light on the culture of a police department widely criticized for [fatal shootings](#) of people of color and attacks on racial justice protesters, including, infamously, 75-year-old [Martin Gugino](#). The BPD also faces numerous complaints from people who say they were wrongfully stopped, ticketed, arrested, or physically abused by officers who simultaneously used the n-word and other racist slurs.

“The documents and depositions we have taken in this case repeatedly show how the BPD has unconstitutionally targeted Black people in deeply harmful and dehumanizing ways as a matter of standard operating procedure,” said [Chinyere Ezie](#), a Senior Staff Attorney with the Center for Constitutional Rights. “There is no circumstance under which it is acceptable for a police officer to use the n-word. The BPD’s attempts to drag out this litigation and avoid a reckoning reflect a police culture deeply averse to oversight and accountability and one that inflicts harm on the Black and Brown residents of Buffalo on a daily basis.”

Kevin Brinkworth, former Chief of Strike Force , admitted in his deposition that officers concentrated their patrols on the East Side, where Black residents make up most of the community, and had a practice of issuing multiple tickets to drivers, particularly those with window tints. Sometimes they gave a separate ticket for each window.

Testimony from numerous BPD supervisors confirmed that no accountability measures existed within the department.

Former BPD Captain Phil Serafini acknowledged that Strike Force did not have any direct, day-to-day supervision and operated with effective impunity. He also testified that he failed to take disciplinary action against officers despite receiving numerous complaints from community members, instead taking the officers' side and summarily closing complaints so long as they denied the allegations.

Lt. Michael Quinn of the Housing Unit also admitted he failed to respond to complaints about checkpoints made by Black residents and did not track or monitor how often officers on his details were cited for harassing or abusing community members; discipline was viewed as a private personnel matter within the department, where and discipline records are kept so confidential they are not even shared with supervisors.

Whelan testified that, despite department guidelines and policy requiring officers to behave civilly and refrain from using profane language, he never reported officers’ use of the n-word. Whelan said captains, chiefs, and lieutenants were usually present when officers used the n-word, yet he could not recall any ever receiving even a reprimand or reporting officers’ use of racial slurs to internal affairs.

Further, several times in his deposition, Lieutenant Whelan said officer use of the n-word was an “appropriate” and “acceptable” alternative to arrest employed by officers to bring citizens into “compliance”: “[I]f the worst thing that happened on that day is that someone of these police officers, myself included, yelled a racial epithet back at them, I already said that's a win. Yelling at people just out of frustration, that's not racial bias. That's a loss of somebody's temper.” He added that “getting a good verbal thrashing beats going to jail any day,” and “nobody got cracked in the head with a nightstick, I didn’t have to fill out a use of force form.”

The policing problems that exist in all U.S. cities are particularly acute in Buffalo, a [deeply segregated](#), minority white city where more than two-thirds of police are white. [One study](#) showed nearly one in six BPD officers was the subject of an external complaint annually. The lack of training after police graduate from the academy and the lack of any performance review after the first 18 months contribute to the problem, according to critics.

[\*Black Love Resists in the Rust v. City of Buffalo\*](#) focuses on both checkpoints that officers used as pretext to stop, harass, and ticket Black people, as well as other racially discriminatory traffic enforcement and ticketing practices that disproportionately target and inflict deep economic harm on Black residents. After the checkpoints were introduced, the number of traffic tickets issued in the city increased by 92 percent. While the BPD claims the checkpoints targeted crime, a statistical analysis found that a neighborhood's racial composition was the strongest predictor of the checkpoints' locations. The [police's own data](#) showed that checkpoints disproportionately harm Black residents.

The lawsuit – filed on behalf of the plaintiffs by the National Center for Law and Economic Justice, the Western New York Law Center, and the Center for Constitutional Rights – is an effort to impose a measure of accountability on a department that operates with virtual impunity. Offending officers have largely escaped punishment from both courts and commanders. Throughout this litigation, evidence has shown the BPD systematically failing to properly investigate and discipline officers for racially biased conduct – or for misconduct generally.

“The fact that BPD officers direct racial slurs at people of color with impunity is abhorrent and unacceptable in and of itself,” said [Anjana Malhotra](#), Senior Attorney with NCLEJ. “But that BPD leadership has not just refused to report or discipline officers who use such derogatory language, but also defend it as a legitimate tactic to bring people of color into “compliance” is part and parcel of the dehumanizing culture at the BPD that drives the deeply discriminatory police practices at the heart of this lawsuit – and racial violence more generally.”

The BPD [disbanded Strike Force](#) in 2018 in the face of heavy criticism of its tactics, including a complaint to the Civil Rights Bureau of the New York State Attorney General's Office lodged by Black Lives Matter Buffalo and Professor Malhotra. While the checkpoints have mostly ceased, traffic enforcement and other stops continue to disproportionately harm Black residents.

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