



5. Defendant East Haven Board of Police Commissioners is the body responsible for making rules and regulations for EHPD and for appointing and removing all officers and employees of EHPD, with the exception of the Police Chief.

#### **JURISDICTION AND VENUE**

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345.
7. The United States is authorized to initiate this action against Defendants under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141.
8. Under Section 14141, the United States is authorized to bring suit against a state or local government for equitable and declaratory relief in order to remedy a pattern or practice of conduct by law enforcement officers that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or federal law.
9. Declaratory and injunctive relief is sought as authorized by 42 U.S.C. § 14141(b).
10. Venue is proper in the District of Connecticut pursuant to 28 U.S.C. § 1391(b).  
Defendants are located in Connecticut, and all events, actions, or omissions giving rise to these claims occurred in Connecticut.

#### **FACTUAL ALLEGATIONS**

**I. EHPD Unlawfully Discriminates Against Latinos in Violation of their Constitutional Rights.**

11. As set forth in the Department of Justice's December 19, 2011, Letter of Findings, attached hereto as Exhibit A, EHPD officers unlawfully discriminate against Latinos and otherwise violate their constitutional rights through a range of police practices, including the following:
  - a. Discriminatory targeting and unconstitutional detention of Latinos for routine traffic stops because of their race, color, or national origin;
  - b. Unconstitutional detention of Latino drivers and passengers to determine immigration status when there is no lawful basis for the detention because of their race, color, or national origin.

12. These practices taken together constitute a pattern or practice of conduct that deprives Latinos of rights, privileges, and immunities secured and protected by the United States Constitution and federal laws.
13. The Defendants' bias against Latinos is demonstrated not only by the disparate negative impact on Latinos of the discriminatory conduct described above, but by other practices, policies, and statements of the Defendants, including EHPD's departure from standard law enforcement practices that help to prevent biased policing and ensure constitutional policing.

**A. EHPD Engages in Discriminatory Enforcement of the Traffic Laws**

14. EHPD officers unlawfully rely on race, color, or national origin in their enforcement of traffic laws.
15. Latino drivers are subjected to disparate treatment as compared to similarly situated non-Latino drivers.
16. An analysis of traffic stop data over a two year period revealed that almost 20% of all traffic stops conducted by EHPD officers were of Latinos, while only approximately 8.3% of drivers in East Haven are Latino.
17. If EHPD had adequate systems of oversight in place, it could have performed such an analysis, discovered this problem and corrected it. However, no such analysis was performed.
18. EHPD officers frequently target locations for their enforcement activity because of the presence of Latinos in those areas. For example, EHPD officers target Latino places of business by focusing traffic enforcement activity on customers leaving those businesses.
19. An analysis of traffic stops shows that EHPD officers use non-standard justifications for stops that are not employed against non-Latino drivers.
20. For example, with Latino drivers, EHPD officers will attempt to identify a facial defect on the car's license plate, or will stop cars with out-of-state license plates.

21. EHPD officers also follow Latino drivers and wait for traffic violations to occur, a tactic they rarely use against non-Latino drivers.
22. EHPD officers cite speeding as a justification for stopping Latinos, but give no indication of how they know a car is speeding, contrary to standard police practice.
23. EHPD officers also treat Latino drivers more harshly than non-Latino drivers after a traffic stop.
24. For example, EHPD officers typically arrest Latino drivers and have their vehicles towed, a tactic not usually employed against non-Latino drivers.
25. This targeting of Latinos for routine traffic enforcement violates the Fourth Amendment and the Due Process and Equal Protection Clauses of the Fourteenth Amendment.

