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East Haven Police Draw Civil Rights Scrutiny

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EAST HAVEN —

The young man saw his life unraveling within minutes of being pulled over for a traffic violation Monday night by an East Haven police officer.

Roger, who asked that his last name not be used, told the officer he had no driver's license, registration or insurance. He even told the officer he was in the country illegally.

He says he blames himself and knew he would be arrested. What he did not expect was to be ordered to take off his clothes after being booked.

"You're illegal in this country," he said the young officer told him. "Go back to Ecuador."

Scared and crying, Roger called his wife and 12-year-old son with the news that the officer was going to have him deported. He spent the night shivering in his underwear in a cell before a judge released him the next day on a written promise to show up for court next month, the common procedure for minor charges.

It is the kind of story that the civil rights division of the U.S. Department of Justice is likely to take a close look at as it investigates what it called allegations of "patterns or practices of discrimination" by East Haven police.

The investigation is rare, promises to be exhaustive and could ultimately shape perceptions of a town still struggling to come to terms with racial tensions stirred by the shooting death of Malik Jones by a white police officer in 1997.

Although the Justice Department will not comment on what prompted the investigation, St. Rose of Lima Church in New Haven's Fair Haven neighborhood filed a complaint with the department in March on behalf of its predominantly Latino immigrant parishioners, some of whom have businesses or live in neighboring East Haven. The department announced Dec. 2 it would open an investigation.

"Latinos are pulled over without reasonable suspicion while driving, arrested without probable cause and in some cases severely beaten by law enforcement officials," said the complaint, prepared by The Jerome N. Frank Legal Services Organization at Yale Law

School. "As a consequence, Latinos in East Haven now live in the daily fear of harassment and retaliation by East Haven officers."

In the last 20 years, the Latino population of predominantly white, working class East Haven has quadrupled to about 1,900, centered along the western end of Main Street, the complaint states. Several Latino-owned businesses have opened on the street, including My Country Store, where the Rev. James Manship, pastor at St. Rose, was arrested in February while videotaping what he called police harassment. The charges were later dropped.

The Latino customers the businesses have drawn have been greeted by police with "suspicion and hostility that has generated a pattern of racial profiling," according to the complaint, which outlines 21 cases of alleged race-based violence and excessive force, harassment and intimidation that it says occurred with the tacit approval of the police department.

Police Chief Len Gallo, who has led the 53-member department for 12 years, flatly denies that his officers engage in discriminatory practices, but promised to cooperate with the investigation.

"I have nothing to hide," Gallo said. "We're going to let the chips fall where they fall."

List Of 40 Items

Similar cases have captured national headlines in the past, with investigations and subsequent court cases lasting years.

Investigations of the Los Angeles Police Department, started in 2000, and the New Jersey State Police, launched in 1999, led to consent decrees and other agreements that altered how they did business.

The Justice Department has revealed little about the East Haven investigation so far, even in a meeting earlier this week with town officials.

Paul Hongo, deputy director of town affairs, said investigators on Thursday provided a list of 40 items they wanted information about, including policies and procedures. The town has asked to have until mid-January to respond.

He said investigators declined to describe the next steps in the process, but said they were not focusing on the incidents outlined by Yale in the March complaint because numerous new complaints have been received.

Hongo said Mayor April Capone Almon, who was out of town and unavailable for comment, said she supports the police department and was unaware of any discriminatory practices. Although the mayor will cooperate with the investigation, he said, she is frustrated by the lack of information from the Justice Department.

"To take a stance on one side or another without knowing all the facts would be foolish," Hongo said.

As the investigation unfolds it seems likely it will have ramifications in ways great and small throughout town.

At a town council meeting Tuesday, it took a few minutes for members to realize what the woman at the microphone, one of the few Latinos in a room full of white residents, was talking about.

The council was poised to approve an anti-blight ordinance that had been several years in the making and seemed to have broad support.

But Cynthia Rojas, who has lived in town eight years, had a different concern. Why, she wanted to know, did the ordinance give police officers another reason to go onto personal property for problems such as unkempt lawns and trash?

"It's no secret there have been allegations against the police department and I don't understand why you give them more power," Rojas said.

Several council members defended the police and the ordinance was unanimously approved.

The legacy of Malik Jones has surfaced repeatedly since the investigation was announced Dec. 2.

Jones, an African American, was fatally shot by East Haven police Officer Robert Flodquist after Flodquist chased the 21-year-old's car into New Haven.

Although cleared of criminal wrongdoing, a federal jury found in 2003 that Flodquist had violated Jones' civil rights and ordered the town to pay Emma Jones, his mother, \$2.5 million. Through repeated appeals, that award was set aside and a new hearing to set damages is scheduled for April.

"It seems like we never get past that," Hongo said.

Open Wounds

James E. Rawlings, president of the Greater New Haven NAACP, said there are still open wounds from the case, with Latinos now facing discrimination. He said the problem is with the police department — perhaps even a handful of officers — and not with the town as a whole.

"We have continual issues with the police department in that small town," Rawlings said.

The St. Rose complaint describes incidents beginning in June 2008, and often involving customers of Latino-owned businesses on Main Street. Latinos patronizing the businesses were often pulled over without cause as they left, in a few cases leading to individuals being beaten or shocked with a Taser gun, according to the 14-page complaint.

Pedro Gutierrez opened a bakery on Main Street a year ago and said things were going fine until police started harassing his customers.

"They go to other businesses because they don't trust the police," said Gutierrez, standing behind the counter of his store, Guti'z. "They feel they could get stopped for no reason."

After 21 years living on Long Island, he said he moved his family to East Haven because he thought it was a good place to start a business. He said he supports the police and that the whole town benefits from the work they do. "They have to do their job," Gutierrez said. "It's how they do their job."

Gallo, the police chief, said he has good relations with most of the East Haven Latino community and has tried to move the department forward. He said he took over an all-white, all-male department 12 years ago that now has six female officers, three officers of color and one Spanish speaker.

"We're getting strapped with the proverbial racial red herring," he said. "It hurts me."

The failure of the federal government to reform immigration policy has landed him in a quandary, he insists. He said he understands that people in the country illegally have a hard time getting driver's licenses, so they can't register vehicles or get insurance even though they often need to drive in order to work.

"Do I turn a blind eye on some of these things, or do I enforce the law?" he asked. "This is a national issue. This is not Lenny Gallo's issue."

State Rep. Michael Lawlor grew up in East Haven, which he now represents. He said the Justice Department investigation should not reflect on the entire town.

"The East Haveners I talk to, and I talk to a lot of them, think we're a town of immigrants," he said. "Most people here are very open-minded and very welcoming."

But he also thinks the investigation will serve a purpose.

"I think it's a good thing the Justice Department is involved because we'll get the whole story," he said.

It's been a rough year for Roger, the Ecuadorean arrested Monday. Work has been scarce and it's only been in recent weeks that he has had a regular construction job. His wife, Doris, buys used clothes here and ships them to Ecuador, where her extended family supports itself by selling them.

They moved to East Haven three months ago, despite warnings from friends and relatives that it was not a good place for Latinos. Sitting at their kitchen table one night last week, they agreed they wanted to leave East Haven, but still saw their future in this country.

"The United States is everything for me, for him," Doris said. "It's everything."

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