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Monday, December 19, 2011

### Department of Justice Releases Investigative Findings on the East Haven, Connecticut, Police Department

WASHINGTON – Following a thorough investigation, the Justice Department today announced its findings that the East Haven Police Department (EHPD) has engaged in a pattern or practice of discrimination against Latinos in violation of the Constitution and federal law.

Launched in September 2009, the investigation was conducted under provisions of the Violent Crime Control and Law Enforcement Act of 1994, the Omnibus Crime Control and Safe Streets Act of 1968, and Title VI of the Civil Rights Act of 1964.

Specifically, the investigation found that EHPD intentionally targets Latinos for traffic enforcement and treats Latino drivers more harshly after traffic stops in violation of the Fourteenth Amendment, Title VI and the Safe Streets Act. The investigation further found that EHPD has willfully enabled discrimination by failing to put in place basic law enforcement practices and procedures used by law enforcement agencies across the country to prevent discrimination.

The Department of Justice findings are based on:

- a statistical analysis demonstrating that Latino drivers are disproportionately targeted for traffic stops;
- an analysis of traffic stops showing that officers use non-standard and, in some cases, unacceptable, justifications for stops that are not employed against non-Latino drivers, and post-stop treatment that shows EHPD treating Latino drivers more punitively than non-Latino drivers;
- serious incidents of abuse of authority and retaliation against individuals who criticize or complain of EHPD's discriminatory treatment of Latinos; and

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- a failure to remedy a history of discrimination and a deliberate indifference to the rights of minorities, including EHPD's failure to guide, train, supervise and discipline officers engaged in unlawful discrimination.

The department also found a number of serious deficiencies in EHPD's management, oversight and accountability systems that have enabled discriminatory policing by EHPD officers. These deficiencies include:

- a failure to collect and report traffic stop data in accordance with state racial profiling laws;
- a failure to implement policies prohibiting discrimination;
- a failure to hold officers accountable through internal investigations;
- a failure to provide limited English proficient Latinos with appropriate language access; and
- a failure to abide by individuals' consular rights.

In addition, although not making formal findings, the department noted two areas of serious concern regarding allegations of use of excessive force and unconstitutional searches and seizures. The department also expressed concern with EHPD leadership creating and condoning a hostile and intimidating environment for anyone seeking to provide relevant information in this investigation.

"These findings show that the East Haven Police Department systematically violated the constitutional rights of people it is supposed to serve and protect. By failing to have in place the most basic systems designed to protect individuals from unlawful discrimination, EHPD has fallen short of its obligations," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "The recommendations we make will put the police department on a path towards correcting the serious deficiencies that have long plagued the department and regaining the community's trust."

"The residents of East Haven should not have to choose between effective crime-fighting and constitutional policing," said U.S. Attorney David Fein. "By addressing the serious deficiencies we uncovered, EHPD will not only ensure constitutional policing, but will also give the men and women of EHPD the support they need to combat crime effectively."

The Justice Department's comprehensive and independent investigation was conducted by department attorneys, investigators and police executives and other experts who interviewed EHPD officers and residents in East Haven. The investigation also involved exhaustive review of documents and data, including EHPD policies and procedures, incident reports and traffic stop activity. This civil investigation was separate from any ongoing criminal investigations of EHPD.

Federal law permits the attorney general to initiate a civil action in the name of the United States against the town of East Haven, EHPD and its officials to remedy the pattern or practice of misconduct and ensure compliance with the Constitution and federal law. The department will work with town officials to obtain voluntary compliance through a court-enforceable agreement that will lead to sustainable reforms. Should EHPD and East Haven choose to not cooperate in reaching an agreed-upon remedy, the department may seek relief unilaterally from the federal courts.

This investigation was conducted by the Special Litigation Section of the Civil Rights Division in coordination with the U.S. Attorney's Office for the District of Connecticut and with the assistance

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of expert police consultants. Starting tomorrow, members of the community who may wish to provide information to the department in furtherance of this investigation may call 1-855-202-1830 or email [Community.EHPD@usdoj.gov](mailto:Community.EHPD@usdoj.gov)

The findings letter can be found at [www.justice.gov/crt/about/spl/easthavenpd.php](http://www.justice.gov/crt/about/spl/easthavenpd.php). For more information on the Justice Department's Civil Rights Division, please visit [www.justice.gov/crt](http://www.justice.gov/crt).

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Strategic Plans  
History

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#### BUSINESS

Business Opportunities  
Small & Disadvantaged  
Business  
Grants

#### RESOURCES

Forms  
Publications  
Case Highlights  
Legislative Histories  
Information for Victims in  
Large Cases

#### NEWS

The Justice Blog  
Public Schedule  
Videos  
Photo Gallery

#### CAREERS

Legal Careers  
Interns, Recent Graduates,  
and Fellows  
Veteran Recruitment

#### CONTACT

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Disclaimers  
Social Media  
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