**B. EHPD Targets Latinos for Immigration Enforcement in a Discriminatory and Otherwise Unconstitutional Manner**

26. EHPD does not have an agreement with the U.S. Department of Homeland Security's Immigration and Customs Enforcement delegating immigration enforcement authority to any EHPD officer.
27. Nevertheless, EHPD has allowed its officers to engage in haphazard and uncoordinated immigration enforcement efforts targeting Latino drivers. For example, while EHPD command staff has authorized officers to conduct immigration investigations if they make a felony arrest or if a detained individual provides a foreign passport, EHPD officers frequently seek immigration holds or check immigration status after arresting individuals for mere traffic infractions.
28. Such conduct can occur unchecked because there is no formal policy for immigration enforcement at EHPD, nor any adequate review of immigration enforcement.
29. EHPD enforcement of immigration law is conducted without conformity with federal priorities and without guidance, training, oversight, or consistent application.

**C. EHPD has Significantly Departed from Standard Law Enforcement Practices that Protect Against Biased Policing**

30. EHPD has failed to develop and implement policies and practices that would ordinarily be expected of law enforcement agencies to protect against discriminatory policing. There is no legitimate law enforcement purpose that explains these failures. These failures are evidence that EHPD's discrimination against Latinos is intentional.
31. EHPD has inadequate systems of oversight, accountability, training, and policies. These institutional failures persist despite EHPD's awareness of the risk of biased policing. EHPD fails to adopt the kinds of policies and practices to prevent and address biased policing that are successfully used in other parts of the country.
32. Connecticut law enforcement agencies are required by State law to document all traffic stops, including demographic information, and report this information to a State body.
33. Even though EHPD possesses sophisticated data terminals able to record the required information, EHPD failed to comply with this State law for many years.
34. EHPD did not promulgate a policy addressing biased policing until after it was subjected to a series of allegations of racial profiling in 2009. Even then, the policy issued was ambiguous and potentially misleading.
35. Officers are given no guidance regarding bias in policing other than a general prohibition against discrimination, which contains numerous deficiencies, such as a lack of guidance on how officers can communicate with Spanish-speaking members of the community.
36. EHPD officers are not given sufficient diversity or cultural sensitivity training, which would allow them to better understand and interact with members of the community.
37. EHPD fails to hold officers accountable through objective and thorough internal investigations.
38. EHPD has failed to establish procedures indicating the types of complaints that will immediately trigger an internal investigation, nor has it set meaningful standards to guide investigations.

39. Many investigations are handled informally, with no findings issued.
40. Investigations are not pursued thoroughly. For example, in an investigation involving allegations of serious misconduct by an officer, the investigation was closed when complainants could not be reached, without a statement ever having been taken from the officer.
41. Reports reflecting investigations are also insufficient, as they do not reference any specific rules or policies that the target of the complaint has broken.
42. The superficial investigations completed by EHPD permit arbitrary decisions, which give rise to an inference that officers may engage in misconduct as long as they are supported by the relevant EHPD command staff.
43. EHPD fails to provide limited-English proficient Latinos with appropriate language access. For example, EHPD fails to use a language line for communication with persons who are not proficient in English and has no formal policies guiding EHPD officers in the field for encounters with such persons. If officers cannot communicate effectively with certain segments of the population, they cannot adequately conduct investigations of crimes.
44. EHPD fails to abide by individuals' consular rights, and has adopted no training or policies assuring that consular notification rights of foreign nationals will be respected.
45. EHPD fails to collect data that will permit the identification of biased practices, despite the fact that such data collection systems are commonly used by police agencies throughout the country as a means of preventing discriminatory policing. EHPD has no system in place for tracking officer uses of force, complaints against officers, or other policing activity that would allow command staff to determine whether an officer has engaged in discriminatory policing.
46. EHPD is fully aware of the risk of biased policing created by its practices. Given that, the lack of adequate training, policies, supervision, and accountability mechanisms necessary to prevent the discriminatory treatment and abuse of Latinos reveals a

disregard for the rights of the Latino community, and stands as further evidence of bias against Latinos.

**D. EHPD Demonstrates Bias against Latinos through Anti-Latino Statements**

47. EHPD has created and fostered institutional bias against Latinos, which underlies and further encourages the unlawful treatment of Latinos. EHPD's bias against Latinos is demonstrated by expressions of hostility toward Latinos and the Latino community. These actions demonstrate invidious bias on the basis of race, color, or national origin.
48. EHPD officers have made statements that demonstrate bias toward Latinos, using derogatory and other inappropriate language.
49. This apparent endorsement of bias against Latinos conveys to EHPD personnel that discrimination and other unlawful conduct against Latinos is acceptable.

**II. EHPD Engages in a Pattern or Practice of Conduct that Violates the Fourth Amendment to the Constitution**

50. EHPD officers use excessive force against individuals who have already been taken into custody, handcuffed, or otherwise restrained. These uses of force are unjustified because of the diminished threat posed by the restrained subjects.
51. EHPD officers conduct unreasonable searches and seizures.
52. The pattern or practice of conduct that violates the Fourth Amendment results directly from EHPD's inadequate policies, procedures, training, and oversight.

**CLAIMS FOR RELIEF**

53. The United States is authorized under 42 U.S.C. § 14141(b) to seek declaratory and equitable relief to eliminate a pattern or practice of law enforcement officer conduct that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

**FIRST CLAIM FOR RELIEF:  
PATTERN OR PRACTICE OF DISCRIMINATORY CONDUCT THAT VIOLATES  
THE FOURTEENTH AMENDMENT AND SECTION 14141**

54. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-53 above.
55. Defendants, their agents, and persons acting on their behalf, including EHPD officers, have engaged in traffic stops and other law enforcement practices, with the intent to discriminate against Latino persons in East Haven on the basis of their race, color, or national origin.
56. The discriminatory law enforcement practices engaged in by Defendants, their agents, and persons acting on their behalf constitute a pattern or practice of conduct by law enforcement officers that deprives persons of rights protected by the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution, in violation of 42 U.S.C. § 14141(a).

**SECOND CLAIM FOR RELIEF:  
PATTERN OR PRACTICE OF USE OF EXCESSIVE FORCE THAT VIOLATES  
THE FOURTH AMENDMENT AND SECTION 14141**

57. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-53 above.
58. Defendants, their agents, and persons acting on their behalf, including EHPD officers, use excessive force against individuals who pose little or no threat of harm to the officers or others, and that is otherwise unreasonable under the totality of the circumstances. The use of excessive force includes physical force and unreasonable application of electronic control weapons and other implements.
59. The use of excessive force engaged in by Defendants, their agents, and persons acting on their behalf constitute a pattern or practice of conduct by law enforcement officers that deprives persons of their rights under the Fourth Amendment, in violation of 42 U.S.C. § 14141(a).



**THIRD CLAIM FOR RELIEF:  
PATTERN OR PRACTICE OF UNREASONABLE SEARCHES, ARRESTS, AND  
DETENTIONS THAT VIOLATES THE FOURTH AMENDMENT AND SECTION 14141**

60. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-53 above.
61. Defendants, their agents, and persons acting on their behalf, including EHPD officers, have unreasonably searched, arrested, and detained numerous persons in East Haven, including searches and arrests without probable cause or reasonable suspicion.
62. The unreasonable searches, arrests, and detentions lacking probable cause or reasonable suspicion engaged in by Defendants, their agents, and persons acting on their behalf constitute a pattern or practice of conduct by law enforcement officers that deprives persons of their rights under the Fourth Amendment, in violation of 42 U.S.C. § 14141(a).

**PRAYER FOR RELIEF**

63. WHEREFORE, the United States prays that the Court:
  - a. Declare that Defendants have engaged in a pattern or practice of conduct by EHPD law enforcement officers that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, in violation of 42 U.S.C. § 14141(a);
  - b. Order Defendants, their officers, agents, and employees to refrain from engaging in any of the predicate acts forming the basis of the pattern or practice of unlawful conduct described herein;
  - c. Order Defendants, their officers, agents, and employees to adopt and implement policies, procedures, and practices to remedy the pattern or practice of unlawful conduct described herein;
  - d. Order Defendants to adopt systems that identify, correct, and prevent conduct that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States; and
64. Order such other relief as the interests of justice may require.

DATE: November 20, 2012.

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